

COMMITTEE REPORT

Date: 6 June 2013 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Haxby Town Council
 Commercial Team

Reference: 13/00455/FUL
Application at: 15 Moor Lane Haxby York YO32 2PQ
For: Erection of bungalow to side
By: Mr Jacob Verhoef
Application Type: Full Application
Target Date: 10 May 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a detached bungalow within the side garden area of 15 Moor Lane, Haxby.

1.2 The site is located to the north side of Haxby village within Haxby parish; the parish boundary is located approximately 70 metres to the west of the site so that the site is also close to the parish of Wigginton.

1.3 The application site forms part of the garden/amenity area at 15 Moor Lane. It is a triangular plot with a maximum length of 30 m and a maximum width of 17.5 m. Moor Lane lies parallel with the eastern boundary, and the site's western boundary abuts a private access leading to 9 and 11 Moor Lane. The southern tip of this triangular site is where the private access meets Moor Lane. The main dwelling at 15 Moor Lane is situated to the north. It is a dormer bungalow with two large windows in the side elevation facing the application site. The site is a relatively open gravelled space set lower than the adjacent footpath along Moor Lane.

1.4 The proposal is to erect a detached bungalow measuring 9 metres by 6.2 metres with a floor to ridge height of 5 metres. The scheme provides for a distance of 4 metres between the existing and proposed dwellings with a fence separating the existing property from the new plot located 1 metre from the side elevation of the bungalow. The ground floor side window is shown as being removed from the existing bungalow.

1.5 The application has been called into committee by Cllr Richardson and Cllr Cuthbertson.

PLANNING HISTORY

1.6 09/01479/FUL: Erection of 1no. new dwelling. Application withdrawn in January 2010.

1.7 10/00940/FUL: planning permission was refused for the erection of a two storey dwelling in June 2010. The reasons for refusal were:

1. It is considered that the proposal would result in a development that would appear unduly cramped, overbearing and out of proportion in relation to the size and shape of the plot, in particular when viewed from Moor Lane to the east and the private access to the west. The proposal would thus unduly affect the visual appearance and amenity of the area, contrary to policies H4a and GP1 of the City of York Draft Local Plan.

2. Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with Central Government advice contained within Planning Policy Statement 25 "Development and Flood Risk", policy GP15a of the Draft Local Plan and the Council's adopted Strategic Flood Risk Assessment.

3. The development makes no provision for open space to meet the needs of future residents and the local community. The development therefore conflicts with Policy L1c 'Provision of New Open Space in Development' of the City of York Draft Local Plan, which requires a commuted payment towards off-site provision.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYH4
Housing devp in existing settlements

CYGP1
Design

CYGP4
Environmental sustainability

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - No objections subject to conditions

3.2 Environmental Protection - No objections. A demolition and construction informative is requested.

3.3 Life Long Learning and Leisure - A contribution towards to provision of off-site open space is required in accordance with policy L1c of the Draft Local Plan

3.4 Flood Risk Management Team - object to the scheme as sufficient information has not been submitted to show that the site can be adequately drained.

EXTERNAL

3.5 Haxby Town Council - strongly objected to the application on the following grounds:

- Overdevelopment of the site due to the mass of the proposed dwelling.
- Concerned about the impact on residential amenity.
- Development would have a detrimental visual impact on the street scene.
- Concerns about an increase in flooding from surface water as the surrounding area is known to flood. In particular the driveway belonging to house nos 9 and 11 Moor Lane.
- Concerned about the impact on the access to the existing properties from a safety aspect.

The application should be called in to the City of York Council East Area Planning Sub-Committee to determine the outcome. A site visit should be carried out.

3.6 Wigginton Parish Council - No objections

3.7 Foss Internal Drainage Board - The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for.

3.8 Eight letters of objection have been received covering the following points:

- Concerned about flooding at 17 Moor Lane. Moor lane is frequently flooded and the traffic along the road pushes the water down the driveway. Furthermore the rear garden is at zero water table level with no soakaway capacity and is frequently under water from October to April. The development will result in further strain on drainage capacity and will lead to flooding at no.17.
- The foul drainage system has limited capacity and suffers from blockage which has had to be cleared by the Council
- No. 15 is already prone to ground water flooding which drains into the sewerage system which causes sewerage to come up from the drain in their drive.
- 15 Moor Lane will be left with no garden at all
- Footprint of the building will be very cramped on this small site
- The public footpath is between 0.5 and 1.2 metres higher than the plot the area adjacent to the site regularly floods and the area acts as a natural drainage area hence the gravel surface.
- The development would spoil the visual amenity of the rear garden of 7 Moor Lane
- Proposed development would be out of keeping with the area and would overlook and shadow the rear garden of 7 Moor Lane, which since 1955 has gradually been surrounded by development.
- The access and egress is on to a busy road
- The sustainability statement is full of inaccuracies the bus stop is 150 metres away and is not served by the no.13 bus
- Land adds to the open aspect of a road of individual character properties. The proposed development has no less impact than the previously refused scheme
- Development will block views from 9 Moor Lane which adds to its prime position and value. Open aspect also aids security of property and safety of the rear access road
- Concerned about the access point on a bend and the position of the Turing area which is considered to be unusable
- The development would have a negative impact on the existing property 15 Moor Lane but as the property is tenanted there will be no objections raised.
- If permission is granted no vehicles associated with the development will be able to use the private lane to the rear of the site.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Design and Landscaping

- Highways, access and parking
- Residential Amenity
- Open Space
- Drainage

4.2 The National Planning Policy Framework (NPPF) states there are three dimensions to sustainable development, namely economic social and environmental. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. (Para. 7 and 8)

4.3 At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted. (Para.14)

4.4 The core principles set out in paragraph 17 include the expectation that development will always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.5 Section 6 of the NPPF addresses the delivery of a wide choice of high quality homes. Housing applications should be considered in the context of the presumption in favour of sustainable development (Para. 49). Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (Para 53).

4.6 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Para.64).

4.7 To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should among other things plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services (Para.70).

4.8 Policy H4a of the draft City of York Development Control Local Plan (DCLP) supports the principle of development on unallocated sites where these are within urban areas, on vacant, derelict or underused land or it involves infilling, redevelopment or conversion of existing buildings and the site has good accessibility provided it is appropriate to the scale and density of its surroundings.

4.9 Other DCLP policies relevant to the consideration of the detail of this application are:-

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- GP10 planning permission will only be granted for the sub-division of existing garden areas to provide new development where this would not be detrimental to the character and amenity of the local environment.

- Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

PRINCIPLE OF THE DEVELOPMENT

4.10 Both local plan policy and advice within the NPPF support the principle of new residential development within sustainable locations. The site is considered to be such a location.

DESIGN AND LANDSCAPE

4.11 The NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy GP10 of the DCLP is consistent with this aim in stating that permission should only be granted for sub-division of existing garden areas to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.12 The site is triangular in shape and is located at the junction of Moor Lane and the private access serving nos 9 and 11 Moor Lane and is thus in a highly visible location, particularly when viewed from the south. The site is between 0.5 and 0.75 metres lower than the footpath along Moor Lane and is approximately on a level with the private drive that runs to the rear. The site has a depth adjacent to the existing bungalow of approximately 17.5 metres, narrowing to a point where Moor Lane and the private access meet. The boundaries of the plot have been planted with small trees/ shrubs and the area is gravelled. The submitted plans show that the building would be sited 4 metres from the side wall of the existing bungalow. At its closest the building would be 1.5 metres from the rear private lane and about 2 metres from the footpath along Moor Lane. The bungalow has been pegged out on site to these dimensions. The bungalow is designed with an eaves height of 2.6 metres and a ridge height of 5 metres and is to be constructed from the existing level of land thus the difference in level between the site and the footpath would remain. The driveway between the existing and proposed dwellings is delineated by a 2 metre high fence. No garage is to be provided with the unit as this would be difficult to achieve within the restrictions of the site, however cycle and bin storage is proposed along the rear boundary accessed via the driveway. The property is a two bedroom unit with a breakfast kitchen and lounge. Access to the outside space is via patio doors from bedroom 1.

4.13 The previous scheme for this site proposed a dwelling that was both higher and had a larger footprint than that now proposed. That development was considered to be unacceptable as it was considered that the dwelling would appear unduly cramped, overbearing and out of proportion in relation to the size of the plot. The NPPF takes a balanced approach to new development seeking good design and development that functions well within its location against the need to provide new housing. The emphasis where gardens are to be developed is to ensure that inappropriate development in terms of character and amenity is resisted. The immediate area is characterised by a variety of house types, plot sizes and locations such that it would not necessarily be inappropriate to introduce a bespoke design and layout where such a design and layout could function well within its surroundings.

The boundary hedge and landscaping within the garden to the west, the hedged boundaries to properties on the east and the general maturity of frontages provides a pleasant aspect to Moor lane and it is these features that, in the opinion of officers, provide the character and quality of the area. The open space provided by the application site adds to the overall visual quality of the area. The siting of the proposed bungalow would provide a good separation between the existing and proposed dwellings. Furthermore the ground floor window to the existing bungalow that faces the site is to be removed so that the positioning of the fence and the car parking area are not overlooked by that property. The new bungalow will be reasonably tight to the south eastern and south western boundaries but sufficient space is retained to incorporate landscaped boundaries, this boundary treatment will provide a similar setting to the building as those developments adjacent to it. The height of the building is lower than the adjacent house so that the development could not be said to be unduly dominant; in fact its scale and massing being on land lower than the Moor Lane frontage will appear small when approaching the site from the south. Taking all of these factors into account, it is considered that the development will have an acceptable relationship to its surroundings and will not detract from the character and quality of the area.

HIGHWAYS ACCESS AND PARKING

4.14 A number of the letters of objection raise concerns about the level of traffic along the road and the position of the new access point close to a bend in the road. Highways Network Management considers the visibility at the access point to be acceptable and do not raise any objections to the scheme. The previous application was not refused on highway grounds and there is no basis to introduce such an objection at this stage.

RESIDENTIAL AMENITY

4.15 The previous scheme showed a separation distance of 3.7 metres between windows in the side elevation of the existing bungalow at 15 Moor Lane and the proposed dwelling. In relation to that scheme it was considered that whilst the proposal would block sunlight entering into the ground floor side window, the living room also has the benefit of two additional windows, one to the west and the other to the east. Thus any reduction of daylight was not considered to be unduly harmful. The scheme now submitted provides a distance of 4 metres between the dwellings and removes the ground floor lounge window to 15 Moor Lane from the gable end elevation, and with these amendments the scheme is acceptable in this respect. The bedroom window on the first floor would be directly facing the gable of the proposal at a distance of 4 metres. Whilst there may be some loss of light to this window, the reduced height of the new dwelling over the original proposal, the additional distance between plots and the addition of a roof light to provide additional light to the bedroom space would be sufficient to off set any loss of light to this window.

Overall the gable to gable relationship between the proposed and existing development is considered to be acceptable.

4.16 There would be a distance of more than 25.0m between the proposal and 9 and 11 Moor Lane. Given these distances, it is considered that the scheme would have an acceptable relationship to these properties.

OPEN SPACE

4.17 A developer contribution of £1,172 would be required for the provision of public open space in accordance with policy L1c of the DCLP. The requirement for a financial contribution would normally be sought through a Section 106 Agreement or Unilateral Undertaking. The applicant's agent has confirmed his willingness to pay the contribution. Were members to approve the scheme a unilateral undertaking could be sought, there is no longer a need to introduce a reason for refusal on this basis.

DRAINAGE AND FLOOD RISK

4.18 The previous application included a reason for refusal relating to drainage of the site. The committee report however acknowledged that it was likely a technical solution could be found to the drainage issue and that this could be resolved during the appeal process if the application were to be appealed. The Flood Risk Management Team maintain their objection to this scheme and a number of the letters of objection refer to concerns about flooding and the difficulties of draining the site. The applicant has now commissioned the appropriate work to establish the method of drainage for the site. This information will be available and an update will be provided to committee on this issue.

5.0 CONCLUSION

5.1 The site is considered to be sustainably located such that the principle of the development can be supported and for the reasons discussed above the proposed scheme is considered to acceptably relate to the character and quality of the area and would accord with the requirements of the NPPF and GP10 of the DCLP.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

(To be confirmed at committee)

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Samples of exterior materials to be app -

4 LAND1 IN New Landscape details -

5 Prior to the development coming into use, the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

6 HWAY19 Car and cycle parking laid out -

7 HWAY25 Pedestrian visibility splays protected -

8 Prior to the occupation of the dwelling hereby approved the ground floor window in the gable end of 15 Moor Lane shall be removed and the velux roof light to the first floor bedroom shall be installed in accordance with the submitted details shown on Drawing no. (to be confirmed)

Reason: In the interests of the residential amenity of the occupier of 15 Moor Lane

9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of visual amenity and because of the restricted size of the site Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- Principle of the development
- Design and Landscaping
- Highways, access and parking
- Residential Amenity
- Open Space
- Drainage

As such the proposal complies with Policies GP1, GP10, L1c of the City of York Development Control Local Plan and advice within the National Planning Policy Framework.

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- requested that the proposed dwelling be pegged out on the site
- sought clarification and amendments to ensure an acceptable relationship with the surrounding area
- discussed and clarified the level of information required to achieve acceptable drainage and open space requirements

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