

CYGP10
Subdivision of gardens and infill devt

CYGP1
Design

CYGP4A
Sustainability

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - It is noted that the build out opposite the proposed access will impede the access and egress of vehicles for the proposed dwelling. To facilitate manoeuvres into and out of the site and to help visibility it is recommended that the proposed access and parking area be increased to a minimum of 3.5 metres. The existing access being reduced to 2.5 metres is only acceptable if separate pedestrian access to the front door is provided.

N.B. Amended plans have subsequently been submitted in accordance with these requirements.

3.2 Environmental Protection - No objections in principle although a demolition and construction informative is suggested.

3.3 Structures and Drainage - Object to the lack of information with regard to surface water drainage.

EXTERNAL

3.4 Heworth Planning Panel - No objections in principle. Cycle parking should be provided.

PUBLICITY

3.5 The application was advertised by means of neighbour notifications sent on the 18th September 2009 - no replies received

4.0 APPRAISAL

4.1 Key Issues

- Principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties

- Sustainability
- Open Space
- Drainage

Policy Background

4.2 This planning application, which is submitted in outline, is for the erection of 1 no. detached dwelling.

4.3 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 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.

4.4 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.

4.5 Policy SP6 of the Draft Local Plan, 'locational strategy', requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

4.6 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

4.7 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 H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the urban area (outside the city centre), new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

4.8 Other Local plan policies relevant to the consideration 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 and sets out those issues to consider as part of a sustainably designed development. The interim planning statement on Sustainable Design and Construction supports Policy GP4a in setting out ways to achieve sustainable development. Furthermore the document requires developments of this type to achieve a minimum Code for Sustainable Homes Level 3 and 5% of expected energy demand from on site renewable sources.

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

- 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.

Principle of Residential Development on the Site

4.8 The key aim of local and national policy is to locate new housing on previously developed land in sustainable locations. The site is located within the curtilage of an existing dwelling and thus falls within the definition of previously developed land. Policy H4a relates to housing developments within existing settlements and states 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 GP10 of the Draft Local Plan states that permission will

only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of new residential development on the site conforms with local and national policies.

Design and Landscaping

4.9 Penyghent Avenue is a relatively wide, straight road on which the majority of houses are semi-detached hipped roofed dwellings set in similar sized plots. The particular application site is distinguished from many of the others by having a relatively large side garden area which is bounded by two roads and being located opposite a detached gable ended house which breaks up the otherwise similar house designs. The proposed house will create a close relationship with the existing house but this relationship will not be dissimilar to the closeness of other properties on the street where two storey extensions have been added and it is considered that an appropriate design can be achieved without detriment to the street scene. The proposal will also allow for the introduction of a small dwelling that will add to the mix of house types within the area.

4.10 In landscape terms the retention of the hedge to the boundary of the site will do much to integrate the new dwelling into its surroundings. A condition requiring the retention and protection of the hedge during construction is proposed.

4.11 The proposal is considered to be acceptable in terms of its impact on the character and amenity of the local environment in accordance with the requirements of GP10 of the Draft Local Plan and to accord with the requirements of GP1 in terms of density, layout, mass, scale and design. It is proposed to remove permitted development rights to ensure that any future proposals for the site can be controlled and do not result in over development of the site.

Highways Access and Parking

4.12 The site is located on the corner of Penyghent Avenue and Darnbrook Walk. Access to the site is proposed from the rear of the plot on to Darnbrook Walk. Since the application was submitted an amended plan has been received showing the widening of the access point to 3.5 metres so that there is sufficient visibility for pedestrian movements along the path and to allow sufficient manoeuvring into and out of the access adjacent to a traffic calming island located opposite the access point. The amended plan also shows separate pedestrian access to the existing dwelling to compensate for the narrowing of the driveway to that property. Highways Network Management do not raise any objections to the application as amended subject to conditions ensuring the satisfactory implementation of the scheme.

Impact on Surrounding Properties

4.13 The site is bounded by the existing house to the south, the rear garden area of 315 Fifth Avenue to the east and Darnbrook Walk and Penyghent Avenue to the north and west. The dwelling is to be orientated so that its main elevations face east/west. The rear east elevation will be approximately 12 metres from the rear boundary, the same as from the existing house. Subject to the detailed design being similar to the

submitted sketch proposal it is considered that the dwelling will not detract from the amenity or living conditions of the occupiers of 315 Fifth Avenue. The existing house has a side kitchen window facing the site, however this is a secondary window with the main window and orientation of the room being towards the rear garden through the attached conservatory. The impact of the development on the existing house is considered to be acceptable. The condition removing permitted development rights (referred to above) would enable the Council to retain control over any future proposals to extend or enlarge the property.

Sustainability

4.15 The application is supported by a sustainability statement which indicates that the development will achieve Code for Sustainable Homes level 3. The submitted information is considered to meet the requirements of GP4a and the Interim Planning Statement (IPS) on Sustainable Design and Construction as far as the code is concerned. In addition a condition is proposed to require that the dwelling provides 5% on site renewables in accordance with the Interim Planning Statement.

Open Space

4.16 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. In this case a condition is proposed to require an off site contribution to open space in accordance with the councils document commuted sum payments for open space in new developments.

Drainage

4.17 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy however further information is sought in relation to drainage details. It is considered that a suitable drainage scheme could be achieved for the site and, given that this is an outline planning application, an appropriate condition could secure the information required.

5.0 CONCLUSION

5.1 In officers opinion the principle of new residential development on the site conforms with local and national policies.

5.2 The proposal is considered to be acceptable in terms of its impact on the character and amenity of the local environment in accordance with the requirements of GP10 of the Draft Local Plan and to accord with the requirements of GP1 in terms of density, layout, mass, scale and design.

5.3 Highways Network Management do not raise any objections to the application, as amended, subject to conditions ensuring the satisfactory implementation of the scheme.

5.4 In all other respects, subject to appropriate conditions, it is considered that an acceptable development can be achieved on the site.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 OUT2 Full details to be submitted

3 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing hedge to the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations shown on a plan of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin.

Reason: To protect the existing hedge, which is considered to make a significant contribution to the amenity of the area.

4 The hedge around the boundaries of the site shown on Drawing no.CO.843.01.B shall not be removed or lowered below 1.5 metres without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity

5 HWAY10 Vehicular areas surfaced, details reqd

6 HWAY14 Access to be approved, details reqd

7 HWAY18 Cycle parking details to be agreed

8 HWAY25 Pedestrian visibility splays protected

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 £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.

10 The development hereby approved shall be constructed to at least Level 3*** of the Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, is to be carried out and a formal Post Construction stage certificate shall be submitted to the LPA prior to occupation of the building. Should the development fail to achieve level 3*** of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

11 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 5% of the developments predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development and a written letter from the installer of the technology, post build, verifying the installation has been installed should also be submitted to the Local Planning Authority. The site thereafter must be maintained to the required level of generation'.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

12 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,C,D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: Due to the size of the site and the scale of the accommodation proposed, 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.

13 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and that provision has been made to maintain the proposed drainage system.

INFORMATIVE:

With respect to surface water drainage, the submitted details should incorporate the following:

Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

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 to:

- principle of residential development on the site
- design and landscaping
- highways, access and parking
- impact on surrounding properties
- sustainability
- open space
- drainage

As such, the proposal complies with Policies SP6, H4a, GP10, H5a, T4, GP4a and GP1 and L1c of the City of York Local Plan Deposit Draft; and national planning advice contained within Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 3 "Housing"

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington
(01904) 551361

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

Tel No: 01904 551657