

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 22 October 2009 **Parish:** Acomb Planning Panel

Reference: 09/01349/FUL
Application at: Land To The North Of 10 Melander Close York
For: Erection of 2 no. two storey detached dwellings with carports
(resubmission)
By: TAGA Homes Ltd
Application Type: Full Application
Target Date: 22 October 2009

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of two 4-bed dwellings adjacent Carnoustie Close, Lochrin Place and Melander Close. Access to the proposed development is shown via a new driveway from Melander Close. The proposal includes the formation of separate car-parking spaces for both dwellings including attached car-ports and detached bicycle stores.

1.2 The proposed site is located within an undeveloped strip of land sandwiched between Melander Close and Carnoustie Close. This rectangular shaped plot measures approximately 0.08 ha. The proposed dwellings are detached dwellings with pitched roofs, which are tiled. The principal windows are to the front elevation and rear elevations. The length of the proposed dwellings is 10.50 m, the width is 8.50 m, height to eaves level is 4.90 m and height to ridge level is 7.80 m.

1.3 This scheme has been amended from the originally submitted scheme due to comments raised by the Council. The scale of the dwellings have been reduced in height to lessen their impact upon adjacent neighbours in Carnoustie Close.

SITE

1.4 The site is situated to the west of York's city centre, within the outer ring road between Acomb and Knapton. The site is located within a suburban area and is accessed from Beckfield Lane and then Melander Close.

1.5 As mentioned previously the site is sandwiched between Carnoustie Close, Lochrin Place and Melander Close. Carnoustie Close abuts the north boundary of the site and Lochrin Place abuts to the west, these properties are modest sized bungalows, predominantly occupied by retired persons. The properties adjacent the site within Melander Close are 2-storey detached dwellings.

HISTORY

1.6 The following applications pertain to the development of this site and the adjacent site.

07/01467/FUL - Erection of 8 no. two storey dwellings with associated parking and garaging – Approved – 31.07.07

07/00760/FULM - Erection of 3no. detached and 8no. semi-detached two storey dwellings with access off Melander Close – Withdrawn – 31.05.2007

09/00585/FUL– Erection of 2 no. two storey detached dwellings with integral garages – Withdrawn – 04.06.2009

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYH3C
Mix of Dwellings on Housing Site

CYNE1

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 The HNM officer advised that 4 conditions should be imposed relating to surfacing details to be agreed, car manoeuvring and cycle parking provision should be provided prior to the development coming into use, no gate etc. should open onto the highway, and the redundant crossing should be removed and made good. Informative 1 should also be attached.

Life Long Learning And Leisure

3.2 Advised 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.

Environmental Protection Unit (EPU)

3.3 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.

Tree Officer

3.4 To the north of both the proposed properties there are a number of trees along the boundary of the adjoining properties on Carnoustie Close, namely silver birch trees and a Robinia. BS 5837 (2005) Trees in relation to construction recommends adequate spatial separation to ensure these trees can be retained long term for the amenity value they provide the local community. A spatial separation of 6 metres is recommended for these trees (by the Greater Yorkshire Tree Officers Group Protecting Trees In Yorkshire). The present car-port and hard standing are approximately 3.0 m from the trunks of the trees. The officer noted that branches to the trees are much closer and overhang the boundary in places. The officer stated that he did not consider this arrangement acceptable or sustainable.

BS 5837 (2005) clearly indicates the problems with trees close to buildings and cars, particularly pointing out the apprehensions of householders due to the potential for damage due to windy conditions when branches whip about, also the effect of natural arisings and honeydew (of which birch trees are notably susceptible too) dropping on to cars and structures and causing damage.

The officer objected to the proposed scheme but noted that it may be possible to create car parking spaces to the front of the properties and to move the proposed dwellings back. This would enable the area between the trees and the dwelling to be left as a green space so reducing the potential conflict the submitted and proposed design would provide.

Drainage Engineer

The drainage engineer commented that the development is in low risk Flood Zone 1 and will not suffer from river flooding. However the officer objects to the proposed development, on the grounds that insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems. Also as surface water is proposed to be dispersed through soakaways, the officer requires further information, calculations and results from any tests.

EXTERNAL

Acomb Planning Panel

The Planning Panel object to the scheme due to the impact the proposed dwellings would have upon existing dwellings within Carnoustie Close in terms of loss of light and shading. The Panel also draw attention to the existing hedge and its possible damage and overlooking of properties in Lochrin Place and Carnoustie Close. The Panel also state that the proposed dwellings do not fit in with existing dwellings within the area.

If the application is approved the Panel suggested various conditions relating to standard Council conditions, as well as a condition to prevent the car-port being converted into a garage in the future and drainage issues.

Neighbours

6 objections were received from the occupants of a neighbouring properties. The objections related to;

- No consideration has been given to the immediate streetscene of the surrounding bungalows of Lochrin Place or Carnoustie Close. These are 8 bungalows which are located to the north and west of the plot. The single storey character of the street scene has remained unchanged since the land was developed 24 years ago;
- The proposed 4 bedroom dwellings will fill the whole width of the plot;
- The proposals would result in an overdevelopment of the site;
- The development, if approved, would create a cramped form of development;
- Government guidance is clear that development should not be at the expense of the character and appearance of the area;
- If approved, the development would leave the surrounding bungalows faced with permanent overpowering, intrusive and out of scale buildings;
- The houses, if approved, would be over dominant due to their size, bulk and scale;
- The pitched roof to the proposed car-port is too high and doesn't need to be pitched it could be hipped at least to minimise the impact upon residents in Carnoustie Close;
- If approved, the dwellings would reduce sunlight to dwellings in Carnoustie Close, especially during winter months when the sun is low;

- When the original planning permission was granted for Carnoustie Close, Lochrin Place and the neighbouring estate, conditions were attached to safeguard the hawthorn hedge;
- There is no restriction as to how many cars may park at the dwelling, excessive car movements would create a nuisance to existing neighbours;
- The proposed soakaways are not acceptable and would create flooding issues to adjacent neighbours;
- The proposed dwellings should be of a similar style to dwellings in Melander Close;
- There is a small quadrant of land which would be left with no ownership if the scheme were approved;
- Construction vehicles should not park in Melander Close;
- Materials should not be stored in Melander Close; and
- The development would cause a noise nuisance to neighbours during development and parking congestion in Melander close.

Should the application be approved, neighbouring residents asked for the following:-

- Permitted development rights removed to prevent the dwellings being extended in the future;
- Permitted development rights removed so as prevent the car-ports being enclosed to create additional accommodation; and
- The Hawthorn Hedge should be protected.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area;
- Impact on residential amenity; and
- Drainage.

POLICY

4.2 PPS1 'Planning for Sustainable Development' 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.

4.3 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

4.4 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.

4.5 Policy H4a 'Housing Windfalls' which 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.

4.6 Policy GP10 'Subdivision of Gardens and Infill Development' 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.

4.7 Policy L1c 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.

PRINCIPLE OF DEVELOPMENT

4.8 The site lies within the defined settlement boundary of York. There are no other relevant statutory constraints i.e. Conservation Area, etc. 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.

4.9 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. However, whilst the principle of residential use is acceptable, the impact of the development on the visual amenity of the area, the amenity of adjacent residents and the safety of the highway network need to be considered.

IMPACT ON VISUAL AMENITY OF AREA

4.10 Properties adjacent the site within Melander Close are 2-storey in height and detached, the dwellings adjacent the site within Carnoustie Close and Lochrin Place are detached bungalows. A number of objections received from neighbours comment that the dwellings should be bungalows, so as to not look out of keeping with the locality, or that the proposed dwellings should be designed to match existing dwellings in Melander Close. The site is enclosed by dwellings to all boundaries and is not particularly prominent within the area. The style of dwellings within this area is varied. Styles of dwellings vary from Victorian period houses adjacent parts of Beckfield Lane, to more modern developments of the 70's, 80's to the recently developed scheme by Barratt's at the previous Northfield School site.

4.11 Due to nature of the site and the mix of dwellings within the locality, it is not considered that the proposed development would have a detrimental visual impact within the area. The houses are well designed and sit acceptably within the site/area.

IMPACT ON RESIDENTIAL AMENITY

4.12 Occupants of residential dwellings have a high expectation of the level of privacy for rooms at the rear of their dwelling especially where such rooms face towards their rear private garden. The separation distances between the proposed dwelling and dwellings in Carnoustie Close and Lochrin Place are approximately as follows;

- The distance from the centre of the kitchen wing (Plot 1) to the centre of No. 6 Lochrin Place is 20.5m, and to the centre of No. 8 Lochrin Place is 19.9m.
- The distance from the side face of the proposed dwellings to properties in Carnoustie Close is approximately 20.0m –20.50m to no's 3,5,9 and 11.

4.13 In assessing infill schemes such as these officers would apply a 'general separation rule' of 21.0 m from window to window (existing to proposed) and 11.0 m from window to side of dwelling with no window (existing to proposed or vice versa). Whilst officers use these distances as a guide to assessing schemes, these distances are not incorporated into a specific planning policy.

4.14 It is acknowledged that the distances do not meet the 'general rule' which is used to judge such schemes. However, it is considered that the distances are within acceptable an tolerance, being approximately 1.00 m below the general standard.

4.15 The daylight sunlight assessment which was submitted as part of the scheme indicates that there is adequate daylight and sunlight received by existing surrounding buildings and there is no unacceptable overshadowing of existing amenity areas.

4.16 Due to the overall height and massing of the proposed dwelling, it is considered that this an arrangement would not create significant overshadowing and

loss of light to principal rear living rooms/areas of neighbouring properties or create an unacceptable degree of overlooking.

4.17 However, it is considered reasonable to seek a minor amendment to the design of the car-ports. Whilst it is acknowledged that they have been designed to replicate the style and materials of the dwellings, their roofs could be altered. It is suggested that a condition be imposed to alter the design from a typical pitched roof design to either a mono-pitch roof slope with a very shallow pitch, or a flat roof which could be covered with sedum or some other similar finish. It is considered that such an amendment would not significantly alter the appearance of the proposed dwellings, but would lessen the visual impact of these dwellings upon nearby residents in Carnoustie Close and to some extent satisfy residents concerns.

Impact Upon The Hawthorn Hedge And Existing Trees

4.18 The Council's Tree Officer has objected to the proposed scheme. The officer considers that the proposed dwellings would be too close to the existing hawthorn hedge and trees. The officer notes that development should be 6.0 m away from the trees. He states that the development is only 3.0 m away.

4.19 The agent for the applicant responded to the tree officers comments, by stating that this arrangement is common place, i.e. there are numerous instances where a tree/s are sited within close proximity to a house. The agent also pointed out that the design of the proposed dwellings has been amended to address the officers concerns with regard to separation distance. Car-ports have been introduced which are supported by 2 columns, therefore their intrusion into the separation zone is minimal, also the surface of that area has been amended to gravel, which cause minimal intrusion to the trees/hedge.

4.20 The agent also notes that only 1 tree, a lesser birch, falls within the 6.0 m zone. This tree, in the opinion, of the applicant's arboricultural consultant is not a good specimen and is being out competed by other nearby trees.

Drainage

4.21 The Council's drainage officer has been negotiating with the applicants for some time regarding the proposed drainage of the scheme. The officer requires additional information to be able to assess whether the proposed drainage scheme would be acceptable.

4.22 Whilst it is considered that this reason alone is not sufficient to refuse this scheme, it is disappointing that the information has not been submitted. The applicants have been asked for details on a number of occasions. However, it is still possible that the information may be submitted prior to the scheme being presented to planning committee. If further drainage information is submitted, committee will be updated.

4.23 It is considered acceptable to impose a condition requiring drainage details to be agreed prior to development commencing.

5.0 CONCLUSION

5.1 The erection of 2 dwellings is recommended for approval, subject to adequate conditions, as the scheme satisfies policies SP2, GP1, GP4a, GP14, GP15a of the City of York Development Control Local Plan and National Planning Guidance PPS1, PPS3 and PPS25 and the Council's Interim Planning Statement: Sustainable Design and Construction.

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 and other submitted details:-

- (i) Proposed plans and elevations - Date stamped 26/08/2009
- (ii) Proposed site layout - Date stamped 26/08/2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

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 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 or C of Schedule 2 Part 1 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.

6 The existing boundary hedge, which bounds Carnoustie Close and Lochrin Place, shall not removed, wilfully damaged or reduced in height below 1.80 m in height, without prior written consent of the Local Planning Authority. Should the hedge be damaged, die back or be removed, details of its replacement should be submitted to the Local Planning Department within 3 months of the date of its failure/removal and the affected areas should be replaced within the next planting season and thereafter be so retained.

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

7 Prior to development commencing amended details of the car-port roofs for both dwellings should be submitted in writing to the Local Planning Authority. Development should then be carried in strict accordance with the written approved details from the Local planning authority and thereafter be so retained.

Reason: The proposed roof of the car-ports from both plots are too high and would impinge upon adjacent residents outlook. Reducing the height of these roofs would increase the visual separation distance between the existing properties in Carnoustie Close and the hereby approved houses.

8 HT1 IN Height

9 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the 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 £6012.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard

- 10 HWAY9 Vehicle areas surfaced
- 11 HWAY14 Access to be approved, details req
- 12 HWAY19 Car and cycle parking laid out
- 13 HWAY21 Internal turning areas to be provided

14 HWAY31 No mud on highway during construction

15 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment

16 DRAIN1 Drainage details to be agreed

17 Any suspect contaminated materials detected during 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 protect the health of the occupants.

18 LAND1 New landscape details

19 No building work shall take place until details have been submitted to and approved in writing by the local planning authority, to demonstrate how the applicant will provide from renewable sources, 5% of the building's total energy demand on land within the control of the applicant. Not later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the buildings energy consumption that has been derived from renewable sources. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable development.

20 Prior to the commencement of development, a report demonstrating that the dwelling would comply with the Code for Sustainable Homes Level 3 assessment for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

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 GP1,

GP10, GP15a, H3c, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement: Sustainable Design and Construction; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

2. Control of Pollution Act 1974

The developer's attention is 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. 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. | |

ii. 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".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site

3. Please note the comments raised by the Council's Highway Network management Officer. I have attached a copy for ease of reference.

Contact details:

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