

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 15 February 2007 **Parish:** No Parish

Reference: 06/02062/FUL
Application at: 7 Hawkshead Close York YO24 2YF
For: Erection of pitched roof two storey detached dwelling on land at 7-9 Hawkshead Close (resubmission)
By: Mr S O'Driscoll
Application Type: Full Application
Target Date: 15 November 2006

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a pitched roofed two storey detached dwelling with integral garage on land at 7-9 Hawkshead Close. All materials used will match the existing where appropriate.

1.2 The application relates to a large plot of land currently sub divided to provide garden areas for no's 7 and 9 Hawkshead Close. A pitched roofed detached garage is located in close proximity to the boundary with no.11 Hawkshead Close. Parking currently exists for approx 6 vehicles and is accessed from the existing cul de sac. Boundary treatment varies considerably with the most relevant boundaries in this particular instance, being those to the south and east. The southern boundary is currently dominated by a wooden fence approx. 2 metres in height, with the eastern boundary containing a mix of fencing and hedging. The front garden area is dominated by a silver birch tree, which has recently (along with 11 other similar trees) been granted a Tree Preservation Order.

1.3 The surrounding street scene contains a mixture of semi detached and detached two storey properties, some of which have; or are currently being extended.

1.4 Cllr. A. Reid and Cllr Q. Macdonald requested that the application should be considered by the Planning (West and City Centre Area) Sub Committee.

1.5 This application comes before Members once more following its deferral on the 21st December 2007 at the Planning (West and City Centre Area) Sub Committee. Members sought the following amendments.

- * dwelling moved back by 1 metre to the east.
- * dwelling moved south by 0.5 metre to increase path width between existing and new property.
- * cycle stores relocated closer to dwellings.
- * pin kerb notes added to show retention of gravel on drive.
- * pathing at both sides of the dwelling to provide better access to rear

1.6 The applicant responded to the Committee's requests and submitted revised drawings on the 18th January 2007, showing all of the above.

Relevant History

06/01656/FUL - Erection of pitched roof two storey detached dwelling on land at 7-9 Hawkshead Close - Withdrawn 15.09.2006.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill development

CYL1C
Provision of New Open Space in Development

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

3.1 Urban Design and Conservation (Landscape Architect) - No Objections (Conditions to be included).

3.2 Highway Network Management - No Objections - (Condition to be included).

3.3 Environmental Protection Unit - No Objections - (Conditions to be included)

3.4 Lifelong Leisure and Learning - No Objections

As there is no on-site open space commuted sums should be paid to the Council for:

- a) amenity open space - which would be used to improve a local site such as Acomb Wood.
- b) Play space- which would be used to improve a local site such as Bellhouse Way.
- c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

EXTERNAL

3.5 Relevant neighbours and objectors were consulted on the 28.09.2006 and 16.11.2006 to coincide with both the resubmission and requested amendments.

3.6 16 letters of objection have been received from the residents of neighbouring properties in response to both the original and revised plans. The letters have all been considered with the following concerns being raised.

- * Misleading , inaccurate and incomplete drawings.
- * Overlooking, Visual Impact and Loss of Light.
- * Parking Issues.
- * Damage to local environment and wildlife.
- * Impact upon Character and Appearance of the surrounding street scene.
- * Increase in Flooding.
- * Inaccuracies in the application form.
- * Damage to Silver Birch (recently granted a Tree Preservation Order).
- * Impact on neighbouring woodland and hedging.
- * Represents a gross overdevelopment of the site.
- * Increased noise.
- * Impact on neighbouring garden pond.
- * Public Safety Concerns

3.7 Relevant neighbours and objectors were informed of the additional amendments on the 23rd January 2007. No objection letters have been received to date. Any letters of objection or comment received prior to the 15th February 2007, will be presented verbally to the Committee.

4.0 APPRAISAL

KEY ISSUES

4.1 The proposal raises the following key issues:

- * Planning Policy.
- * Impact on Residents.
- * Impact upon the character and appearance of area.
- * Highway Issues.
- * Impact upon TPO tree, Woodland and Hedging.
- * Other Issues.

PLANNING POLICY

4.2 Planning Policy Guidance Note 3 "Housing" (PPG3) sets out the Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, greening the residential environment, reducing dependency on the private car and provision of affordable housing.

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

4.4 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.5 GP10 -Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.6 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments.

4.7 Policy NE1 'Trees, Woodlands and Hedgerows' the aforementioned, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- * Refusing development proposals, which result in their loss or damage; and
- * Requiring trees or hedgerows which are retained on development sites to be adequately protected during any site works; and
- * Making tree preservation orders for individual trees and groups of trees which contribute to the landscape or local amenity; and
- * Making hedgerow retention notices where appropriate to protect important hedgerows and; ensuring the continuation of green/wildlife corridors.

IMPACT ON NEIGHBOURING RESIDENTS

4.8 The application site adjoins residential properties no's 5 and 11 Hawkshead Close as well as no's 14, 16, 18 and 20 Pheasant Drive; located beyond the eastern boundary. The new dwelling if approved will also result in a new boundary being formed between 7 and 9 Hawkshead Close.

4.9 Concerns have been raised regarding the loss of privacy, potential overlooking, the close proximity to neighbouring properties/boundaries and loss of light. No windows are proposed within the north or southern elevation of the property, therefore the impact upon neighbouring properties within Hawkshead Close are considered to be negligible.

4.10 The close proximity of the dwellings northern and southern (two storey) elevations to the southern elevation of no's 7 -9, Hawkshead Close and the northern elevation/garden area of no.11, Hawkshead Close respectively, are not considered overbearing in this instance. Between 0.9 and 5.9 metres has been provided to the southern boundary of the application site, with a further 4 and 6.7 metres provided to the no.11's single storey garage and two storey northern elevation respectively; a small utility room window and garage door are the only features within these elevations. The orientations of both the proposed dwelling and no.11, Hawkshead Close will also help to mitigate any overbearing impact.

4.11 The distance between the northern elevation of the proposed dwelling and the southern elevation of no.7 and 9, Hawkshead Close is approx. 1.5 metres, which is sufficient width to allow access to the rear garden area. This particular elevation contains only secondary windows and the front door to no.9, therefore under paragraph. 4.3 of the "Guide to Extensions and Alterations to Private Dwelling Houses" "a proposal that impacts on the outlook from the effected room will be considered on its merits taking into account the size and role of the room". In this instance with the windows all being secondary e.g. serving bathrooms and landings, the close proximity of the proposed dwelling can be justified.

4.12 The two storey element of the proposed dwelling will project 2.0 metre beyond the rear elevation of no.9, Hawkshead Close. The rear elevation of no.9, by virtue of its orientation receives very little sunlight and although the proposed dwelling will result in further overshadowing at certain times of the day, the overall impact is considered to be negligible as a large proportion of the rear garden will enjoy full sun/daylight throughout the day.

4.13 The first floor windows of no's 14, 16, 18, 20 and 22, Pheasant Drive are located 24 metres, 23 metres, 24 metres, 25 metres and 29 metres respectively, from the first floor windows of the proposed dwelling. The applicant has also provided 13 metres to the eastern boundary treatment. The distances provided meet guidance set out in paragraph 3.2 of the "Guide to Extensions and Alterations to Private Dwelling Houses", where 21 metres and 14 metres are required respectively.

CHARACTER AND APPEARANCE OF THE AREA

4.14 The two storey dwelling is comparable in terms of size, design and scale to no's 7-9 and is considerably smaller than the majority of properties within the surrounding street scene. The property has been set back approx. 0.7 metres from the front elevation of No.7, Hawkshead Close and will therefore only be visible from the cul de sacs hammerhead. The visual impact is further mitigated by the retained Silver Birch trees. Although the existing space between buildings will be lost, the distances

between the proposed southern elevation and the northern elevation of No.11 Hawkshead Close, are comparable with those already existing between other properties within the surrounding street scene.

HIGHWAY ISSUES

4.15 Highway Network Management consider the proposed parking provision and layout to be acceptable. The parking provisions meet the guidance set out in Appendix E of the City of York Development Control Draft Local Plan, where 1 or 2 bedroom dwellings are expected to provide 1 car parking space and dwellings with 3 or more bedrooms to provide 2 per dwelling (one of which can be a garage). Pin kerbs have been provided along the front (shared) northern boundary to retain the gravel drive.

IMPACT UPON TPO TREE

4.16 The silver birch located within the front garden is protected by a Tree Preservation Order. No objections have been raised from the Councils Landscape Architect, however conditions have been recommended. The first condition requires the submission of a method statement, highlighting protection measures and the other requires the inclusion of a metal tree guard. The applicant will be providing a gravelled driveway area; when prepared in accordance to an approved method statement, the impact upon the tree is expected to be minimal, meeting guidance set out in Policy NE1 of the City of York development Control Draft Local Plan.

OTHER ISSUES

4.17 Concerns regarding the submission of inaccurate/incomplete drawing were justified. The applicant has subsequently submitted plans showing the removal of the existing garage and the correct positioning of the aforementioned TPO Silver Birch tree.

4.18 Noise levels will inevitably increase during any construction period. As this is a residential area, conditions have been included restricting the hours of work.

4.19 The impact on a neighbouring pond (man-made) is not considered to be material to the determination of this application. Similarly, the loss of a manicured lawn and some ornamental shrub planting is not considered to have a particularly detrimental impact upon existing or visiting wildlife.

5.0 CONCLUSION

The applicants' proposals are considered acceptable in this instance and are therefore recommended for approval.

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:-

583.002 Rev F - Plans and Elevations.

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 NOISE7 Restricted hours of construction
- 4 HWAY19 Car and cycle parking laid out
- 5 Any suspect contamination 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 on site.

Reason: To protect the health of occupants.
- 6 Before the commencement of development, including site clearance/preparation, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing silver birch tree 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 of protective fencing, phasing of works, site access, parking arrangements for site vehicles and storage of materials. It is particularly important that the following details are also provided: construction details and method statement for the proposed gravel areas.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.
- 7 The tree shall be permanently protected with a metal tree guard, details of which shall be submitted and approved in writing by the local planning authority prior to the commencement of building works.

Reason: In order to prevent direct impact damage to the existing silver birch tree from manoeuvring vehicles.
- 8 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 alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with Policy L1C 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 financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £1,224

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.

- 9 VISQ8 Samples of exterior materials to be app
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted into the external elevations of the dwelling hereby approved.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

- 11 HT1 IN Height
- 12 PD1 IN Rem of specific Perm Dev rights

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 visual/residential amenity, parking and the protection of a Silver Birch covered by a Tree Preservation Order. As such the proposal complies with PPG3 and Policies GP1, H4a, GP10, L1c and NE1 of the City of York Development Control Draft Local Plan.

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 followed.

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. There shall be no bonfires on the site.

Contact details:

Author: Richard Mowat Development Control Officer
Tel No: 01904 551416