



CYGP4A  
Sustainability

CYGP10  
Subdivision of gardens and infill devt

CYNE1  
Trees, woodlands, hedgerows

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections. The new access is a sufficient distance from the Dodsworth Ave/Irwin Ave junction and visibility is within guidelines. Car and cycle parking are in accordance with council standards.

Environmental Protection Unit - No objections.

#### **3.2 External**

Heworth Planning Panel - No objections.

Public Consultation - The initial consultation period expired on 3 July 2007. Three objections were received from local residents. They were concerned that the small scale and bungalow style were inappropriate and out of keeping with character of the street scene which is dominated by 2-storey houses. None of these objections have been withdrawn. In addition, Cllr Potter re-iterated the concerns of local residents that the style of the building was inappropriate and out of character with the area. The objectors were consulted on the revised proposals on 29 February 2008. At the time of writing no new objections had been received. Members will be updated at the meeting.

### **4.0 APPRAISAL**

#### **4.1 Key Issues**

Principle of housing development  
Visual appearance  
Sustainability  
Neighbour amenity  
Open space  
Highway issues

#### **4.2 The Application Site**

The site is a corner plot of approximately 280sqm comprising land formerly part of the two adjacent gardens.

### 4.3 Principle of Housing Development

The site is unallocated, previously-developed land in a sustainable location with good access to shops and public transport. Its use for housing is considered acceptable in principle.

### 4.4 Visual Appearance

The visual appearance of the dwelling and its impact on the streetscene is the main issue in this case. Irwin Avenue and the adjacent section of Dodsworth Avenue are characterised by traditional, 2-storey, semi-detached houses. Objectors consider that if a dwelling were to be built on the site it should reflect the character of the adjacent 2-storey semis. Whilst Irwin Avenue and much of Dodsworth Avenue are characterised by traditional 2-storey houses there are other built forms in the immediate area. The south-east corner of the adjacent junction is occupied by an electrical substation which, whilst smaller than the bungalow, is similar in style. The buildings facing the site on the west side of Dodsworth Avenue comprise 2-storey housing blocks (Langley House) with slab levels over 3m below street level. As a result these blocks appear low in relation to the dwellings in Irwin Avenue and on the east side of Dodsworth Avenue. South of Langley House are modern 2-storey houses (Beverley Gardens) with a single-storey garage block adjacent to the public highway.

Whilst the area to the east and north of the site is characterised by traditional 2-storey semis, to the west and south the built form is much more varied and generally smaller in scale. All of the main buildings in the vicinity of the site are made of brick and have pitched roofs, as would the proposed bungalow. The site is not in a conservation area and the adjacent houses are not listed. In summary, it is considered that a range of dwelling types could be suitable for the site, including the proposed bungalow. Following the deferral of the application in October 2007, a revised plan has been submitted incorporating a catslide dormer in the roof slope facing Irwin Avenue.

Details of the garden/cycle store have not been included with the application. Submission of details could be made a condition of approval.

The existing hedge along the highway boundary makes an important contribution to the character of the area. Much of this hedge, particularly along the Dodsworth Avenue frontage, would be unaffected by the proposals. A condition is recommended to protect and retain it where possible.

### 4.5 Sustainability

The developer should submit a sustainability statement showing that the development would achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes.

### 4.6 Neighbour Amenities

The bungalow would cause no overlooking or other material impact on neighbouring occupiers.

#### 4.7 Public Open Space.

A developer contribution of £360 would be required for the provision of public open space in accordance with policy L1 of the local plan.

#### 4.8 Highway Issues

The new access is a sufficient distance from the Dodsworth Ave/Irwin Ave junction and visibility is within guidelines. Car and cycle parking are in accordance with council standards.

### 5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable. A developer contribution of £360 would be required for the provision of public open space

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ8 Samples of exterior materials to be app

3 The development hereby permitted shall be carried out only in accordance with the approved plans numbered YO7/4384/03C and /04E 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 HWAY19 Car and cycle parking laid out

5 HWAY31 No mud on highway during construction

6 The height of the dwelling shall not exceed 2.6m to the eaves and 5.7m to the ridge, 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.

7 The existing sections of boundary hedge not required to be removed in order to construct the works hereby approved shall be retained and protected in their

entirety and not removed without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and the character and appearance of the area.

8 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

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 alternative 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 L1 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 a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £360.

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.

10 Notwithstanding the approved plans no development shall take place until details (including location, dimensions and materials) of the garden/cycle store and a refuse/recycling enclosure have been submitted to and approved in writing by the local planning authority. The enclosures shall be provided in accordance with the approved details before the dwelling hereby approved, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

11 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 local residents

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

Reason: To prevent obstruction to other highway users.

## **7.0 INFORMATIVES: Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to housing density, sustainability, visual impact, open space, neighbour amenity and highway issues. The application therefore complies with policies GP1, GP4a, H4a, H5a, T4, and L1c.

2. 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 - Stuart Partington (01904) 551361

3. 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.

4. 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.

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