

COMMITTEE REPORT

Date: 5 December 2012 **Ward:** Holgate
Team: Major and **Parish:** Holgate Planning Panel
Commercial Team

Reference: 12/03192/FUL
Application at: 11 Poplar Street York YO26 4SF
For: Erection of two storey detached dwelling to side
By: Mr Jim Hargreaves
Application Type: Full Application
Target Date: 31 December 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Demolition of a domestic garage and erection of a detached, 2-storey, 2-bedroom house. It would measure approximately 7.9m x 4.5m x 5m to the eaves and 7.5m to the ridge. Brickwork and roof tiles would match the existing house on the site. There would be no vehicular access or off-street parking.

1.2 The application has been called in by Cllr Alexander due to a local resident's concerns about impact on the street scene, loss of off-street parking and privacy.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Schools GMS Constraints: Poppleton Road Primary 0215

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGP1Design

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill devt

CGP15A Development and Flood Risk

CYL1C Provision of New Open Space in Development

CYH4A Housing Windfalls

CYT4 Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objection to the additional dwelling or the loss of the existing off-street parking space.

Environmental Protection Unit

3.2 No objections. Add demolition and construction informative.

Lifelong Learning and Leisure

3.3 A commuted sum is required for provision off-site of open space in accordance with policy L1C of the local plan.

Flood Risk Management

3.4 No objections. The scheme reduces existing surface water run-off.

EXTERNAL

Holgate Planning Panel

3.5 No objections.

Public Consultation

3.6 The consultation period expires on 4 December 2012. No written objections have been received. If any further objections are received members will be updated at the meeting.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of use for housing
- Design and visual appearance
- Neighbour amenity
- Parking and highway issues
- Public open space
- Drainage

THE APPLICATION SITE

4.2 Part of the domestic curtilage of a 2-storey house at No.11 Poplar Street. The site is occupied by No.11's pre-fabricated garage. The site is opposite Poppleton Memorial Hall in a predominantly residential area.

PLANNING POLICY CONTEXT

4.3 National Planning Policy Framework (Housing) - Local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To boost the supply of housing local planning authorities should: use their evidence base to ensure that their local plan meets the needs for market and affordable housing in their area; identify a supply of deliverable housing sites; set out a housing implementation strategy for the full range of housing; plan for a mix of housing based on demographic trends; identify the types of housing that are required in particular locations; set policies for meeting identified need for affordable housing on site unless a financial contribution to off-site provision can be justified; bring empty houses and buildings back into residential use; normally approve change to residential use of B-class commercial buildings where there is an identified need for additional housing; consider opportunities for large scale housing development; consider resisting development of residential gardens; plan for rural housing development to reflect local needs particularly for affordable housing; locate housing where it will enhance or maintain rural communities; avoid isolated new homes in the countryside unless there are special circumstances (paragraphs 50-55).

4.4 National Planning Policy Framework (Design) - 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 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness (paragraph 60). High quality and inclusive design goes beyond aesthetic considerations therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community (paragraph 66).

4.5 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations

although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan polices are still applicable:

4.6 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.7 GP4a - All proposals should have regard to the principles of sustainable development.

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

4.9 H4a - Permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.10 GP15a - Discharges from new development 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 rainfall run-off.

4.11 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

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

PRINCIPLE OF USE FOR HOUSING

4.13 The site is in a sustainable location close to shops and public transport. The principle of development for housing is acceptable in accordance with policy H4a.

DESIGN AND VISUAL APPEARANCE

4.14 The area is characterised by 2-storey houses, either semi-detached or in terraces. Roofs are generally pitched. Whilst the proposed house is detached its size and design would not look out of place in the area. The neighbouring houses are generally orientated parallel to the public highway. However, the limited width of the site means that the proposed house could only be accommodated by being orientated perpendicular to the highway. Whilst this orientation would appear somewhat incongruous this is insufficient reason to justify refusal, particularly as the roof elevation facing the road is hipped to make it more in keeping with the appearance of the adjacent houses.

NEIGHBOUR AMENITY

4.15 The house would not be easily visible from the adjacent house to the south, No.9. The new house would be visible from the end of No.9's rear garden but any loss of amenity for the occupier would be minor. The house at No.13 would be more affected. No.13's kitchen/utility room would be close to the boundary with the proposed house. The room has only one window, albeit large for the size of the room, and faces the property's small rear yard. The new house would project approximately 2m from the face of this window and be approximately 1.5m to the side of it. Whilst the new house would result in some loss of direct sunlight the loss would be fairly minor and confined to the afternoon. The room already has a somewhat restricted outlook due to the 1.8m-high side boundary wall and the applicant's prefabricated garage. Bearing in mind that the room is not one of No.13's main habitable rooms officers consider that the loss of sunlight/daylight is acceptable. Nevertheless permitted development rights should be removed to protect the occupiers of the adjacent house.

PARKING AND HIGHWAY ISSUES

4.16 Secure cycle storage would be provided for the new house and for the existing house at No.11. The proposal would result in the loss of one off-street parking space. Furthermore the demand for parking would increase slightly due to the new house. Whilst the surrounding area can be congested at times due to the proximity of Poppleton Road Memorial Hall parking outside the site is not restricted. Highway officers have no objection to the additional house or the loss of the off-road parking space.

PUBLIC OPEN SPACE

4.17 A financial contribution of £1172 would be required towards provision of public open space, in accordance with policy L1c of the local plan. The applicant has agreed to make the contribution and to enshrine this commitment in a unilateral undertaking. The undertaking is being drafted. Members will be updated at the meeting.

DRAINAGE

4.18 The site is in flood zone 1 and should not suffer from river flooding. The applicant's intention is that surface water would be attenuated by soakaways. However, no testing has been done to demonstrate their suitability and no details have been submitted of an alternative solution. Where soakaways are unsuitable peak run-off should normally be attenuated to 70% of the existing rate. In this case the footprint of the proposed house is already covered by a concrete hard standing. Whilst the proposals do not reduce peak run-off by 30% as normally sought they achieve a reduction of 10%, which in this case is acceptable. Drainage details should be made a condition of approval.

5.0 CONCLUSION

5.1 The proposal accords with the National Planning Policy Framework and relevant policies of the local plan. A financial contribution of £1172 would be required for the provision of public open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawing numbered JK-AP-001A received 21 November 2012.

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

3 The height of the new dwelling shall not exceed 7.4m above the slab level of the existing house at No.11 poplar Street.

Reason: to ensure that the approved development does not have an adverse impact on the amenity of adjacent occupiers and the character of the surrounding area.

4 VISQ8 Samples of exterior materials to be app -

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjacent occupiers 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 1995.

6 DRAIN1 Drainage details to be agreed

7 The building shall not be occupied until the two cycle storage sheds shown on drawing JK-AP-001A have been provided. The sheds shall not be used for any purpose other than the parking of cycles and garden equipment.

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to housing provision, visual appearance, flood risk, neighbour amenity, sustainability, cycle storage and provision of open space. As such the proposal complies with the National Planning Framework and policies GP1, GP4a, GP10, GP15a, H4a, T4 and L1c of the City of York Local Plan.

2. CONTROL OF POLLUTION ACT

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.

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