

COMMITTEE REPORT

Date: 8 October 2014 **Ward:** Dringhouses and Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 14/01608/OUT
Application at: 9 Helmsdale York YO24 2XW
For: Erection of detached dwelling with associated garage and parking
By: Mr L Harrison
Application Type: Outline Application
Target Date: 4 September 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application seeks outline permission for the erection of one detached dwelling on land adjacent to 9 Helmsdale. The application seeks permission for access, layout and scale with details of appearance and landscaping being reserved.

1.2 The application has been called to committee by Councillor Semlyen for the following reasons:

- Scale and massing is excessive
- Access and parking concerns in terms of safety and volume of vehicles
- Drainage concerns

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
CYGP10 Subdivision of gardens and infill devt
CYH4A Housing Windfalls
CYGP15A Flood risk
CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Communities, Culture and Public Realm

3.1 As there is no on site provision for open space a commuted sum should be paid.

Environmental Protection Unit

3.2 No objections but recommend conditions

Structures and Drainage

3.3 The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections are raised to the principle of the development but conditions are recommended

Highway Network Management

3.4 The scheme accords with council parking standards. Recommend conditions

EXTERNAL

Dringhouses and Woodthorpe Planning Panel

3.5 Object to the scheme on the following grounds:

- Overdevelopment
- The footprint will overfill the site resulting in low levels of natural light within the dwelling
- Parking is considered as being impractical and likely to lead to social tension in this compact cul-de-sac
- Drainage from a four bedroom property will compromise the existing drainage system

Ainsty Internal Drainage Board

3.6 The applicant states that surface water is to be discharged by means of soakaways. The Board is unaware of the suitability of the site for this means of drainage. To ensure the site is suitable for soakaways the applicants should undertake testing to BRE Digest 365. Should this prove to be unsuccessful the applicants should develop alternative proposals. Where testing is successful the Board would have no objections to the proposal. This can be covered by condition.

Neighbours

3.7 Letters of objection received from 2 and 4 Burns Court and 1,3,5,7 and 11 Helmsdale on the following grounds:

- Loss of privacy to garden and bungalow to the rear
- Existing trees should be retained

- Does not respect local context and street pattern
- Would be overbearing and overdominant
- Loss of light
- Overshadowing from the proposed garage
- Footprint exceeds those of neighbouring properties
- Plans do not indicate correct land ownership
- Insufficient space for vehicles to manoeuvre
- Difficult to reverse out of the site
- Garage parking is identified but in reality garages are often not used for the parking of cars
- Loss of fruit trees and man made pond
- Reduction in the area of open landscape
- No bin storage identified
- Potential surface water issues as a result of the increased hard surfacing

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed development
- Residential amenity
- Parking
- Open space
- Contamination
- Drainage

POLICY CONTEXT

4.2 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.3 The York Development Control Draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.4 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy H4a states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion and that all proposals should have regard to the principles of sustainable development.

4.5 The National Planning Policy Framework also states that local authorities should consider policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy GP10 of the 2005 draft local plan specifically refers to development in rear gardens. It states that planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.6 The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.7 Policy GP1 of the local plan sets out the design requirements for development, which include: respecting the local environment; and having a scale and design compatible with neighbouring buildings and the character of the area.

SITE

4.8 The application site forms the side garden of 9 Helmsdale. It sits within a small cul-de-sac which serves 13 dwellings within the built up area of Woodthorpe. The site measures approximately 33m deep and 11m wide, is predominantly turfed and provides a mature boundary hedge to the northern boundary. Bungalows bound the rear boundary to the west of the site with two storey semi-detached properties backing onto the northern boundary.

PRINCIPLE OF PROPOSED DEVELOPMENT

4.9 The application site is considered to be relatively large and is of a similar size, if not larger, than adjacent plots within the street. In developing the site there would not be an unacceptable loss of open space and would not appear to have a detrimental impact in terms of the character of the area. Whilst the site forms the side garden of 9 Helmsdale adequate amenity space would be retained to the rear of the retained property to serve the current and future occupiers of the dwelling. The site is located within the urban area with good public transport links and access to retail facilities. It is considered that the principle of the development is acceptable.

RESIDENTIAL AMENITY

4.10 As part of the scheme the applicant is seeking the approval of details in connection with siting and scale. The scheme indicates that the dwelling would be located centrally within the site, adjacent to the existing dwelling. It would be inset from the rear boundary by approximately 10m and from the boundary with the properties facing onto Dee Close by 2.4m. The dwelling is indicated as being one and a half story with an eaves height of 3m and an overall height of 5.9m. Whilst outline permission is not sought for the appearance the application indicates a gable ended property incorporating windows to the front and rear elevations and velux roof lights to the side elevations.

4.11 In terms of amenity the scheme appears acceptable. A distance of approximately 22m can be achieved between the rear elevation of the proposed dwelling and the rear elevation of the properties to the west facing onto Burns Court, which is a similar relationship to the host dwelling and the properties to the rear. The dwelling would be inset 2.4m from the boundary of the properties facing Dee Close, giving a distance of approximately 14m between the proposed side elevation and the rear elevation of these properties. The dwelling would lie to the south of these properties and would be separated in part by a mature leylandi hedge. It is not considered that there would be any detrimental impact in terms of overshadowing as a result of the proposal.

4.12 The application site comprises of a two storey semi-detached dwelling with the neighbouring properties at 11 and 13 Helmsdale being semi-detached bungalows. As such it is considered that the proposed dwelling would not detract from the character of the area and would be in keeping with the existing streetscene.

PARKING

4.13 The main concern raised by objectors is in connection with the proposal is that of on site parking provision and the vehicular access to the site. At present the existing dwelling has access to a single garage which is adjoined onto that serving number 11 Helmsdale. It is proposed to retain this garage and create an additional parking space within the front garden of 9 Helmsdale to serve the existing property. A new garage would be provided for the proposed dwelling which would be partly situated behind the existing garage. This would allow a single car to be parked within the garage and one on the drive to the front.

4.14 The access to the proposed garage is not ideal and when leaving the site would involve reversing past the retained garage and along the driveway. Whilst this manoeuvre is a little awkward the drive opens onto the head of a small cul-de-sac where vehicular movements are limited. The driveway is indicated at being approximately 3.4m wide. However, the neighbour at number 7 Helmsdale disputes the ownership of approximately 40cm of this access which runs parallel to their front

garden. It is considered that the issue of the ownership is a civil matter which should be addressed between the applicant and neighbour. However, if the driveway were to be reduced in width it would not appear to have any bearing on the acceptability of the access.

OPEN SPACE

4.15 An open space contribution would be required for the provision of public open space in accordance with Policy L1c of the local plan. As the plans indicate a four bedroom property the contribution equates to £3034. The applicant is currently drawing up the unilateral undertaking and as such any decision on this application will need to be deferred until this has been completed.

CONTAMINATION

4.16 The application is supported by a report which is considered to adequately show that the site will not be contaminated. Conditions related to the finding of contamination during the development would need to be attached to any approval.

DRAINAGE

4.17 The proposed development would involve the loss of a large area of permeable surfacing as a result of the dwelling and indicated paving. However, the development lies in low risk Flood Zone 1 and conditions can be attached to secure acceptable on site drainage.

5.0 CONCLUSION

5.1 For the reasons outlined above this application is considered to comply with the provisions of the NPPF and Development Control Local Plan policies GP1, GP10, H4A and GP15A. The application is recommended for approval upon completion of the unilateral undertaking and subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 OUT1 Approval of Reserved Matters -

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance and landscaping of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

Drawing number 386 001 Rev C received 4th September 2014

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

4 VISQ8 Samples of exterior materials to be app -

5 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.

Details to include:

i. Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.

ii. Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

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

iv. In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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 worstcase volume required.

5. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

6 Prior to the development coming into use, the initial 3m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

7 HWAY18 Cycle parking details to be agreed -

8 The dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 EPU1 Electricity socket for vehicles -

10 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

NOTE: 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 2A of the Environmental Protection Act 1990.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Entered into pre-application discussions

Requested revised plans in connection with the scale of the dwelling

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