

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

3.0 CONSULTATIONS

INTERNAL

Highways Network Management - Hornby Court is not a publicly adopted highway as the section 38 agreement has yet to be signed. According to the section 38 agreement the land fronting Hornby Court is shown as a possible children's play area. A street light on the frontage of the site would need to be relocated. A previous application for the erection of a double garage on the site was not objected to on highway grounds. No objections subject to conditions.

Environmental Protection - no objections, an informative is requested to remind the developer of their obligations with regard to environmental safeguards.

Lifelong Learning and Leisure - as there are no on site amenity facilities a commuted sum is required.

Structures and Drainage - No objections in principle subject to additional information added to drawings showing schematic drainage proposals

EXTERNAL

Heworth Planning Panel - supports the application

One letter of objection has been received covering the following points :-

- The proposal will overshadow view from the living room and kitchen window of 58 Tang Hall Lane
- The proposal will be like looking out at a 20 ft. wall
- The building will not enhance future sale of the property

PUBLICITY

The application has been advertised by means of neighbour consultation letters.

4.0 APPRAISAL

4.1 Key Issues

- Principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage

Policy Background

4.2 This planning application is for the erection of a single detached dwelling.

4.3 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of

affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.4 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development. In terms of design PPS3 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However when well designed and built in the right location it can enhance the character and quality of an area. Paragraphs 12 to 19 sets out further criteria for achieving high quality design.

4.5 Policy SP6 of the Draft Local Plan, 'locational strategy', requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

4.6 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity . Within the urban area, new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

4.7 Other Local plan policies relevant to the consideration of the detail of this application are:-

- Policy GP1 'Design' 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.

- 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. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting

the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

- Policy 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 residential development on the site

4.8 The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. Policy H4a relates to housing developments within existing settlements and says 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. GP10 says that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of new residential development on the site conforms with local and national policies.

Design and Landscape

4.9 56 Tang Hall Lane is a semi-detached house which has a fairly substantial garden extending back from the house by between 21 and 26 metres. The garden has been divided by a fence into two areas. The area closest to the house is hard surfaced and seems to be utilised by the property, which is split into two flats. The area further away from the house appears little used and is overgrown. The proposal is to construct a detached house within the unused garden area. The property will have an eaves height for the main bulk of the building of 3.8 metres and a height to an apex, hipped

roof of 6.8 metres. The building will take up the full width of the garden area and will be orientated and accessed from Hornby Court. Car parking and additional garden space is provided to the front of the house on an area of land originally forming part of the land for the development of Hornby Court. Planning permission has been granted for a garage on the same area as the application now proposed with access from Hornby Court. In comparison the approved garage would have an eaves height of 2.5 metres and a maximum height of 4.6 metres. The garage proposal provides a one metre separation between the side boundary with 58 Tang Hall Lane and the side of the garage. The area around the application site is a mix of two and three storey properties, mainly terraced or semi detached. The relationship between the rear of properties on Tang Hall Lane and those on Hornby Court is a function of the previous use of the Hornby Court site as a public house and in officers view means that there is no particular defining character that would preclude the addition of a detached dwelling fronting Hornby Court, particularly when considering that a garage has been approved in a similar location, albeit with a reduced bulk.

4.10 In terms of landscape the main visible area of the site is the land which currently forms the grassed area at the cul de sac head of Hornby Court. Whilst part of this area will be hard surfaced to introduce the new access, the remaining area will be landscaped and could add to the landscaped quality of the area if appropriately conditioned and a restrictions placed on the erection of new structures.

Highways, Access and Parking

4.11 Highways Network Management points out that Hornby Court is not yet an adopted highway and that the land forming part of the original scheme for Hornby Court was shown as a possible play area. It is also pointed out that a street lamp will have to be moved to accommodate the access arrangements. However Highways Network Management are not objecting to the principle of the development subject to the imposition of appropriate planning conditions ensuring the development is properly implemented and, the street lamp is relocated.

Impact on Surrounding Properties

4.12 The house has been designed so that the first floor of the building will be lit by a dormer window and velux roof light facing Hornby Court, and a velux to light the stair well on the south east side of the property. All the ground floor windows are in the front and rear elevations. The house will be sited so that the rear elevation is set 13 metres from the rear elevation of 56 Tang Hall Lane. With the particular height and design proposed it is considered that the building will not have an unreasonable impact on the amenities of 56 Tang Hall Lane. The garden of 58 Tang Hall Lane is located to the south east, and the existing garden has a shared side boundary with the application site. The proposal will result in the side elevation of the dwelling, which is 10.5 metres in length, being positioned along the shared boundary at the lower end of the garden. Approximately 6 metres of this length will form the bulk of the house, measuring 3.8 metres to the eaves and hipping away to 6.8 metres at the apex. The remainder of the dwelling would be single storey with a height to eaves of approximately 2.5 metres. For comparison, the previously approved garage, which had a gable end facing 58 Tang Hall Lane, extended 6.6 metres along the shared boundary with height to eaves of 2.5

metres and height to apex of 4.6 metres. The approved drawings show that garage would be located 1 metre away from the shared boundary.

4.13 The key difference between the submitted scheme and the previously approved garage is the additional height of the proposed structure and its greater proximity to the boundary. However, given that the garden of 58 Tang Hall Lane is located to the south east of the application site, officers do not consider that the dwelling would dominate or overshadow the property to the extent that the refusal of planning permission could be justified. In terms of the impact on 54 Tang Hall Lane the proposed dwelling would extend 6 metres along the shared boundary with an eaves height of 3.8 metres hiping away to 6.8 metres at the apex. Due to the orientation of the respective plots, there will be some shadowing of the garden of 54 Tang Hall Lane. However the main bulk of the structure and its position when compared with the approved garage are not considered to be so significantly different (the garage extended 6.6 metres along the joint boundary with a height of 2.5 metres to eaves and apex to a gable end of 4.6 metres), and given that the garage permission could be implemented it is considered that the refusal of planning permission on the grounds of impact on 54 Tang Hall Lane would be difficult to justify.

Sustainability

4.14 The application is supported by a sustainability statement which indicates that the development will achieve Code for Sustainable Homes level 3. The scheme also incorporates solar panels to the roof and a rainwater harvesting system. The submitted information is considered to meet the requirements of GP4a and the Interim Planning Statement on Sustainable Design and Construction subject to appropriate conditions.

Open Space

4.15 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or section 106 agreement.

4.16 It is noted that the area over which access is to be gained to the site formed part of the development of Hornby Court. The area was shown on the plans for the development as a possible play area. However the use of this area was not conditioned or in any other way controlled as part of that application and therefore is not considered to affect the merits of this proposal.

Drainage

4.17 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by a drainage report. It is considered that a suitable drainage scheme could be achieved for the site and appropriate conditions could secure an acceptable scheme.

5.0 CONCLUSION

5.1 The principle of the development is considered to be acceptable.

5.2 Officers have considered the bulk of the building on the boundary with 58 Tang Hall Lane together with the orientation of the site and its impact on the adjoining properties. However, bearing in mind the position and size of the previously approved garage, it is considered that there is insufficient justification to refuse the current proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. DP/3 dated Sept 2009

Surface Water Drainage Report dated November 2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 VISQ8 Samples of exterior materials to be app

4 HWAY10 Vehicular areas surfaced, details reqd

5 HWAY19 Car and cycle parking laid out

6 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

7 Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the re-siting, to the specification of the highways authority, of the street lamp fronting the site.

Reason: To provide a safe means of access

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

9 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 L1 of the City of York Draft Local Plan.

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 £1242

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.

10 The development hereby approved shall be constructed to at least Level 3*** of the Code for Sustainable Homes (CSH). A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve level 3*** of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

11 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy sources, 5% of the predicted energy requirements of the development. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local

Planning Authority. The approved scheme shall be implemented before first occupation of the development and a written letter from the installer of the technology, post build, verifying the installation has been installed shall also be submitted to the Local Planning Authority. The site thereafter shall be maintained to the required level of renewable energy generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

12 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,C,D and 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: The proposal provides for a substantial amount of accommodation within a small site and 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.

13 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Class A of Part 2 to Schedule 2 of that Order (erection of fences and walls) shall not be carried out to the front boundary of the site facing Hornby Court without the prior written consent of the Local Planning Authority following receipt of a planning application in that respect.

Reason: The area fronting Hornby Court provides an open grassed area which adds to the visual quality and spaciousness of the street, and the introduction of fencing or walling which would enclose the site would be detrimental to the overall visual amenity of the area.

14 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.8 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.

15 NOISE7 Restricted hours of construction

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 design and landscape, highways and impact on residential amenity. As such the proposal complies with Policies GP1, H4a, GP10 of the City of York Development Control Local Plan.

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/ section 38
-Michael Kitchen (01904) 551336

3. It is brought to the applicants' attention that the re-siting of the street lamp as conditioned above will be to the specification and satisfaction of the Highway Authority's Street Lighting Engineer and the applicant shall be liable for all costs incurred. The applicant is requested to contact in the first instance Mr R Watson on 01904 553081

4. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

5. The developer's attention should also be 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site

Contact details:

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