

COMMITTEE REPORT

Date: 3 November 2016 **Ward:** Copmanthorpe
Team: Major and **Parish:** Copmanthorpe Parish
Commercial Team Council

Reference: 16/01673/FUL
Application at: Land to Rear of 9 - 11 Tadcaster Road Copmanthorpe York
For: Erection of 4no. dwellings with detached garages (triple garage to serve 11 Tadcaster Road) and associated works including new driveway
By: Mr Andrew Piatt
Application Type: Full Application
Target Date: 4 November 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for 4 new detached dwellings within the rear of Nos 9 and 11 Tadcaster Road. It is proposed to access the site via a new drive to the side of No.11 which will require the demolition of the existing garage to that property. A new detached 3 car garage is therefore proposed to the front of the existing property. The proposed dwellings have been individually designed in a relatively traditional form. Plots 1 and 4 have detached double garages while plots 2 and 3 have integral garaging. Materials are brick and render to the walls; clay tiles or slate to the roofs; chimneys are natural stone as are heads and cills; finally windows and doors are timber.

1.2 The site is currently a large lawned garden with the rear section fenced off and left fallow. There is mature hedging around the boundaries and a number of attractive trees both around the edges and in the centre of the site. It is proposed to keep the majority of trees and hedging. To the rear of the site is a more recent development of detached properties.

1.3 The application is brought to committee at the request of a ward councillor, Cllr Carr. He has raised concerns relating to the massing of the development, the size of the houses in relation to their plots and the impact on amenity of neighbouring residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Air Field safeguarding

2.2 Policies:

CYGP1 Design

| | |
|--------|--|
| CYGP4A | Sustainability |
| CYGP9 | Landscaping |
| CYGP10 | Subdivision of gardens and infill devt |
| CYNE1 | Trees, woodlands, hedgerows |
| CYH4A | Housing Windfalls |

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management – City Archaeologist

3.1 This site is in the vicinity of line of the Roman Road which approached York from the south-west (Tadcaster/Calcaria). The line of the road is thought to pass in front of the existing houses - the exact line of it is unknown. In addition to the road, cemeteries are often found along approach roads into Roman settlements.

3.2 It is possible that groundworks associated with this proposal may reveal or disturb archaeological features particularly relating to the Roman period. It will be necessary to record any revealed features and deposits through an archaeological watching brief and a strip, map and record exercise.

3.3 The area of the new driveway which runs south from Tadcaster Road will need to be archaeologically monitored by method of a strip, map and record exercise as this is where the Roman road may cross the proposed development site. The rest of the groundworks associated with this proposal e.g. drainage and foundations will need to be monitored by an archaeological watching brief.

Public Protection

3.4 Conditions recommended.

Highway Network Management

3.5 Highways have made a number of comments related to:

- Detailing of the access point off Tadcaster Road
- Gradient of the initial section of access drive to be 1:20
- Access drive to be drained so that it does not discharge water on to the public highway
- Retaining wall within visibility splay to be no more than 600mm above highway level
- Cycle parking to be provided

These details can be conditioned.

EXTERNAL

Yorkshire Water

3.6 They express a preference for soakaways for surface water drainage if possible. They note that a public sewer crosses the site but appears unaffected by the proposals.

Ainsty Internal Drainage Board

3.7 A condition is suggested for approval of surface water drainage proposals.

Copmanthorpe Parish Council

3.8 Objection to the scheme for the following reasons:

- The heights of the proposed dwellings are excessive, not in keeping with neighbouring dwellings, and there are concerns that the proposed building will overlook several houses in Barbers Drive.
- The density of the development both in number of proposed houses and particularly in the size of the properties. This results in overdevelopment of the site.
- The access is onto Tadcaster Road which is the main route from Copmanthorpe to York and poses problems with extra traffic from an access drive which is proposed to take traffic from 4 large houses on a narrow front.
- There is a nearby development for senior citizens and the only pathway to Tadcaster Road is crossed by this access drive.
- Tadcaster Road is used by two bus routes and this creates a bottleneck at the position of the access onto Tadcaster Road.
- There are concerns about displacing wildlife from the area, particularly bats. A survey of bats is requested for the site.
- Drainage is a concern with the property regularly flooding and discharging into adjoining properties. The site is also thought to have a covered stream.
- The proposed dwellings are not in keeping with the Village Design Statement in that the proposed houses are very large for the site and consequently close together. This presents a particularly large block of buildings.
- It is noted that the proposal is for a number of chimneys with wood burning stoves and this gives considerable concern about smoke pollution where previously there has been none.
- The area is currently a dark area and the proposal includes considerable automated illumination which will result in light pollution.

Neighbour Notification and Publicity

3.9 Thirteen objections and 1 letter making general comments have been received raising the following planning issues:

- Boundary lines on the East of the site plan seem incorrect
- Proposals should be moved West to reduce impact on Barbers Drive properties
- Hedges should be retained at their current height to protect privacy
- The garage to plot 4 will overshadow the neighbouring property
- The roof pitch of plot 4 should be reduced to limit overshadowing
- Side windows to plot 4 should be obscure glazed to limit overlooking
- There should be a restriction on putting more side windows in plot 4
- Permitted development rights for extensions should be removed
- The houses are too large for their plots
- The choice of materials, particularly render, is not in keeping with the locality
- The new properties are much taller than those on Barber Drive
- There is a surface water drainage problem and frequently standing water in the gardens
- Concern about maintenance of the trees and hedges and access to these
- Light pollution from the new dwellings and during construction
- Noise impact from the new dwellings
- External sound systems should be banned
- There should be a planting scheme with plants large enough to provide screening
- The scheme conflicts with the Copmanthorpe Village Design Statement
- An increase in the impermeable surface will occur and exacerbate surface water flooding issues
- Trees have been removed from the site and this has increased problems with flooding
- There are too many windows to the rear and these overlook neighbours
- The houses won't make much difference to the housing shortage in the city and will be too expensive for most people
- Concern about increase in traffic flow
- Pollution from wood burners
- No consultation with neighbours and the scheme doesn't take in to account the impact on neighbours
- Impact on wildlife
- Overbearing impact on neighbouring properties
- The scale and density of the development is too much
- The access is not suitable for refuse and emergency vehicles
- Overshadowing of neighbouring properties
- Noise and disturbance to Tadcaster Road properties as a result of the new access

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Visual impact
- Impact on neighbouring residential amenity
- Drainage issues
- Highways and access
- Protected species and existing planting

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in Paragraph 17 is 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 and proactively drive and support sustainable economic development to deliver the homes that the country needs.

4.3 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Paragraph 47 seeks to boost significantly the supply of housing.

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

4.5 The planned consultation on the Preferred Sites for the emerging City of York Local Plan went before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. The proposals are now subject to an eight-week public consultation which started in July. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration.

4.6 The relevant City of York Council Local Plan Policy is GP1. 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.

4.7 Policy H4a of the DCLP is also relevant and suggests that planning permission on windfall housing sites may be granted where the site is under-used; has good access to jobs and public transport; is of an appropriate scale and density to surrounding development; and would not have a detrimental impact on existing landscape features. Policy GP10 states that planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character and amenity of the local environment.

PRINCIPLE OF THE DEVELOPMENT

4.8 The proposal is on an unallocated site within a residential area. The proposal is in keeping with the residential character of the area and acceptable in principle, subject to other material planning considerations outlined in policies GP1, GP10 and H4a.

VISUAL IMPACT

4.9 The proposed dwellings are sited to the rear of Nos 7, 9 and 11 Tadcaster Road. These properties benefit from large gardens although it would appear that No.7 has historically sold the rear of their garden to No.9. To the rear of the site is a more recent housing development with properties sited on smaller plots. It would appear likely looking at the location plan that some of the land for this newer development originally formed part of the back gardens to the properties on Tadcaster Road.

4.10 As a result of the scale of the plots on Tadcaster Road, there is sufficient space to remove the existing garage to No.11 to construct a separate access road leading to the new development. From Tadcaster Road this access road will appear similar to other access points to the existing properties. The development itself is set so far off the road that it is unlikely that there will be any clear views of the new dwellings. In regards to the density of development, the proposal appears to fit between the very low density development on Tadcaster Road and the higher density development of the properties around Barber Drive. As such it is considered that the proposal will maintain the character of the area in terms of the density of development.

4.11 The properties are individually designed with good detailing and appropriate materials. Properties in the area are constructed from a mixture of brick and/or render and the proposal reflects this. It is appreciated that the properties on Barber Drive are predominantly brick but those on Tadcaster Road also use render on their

elevations. The site is not in a Conservation Area and as the proposals are of an appropriate residential design with high quality materials it is considered that they are acceptable in this regard.

4.12 The properties are substantial in their height and scale but there is a space of approximately 3m between each property and 6m between plot 1 and the western boundary and 4m between plot 4 and the eastern boundary. While sited roughly in a line along the cul-de-sac there is some variation in the set back of the properties so as to give some interest in the streetscene. The houses themselves are 9m in height which is taller than properties on Barbers Drive however the new dwellings are a minimum of 20m from the existing properties and, with the mature planting on the boundary, will be visually separate from the existing.

4.13 In design terms, the proposal is considered to comply with the Copmanthorpe Village Design Statement. The proposal is variable in its plot size and house types with properties grouped along a small cul-de-sac. The design of the properties is appropriate to the local area with a scale and density in keeping with surrounding properties. The site is within the settlement area of Copmanthorpe and as such is within reach of an acceptable range of local services and public transport.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.14 Distances between the proposed and existing properties are considered acceptable to prevent overlooking. The closest point is between the corner of No.27 Barbers Drive and plot 4 where the distance is 20m. Similarly No.9 Barbers Drive and plot 4 are approximately 21m apart. These distances in themselves are considered acceptable to prevent overlooking but it should also be noted that properties do not look directly at each other but are generally angled so that the distances are often in fact greater. The exception being No.27 Barbers Drive which looks directly at the side/rear of plot 4 at a distance of 20m. Rear gardens for the new properties are of a good size to prevent overlooking to neighbours. The shortest rear garden is that of plot 3 which is a minimum of 12m to the rear boundary.

4.15 The properties have hipped roofs and this helps to reduce the bulk of the buildings and the impact on neighbouring residents. The distances between the proposed dwellings and neighbouring properties will help to reduce over-dominance as will the hipped roofs and the retention of existing landscaping will provide further screening.

4.16 While it is acknowledged that the introduction of 4 properties within this garden plot will alter the character of the area and will introduce increased activity, this will not be significant and would be activities normally associated with reasonable residential occupation.

The proposal is for 4 dwellings all with reasonably sized rear gardens which will help to ensure that the new properties are well separated from the existing. Boundary treatment and landscaping will provide further screening of properties.

4.17 The new drive will run alongside the western boundary of the site with No.15 Tadcaster Road. This property has a single storey element abutting the boundary. This area of the property is a living area and so there is some potential for noise impact from the proposed access road. However there are no side windows in the property and boundary treatments are good with no intention to amend them and landscaping is to be retained where possible. The relatively low intensity of use anticipated from 4 new houses is also considered to minimise the impact on amenity through noise disturbance from vehicles.

4.18 The proposal is considered likely to result in little significant increase in overshadowing of neighbouring properties. Any impact will be on the properties to the East of the site during the later part of the day when there may be some overshadowing to the rear gardens of 27-31 Barbers Drive. The overshadowing will occur at the end of their rear gardens and there will be no loss of light to the rear of the properties.

4.19 Concern has been raised about the impact of light pollution on neighbouring amenity. The NPPG recommends that light pollution may arise when new development materially alters light levels outside the development and/or has the potential to adversely affect the enjoyment or use of nearby buildings. It is considered unlikely that the level of external lighting associated with the 4 new houses will significantly impact on neighbouring amenity. It is noted that the site is within a village surrounded by other properties and neighbours are unlikely currently to experience levels of darkness experienced on isolated sites in the countryside and there is no reason to expect that the level of external lighting will be beyond that usually experienced with residential development.

4.20 Objectors have suggested that permitted development rights should be removed. Given that the properties are on sizeable plots with good rear gardens this is not considered necessary. NPPG recommends that such conditions rarely pass the test of necessity and should only be used in exceptional circumstances and it is not considered that the development requires such future restriction.

DRAINAGE ISSUES

4.21 Local residents have raised concerns about drainage issues on the site. This can be covered by condition and surface water discharge rates would need to be controlled to the greenfield rate as the site is previously undeveloped.

HIGHWAYS AND ACCESS

4.22 In highway safety terms, the proposal is considered to have little impact given the scale of the development and number of vehicle movements likely as a result of this. Tadcaster Road has reasonable visibility in both directions and 30mph speed limit is in force. It is considered that the proposal will have little impact on highway safety for either vehicles or pedestrians.

4.23 The access point from Tadcaster Road requires amendment which can be secured via a planning condition. As a result of the difference in levels between Tadcaster Road and the site, a condition to ensure the gradient of the access road does not exceed 1:20 is recommended as well as a condition to ensure surface water drainage doesn't discharge from the drive on to the highway. Cycle parking within properties is also to be conditioned.

PROTECTED SPECIES AND EXISTING PLANTING

4.24 Currently the rear area of the gardens has been left to grow wild allowing wildlife to flourish. Demolition is proposed of the existing garage and outbuildings of the house as well as some garden buildings. It is considered unlikely that the buildings attached to the house will contain bats as they have been extended relatively recently while the garden buildings are not of substantial construction. Nesting birds are given protection under separate legislation. Tree and hedge planting is to be retained as far as possible to provide screening and improve amenity and can be protected by condition. Where hedges are in neighbours' ownership, the applicant has no right to remove or damage them. The plans note that hedges will be reinforced where gaps occur.

5.0 CONCLUSION

5.1 It is considered that the scheme provides an appropriate use for a currently under-utilised area of garden.

The proposed dwellings are appropriately designed for this village location with an acceptable density of development between the large properties on Tadcaster Road and the more modest development on Barbers Drive. The scheme will provide good levels of amenity for future residents while having little significant impact on neighbouring residential amenity. The application is considered to be in accordance with policies GP1, GP10 and H4a of the draft Development Control Local Plan and the relevant policies of the NPPF.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

1452-104A; 1452-107C; 1452-100C; 1452-108; 1452-101B; 1452-102B; 1452-103B; 1452-106A.

3 VISQ8 Samples of exterior materials to be app

4 Trees, hedges and shrubs shown to be retained on plan 1452-100 Rev.B shall be protected during the development of the site by the following measures:-

- (i) A chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;
- (ii) No development (including the erection of site huts) shall take place within the crown spread of the trees;
- (iii) No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- (iv) No burning of materials shall take place within three metres of the crown spread of any tree;
- (v) No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Reason: In order to safeguard the existing landscape features of the site.

5 ARCH1 Archaeological programme required

6 ARCH2 Watching brief required

7 No work on the construction of the dwellings or garages or any hard surfaces shall be commenced until the Local Planning Authority has approved a scheme for the provision of surface water drainage works.

The approved scheme shall be implemented before the occupation of any of the approved dwellings development is brought into use.

The following criteria should be considered:

- * Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- * Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- * Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- * Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- * A 20% allowance for climate change should be included in all calculations.
- * A range of durations should be used to establish the worst-case scenario.

* The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

- 8 HWAY19 Car and cycle parking laid out
- 9 HWAY14 Access to be approved, details reqd
- 10 HWAY9 Vehicle areas surfaced
- 11 EPU1 Electricity socket for vehicles
- 12 LC4 Land contamination - unexpected contam

13 Within the visibility splay as shown on plan 1452-108, the height of the retaining wall and vegetation shall not exceed 600mm above highway level. Vegetation shall be maintained at this height for the lifetime of the development.

Reason - In the interests of highway safety.

14 Prior to first occupation of the development hereby approved, details of 2 secure cycle parking spaces per property will be submitted to the Local Planning Authority and approved in writing. The approved details will be implemented and retained and maintained for the lifetime of the development.

Reason: To promote sustainable travel in accordance with section 4 of the NPPF.

- 15 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:

Requested revised plans with amendments to house types and site access.

2. SURFACE WATER DRAINAGE

The Applicant states that surface water will be discharged to public sewer.

If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site.

The Applicant should 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.

The Applicant should also provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

The maximum discharge that will be accepted from an area that is shown to discharge to the sewer and then to a watercourse is that associated with agricultural run-off rates and is generally taken as 1.40 lit/sec/ha. With an allowance for any "brownfield" areas any of the site which are impermeable, have positive drainage and a proven connection to the watercourse (at the rate of 140 l/s/ha less 30%).

3. INFORMATIVE: Control of Pollution Act 1974

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