

COMMITTEE REPORT

Committee: East Area
Date: 8 May 2008

Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 07/02012/FUL
Application at: Long Acres 63 Osbaldwick Village Osbaldwick York
For: Erection of dormer bungalow and garage on land to the rear of 61 and 63 Osbaldwick Village (resubmission)
By: Mr And Mrs R Fletcher
Application Type: Full Application
Target Date: 15 October 2007

1.0 PROPOSAL

1.1 The application relates to the erection of a detached, 4-bedroom, dormer bungalow with detached double garage and new access from a shared private road.

1.2 The application is a resubmission of 07/00389/FUL, which was withdrawn following officer concerns about impact on trees, impact on the conservation area and drainage.

1.3 The application is brought to Committee at the request of Cllr Morley who is concerned about access and flood risk. A site visit has also been requested.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Osbaldwick 0027

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGB1
Development within the Green Belt

CYGP1
Design

CYL1
Open spaces in new residential devts

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP10
Subdivision of gardens and infill devt

CYGP4A
Sustainability

CYNE1
Trees, woodlands, hedgerows

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYHE2
Development in historic locations

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections subject to standard conditions being attached.

Structures and Drainage - No objection in principle to the drainage proposals. The development requires an on-site storage capacity of 14.4m³, which would include an allowance for climate change. Surface water discharge from the site should be limited to 1l/s. These measures can be controlled by condition.

Environment, Conservation, Sustainable Development (Conservation) - The garden ground of Long Acres is characteristic of a traditional 'burghage' plot. The existing trees and shrubs contribute to the character and interest of the conservation area. The retention of the mature landscape setting will conceal the development from general public view and is unlikely to detract from the character and appearance of the conservation area. The limited nature of this proposal should not erode the special character of the conservation area. The design is acceptable subject to conditions regarding details and materials. The position of the detached garage is of concern with regard to the impact of the building on existing trees and shrubs.

Environment, Conservation, Sustainable Development (Trees) - No objections in principle. The applicant should show which trees will be retained, how they will be protected (especially along the NE boundary) and what trees will be replanted, especially in the vicinity of the access (to screen the house from outside the site).

Environmental Protection Unit - No objections. Add construction and contamination informatives.

3.2 External

Osboldwick Parish Council - Objection. Ad-hoc backland development is undesirable. Contravenes principles of the conservation area. Impact on character of the conservation area. Undesirable precedent for the village. Inadequate access. Flooding at entrance to site.

Environment Agency (responding to initial proposals) - No objections on the basis of the flood risk assessment, submitted in April 2007 as part of the previous application. If the IDB cannot confirm that there is adequate spare capacity in the existing drainage system the applicant should submit amended proposals, prior to planning permission being granted, to show how the site would be drained.

Foss IDB - No objections to the latest revised proposals. The land opposite the proposed access is subject to flooding due to deficiencies in a culverted watercourse that is located to the western side of Galligap Lane. The application site may be subject to the same inundation. The watercourse runs north/south around the eastern boundary of the application site and accepts flow from the fields to the east of the farm buildings. This culvert, which is riparian responsibility, is causing flood water to migrate towards the existing properties. This situation cannot be allowed to become worse. Since the application was first submitted the applicant has provided information to demonstrate that the situation will not get any worse.

Public Consultation - The consultation period expired on 19 September 2007. Six objections have been received raising the following planning issues:

- Impact on character of the conservation area.
- Undesirable precedent for the village.
- Inadequate access.
- Flooding at entrance to site.
- Traffic generation. More traffic might result in adoption of Galligap Lane.
- Loss of trees. Impact on adjacent property of replacement trees.
- Visual impact.
- Neighbour amenity.

4.0 APPRAISAL

4.1 Key Issues

Principle of development

Visual appearance and impact on the conservation area

Flood risk and drainage

Impact on trees

Sustainability

Neighbour amenity

Highway issues

Open space

Impact on the green belt

4.2 The Application Site

The site is part of an attractive, rural enclosure behind the shared garden of Long Acres, a house at 61/63 Osbaldwick Village. The site is grassed with a variety of trees, mostly pines. It lies within development limits and is in a conservation area. Immediately to the north lies the green belt and open countryside. To the east is a collection of temporary agricultural shelters. To the west are the outbuildings of a residential dwelling. The shared access is from Galligap Lane and is partly unmade. The site is screened by mature trees and shrubs along the boundaries, especially with the farmland to the east. The site is in flood zone 2. The immediate area is subject to localised flooding.

4.3 Principle of Development

The site is in a sustainable location within the village limits and close to public transport/local services. Residential use of the site is therefore acceptable.

4.4 Visual Appearance and Impact on the Conservation Area

The design and position of the house have been altered from the earlier application to take account of the mature landscape setting and the conservation area. The design is now simpler and the windows have a traditional vertical emphasis. The style of the dormer windows and position of the roof lights are acceptable. The retention of most of the mature landscape setting will largely conceal the development from public view and is unlikely to detract from the character and appearance of the conservation area. The creation of the new access into the site would open up, to some extent, views into the site from the shared drive but the seclusion of the site would largely remain. The limited nature of this proposal would not erode the special character of the conservation area.

The windows and doors should be constructed of timber with a painted finish to take account of the location of the dwelling house within the conservation area. The materials for the garage should match those of the house, whilst the garage door should be constructed of timber with a painted finish.

4.5 Flood Risk and Drainage

Whilst the risk of river flooding is fairly small (zone 2/3) localised flooding already occurs due to deficiencies in an adjacent culverted watercourse. Moreover, the main watercourse in the area - Osbaldwick Beck - cannot accommodate any increase in discharge rate. Surface water drainage is the main concern of local residents.

The drainage proposals that were submitted with the initial application were too vague bearing in mind the drainage conditions in the area. Following protracted discussions with the applicant the surface water drainage proposals now include: run-off from house and garage and all areas of hardstanding to go into a combined public sewer at the southern end of Galligap Lane; a linear drainage channel at the boundary of the site with Galligap Lane; the rate of discharge from the site to be limited to one litre per second by a 3m diameter storage tank and a hydrobrake mechanism. These measures are sufficient to ensure that there would be no impact on other properties or on Galligap Lane resulting from the development. Minor revisions are needed to the latest draft of the submitted drainage plans. These can be dealt with by condition.

4.6 Impact on Trees

The site is dominated by a number of mature trees and shrubs, which contribute to the special character and interest of the conservation area. The main trees lie along the boundary with the adjacent farmland. These trees and the adjacent hedge would be retained and can be protected by condition. The council's conservation officer is concerned about the impact of the proposed garage on existing trees. However, whilst some planting would be lost, especially due to the creation of the access, the council's tree officer has no objections subject to suitable tree protection and replanting.

4.7 Sustainability

The site is in a sustainable location within walking distance of local facilities and the city centre. It is also served by frequent public transport. The applicant has submitted a sustainability statement in accordance with policy GP4a of the local plan. Prior to completion of development the developer should submit a further sustainability statement showing that the development would achieve a Code for Sustainable Homes Level 3 in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction.

4.8 Neighbour Amenity

The works are unlikely to cause a material impact on neighbouring occupiers due to the screen planting along the boundaries and distance from the nearest houses.

4.9 Highway Issues

Access to the site is via a shared, partly unmade, drive from Galligap Lane. This drive would be unaltered apart from the addition of the creation of the new access into the site. The council's highways officer has no objections to the proposal. Galligap Lane is not adopted so the highway authority has no control over it. The council has a policy of restricting the number of dwellings off a private drive to five and where this figure is exceeded the drive should be laid out to adoptable standard. This policy is generally applied to new developments/roads. However, where the road is existing and the figure of five has already been exceeded an additional unit is normally acceptable unless it would cause problems such as congestion or, in particular, a danger to road users or residents. In this instance refusal on highway safety reasons could not be substantiated.

4.10 Provision of Open Space

An open space contribution of £3,006 would be required for the provision of public open space in accordance with policy L1c of the local plan.

4.11 Impact on the Green Belt

The land immediately to the north, which is in the applicant's ownership, lies within the green belt. The new residential curtilage would sever the green belt land from the rest of the applicant's holding. A condition should be attached preventing this land from being incorporated into the domestic curtilage of the new dwelling.

5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft, subject to conditions. An open space contribution of £3,006 would be required for the provision of public open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall not be carried otherwise than in complete accordance with the approved plans numbered 07:08:10 Rev B and other submitted details or as may otherwise be agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The windows and doors, including the garage door(s), shall be made of timber and have a painted finish.

Reason: In the interests of the character and appearance of the conservation area.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The materials of the garage shall match those of the house. The development shall be carried out using the approved materials.

Reason: To achieve a visually cohesive appearance and in the interests of the conservation area.

5 HWAY10 Vehicular areas surfaced, details reqd

6 HWAY19 Car and cycle parking laid out

7 HWAY21 Internal turning areas to be provided

8 The land lying immediately to the north of the application site and shown outlined in blue on the approved plans shall not be incorporated into the domestic curtilage of the dwelling hereby approved.

Reason: To maintain the openness and integrity of the green belt.

9 At the earliest available opportunity, and in any event prior to completion of the development, the developer shall submit a completed sustainability statement for the development showing that it will achieve a Code for Sustainable Homes Level 3 in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction. The development shall be carried out in complete accordance with the approved statement.

Reason: In the interests of sustainable development and protection of the environment.

10 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the drainage works have been carried out in accordance with these approved details. Surface water discharge from the site shall be limited to 1l/s with a minimum storage capacity of 14.4m³, which shall be provided within the site.

Reason: To ensure the proper drainage of the site.

11 Trees and hedges shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones within which there shall strictly be no access or operations associated with this development. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme including retained trees, replacement trees, screening from Galligap Lane, boundary treatment and hard landscaping materials and which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the conservation area and so that the Local Planning Authority may be satisfied with the overall appearance and the variety, suitability and disposition of species within the site.

13 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 and living conditions of adjacent occupiers.

14 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 £3006.

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.

15 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.4 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.

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 interests of acknowledged importance, with particular reference to the principle of development, visual appearance, impact on the conservation area, flood risk/drainage, impact on trees, sustainability, neighbour amenity, highway issues, open space and impact on the green belt. The application therefore complies with policies GP15a, GP1, GP4a, H4a, H5a, GP9, HE2, GB1 and L1c of the City of York Local Plan Deposit Draft.

2. 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.

3. 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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