

COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Dringhouses And Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 12/03373/FUL
Application at: Sunnydene, Moorlea Avenue, York YO24 2PA
For: Erection of dwelling (resubmission)
By: Mr Mike Moore
Application Type: Full Application
Target Date: 2 January 2013
Recommendation: Refuse

1.0 PROPOSAL

1.1 Sunnydene, Moorlea Avenue comprises a substantial brick built detached bungalow dating from the 1970s accessed via a narrow private access drive to the west of the City Centre. Planning permission is currently sought for the erection of a 1 1/2 storey dormer bungalow on land within the curtilage of the property. The proposal represents a revised re-submission of an earlier proposal ref:- 12/02187/FUL that was withdrawn following on from concerns expressed in relation to its design and relationship to neighbouring properties.

1.2 Councillor Ann Reid has called in the application for consideration by the West and Centre Area Planning Sub-Committee because of neighbour concerns.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CGP15A Development and Flood Risk
CYGP10 Subdivision of gardens and infill devt
CYGP1 Design

CYH4A Housing Windfalls
CYNE8 Green corridors

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit raise no objection in principle to the proposal but express concern in respect of the possibility of land fill gas migration into the site.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to the payment of a commuted sum in lieu of the provision of on-site open space.

3.3 Strategic Flood Risk Management object to the proposal on the grounds that insufficient information has been submitted with the proposal in respect of the proposed means of surface water drainage.

3.4 Highway Network Management raise no objection to the proposal.

EXTERNAL

3.5 Dringhouses and Woodthorpe Planning Panel raise no objection in principle to the proposal subject to the issue of surface water drainage being satisfactorily resolved.

3.6 Five letters of objection and a 16 signature petition have been submitted objecting to the proposal. The following is a summary of the letters of objection:-

- Concern about the lack of detail in respect of the mode of surface water disposal to the site;
- Concern in respect of the impact of additional traffic using the narrow access track serving Sunnydene and adjoining properties;
- Concern in respect of the impact of the proposal upon the residential amenity of adjacent properties;
- Concern at the impact of the proposal upon local biodiversity; and
- Concern at the impact of the proposal upon local property prices.

3.7 One letter of support draws attention to the drainage benefits of having a property built in that location together with the fact that the existing site would be tidied up.

4.0 APPRAISAL

KEY CONSIDERATIONS INCLUDE

- Impact upon the residential amenity of neighbouring properties;
- Impact upon the surface water drainage of the surrounding area;

- Impact upon local biodiversity;
- Concern in respect of an additional property accessed from the existing drive.

STATUS OF THE DRAFT LOCAL PLAN

4.1 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.2 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development that respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area as well as ensuring that residents living nearby are not unduly affected by noise, disturbance, overlooking, over-shadowing or dominated by overbearing structures. This policy is considered to be broadly in line with the NPPF in terms of its core planning principles requiring high quality of design and a good standard of amenity.

4.3 The application proposes the erection of a dormer bungalow on an area of land associated with the property Sunnydene accessed via a narrow access drive shared with three other properties. It is a revised re-submission of an earlier proposal for a full two storey detached dwelling house that was withdrawn following concerns expressed in respect of its relationship to the two properties along Moorlea Avenue which was felt to be overbearing. The revised proposal envisages a significantly lower form of development with the building footprint located further to the west away from the rear of 8 Moorlea Avenue. The proposed dwelling would now sit to the rear of no.9 but at a distance of 22m from the rear of the original dwelling and 16m from its rear extension. The principal living areas of the new property have been designed to face either the rear garden or the road frontage with any windows facing in the direction of Moorlea Avenue obscure glazed and not lighting habitable rooms. There would thus be no issue of overlooking or overbearing impact arising from the scheme as revised. The terms of Policy GP1 of the Draft Local Plan would thus be complied with.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK

4.4 Policy GP15a) of the York Development Control Local Plan sets a firm policy requirement that developers satisfy the Local Planning Authority that any flood risk be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

Paragraph 103 of the NPPF in respect of Planning and Flood Risk outlined in requires that Local Planning Authorities ensure that flood risk is not increased elsewhere in considering development proposals. The current application site lies in Flood Zone 1 which has the lowest defined risk of flooding from river sources. However the application site is regularly inundated to the extent that adjoining properties have flooded gardens. The application details envisage the installation of an attenuation scheme connected to a rainwater harvesting system linked to the existing surface water sewer system. The environs of the property would be subject to permeable paving. The applicant has not however identified a viable surface water outfall. Detailed calculations have not been submitted in respect of the existing surface water system even though it is proposed to link the attenuation system to the existing system. No topographical survey indicating ground levels relative to finished floor levels has been submitted in order to assess the impact of the proposal upon neighbouring properties. At the same time a discharge rate of many times in excess of the Greenfield rate ordinarily specified has been quoted. Bearing in mind the lack of significant information in respect of surface water drainage and also bearing in mind the fact that the site has recently been inundated to a level significantly in excess of a metre there is clear evidence of a significant problem in draining the site for which a satisfactory solution should be forthcoming prior to any planning permission for redevelopment of the site being given.

IMPACT UPON LOCAL BIODIVERSITY

4.5 Policy NE8 of the York Development Control Local Plan sets out a clear policy presumption that planning permission will not be forthcoming for development that would destroy or impair the integrity of green corridors or stepping stones. The application site is centrally placed within a development of bungalows dating from the 1970s accessed from Moorlea. It was formerly an orchard and contains several degraded fruit trees. Concern has been expressed in respect of the impact of the proposal upon wildlife living within the application area. However as a consequence of the open and degraded character of the site together with the severe drainage problems experienced it is felt that the wildlife and landscape interest of the site is modest and not a viable reason for refusal of itself.

CREATION OF AN ADDITIONAL PROPERTY ACCESSED FROM A PRIVATE ACCESS DRIVE

4.6 Concern has been expressed in relation to the creation of an additional property accessed from a private drive in highway terms. However, it is felt that the additional traffic generated by a property of the size envisaged would not be such as to create conditions prejudicial to the safety and convenience of local highway users.

OTHER ISSUES:-

4.7 Concern has been raised in respect of the impact of the proposal upon the prices of property surrounding and the precise ownership of the access drive to the properties. The impact of a development proposal upon local property prices is not a material planning consideration and the applicant has subsequently confirmed that he is the sole owner of the access drive.

5.0 CONCLUSION

5.1 Sunnydene comprises a substantial brick built bungalow dating from the 1970s accessed from a private access drive to the west of the City Centre. Full planning permission is sought for the erection of a 1 1/2 storey dormer bungalow on a disused former orchard to the south of the property. The scheme represents a revised re-submission of an earlier proposal previously withdrawn as a result of concerns expressed in relation to its impact upon the residential amenity of neighbouring properties. It is felt that the revised design has adequately addressed the previous matters of concern. However, further concern has been expressed in respect of the lack of detailed information in relation to the surface water drainage of the site. The site has been substantially waterlogged to a depth in excess of 1 metre in the recent past to the extent that significant amounts of water have seeped into neighbouring gardens. This provides clear evidence of a significant problem in respect of the surface water drainage of the site. In the absence of a clear and detailed scheme that would tackle this problem an obvious risk exists that the proposal would compromise the local surface water drainage pattern and increase flood risk to neighbouring properties.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Insufficient information has been submitted with the proposal to firmly establish that the site can be safely and securely drained without causing material harm in the form of increased flood risk for neighbouring properties taking account of the significant and demonstrable surface water drainage problems at the site, contrary both to the terms of Policy GP15a) of the York Development Control Local Plan and Central Government Planning Policy in respect of Planning and Flood Risk outlined in the National Planning Policy Framework paragraph 103.

7.0 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve an acceptable outcome:-

Full details of the mode of surface water drainage for the site and its surroundings were sought.

However, the applicant /agent was unwilling or unable to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

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