

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 18 December 2008 **Parish:** Upper Poppleton Parish Council

Reference: 08/02440/FUL
Application at: Greenthwaite Main Street Upper Poppleton York YO26 6DL
For: Erection of single storey dwelling with rooms in roof to rear with access from School Lane (resubmission)
By: Mr B Britton And Ms J Liney
Application Type: Full Application
Target Date: 25 December 2008

1.0 PROPOSAL

1.0.1 Planning permission is sought for the erection of a detached 2-bedroomed dwelling.

1.0.2 The proposed dwelling is a detached dwelling with pitched roof. The majority of the living accommodation is located on the ground floor of the property with a bedroom and ancillary accommodation within the roof space of the property. The principal windows are to south elevation. However there openings to all elevations. The length of the proposed dwelling is approximately 17.60 m in length and 11.50 m in width. The height to eaves level is 2.70 m and height to ridge level is 7.10 m.

1.0.3 The layout of the proposed property includes the formation of a living room, conservatory, utility room, store/cloak room, porch, W.C., bedroom, study, hall at ground floor level. At first floor level, it is proposed to create a master bedroom, dressing room, en-suite and landing area.

1.1 SITE

1.1.1 The application site relates to an area of garden located to the rear of Greenthwaites. The site is located within the Upper Poppleton Conservation Area and borders York's Green Belt. The site is currently bounded by mature trees, hedging and shrub planting. A wooden gate within the western boundary provides access from School Lane, which is an un-adopted highway).

1.1.2 This plot measures approximately 0.70 ha (it is slightly smaller in size than the previously refused planning application 07/02196/FUL). A large wooden shed is located within the north western corner of site. The site is located adjacent School Lane. School Lane is an un-adopted/private highway.

1.1.3 The site has a frontage of approximately 26.00 m. The plot is bounded by dwellings to two boundaries, the north and east. To the east is Greenthwaites and to the north is Beehives. Beehives is a single storey modern dwelling. This particular area of Poppleton consists of various house types, ranging from detached and semi-

detached houses and bungalows. The materials used in the construction of the existing properties in are varied.

1.2 RELEVANT HISTORY

1.2.1 04/00437/FUL - Erection of Detached Dwelling to Rear with Access from School Lane - Refused 26.04.2004.

- In the opinion of the Local Planning Authority the proposed dwelling would harm the open, rural village character of this part of the Upper Poppleton Conservation Area and as such is contrary to Policy E4 of the North Yorkshire County Structure Plan and Policies GP10, HE2 and HE3 of the City of York Local Plan Deposit Draft.

1.2.2 07/02196/FUL – Erection of a single storey dwelling with rooms in roof to rear including access from School Lane – Refused 15/11/2007

- An additional dwelling taking its access from School Lane which is considered to be inadequate in terms of its width and capacity would result in conditions detrimental to vehicle and pedestrian safety particularly at the junction of School Lane and Main Street which is situated close to a Primary School, Library and Bus Stop.
- The overall footprint and height of the proposed detached dwelling would harm the rural village character and appearance of this part of the Conservation Area and is therefore contrary to Policy GP1, GP10 and HE2 of the City of York Development Control Local Plan and Design Guidelines 3, 8 and 12 of the Poppleton Village Design Statement Supplementary Planning Guidance.
- The proposed dwelling by reason of its height and location would overshadow and appear overbearing to the dwelling to the north, "The Beehives", and is therefore considered to harm the existing living conditions of that dwelling contrary to Policy GP1 of the City of York Development Control Local Plan.

1.2.3 The applicants subsequently appealed against the Council's decision to refuse planning permission (07/02196/FUL). The Inspector dismissed the applicants appeal on the grounds of detrimental impact upon the adjacent dwelling, 'Beehives'. The Inspector was clear in his decision that he did not consider the application had a detrimental impact upon Upper Poppleton's Conservation Area, nor did he consider that the access arrangement was inadequate and would result in conditions detrimental to vehicle and pedestrian safety.

1.3 REASON THIS APPLICATION IS BEING PRESENTED TO PLANNING COMMITTEE

1.3.1 The previous planning application was refused by planning committee overturning the previous officers recommendation for approval.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CYGP9
Landscaping

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

CONSULTATIONS

3.0 INTERNAL

3.0.1 ENVIRONMENTAL PROTECTION UNIT advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

3.0.2 HIGHWAY NETWORK MANAGEMENT (HNM) raised concerns regarding the width of School Lane and the implications concerning access for services AND turning. However HNM did not object to the proposed scheme and advised the imposition of 3 conditions.

3.0.3 LIFE LONG LEARNING AND LEISURE (LLL) advise that, should the application be approved, a condition should be added requiring the applicant to forward funds for the provision of open space within the York area.

3.0.4 THE COUNCIL'S CONSERVATION OFFICER commented that This resubmission includes some amendments to the design of the proposed dwelling. The officer notes the changes include the omission of the attached garage and the re-siting of the dwelling house to the northwest corner of the site.

3.0.5 The officer further notes that the proposed dwelling is of a contemporary design that takes account of the architectural character of existing buildings within the context of Upper Poppleton's Conservation Area. The scale and density of the development appears to be in keeping with adjacent dwellings in School Lane and is unlikely to dominate the original house, Greenthwaites.

3.0.6 The officer comments that the proposed environmentally friendly house marries a traditional building envelope with modern contemporary design in a harmonious manner. The design takes account of the aspect of the site ensuring main living spaces benefit from passive solar gain. The use of natural grey slate and photovoltaic tiles is unlikely to detract from the setting of the dwelling house in School Lane.

3.0.7 In conclusion, the officer considers that the design of the proposed dwelling house is unlikely to detract from the character and appearance of Upper Poppleton's Conservation Area within the context of existing development in School Lane.

3.0.8 THE COUNCIL'S COUNTRYSIDE OFFICER considers it unlikely that the shed, which is proposed to be demolished, is likely to provide a very good roosting opportunity for bats. However the officer does consider that the proposal does provide an opportunity to carry out some habitat enhancement. The officer therefore recommends that a condition is attached, should the application be approved, which requires the applicants to incorporate roosting opportunities for bats.

3.0.9 HOUSING AND ADULT SOCIAL SERVICES objected to the proposal on the grounds that the application refers to a site which has an area 3 x the threshold (which is 0.03ha) for the provision of affordable homes on 'rural' sites. Presuming all factors are equal, it would be possible to locate at least 2 or 3 homes on the site of which 1 would be affordable for rent under the council's policy for the provision of affordable housing.

3.0.10 CITY DEVELOPMENT commented that this application relates to one dwelling on a site of approximately 0.07ha, it therefore exceeds the affordable housing threshold (Policy H2a). Policy H5a - Residential Density requires a density of 30 dwph in this location dependent on individual site circumstances.

3.0.11 A higher density scheme should be given consideration to ensure the most efficient use of land and to try and secure affordable housing provision. Should the scheme be considered inappropriate due to other material considerations e.g character of the area, impact on the conservation area and the un-adopted road issues, the inclusion of a condition should be considered to ensure that if the site is

sub divided at a later stage that the affordable housing provision for this site as a whole will need to be provided.

3.1 EXTERNAL

3.1.1 UPPER POPPLETON PARISH COUNCIL objected to this application on the grounds that the vehicular access through School Lane is unsuitable and is a danger to Children. The PC also note that previously the applicants have been refused planning permission twice for the erection of a dwelling on this site and appeal has also been dismissed by the Planning Inspectorate, one of the grounds being that vehicular access through School Lane is unacceptable¹.

3.1.2 NEIGHBOURS - A site notice was posted on the 03/11/2008. Objections were received from 6 interested parties. The issues raised in these objection letters are as follows:-

Amenity

- There will undoubtedly be significant over-shadowing of Beehives and have an adverse impact upon the amount of light to windows. The Inspector who dismissed the applicants appeal noted that there would be over-shadowing;
- There have been only minor changes to the proposed scheme, mainly the deletion of the garage which amounts to reduction in floor area by 33 m²;
- The proposed building is only 2.0 m away from 'Beehives' and due to the orientation of the site and buildings and also the path of the sun, the re-siting of the proposed dwelling would have more of an impact upon Beehives;
- The overall height of the building is the same;
- Residents in School Lane feel they are under constant attack from new development; and
- The applicants run two businesses from home, this may create additional traffic nuisance etc.

Traffic/vehicular access and safety concerns

- There is adequate access through Greenthwaites and access from School Lane is not needed;
- School Lane is an unmade road, dust is created when occupants travel too fast down the road, also the road has deteriorated significantly due to construction vehicles being used in the construction of Beehives.
- Existing residents pay for the upkeep of this private road;
- The junction is very busy adjacent School Lane and this proposal would exacerbate the situation;
- The proposal scheme would have an impact upon the safety of children attending Poppleton Ousebank Primary School as the school entrance is coterminous with School Lane;
- There is no turning place within School Lane or passing places, other than unwanted trespass upon existing residents property. Damage has been caused to residents property due to this situation;
- There are currently 23 vehicles using School Lane;

¹ See section 1.2 – Relevant History and Appendix 1 – Inspectors Report

- Congestion in the land causes problems for existing residents and the farmer; and
- There is inadequate visibility from the entering and exiting School Lane.

Out of character

- The two bungalows that this proposed scheme is being compared to do not have dormer extensions;
- The house is big and is not what the Council has asked other applicants to conform too when buildings dwellings in this lane;

Loss of natural screening and impact upon wildlife and trees

- The hedges are included within the Conservation Area at the upper part of the Lane. Beehives has removed their hedge showing disregard for the areas status. The applicants could do the same;
- There is a lot of wildlife within School Lane, this development would have a detrimental impact upon the existing wildlife;

Other

- Devalue existing properties in the lane;
- Development of the site would create noise, disturbance and associated mess for neighbouring properties;
- There has been two previous refusals for dwellings on this site and an appeal has been refused;
- The site is not a plot and it is misleading to describe it as such. The area is part of the garden of Greenthwaites;
- The application should not be classed as a resubmission as there have been amendments to the proposal;

3.1.3 POPPLETON OUSEBANK PRIMARY SCHOOL asked that the safety of their students be considered.

3.1.4 MARSTON MOOR INTERNAL DRAINAGE BOARD have not commented at the time of writing this report, however previously they did not object to the erection of a dwelling within this site and recommended various conditions. A verbal update will be given to committee, if comments are received.

3.1.5 CONSERVATION AREAS ADVISORY PANEL (CAAP) have not commented at the time of writing this report, however previously they did not object to the erection of a dwelling within this site but recommended that they would like to see the tree protected and the new build to have PD rights removed. A verbal update will be given to committee, if comments are received.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Impact upon residential amenity;

- Impact upon The Conservation Area;
- Highways; and
- Affordable Housing;
- Open space
- Sustainability.

4.2 POLICY

4.2.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' (PPS1) aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.2.3 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.

4.2.4 Policy GP10 'Subdivision of Gardens and Infill Development' of the City of York Local Plan (Deposit Draft) 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.

4.2.5 Policy GP9 'Landscaping' of the City of York Local Plan (Deposit Draft) states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: a) be planned as an integral part of the proposals; and b) include an appropriate range of indigenous species; and c) reflect the character of the locality and surrounding development; and d) form a long term edge to developments adjoining or in open countryside.

4.2.6 Policy H4a 'Housing Windfalls ' of the City of York Local Plan (Deposit Draft) 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.

4.2.7 Policy L1c 'Provision of New Open Space in Development' of the City of York Local Plan (Deposit Draft) requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.2.8 Policy HE2 'Development in Historic Locations' of the City of York Local Plan (Deposit Draft) requires that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.2.9 Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.2.10 Policy NE1 'Trees, Woodlands and Hedgerows' of the City of York Local Plan Deposit Draft states that trees which are of landscape or amenity value will be protected by refusing development proposals which will result in their loss or damage. Trees or hedgerows which are being retained on development sites should also be adequately protected during any site works. All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme.

4.2.11 Draft local plan policy HE3 states that development within conservation areas will only be permitted where there is no adverse effect on the character and appearance of the area.

4.2.12 Policy T4 'Cycle Parking Standards' of the City of York Local Plan (Deposit Draft) requires that all new developments provide adequate cycle parking provision. In the case of affordable housing or dwellings without a garage this should be 1 covered space per ½ bedroom dwelling. For dwellings with garages the requirement is the same but cycle parking provision could be accommodated within the garage depending upon the garage size.

4.2.13 Policy GP4a 'Sustainability' of the City of York Local Plan Deposit Draft requires proposals for all development should have regard to the principles of sustainable development. All residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria specified in policy GP4a and will be judged on its suitability in these terms.

4.2.14 Upper Poppleton Village Design Statement describes the distinctive character of a village and its surrounding countryside and sets out design principles to demonstrate how local character can be protected and enhanced if there is to be any new development.

4.2.15 The statement has been developed, researched, written and edited by local people. It involves a wide cross-section of the village community in its production and is representative of the village as a whole

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of Poppleton and is within a designated Conservation Area. There are no other relevant statutory constraints. Central Government guidance regarding new housing is contained within Planning Policy Statement 3 (Housing), policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 30 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location and therefore acceptable in principle.

4.3.3 The emphasis of both PPS3 and relevant local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings. It is considered that this amended proposal satisfies all relevant policy requirements and is therefore acceptable in terms of principle of development.

4.4 IMPACT ON RESIDENTIAL AMENITY

4.4.1 These issues and consequently the Planning Department's opinion have not altered from the previous application, other than the consideration of the Inspectors comments regarding the recent appeal.

4.4.2 The design of the dwelling, both externally and internally has been arranged to maximise passive solar gain and ensure privacy for adjacent neighbouring properties. The proposed site layout places the north elevation of the new dwelling, between 6.00 m and 3.80 metres from the existing northern boundary, which is dominated by a (to be retained). Rooflights are proposed within the northern roof elevations, none of the aforementioned windows serve habitable rooms, therefore any impact upon Beehives existing amenities from overlooking is considered to be acceptable.

4.4.3 A distance of between 5.00 m and 7.35 m has been provided between the northern elevation of the proposed dwelling and the southern elevation of Beehives. The northern elevation of the proposed dwelling, as previously designed, contains tertiary windows only providing light to a porch and utility room. Beehives has two bedroom windows in the southern elevation, however both are screened by the hedge forming the northern boundary, therefore the amenity impact is considered to be minimal in this instance.

4.4.4 The proposed dwelling is approximately 2.00 m higher (overall height 7.00 m) than Beehives. The highest point of the dwelling which contains two different ridgelines is located approximately 10.70 m from the northern elevation. Although some overshadowing is expected, as previously considered by the Planning Department, the distance provisions in conjunction with boundary features and the location of existing properties, mitigate the overall amenity impact significantly.

4.4.5 The Inspector commented, in his appeal decision, that previously the proposed dwelling extended along and beyond the length of Beehive's small rear garden. He also considered that the existing hedge was not as tall or as dense as the shown on the plans and considered that it would have a minimal effect in blocking light to Beehive's garden. The Inspector further commented that the mass of the proposal, situated immediately to the south of Beehives, would likely overshadow the garden and rear facing rooms of this dwelling in the middle part of the day for significant periods of the year. Finally the Inspector commented that the proximity and length of the roof of the proposed dwelling would be very dominant in the outlook from Beehives' garden and, to a lesser extent although still material extent, from its rear facing rooms.

4.4.6 Due to the amendments to the design of the proposed dwelling, it would now extend approximately 10.00m beyond the rear facade of Beehives (previously it was 13.40 m) at a height of 5.70 m (the same height as the previous scheme). The highest point of the proposed dwelling would extend 1.485 m beyond the rear façade of Beehives, as opposed to 4.40 m with the previous scheme. Bearing in mind the previous officers recommendation, these amendments are considered adequate. A condition requiring the hedge to be replanted and/or added to where sections are inadequate, is recommended in an effort to address the Inspectors comments on this matter.

4.4.7 The east elevation is 5.40 m from the proposed 2.00 m high brick boundary wall and 21.60 metres from the rear elevation of Greenthwaites. The proposed high wall will prevent over looking to the existing house from the ground floor and no windows are included in the first floor roof void gable. The west elevation has one bedroom window in the first floor roof void bedroom gable overlooks the Green Belt to the west. It is considered that these separation distances are acceptable and would not have a detrimental impact upon the amenity of Greenthwaites or future occupants of the proposed dwelling.

4.5 IMPACT UPON THE CONSERVATION AREA/DESIGN ISSUES

4.5.1 These issues and consequently the Planning Department's opinion have not altered from the previous application, other than the consideration of the Inspectors comments regarding the recent appeal.

4.5.2 The proposal has been designed to provide a modern contemporary home within a traditionally proportioned exterior using a mix of traditional building materials and modern materials and techniques, in an attempt to preserve the character of the area.

4.5.3 The removal of the dilapidated garage will improve the appearance of this part of Greenthwaites garden and is considered a benefit/gain within the context of the character of the conservation area. The plot will be divided from the garden ground associated with Greenthwaites by a boundary wall, this will be constructed in brick to match the finish of the new house.

4.5.4 The proposed design of the new dwelling house is well considered and takes account of the setting within the conservation area. The scale and density of the development appears to be in keeping with adjacent dwellings in School Lane and is unlikely to dominate the original dwelling house, Greenthwaites.

4.5.5 The design of this environmentally friendly house, not only takes account of the context of the site, but marries a traditional building envelope with modern contemporary design in a harmonious manner. The design takes account of the aspect of the site ensuring main living spaces benefit from passive solar gain.

4.5.6 The proposed materials are in keeping with those already existing within the designated Conservation Area. The use of natural grey slate, photovoltaic solar tiles and fair faced bricks are considered to be appropriate for the locality. Appropriate conditions are proposed to ensure samples are approved in writing prior to the commencement of works.

4.5.7 It is considered that the proposed dwelling would have a neutral impact on Upper Poppleton's Conservation Area and on the visual amenity in the locality due to its design and siting. The Council's Conservation Officer commenting upon this scheme states that the design of the proposed dwelling house is unlikely to detract from the character and appearance of the conservation area within the context of existing development in School Lane would not have a detrimental impact upon the avenue. This opinion is further supported by the Inspector's comments (See Appendix A – Sections 6 and 7. It is therefore considered that the scheme satisfies policies HE2 and GP1 of the City of York Development Control Draft Local Plan and relevant national (PPS1 and PPG15) and Regional policies.

4.6 HIGHWAYS ISSUES

4.6.1 Highways issues have not altered from the previous application, other than the addition of the Inspectors report when commenting upon the recent appeal.

4.6.2 School Lane is an un-adopted highway; surfaced with gravel to a point just before the application site. There is an existing access to the rear of Greenthwaites from School Lane.

4.6.3 The Councils Highways Officer when commenting upon this application, stated that generally, where more than five dwellings are served from a street then it should be capable of being constructed up to a standard suitable for adoption as a street maintainable at public expense. The officer noted that School Lane currently serves nine dwellings and this additional unit would not only add to the number of residences but also increase the extent of the private street. The current layout of the street means the street is unlikely to be suitable for adoption. The current layout also does not satisfy the standard requirements of refuse vehicles and fire tenders in that formal turning facilities are not provided. In order for adoption to be considered, School Lane would need to be reconstructed to acceptable standards principally in terms of physical structure, street lighting, pedestrian facilities, drainage and road widths and layout. Should it be physically possible to achieve these requirements it would still need to have the agreement of all existing frontages/users and would also normally be at the expense of existing frontages/users.

4.6.4 Notwithstanding the above points, Highway Network Management does not consider that a recommendation of refusal solely on highway grounds could be substantiated, as it would not be possible to demonstrate that this development would have an adverse effect on the existing highway safety. The off street provisions for vehicular parking (three parking spaces in this instance) are considered acceptable in this instance.

4.6.5 This opinion is further supported by the Inspector's commenting on the appeal (See Appendix A – Sections 3 - 5).

4.7 AFFORDABLE HOUSING

4.7.1 The application, as submitted, pertains to the erection of a single dwelling on a site of 0.07ha. The proposed scheme therefore exceeds the threshold for the provision of affordable housing in accordance with Policy H2a. Policy H5a - Residential Density requires a density of 30 dwph in a location such as this, dependent on individual site circumstances. The applicant has provided a density of approximately 14 dwph.

4.7.2 However, a higher density scheme with secured affordable housing has not been considered in this instance for the following reasons;-

4.7.3 Firstly, the proposed density would impact significantly upon the character and appearance of the designated Conservation Area, as it would result in a compacted layout in an area characterised by similar sized properties with large garden areas.

4.7.4 Secondly additional accommodation would only serve to compound the perceived highway problems associated with the un adopted road and highway safety in general referred to by local residents in a number of objection letters.

4.7.5 An informative has been included highlighting the need for affordable housing provision to be considered should the site be sub divided at a later stage.

4.8 OPEN SPACE

4.8.1 Under Policy L1c there is an open space provision requirement for this site. The provision of open space has been addressed by condition.

4.9 SUSTAINABILITY

4.9.1 The applicant proposes to use the following in order to increase energy conservation and ecological awareness. The specifics of each are set out in the Design and Assess statement, which accompanies this particular application.

- Super Insulated, Thermal Mass Building Fabric.
- Passive & Active Solar Design.
- Zero CO2 - Ground Source Heat Pump Under Primary Floor Heating System.
- Zero CO2- Bio-Fuel Secondary Heating System.
- Zero CO2 - Site Generated Renewable Energy Solar Hot Water.
- Zero CO2 - Site Generated Renewable Energy Electrical Supply.
- Low Energy Appliances.
- Natural Passive Ventilation.
- Local Rain Water Supply.
- Water Saving Devices.
- Healthy-Internal Environment.

4.9.2 Cumulatively, the applicants' proposals are considered to be compliant with Policy GP4a "Sustainability", which aims to promote "development that meets the needs of the present without compromising the ability of future generations".

5.0 CONCLUSION

5.0.1 It is the opinion of the Local Planning Authority that the proposed detached dwelling is acceptable in terms of design, siting, scale and appearance and would not detrimentally impact on the amenity of the neighbouring residents or the character of Upper Poppleton's Conservation Area or impact upon highway safety. As a consequence the proposed works are considered acceptable and are recommended for approval, in accordance with policies GP1, GP4a, GP9, GP10, H4a, L1C, HE2, HE3, T4 and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1, PPS3 and PPG15 and the Poppleton Village Design Statement.

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:-

- Site layout – Drwg Ref AD REV D – Date Stamped 20/10/2008;

- Proposed plan (Ground Floor) – Drwg Ref REV F – Date Stamped 20/10/2008;
- Proposed plan (Upper Floor) – Drwg Ref REV F – Date Stamped 20/10/2008;
- Proposed elevation (South) – Drwg Ref REV F – Date Stamped 20/10/2008;
- Proposed elevation (West) – Drwg Ref REV F – Date Stamped 20/10/2008;
- Proposed elevation (North) – Drwg Ref REV F – Date Stamped 20/10/2008; and
- Proposed elevation (West) – Drwg Ref REV F – Date Stamped 20/10/2008.

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 VISQ8 Samples of exterior materials to be app

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other opening additional to those shown on the approved plans shall at any time be inserted into the external elevations of the dwelling hereby approved.

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

5 PD1 IN Rem of specific Perm Dev rights

6 The existing boundary hedge, which bounds the hereby approved dwelling from Beehives, shall not removed, wilfully damaged or reduced in height below 2.00 m in height, without prior written consent of the Local Planning Authority. In addition the boundary hedge adjacent the lane shall also be retained. Should either hedge be damaged, die back or be removed within 5 years of the date of this approval, details of their replacement/additional planting should be submitted to the Local Planning Department within 3 months of the date of its failure/removal and thereafter be so retained.

Reason: In order to preserve the amenity of adjacent neighbours.

7 Notwithstanding the information contained on the approved plans, the height of the bungalow shall not exceed 7.00 m, 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.

8 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 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 £1242.

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

9 HWAY19 Car and cycle parking laid out

10 Prior to the hereby approved dwelling first being occupied, turning facilities shall be provided within the site or at the junction of the site with School Lane, which are capable of accommodating refuse vehicles in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority and thereafter be so retained.

Reason: In the interests of highway safety and to prevent traffic congestion and allow safe manoeuvring within School Lane.

11 Prior to the commencement of development on site, a scheme for the replanting/making good of the existing hedge which divides the hereby approved dwelling from Beehives shall be submitted in writing to the Council. The written approved scheme shall then be carried out in strict accordance with the written approval from the Council. Any part of the new hedging which within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with hedging of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenity of Beehives by providing an adequate screen between each dwelling.

12 Prior to commencement of commencing on site, written details regarding the proposed solar voltaic system shall be submitted to the Local Planning Department for approval. Work shall then be carried out in strict accordance with the details of

approved in writing by the Local Planning Department.

Reason: In the interest of visual amenity.

13 The design of the hereby approved scheme shall be in accordance with the contents of the planning, design, access and environmental statement dated 20th October 2008 submitted by the applicants' agent which will satisfy the requirements of policy GP4a.

Reason: In the interests of sustainable development

14 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents

15 Any suspect contaminated materials detected during the site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development of the site.

Reason: To safeguard the amenities of local residents.

16 DRAIN1 Drainage details to be agreed

17 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing trees, hedges and shrubs shown to be retained on approved plans This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

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 the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with Policies H3c, NE1, HE3, H4a, H5a, T4, GP4a and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development ", Planning Policy Statement 3 " Housing and PPG15.

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

3. The Council's Countryside Officer recommends a bat box could be attached to the garage to enhance the habitat for bats in the area. I would advise you to contact the officer, Rachel Midgely 551662, to discuss this matter.

Contact details:

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