

- CYL1C Provision of New Open Space in Development
- CYHE2 Development in historic locations
- CYGP15 Protection from flooding

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 In officers opinion it is essential that public views through the site to the Listed Building (Aldersyde House) from the southeast be retained as part of any development proposal in this location. It is considered this is achieved due to the shallow roof pitch, ridge height and scale of the proposed dwelling house. As such the proposed bungalow is unlikely to significantly harm the setting of the Listed Building.

3.2 However, officers consider the proposed bungalow is of a dull, bland, uninspired design, as expressed in the shallow roof pitch, hipped roof details and low mass of the building that takes little reference from the architectural character of Aldersyde House.

3.3 The landscape architect does not object to the application, provided the trees to the east of the site are protected during construction, and subject to agreement of a landscaping scheme.

3.4 The mature trees along the eastern boundary have a large root protection area and shade the site. As such the scope for development is limited but officers consider the proposal for one bungalow that has a choice of aspects throughout the day is acceptable. With regards landscaping, officers suggest that the building connects with the outdoors by way of garden rooms overlooking suitably landscaped areas. Trees T7 (Laburnum) and T8 (Juniper), to the west of the house, due to their proximity to the house would affect the occupants outlook and amenity. They are of low amenity value and replacement planting could be secured. The eastern area underneath the Horse chestnuts should remain as grass and the boundary hedge, which provides a suitable green edge to the site, in character with the area, should be retained, opposed to introducing fencing.

Environmental Protection Unit

3.5 Officers have concerns over levels of noise that would be experienced in the garden of the application site. Noise levels in similar proximity to Tadcaster Road on the opposite side of the road were in noise exposure category (NEC) B. (PGG24: Planning and Noise advises that noise exposure should be taken into consideration when determining applications in such locations). It is suggested either a noise report be submitted, or an acoustic fence installed at the east boundary.

3.6 Having been informed of the history of the site officers confirm it is unlikely there is ground contamination.

Highway Network Management

3.7 No objections.

Lifelong Learning and Culture

3.8 Ask for a contribution toward open space. This would be used to improve sites within the local area e.g. Chapman's pond, play space at Nelsons Lane and sports pitches within the West Zone of the Sport and Active Leisure Strategy.

Drainage Engineers

3.9 It is proposed surface water run-off be dealt with via soakaways. Soakaways should be shown to work through an appropriate assessment carried out under BRE Digest 365, to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. Should the application be approved, a test, witnessed by council officers, would be required prior to works commencing. If the soakaway proves to be unsuitable then in accordance with PPS25 and policy GP15 of the Local Plan, peak run-off from the development should be attenuated to 70% of the existing rate.

Dringhouses and Woodthorpe Planning Panel

3.10 Object on the following grounds:

- Scheme does not make a positive contribution to the setting of the listed building, Aldersyde House, contrary to PPS5: Planning for the Historic Environment.
- Design of the building does not relate to its neighbours in terms of mass and design, and leads to a loss of open space, detrimental to the amenity of neighbours.
- No room for additional planting onsite.
- Site is overlooked by neighbours.

Publicity

3.11 Twelve letters in objection have been received. Grounds as follows:

- Adverse impact on the living conditions of neighbours in the flats to the north. Living rooms are on this side of the building, and occupants enjoy sitting in the surrounding gardens. This scheme will have a detrimental impact on occupants of the flats, many of which have retired and spend time enjoying their house and garden. They would suffer an adverse impact due to the loss of light and outlook that would occur. The building would also be overdominant, appearing oppressive due to its close proximity to the flats and its overall height.
- Visual impact. The scheme constitutes overdevelopment of the area, contrary to the established building line and pattern of development in the area. Due to the location, scale and architecture of the building it would not compliment its setting, but appear out of place and detrimental to the environment. Concern that the hedge between the application site and Aldersyde Court would be removed to accommodate the proposed house, due to its proximity.
- Loss of on-street parking, due to the proposed dropped kerb. There are high levels on street parking, partially due students of the nearby college. Due to the proximity of the access to Tadcaster Road, there would be an adverse impact on highway safety.
- Drainage - concern surrounding occupants will be affected if the proposed soakaways fail (Aldersyde Court is on lower ground than the application site). Concern there is a drain which serves Aldersyde Court that's runs through the site, and that disruption may occur as a consequence of the proposed development.

- Previous reasons for refusal which still apply.
- Question the need for the proposed house, when other for sale and developed nearby.

4.0 APPRAISAL

4.1 Key issues

- Principle of development
- Impact on visual and residential amenity
- Sustainable development
- Highway safety
- Site drainage

Relevant planning policy

National planning policy

4.2 PPS1 states that it is the Government's objective to "ensure high quality development through good and inclusive design" (paragraph 5). It goes on to state (paragraph 34) this applies to all development and that good design should contribute positively to making places better for people. Design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

4.3 PPS3: Housing states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land. Government policy is to deliver housing that is: of high quality, a mix of housing types, a sufficient quantity (meeting identified need and demand), in suitable locations, and which makes an effective use of land.

4.4 PPS5: Planning for the Historic Environment advises that Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

Policies of the Draft Local Plan (DLP)

4.5 GP1: Design states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.6 Policy GP10: Subdivision of Gardens and Infill Development states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

4.7 H4a: Housing Windfalls regards new housing development. It states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.8 HE2: Development in historic locations states that within locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.9 NE1 states that trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected.

4.10 Policy L1c of the LP is concerned with the provision of new open space in developments and states that for sites of less than 10 dwellings a commuted sum will be required towards off site provision.

Principle of development

4.11 As required by PPS3 York has produced a Strategic Housing Market Assessment (SHMA) to identify housing need and demand. The SHMA identifies a demand for new households, in particular 2-bed sized houses. The application site is in an urban area and meets the location related criteria in H4a of the DLP. To this extent the site can in principle accommodate housing. The remaining test is therefore whether, by virtue of the overall design, the development is suitable to the application site.

Impact on visual and residential amenity

4.12 The key consideration in terms of the impact on the setting is the overall design of the proposed building, its impact on the street scene, and its relationship with Aldersyde Court and Aldersyde House (a grade 2 listed building). The mature trees on the east side of the site make a positive contribution to this setting. The footprint of the house has been determined so no adverse works or removal of these trees is required.

4.13 The building proposed would be low lying, and discreet in its setting, predominantly only the roof of the building would be seen from the public realm. This massing attempts to mitigate the impact of building in-front of Aldersyde Court and the key views of Aldersyde House; of its timber framed upper floors and ornate chimney stacks would be retained. Overall officers consider the building would not appear unduly incongruous and it would respect the setting of Aldersyde House.

4.14 The applicants have asked that materials be conditioned. There are a variety of brick colours in the area, although a resemblance to the red brick at Aldersyde House is preferable. Again roof tiles vary in the area. Concrete tiles are used on Aldersyde House (pantiles) and Aldersyde Court. Pantiles are, according to the listing description later additions to Aldersyde. Officers consider red pantiles (to relate to Aldersyde House), slate or rosemary tiles would be appropriate to the setting, considering the materials and appearance of the houses along this part of Tadcaster Road.

4.15 The detailing and design of windows and doors is also to be agreed, although the wider impact of these elements is limited as they would be screened from public view by the hedge that surrounds the site.

4.16 Overall officers consider that the building can integrate into its setting without being detrimental to the character and appearance of the area. The footprint and massing of the building have been chosen to allow the elements which form the key characteristics of the area's appearance; the mature trees at the east side of the plot, views of Aldersyde House and the surrounding hedge to be retained (trees and hedge can be secured through condition). Generally only the roof of the building would be seen from the public realm and due to its scale and subject to agreement of materials, this addition would not unduly detract from the area's appearance.

Residential amenity

Overdominance / overbearing

4.17 Applications made in the 1970's were refused due to the impact a building on this site would have on the outlook from, and setting of, Aldersyde Court. There is no evidence on the files as to the appearance of the area at that time. The area is now enclosed by surrounding hedges and the grass is somewhat overgrown. Presently it is not clearly open space directly associated with Aldersyde Court due to it being physically separated by the hedge.

4.18 There is no right to a private view that the planning system is required to protect. As such that the residents would have to overlook the proposed house and garden, opposed to a grassed space and views beyond, is not grounds to refuse the application. However whether the development would be unduly overdominant or overbearing is a material consideration, having regard to matters such as the orientation, height and the suggested materials of the proposal.

4.19 Due to the staggered building line of Aldersyde Court, the proposed building would be 12m or 10m from that building. It would be directly south of 2 living room windows at ground floor level. The proposed building would be single storey; 2.5m high to eaves level, 4.4m to the ridge of the pitched roof. From the existing boundary hedge, the proposed building would be 2m further away from Aldersyde house; it would be 1m higher than the hedge to the eaves level. Due to the height, footprint, and separation distances involved, officers consider there would not be an undue effect on residents outlook, and the building would not appear unduly overbearing to the extent that refusal of the application could be sustained.

Loss of light

4.20 The BRE (Building Research Engineers) provide guidelines for measuring the effect of development on daylight and sunlight. When buildings directly face affected windows, the 25 degree approach can be utilised to assess whether a loss of daylight would occur. Any extension or buildings that do not obstruct a vertical line of 25 degrees, taken from the centre of the lowest window would not lead to a loss of daylight. The proposed development would pass this test, and despite it being to the south of Aldersyde Court, there would not be a material loss of daylight suffered.

Occupants of the proposed dwelling

4.21 The garden of the proposed house would be overlooked by 1-6 Aldersyde Court. However some overlooking of garden areas is not uncommon in suburban locations, and due to the position of the house, there is garden space to the front, and to both sides, thus mitigating the feeling of being overlooked. Levels of outlook, and internal space are acceptable, and there is storage space for cycles and bins. The Environmental Protection Unit have asked for an acoustic fence to be erected at the site boundary, to mitigate against traffic noise, that may be detrimental to the enjoyment of the garden. This has not been required as it would potentially detract from the appearance of the setting. Officers consider future occupants would be aware of potential noise from traffic and if in future it was found to be an issue, they could come to the LPA and the possibility of erecting a fence appraised at that stage.

Sustainable development

4.22 The council's interim planning document on sustainable design and construction requires that new dwellings achieve a code for sustainable homes 3 * rating and that a minimum of 5% of the energy demand for the development is met through on site renewable generation for heat and/or electricity. A pre-construction analysis has been provided to show this is achievable. The rating would need to be demonstrated post-construction, which can be required through a condition.

Highway safety

4.23 Off street parking is provided with the curtilage of the application site. Cars would have to either enter or leave the site in a reverse gear. The entrance is some 25m from the junction between Old Moor Lane and Tadcaster Road, and this arrangement does not pose a material risk to highway safety. The loss of on-street parking would not compromise highway safety, and not have a material impact on residential amenity, thus it is not grounds to refuse the application.

Site drainage

4.24 Policy GP15a: Development and Flood Risk requires that sustainable drainage is encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.25 It is proposed that soakaways are used to deal with surface water run-off. The applicants have successfully tested this approach on-site and advise it operates adequately also where new houses have been built on Aldersyde to the west.

Soakaways are a form of sustainable drainage, as they do not involve surface water going into the sewage system. However prior to soakaways being agreed to, proposed ground levels would need to be agreed, and the soakaways demonstrated to work in accordance with BRE (Building Research Establishment) standards. Drainage details would be agreed through a planning condition. As a fallback, should soakaways not adequately deal with surface water, a storage system could be installed onsite, that would control surface water discharge, reducing existing levels. The approach is proposed to be agreed as a condition of approval.

4.26 Residents at Aldersyde Court have also enquired about Yorkshire Water sewers that may be below the application site. The applicants are of the opinion this is not the case as they are not shown on Yorkshire Water maps. These maps are not definitive however as they do not show how Aldersyde Court is connected to the sewerage network. Should it be found that a sewer does run through the site, it could be diverted, if necessary.

5.0 CONCLUSION

5.1 Officers support the scheme as it is considered the proposed house can be accommodated without undue harm to its setting and the amenity of surrounding residents. Surface water drainage can be controlled so no flooding of surrounding land, as a consequence of this development, would occur.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|---|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans (revision F) |
| 3 | VISQ8 | Samples of exterior materials to be app |
| 4 | VISQ7 | Sample panel ext materials to be approved |

5 Details at a scale of 1:10 of windows and doors, including cross section, materials and manufacturers literature (if applicable) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the proposed building and the impact on its setting, which includes a grade 2 listed building.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs

(including replacement planting for any trees to be removed). 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.

7 The hedge that surrounds the application site, as shown on the approved plans, shall be retained at a height of at least 1.5 metres taken from ground level.

Reason: In the interests of the appearance of the area, the setting of Aldersyde and the amenity of neighbours.

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

The protective fencing line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and make a significant contribution to the amenity of the area.

9 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.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

INFORMATIVE:

The proposed soakaway surface water system shall be shown to work through an appropriate assessment carried out to BRE 365 standards, to prove that the ground has sufficient capacity to accept surface water discharge and to prevent flooding of the site and surrounding land. Should the soakaway test fail an alternative means of drainage shall be required.

The submitted details to incorporate the following:

- Existing and proposed ground levels and drainage routes.

- 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.

10 The development hereby approved shall be constructed to at least Level 3* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (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 LPA 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 sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on 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 5% of the predicted energy requirements from on-site renewable resources. 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.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

12 PD1A Removal of specific PD rights - A, B, C, D, E, F

- | | | |
|----|--------|--------------------------------|
| 13 | HWAY19 | Car and cycle parking laid out |
| 14 | S106OS | Section 106 Open Space - 1,242 |

**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:

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

2. 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 the setting of Aldersyde, a grade 2 listed building, the appearance of the locality, residential amenity, highway safety and flood risk.

As such the proposal complies with Policies GP1, GP10, H4a, HE2, T4, GP15 and L1c of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer
Tel No: 01904 551323