

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 18 February 2010 **Parish:** Acomb Planning Panel

Reference: 09/02220/FUL
Application at: Land To North Of 11 Melander Close, York
For: Erection of 2no. two storey dwellings
By: Leeper Hare
Application Type: Full Application
Target Date: 12 February 2010

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a pair of semi-detached properties on land to the north of 11 Melander Close, York.

1.2 The application has been brought to committee at the request of Cllr David Horton as the proposal is possibly over-development.

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

- 07/00760/FULM - Erection of 3no. detached and 8no. semi-detached two storey dwellings with access off Melander Close - Withdrawn - 31.05.2007
- 07/01467/FUL - Erection of 8 no. two storey dwellings with associated parking and garaging - Approved - 31.07.07 (Exelby Court development)
- 09/01349/FUL - Erection of 2 no. two storey detached dwellings with carports (resubmission) - Approved 22.10 2009 (Land north of 10 Melander Close)

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYH2A
Affordable Housing

GP4A
Sustainability

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objections. Exelby Court is currently subject to a section 38 agreement and as such the proposed dropped crossings will need to be dealt with by the section 38 engineer

3.2 Learning Culture and Learning Services - No requirement for education contribution

3.3 Lifelong Learning and Leisure - Commuted sum required for the provision of offsite open space

3.4 Engineering Consultancy - Development is in low flood risk zone 1 and should 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.

3.5 Environmental Protection Unit - No objections

External

3.6 Acomb planning Panel - Object on the following grounds:

- Overdevelopment of a small site in among detached houses
- Limited clearance to 11 Melander Close
- Blank wall of proposed dwelling curtails light into new window of 11 Melander Close
- Parking in front of the dwellings will severely obstruct access to Exelby Court
- Proposed dwellings are not in character with detached houses immediately adjoining Melander Close

3.7 Neighbours - Two letters of objection from 13 Carnoustie Close and 11 Melander Close objecting on the following grounds:

- Ancient hedge forms the boundary with Carnoustie Close
- Car parking spaces should not damage the existing boundary hedge

- Surface water should not run off the site
- Existing mature trees to boundary should be protected
- Should not exceed the height of the TAGA homes development to the rear
- The houses carry the potential for another 4 vehicles with no garages being provided
- Additional on street parking from visitors
- Poor visibility when leaving the site due to the existing 2m boundary fence
- Detached property would be more in keeping
- Loss of light to side kitchen and bathroom windows

4.0 APPRAISAL

4.1 Key Issues

- Principle of development
- Design
- Impact upon residential amenity

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP4a, H2a, H4a, H5a and L1c. 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. Policy GP4a states that proposals for development should have regard for the principles of sustainable development.

4.3 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. Policy H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependant on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than 40dph in the urban area. Policy H2a 'Sustainability' states that housing development of 15 dwellings/0.3Ha or more in the urban area should provide affordable housing.

4.4 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

4.5 The application site currently houses a disused contractor's yard, including buildings and storage containers. It lies off Exelby Court, which has recently been constructed following planning permission being granted in 2007 for the erection of 8 dwellings, all of which are semi-detached. The site sides onto 11 Melander Close and the rear of 13 Carnoustie Court and backs onto a vacant site which gained planning permission for two detached properties in 2009.

4.6 The site lies within the defined settlement boundary of York. 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. The use of the site for residential purposes accords with Policy H4a in that it is underused and would involve infilling. In addition the density proposed would accord with Policy H5a.

4.7 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.

DESIGN

4.8 The proposed dwellings are of the same design as those located along Exelby Court. The pair would have a frontage of 11m and a depth of 8m. They would have hipped roofs with an eaves height of 5m and a ridge height of 7.8m. They would incorporate a rearward two storey section which would be set down from the ridge and be constructed with a gable end. Each property would contain three bedrooms to first floor and a kitchen/dining room and lounge to ground floor. Each property would have 2 off road car parking spaces, a shed for cycle storage and a rear garden measuring 10m. The dwellings would come in line with the setback section of 11 Melander Close.

4.9 Concerns have been raised that the dwellings would be out of character within the locality. However, they are the same design as those currently erected along Exelby Court and lie within similar sized plots. However, where the existing dwellings have the two storey projecting element to the front this scheme seeks to have this element to the rear. The site would be seen in context with Melander Close, which are all detached properties, but the area is characterised by a mixture of house types including recent detached and semi detached properties along with bungalows. It is therefore considered that the dwelling is of an acceptable design and sits comfortably within the streetscene.

IMPACT UPON RESIDENTIAL AMENITY

4.10 The proposed dwellings would sit comfortably within the site. It would be located at a distance of 3.4m from the side elevation of 11 Melander Close and would be separated by a 2m high timber fence. Concerns were raised regarding the impact the dwellings would have upon the side ground floor window of 11 Melander Close. This serves as a secondary window to the large kitchen/dining room and faces north. It does however allow for a certain amount of ambient light to enter the dining room area. The scheme has been amended since it was first submitted to show the dwelling being moved 0.7m further to the north to give a greater degree of separation between the properties. Whilst the proposed plot 1 dwelling would result in a certain amount of light to be lost it would not appear to be so detrimental as to warrant a refusal.

4.11 The plot 2 dwelling would be located at a distance of 3m from the boundary with 13 Carnoustie Close and 16.4m from the building itself. Whilst the proposed dwelling lies to the South of Carnoustie Close it is considered that at this distance any overshadowing would be minimal and would not affect any habitable rooms within the property. Furthermore, existing mature planting along the boundary would mask the majority of the dwelling. The dwelling would achieve a 20m distance between its rear elevation and that of the proposed dwelling to the rear.

4.12 Concerns have also been raised that the scheme may represent overdevelopment of the site. However, adequate distance appears to have been retained around the dwelling and it would not have a cramped appearance or have any detrimental impact upon neighbour's residential amenity.

IMPACT UPON HAWTHORNE HEDGE AND ADJACENT TREES

4.13 Neighbours have expressed concern regarding the existing Hawthorne hedge and the trees to the northern boundary, within an adjacent site. The Council Tree Officer has stated that whilst the trees are relatively close to the boundary, the proposed distance of 3m between the dwelling at plot 2 and the site boundary would prevent any damage arising and affecting the health of the trees.

AFFORDABLE HOUSING

4.14 Policy H2a states that housing development of 15 dwellings/0.3Ha or more in the urban area should provide affordable housing. The policy gives a target of 50% of dwellings to be affordable. While this site is clearly below that threshold, it forms part of a larger site submitted by the current applicants under reference 07/00760/FULM. That application was withdrawn and the current application is the final part of a 3 phase development of that original site (Exelby Court 8 dwellings, land north of 10 Melander Close 2 dwellings and the current site). The site area of the original site is 0.37ha which is above the policy threshold and it is reasonable to consider the affordable housing position to ensure that the site has not been fragmented to avoid the affordable housing requirement. An informative on the 8 house Exelby Court development (07/01467/FUL) advised the developer that this approach would be taken.

4.15 While the original site area is over the 0.3ha threshold the number of dwellings proposed to be provided (12) is not. The density of the whole site (31.75 dph) is lower than sought in policy H5a (40dph) however the development does not appear to have been deliberately developed at a low density to avoid the requirement. A higher density may have appeared unduly out of character with the surrounding pattern of development.

5.0 CONCLUSION

It is considered that the development of this site for housing is acceptable and accords with policy. The design of the dwellings are considered to be appropriate within this locality and there would be limited impact upon the amenities of neighbouring residents.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing number H34/90/100 received 4th December 2009

Drawing number H34/90/101 Rev A received 27th January 2010

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 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 or 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: 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.

5 The existing boundary hedge, which bounds Carnoustie Close 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

6 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.8 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

7 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4248

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.

8 HWAY10 Vehicular areas surfaced, details reqd

9 HWAY19 Car and cycle parking laid out

10 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

11 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 carried out in accordance with these approved details.

These details shall include:

(i) Invert levels of the existing and proposed surface water system should be provided.

(ii) Proposed ground and finished floor levels to ordnance datum for the site and adjacent properties should be shown. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(iii) Existing and proposed surfacing should be specified

(iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(v) In accordance with PPS25 and in agreement with the Environment Agency and City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate 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 must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: To comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

13 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.

14 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.

15 NOISE8 Restricted hours of work

7.0 INFORMATIVES: Notes to Applicant

1. 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:

Adoption of Highway - Sect 38/1278 - Mr M Kitchen 01904-551336

2. ENVIRONMENTAL PROTECTION

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 followed, 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 dispatch 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. 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, sustainability and highway safety. As such, the proposal complies with policies GP1, H2a, H4a, H5a and L1c 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.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

Tel No: 01904 551668