

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 15 October 2009  
**Ward:** Wheldrake  
**Parish:** Naburn Parish Council

**Reference:** 09/01351/FUL  
**Application at:** Marina House Naburn Lane Naburn York YO19 4RW  
**For:** Erection of 1no. two storey detached dwelling. Alterations to existing dwelling: change of use of garage to games room (resubmission)  
**By:** Mr J Barrie  
**Application Type:** Full Application  
**Target Date:** 9 October 2009

### 1.0 PROPOSAL

1.1 This is a full planning application relating to the erection of a new detached dwelling at the above site. The scheme necessitates alterations to the existing house to remove the existing garage and provide replacement parking and access arrangements at the back of the house.

1.2 The site, which extends to approximately 0.09ha including Marina House, is located on the north side of Naburn village adjacent to the former railway line and Naburn Marina. Marina House is one of a group of buildings in this location, to the north and south of the plot are existing residential dwellings and to the east are a group of buildings in office and manufacturing use. A further two cottages are located to the south of the industrial units. All the buildings within this group are served via a single access from Naburn Lane.

1.3 The proposal is for the erection of a 4 bedroomed detached dwelling to be located within the garden area to the south side of the existing house. Access to the plot is via the existing access from Naburn Lane, providing a new access point from the shared drive. The integral garages at Marina House are to be changed into a games room and a new access point and separate parking to be provided for this property from the shared drive. The proposed house and garden occupies an area of approximately 0.04 ha. The house itself measures approximately 10.5 metres by 8 metres with a height to eaves of 4.3 metres and to ridge of 7.4 metres.

1.4 The application is supported by a Design and Access statement, a Sustainability Statement and Flood Risk Assessment.

1.5 The application has been called in for a Committee decision by Councillor Vassie, as it is understood that there may be other precedents within Naburn, also the environmentally friendly features of the proposal, the immediate context of the location and other factors might best be considered by the Planning Committee.

### HISTORY

1.6 A planning application for the erection of a dwelling on the same site was applied for in January 2009 and subsequently withdrawn in March 2009. The application was withdrawn because the applicant wished to reconsider the design of the dwelling.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodland GMS Constraints: Flood Zone 2

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

### 2.2 Policies:

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGB6

Housing devt outside settlement limits

CYGP1

Design

CYL1C

Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Highways Network Management - The existing access suffers from sub-standard sight lines but having regard to the number of existing users both domestic and commercial no objections are raised. The level of car parking is adequate but to facilitate turning it is suggested that the bays be at right angles to the general access and manoeuvring area. A condition is requested to ensure the provision of cycle parking.

3.2 Environmental Protection Unit - conditions are required with regard to unexpected contamination. There are no concerns with regard to noise and other amenity issues.

3.3 Structures and Drainage - The site is within Flood Zone 2 medium risk and the Environment Agencies comments should be sought on this. There is insufficient information to support the application with regard to surface water drainage. Structures and Drainage object until such information is received.

## EXTERNAL

3.4 Naburn Parish Council - Object to the erection of detached house. In recent months concerns have arisen on the sewage problems in this area of the village, the existing dwelling is served via a septic tank, which at present is emptied by tanker parked on the B1222. Although the height of the resubmission is lower, the Parish Council still have concerns on the overall size of the property and proximity to the existing property. This would cause high density infill, which is unacceptable in the opinion of the rural Parish Council who suggest a small affordable bungalow would be more appropriate. The construction of the proposed dwelling is within the area of green belt, which surrounds the outskirts of the village. The Parish Council have concerns in allowing increased infill of green belt areas surrounding the village.

3.5 Environment Agency - The development is only acceptable if the measures referred to in the flood risk assessment are implemented. Conditions are proposed to ensure the development is carried out in accordance with the flood risk assessment and to ensure that the use of soakaways is an effective method of draining the site.

3.6 Two letters of comment have been received covering the following points: -

- There may be some issues in the context of Local Plan policy GB2. No information has been submitted to show how the proposal meets the criteria in policy GB2
- The removal of the new access from Naburn Lane is welcomed however the proposed parking is cramped and soil removal to achieve the new parking needs to be elaborated on.
- The site available for the house is uncomfortably small. The interface between the new house and Marina House is far from satisfactory particularly the outlook from the balcony.
- Quite an attractive house that needs a larger plot.
- Site is outside the development limits for Naburn therefore cannot be described as infilling
- As the site is enclosed by other buildings fail to see how it can detract from the green belt.
- Circumstances of the site adjacent to The Old Vicarage are somewhat different and cannot be paralleled with the issues on this site
- If it proposed to grant permission it is urged that the front wall be set back so that visibility can be improved to the north.

## PUBLICITY

3.7 The application has been advertised by means of a site notice posted on the 1st September 2009 and via neighbour consultation letters.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Policy background
- Green belt and the principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage
- Affordable Housing
- Application approved adjacent to the Vicarage Naburn

### Policy Background

4.2 This planning application is for the erection of a 4 bedroom dwelling.

4.3 Planning Policy Guidance Note 2 'Green Belts'(PPG2) sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and by definition harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy YH9 of the Regional Spatial Strategy refers to the extent of the York Green Belt. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Development Control Local Plan (CYDCLP) and this site clearly falls within the Green Belt.

4.4 Policy GB1'Development in the Green Belt' of the CYDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.5 Policy GB2 of the CYDCLP states that the erection of buildings in settlements 'washed over' by the Green Belt but within the defined settlement limit is in principle acceptable provided that: it would be within the built-up area of the settlement; and, its location, scale and design would be appropriate to the form and character of the settlement and neighbouring property; and, it would constitute limited infilling that would not prejudice the openness or purposes of the Green Belt.

4.6 Policy GB6 of the CYDLP states that housing development outside defined settlement limits in the Green Belt and open countryside will only be permitted where it is essential to agriculture or forestry or where it is for affordable housing on an "exception site" in accordance with policy GB9.

4.7 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but also over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments, which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.8 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. In terms of design PPS3 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However when well designed and built in the right location it can enhance the character and quality of an area. Paragraphs 12 to 19 sets out further criteria for achieving high quality design.

4.9 Other Local plan policies relevant to the consideration of the detail of this application are: -

- Policy GP1 'Design' 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.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality

design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

- Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

- Policy H2a of the CYDLP requires that proposals on sites over 0.03Ha of land in villages where the population is less than 5,000 should provide 50% affordable housing.

## Green belt

4.10 The village of Naburn is 'washed over' by the green belt and has a defined "settlement limit" around the built up area of the village, which was set through the Local Plan process. The application site is located within a cluster of buildings located to the north of, and some considerable distance outside, the settlement limits. As an open countryside, green belt location the erection of new dwellings does not fall within the definition of "appropriate development" as set out within PPG2. The proposal therefore represents inappropriate development, which is by definition harmful to the Green Belt. It is for the applicant to demonstrate that very special circumstances exist to justify approval of inappropriate development. The statement supporting the application does not set out any very special circumstances, which would overcome the harm by reason of inappropriateness.

4.11 Paragraph 1.4 of PPG2 says that the most important attribute of Green Belts is their openness. Marina House is located centrally within a plot of land that has a frontage to Naburn Lane of approximately 56 metres. The existing property to the south of Marina House known as 1 York Road is sited with a gable end facing on to the main road with its main front elevation facing the site. The two frontage properties are set in reasonably sized plots. The remaining buildings forming the cluster of development at this location are not visually prominent from the road frontage. The proposed house would be located on the garden area to the south of Marina house. The plot is roughly triangular and currently provides access, driveway and grassed

area to the existing house. The new dwelling is sited so that the front elevation will project beyond the front of Marina house and the space between the existing houses will be significantly reduced, and it is considered that this would detract from the rural qualities of the site and reducing the openness of the Green Belt. This is contrary to advice in both PPS2 and Policy GB2 of the CYDLP.

#### Design and Landscaping

4.12 The proposed house is of a fairly traditional design with a pitched tiled roof and predominantly brick construction. Development adjacent to the site is of varying styles, although the older buildings such as Station House reflect the origins of the site as land associated with the former railway line to the north. Marina House is a more modern 1960's style dwelling. It is the most prominent of the structures at the site when viewed from Naburn Lane. The new dwelling would be equally prominent from the lane. However in terms of density, layout, scale, mass and design the proposed dwelling is considered to accord with its surroundings and therefore the design of the dwelling and its siting are considered to be acceptable.

4.13 There are no significant landscape features on the site, which are significant to the consideration of this proposal.

#### Highways, access and parking

4.14 The previous withdrawn application for this site proposed a new access from Naburn Lane. The current application seeks to use the existing access and provide new entrance arrangements for both Marina House and the new property from the existing private drive serving all the development in this area. The parking as proposed is quite restricted and is laid out so that spaces, particularly for the existing house, may be difficult to access. However Highways Network Management do not object to the proposals and therefore no objections are raised from a highway perspective. A letter from an adjacent resident raises the issue of improving visibility for the access to Naburn Lane by setting the existing boundary wall back on the Naburn Lane frontage. As it is not proposed to recommend this application for approval this possibility has not been pursued. Furthermore our own Highways advice does not draw attention to the need to improve visibility at the existing access.

#### Impact on surrounding properties

4.15 The proposed house is to be sited so that the side elevation is 5.2 metres away from the side elevation of Marina House. The side (south) elevation of Marina House is designed as a main elevation with significant windows at ground and first floor levels and a balcony across the full length of the elevation. The positioning of the windows and balcony would result in the existing property having a clear view onto the paved patio area and garden areas of the new house. It is considered that this will be detrimental to the living conditions of future occupiers of the house as a result of significant overlooking. Equally, with a distance of 5.2 metres between the balcony and the side flank wall of the new house it is considered that the side elevation of the new house will dominate the outlook from balcony to the detriment of the occupiers of Marina House.

## Sustainability

4.13 The application is supported by a sustainability statement, which indicates that the development will be designed to sustainable standards but does not clearly indicate that the dwelling will achieve Code for Sustainable Homes Level 3. The submitted information is considered to meet the requirements of GP4a and the Interim Planning Statement on Sustainable Design and Construction in principle subject to a condition requiring that Code for Sustainable Homes level 3 is achieved within the development.

4.14 The comments are awaited from the Sustainability Officer as to whether the proposals for sustainability are sufficient to achieve 5% on site renewables.

## Open Space

4.15 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or section 106 agreement.

## Drainage

4.16 The development is in medium risk flood zone 2. The application is accompanied by a flood risk assessment (FRA). The Environment Agency is only satisfied with the development if conditions are attached to ensure that the measures within the FRA are conditioned. The Environment Agency also require it to be demonstrated that soakaways would be effective on this site. Further information is sought by Structures and Drainage in relation to drainage details. It is considered that the requirements of Structures and Drainage for a suitable drainage scheme could be achieved for the site by attaching appropriate conditions.

## Affordable Housing

4.16 Policy H2a of the local plan seeks to provide affordable housing in residential developments of 0.03ha or more in villages such as Naburn. The application site has an area of approximately 0.09ha including the whole of Marina House and 0.04ha on the area where the dwelling is proposed, which is above the threshold in policy H2a. Therefore the council would expect at least two houses to be provided on the site, one of which would be affordable in line with approved policy. Alternatively the council would require the applicant to demonstrate that provision of two houses on the site would not be practicable, due to site constraints, or not viable, as demonstrated by a financial appraisal of the proposed development. This information has not been submitted.

## Application approved adjacent to the Vicarage Naburn

4.17 The agent makes reference to an application approved outside the defined settlement limits at a site adjacent to The Old Vicarage Naburn ( Planning reference 07/01167/FUL). His conclusion is that allowing that application sets a precedent for the current proposal as both developments, in his opinion, represents infill development beyond the settlement limits of Naburn. However, it is considered that the



circumstances of The Old Vicarage site are very different. That site had an extant permission for the conversion and extension of an existing building, both properties on either side of the proposal are wholly within the settlement limits, and evidence was put forward that in landscape terms there was benefit in setting the house back into the site. Although the application was recommended for refusal, the report acknowledged that the proposal would not adversely affect the openness of the Green Belt. Officers are satisfied that the granting of planning permission for this proposal did not set a precedent in relation to the consideration of the current proposal.

## **5.0 CONCLUSION**

5.1 The application site is located within a cluster of buildings located to the north of, and some considerable distance outside, the settlement limits of Naburn. As an open countryside, green belt location the erection of new dwellings does not fall within the definition of appropriate development within the Green Belt as set out within PPG2. The proposal therefore represents inappropriate development, which is by definition harmful to the green belt. It is for the applicant to demonstrate that very special circumstances exist to justify approval of inappropriate development. The statement supporting the application does not set out any very special circumstances, which would overcome the harm by reason of inappropriateness.

5.2 The positioning of the windows and balcony would result in the existing property having a clear view into the paved patio area and garden areas of the new house and the new flank wall will be the dominating view from the balcony of Marina House. It is considered that the proposed relationship between the two properties would be detrimental to the living conditions of both properties, and would thus be harmful to the residential amenity of occupiers of the properties.

5.3 The site area of the current application is approximately 0.09ha including the whole of Marina House and 0.04ha on the area where the dwelling is proposed, which is above the threshold set out in policy H2a, 'affordable housing'. Therefore the Council would expect at least two houses to be provided on the site, one of which would be affordable in line with approved policy. Alternatively the council would require the applicant to demonstrate that provision of two houses on the site would not be practicable, due to site constraints, or not viable, as demonstrated by a financial appraisal of the proposed development. No such information has been submitted.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The application site is located beyond the defined settlement limit of the village of Naburn and is within an area of Green Belt. It is considered that the proposal would constitute inappropriate development within the Green Belt that, by definition, would be harmful to the Green Belt. It is considered that there are no very special circumstances that clearly outweigh this identified harm to the Green Belt. The proposed siting of the dwelling, projecting beyond the front elevation of Marina House,

is also considered to impact on the openness of the Green Belt. As a consequence, it is considered that the proposal conflicts with Central Government advice contained within Planning Policy Guidance Note 2: "Green Belts" and Policies GB1 and GB6 of the City of York Draft Local Plan (incorporating Fourth Set of Changes, April 2005).

2 The site area is above the rural affordable housing threshold of 0.03ha set out in Policy H2a of the City Of York Draft Local Plan, and the proposal does not demonstrate that development of the site could not accommodate two smaller dwellings, either due to on-site constraints or economic viability. The proposal therefore fails to address local and national efforts to maximise opportunities to provide affordable housing contrary to Central Government advice contained within Planning Policy Statement 3: "Housing", Policies GP1 and GP10 of the City of York Draft Local Plan, and the council's adopted Strategic Housing Market Assessment.

3 It is considered that the proposal, due to its size, height and proximity to Marina House, would have an overbearing and over dominant impact on the occupiers of that property and result in a loss of outlook that would be harmful to residential amenity. Furthermore the siting of the house in close proximity to a main elevation of Marina House, which incorporates an external balcony, would result in future occupiers of the proposed dwelling being unacceptably overlooked to the detriment of residential amenity and privacy, contrary to Central Government advice in Planning Policy Statement 1: "Delivering Sustainable Development", Planning Policy Statement 3: "Housing" and Policies GP1 and GP10 of the City of York Draft Local Plan.

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