

COMMITTEE REPORT

Date: 6 June 2019 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Dunnington Parish
 Commercial Team Council

Reference: 18/01851/FUL
Application at: 25 Garden Flats Lane Dunnington York YO19 5NB
For: Erection of 2no. dwellings with new access following
 demolition of existing bungalow
By: Mr & Mrs Craven
Application Type: Full Application
Target Date: 14 June 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 Demolition of an extended dormer bungalow and erection of two detached, predominantly 2-storey, houses (plots 1 and 2). A garage on the site would be converted to a summerhouse, which would be linked to the house at plot 1. Each house would have a contemporary appearance with a front porch, two forward-facing dormers and prominent rear-facing gables. Two existing private drives from Garden Flats Lane would be closed and replaced by one new shared access. The access would be located between the two proposed dwellings. It would provide (a) access to parking and turning space for the two new dwellings and (b) access to a recently-built house to the rear of the site. The application has been revised since submission to reduce its scale, materials and proximity to the side boundaries

1.2 The application has been called in by Cllr Warters due to: The contentious nature of the site, previous decisions on the same site having been committee decisions and because the current application represents a gross overdevelopment of the plot with over bearing, incongruous proposals for the street scene.

2.0 POLICY CONTEXT

2.1 Publication Draft Local Plan (2018) – relevant policies:

DP4 – Approach to Development Management
H3 – Balancing the housing market
D1 – Placemaking

2.2 Draft City of York Draft Local Plan (2005) – relevant policies:

CYGP1 - Design
CYGP4A - Sustainability

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CYH4A - Housing Windfalls

CYGP10 - Subdivision of gardens and infill devt

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections. Add conditions regarding: cycle storage details and method of works to be submitted for approval; removal of redundant vehicular accesses; vehicular areas to be constructed prior to construction; and reinstatement of the public footway.

Public Protection

3.2 No objections. Add standard conditions regarding hours of work, unexpected contamination and provision of recharging facilities for electric vehicles.

Flood Risk Management

3.3 No objections in principle. If planning permission is to be granted add the conditions to secure: separate systems of drainage for foul and surface water; submission of drainage details including attenuation; and no piped discharge prior to the completion/occupation of the surface/foul water drainage works.

EXTERNAL

Dunnington Parish Council

3.4 Objection: The two dormer houses would be out of keeping with other properties on the east side of Garden Flats Lane. Taken with the newly built property to the rear, the site would be too crowded with insufficient garden for the two new proposed properties relative to other properties on that side of the lane, all of which enjoy relatively extensive gardens.

3.5 The development would increase the run-off with much more hard standing required. Garden Flats Lane suffers from excess run off. If planning permission is granted conditions should be attached requiring effective and sustainable surface water runoff measures including attenuation.

Former Cllr J Brooks (representation received when a serving councillor)

3.6 Objection. The scale and mass of the proposed new development are too large and overbearing. This makes the application contrary to GP 10 as the sub

division of the garden would be detrimental to the character of the area. The house on plot 2 would present a large, dominating blank wall to the main living area of 23 Garden Flats Lane and so would be detrimental to the amenity of the neighbour, also contrary to GP 10. The application is an over development of the site.

Yorkshire Water

3.7 In order to protect the local aquatic environment and YW infrastructure add standard conditions regarding separate systems of drainage for foul and surface water, no piped discharge of surface water prior to the completion of surface water drainage works and submission of drainage details including attenuation. The developer must demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical before considering disposal to public sewer.

Foss Internal Drainage Board

3.8 No objections to the principle of the development but the applicant should clarify the drainage strategy to enable a flood risk evaluation to be undertaken. Any approval should include conditions requiring drainage details including attenuation to be submitted for approval.

Neighbour Notification and Publicity

3.9 Four objections have been received raising the following planning issues.

- Overdevelopment
- Size, design, slab level and materials are out of keeping with the area
- Overbearing and visual impact on adjacent occupiers,
- Highway safety due to increased traffic
- Unsafe access, sightlines
- Would exacerbate existing drainage problems
- No need for more large houses in Dunnington
- Unnecessary demolition and environmental cost
- Construction nuisance, obstruction, verge damage

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development for housing
- Impact on the character of the area;
- Neighbour amenity;
- Access, traffic and highway safety
- Flood risk and drainage.

PLANNING POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for the application site.

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application should principally be addressed. Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The policies of the draft plan can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the draft plan is capable of being a material consideration in the determination of planning applications.

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005. It does not form part of the statutory development plan for the purposes of s.38(6) and its policies carry very limited weight.

THE APPLICATION SITE

4.6 An extended, detached, dormer bungalow (No.25) in a residential area within Dunnington village. Dedicated access is from Garden Flats Lane. Part of the rear garden of the dwelling has been severed from the curtilage of the existing house to create a building plot for a detached dormer bungalow. Construction of the bungalow (No.25A Garden Flats Lane) is nearing completion. It is reached via a dedicated private drive down the side of No.25. The site of the current planning application excludes the curtilage of No.25A but includes the dedicated private drive.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.7 Paragraph 68 of the NPPF requires local planning authorities to support the development of windfall housing sites, particularly within existing settlements, in order contribute to meeting the housing needs in their area. Policy H3 of the Publication Draft Local Plan seeks to balance the housing market and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). The

site is in a sustainable location with good access to public transport and local services. The application would provide a net increase of one house for which there is a clear and demonstrable need. The provision of two houses on the site is, in principle, acceptable.

IMPACT ON CHARACTER OF THE AREA

4.8 The NPPF places great importance on good design. Paragraph 130 says 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. Policy D1 (Placemaking) of the Publication Draft Local Plan states that development proposals that fail to make a positive design contribution to the city or cause damage to the character and quality of an area will be refused.

4.9 Garden Flats Lane has a suburban residential character. The dwellings on the east side of the street are predominantly bungalows, with or without dormers and/or rooms in the roof space. This side of the street has a predominant building line. The modest height of the dwellings and the clear building line both contribute to the street's character. The roofs of the houses in this part of the Garden Flats Lane generally step down from north to south, reflecting the gradient of the immediate area. The proposed houses would follow this general character, being slightly higher than the adjacent house at No.23 and slightly lower than the adjacent house at No.27. The two proposed houses follow the building line of the street and their heights would be in keeping with the adjacent houses. Separation distances would be in keeping with the character of the street scene.

4.10 Although the east side of Garden Flats Lane mainly comprises bungalows the west side has a wide range of house types including 2-storey detached houses, forward-facing gables, semi-detached houses and a wide variety of dormers. In the context of this northern part of Garden Flats Lane the contemporary design of the proposed houses would not look out of character in the street scene.

4.11 Main external materials in the street are red brick with red, brown or grey roof tiles. Nevertheless a minority of buildings have a wide variety of materials including white render, timber cladding, natural stone and yellow brick. The main external materials of the proposed houses would be light-coloured render for the walls, charcoal-coloured roof tiles and aluminium windows. Bearing in mind the range of materials in the vicinity of the site the proposed materials are acceptable. Overall, the scale, design and appearance of the proposals would be in accordance with the design policies of the NPPF and policy D1 (Placemaking) of the 2018 draft local plan.

4.12 The house at No.25A has been set into the ground by up to 0.9m in order for the developer (who is also the current applicant) to be able to provide a taller house (and therefore more floorspace) than would otherwise be possible, bearing in mind

the site's constraints. Some objectors are concerned that the currently-proposed dwellings would also be set into the ground for the same purpose. The submitted plans do not show any such excavation. The finished floor level (above ordnance datum) of each proposed house is shown on the submitted plans and corresponds with existing ground level, although the floor levels vary from each other to take account of the slope of the surrounding area. The ridge heights of each house are specified on the plans and should be made a condition of approval. The house at plot 1 would be 6.2m above the proposed ground floor level and the house at plot 2 would be 6m above ground floor level. Any material change to the plans as approved would need planning permission.

ACCESS, TRAFFIC AND HIGHWAY SAFETY

4.13 The proposed access between the two proposed houses would in general be 3.1m wide. This is acceptable for a private access to one house (No.25A), including for access by emergency vehicles. Turning space would be provided at the rear of the two proposed houses to enable vehicles from No.25A to join the public highway in forward gear. The two new houses would share this point of access onto the highway with No.25A. Parking and turning space for the two houses would be provided at the front of the site. Localised widening and adequate visibility splays would be provided where the access meets the public highway. All of the permanent works are acceptable in terms of highway safety. The council's highways officers have no objection to the application subject to conditions to remove the two redundant crossovers, and reinstatement of the public footway.

NEIGHBOUR AMENITY

4.14 Paragraph 127(f) of the NPPF advises that decisions should ensure that developments provide a high standard of amenity for existing and future users. Policy D1 (Placemaking) of the Publication Draft Local Plan states that design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

4.15 The revisions to the scheme since submission have increased the separation distance between the proposed houses and the side boundaries. The distance from the proposed house at plot 1 to the boundary with No.23 Garden Flats Lane would be approximately 1.2m. The distance from the house at plot 1 to the nearest habitable part of No.23 would be 4.6m. The proposed distance from the house at plot 2 to the boundary with No.27 Garden Flats Lane would be approximately 2.3m. The distance from the house at plot 2 to the nearest habitable part of No.27 would be 5.4m. In both cases the application site is separated from the adjacent house by the neighbour's domestic garage. An attic window at No.23 faces the application site, as do some secondary ground floor windows at No.27. Officers consider that the separation distances are sufficient to prevent the development having an overbearing impact on the neighbouring occupiers. Neither of the proposed houses

would have windows facing the side boundaries. This should be made a condition of approval.

4.16 The house at plot 2 would lie to the north-west of No.27 so would cause no material loss of sunlight/daylight to the occupiers. The house at plot 1 would lie to the south-east of No.23 so could cause some loss of sunlight/daylight to No.23's rear garden. However, some overshadowing is already caused by No.25's existing garage (which will become a summerhouse), No.23's single garage and some retained trees along the boundary. The rear-facing gable of plot 1 and the 3.4m-high link between the house and the summerhouse may cause some overshadowing but it would be limited to a small part of No.23's rear garden and for a limited part of the day only. This impact would not be sufficient to justify refusal of the planning application.

4.17 The proposals would be in accordance with the design policies of the NPPF and policy D1 (Placemaking) of the Publication Draft Local Plan.

FLOOD RISK AND DRAINAGE

4.18 The NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 163). The applicant is proposing to discharge surface water to a public sewer but Yorkshire Water require the developer to first demonstrate that surface water disposal via infiltration or watercourse is not reasonably practicable. The nearest watercourse is remote from the site. In 2016, when the planning application for the house at No.25A was being considered, the council's flood risk officers witnessed a soakaway test within the site of the proposed house. The test showed that infiltration would not be a practicable solution. The applicant subsequently submitted drainage details showing discharge to a public sewer in Garden Flats Lane (The existing house and garage at No.25 already connect to the public sewer network). The details were acceptable and the works have since been carried out to officers' satisfaction. The soakaway test was carried out close to the boundary with the site of the current application. The council's flood risk engineers are confident that the ground conditions between the two locations will not be significantly different to the extent that soakaways would be practicable for the current proposal. Discharge to the public sewer is therefore acceptable subject to drainage details, including attenuation, being made a condition of approval.

OTHER MATTERS RAISED BY CONSULTEES

4.19 The environmental cost of the demolition of the existing house is not sufficient reason to justify refusal. In Dunnington, as in the rest of York district, some housing types are in shorter supply than others. Nevertheless there is a high demand for all housing types. The application would provide a net increase of one house for which there is a clear and demonstrable need. Although the amenity space for each house

would be fairly small it would private and for the use of the occupiers only. The size of the gardens is not so small as to justify refusal of the application. Construction impacts would be dealt with by the highway authority or the council's public protection officers as appropriate under their own legislation. The applicant should be advised of their responsibilities in this regard by the addition of informatives.

5.0 CONCLUSION

5.1 The application would provide one additional house in a sustainable location. The scale, design and materials would be in keeping with the character of the area and would have no significant impact on neighbouring occupiers. The council's highways officers have no objection to the access, parking, traffic generation or highway safety. Contamination and drainage could be dealt with by condition. The application complies with relevant policies of the NPPF and the Publication Draft Local Plan 2018.

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 approved plans numbered CRA-404-002 10/D, CRA-404-001A 11/D and CRA-404-001A 12/C.

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 Notwithstanding the information contained on the approved plans:

the ridge height of the dwelling at plot 1 shall not exceed 25.2m AOD
the ridge height of the dwelling at plot 2 shall not exceed 24.375m AOD.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening shall at any time be inserted in the north-western elevation of the house at plot 1 or the south-eastern elevation of the house at plot 2 without the prior written planning permission of the local planning

authority.

Reason: In the interests of the amenity of adjacent residents.

6 Within one month of commencement of development details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

7 Prior to commencement of development, including the importing of materials, excavations, utility works, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during development operations, type of construction machinery/vehicles to be used including delivery and collection lorries and arrangements for loading/off-loading, parking arrangements for site vehicles, and locations for stored materials. It shall also include construction details and methodology for the driveway where it is located within the canopy spread and potential rooting zones of the trees.

Reason: To ensure that existing trees which are considered to make a significant contribution to the amenity of the area are protected throughout the construction period.

8 Details of cycle parking areas, including means of enclosure, shall be submitted to by the Local Planning Authority and approved in writing. The development shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

9 The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles in connection with the two dwellings hereby approved have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

10 The vehicular access hereby approved to the existing dwelling at No.25A Garden Flats Lane, including turning space and manoeuvring space, shall be provided prior to commencement of construction of the two dwellings hereby approved.

Reason: To ensure that safe vehicular access is provided for the occupiers of the existing house at No.25A Garden Flats Lane.

11 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the footway and kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

12 Prior to first occupation of the development a three pin 13 amp external electrical socket which is suitable for outdoor use shall be installed within the curtilage of each of the dwellings within the application site. The sockets shall be located in a suitable position to enable the charging of an electric vehicle on each driveway using a 3m length cable.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

NOTES

Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

13 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- i) The means by which the surface water discharge rate shall be restricted to a maximum rate of 2.0 (two) litres per second,

- ii) The means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved, and
- iii) Future management and maintenance of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to ensure that these details are acceptable prior to any alterations to ground conditions that may adversely affect the ability to adequately drain the site.

14 The site shall be developed with separate systems of drainage for foul and surface water on site.

Reason: In the interest of satisfactory and sustainable drainage.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works:

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

16 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.

Reason: In the interest of the amenities of neighbouring occupiers

17 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7.0 INFORMATIVES:

Notes to Applicant

1. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

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

2. DRAINAGE

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

From the information supplied, it is not possible to determine if the whole site will drain foul and surface water by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If foul sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second. If surface water pumping is required, the peak pumped surface water discharge must not exceed 2.0 (two) litres per second, to include the 0.65 litres per second from the previously approved dwelling to the rear.

If the above is required the submitted drawing should show the proposed pump rates for foul and surface water.

3. CONTROL OF POLLUTION

- a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".
- b) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.
https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites
- 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) There shall be no bonfires on the site.

4. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38). In seeking solutions to problems identified during the processing of the application the Local Planning Authority has negotiated changes to the scale of development and its external appearance, thus enabling a positive outcome to be achieved.

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