

COMMITTEE REPORT

Committee: East Area
Date: 19 December 2007
Ward: Strensall
Parish: Strensall And Towthorpe Parish Council

Reference: 07/02633/FUL
Application at: Helmsdale York Road Strensall York YO32 5UN
For: Erection of 2no. detached two storey dwellings after demolition of existing bungalow (resubmission)
By: Mr And Mrs A M Cutler
Application Type: Full Application
Target Date: 2 January 2008

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of two dwellings. The site is currently occupied by one bungalow known as Helmsdale located on York Road in Strensall. This is the third such application at this site with the previous two being refused. The first application, 05/02533/FUL, was refused because the proposed development was considered to result in a cramped appearance of the buildings which is out of character with and detrimental to the appearance of the area. The second application; 06/02531/FUL, was refused for two reasons. The first was that the proposal did not incorporate a mix of dwelling sizes or types. The second was similar to the reason for refusal on application 05/02533/FUL but it went on to state that the proposal would harm the setting of the adjacent conservation area.

1.2 The current application is being heard before committee at the request of Cllr Kirk due to concerns of site flooding and the impact on the character of the local area.

1.3 The application site is approximately 0.14 ha in size. Currently a single bungalow occupies the site which would be demolished and removed to make way for two new two storey dwellings should planning permission be granted. The existing bungalow has a footprint of approximately 184 square metres.

1.4 The dwelling proposed as plot 1 has an eaves height of 5.2 m with a height of 8.2 m to the ridge. The dwelling would have a footprint of approximately 118 square metres with a detached garage of approximately 36 square metres. Plot 2 would have a maximum eaves height of 5.2 m and ridge height of 8.3 m. The footprint would be approximately 161 square metres including an attached double garage. Both dwellings would contain five bedrooms and a study.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Strensall Village COMPLE

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYHE3
Conservation Areas

CYGP10
Subdivision of gardens and infill devt

CYH5A
Residential Density

CYGP4A
Sustainability

3.0 CONSULTATIONS

Internal

3.1 City Development - The proposal is acceptable in policy terms if it is considered that the development would not be harmful to the character of the surrounding area. The proposed development is in compliance with parts a) and b) of Policy H4a (Housing Windfalls).

3.2 Highway Network Management - There are no highway objections to the principle of this development, however, it is noticed that proposed plot 1 does not have any on-site turning and the turning arm to plot two should be extended 2m in order to be practicable. It is a recommendation that, as York Road is a classified highway (C90) and the site lies within a double bend system with accompanying double white centre line road markings then any vehicle accessing the site should be capable of entering and leaving in a forward gear without the need to reverse into or from the public highway. Conditions recommended to be included with any approval.

3.3 Environmental Protection Unit - No objections to the application. However, a watching brief condition should be added to any approval in case of any historic contamination of the site and an hours of working condition should be attached to control demolition and construction work.

3.4 Urban Design and Conservation - This is a great improvement on the earlier scheme in terms of the design of the buildings, their disposition on site, and their

detailing. Therefore it is considered that it adequately preserves the character of the conservation area. The replacement of the front fence and hedge need to be tightly controlled and tree T2 retained where possible. PVC windows should be avoided if possible. The roof covering is not specified but should not follow the corrugated concrete tiles of Number 9, the preferred finish is flat red clay tiles as most other houses in the area have this.

3.5 Countryside Officer - Comments not received at time of writing the report.

External

3.6 Strensall and Towthorpe Parish Council - Object on the following grounds:

- The proposal includes the creation of a further access onto an already fast and dangerous stretch of road which has double white lines down the middle.
- The proposal is over-development and adjacent to a Conservation Area. This would be exacerbated by the proposal of building separate garages.
- The two previous reasons for refusal are supported by the Parish.

3.7 Foss Internal Drainage Board - The applicant states that surface water would be discharged to the main drains which is assumed to be the public sewer. The water company should be approached to confirm that this method of disposal is acceptable. It is also recommended that the applicant provide information as to the point of discharge of the sewer in order that the Board may comment on the suitability of the receiving watercourse. It is therefore recommended that conditions be attached to any approval to ensure these details are submitted and are acceptable.

3.8 Yorkshire Water - Comments not received at time of writing the report.

3.9 Neighbours (Site notice expires 17.12.2007) - Two letters of objection received, these were from 4 Orchard Way and 4 Princess Road. Objections were raised to the proposed development on the following grounds:

- The two houses would be out of keeping with the character of the area;
- There have been land drainage problems in the area and the proposed development may lead to localised flooding;
- The proposed developments are likely to bring extra traffic which would lead to an increased road safety risk due to the application site being on an S bend;
- The plot is not large enough to support two dwellings and residents car parking spaces;
- Very little has changed since the previously refused application, highway and conservation issues have certainly not been satisfied;
- The plans are not accurate and do not reflect the true location of neighbouring properties;
- 9 windows would overlook the kitchen, conservatory, patio, and garden of 4 Princess Road, when this dwelling was proposed to be built it had to be significantly redesigned to avoid the same happening;
- If planning permission is granted existing planting on the boundaries would need to be retained and reinforced to reduce overlooking and give much needed habitat for wildlife.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Street Scene
- Impact on the Amenity of Neighbours
- Highway Safety
- Drainage

4.2 The application site is located within the defined urban settlement of Strensall. Helmsdale is adjacent to but not within Strensall Conservation Area. There are a variety of dwelling types and sizes within the area with densities varying greatly. The proposed development would involve the removal of a bungalow to make way for two two-storey dwellings with individual access points onto York Road. The existing bungalow is of no particular architectural merit and it is not considered that it contributes strongly to the character of the area. The proposed development would create two dwellings on a plot of approximately 0.14 hectares, this represents approximately 14 dwellings per hectare. This is considerably below the density of 30 dwellings per hectare that would generally be accepted in an urban area. However, given the lower density which is characteristic of this part of York Road it is considered to be reasonable. Therefore no objections are raised to the principle of developing this site for two dwellings.

4.3 One of the reasons for refusal of the previous two applications was the design and layout of the proposed dwellings. It was considered that the dwellings would appear cramped within the plot and this would harm the character and appearance of the area. Whilst the dwellings within this application do not have a substantially different footprint to those previously approved, it is considered that the design and layout has been much more carefully considered. The footprint level should be taken in context. The dwellings have been reduced in width at two storey level with the garages located to the rear of the dwellings in order to reduce their visual prominence. The dwelling on Plot 2 has been set back a little further from York Road again reducing the overall visual dominance of the proposed dwellings. At two storey level there would be a gap of almost 10 m between the two dwellings, this allows for each dwelling to be seen individually thus reducing the perceived intensity of development of the site. A gap of close to 6 m would exist between Plot 2 and the existing house at 9 York Road, again providing sufficient separation and visual break to maintain the detached and spacious character of the area.

4.4 The dwellings themselves are considered to have been well designed. Each dwelling is of individual design but they are considered to complement each other. The houses appear to have been well detailed with windows appearing well positioned and well proportioned. There is no one set design style within the area which should be followed, however the design of the proposed dwellings is considered to be simple and well proportioned which would complement the surrounding dwellings and the character of the area.

4.5 There is a good level of natural landscaping around the site which provides an attractive setting and protect the amenities of neighbours. An arboricultural report was submitted with the application which concluded that the majority of the trees on the site were relatively healthy and could be retained. A condition could be attached

to any approval to ensure they are retained if it was felt necessary. Helmsdale currently has a front boundary hedge, it is considered that this should be re-instated in order to maintain the character of the area once development has been completed.

4.6 Neighbour concerns have been raised regarding a loss of privacy from the proposed dwellings. This did not form a reason for refusal in the case of the previous two applications on this site and it is not considered that it would be reasonable to object on these grounds in the case of this resubmitted application. Regarding Plot 1 the dwellings which may be affected by the proposal are The Old Vicarage and 2 - 6 Orchard Way. There would be a minimum separation distance of approximately 30 metres between the new dwelling and these properties. This is considered a sufficient distance to maintain privacy levels. The dwelling would be positioned more than 10 m from the southern curtilage boundary which again is considered sufficient to provide adequate privacy within the rear gardens of properties in Orchard Way. The first floor window closest to this boundary would serve an en-suite bathroom and is shown as being obscure glazed on the submitted plans.

4.7 Regarding Plot 2, the distance from the proposed house to dwellings on Orchard way would be similar to that of Plot 1. The dwellings at 2 and 4 Princess Road are considered a sufficient distance away to avoid a significant loss of privacy through overlooking. Plot 2 only has one first storey window proposed for its side elevation facing 9 York Road and this would serve a bathroom. Overall it is not considered that either dwelling would lead to a significant loss of privacy for neighbours. Both dwellings would sit a distance away from neighbouring properties which is considered a sufficient separation distance within an urban area.

4.8 The Highway Network Management Team raised no objections to the proposed dwellings. Concern was raised regarding a lack of turning space for Plot 1 but it is considered that there is scope within the site to create an adequate turning space and it is therefore suggested that this is dealt with through a planning condition.

4.9 Drainage and flooding concerns have been raised regarding this site. The dwelling is situated within Flood Zone 1 as classified by the Environment Agency, indicating a low risk of flooding. Therefore a flood risk assessment was not required to be submitted with the application. In terms of drainage the Foss IDB were consulted and did not raise objections to the proposed development. Comments are yet to be received from Yorkshire Water, however they responded to the previous application and did not raise objections to the proposed development. Conditions were suggested which would ensure that adequate provision was made for foul and surface water drainage. It is considered that a solution is likely to be possible to any drainage issues on site.

4.10 The previous application was partially refused as a mix of dwelling sizes and types was not proposed. However, since this refusal an inspector concluded in considering a similar proposal that housing mix on smaller sites is not a significant issue. It was concluded that securing high quality development which respects the character of the area is more crucial in such cases. Both dwellings proposed would

contain 5 bedrooms and a study. The 2007 Housing Market Assessment has shown a demand for houses with 4 or more bedrooms.

4.11 A sustainability statement was not submitted with the application. However, it is considered that the dwelling is located within a sustainable location with good access to local services and facilities without the need to use a private motor vehicle. A condition can be applied to any approval to ensure the development is carried out to an Eco Homes standard of at least very good.

5.0 CONCLUSION

5.1 No significant harm subject to the imposition of appropriate conditions.

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 following plans:-

Drawing Numbers C189/1, C189/2, C189/3, C189/4, C189/5, and C189/6 received by The CoYC on 07/11/07

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 VISQ7 Sample panel ext materials to be approv

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Window materials, design, and opening

Reason: So that the Local Planning Authority may be satisfied with these details.

5 VISQ4 Boundary details to be supplied

6 LAND2 Retention of trees shown on plans

7 Prior to the commencement of development details of the front boundary hedge to be planted shall be submitted to and approved in writing by the Local

Planning Authority. The hedge shall be fully planted prior to the first occupation of the premises and shall thereafter be retained.

Reason: So that the Council may be satisfied with the appearance of the development.

8 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve an Ecohomes rating of at least "Very Good" or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

9 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 alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

10 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: To protect the amenity of nearby residents

11 Notwithstanding the information contained on the approved plans, the ridge height of the approved development shall not exceed 8.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

12 HWAY10 Vehicular areas surfaced, details reqd

13 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge to match adjacent levels.

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

14 HWAY19 Car and cycle parking laid out

15 HWAY22 Internal turning areas, details reqd

16 HWAY23 Vehicular sight lines protected

17 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

18 HWAY31 No mud on highway during construction

19 DRAIN1 Drainage details to be agreed

20 All drainage routes through the site shall be maintained both during the works on Site and after completion of the works. Provisions shall be made to ensure the upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as 'ridge and furrow' and 'overland flows'. The affect of raising site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Reason: To ensure that the proposed development does not adversely affect the effectiveness of drainage outside of the site.

21 All windows shown as being obscure glazed on the plans hereby approved shall be obscure glazed to a standard equivalent to Pilkington Glass Level 3 or above and thereafter retained.

Reason: In the interest of neighbouring amenities.

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 the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1, GP4A, GP10, H4A, H5A, L1C, and HE3 of the City of York Draft Local Plan.

2. INFORMATIVE:

The alternative arrangements for Condition 9 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 a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £7,776.

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.

3. 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site

4. 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 remediation scheme 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.

5. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Mr Stuart Partington (01904) 551 361

Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325