

COMMITTEE REPORT

Date: 5 November 2015 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 15/01598/FUL
Application at: 14 The Avenue Haxby York YO32 3EQ
For: Erection of dwelling
By: Mr S Yeoman
Application Type: Full Application
Target Date: 4 November 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the side garden of a semi-detached house on a corner site in the Park Estate in Haxby. The surrounding properties are residential and mainly a mix of detached and semi-detached units. There is an existing 2m high hedge on the front and side boundaries and a garage and shed on the area of land it is proposed to erect the house.

1.2 The application proposes the erection of a detached two bedroom dwelling house, which would have vehicular access and a parking space in the rear garden area.

1.3 The application has been called to Committee by Councillor Ian Cuthbertson on the grounds of overdevelopment, causing a terracing effect, concerns about parking, concerns about the access and egress of the site, which is on a 90 degree bend, and concerns about flooding in the area.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design
CYGP4a Sustainability
CYGP10 Subdivision of gardens and infill devt
CYGP15a Development and Flood Risk
CYH4a Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections to the proposed development from a highway point of view. Car parking for residents meets CYC standards. The property is located on an unadopted road. Cycle parking is not detailed but may be conditioned.

Environmental Protection Unit

3.2 A condition requiring the installation of a three pin 13 amp external electrical socket which is suitable for charging an electric vehicle on the driveway should be placed upon any approval given. In addition the standard demolition, construction and contamination informative is recommended.

Flood Risk Management Team

3.3 No objections but recommend conditions/informative regarding the details of the proposed means of foul and surface water drainage systems including any balancing and off site works.

EXTERNAL

Publicity and Neighbour Notifications

3.4 One objection has been submitted to the proposal on the grounds that:

- Proposed house takes up most of the plot and creates a terraced effect
- No garage space for no.14 and very limited car parking
- Proposed house has no garage and poor parking
- Any parking on the road would be dangerous as the house will be built on corner of The Avenue
- Problems of drainage on The Avenue
- Over-development of The Avenue

Haxby Town Council

3.5 Object on the following grounds:

- The proposed dwelling would be an overdevelopment of the site
- Cause a terracing effect
- Concerns about parking
- Concerns about the access and egress of the site on a 90 degree bend.

- Concerns about flooding in this area

3.6 One person has written in supporting the views of the Town Council

Foss (2008) Internal Drainage Board

3.7 The Board advise that the preferred drainage option is to drain surface water to a soakaway. However, it would have no objections to the disposal of surface water from the development to a Yorkshire Water surface water sewer (in the event of a failed soakaways test) if evidence of written consent from Yorkshire Water is provided along with confirmation that the sewer has the capacity. It also recommends the imposition of conditions regarding drainage works to be agreed and the feasibility of using soakaways and SUD's.

4.0 APPRAISAL

KEY ISSUES

4.1 The key material considerations relevant to the determination of this application are:

- Principle of development
- Sustainability
- Design and visual amenity
- Residential amenity
- Access and parking
- Drainage issues

POLICY BACKGROUND

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system and in Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

4.3 Paragraph 186 advises of the need for Local Planning Authorities to adopt a positive approach towards sustainable development in their decision-taking and Paragraph 187 advises of the need to look for solutions in order to approve applications where possible.

4.4 Paragraph 17 advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also outlines the need to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

It also states that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

4.5 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although their weight is limited except where in accordance with the content of the NPPF.

4.6 Policy GP1 'Design'. This policy requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.7 Policy GP4a 'Sustainability' seeks, amongst other things, to ensure that development proposals are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

4.8 Policy H4a 'Housing Windfalls' permits the grant of planning permission for residential development on land not allocated on the Proposals Map, where: a) the site is within the urban area and is vacant, derelict or underused; b) the site has good accessibility to jobs, shops and services by non-car modes; c) it is of an appropriate scale and density to surrounding development; and, d) it would not have a detrimental impact on existing landscape features.

4.9 GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

4.10 GP15a 'Development and Flood Risk' states that discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

ASSESSMENT

Principle of Development

4.11 NPPF Paragraph 17 advises that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Policies GP10 and H4a of the DCLP accord with the NPPF in that they allow new development where it would not be detrimental to the character and amenity of the local environment (GP10) and is of an appropriate scale and density and would not impact on existing landscape features (H4a).

4.12 The site lies within the main built-up residential area of Haxby and the proposed development would be compatible with the character of the surrounding area, which consists predominantly of detached houses.

The site itself is clear of any existing landscape feature with the exception of a mature boundary hedge, which will be retained as part of the proposals. It is considered that the proposal would accord with the general thrust in the NPPF for the efficient use of land and subject to there being no detriment to amenity of the local area, which is addressed below, it is considered that the principle of development is acceptable.

Sustainability

4.13 The NPPF Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy GP4a of the DCLP requires proposals to have regard to the principles of sustainable development as set out in the policy.

4.14 The Sustainability Statement provided with the application outlines the following initiatives and aspects:

- The dwelling will be constructed to be energy efficient design with insulation, double-glazing, low energy light fittings, both externally and internally.
- Heating is to be highly efficient to current standards; any mechanical extract is to have heat recovery units.
- Renewable materials to be used where practical, hazardous materials not to be used in the construction of the building.
- Water usage is to be reduced by the use of foaming taps and economy flush toilets and grey water so that the potable water supply is reduced to 100 litres per person per day.
- Car parking and turning areas to use permeable paving.
- Rainwater is to be harvested and used for grey water with any excess going in to storm cells or in-line attenuation tank before discharging to mains.
- The site is about three and a half miles from the city centre and is well serviced by public transport with a bus service every ten minutes in the daytime. The nearest shopping facilities are in Haxby which are approximately half a mile away.

4.15 In light of the context and information submitted, it is considered that the proposal amounts to sustainable development and satisfies NPPF and Local Plan policies.

Design and Visual Amenity

4.16 NPPF Paragraph 17 and policy GP1 require high quality design. The surrounding properties, although all modern, have a mix of styles. All have pitched roofs and there are front and rear extensions contained under pitched roofs on a number of properties. There is a mix of render and brick.

The proposal responds to the context in that it is constructed from brick with a tiled roof and it incorporates two storey and single storey pitched roof projections to the rear. There is a pitched roof entrance lobby on the side and a mono-pitch bay window on the front. In essence the massing of the building has been broken down effectively and it makes a considered response to the surrounding built context.

4.17 It has a reasonably sized site area (rear garden 9m x 9m, front garden 7m x 9m) and the existing mature boundary hedge will be retained. It would be set 2m off the main side elevation to no.14 and 1m off the single storey side extension to no.14. It is not considered it would be overdevelopment or create a terracing effect and overall it is considered that it will make a sympathetic contribution to the townscape.

Residential Amenity

4.18 One of the core planning principles cited in the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in DCLP Policy GP1 (i) which requires development proposals to ensure that the amenity of nearby residents is not unduly affected.

4.19 The proposed house is set 2m off the main side elevation to no.14 and 1m off the single storey side extension to no.14, its frontage is in line with the frontage of no.14 and its ridge is circa 100mm lower than the ridge to no.14. It includes a two storey/single storey rear extension that projects circa 1.6m beyond the rear of no.14, however, this is also offset 1.4m from the side boundary with no.14 and 4m from the side elevation of no.14. In this respect it is not considered that the proposal would have an adverse impact on existing or future occupants of no.14.

4.20 There is at least 26m between the proposed house and houses to the north, on the opposite side of The Avenue and circa 23m from the nearest house to the east on the opposite side of the street. There is a bungalow to the south of the application site, which has a side garage extension adjacent to the rear boundary of the application site. There would be circa 10m between the rear elevation of the single storey rear elevation of the house and the garage and circa 12m between the rear elevation of the two storey rear extension to the house and the garage. In view of these relative distances between the proposed house and existing properties it is not considered that there would be any adverse impact on amenities or privacy of existing residents as a result of the scheme.

Access and Parking

4.21 A new vehicular access is proposed into the site from The Avenue on the eastern boundary with a car parking space provided in the rear garden. The new access would be approximately 23m from the 90 degree bend in The Avenue to the north; at this distance the access does not give rise to any road safety issues.

No details are provided of cycle parking provision but there is considered to be adequate space on site to accommodate such a facility in a covered and enclosed store at the rear of the house.

4.22 The current vehicular access to no.14 is located within the area of land that will form the front garden for the new dwelling house. The site plan originally submitted with the application has been revised to show that separate access and parking space will be provided for no.14 wholly within the area that will remain as the front garden for this existing dwelling house.

Drainage Issues

4.23 There are two separate sewers running down The Avenue; one for foul and one for surface water, these combine further down in York Road. The Foss (2008) Internal Drainage Board have advised that there are drainage problems in the area and have recommended a number of conditions that should be attached to a planning comment if the proposed development is approved. However, the Council's Flood Risk Management Team considers the proposal to be acceptable subject to the imposition of conditions, which it considers will address the concerns of the IDB. These conditions require that:

- the development is served by separate systems of drainage for foul and surface water
- consideration is given to discharge to soakaway, infiltration system and watercourse systems in that priority order with surface water discharge to the existing public sewer network only being used as a last resort if sufficient evidence is provided to discount the use of SUD's.
- if SUD's are unsuitable then a drainage system is provided that attenuates peak run-off to 70% of current rate

4.24 It is considered that the imposition of these conditions would satisfactorily address the drainage issues associated with the proposed development.

5.0 CONCLUSION

5.1 The proposed development will respect the general character of the area and will have no adverse effect on the amenity of neighbouring residents.

It is considered it complies with national guidance in the NPPF and Development Control Local Plan Policies and that it is acceptable subject to the imposition of relevant conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details

AL/4/(9)/15 received 30 September 2015 and AL/7/(9)/15 received 15 October 2015
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 EPU1 Electricity socket for vehicles

5 HWAY18 Cycle parking details to be agreed

6 HWAY19 Car and cycle parking laid out

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

Reason: In the interest of satisfactory and sustainable drainage.

8 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.

Design considerations.

a) 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 Urban 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 to discount the use of SUD's.

b) If SUD's 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 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.

Please note that if existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

c) 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.

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

9 NOISE7 Restricted hours of construction

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 order to achieve a positive outcome:

A revised drawing was secured in which the proposed house has been reduced in width and separate car parking is provided for the existing house at no.14 The Avenue.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

2. CONTAMINATION, DEMOLITION, CONSTRUCTION

Watching Brief Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

Demolition and Construction Informatives

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

1. 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.

2. 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".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

4. 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.

5. There shall be no bonfires on the site.

6. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority.

In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) 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. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

3. 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.

Contact details:

Author: David Johnson Development Management Assistant

Tel No: 01904 551665