

## COMMITTEE REPORT

**Date:** 5 July 2018  
**Team:** Major and Commercial Team  
**Ward:** Rural West York  
**Parish:** Upper Poppleton Parish Council

**Reference:** 17/01968/FUL  
**Application at:** 5 Cherry Grove Upper Poppleton York YO26 6HG  
**For:** Erection of bungalow to rear of 5 Cherry Grove (resubmission)  
**By:** Mrs R Wardle  
**Application Type:** Full Application  
**Target Date:** 10 May 2018  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site comprises the rear garden of 5 Cherry Grove, Upper Poppleton, and measures approximately 18m by 15m. The area is residential in character with a mix of single storey, dormer bungalows and two storey dwellings. The existing dwelling, no. 5 Cherry Grove is single storey as is the dwelling to the rear. Those opposite have low eaves height, with the first floor within the roof space, and a dormer to the front. The dwelling to the immediate north is two storey with a side extension.

1.2 The site lies within flood zone 1 which is classified as being of low risk of flooding, and is not within York Green Belt, or within a conservation area.

1.3 Planning permission is sought for the erection of a single storey dwelling to comprise a lounge, one bedroom, bathroom and kitchen together with the formation of a driveway from Cherry Grove. The dwelling will have a footprint of 7m by 11m, an eaves height of 2.5m and a ridge height of approximately 5m from finished floor levels. Details of materials have not been submitted for consideration. The rear garden measures 5m in depth, with a mature hedge along the front and rear boundaries. A 1.65m close boarded fence will be provided along the boundary with the existing dwelling.

1.4 The application is reported to sub-committee because it has been referred by Cllr C. Steward.

### 2.0 POLICY CONTEXT

2.1 Policies:

2.2 Yorkshire and Humber Regional Spatial Strategy ("RSS")

2.3 Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan)

2.4 (Emerging) Publication Draft City of York Local Plan (2018)

Policies:

D1: Place making

GP1: Design

GP4a: Sustainability

GP10 : Subdivision of Gardens and Infill Development

GP 15a: Development and Flood Risk

T4: Cycle parking standards

H4a: Housing windfalls.

T4: Cycle and Parking Standards.

2.5 City of York Development Control Local Plan (2005) Policies:

Policy H3: Balancing the housing market.

Policy D1 Placemaking..

Policy ENV5 Sustainable drainage.

Policy T1 'Sustainable access'

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

##### Public Protection

3.1 No objection subject to conditions in respect of reporting unexpected contamination the installation of an external electrical socket suitable for charging an electric vehicle on a driveway. An informative in respect of development and construction is also recommended.

##### Highway Network Management

3.2 No Highway objections. Parking is provided to CYC standards and a new vehicle access is proposed which suitable to serve the proposed development.

##### Lead Flood Management Team

3.3 Following our site visit with Yorkshire Water Services on the 19th April 2018 where further investigations of the existing drainage were carried out, and in line with Yorkshire Water Services response dated 19th April 2018, The Flood Risk Management Team has no objections to the development in principle. If planning permission is granted, conditions should be attached in order to protect the local aquatic environment and public sewer network. The Flood Risk Assessment and Drainage Strategy prepared by Topping Engineers (Report 17473 Revision D dated

March 2018) is acceptable. In summary, the report states that foul water will discharge to public foul water sewer. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site. As stated in the report, and following our site visit with Yorkshire Water Services on the 19th April 2018 the existing property and part of the drive area positively connects to the public sewer network. Therefore surface water will discharge to public sewer via storage with restricted discharge of 1.2 (one point two) litres/second. This will include both dwellings, associated garages and driveways. Furthermore, if planning permission is granted, the Councils Flood Risk Management Team and Yorkshire Water Services require two weeks notice prior to drainage work starting in order to oversee the installation of the flow control device and associated attenuation measures.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Upper Poppleton Parish Council

#### 3.4 Object on the following grounds:

- Policy GP10 of the City of York Draft Local Plan states that the subdivision of gardens and infill will only be granted where this would not be detrimental to the character and amenity of the area.
- The proposed building would be too close to no. 5 Cherry Grove, leaving this property with an inadequate garden.
- The building line does not align with other properties.
- The building would be overbearing for 8 Orchard Way.
- The development and loss of garden could adversely affect the natural drainage towards the beck and result in excess water retention
- Cherry Grove is in a designated flood zone.
- An outline application for the construction of a detached bungalow and garage was refused by CYC in 1997.
- The revised drainage proposal is worse than the previous proposal with regards to the storage and disposal of water.

### Additional comments

#### Yorkshire Water Services

3.5 The Flood Risk Assessment and Drainage Strategy prepared by Topping Engineers (Report 17473Revision D dated March 2018) is generally acceptable.

### Ainsty Internal Drainage Board.

3.6 The Board does have assets adjacent to the site in the form of Long Ridge Lane Dyke; this watercourse is known to be subject to high flows during storm events. Where possible the risk of flooding should be reduced and that, as far as is

practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or, to outfall directly into a watercourse in the Board area. The applicant should be advised that the Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent. The site is in an area where drainage problems could exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

## PUBLICITY AND NEIGHBOUR NOTIFICATION

3.7 The application was advertised by site notice, and notification to direct neighbours. Re-consultation was carried out when revised details were submitted. At the time of writing this report 80 letters from 9 local residents have been received and raise the following objections:

### Surface water drainage

A significant number of detailed objections in relation to surface water and inaccuracies and faults with the drainage strategy have been submitted. The main points raised are:

- Local people have significant experience of drainage problems in the area and should be listened to.
- Unquestionable that surface water problems exist
- Worsening impact on surface water drainage. Evidence of surrounding streets having serious flooding recently.
- No dedicated surface water (SW) drainage and all the houses on Cherry Grove and surrounding roads rely on soakaways. Consequently many of the houses have standing water in the foundation crawl space due to inability of soakaways to work.
- Soakaway in front garden of no 6 regularly floods after heavy rain. Proposal to drain to drain proposed dwelling to soakaway is ridiculous. It will flood and water will return to lower level. Neighbours know that the garden area floods. When the owner bought no. 5 Cherry Grove she had to have extensive remedial work carried out.
- Increase in impermeable area will worsen a critical problem.
- Disagree with drainage report that states that soil is suitable for soakaways.
- A proposal to construct a dwelling in the 1980's was refused due to flooding problems.

- Proposal to plant Willow trees to soak water did not work in the past.
- The Parish Council with their local knowledge have rejected the application twice on drainage grounds.
- Soakaway is proposed in garden of existing house so will be a separate ownership which could cause a problem.
- SW flooding can occur where the ground is already saturated or has low permeability. This area is already saturated. Information from Landmark shows a medium to high potential surface water flood risk on the proposed site.
- YWS will have records of regular visits to unblock drains. This year was worse and YWs found a broken sewer pipe in the footpath to front of my house on Orchard Road. This was repaired and condition of my house has been better. I had to repair joists that had rotted.
- Proof from people in area that building is not beneficial to people or properties in the area. Lessons should be learnt in relation to building with safety and respect.
- Policy ENV4 states that FRA should take account of other risks of flooding not just river/coastal. Development should not be permitted if there are reasonably available sites available at lower risk of flooding.
- Other sites such as British sugar and Civil Service sites should be given priority. The latest development plan gives weight to why there should be no further development on Cherry Grove.
- No investment or improvement by agencies over the last 40 years when approached by residents.
- Development likely to increase risk of flooding which is at odds with the Poppleton Neighbourhood Plan Strategic Environmental Assessment
- Submitted drainage report misleading, as it gives a view that area is free draining. Soakaways have failed in past so no reason to think they will work now. No information provided regarding detailed soakaway tests.
- Reference to site being in Flood Zone 1 is misleading. Flood Risk Assessment should use surface water flood maps.
- Had to solve my own drainage problems by installing 200m of land drainage pipes which feed into two soakaways. The flooding problems have not changed so despair of architects solutions.
- The revised drainage strategy is the third 'solution' put forward by the architect to the serious problem. Trial pit not accurate. Revised drainage strategy has been assessed thoroughly and shown to be flawed. Policy ENV5 states that 'new development will not be permitted to allow ground water and /or outflow from land drainage to enter public sewers'.
- The process demonstrates the overriding determination of the council to err on the side of planning with less regard to the impact on the environment and amenity of residents.
- Weight of evidence provided by residents and inability to provide and satisfactory drainage solutions by the architect should make it clear that an additional dwelling on this low lying ground in high water susceptible to frequent surface water flooding with no public sewers in the area is irresponsible.

- In reference to the latest design, the proposed tanks have very little cover and so have little weight to hold the tanks in position. Any lowering of tanks is not possible due to sewer invert levels.
- Adding more fluid to an existing sewer cannot be a solution that can be guaranteed not to back up or cause flooding of adjacent properties. Flooding has occurred in Orchard Road due to this in the past, and I understand that the sewer from Cherry Grove outfalls that way.
- The Poppleton Strategic Development Plan requires a reduction of flood risk for new developments. The proposal does not achieve this.
- The development (GB15a) will adversely affect the natural drainage towards the beck and result in considerable excess water retention to the detriment of neighbouring properties. Cherry Grove is in a designated flood zone.
- Submitted drainage scheme is fundamentally flawed and inaccurate.
- Water storage figures inaccurate.
- Drains will block
- Putting surface water into the foul sewer will make a bad situation worse.
- The Met office shows that there is an increased risk of unprecedented downpours. The garden of the existing house acts as a sponge that slows down the flow of ground water into neighbours properties. A building in this area will exacerbate the problem.
- On a previous application on the site the Chief Engineer of Harrogate Department of Technical Services stated that it is imperative that land drainage is not connected to foul drains.
- With respect to the Flood Risk Assessment and Drainage Strategy submitted on the 15th November. Section 1.7 Pluvial Flooding uses a map prepared by the Environment Agency which places the proposed site on the edge of a low risk surface water flood zone. However a similar survey undertaken recently by the Landmark Information Group and submitted in the form of a similar map by myself on the 14th September, shows the proposed site on the edge of a high risk surface water flood zone.
- Disposal of surface water from the proposed development and the existing property at 5 Cherry Grove has now come down to the last ditch solution of putting it into the foul sewers via a system of 48 large plastic crates covered in plastic sheeting, used to store the water before entering the sewers. Unfortunately, using the systems manufacturers stipulations for cover levels to keep reservoir in place the proposal is unworkable as the connection into the sewer would be uphill. Notwithstanding this the problems incurred by future tenants of the two separate properties would be problematic regarding maintenance ( silting up and filter cleaning ) and one property accommodating the others drainage system
- Revision D does not meet the manufacturer's recommended depth of ground cover of 0.13 metres and consequently will seriously increase the risk of surface water flooding in 5 Cherry Grove and the adjacent properties. This is an area with a known high water table and a problem with pluvial flooding during even modest rainfall. If the system goes in as proposed, with insufficient ground cover, the ground-water pressure is highly likely to cause the storage cells to burst up through

the ground surface resulting in even more surface water flooding. The council cannot support the erection of a dwelling when the design calculations are incorrect.

- Recently reported that Birmingham had one month's rain in one hour. This caused extensive flooding. The proposed drainage strategy scheme would be overwhelmed if this occurred here.
- The storage tank requires minimum ground coverage of 130mm to prevent ground heave. The cover level figures now show that there is insufficient coverage. (see submitted calculations).
- The drainage drawings has omitted the invert level for the intended connection point between the existing foul sewer and the output from the Garastor.
- Lack of pollution control and slit traps. Regulations and guidance highlight developers duty to mitigate the risk of pollutants emanating from contaminated run-off from hard standings. The roof tiles for the existing dwelling shed grit which builds up and causes blockages.
- Not all relevant and crucial data has been provided in order to convince the neighbours that the proposal would work or indeed allow the planning authorities to reach an informed decision. Vital calculations and levels have been omitted from this report.
- Yet again the report claims that percolation tests have been carried out on the site and these were witnessed by an Engineer from City of York Council. That claim is most strongly refuted!

### Access

- Officer notes say that the access onto the property is tight.
- Cherry Grove is only 4.26m wide. Turning in and out is very tight. The driveway of no. 4 has had to be widened to overcome difficulties of access and juxta position with next driveway.
- The driveway is 3.3m wide and bordered on one side by a fence and the other by the dwelling and hedge. It will therefore be difficult to turn without using the full width of Cherry Grove.
- Cherry Grove is a short narrow road, almost one metre narrower than the other roads in Upper Poppleton. On a daily basis, vehicles belonging to residents, visitors and health workers park on the footpaths to allow transient traffic a safe passage. Pedestrians often have to walk in the road to get around.
- Cherry Grove has 7 properties and 5 private drives accessing the narrow public road. 5 and 8 Cherry Grove driveways are on Orchard Road.
- Additional access constitutes a significant safety issues.
- Whilst Cherry Grove is a short road it is used as a cut through.
- On the previous application on the site, the Highway Officer referred to road being very narrow, and recommended a condition requiring acceptable means of access and local highway widening along frontage and that part of Cherry Grove adjacent to 8 Orchard Road. 'Suggest 4.5m carriageway with 2.0m minimum footway on the site side.

## Character

- Open aspect of area would be destroyed and have a negative impact on wildlife.
- Loss of open outlook from Cherry Grove and from gardens and properties on Orchard Road.
- Proposed dwelling is set forward of adjacent properties.
- Policy GP10 states that the subdivision of gardens and infill permission will not be granted when there is a detrimental effect on the character and amenity of the area.

The proposed development to the rear of 5 Cherry Grove would be of cramped appearance failing to accord to the predominant character of the area and this would result in the detriment of amenity to the local environment. The architects argument that gardens on the proposed plot and 5 Cherry Grove are of similar size to that of 6 & 8 Cherry Grove are irrelevant because 6 & 8 were developed as commercial properties with car parking to the front of them and not as residential homes, this being the reason for the smaller gardens.

- The proposed plot is too small to accommodate a bungalow. Out of keeping with the predominant character.
- A previous application was refused on the site. Reason for refusal stated that 'the proposed development by virtue of the size of the plot would be of a cramped appearance thereby failing to accord with the predominant character density and form in the locality, and having an adverse impact on residential amenity'
- Policy states (commentary to GP10 of 2005 Draft Local Plan), that 'Many residential areas have been developed at relatively high densities. The space between and around existing buildings in such areas often contributes significantly to the character of the area and to maintaining residential amenity. When considering infill applications regard will be given to the impact of the development on the surrounding area and wildlife and the setting of the building.'
- Design and access states that trees and hedges will be retained, but proposal to have 2.4 x 2.4 visibility. So a large part of hedge will be removed.

## Design

- If the design is a traditional one storey bungalow why is there a staircase?
- Tree roots from proposed trees could undermine foundations.
- Footpath around existing dwelling is proposed to be taken up and replaced by something inappropriate.
- The proposed building line of the bungalow is 2.2 metres in front of the existing building line of Cherry Grove and 1 metre from my boundary fence. If this bungalow goes ahead the whole aspect of Cherry Grove will be spoiled and my own residential amenity too.
- Lack of detail of materials means it cannot be stated that development will be in keeping with area.



## Impact on residential amenity

- Dwelling directly south of 3 Cherry Grove and one metre from boundary.
- A dwelling was refused in 1997 because it failed to accord with predominant character, density and form of the locality thus having an impact on residential amenity. Rejected also because of cramped appearance, inadequate size of plot and having an adverse impact on residential amenity.
- Building house 2.2m in front of existing building line, and only 1 metre from boundary will impact on neighbours amenity.
- Development will have a serious impact on amenity of dwelling to the rear. Plan shows a staircase in the hall. If plan allowed suspect there will be another application for dormer accommodation.
- No mention of loss of amenity to 6 Cherry Grove. Incorrect information by architect on garden sizes of 6 and 8 Cherry Grove. These were commercial properties with parking to front which is now garden.
- Reduction in daylight to other properties.

## Other considerations

- That application states that development will fulfil housing need, however a one bedroom bungalow will do little to supplement housing supply.
- There will be no demand for this for the disabled because the parking is too narrow and bathroom too small.
- Fails to comply with the Village Design Statement because appropriate levels of onsite parking will not be provided and residential amenity will not be safeguarded.
- Grey water recycling proposed, but due to high water table it will have to be held down with concrete thereby reducing permeability. Solar panels are not shown on the plans.
- No evidence of a high demand for one bedroom bungalows.
- Personal situation of applicant should not be used as a reason for granting approval overriding the significant flood risk issue and concerns of local residents.
- This is the fifth time that planning to build a dwelling on the garden has been applied for and shows that the site is not a viable proposition.

## **4.0 APPRAISAL**

### 4.0 Key Considerations

- Policy background
- Principle of development
- Design and impact on the character of the area.
- Loss of green space.

- Neighbour impact
- Amenity of existing dwelling
- Drainage
- Highway considerations
- Sustainability.

## Policy Background

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013, and the Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan), which came into effect from 19 July 2017.

## Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan)

Village Design Statement PNP 4: Proposals for development within the villages of Upper Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance. All new developments within the settlement limits of the villages should respect the Design Guidelines.

Housing Policy PNP 6A: Within the settlement limit of the two villages as shown on the Policies Map proposals for the subdivision of an existing dwelling or for the construction of a single dwelling within the curtilage of a domestic property will be supported where the proposals are:

- In character with the surrounding development;
- Designed to safeguard the amenities of existing residential properties;
- Designed to provide appropriate elements of garden and amenity space; and
- Designed to provide appropriate levels of parking and vehicular access to the City of York Council standards at the time of application.

Climate Change and Renewable Energy PNP 11: New developments that exceed the Building Regulations with regard to energy conservation and use of renewable energy technology will be particularly supported. Developers may also wish to consider harvesting of rain water and storm run-off, grey water recycling, porous surface provision wherever appropriate, solar photo voltaics for energy capture and high standard insulation of floors, walls, and roofs to reduce energy consumption.

## Poppleton Village Design Statement

4.2 Poppleton Village Design Statement states inter alia that proper assessment of the character of the surrounding environment should be taken into account when

development is proposed and that the size and massing of extensions should harmonise with neighbouring properties and spaces; contemporary design should complement and be in sympathy with existing building character and that adequate car parking spaces should be provided within the curtilage of the property to avoid on-street parking.

#### National Planning Policy Framework March 2012 (NPPF)

4.3 Paragraph 7 of the National Planning Policy Framework states that planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

4.4 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking, this means approving development proposals that accord with the development plan without delay. In this case the Development Plan is The Upper Poppleton and Nether Poppleton Neighbourhood Plan.

4.5 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing. Of particular relevance to this application, paragraph 53 states '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.

4.6 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.7 Section 10 of the NPPF requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere as a result of the development.

#### Emerging Local Plan Publication Draft 2018

4.8 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

The up to date evidence base considered relevant to this application includes:

City of York Affordable Housing Viability Study (2010) and Annex 1 (2011) (AHVS)  
City of York Local Plan and CIL Viability Assessment (Draft) 2017.  
Strategic Housing Market Assessment (SHMA) 2016  
Strategic Housing Market Assessment Addendum (SHMA) 2016

4.9 The following policies are relevant to consideration of this application:

Policy H3: Balancing the housing market. This policy seeks to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). This includes flats, and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people.

Policy D1 Placemaking. This policy supports development proposals where they improve poor existing urban and natural environments; enhance York's special qualities and better reveal the significances of the historic environment. Detailed design issues should be addressed by development proposals

Policy ENV5 Sustainable drainage. This policy includes detailed drainage requirements for site drainage and a preference for SUDS.

Policy T1 'Sustainable access' refers to the need for development to minimise the need to travel, provide suitable access for all and to promote more sustainable modes of transport.

The City of York Draft Local Plan (incorporating the fourth set of changes) (approved april 2005) (DCLP).

4.10 This plan is not adopted policy but was approved for Development Management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF. The following policies from the DCLP are considered relevant:

Policy GP1:Design is a criteria based policy that seeks high levels of design.

Policy GP4a:Sustainability requires development to have regard to the principles of sustainable development.

Policy GP10:Subdivision of Gardens and Infill Development, states that planning permission will only be granted for the sub-division of existing garden areas or infilling, where this would not be detrimental to the character and amenity of the local environment.

Policy GP 15a: Development and Flood Risk requires developers to demonstrate that any flood risk will be successfully managed with minimum environmental effect. It also encourages the use of sustainable drainage systems to reduce surface water run-off. Discharges should not exceed the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites should always be less than the level of pre-development run-off.

Policy T4:Requires new developments to provide cycle parking in accordance with Council standards.

Policy H4a:Housing windfalls supports windfall sites where they are within an urban area, the site has good accessibility and it is of an appropriate scale and density, and would not have a detrimental impact on existing landscape features.

Appendix E Car and Cycle: Parking Standards.

## PRINCIPLE OF DEVELOPMENT

4.11 A core principle in the NPPF states that planning should proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs. This is re-affirmed in chapter 6 of the NPPF which relates to the delivery of a wide choice of high quality homes. The evidence base in The City of York Council SHMA and Addendum (2016) demonstrates a particular need for 2 and 3 bedroom houses, but also a significant need across the city for one bedroom homes. Policy H3 of the Publication Draft Plan refers to homes with features that are attractive to older people.

4.12 The site is not located within the York Green Belt, nor is it sited in, or within the setting of a heritage asset. The greatest weight must be given to the Poppleton Plan. Policy PNP6A is particularly relevant. It supports in principle the construction of a single dwelling within the curtilage of a domestic property. Whilst this is subject to a number of criteria, the principle is not ruled out by the plan. Paragraph 53 of the NPPF is also relevant and 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.

4.13 The site is located in a sustainable location with easy access to a wide range of services. Indeed, the Vision Statement of the Poppleton Plan includes the following:

'Upper Poppleton and Nether Poppleton are two villages that have coalesced to form a distinctly quintessential English Village, with the right array of facilities, amenities and transport links. It is a desirable place to live, work, raise a family and retire to. This is because first and foremost it is a community, with a place identity, shared green spaces good schools, shops, churches, clubs and most importantly a history of friendliness and caring'.

4.14 The current application is therefore considered acceptable in principle subject to other material considerations being acceptable.

## DESIGN AND VISUAL APPEARANCE

4.15 Policy PNP 6A of the Poppleton Plan requires that proposals for the subdivision of an existing dwelling or for the construction of a single dwelling within the curtilage of a domestic property be in character with the surrounding development, and provide appropriate elements of garden and amenity space. 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 the development would cause harm to the local area.

4.16 Section 7 of the NPPF emphasises the importance of good design, and states that it is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 60 also makes reference to promoting or reinforcing local distinctiveness.

4.17 The residential area in the vicinity of the site is predominantly occupied by bungalows, albeit some with rooms in the roof space. However there is a two storey dwelling with single storey extension to the immediate north. With the exception of 6 and 8 Cherry Grove, most dwellings in the wider area have relatively generous rear gardens. The wider residential area is relatively high density, with separation between dwellings often little more than the width of a driveway. The character of the area is enhanced however by the hedges and trees that front many dwellings. Indeed the application site is fronted by a hedge with a mature tree in the garden.

4.18 It is not considered that the erection of one dwelling of the scale proposed will be out of keeping with this character. The ridge height of the proposed dwelling is slightly lower than that of the existing dwelling at 5 Cherry Grove, and significantly lower than the dwelling to the north, 3 Cherry Grove. The hipped roof of the proposed dwelling, together with that on 5 Cherry Grove, provides a space between the two dwellings that is consistent with the character of the area. This space is also maintained between the eaves of the proposed dwelling and 3 Cherry Grove. The proposed dwelling is set approximately 2m in front of no. 3 Cherry Grove, but aligns

with the gable to 5 Cherry Grove. Objections have been received that refer to it being a cramped form of development, and that the dwelling is forward of other properties. However given the general alignment with the gable to no. 5 Cherry Grove, and the small scale of the proposed dwelling, it is not considered that the development will have an adverse impact on the streetscene.

4.19 It is noted that Design Guideline 17 of the Poppleton Village Design Statement, states that space should be maintained around dwellings to avoid the loss of soft landscaping. However it is not considered that the existing garden adds significantly to the character of the area, as it is only directly visible in close proximity to the site. Nevertheless the retention of the hedge along the frontage is characteristic of the area. However, as one approaches Cherry Grove from either end, it is the soft landscaping to the front of the properties that is a dominant feature and is characteristic of the area. Accordingly it is recommended that any approval is conditioned to require the retention of the hedge, except where its loss is required to form the access.

4.20 The design of the proposed dwelling, by virtue of its scale and design is typical of the area and therefore reflects local distinctiveness. Nevertheless it does not directly copy the design of the surrounding properties, and as a result provides the variation that adds to an area in a manner that rows of identical houses cannot achieve. It is proposed to construct the dwelling from bricks under a tile roof. Precise details have not been submitted for approval at this stage, however it is considered that this could be suitable addressed by condition.

4.21 Objections from residents have been received in relation to the loss of the green space, impacting on wildlife and the setting of the building. Nevertheless, officers do not consider that the development will have a detrimental impact on the character and appearance of the area. As such it is considered that the development accords with that part of Village Design Statement PNP 4 of the Poppleton Neighbourhood Plan that relates to high quality design appropriate to character and appearance. It further relates to that part of Housing Policy PNP 6A that relates to single dwellings within the curtilage of a domestic property being in character with the surrounding development.

#### IMPACT OF DEVELOPMENT OF AMENITIES OF EXISTING DWELLING AND NEIGHBOURING OCCUPIERS.

4.22 The loss of the main rear garden of a dwelling can result in a poor standard of amenity for future occupiers. However in this case, the existing dwelling is relatively small ( 2 bedroom), and furthermore it will retain its existing garage, and two parking spaces. During a site visit, officers took account of the privacy enjoyed by the front and size garden of the dwelling by virtue of the existing mature planting. This has created a level of privacy that is not always achieved in front or rear gardens.

4.23 The emerging plan makes reference to providing accommodation that is attractive to the elderly. It is considered overall, that the level of amenity space is

commensurate with the size of the existing dwelling, and will provide an acceptable standard of amenity that can be more easily maintained.

4.24 In terms of the standard of amenity for future occupiers of the proposed dwelling, the house is set behind a small front garden, with a private amenity area to the rear. Given the small scale of the dwelling, it is considered that this area will provide sufficient space for sitting out, hanging washing etc. It is again considered to be commensurate with the scale of the dwelling.

4.25 It is not considered that the development will have a significant adverse impact on the existing amenities of those dwellings across Cherry Grove. The distance is considered to be acceptable, and the single storey design of the dwelling, together with the absence of any rooms at first floor level, or in the roof is such that any overlooking would be minimal. The hedge will reduce inter-visibility at ground floor level. There will be some impact by virtue of the new access, however again, by virtue of the scale of the proposed dwelling, it is not considered that it will have a significant impact on their existing amenities.

4.26 In terms of the dwelling to the north (3 Cherry Grove), the proposed dwelling has a blank gable where it is adjacent to that property. As such there will be little potential for overlooking. There will be an element of overshadowing at certain times of day, but this will be limited. Furthermore the proposed dwelling has been located to ensure that it is not directly in front of the gable window to 3 Cherry Grove. There is an objection from 3 Cherry Grove that there will be an adverse impact on their amenities due to the location of the dwelling to the front of their property. However given the scale of the dwelling, and the location of their own driveway, it is not considered that there will be a significant adverse impact on their amenities.

4.27 In relation to number 8 Orchard Road, the limited height of the proposed dwelling, together with the lack of any windows, or dormers at first floor level is such that the proposed dwelling will not overlook, or have an be over bearing impact. Any over shadowing will be very limited.

## HIGHWAY CONSIDERATIONS

4.28 The proposed development will include the formation of a single width vehicle crossing off Cherry Grove, 2.4 x 2.4 m vision splays will be maintained at the new footpath crossing. Onsite parking will be provided for 2 vehicles. Objections have been received regarding the access due to the narrow width of Cherry Grove, and the difficulty in entering or leaving the parking area. Objectors have also stated that the development will cause vehicles to require the full width of Cherry Grove to turn, and that the development will result in vehicles parking on the footpath causing pedestrians to go around them on the road. Nevertheless, the Highway Officer has not objected to the application subject to conditions requiring that the cycle storage, and parking is provided on site. In relation to objections raised, The Highway Officer has provided further clarification:



'With regards to access into the driveway from the road, with a 3.3m driveway, any car would be able to adequately turn in and out of the drive from Cherry Grove. There are other properties on this and nearby similar streets that have existing driveways. If an application for a dropped crossing was lodged independently via a Streetworks S184 dropped crossing application, it would be granted without the requirement of planning permission'.

4.29 Section 4 of the NPPF seeks to promote sustainable transport. At paragraph 32 it states that all, developments that generate significant amounts of movements should be supported by a Transport statement/Assessment. An application for one dwelling doesn't fall into this category. Housing Policy PNP 6A of the Poppleton Plan supports the construction of a single dwelling within the curtilage of an existing dwelling subject to criteria that includes a requirement for 'appropriate levels of parking and vehicular access to the City of York Council standards'.

4.30 CYC parking standards require one parking space per 1 or 2 bedroom dwelling. The proposed development will provide two parking spaces, in tandem which considered to be acceptable..

## DRAINAGE

4.31 Central Government Planning Policy as set out in paragraph 103 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. The application site is situated within Flood Zone 1 which has low probability of river or sea flooding. However, The Strategic Flood Risk Assessment (SFRA) states that all development sites should be considered with respect to other potential types of flooding such as groundwater. A A detailed drainage strategy has therefore been submitted.

4.32 The application has resulted in a significant number of objections from the Parish Council and neighbouring occupiers in relation to localised flooding from surface water. The drainage report has been updated a number of times throughout the application process to take account of issues raised by local residents, together with City of York Council Flood Risk Management Team and Yorkshire Water Services. (YWS)..

4.33 There is a requirement under the SFRA to utilise Sustainable Urban Drainage System (SUDS) wherever possible for all new developments. Sub soil conditions do not support the use of soakaways, and a water course is remote from the site. In this case it has been proved by way of CCTV camera survey and dye testing that both foul and surface water from the existing dwelling connects to the Yorkshire Water Services combined sewer. The proposal will attenuate peak surface water run-off to 70% of the existing rate utilising the existing combined sewer connection and restricted to 1.2 litres per second. This provides betterment. Computer model storage volume

calculations have been provided to accommodate (below ground) beyond the required 1 in 30 year storm, but up to and including 1 in 100 year storm (plus 30% climate allowance) to include both the existing and proposed buildings/impermeable areas. Thereby providing further betterment.

4.34 In relation to objections with regard to the cover to the attenuation tank, the Flood Risk Management Team have advised that it is not acceptable to require a particular product to achieve the minimum attenuation volume. It is only necessary to ensure that a design and subsequent constructed drainage system provides the minimum amount of attenuation volume in the various storm situations and is fit for purpose. In view of this, other attenuation drainage products/methods can be considered. The submitted Flood Risk Assessment and Drainage Strategy provides indicative details of what is generally described in the industry as an 'egg crate' type attenuation tank arrangement, which is common when cover is shallow. The Flood Risk Management Team are satisfied that sufficient cover of the attenuation system can be achieved.

4.35 Officers have taken account of the significant level of objection to the development, and in particular those concerns raised regarding existing surface water problems in the locality. Nevertheless, Yorkshire Water Services (YWS) has agreed the existing connection to the public combined sewer and to the submitted foul and surface water drainage proposals. Furthermore the Flood Risk Management Team and Yorkshire water will ensure this drainage strategy will be monitored through to implementation. In view of this it is considered that the development accords with section 10 of the NPPF, Policy GP15a of the 2005 Draft Local Plan, and Policy EVV5 of the Emerging plan.

## CLIMATE CHANGE

4.36 Policy PNP11 of the Poppleton Plan states that new developments that exceed Building Regulations with regard to energy conservation and use of renewable energy technology will be particularly supported. It also states that developers may wish to consider harvesting of rain water and storm run-off, grey water recycling, porous surface provision wherever appropriate, solar photovoltaics for energy capture and high standard insulation of floors, walls and roofs to reduce energy reference consumption.

4.37 The National Planning Guidance states that the energy performance requirements in Building Regulations will be set at a level equivalent to the (now deleted) Code for Sustainable Homes Level 4. Standards above this level should not be set unless there is a relevant current Local Plan Policy. Nevertheless the applicant has advised that the construction will include greater insulation than required by Building Regulations and the installation of a small self contained grey water recycling unit. It is also proposed to include photovoltaics on the roof. It is recommended that a condition be imposed to require specific details. Accordingly, it is considered that the development accords with Policy PNP 11 of the Poppleton Plan.

## 5.0 CONCLUSION

It is considered that the proposal will add to the housing supply in a sustainable location. It is not considered that the amenity value of the existing garden is such that would preclude the development of the site. It is further considered that the scale of the proposed dwelling is in keeping with the streetscene and overall character of the area, and the existing and proposed dwellings will have a garden area that is commensurate with their scale. It is considered that the proposed access and parking provision is acceptable. The site is situated within Flood zone 1, however Officers have taken account of the significant level of objection based on surface water problems in the area. Nevertheless, having taken account of the advice of both Yorkshire Water services and the Flood Risk Management Team it is considered that surface water can be disposed satisfactorily, in a manner that will not increase surface water problems in the locality.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Site Layout and Bungalow 2173.03 Revision D.

Flood Risk Assessment and Drainage Strategy by Topping Engineers (Report 17473 Revision D dated March 2018)

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

3 Except where its removal is required to create the access, the existing hedge along the front boundary of the sit, together with the Willow tree adjacent to it shall be retained. Such trees and hedging shall be protected throughout the development. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the type described in Classes A, B, C or E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the 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 2015.

5 The dwelling hereby approved shall not be occupied until cycle parking has been provided on site in accordance with details which have first been submitted to, and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 The dwelling hereby approved shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7 The site shall be developed with separate systems of drainage for foul and surface water on site.

Reason: In the interest of satisfactory and sustainable drainage.

8 No construction shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. The information shall include:

i) the means by which the discharge rate shall be restricted to a maximum rate of 1.2 (one point two litres per second. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works .

Reason. To ensure that no surface water discharges take place until proper provision has been made for its disposal. The details of such work are required prior to the commencement of any construction to ensure that such work can be satisfactory integrated into the building works.

9 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works:

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

10 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

11 Prior to their installation on site, precise details of the proposed photovoltaic panels shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicle.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. 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 design revisions, together with a detailed drainage assessment to address concerns raised.

### **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 - (01904) 551550 - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

### **3 INFORMATIVE:**

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

**Contact details:**

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