

COMMITTEE REPORT

Date: 3 October 2019 **Ward:** Dringhouses And Woodthorpe

Team: West Area **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 19/01140/FUL

Application at: 26 The Horseshoe York YO24 1LX

For: Erection of 1no. dwelling with associated crossover following demolition of existing bungalow and outbuildings

By: Mrs Erica Hammill

Application Type: Full Application

Target Date: 21 August 2019

Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is 26 The Horseshoe, located off Tadcaster Road in Dringhouses. The site is on the western side of the street. The site contains a single storey detached bungalow of brick construction with a front and rear garden. There is an existing garage and driveway with crossover on the southern boundary of the site. There are dwellings either side of the site and opposite the front. To the rear of the site is the east coast railway line.

1.2 The Horseshoe is a residential street, laid out in the 1920s with the dwellings constructed in an arts and crafts style. Many of the dwellings are detached and have large rear gardens, particularly those bordering the railway line. There have been two replacement dwellings constructed on the street in recent years at no 18 and 20.

1.3 The application site lies in partly in flood zones 2 and 3. The existing dwelling is sited wholly in flood zone 1. The culverted Holgate Beck is at the rear of the site in the rear garden.

1.4 Planning permission is sought for the erection of 1no. dwelling with associated crossover following the demolition of the existing buildings on site.

1.5 The proposed replacement dwelling is two storey in height with additional living space in the attic. The design is based on the arts and crafts style already evident in buildings on the street and includes design features such as external chimney stacks and splayed eaves to the roof. Proposed materials will be plain clay

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tiles, with clay ridges. The dormer to the rear is to be lead clad and the rooflights proposed to the front elevation will be flush with the roof slope. Brickwork is to be from 65mm handmade bricks in old English bond using a lime mortar with detailing at the eaves.

1.6 The dwelling will be a maximum of 15.5 metres wide (excluding the semi detached chimney stack to the south elevation) and a maximum of 24.1 metres deep. This includes a 5.5 metre two storey rear projection in the north western corner. The building will be 9 metres high to the roof of the ridge, excluding the chimney stacks which measure 1.3 metres above the ridge.

1.7 Planning History

18/02523/FUL - Formation of 2m high bund to rear garden. – Pending decision

19/01334/CPD - Certificate of lawfulness for proposed development for erection of detached garage to rear as detailed on drawing no's 01 and 09 – Pending decision

1.8 The planning application was called in for determination by Committee by Councillor Fenton following an objection from the occupiers of a neighbouring dwelling raising concerns over a loss of amenity.

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

2.2 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

Publication Draft Local Plan 2018

2.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

-The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.4 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

2.5 Relevant Policies

- D1 Placemaking
- ENV2 Managing Environmental Quality
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- CC1 Renewable and Low Carbon Energy Generation and Storage
- CC2 Sustainable Design and Construction of New Development

2005 Development Control Local Plan

2.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

2.7 Relevant Policies

- GP1 Design
- GP4a Sustainability
- T4 Cycle Parking Standards

3.0 CONSULTATIONS

INTERNAL

Flood Risk Engineer

3.1 The plan shows the existing drainage infrastructure but does not supply details of the proposed foul and surface water drainage. It appears the applicant is proposing to connect the proposed foul water to mains sewer and surface water to

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existing watercourse but with no consideration to the use of soakaways in line with our SuDS Guidance, the Requirement H3 of the Building Regulations 2000 and the hierarchy of surface water disposal which should be explored. Considering the above and knowledge of the existing drainage infrastructure the Flood Risk Management Team has no objections to the development in principle conditions are required.

Public Protection

3.2 The location of the proposed site, for residential, is adjacent to existing residential dwellings. There is however a railway line approximately 50 metres from the proposed site of the residential dwelling therefore in order to ensure that the external and internal recommended noise levels are achieved in line with BS8233:2014, Public Protection recommend a condition for a detailed scheme of noise insulation measures.

Highways Network Management

3.3 The applicant will need to confirm the provision of adequate cycle parking facilities for at least 2 cycles (as this is a large family house, we would expect to see cycle storage able to accommodate one bike per bedroom). The store will need to be covered and secure and easily accessible from the front of the building. Informatives have been suggested regarding the proposed vehicle crossover.

EXTERNAL

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3.4 Generally support proposal but think comments of neighbours regarding design and overlooking should be considered.

Yorkshire Water

3.5 Design and Access Statement is acceptable for Yorkshire Water. Condition requiring separate systems for foul and surface water recommended.

Ainsty (2008) Internal Drainage Board

3.6 This application sits within the Drainage Board's district. The Board does have assets within the site in the form of Holgate Beck (culverted). The applicant has been in contact with the Board prior to submitting this planning application for the Board's initial comments. The Board notes that the applicant's intentions remain the same and that the applicant proposes to connect into the existing mains foul sewer;

and connect into the existing surface water watercourse – i.e. the Board's culverted asset on the site in the form of Holgate Beck.

3.7 The Board always recommends that soakaways are first considered in accordance with the Planning Practice Guidance hierarchy for the management of surface water.

3.8 The Board therefore recommends that the applicant be asked to carry out soakaway testing, in accordance with BRE Digest 365, in order to ascertain whether the soil structure is suitable for a soakaway system. If the testing proves unsatisfactory then the Board assumes the applicant will proceed by way of discharging into Holgate Beck.

4.0 REPRESENTATIONS

4.1 The application has been advertised by neighbour notification and site notice.

4.2 1 objection was received from occupiers of 24 The Horseshoe raising the following concerns:

- Loss of amenity due to 2 storey projection extending into the back garden beyond the back of their house
- First floor windows and terrace will result in a loss of privacy
- Loss of light/overshadowing of conservatory, terrace and garden,

4.3 2 representations were received raising the following matters:

- No objection in principle
- Concern over the lack of detail to the front elevation and request that the building be undertaken in arts and crafts style with 2.5 inch bricks to an old English bond, oak framed windows with leaded lights at least to the front elevation.
- Restrictions requested on site activities in terms of hours
- Highway should be swept and cleaned following any vehicular activity
- Noting that the building team had been considerate and careful during construction at 125 Tadcaster Road.

4.4 1 letter of support was received noting the following:

- Design is sympathetic to local vernacular

5.0 APPRAISAL

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5.1 Main Issues

- principle
- impact on the streetscene
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- flood risk and drainage
- sustainability

PRINCIPLE

5.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means where there are no relevant development plan policies planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

5.3 Section 5 of the NPPF notes that the Government's objective is to significantly boost the supply of homes. While the proposed development is for a replacement dwelling rather than a new dwelling, planning policies do not identify any planning harm from this principle. As such the presumption in favour of sustainable development is applicable.

IMPACT ON THE STREETSCENE

5.4 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 seeks to ensure that developments function well and add to the overall quality of the area while being visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

5.5 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

5.6 The Horseshoe was laid out in the 1920s and is characterised as a street by large, mainly detached dwellings set back from the public highway with front

gardens. The City of York Historic Characterisation Project 2013 described the street as a good example of an eclectic mix of inter-war residential architecture. This includes an arts and crafts architectural style which has its origins in the nineteenth century as a reaction against industrialist styles, instead focusing on local materials and traditions. The existing bungalow has a rear dormer and an attached garage. The surrounding dwellings are two storeys in height and several are of a substantial scale, notably the replacement dwellings to the north at 18 and 20.

5.7 The proposed replacement dwelling will be of a similar scale to the houses at 18 and 20 and will include many features found elsewhere in the street in terms of the design and the use of traditional materials. The building will maintain good sized gaps between the two neighbouring dwellings to ensure there is not a terracing effect that would be out of character with the immediate streetscene. The building is set back from the public highway a similar distance to neighbouring properties.

5.8 While it is acknowledged the proposal is much larger than the bungalow, the size of the plot and the fact it is of similar proportions to other large houses on the street will mean it shall not appear as out of character in the streetscene. The roof ridge for example will be approximately 1.6 metres lower than that of no 20 Horseshoe. Furthermore, the proposed dwelling will be of a similar width to no 24 and no 28. While it will be larger in mass than these dwellings, these will principally be due to an extended depth of the house which will be of limited visibility from the public highway. Conditions are recommended to cover materials, landscaping to the front and design. Subject to these conditions, the proposed development is considered to be acceptable on design grounds.

IMPACT ON NEIGHBOUR AMENITY

5.9 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan consider amenity.

5.10 The proposed replacement dwelling will be substantially larger and higher than the existing house. Objections have been raised by the occupier of the neighbouring dwelling to the north over a loss of privacy and light to the dwelling and rear garden resulting from the two storey rear projection and balcony. The first floor balcony/terrace that was part of the original submission has now been removed.

5.11 The proposed two storey rear projection is due south of the objector's house and will project 7.3 metres beyond the rear building line of no 24. There is a gap of approximately 5.5 metres between the side elevations of the two buildings. It is

noted the rear projection has a relatively low eaves height of 5.1 metres, extending to 8.1 metres in height at the ridge, with a hipped design at the rear. The nearest room at no 24 at ground level is a study with full length doors and windows across the width of the room. This room also has a roof light. It is noted that there are no side facing windows to no 24 The Horseshoe. Given the above it is considered that while there may be some loss of light to the study at no 24, due to the distance between the buildings, the design of the rear projection and the full length and width openings to the study, this would not be to the extent that there would be an unreasonable loss of amenity.

5.12 The proposed development also has side facing windows facing no 24 and no 28 at first floor level and also at the mezzanine level on the staircase. A condition is recommended requiring these openings to be obscure glazed.

5.13 Due to the proximity of the site to a busy railway line, a condition will be included requiring details of noise insulation measures be submitted.

HIGHWAYS AND PARKING

5.14 The proposed replacement dwelling is located on a lightly trafficked residential street. There is an existing crossover to a garage. These will be replaced and parking is to be provided to the front and a new crossover constructed. It is noted that a telegraph pole would need to be replaced on the highway verge to allow for a new crossover. Subject to conditions regarding the crossover and cycle parking, the proposal is considered to be acceptable. An informative will be included advising the developer to contact the utilities company will also be included.

DRAINAGE AND FLOOD RISK

5.15 While part of the site lies within flood zone 3, due to the beck to the west of the site, the proposed house will be in flood zone 1. This is appropriate development for this location.

5.16 The applicant proposed surface water drainage to the culverted watercourse (Holgate Beck) to the west of the site. However as per the sustainable drainage hierarchy, it is necessary to rule out the use of a soakaway before this option can be considered. Therefore a condition requiring surface and foul water drainage details is recommended.

SUSTAINABILITY

5.17 Policy CC1 of the 2018 Draft Plan states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.

5.18 Policy CC2 of the 2018 Draft Plan states that proposals for new residential buildings will be supported where they achieve the following at least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate and a water consumption rate of 110 litres per person per day.

5.19 The Design and Access statement states the building will be constructed to a much higher insulation standard than required by current building regulations. The structure will be made of 169 thick SIPS eco panels producing a u-value of 0.20W/m²K. All significant thermal bridges will be designed out. The windows will be high performance triple glazed with glazing optimised to the south and west elevation and reduced to a minimum on the north façade.

5.20 The statement also states that PV panels will be installed on the south facing roof slopes, although these are not evident on the plans. While an energy statement has not been provided with regard to the application, the measures set out by the applicant are noted, in particular the proposed PV panels. Details of the panels will be required by condition.

6.0 CONCLUSION

6.1 The proposed replacement dwelling, although materially larger than the existing bungalow will not be out of place in this location due to the existing residential character of large suburban dwellings and is considered to be in compliance with paragraph 127 of the NPPF and Policy D1 of the 2018 Draft Plan. The design is in keeping with the arts and craft character of the Horseshoe. The revised proposal excluding the balcony is considered to be acceptable on the grounds of residential amenity due to its design and location. Conditions are also considered necessary for highways, drainage and land contamination reasons.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

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01 received 3 June 2019
02B received 16 September 2019
03B received 16 September 2019
05A received 27 August 2019
06A received 27 August 2019

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

3 DRAIN1 Drainage details to be agreed

4 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 above ground 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.

5 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of above ground building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

6 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local

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Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

7 Details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and 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.

8 Details of the proposed photovoltaic panels shall be submitted to an approved in writing by the local planning authority prior to their installation. The details shall include the following information:

- Number of panels
- Design of the panels, including the colour, size and level of projection from the roof slope
- Proposed location on the building

The panels shall be installed in accordance with the approved details.

Reason: In the interests of energy efficiency and visual amenity.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the windows in the side elevations at first floor level and above of the dwelling (with the exception of the side window to the room referred to as Bed 1) shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

10 The development shall not occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the footpath and verge to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

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11 HWAY19 Car and cycle parking laid out

12 Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the above ground construction of the building and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

13 EPU1 Electricity socket for vehicles

8.0 INFORMATIVES: Notes to Applicant

1. INFORMATIVE:

You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

<https://www.openreach.com/network-services/altering-our-network>

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)

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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 (paragraph 38) 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:

Revised Plans to show landscaping to front and obscure glazing to side windows

4. INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

5. 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 manufacturers 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

6. SURFACE WATER DRAINAGE

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Contact details:

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