



- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

## 2.2 Relevant Policies:

D1 Placemaking

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

### Development Control Local Plan 2005

2.3 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is very limited except when they are in accordance with the NPPF.

## 2.4 Relevant Policies:

GP1 Design

GP10 Subdivision of gardens and infill development

## **3.0 CONSULTATIONS**

### Public Protection

3.1 No objections subject to conditions relating to contaminated land and the inclusion of an electric vehicle charging point.

### Yorkshire Water

3.2 No comments received.

### Ainsty Internal Drainage Board

3.3 No objections subject to the submission of foul and surface water drainage details.

### Bishopthorpe Parish Council

3.4 The Parish Council object to the proposal on the grounds of loss of privacy/overlooking to the properties to the rear, that the proposal would be out of keeping with surrounding properties due to the second level of accommodation and foul and surface water drainage issues.

#### **4.0 REPRESENTATIONS**

4.1 The application was advertised by site notice and neighbour notification letter. 5 letters of objection have been received by, and from relatives on behalf of, immediate neighbouring properties. The following issues have been raised:

- disturbance/damage to roads during construction
- parking and access during construction
- the proposal would exacerbate existing parking and access issues
- issues relating to shared driveway
- demolition of garage attached to garage of no. 7 would cause remedial issues
- new bungalow not the same design as existing development, would look out of character and would be higher than existing properties due to 2 levels of accommodation
- foul and surface water drainage issues
- no consultation from applicant
- the proposal would result in terracing
- loss of sunlight to properties in De Grey Place
- new dwelling will appear cramped
- loss of garden area will affect the appearance of the street and wildlife

#### **5.0 APPRAISAL**

##### **KEY ISSUES:-**

- Principle of development
- Design and appearance
- Impact on neighbouring property
- Highway issues
- Drainage
- Climate change

##### Principle of Development

5.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means where there are no relevant development plan policies planning permission should be granted unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The NPPF seeks to support the Government's objective of significantly boosting the supply of homes.

5.2 The NPPF requires local planning authorities to seek the efficient use of land in sustainable locations, focus development towards previously developed land and to deliver a wide choice of high quality homes. Whilst the NPPF definition of previously developed land does not include residential gardens, policy GP10 of the 2005 Draft Local Plan states that subdivision of gardens is acceptable subject to the proviso that there would be no detriment to the character and amenity of the local environment. Policy D1 of the 2018 Publication Draft Local Plan states that development proposals which cause damage to the character and quality of an area will be refused and requires that proposals are appropriate for its proposed use and neighbouring context.

5.3 The site lies within an established residential area within the village of Bishopthorpe in a sustainable location close to local shops and with public transport links into the centre of York. The principle of an infill house in this location is considered to be acceptable, subject to consideration of its impact on the character of the area.

### Design and Appearance

5.4 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 seeks to ensure that developments function well and add to the overall quality of the area while being visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

5.5 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

5.6 The new detached bungalow would be located in the side garden of the existing property, sharing drive access with the host dwelling and no. 7. The bungalow has been designed to reflect the form and design of existing bungalows in the cul-de-sac and would provide accommodation across two floors.

5.7 The bungalow has been designed to match the general scale and appearance of the existing neighbouring bungalows with a similar eaves height. However it is noted that the bungalow would widen towards the rear and has been designed with a second floor and as such would be about 0.5m higher than dwellings either side of it, although because of a change in levels the ridge height would be similar to the adjacent dwelling at no.15 De Grey Place.

5.8 The property would infill the side garden which is part of a larger plot than the neighbouring dwellings. The site is currently open to the street and would retain a similar layout to the neighbouring cul-de-sac which bounds the side boundary of the host site. Objectors consider that the infill development would appear cramped and out of character within the cul-de-sac, however it is considered that the additional dwelling with some further boundary treatment would not appear at odds with the general layout of the cul-de-sac, or development in the wider area. The proposal retains space to each side boundary and the front and rear gardens would be similar to those surrounding the site.

#### Impact on neighbour amenity

5.9 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. Policy D1 of the 2018 Draft Plan states that development proposals should ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.10 The bungalow would be situated in close proximity to 15 De Grey Place which has previously been extended along the side boundary with the application site. An obscure glazed window (serving an en-suite bathroom) overlooks the site, facing west. It is possible that there may be some loss of light to this room during the afternoon however given the use of the room, it is not considered that there would be significant impact on the habitable spaces of this neighbouring dwelling and as such the impact to the occupants of the property would be limited. The site is overlooked by the rear windows of no. 24 Ramsey Avenue to the rear of the site, although the existing boundary fence largely obscures these windows and prevents significant loss of privacy. The addition of a property in this location would

reciprocate the overlooking towards no. 24, however it is not envisaged that there would be a significant loss of privacy.

5.11 Objections have been raised regarding overlooking to the rear from the first floor rear facing roof lights that serve a bedroom. The position of the proposed rooflight windows in the roof slope results in a reasonable separation distance to the house to the rear. Furthermore the rooflights would be about 1.5m above the first floor floor level such that it is not considered that they would give rise to significant overlooking to the rear facing ground floor room and garden of no. 24 Ramsey Avenue. The applicant has suggested that the roof lights could be relocated to the front elevation if this element was considered harmful.

5.12 The proposed bungalow does not significantly project beyond the rear of the existing bungalow and as such it is not considered that it would appear unduly dominant in views from neighbouring dwellings.

5.13 It is proposed to remove the existing garage, which is attached to the garage of no. 7. The applicant has stated that any remedial works to the remaining garage will be undertaken so that there is no impact on the neighbouring resident at no. 7. The loss of the garage in this location is unlikely to impact on the streetscene or residential amenity.

### Highway Matters

5.14 It is proposed to provide two car parking spaces for both the existing and new property with use of a shared drive. The drive would be shared by no. 7, no. 8 and the new property. The front garden to no. 8 is already gravelled and therefore the use of this area for parking would not require any changes to the existing layout. Similarly parking in place of the existing garage would appear to be acceptable for the new property and would not have a negative impact on the appearance of the street. Neighbour comments have been made that the existing drive is not wide enough to serve three properties, and was not designed for the amount of use generated by three separate dwellings, however the site plan indicates that the new dwelling would be able to utilise the drive access without detriment to the existing bungalows either side of it.

### Drainage

5.15 The applicant's drainage strategy proposes that permeable paving is used for driveways and that the use of a soakaway is investigated for draining the roof areas. Should a soakaway be proved to be unsuitable, the drainage strategy proposes draining to the surface water sewer with an attenuated discharge rate and surface

water storage provided on site. This would be in accordance with the sustainable drainage hierarchy in the Draft Local Plan (2018) and should be secured by planning condition.

### Climate Change

5.16 Policy CC1 of the 2018 Draft Plan states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.

5.17 Policy CC2 of the 2018 Draft Plan states that proposals for new residential buildings will be supported where they achieve the following at least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate and a water consumption rate of 110 litres per person per day.

## **6.0 CONCLUSION**

6.1 The proposal is for an infill house in a sustainable location. The design is compatible with its surroundings and it would not significantly harm the living conditions of adjacent dwellings. The proposals comply with the National Planning Policy Framework and with Publication draft Local Plan (2018) policies D1, CC1, CC2 and ENV5, the draft Local Plan (2005) policies GP1 and GP10.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Plans, Elevation and Section - Drg No: NF/19/1 received 20 January 2020

Scheme for site- Drg.No: NF/19/2

Site Plan - Drg. No: N-X-X received 16 March 2020

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 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.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

5 The development shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the or parking area.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

#### Notes

- Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

- In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/governmentgrants-for-low-emission-vehicles>

- The above requirement does not preclude the installation of an Electric Vehicle Charge Point from the outset, if desired.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A-E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents 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 2015.

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must 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 must be prepared, which is 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.

9 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

10 Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. 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 took the following steps in order to achieve a positive outcome: use of planning conditions

#### **2. INFORMATIVE:**

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) 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".

(b) 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 manufacturer's instructions.

(c) 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.

(d) 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.

(e) There shall be no bonfires on the site

### 3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

### 4. DRAINAGE DESIGN DETAILS

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey 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 or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and

becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

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.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

**Contact details:**

**Case Officer:** Elizabeth Potter

**Tel No:** 01904 551477