



D1 Placemaking

CC1 Renewable and Low Carbon Energy

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

### 2.3 Development Control Local Plan 2005

GP1 Design

GP4a Sustainability

## **3.0 CONSULTATIONS**

### EXTERNAL

#### Nether Poppleton Parish Council:

3.1 The application was subject to objections made by the Parish Council in respect of the original scheme. The Parish Council have been notified on the revised plans and have raised no objections.

#### Ainsty Internal Drainage Board (IDB):

3.2 The Board requires further details of a satisfactory drainage scheme and obtain any necessary consent from the Board before any commencement of development. The Board have requested conditions for drainage works to be submitted and agreed before development is brought in to use.

### INTERNAL

#### Highway Network Management

3.3 Officers have no objections, subject to detailed conditions.

#### Public Protection

3.4 Officers recommend that the planning conditions are attached to any planning approval in the event of contamination being discovered.

#### Flood Risk Management

3.5 No objection subject to condition requiring the submission of a drainage scheme.

## **4.0 REPRESENTATIONS**

### Neighbour Notification and Publicity

4.1. A total number of 23 objection letters were received on the original scheme. The neighbours have been notified on the revised drawings and a total number of 13 objections have been received which are outlined below:

### Design, Visual Appearance/ Street scene

- The revised design is only a cosmetic change to the frontage
- The increase to the ridge height will make the building top heavy, more conspicuous when viewed from the pavement.
- Non-compliance with Village Design Statement.
- Visually incompatible, incongruous, and out of keeping with the remaining houses in the Avenue.
- Vastly different to the houses on Hillcrest Avenue.
- The site is far too small for such a radical design.
- Solar panels will dominate the roof slope.
- Removal of overgrown trees in the rear garden will make the house plainly visible to many passing people using the public foot path located at the rear of the site.
- Removal of a good quality home from housing stock rather than building on another site.
- Demolition of the bungalow could impact on pollution, waste and materials which will be destined for landfill. Contradicts the aims of meeting higher environmental energy efficiency standards.
- Application was widely objected to by residents on Hillcrest Avenue in sight line of the development for whom did not receive notification letters.
- Diminish the value of houses and bungalows on Hillcrest Avenue.
- The application will set a precedence for demolition and similar re-development of other properties.

### Amenity

- Loss of privacy for residents located at the rear of the site, following the removal of trees from the garden.
- Out of keeping for the neighbours at numbers 17 and 21 Hillcrest Avenue.
- Increased ridge height will lose light for the neighbours at numbers 17 and 21 Hillcrest Avenue.

- Increased overlooking for neighbours.
- Impact on neighbours caused by construction noise, vibrations, dust, and grime during the demolition and construction of the development.
- Impact to access caused by building lorries and vans during the construction.
- Personal reasons to keep access clear for resident who requires 24 hour/ 365 days per year access on to the road for medical reasons.

## **5.0 APPRAISAL**

### 5.1 Key Issues

- Principle of development
- Design and Visual Appearance
- Character, and Appearance of the Street scene
- Neighbour Amenity
- Highway safety
- Flood Risk and Drainage

### The Upper/Nether Poppleton Development Plan 2017

5.2 The Development Plan is the Upper Poppleton and Nether Poppleton Neighbourhood Plan which came into force with effect from 19 July 2017. Section 38(6) of the Planning and Compensation Act 2004 and the NPPF at paragraph 47 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. Policy PNP 4 (Village Design Statement) states that proposals for development within the villages of Upper Poppleton and Nether 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. Policy PNP 6a (Housing) sets out parameters for replacement and new dwellings. Policy PNP11 ( Climate Change and Renewable Energy) supports development for energy conservation and use renewable energy technology.

### National Planning Policy Framework July 2021

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). The revised National Planning Policy Framework was published July 2021 (NPPF) and its planning policies are a material consideration in the determination of planning applications. The advice provided in Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means

approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

### Publication Draft Local Plan 2018

5.4 The DLP was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 took place in September 2022. 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);
- 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. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

### Development Control Local Plan 2005

5.5 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However, such policies can be afforded very limited weight. The site is included in the main built-up area of the city on the Proposals Map that accompanies the plan.

## **Appraisal**

### Principle of Development

5.6 PNP 11 of the Neighbourhood Plan states that new developments that exceed the building regulations regarding energy conservation and use renewable energy

technology will be particularly supported. Developers may also wish to consider harvesting rainwater and storm runoff, recycling grey water, and porous surface provision wherever appropriate solar photovoltaics for energy capture and high standard of floors walls and roof to reduce energy. Paragraph 158 of the NPPF states that the planning system should support the transition to a low carbon future and, among other things, support renewable and low carbon energy. Policy CC2 of the emerging Draft Local Plan states that developments which demonstrate high standards of sustainable design and construction will be encouraged.

5.7 The principle of the proposed replacement bungalow is to build a sustainable zero carbon dwelling. This will be achieved through the construction of an internal thermal proprietary system on a rafter foundation with external low carbon insulating materials, inclusive of Photovoltaics Panels to generate solar power and reduce fossil fuel consumption. The design specification of the development is to provide a high level of energy efficiency and insulation which aims to cut down the cost of fuel bills by preventing energy waste and reduces carbon dioxide emissions causing pollution and climate change. As such subject to detailed material planning considerations the application would contribute to National Governments incentives for reducing carbon emissions.

#### Design and Visual Appearance

5.8 PNP 6a of the Neighbourhood Plan states that within the settlement limit of the two villages 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. Policy PNP 4 (Village Design Statement) states that proposals for development within the villages of Upper Poppleton and Nether Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance. The design statement has clear guidelines on development of buildings within Poppleton. It states that the size, scale, and massing of buildings should harmonise with neighbouring properties and spaces. Also, that matching materials should be used wherever possible to blend in with existing buildings. All new developments within the settlement limits of the villages should respect the Design Guidelines.

5.9 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. Paragraph 130 states that planning decisions

should ensure that development will add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users. This advice is reflected in 2018 Draft Local Plan policy D1 (Place making) and DCLP policy GP1 (Design).

5.10 The application as originally submitted included a design with a wide gable roof constructed in a metal sheeting with complete render to all four elevations. It was considered that design, massing, and types of materials would be unsympathetic to the prevailing street scene and adjacent neighbours.

5.11 The revised plans propose a different design of a hipped roof dwelling constructed in concrete roof tiles, reclaimed either from the existing dwelling or elsewhere. It will have a ridge height set at approximately 640mm taller than the existing bungalow at approximately 6.4 metres parallel with the highway and lowered on the rear elevation. The external walls will be constructed with re-claimed bricks to the principal front elevation and K Rend silicone thermal white render to the side and rear walls, with of powder coated aluminium fenestration and rainwater goods. The proposed footprint will increase original floor area from 123.5 square metres to 125.5 square metres to re-line the rear elevation. The external frontage, low front boundary wall and driveway will be retained as the original layout, and replacement fencing will be erected to the side neighbouring boundaries. The rear garden will be subject to some removal of trees and overgrown vegetation on the rear garden boundary. The trees are not subject to any Tree Preservation Orders.

#### Character and Appearance of the Street scene

5.12 In terms of character and appearance, the pattern of development on Hillcrest Avenue is made up of a combination of proportionally spaced pitch roof bungalows of similar appearance and large detached double fronted houses. Although the house types vary to some degree, they have generally all been constructed in matching light red/yellow bricks with brown/ red tiled roofs which creates a cohesive pattern to the street scene.

5.13 In this context, by virtue of the use of re-claimed materials to the front elevation and minor increase the ridge height, the dwelling would not appear out of character with the appearance of the dwellings in the street scene. Further, the footprint of the dwelling will remain compatible to the laid out spacing between dwellings and garden plots. As such, the form and density of the dwelling would not erode the spacious quality of the street scene or detract from the established pattern and grain of development in this area.

5.14 The use of external render would be a change to the prevailing visual character of the street. However, the render is proposed for external walls confined to the garden elevations set behind the enclosure of the side and rear boundary treatment. The appearance of render would not be overly assertive from public views around the property or from the public footpath which runs along the rear of the site.

#### Impact on Neighbour Amenity

5.15 Policy PNP4 and PNP6a of the Neighbourhood Plan set out guidelines to safeguard the amenities of existing residential properties. The NPPF states in Paragraph 130(f) states that developments should create places with a high standard of amenity for all existing and future users. The policy advises that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life because of new development. This advice is reflected in 2018 Draft Local Plan policy D1 (Place making) and DCLP policy GP1 (Design).

5.16 The application property lies immediately to the rear of no. 17 and the side of 21 Hillcrest Avenue. The internal and external areas of these dwellings have been inspected during the site visit.

5.17 The dwelling at No.17 Hillcrest Avenue is a corner plot and has its main garden to the south side and is well placed to receive good amounts of sunlight. This garden is screened by a 1.8m fence and vegetation which retains privacy and restricts any issues concerning overlooking and garden enjoyment. The rear of no.17 has a narrow section of paved garden. This rear facing wall incorporates a double aspect window serving the kitchen/ breakfast room. It provides views facing towards the application property, which is set back by approximately 840 mm from the boundary. This window does afford oblique skyline views which will be generally retained following the construction of the new dwelling. Moreover, the windows contained to the front and side elevations to no.17, will not be overshadowed. A single bedroom window is proposed in the side elevation facing no.17.

5.18 The bungalow on the opposite (north-eastern) side elevation at no.21 Hillcrest has a north facing rear garden. The new dwelling would be set back by 920mm from the joint boundary which is denoted by a 1.8m fence. From the perspective of the rear garden the increase to the footprint will be the nearest visual element. However, this is a modest increase in depth which would not project beyond the rear elevation of this neighbouring property. Moreover, by virtue of its hipped roof and low eaves height the new dwelling would not appear overbearing when viewed from the garden. No.21 has a wide outlook to the front which would not be significantly affected by the new dwelling. Further, no principal windows would be affected



because of the development and there are no proposed windows shown on the elevation side facing this property.

### Access and Parking

5.19 The NPPF focuses development in sustainable and accessible locations allowing opportunities to promote sustainable transport modes. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that development proposals should give priority to pedestrian and cycle movements, meet the needs of people with disabilities and enable charging of plug-in and ultra-low emission vehicles. The above is reflected in emerging Local Plan Policy T1: Sustainable Access, which supports development that minimises the need to travel and maximises the use of more sustainable modes of transport.

5.20 The revised plans illustrate there will be no major alterations to the vehicle entry and car and cycle parking. There would still be sufficient external amenity space on the plot, following development and the proposal is acceptable in terms of off-road parking, cycle storage, or refuse storage. However, it is considered relevant to impose a condition to require the provisions for car and cycle parking to be laid out, and for provision made for electric vehicle charging points.

### Flood Risk and Drainage

5.21 Chapter 15, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Draft local plan policies, GP15a of the 2005 draft plan and ENV4/5 of the 2018 draft plan reflect the aims of the NPPF. The site is in low-risk flood zone 1 and should not suffer from river flooding.

5.22 The Ainsty Internal Drainage Board have established that the nearest watercourse to the site is subject to high flows during storm event. The Board have recommended a condition for drainage works to be submitted and agreed before development is brought in to use to be submitted for approval.

## **6.0 CONCLUSION**

6.1 The application site lies within the village of Nether Poppleton in a sustainable and accessible location and in a predominantly residential area. The proposed new

dwelling will be an embodied low carbon “Passive – Standard” bungalow with integral garage which would contribute to National Governments incentives for reducing carbon emissions. In the planning balance, it is considered that by virtue of the design changes made to the proposal and the introduction of re-claimed materials to highly visible elevations would be likely to appropriately integrate into the prevailing character and appearance of the street scene. Moreover, the revised plans appear more compatible in its relationship to neighbouring properties in so far that it would not appear overly intrusive and acceptable levels of light and privacy will be retained. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with policies PNP4, PNP6a and PNP11 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, The National Planning Policy Framework (NPPF), the Emerging Draft Local Plan 2018, and the Development Control Local Plan 2005.

## **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:-

Proposed Ground Floor Plan (drawing number 05 revision D)  
Proposed Elevations & Sections (drawing number 06 revision D)  
Proposed Site Plan (drawing number 07 revision B)

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

3 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.

Reason: So as to achieve a visually cohesive appearance.

4 None of the boundary walls enclosing the site shall be lowered or breached without the prior written permission of the Local Planning Authority. Any part of the front wall removed during the construction process shall be rebuilt to its former height and design within 3 months of the first occupation of the dwelling.

Reason: In the interests of the visual amenities of the area.

5 The building 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.

6 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order), development of the types described in Classes A, B, and C 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)(England) Order 2015.

8 The development shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the garage space (if provided) or parking area for each dwelling. Prior to the construction of any dwelling above foundation level the applicant shall submit a drawing for the written approval of the local planning authority which identifies the proposed location for a future Electric Vehicle Recharge Point within the curtilage of each new dwelling and shall ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason

To ensure future electric vehicle charge points can be easily added to the property in accordance with the National Planning Policy Framework and the City of York Council Low Emission Strategy to encourage the uptake of electric vehicles in the interests of carbon reduction.

9 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.

10 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

## **8.0 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 (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: Sought revised drawings to address concerns regarding design.

### **2. CONTROL OF POLLUTION ACT 1974**

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) 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".

(b) 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.

(c) 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.

(d) 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.

(e) There shall be no bonfires on the site

### 3. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

### 4 ELECTRIC VEHICLE CHARGING POINTS

Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall / garage wall and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

The Government's Electric Vehicle Homecharge Scheme' offers a grant to reduce the cost of installing a home electric vehicle charge point. For more information see the Office for Zero Emission Vehicles' (OZEV) website at:

<https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>. All electrical circuits/installations should comply with the electrical requirements in force at the time of installation.

The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired.

Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting

provided and details of distribution board location and capacity.

## 5 SURFACE WATER DRAINAGE

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal. The applicant is advised that the prior consent of Yorkshire Water is required as well as planning permission to make a connection of foul and surface water to the public sewer network.

### **Contact details:**

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