

COMMITTEE REPORT

Date: 18 October 2012 **Ward:** Rural West York
Team: Major and **Parish:** Upper Poppleton Parish
Commercial Team Council

Reference: 12/00921/FUL
Application at: 10 Bankside Close Upper Poppleton York YO26 6LH
For: Erection of two storey detached dwelling and detached garage (Revised Scheme)
By: Mark Harris
Application Type: Full Application
Target Date: 4 May 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for a two storey 4 no. bed dwelling to the side/northwest of 10 Bankside Close, and detached double garage.

1.2 The proposed two storey dwelling would be 10.7 metres in width and the same height as the host dwelling. The proposed dwelling would be deeper (at ground floor level) than the host dwelling: 9.3 metres (8.2 metres at first floor level) along the northwest elevation, the depth of the southeast elevation would be 8.4 metres (and 7.3 metres at first floor level). The host dwelling is 7.3 metres in depth. To the front of the proposed dwelling would be block pavers. The proposed pitched roof garage would be 4.35 metres in height and 5.4 metres in width, and 6.5 metres in depth. The proposed front elevation would have a pedestrian door and single garage door; the rear elevation would have a double garage door, access to the garden to the rear of the garage would be through the building.

1.3 The proposal outlined above is the second revision to the scheme. The first revised scheme removed the two storey extension to 10 Bankside Close, leaving a gap of 4.8 metres between the host dwelling and the proposed dwelling. The second revised scheme removed the rear first storey protruding hipped gable resulting in the full width of the first storey is now in line with the rear building line of 10 Bankside Close. The ground floor rear building line still extends 1.1 metres further to the rear than 10 Bankside Close.

1.4 A previous refused application (11/02699/FUL – see planning history below) showed the detached garage with accommodation above with a dormer window. The proposed garage had a height of 4.9 metres (this has been reduced to 4.35 metres in the current application). The proposed dwelling had a width of 10.5 metres (this has increased to 10.7 metres in the current application). The previous

proposed dwelling had a single storey element that has been removed from the current application. The previous application also included a two storey extension to 10 Bankside Close.

1.5 The site is within the Poppleton settlement envelope, outside of the conservation area.

1.6 The site is within a spacious and established street built in the 1970s. The dwellings in Bankside Close are generally two-storey and detached, the application site is one of a line of three houses which are set within more generous plots with larger side gardens. There are a mixture of styles and scale of dwellings in the surrounding streets.

1.7 The application went before the West and City Centre Planning Sub Committee 12 July 2012 but was deferred so site visits by committee could be undertaken. As detailed above, revised plans and elevations have been received since the original Sub-committee date. Letters advising of the revisions have been sent to the neighbours and Upper Poppleton Parish Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill devt

CGP15A Development and Flood Risk

CYH4A Housing Windfalls

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 FLOOD RISK MANAGEMENT TEAM - Object

Insufficient information has been provided by the developer, however they considered that the additional information can be sought via a condition.

3.2 ENVIRONMENTAL PROTECTION UNIT - No objections

3.3 COMMUNITIES AND CULTURE - As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site within the Parish (b) play space - which would be used

to improve a local site such as within the Parish (c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

3.4 ECOLOGY OFFICER - No objections

- The most significant green corridor link within the residential area follows the rear gardens of Bankside Close, opening out on the road corner opposite the tennis courts. This has continuity and structure and is relatively unimpeded by obstructive boundary treatment, and from this there are numerous links between the houses into Bankside Close on the one hand and the open countryside on the other. The linkage where the garage is proposed is therefore one of several and would only impact on the link into Bankside Close. This has already been affected to some extent by obstructive boundary treatment and has been hard surfaced for parking etc. The link the other way through to Main Street would be unaffected.
- With regards to bats in particular where a forage corridor has a three dimension structure the consideration is slightly different. There are 2 old, small bat roost records in Bankside Close both of which are relatively close to the application area but neither would appear to be dependent on any link through the proposed garage area, there being other potential forage corridors in the vicinity. In addition, the presence of a single store garage is unlikely to be obstructive to its potential use as a forage/access corridor
- Whilst there would be some loss of green corridor functionality it is not considered to be significant in its own right to warrant refusal
- Potential for the inclusion of features suitable for bat roosting

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.5 UPPER POPPLETON PARISH COUNCIL - Objected to original scheme,

- Over development of a green space in a quiet residential area
- Grounds submitted on previous application still valid

3.6 UPPER POPPLETON PARISH COUNCIL - Have submitted 2 representations of objection to the first revised scheme:

- Proposed development is an over development of a green space in a quiet residential area
- Original objections still stand
- Restrictive covenant on the building preventing further dwellings to be built within the original plots
- Drainage would be inadequate, Yorkshire Water have adopted the a drain and the applicant is proposing to build over this sewer
- Agree with the neighbours objections to the scheme

3.7 UPPER POPPLETON PARISH COUNCIL - At the time of writing the report no comments had been received regarding the second revised scheme. Any comments received will be reported to Committee at the meeting

3.8 18 LETTERS OF OBJECTION to the original scheme

- Result in a loss of light and overshadowing
- Cause a loss of privacy
- Cause a loss of outlook
- Concerned that the garage has double garage doors in the front and rear elevation
- Result in overdevelopment of Bankside Close and a cramped appearance
- Existing problems with foul drainage, an additional dwelling will exacerbate the issues
- The minor alteration to not improve the situation for occupants of neighbouring dwellings
- Not in keeping with prevailing character of development which includes the gaps between dwellings in sizable plots
- Cause access problems by virtue of small turning area
- Construction would cause disturbance
- Represents an increase of development of 109%, significant increase on the existing density
- Represent a substantial change to the character and appearance of the area
- Contrary to Policies GP1, H7, H4a of the Local Plan
- Contrary to design Guideline 12 and 17 of the Poppleton Village Design Statement
- Loss of on street parking
- Incorrect boundary treatment shown
- Set a precedent for infilling
- Impact to the trees on site unknown
- Scale of the building will be overbearing and dominate outlook
- Users of the proposed garage will cause disturbance to neighbouring dwellings
- Massing not in keeping with surrounding
- Proposed refuse area would cause disturbance to neighbouring dwelling

3.9 21 LETTERS OF OBJECTION to the first revised scheme, included those set out in the committee update of 12 July 2012:

- Reduce light to properties on Riversvale Drive
- Cause a loss of privacy to properties on Riversvale Drive
- Loss of outlook from the properties on Riversvale Drive
- Revision does not address the original objections to the scheme
- Contest that a garage can be built under permitted development
- Dwellings around Bankside Green have double garage, removal of garage for host dwelling without replacement would be contrary to Policy GP1

- 6 off street parking spaces is excessive in the context of the street scene and out of character
- Request that the garage is restricted to garage use only
- Impact to the Green Belt
- Detrimental impact on the open aspect of this part of Bankside Close
- Scheme more out of character than previous
- Two-storey building which harms the open aspect of Bankside Close and increases the density of development
- Cause further parking congestion
- Concerned that the garage may become a dwelling further impacting on the open aspect of the street
- No benefit for the community or improvement in amenity
- Does not overcome the previous reason for refusal
- Overdevelopment of the plot, cramped, and not in keeping with the surrounding area and environment
- Scale will dominate neighbouring dwellings
- Does not have the amenity space that would be expected of a dwelling of this size, and as other properties in the surrounding area
- The site is currently a well maintained landscaped garden which enhances the area and is in keeping with the area
- The need is for starter and family homes not luxury houses
- The proposed design does not respect the relationship between buildings
- The massing of the dwelling does not complement adjacent dwellings
- The proposal ignores building relationships and does not appreciate the way space have been used in the area to maintain and enhance the character of the village.
- The daylight/sunlight assessment plays down the impact
- Not considered to be a sustainable development
- Too high and too close to the boundary
- Existing problems with foul drainage, an additional dwelling will exacerbate the issues
- Concerned regarding safety of children during construction
- The original application was refused on inadequate drainage, this still stands
- The proposed garage remain the same height as the proposed two storey, too tall for a structure within a garden
- Proximity of proposed garage to neighbouring dwellings has the potential to cause noise disturbance and loss of privacy
- Similar development was refused at 13 Bankside Close, 04/02272/FUL, decision sets a precedent.
- The front and west elevation of the proposed dwelling is larger than the refused, the two storey extension has been removed, the application should be refused on the same grounds
- The proposed dwelling has a larger front elevation than the other dwellings within Bankside Close

- Contrary to Policies GP1, GP9 and GP10 and Guideline 4, 11, 12, and 16 of the Poppleton Village Design Statement
- The outlook to the north of Bankside Close would alter
- The footprint of the new dwelling has reduced, however it remains larger than the host property, not a similar scale to the host dwelling
- The loss of the green space from the proposed dwelling and garage, the green space is a link between the Main Street green space and the Bankside green space, Bankside green is currently visited by owls and other wildlife, breaking this link will result in a loss of amenity to the area
- The depth of the proposed garage is excessive when viewed in the context of the surrounding properties; no other garage in the area has the same door arrangement
- The majority of off street parking in Bankside Close is to the front of garages and to the side of the dwelling, to accommodate the proposed excessive parking provision requires the parking to be located in front of the new dwelling
- There is an adopted sewer running to the front of 10 Bankside Close, the proposed garage and attenuation tank will be located in the same place as the sewer. Legal agreement is required from Yorkshire Water regarding the sewer and may result in the surface water and the garage not being capable of construction. As such inappropriate to allow the current proposal
- Restrictive covenant on the dwelling preventing any further buildings than the usual out offices and garages to be erected.
- Similar development was refused at 13 Bankside Close, 04/02272/FUL, decision sets a precedent.
- Application sets a precedent for further development
- The front and west elevation of the proposed dwelling is larger than the refused, the two storey extension has been removed, the application should be refused on the same grounds
- The proposed dwelling has a larger front elevation than the other dwellings within Bankside Close
- Contrary to Policies GP1, GP9 and GP10 and Guideline 4, 11, 12, and 16 of the Poppleton Village Design Statement
- Changes the nature of the gaps between the buildings in Bankside Close, loses the symmetry of the gaps
- The outlook to the north of Bankside Close would alter
- The footprint of the new dwelling has reduced, however it remains larger than the host property, not a similar scale to the host dwelling
- The loss of the green space from the proposed dwelling and garage, the green space is a link between the Main Street green space and the Bankside green space, Bankside green is currently visited by owls and other wildlife, breaking this link will result in a loss of amenity to the area
- The depth of the proposed garage is excessive when viewed in the context of the surrounding properties; no other garage in the area has the same door arrangement

- No other building in Bankside Close has the same level of off street parking (4 spaces) as proposed for the proposed dwelling
- The host dwelling currently has 4 off street parking spaces, the proposal will result in the dwelling having no garage provision, and every other dwelling in Bankside Close has a garage
- The majority of off street parking in Bankside Close is to the front of garages and to the side of the dwelling, to accommodate the proposed excessive parking provision requires the parking to be located in front of the new dwelling
- Will cause overlooking, loss of outlook, and a sense of enclosure to the dwellings on Riversvale Drive
- There is an adopted sewer running to the front of 10 Bankside Close, the proposed garage and attenuation tank will be located in the same place as the sewer. Legal agreement is required from Yorkshire Water regarding the sewer and may result in the surface water and the garage not being capable of construction. As such inappropriate to allow the current proposal
- Restrictive covenant on the dwelling preventing any further buildings than the usual out offices and garages to be erected.

3.10 Comments received after the committee meeting of 12 July 2012 to the re-consultation regarding the second revised scheme

- Sewer on the site, running under the proposed garage
- Design of the garage, and the position of the doors. Scale not in keeping with surrounding
- Garage a hindrance to the wildlife corridor, and contributes to the enclosure of the area
- Dwelling contrary to guidance in NPPF and Local Plan
- Permitted Development rights of host and proposed dwelling
- Plot ratio and density of development
- Incorrect plans
- Overlooking to 22 Riversvale, not the stated 21 metres separation distance
- Pre-app discussion with the previous owner was dissuaded from making a planning application. Concerned that a developer with "an established relationship with the Planning Department" is able to secure a recommendation of approval
- Request consistent decision making
- Concerned that despite the points put forward by objectors the application is being recommended for approval
- Will take concerns to Local Government Ombudsman
- Officers did not offer view on the representations (set out in the committee report) made by objectors
- Dispute that the host dwelling would accommodate 2 off street parking spaces
- Proposed dwelling is larger than the host dwelling

3.11 18 LETTERS OF OBJECTION to the second revised scheme

- The proposed dwelling is bigger by 34%, with regard to the frontage and side and rear elevations than previous proposal that was refused
- Previous application re no. 8 was refused partly on the grounds of overlooking properties in Riversvale Drive but the proposed dwelling would be acceptable
- The 4.8m gap is substantially smaller than the existing symmetry between 6, 8 & 10. Inconsistent with the maintenance of character in the area. Do not consider that it would facilitate easy passage of a car to the garage. A door is shown in the side elevation of No.10 which may involve steps narrowing the drive further.
- The house being of full width plus the area of paving reduces the area of green space on the property. Loss of green space was a ground for the original refusal and this has not substantially altered.
- The wildlife aspect and the corridor to Main Street should be considered. Owls nest in the trees in Bankside Close; the birds regularly use the gap between numbers 10 and 12. Would have a significant impact on the wildlife of the area
- The plans as submitted do not show the trees to the Main Street side of the property a 0.84m from the house wall and the windows in it. An application re 13 Bankside Close was refused, by virtue of the proximity of trees and the shade they produced "would result in a poor level of residential amenity for the occupants". The size of the plot concerned is similar to this one. The trees would result in a loss of light. Concerned for the health of the trees from any building work
- Would result in a loss of privacy and light to the dwellings on Riversvale Drive
- Would result in a loss of outlook to the dwellings to the rear of the proposed dwelling
- Would result in overshadowing to the dwellings on Riversvale Drive
- The first application was refused on inadequate drainage, there are no indications that the drains are to be improved in this application. Existing drainage issues, concerned drainage system cannot support another dwelling. Concerned that the garage would be built over the drain, unclear what approach is being taken to relieve the pressure on the drainage system. Attenuation was stated as being a requirement on the previous submission, yet the latest plans do not provide for any attenuation of surface water run-off
- The proposed double garage is out of character with other garages within Bankside Close. It has a pitched roof the (other garages have predominantly flat roofs); a door to the front of the garage (all other garages have side or rear doors); a rear vehicular access which covers the entire width of the garage; a minimal gap with the boundary fences, the large size of the garage. Potential conversion in the future. The design of the garage appears to be inconsistent with use of the property as a garage.
- Would prefer the garage to have a flat roof as more in keeping with the surrounding and would not impact on the amenity of the neighbouring dwellings. The roof ridge of the garage would have an east/ west orientation while all the other pitched roof garages have a north south orientation

- Concerned that access to the man-hole covers to the rear of the garage would be restricted
- The previous application was refused on the scale, cumulative impact, massing, bulk, awkward relationship to the host dwelling and the loss of green space between buildings and would appear cramped and overdeveloped. These points have not been addressed by the revised submission
- The previous owner of 10 Bankside Close was advised by the planning department that a similar development would be unlikely to be successful
- A covenant exists on the site to prevent further development
- Hard to reconcile the strength of feeling to the value that the proposed development would bring to the local community. Accept there is a shortage of affordable housing there is not a shortage of 4 bedroomed executive homes
- A petition has been signed by every resident of Bankside Close
- The proximity and height of the garage to No.12 would overshadow and overlook their property
- Over development of the site
- The development would not be of a density and scale in keeping with adjacent properties
- Widening the entrance to the property would reduce the available area of the communal parking/turning area
- Case of garden grabbing, where local people have been precluded from involvement following the withdrawal of the Core Strategy
- The host dwelling's garden would not be large enough to contain a garage. All the properties in the Close have a double garage plus additional room for extra cars. Should the application go ahead there would be insufficient space, and cars would be inevitably parked on the road. This is not compliant with the design to be compatible with other neighbouring buildings. will be the only house in the close without a double garage and is not consistent with the existing planned suburban character. If the host dwelling was to construct a garage under permitted development rights the height would be restricted to 2.5 metres within 2 metres of the boundary so would have to be a flat roof. This would be the only flat roof garage on the north side of the close
- No objection to the extension of the original dwelling
- The proposed 6 parking spaces to the front of the property will be highly disruptive, disproportionate, and inappropriate
- The resubmission is the same development but on a smaller site
- The footprint of the proposed dwelling is larger than the previously refused application. With PD rights the proposed dwelling could eventually be larger. The proposed dwelling would be larger than the host dwelling and therefore contrary to the notes for Policy H4 which states that proposals should not dominate surrounding buildings, and should not be 'crammed in' to open sites at the expense of local amenity and recreation
- As a garage can not be constructed for the host dwelling considered to be overdevelopment

- The density of development in relation to the adjacent properties is higher, particularly in relation to Riversvale Drive
- Make reference to an application for a dwelling to the rear of 13 Bankside Close (04/02272/FUL) that was refused and an application for a first floor side extension, two storey rear extension and alterations to existing ground floor rear additions to 8 Bankside Close (08/00328/FUL)
- The plot is narrower than all other properties in Bankside Close and therefore not characteristic of the area
- The properties to the north of Bankside Close have retained a large open space to Riversvale Drive, with large gaps being part of the character.
- The open nature of the suburban area has been established in previous decisions and to be consistent this application should be refused
- Does not accord with Policy H4a criterion a
- Plans do not accurately represent the distances to the 21 Riversvale Drive: from boundary to kitchen extension 9.51 metres, to conservatory 11.29 metres. To original rear building line 14.1 metres. Should take account of 21 Riversvale Drive as existing not as was originally constructed, therefore the distance would be 20.91 metres
- Paving of the area to the front should result in a loss of open space and an increase in surface water run-off
- The fence heights between 8 and 10 Bankside Close are 1.5, 1.4 and 1 metre high. If the height of the fence proposed is approved will result in a loss of privacy and a reduction in the open aspect to the front of 8 Bankside Close
- The proposed dwelling projects forward of the building line of the host dwelling
- Objectors have offered to meet with the Planning Department to review the proposed development, no meeting has taken place. Concerned that the requirements of the NPPF (paragraphs 57, 62, and 66) have not been fulfilled. The applicants has not sought to evolve a design that takes account of the views of the community
- Current government guidance is intended to discourage such development
- Proposed development would dominate, overlook and overshadow the front of 12 Bankside Close. The blank gable of the garage would be overbearing to the rear garden and conservatory of No.12. The designated refuse storage area is 3 metres from the windows of No. 12 potentially causing a nuisance. The host dwelling does not have a refuse storage area
- Result in an increase in traffic, with the safety implications for local children
- The site plans shows gates across the front, this is not shown in the elevations, would be a unique feature and out of character with the surroundings.

4.0 APPRAISAL

RELEVANT SITE HISTORY

11/02699/FUL - Two storey side extension to existing dwelling; erection of two storey detached dwelling and detached garage with room above - Refused for the following reason:

- The proposed dwelling and detached garage by virtue of its scale, cumulative impact, massing, bulk, awkward relationship to the host dwelling, and the loss of a green space and gap between buildings would appear cramped and overdeveloped. In addition the proposed development would result in a harmful sense of enclosure in the street, and would have an unduly prominent and over dominant appearance within the area and the street.

KEY ISSUES

1. Visual impact the area
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 National policy contained in the National Planning Policy Framework (NPPF) states a presumption in favour of sustainable development. Housing applications should be considered in the context of sustainable development. The NPPF sets out three dimensions/roles to sustainable development: economic, social, and environmental - development should fulfil all three roles. Planning should operate to encourage and not act as an impediment to sustainable growth. Section 6 of the NPPF encourages the delivery of a wide choice of high quality homes.

4.2 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Development should add to the quality of the area, establishing a sense of place as well responding to local character and reflect the surroundings and materials, whilst not preventing or discouraging appropriate innovation, and create developments that are visually attractive as a result of good architecture and appropriate landscaping. The NPPF acknowledges that securing high quality design and inclusive design goes beyond aesthetic considerations and that decisions should address the connections between people and places and integration of new development into the built environment. The NPPF states that 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.

4.3 The 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.

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

4.5 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.6 The supplementary planning guidance - Poppleton Village Design Statements gives a series of guidelines for development within Poppleton. The guidelines pertinent to this application are as follows: (11) The existing character and traditions must be appreciated when contemplating new development, whatever its size and purpose, imaginative and original design is encouraged but the setting should be considered. (12) To conserve the special character of the traditional communities, the size, scale and massing of the new buildings should harmonise with neighbouring properties and spaces. (13) New development should be mixed, with a variety of design type, size, scale and materials to uphold the present juxtaposition of differing periods of development within the village. (14) Contemporary design should complement and be in sympathy with existing building character. (17) Space should be maintained around the dwellings to avoid the loss of soft landscaping.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT ON THE SITE

4.7 The key aim of local and national policy is to locate new housing in sustainable urban locations, with the emphasis on previously developed land. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 states that permission will only be granted for subdivision of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment.

4.8 The gaps between the dwellings and their landscaping contribute to the appearance of this part of Bankside Close and the proposed development would result in the reduction of the gap to the north-west side of 10 Bankside Close. The development would result in an element of enclosure in this corner of the street, however it is not considered to result in harm to the appearance of the area, nor be unduly prominent. The proposed dwelling would be of a similar scale to the host dwelling and the design is considered to be in keeping with the buildings on Bankside Close. The proposed dwelling would be separated from the host dwelling by 4.8 metres. Nos 6, 8, and 10 Bankside Close are set in relatively generous plots however the rest of Bankside Close is more densely developed, the proposed development would reflect this pattern of development.

4.9 The proposed garage would fill most of the width of the part of the garden it is set within, the visual impact is mitigated by it being set into the plot and set back from the forward building line. In addition the gap between the proposed garage and dwelling mitigates some of the built appearance. Whilst the door arrangement of the garage is unusual it is not considered to result in visual harm. Any change of use from that ancillary to the dwelling e.g. conversion to a dwelling would require planning permission.

4.10 There would be a relatively small increase in the hardstanding area to the front of the building. Whilst the hardstanding would increase the built appearance of the development it is not considered to cause sufficient harm to warrant refusal. In using the proposed materials the increase in the paved area could currently take place as permitted development. In addition the increase in the number of parking spaces is not considered to be a reason for refusal.

IMPACT TO THE RESIDENTIAL AMENITY OF THE OCCUPANTS OF THE NEIGHBOURING DWELLINGS

4.11 The proposed dwelling would be approximately 22.6 metres (23.7metres at first floor level) from the rear elevation of 21 Riversvale Drive and 19.8m from its conservatory which is a later addition. The proposed dwelling would affect the outlook from the rear of no 21 Riversvale and to a lesser extent the bungalows to either side, however the removal of the proposed side extension to no.10 and the consequent 4.8m gap between the dwellings reduces the massing and relatively unbroken facade of the previous refused application. Overall the dwelling is not considered to have a harmful impact on neighbouring amenity.

4.12 The proposed garage would be constructed to the north of 12 Bankside Close, the proposed garage would project further back from the rear elevation of 12 Bankside Close. Being to the north the proposed garage is not considered to result in a harmful loss of light to 12 Bankside Close. It would result in a small element of enclosure however it is not considered to result in harm to the residential amenity of the occupants of the dwelling. By virtue of its relationship to the neighbouring dwelling it is not considered to dominate their outlook or be overbearing.

OPEN SPACE PROVISION

4.13 Policy L1c 'Provision of New Open Space in Development' of the City of York Council Development Control Local Plan (2005) requires a commuted payment towards off site provision to meet the needs of future residents and the local community. The applicant has confirmed that they will provide the payment, this can be sought via a condition.

SURFACE WATER DRAINAGE

4.14 The previous application had proposed a soakaway but did not submit sufficient details to demonstrate that it could work in this location. Revised details of surface water drainage have been received proposing an attenuation tank to mitigate against the increased surface water run-off from the proposed new development. This is acceptable in principle and further details can be secured through an appropriate planning condition.

ECOLOGY

4.15 Concerns have been expressed by neighbours regarding the siting of the proposed garage and the impact on the wildlife. The impact to wildlife as a result of the garage is considered to be limited. The Ecology Officer has stated that whilst there would be some loss of green corridor functionality it is not considered to be significant.

5.0 CONCLUSION

5.1 The proposed development of a detached two storey dwelling and detached garage for the above reasons is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings nor cause harm to the appearance of the streetscene or the character of this suburban area. The proposal is considered to comply with local and national policy, and approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number H110/01 Revision A received 14 September 2012

Drawing Number H110/03 Revision A received 14 September 2012

Drawing Number H110/04 Revision D received 14 September 2012

Drawing Number H110/05

Drawing Number H110/06 received 8 June 2012;

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

2 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2,836.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

3 TIME2 Development start within three years -

4 The materials to be used externally shall match those of the 10 Bankside Close in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

5 HWAY10 Vehicular areas surfaced, details reqd -

6 A 4.8m separation shall be maintained between the side elevation of 10 Bankside Close and the proposed new dwelling and 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), no extensions, garages or other garden buildings shall be erected or constructed to the northwest side of the existing dwelling at 10 Bankside Close.

Reason: In the interests of the visual amenities of the street scene 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.

7 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, B, E, and F of Schedule 2 Part 1 of that Order shall not be erected or constructed to the new dwelling subject of this planning permission.

Reason: In the interests of the amenities of the adjoining residents, the appearance of the street scene and the pattern of surface water drainage 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.

8 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.

Details to include:

(a) Location of, calculations and invert levels to ordnance datum of the existing foul and surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development. This will enable the impact of the proposals on the existing drainage and the downstream watercourse to be assessed.

(b) 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.

(c) Existing and proposed surfacing should be shown on plans.

(d) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(e) Peak surface water run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.1 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

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 the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP10, GP15a, H4a, and L1c of the City of York Council Development Control Local Plan (2005); supplementary planning guidance in the Poppleton Village Design Statement (2003); and national planning guidance contained in the National Planning Policy Framework (2012).

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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. INFORMATIVE:

Application Reference Number: 12/00921/FUL

Item No: 5a

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

4. INFORMATIVE:

You are advised that this proposal may have an affect 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.

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347