

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 20 September 2007 **Parish:** No Parish

Reference: 07/01914/FUL
Application at: 46 Hobgate York YO24 4HH
For: Erection of new dwelling after demolition of existing (amendment to planning permission 07/00121/FUL)
By: Ian And Mary Macbeth
Application Type: Full Application
Target Date: 3 October 2007

1.0 PROPOSAL

1.1 The application is for the erection of a new dwelling after demolition of the existing (amendment to planning permission 07/00121/FUL). The application differs from the previous application in that the zinc roof for the garden room on the rear elevation has increased in size and the brise soleil and high level louvres have been removed. The first floor level glass blocks in the north west elevation have been removed and replaced with two obscured glazed windows. The projecting low level wall on the north west and south east elevations has been removed, and the ground floor and first floor doors in the Bay SE elevation have been removed.

1.2 The previous application for a new dwelling was approved by West and Centre planning sub-committee on 22 March 2007.

1.3 The area is mature and suburban, and characterised by large dwellings in relatively large plots.

1.4 Objections have been raised against this proposal however it is considered a site visit is not required as a committee site visit was undertaken with the previous application (07/00121/FUL) on 21 March 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 31/08/2007
Site Notice - Expires 04/09/2007
Press Advert - N/A
Internal/External Consultations - Expires 31/08/2007

8 WEEK TARGET DATE 03/10/2007

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - Landscape Architect

- No objections, would like a condition regarding the protection areas for the trees.

DRAINAGE - No objections

- The development is in a low risk flood zone 1 and will not suffer from river flooding

ENVIRONMENTAL PROTECTION UNIT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

MARSTON MOOR DRAINAGE

The Applicant states that surface water will be discharged to public sewer. If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site. The Applicant should provide information as to the point of discharge of the sewer in order that the Board may comment on the suitability of the receiving watercourse. The Applicant should also provide details on the potential effect that the proposed discharge may have on the receiving watercourse

2 LETTERS OF OBJECTION

- The proposed bathroom windows in the side elevation will impact on the privacy of the occupants of 44 Hobgate, mechanical ventilation would be more appropriate

- The dormer window was replaced with a rooflight in the previous application. This rooflight would cause a loss of privacy to the occupants of the dwellings opposite. The rooflight is 1.3 metres above floor level.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/00121/FUL - Erection of new dwelling after demolition of existing - Approved

4.2 ADDITIONAL PLANNING POLICY

4.3 KEY ISSUES

1. Visual impact of the dwelling and the area
2. Impact on neighbouring property

4.4 ASSESSMENT

PLANNING POLICY

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

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 H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelect/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

VISUAL IMPACT ON THE DWELLING AND THE AREA

The principle of the dwelling has been accepted in the previous application (07/00121/FUL). This application deals with alterations to the previously approved plans. This application differs from the previous in that the first floor level glass blocks in the north west elevation have been removed and obscured glass windows have replaced in a slightly lower position. The projecting low-level wall on the north west and south east elevations has been removed. The zinc roof for the garden room on the south west elevation has increased in size and the brise soleil and high level louvres have been removed. The ground floor and first floor doors in the Bay SE Elevation have been removed.

As permitted development rights for additional windows and openings had been removed in the previous planning permission, it was considered that the proposed changes to the windows and doors could not be regarded as minor amendments and required planning permission. The increase in the size of the zinc roof of the garden room roof and removal of brise soleil and high level louvres were considered to be a material change and therefore required planning permission.

IMPACT ON NEIGHBOURING PROPERTY

The proposed two bathroom windows in the north west elevation facing 44 Hobgate are not considered to impact on the privacy of the occupants of this dwelling, the windows are shown as obscure glazed in the plans and can be conditioned as such in a planning approval. The distance between the dwellings is circa 10 metres.

The proposed increase in size of the zinc roof of the garden room by virtue of the significant distance to the neighbouring dwellings is not considered to impact on the residential amenity of the occupants of these dwellings.

There is an objection to the proposed rooflights in the front elevation of the proposed dwelling. These have not changed from the previously approved plans in planning permission 07/00121/FUL (Drawing Number MAC (D) 02 Revision B). The proposed dwelling would be 25 metres away from 51 Hobgate and 27 metres away from 49 Hobgate (the CYC guideline figure is 21 metres to prevent loss of privacy from windows), it is considered that the significant distance between neighbouring dwellings would result in little or no loss of privacy or overlooking to the dwellings opposite.

5.0 CONCLUSION

5.1 The additional changes to the design of the dwelling are not considered to cause harm to the visual amenity of the area or the proposed dwelling. The proposed changes are not considered to harm the residential amenity of the occupants in the neighbouring dwellings. Approval is recommended.

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number MAC D-12 received 8 August 2007;

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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.

2 TIME2 Development start within three years

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 and D 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

6 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 trees in the rear garden 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 and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin. The protective fencing line shall be adhered to at all times during development 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, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs.

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

7 The landscape scheme hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number 84.001/03 Revision B received 8 August 2007

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.

- 8 HWAY19 Car and cycle parking laid out
- 9 HWAY31 No mud on highway during construction
- 10 HWAY10 Vehicular areas surfaced, details reqd
- 11 HWAY30 Non-protruding garage doors

12 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.2 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.

13 Further details of the screening to the balconies, including height and details of proposed materials shall be submitted to and approved in writing by the Local Planning Authority and implemented and retained thereafter.

Reason: To protect residential amenity of adjoining residents.

14 Notwithstanding the submitted plans the two first floor windows on the side elevation facing no. 44 Hobgate shall be glazed with obscured glass and shall be maintained with obscured glass thereafter.

Reason: to protect the privacy of the neighbour.

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, and the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies GP1 and H4a of the City of York Development Control Local Plan (2005).

2.

Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be 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:

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site.

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