

COMMITTEE REPORT

Team: East Area
Date: 15 June 2006

Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 06/00010/FUL
Application at: 15 Murton Way Osbaldwick York YO19 5UW
For: Erection of 2 detached dwellings adjacent to 15 Murton Way
By: Executors Of Mrs L Cook
Application Type: Full Application
Target Date: 11 April 2006

1.0 PROPOSAL

The dwelling at 15 Murton Way is a large end terrace property with a generous spacing to the side. This application seeks planning permission to erect two detached dwellings at 15 Murton Way. The application site is within the Osbaldwick Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Osbaldwick

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The proposed access is acceptable and visibility at this location is within recommended guidelines, however due to the proximity of the new access to the junction with Tranby Avenue, there must be adequate turning for number 15 and plot 1 within the site curtilage. The plans do not show an adequate turning space. Only 1 car parking space has been provided in the garage for plot 1. It would be preferable to have 2 car parking spaces.

Conservation Officer - 15 Murton Way is a substantial early to mid 19th century house that retains a considerable degree of original character. The property and No.9 Murton Way are key buildings at the eastern extent of the conservation area. Usually large buildings like No.15 have considerable garden space around them, which provides a suitable setting whilst

providing a green break to the building line. To build on such a space denudes this positive character. However in this particular instance, historical map evidence shows that the current extent of the garden to the property is not original. Rather it has been extended over two plots sometime after 1909. These two plots, which once contained two small buildings, are where the proposed dwellings are sited. Considering the historic precedent the proposal seems fair.

A number of basic design features were recommended which has resulted in revised drawings.

Suitable materials will be essential to maintaining the character of the conservation area, conditions should be used to ensure this.

Landscape Officer - The existing vegetation along the front boundary essentially consists of a multi-stemmed Ash a Holly and a couple of Lilacs. These are all located directly underneath an overhead power cable; the Ash would be incompatible with this in the longer term. The holly is a good specimen and would be worth retaining, but none of the trees' amenity value outweighs the suitability of the development principal. Nonetheless consideration should be given to retaining the Holly, the size of which can easily be controlled with no harm to the tree.

The proposed garages are too close to the existing horse chestnut trees. They should be located a minimum of 8m away. A condition was suggested to protect the trees.

The five conifers down the side of the site are closely planted in a line and therefore constitute a hedge. There are no objections to their removal.

Local Plans - No significant policy comments raised.

Environmental Protection Unit - No objections to the proposal. 3 conditions were recommended which should be included with any approval.

3.2 External

Osbalwick Parish Council - Object as follows:

- The site is only suitable for 1 dwelling if built to a more suitable design to fit in with other properties in the area within the conservation area
- The area behind the property which has an entrance based on the plans within the Green Belt and therefore we can see no purpose of this entrance
- Two houses would be overdevelopment

York Natural Environment Panel - Would result in the loss of a tree lined frontage and open space aspect to the area. The garden with its associated landscaping, which includes two specimen conifers contributes to the amenity of the area and sits well with the setting of a large house. GP10 was set up to preserve the character this site represents. Development of 2 properties will erode this character and for this reason is contrary to GP10 and the Panel therefore suggests refusal.

Conservation Areas Advisory Panel - The panel had no objections to the new dwellings but felt that the buildings should be set back therefore making the front gardens larger. ~A revised plan included a greater set back from the road~

Response to site notice posted 22/02/06 and neighbour consultation letters sent 16/02/06 - 1 letter received from resident of 13 Murton Way. The following comments were raised:

- The proposed siting of the double garage contravenes the guidelines for development in the conservation area, in that it is an encroachment on the long rear garden/paddock which is a feature of the old village, which the conservation area seeks to protect. Should the double garage be allowed here it would create a precedent for similar backland development.
- The existing garage is not located in the same position as the proposed, as stated by the applicant, but is just behind the existing house.
- The proposed double garage would be very close to the stables which had planning permission 16 years ago and was deemed to be in keeping with land use in the old village. A domestic garage and cars in the proposed location would be in conflict with the established character and use of this type of backland.
- The proposed infill with two houses results in a narrow shared drive leading right through the long garden/paddock behind and also presents a cramped development frontage to the village constituting over development.

Foss Internal Drainage Board - There are concerns over the effectiveness of a soakaway in this area and it is believed that the rear of the development has problems with waterlogging. It should be noted that the Board believes that the Osbaldwick Beck cannot accept any increase in surface water discharge without increasing the flood risk to existing properties and the Board will require information on any new outfalls to the watercourse to prevent increasing the flood risk due to incorrect design of the structure if soakaways prove not to be practical. Conditions and informatives were recommended to alleviate any major problems.

4.0 APPRAISAL

4.1 Key Issues:

- * Effect Upon the Conservation Area
- * Impact on neighbouring amenity
- * Highway issues

4.2 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 GP10: Subdivision of Gardens and Infill Development

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

4.4 Effect upon the Conservation Area - 15 Murton Way is within the Osbaldwick Conservation Area. Whilst no design statement was submitted with the application the Conservation Officer feels that the proposal respects the character of the Osbaldwick Conservation Area. There is no definitive single style of development along this part of Murton Way. The dwellings whilst being of the same bulk and same basic urban design as each other contain different detailing such as the doors, porch canopy's and windows. This gives the two dwellings a degree of individual identity. It is felt that this improves the visual

appearance of the two dwellings and helps them blend more harmoniously into the character of the Conservation Area. The basic design of the houses is acceptable and historical evidence shows that this plot once contained two small buildings. Given the sensitive and important visual location of the two proposed detached dwellings, conditions can be used relating to materials and exact design details to ensure that the finished appearance of the two detached houses is acceptable.

4.5 Amenity of Neighbours and Future Residents of Proposed Dwellings - The plot for the proposed houses measures approximately 19 metres in width and 27 metres in length. There would remain reasonable spacing between the dwellings and it is considered that the dwellings have been designed to minimise amenity loss for neighbouring residents. Each of the two proposed dwellings would have its own outdoor amenity space which is sufficient in size for a dwelling of this size. However, the garage within the rear garden of plot 1 has an unusual relationship with the house. The garage sits in the middle section of the garden and severely reduces the size and quality of the outdoor amenity space for this property. However, on balance it is considered that the living conditions of future residents of the property would be acceptable.

4.6 Highway Issues - No revised plans were submitted which overcame the highway issues relating to a lack of turning space. There does not appear to be adequate turning space within the site to enter and leave the site in a forward gear. Whilst this is not ideal Highway Network Management do not believe that this is a sufficient reason to refuse the planning application.

5.0 CONCLUSION

It is considered that the proposal is acceptable in terms of its impact on the Osbaldwick Conservation Area and the amenity of adjacent residents.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
Drg No. 05:35:01 rev B received by CoYC on 02/05/06
- 3 Open Space

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.

- 4 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 £2526.

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.

5 VISQ4 Boundary details to be supplied

6 Samples of the roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials. All in-slope vents shall be located on the rear elevation.

Reason: To achieve a visually acceptable form of development.

7 VISQ7 Sample panel ext materials to be approv

8 Further details of the true vertical sash timber windows and doors shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved details and materials.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

9 Trees shown to be retained shall be protected during the development of the site by the following measures: -

Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

10 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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

Reason: To protect the amenity of the local residents.

- 11 The building envelope of all buildings with a facade onto Murton Way shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To protect the amenity of the occupants.

- 12 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 13 No development approved by this permission shall be commenced until a scheme for the provision, implementation and maintenance of a surface water regulation system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Foss Internal Drainage Board. The maximum rate of discharge would not be expected to exceed that of a 'greenfield site' or that rate which can be proved to currently discharge into the watercourse.

Reason: To prevent the increased risk of flooding.

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 the impact on the Osbaldwick Conservation Area and the amenity of neighbours. As such the proposal complies with Policies GP1 and GP10 of the City of York Draft Local Plan.

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2. Demolition and Construction - Informative

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 attached to any planning approval:

1 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".

2 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.

3 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.

4 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.

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

3. Surface Water to Adjacent Watercourse Informative

The applicant states that surface water is to be discharged to an adjacent watercourse. The condition and ability of this watercourse to accept this flow should be determined by the applicant prior to works commencing. The Foss Internal Drainage Board do not accept that the watercourse can accept ANY increase in the existing discharge.

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