

COMMITTEE REPORT

Committee: East Area
Date: 7 August 2008

Ward: Haxby And Wigginton
Parish: Haxby Town Council

Reference: 08/01346/FUL
Application at: 2 Eastfield Avenue Haxby York YO32 3EY
For: Pair of semi-detached pitched roof dwellings after demolition of existing detached bungalow
By: Mr Andrew Fallow
Application Type: Full Application
Target Date: 7 August 2008

1.0 PROPOSAL

This is a full planning application to demolish a detached four bedroom bungalow at 2 Eastfield Avenue and erect in its place a pair of semi-detached dwellings each containing four/five bedrooms. The development is of traditional design and incorporates garaging and car parking to the front. Pedestrian access remains to the 22 metre long rear gardens. The proposed properties are two-storey and also contain accommodation in the roof space. Following submission of the application amended plans have been received - the main alterations are changing the half-hip roof to a full hip and reducing the height of the ridge from 8.9 metres to 8.5 metres.

The site area is approximately 0.07 of a hectare with the density of proposed development being 28 units to a hectare. The site is in a predominantly residential location with some commercial uses on nearby York Road. The only recent planning history on the site was permission for the extension of the bungalow in 1979 to create two bedrooms and a bathroom. It is understood that the property may previously have been loosely divided into two separate units, each with their own kitchen and bathroom, however, no planning consent exists for the sub-division.

The application is being brought to committee at the request of local Members.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGP4
Environmental sustainability

CYH4
Housing devp in existing settlements

CYGP7
Open Space

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYNE6
Species protected by law

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - No objections subject to a condition regarding the use of non-projecting garage doors.

COUNTRYSIDE OFFICER- Awaited, however, informal response stating that wildlife aspects should be capable of being addressed by condition.

ENVIRONMENTAL PROTECTION UNIT - No objections. However, the site is within 250 metres of a closed landfill site and conditions are recommended requiring gas monitoring to be carried out for a period of at least six months, and gas protection systems to be installed should the need arise.

YORK CONSULTANCY (DRAINAGE) - Originally objected due to insufficient information, however, now consider that drainage aspects can be covered by condition.

LIFE LONG LEARNING AND LEISURE - Contribution to open space/leisure improvements requested.

3.2 EXTERNAL

FOSS INTERNAL DRAINAGE BOARD - Concerns in respect to the impact on Westfield Beck which consider to be at capacity. A number of conditions and informatives are suggested.

ENVIRONMENT AGENCY - The application has a low environmental risk.

TOWN COUNCIL - No objections, but raise concerns of residents in respect to bats, great crested newts, congestion, parking, light issues and drains.

NEIGHBOURS - 15 letters of representation have been received at the time of writing this report. Some residents have written separately to object to the original and revised plans. The following issues have been raised:

The development is three storeys and too high compared to other houses on Eastfield Avenue. It overdevelops the site.

There is insufficient parking for the two large homes and it will create further on road parking and congestion close to a junction and a regular bus route.

The site is home to bats and newts which are both protected.

It will lead to the loss of light.

It will lead to the loss of privacy.

The development will increase flood risk to other areas.

It is unsustainable to demolish a perfectly good home.

There is no market for the development.

It will devalue the price of nearby homes.

4.0 APPRAISAL

4.1 Key Issues

- impact on living conditions of adjacent occupiers
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage
- wildlife and landscaping

4.2 Proposals to make better use of brownfield land for residential development accord with the general thrust of local and national planning policy subject to meeting specific criteria. Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the subdivision of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development.

4.3 Relevant national guidance includes PPS1: Delivering Sustainable Development and PPS3: Housing.

4.4 The key issues are considered below:

IMPACT ON LIVING CONDITIONS

4.5 There would be a separation distance of 22 metres to properties across Eastfield Avenue. This is considered an acceptable distance to avoid the new development creating undue harm in respect to loss of light or privacy. Because of the long garden length there will be little additional impact on the property to the rear. The main properties impacted are those to the sides:

202 York Road

This is a shop with a flat above. It is considered that there is adequate separation to the house to avoid harm in respect to outlook and light. The garden is relatively large and it is not considered that the new taller dwelling would be unduly oppressive.

204 York Road

This property has a garage/workshop to the rear which will partly screen the development. The workshop has no openings overlooking the site. It is considered that the separation distance in excess of 15 metres between the side of the proposed dwelling and the rear of 204 is sufficient to avoid undue loss of outlook. It will be conditioned that the side openings (landing windows) are obscure glazed.

4 Eastfield Avenue

This is a semi-detached two-storey property with a carport erected to the side with a garage to the rear of the carport. The property has non-habitable room windows to the side with the exception of a window serving a small kitchen. Because the new structure is taller than the existing bungalow it will cut out more light. However, because the kitchen is small in scale and not suitable for dining and the outlook is limited because of the existing car port, on balance, it is not considered that any harm would be such to merit refusal. On the rear of the house there is an obscure glazed bathroom window nearest the proposed dwellings. The bedroom and lounge are set in towards the western side of the rear elevation. Because of this orientation it is not considered that the increased height of the building and location slightly closer to the boundary would cause undue harm. The single storey elements of the proposed houses do not project as far as those of the existing bungalow. The occupier has written to say he has no objections to the proposed scheme

IMPACT ON VISUAL AMENITY

4.6 Eastfield Avenue and the surrounding area is made up predominantly of two-storey dwellings. There is a mixture of house designs and heights within the vicinity.

4.7 There area that needs closest consideration is the height of the proposed dwellings. The ridge is around 0.9 metres higher than the ridges of the nearby properties on this side of 4 Eastfield Avenue. It is not considered however that this

causes significant harm to the streetscene. The ridge height of the proposed dwelling is not excessive at 8.5 metres and it is the case that the house is at the end of a row of the same style houses rather than appearing in the middle. The existing bungalow on the site has a pyramidal roof that is lower than the adjoining properties and probably contrasts more than the proposed dwelling subject to this application. The proposed dwelling has a higher ridge to make efficient use of the roof space for living accommodation. It will lead to the height of dwellings stepping up towards the junction with York Road where the corner property 204 has a ridge of approximately 9 metres. This is not considered unacceptable. The central two storey element of the proposed dwelling is set back a little further from the street which will help to reduce its visual impact. There is a mix of house and roof styles on the opposite side of the street.

4.8 A gap of approximately 1.2 metres wide will remain to the sides of the proposed houses, which is considered acceptable given that vehicle access is not required to the rear. The gap is sufficient to allow pedestrian/cycle access to the rear gardens. The width of the development site is 18 metres, the typical plot width of individual properties on Eastfield Avenue is around 8.2 metres.

4.9 The footprint respects the front building line of adjoining properties and the projecting gable reflects the design of a number of the properties on the opposite side of the street.

QUALITY OF ACCOMMODATION

4.10 It is considered that the proposed dwellings have a good standard of amenity in terms of light and outlook. The garden size is large in comparison to much modern development.

PARKING AND HIGHWAY SAFETY

4.11 Highway officers have no objections to the scheme subject to the garage having a door that does not open forward of the garage opening. Each of the dwellings has 2 off-street parking spaces in addition to the integral garage. This is considered more than adequate to meet the needs of the properties and avoid an unacceptable increase in on-street parking.

SUSTAINABILITY

4.12 Policy GP4a of the Draft Local Plan requires the submission of a sustainability statement to demonstrate how the proposal addresses the criteria set out within the policy. In this respect, the applicant's agent makes the following points:

- the site is within walking distance of local amenities
- there is a good bus service.
- the proposal provides family houses to meet the needs of future residents
- the development will be constructed with sustainable materials and be more efficient than the existing bungalow.
- the design of the home allows home working if desired.
- adequate space for recycling is provided.

- cycle storage is provided.
- new landscaping is proposed.
- sustainable drainage methods will be incorporated where practical.

4.13 A condition will be attached requiring the submission of full Sustainable Design and Construction Statement to demonstrate that the development will achieve a "Very Good" rating under the appropriate code.

DRAINAGE

4.14 The proposed property is not within a Flood Risk Area as defined by the Environment Agency. York Consultancy initially expressed concerns that the applicant had not provided sufficient information to assess the impact on existing drainage systems. However, it was pointed out that the combined footprint of the proposed dwellings is smaller than the existing bungalow (189 square metres compared to 209 square metres). The applicant has also indicated he is seeking to use permeable surfacing where practical to replace a large expanse of existing concrete surfacing within the garden area. It is envisaged that the scheme would decrease the level of surface water run-off from the site and the applicant has confirmed that he would consider underground surface water storage if deemed necessary. It would seem more appropriate to condition that drainage details are submitted if the application were approved. A condition will be attached to remove permitted development rights for extensions (as well as the erection of dormer windows).

WILDLIFE AND LANDSCAPING

4.15 The applicant is currently undertaking a study to assess whether there are any bat roosts within the existing roof. The results will be updated at committee, however, it is not envisaged that the outcome would lead to the application being refused. Concerns have been raised by neighbours about the possible impact on newts. Because the footprint of the building is smaller the final development is unlikely to have an impact, however, conditions will be attached to ensure that demolition and construction works do not have an unacceptable impact.

SECTION 106 CONTRIBUTIONS

4.16 Play/Open space

The development will lead to a net gain of one four/five bedroom dwelling. Given that the primary use of the fifth "bedroom" is as a study and is labelled as such on the submitted drawing, it would seem reasonable to seek contributions for a four-bedroom dwelling. Using the Councils guidance on commuted sums for open space that was approved in April 2007 a total contribution of £3,490 would be required for increasing access and provision for children's equipped play space, informal amenity space and outdoor sports facilities.

4.17 Education

No contribution required.

4.18 Affordable Housing

The site area and number of homes is below the number at which affordable housing is sought.

5.0 CONCLUSION

The development would create two good quality family sized houses with large garden areas. It is considered that the development relates acceptably with the surrounding area and would not cause harm or undue harm in respect to important aspects including neighbours' living conditions, flooding and the impact on wildlife. As such it is recommended that the application be approved.

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:-

Revised drawing 08/0112 and 08/0116 received by the Local Planning Authority on 4 July 2008.

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 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 development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

5 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 for the hard surfacing of the site shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

6 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, B and C of Schedule 2 Part 1 and Class A of Part 2 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.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority no openings shall be created in the external side elevations of the buildings other than those shown on the approved plans.

Reason: To protect neighbours' living conditions.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the windows in the side elevation of both dwellings with the exception of the ground floor doors shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

9 Unless otherwise agreed in writing with the Local Planning Authority no development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

10 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.

11 Prior to the commencement of the development hereby approved, gas monitoring shall be carried out on the site over a period of at least six months to consider the effect of any landfill gas generation and migration. The monitoring shall be undertaken and results submitted to the Local Planning Authority in writing.

Reason: For the protection of property and human health.

12 Based on the information from the gas monitoring, proposals for gas protection systems to be included in the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. No dwelling shall be occupied until the approved systems have been installed in their entirety.

Reason: For the protection of property and human health.

13 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new building and landscaping and phasing of construction and demolition to protect and enhance the biodiversity of the area including the safeguarding of protected species. The works shall be completed in accordance with the approved details.

REASON - To take account of and enhance the habitat and biodiversity of the locality and provide protection for protected species.

14 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

15 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 Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

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 £3,490.

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.

16 Unless otherwise agreed in writing with the Local Planning Authority the garage shall be fitted with doors which shall at no time, even whilst being open or shut, protrude forward of the position of the face of the garage door whilst in the closed position.

Reason: To prevent cars projecting into the public highway and obstructing the free passage of road users.

17 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.	

18 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.5 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 impact on the streetscene, highway safety, impact on amenity and living conditions of neighbours and wildlife protection. As such the proposal complies with Policies GP1, GP4a, H4a, GP7, GP9, GP10, and NE6 of the City of York Local Plan Deposit Draft.

2. 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.

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

Tel No: 01904 551657