

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 14 February 2008 **Parish:** No Parish

Reference: 07/02852/OUT
Application at: 63 Hobgate York YO24 4HW
For: Outline application for the erection of two storey detached dwelling adjacent 63 Hobgate
By: Mr P Tinker
Application Type: Outline Application
Target Date: 29 January 2008

1.0 PROPOSAL

1.1 The application relates to a landscaped side garden containing a brick build garage. The application site is located within a cul-de-sac. The majority of the dwelling houses are detached and have been extended to varying degrees. The compact layout is a prominent feature of this particular streetscene.

1.2 Cllr. B. Watson requested that the application should be considered by the Planning (West and City Centre Area) Sub Committee as the space between the dwellings looked to be close.

1.3 A committee site visit is to take place because objections have been received and the application is recommended for approval.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Acomb Primary 0182

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

3.0 CONSULTATIONS

INTERNAL

YORK CONSULTANCY

3.1 No Objections "Subject to provision of full drainage details prior to commencement on site."

HIGHWAY NETWORK MANAGEMENT

3.2 No Objections - Conditions Included.

LIFELONG LEISURE AND LEARNING

3.3 No Objections.

ENVIRONMENTAL PROTECTION UNIT

3.4 No Objections.

EXTERNAL

3.5 One letter of objection has been received. The letter raises the following concerns.

- * blatant infilling.
- * loss of garden area.

4.0 APPRAISAL

KEY ISSUES

- * Policy Context
- * Principle of Development
- * Visual and Residential Amenity
- * Highway Issues

PLANNING CONTEXT

4.1 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.

4.2 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.

4.3 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.

4.4 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.

4.5 GP4a "Sustainability" Policy GP4a - proposals for all development should have regard to the principles of sustainable development .

All commercial and residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria listed below and will be judged on its suitability in these terms.

PRINCIPLE OF THE DEVELOPMENT

4.6 The applicant has applied for outline approval to ascertain whether the principle of developing this particular site with a detached dwelling would be acceptable. Policies H4a and GP10 are particular prevalent in this instance as the applicant proposes to sub divide an existing garden area, which can be accessed from an existing driveway. All issues relating to siting, design, external appearance, access and landscaping will be dealt with in an subsequent reserved matters application. The Local Authority will recommend conditions at this stage to ensure that any material issues are appropriately addressed at the reserved matters stage.

VISUAL AND RESIDENTIAL AMENITY

4.7 A distance of approx. 19.4 metres is provided to the northern boundary, which adjoins the playing field of a neighbouring primary school. Approximately 1.1 metres has been provided to the western and eastern boundaries, although the latter provision appears minimal, they are comparable with the "gaps between dwellings" at No's 57/59 and 60/62. The overall impact is further mitigated by the existence of only tertiary windows within the western elevation of No.63 Hobgate, therefore the proposals represent little harm to the existing amenity provisions currently enjoyed by these properties.

4.8 A condition has also been recommended to ensure that any openings in the dwellings western and southern elevations are obscurely glazed, mitigating any overlooking or the perception of being overlooked.

4.9 Heights to eaves and ridgelines have not been specified at the outline stage, however to mitigate any amenity impact a condition and informative have been recommended to secure the roof type (hipped) and height of the proposed dwelling respectively. The proposed dwelling will not be higher than No's 59 or 63, Hobgate, maintain an element of space between buildings.

4.10 The proposed rear garden area of the proposed dwelling; although smaller than those neighbouring (19.4 metres x 10.2 metres) is considered to compliment the dwellings footprint, providing a useable amenity space.

HIGHWAY ISSUES

4.10 Highway Network Management have raised no objections. Conditions are included requiring the applicant to provide parking layout, cycle storage and kerbing/footway details prior to the commencement of development.

5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance and in general compliance with the policies of the Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance (showing a hipped roof), landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006

3 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Site Plan - Stamp Dated 04.12.2007

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.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

5 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 £360 (1 x bedroom dwelling), £1242 (2 x bedroom dwelling), £2154 (3 x bedroom dwelling), £3006 (4 x bedroom dwelling) and £3888 (5 x bedroom dwelling)

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.

6 HWAY10 Vehicular areas surfaced, details reqd

7 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 kerbing and footway to match adjacent levels.

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

8 HWAY29 IN No gate etc to open in highway

9 Prior to the commencement of development a sustainability statement addressing criteria set out in Policy GP4a of the Local Plan and the "Code for

Sustainable Homes", shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

10 Prior to the commencement of development on site, full drainage details shall be submitted to and approved in writing by the Local Planning Authority.

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

11 HWAY18 Cycle parking details to be agreed

12 Car parking provision in accordance with the approved plans must be provided before the use commences and thereafter retained for the sole use of the occupants of, and their visitors to, the development hereby approved.

Reason: To comply with the Local Planning Authority's parking standards in the interests of highway and pedestrian safety and residential amenity.

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 and residential amenity. As such the proposal complies with Policies GP1, GP4a, H4a and L1c of the City of York Development Control Draft Local Plan.

2. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. Demolition and Construction - 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 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.

The developer's attention is 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:

a. 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.	

b. 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".

c. 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.

d. 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.

e. 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.

f. There shall be no bonfires on the site.

4. You are advised that the details of the scale of the development required of condition 2 should show the ridgeline of the detached dwelling not exceeding the height of adjacent properties; No.59 and No.61, Hobgate, with those properties shown in outline on the submitted drawing.

Contact details:

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