

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 15 November 2007 **Parish:** Upper Poppleton Parish Council

Reference: 07/02196/FUL
Application at: Greenthwaite Main Street Upper Poppleton York YO26 6DL
For: Erection of single storey dwelling with rooms in roof to rear with access from School Lane
By: Mr B Britton And Ms J Liney
Application Type: Full Application
Target Date: 8 November 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a single storey dwelling with rooms in the roof to rear with access from School Lane.

1.2 The application site relates to an area of overgrown garden located to the rear of Greenthwaites. A large wooden shed is the dominant structure; located in the sites north western corner. The site is located within the Upper Poppleton Conservation Area and borders the designated Green Belt. The site is currently bordered by mature trees, hedging and shrub planting. A wooden gate within the western boudary provides access from School Lane (unadopted highway).

1.3 A committee site visit is to take place because objections have been received and the application is recommended for approval.

Relevant History

1.4 04/00437/FUL - Erection of Detached Dwelling to Rear with Access from School Lane - Refused 26.04.2004.

"In the opinion of the Local Planning Authority the proposed dwelling would harm the open, rural village character of this part of the Upper Poppleton Conservation Area and as such is contrary to Policy E4 of the North Yorkshire County Structure Plan and Policies GP10, HE2 and HE3 of the City of York Local Plan Deposit Draft."

1.5 06/00417/FUL - Erection of 1 no. Bungalow to the Rear of the Chantreys - Approved 21.04.2006 (adjoining site now known as the "Beehives")

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Uper Poppleton CONF

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYNE1
Trees, woodlands, hedgerows

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYH5A
Residential Density

CYHE2
Development in historic locations

CYH2A
Affordable Housing

3.0 CONSULTATIONS

Internal

3.1 Design, Conservation and Sustainable Development - No Objections.

3.2 Lifelong Learning and Culture - No Objections.

As there is no on-site open space commuted sums should be paid to the Council for:

a) amenity open space - which would be used to improve a local site within the Parish.

b) play space - which would be used to improve the local site within the Parish.

c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

3.3 Environmental Protection Unit - No objections - Informative Included.

3.4 Highway Network Management - No Objections - Conditions Included.

3.5 Housing and Adult Social Services - Objections.

"The application can not be supported as the proposal refers to a site which has an area 3 x the threshold (which is 0.03ha) for the provision of affordable homes on 'rural' sites. Presuming all factors are equal, it would be possible to locate at least 2 or 3 homes on the site of which 1 would be affordable for rent under the council's policy for the provision of affordable housing"

3.6 City Development - Comments

This application relates to one dwelling on a site of 0.087ha, it therefore does fall above the threshold for requiring affordable housing in accordance with Policy H2a.

Policy H5a - Residential Density requires a density of 30 dph in this location dependent on individual site circumstances.

A higher density scheme should be given consideration to ensure the most efficient use of land and to try and secure affordable housing provision. Should the scheme be considered inappropriate due to other material considerations e.g character of the area, impact on the conservation area and the un-adopted road issues, the inclusion of a condition should be considered to ensure that if the site is sub divided at a later stage that the affordable housing provision for this site as a whole will need to be provided.

3.7 Marston Moor Internal Drainage Board - No Objections - Conditions Included.

3.8 Conservation Areas Advisory Panel - No Objections

"would like to see the tree protected and the new build to have PD rights removed."

External

3.9 Upper Poppleton Parish Council - No Objections - Comments

"We don't object to the planning application but wish to point out the growing number of vehicles which use School Lane. The number will increase again with the construction of yet another house in School Lane. Observations reveal that the further down School Lane vehicles have to travel the faster they are driven and the higher the risk of an accident. Special attention is drawn to the entrance to School Lane which is coterminous with the entrance to Poppleton Ousebank School."

3.10 Five letters of objection have been received from neighbouring properties regarding the applicants' proposals. The letters raise the following concerns.

- * Safety/Highway Issues.
- * Loss of Neighbouring Amenity.
- * Impact upon Neighbours.
- * Maintenance.
- * Green Belt.
- * Environmental/Conservation Points.
- * The same restriction should be applied to the proposed dwelling as were applied to the Beehives.
- * Buildings Size.
- * Access could be provided via a different route.
- * Impact on the Conservation Area.
- * The property may have a business use.
- * Impact from the Construction and Associated Traffic.

4.0 APPRAISAL

MAIN ISSUES

- * Policy.
- * Impact on the Conservation Area/Design Issues.
- * Highway Issues.
- * Residential Amenity.
- * Affordable Housing.

POLICY

3.1 Policy GP1 'Design'.

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.

3.2 Policy H5a: Residential Density

The scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity.

Applications for all new residential developments, dependent on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than:

60 dwellings/hectare in the city centre ¹

40 dwellings/hectare in the urban areas ²

30 dwellings/hectare elsewhere in the City of York

3.3 Policy HE2: Development in Historic Locations

Within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail 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.

3.4 Policy NE1: Trees, Woodlands and Hedgerows

Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- a) refusing development proposals which will result in their loss or damage; and
- b) requiring trees or hedgerows which are being retained on development sites to be adequately protected during any site works; and
- c) making tree preservation orders for individual trees and groups of trees which contribute to the landscape or local amenity; and
- d) making hedgerow retention notices where appropriate to protect important hedgerows and;
- e) ensuring the continuation of green/wildlife corridors

All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme. In addition, other proposals to bring forward such provision will be actively encouraged.

3.5 Policy H4a: Housing Windfalls

Proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission, in accordance to SP10, where:

- a) the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings;
- b) the site has good accessibility to jobs, shops and services by non-car modes

AND

- c) it is of an appropriate scale and density to surrounding development, and

- d) it would not have a detrimental impact on existing landscape features.

3.6 Policy H2a: Affordable Housing

The City of York Council will seek to ensure, through negotiation and agreement, that proposals for all new housing development 2 dwellings/0.03Ha or more in villages with less than 5,000 population, will include affordable housing in line with the Council's Second Housing Needs Survey, April 2002.

In order to achieve the maximum reasonable proportion of affordable housing, the following targets have been set on all suitable allocated and windfall sites in York: -

3.7 Policy GP4a: Sustainability

Proposals for all development should have regard to the principles of sustainable development as summarised in criteria a-i below.

All commercial and residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria listed below and will be judged on its suitability in these terms.

Development should:

- a) provide details setting out the accessibility of the site by means other than the car and, where the type and size of the development requires, be within 400m walk of a frequent public transport route and easily accessible for pedestrians and cyclists;
- b) contribute toward meeting the social needs of communities within City of York (including, for example, housing, community and recreational facilities, car clubs, recycling facilities and communal laundry blocks) and to safe and socially inclusive environments;
- c) maintain or increase the economic prosperity and diversity of the City of York and maximise employment opportunities (including supporting local goods and services providing training and employment for local unemployed and young people);
- d) be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;
- e) minimise the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of the development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered;
- f) minimise pollution, including that relating to air, water, land, light and noise;
- g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;

- h) maximise the use of renewable resources on development sites and seek to make use of renewable energy sources, such as heat exchangers and photovoltaic cells;
- i) make adequate provision for the storage and collection of refuse and recycling.

IMPACT ON THE CONSERVATION AREA/DESIGN ISSUES

3.8 The proposal has been designed to provide a modern contemporary home within a traditionally proportioned external envelope using traditional building materials and methods to preserve the appearance.

3.9 The removal of the dilapidated garage will improve the appearance of the garden ground and is considered acceptable within the context of the conservation area. The development site will be divided from the garden ground associated with Greenthwaites by a boundary wall, this will be constructed in brick to match the finish of the new house.

3.10 The proposed design of the new dwelling house is well considered and takes account of the setting within the conservation area. The scale and density of the development appears is in keeping with adjacent dwellings in School Lane and is unlikely to dominate the original dwelling house, Greenthwaites.

3.11 The design of this environmentally friendly house, not only takes account of the context of the site, but marries a traditional building envelope with modern contemporary design in a harmonious manner. The design takes account of the aspect of the site ensuring main living spaces benefit from passive solar gain.

3.12 The proposed materials are in keeping with those already existing within the designated Conservation Area. The use of natural grey slate, photovoltaic solar tiles and fair faced bricks are considered to be appropriate for the locality. Conditions will be included ensuring samples are approved in writing prior to the commencement of works.

3.13 On balance the applicants' proposals represent little harm to the character and appearance of the designated Conservation Area and are considered to be compliant with Policies HE2 and GP1 of the City of York Development Control Draft Local Plan.

HIGHWAY ISSUES

3.14 School Lane is an un-adopted highway; surfaced to a point just before the application site. There is an existing access to the rear of Greenthwaites from School Lane.

3.15 Generally, where more than five dwellings are served from a street then that street should be capable of being constructed up to a standard suitable for adoption as a street maintainable at public expense.

3.16 School Lane currently serves nine dwellings and this additional unit would not only add to the number of residences but also increase the extent of the private street. The current layout of the street means the street is unlikely to be suitable for adoption. The current layout also does not satisfy the standard requirements of refuse vehicles and fire tenders in that formal turning facilities are not provided. In order for adoption to be considered it would need to be reconstructed to acceptable standards principally in terms of physical structure, street lighting, pedestrian facilities, drainage and road widths and layout. Should it be physically possible to achieve these requirements it would still need to have the agreement of all existing frontagers/users and would also normally be at the expense of existing frontagers/users.

3.17 Notwithstanding the above points, Highway Network Management does not consider that a recommendation of refusal solely on highway grounds could be substantiated, as it would not be possible to demonstrate that this development would have an adverse effect on the existing highway safety.

3.18 The off street provisions for vehicular parking (three parking spaces in this instance) are considered acceptable in this instance.

RESIDENTIAL AMENITY

3.19 The dwellings design, both externally and internally has been arranged to maximise passive solar gain and ensure privacy for adjacent neighbouring properties. The proposed site layout places the new dwellings north elevation between 3m and 6 metres from the existing northern boundary, which is dominated by a mature hedging (to be retained). Rooflights are proposed within the northern roof elevations, none of the aforementioned windows serve habitable rooms, therefore any impact upon existing amenities from overlooking is considered to be negligible.

3.20 A distance of approx. 5.5 metres has been provided between the northern elevation of the proposed dwelling and the southern elevation of the Beehive; a recently constructed bungalow. The northern elevation of the proposed dwelling contains tertiary windows only providing light to a porch and utility room. The Beehive has two bedroom windows in the southern elevation, however both are screened by the hedge forming the northern boundary, therefore the amenity impact is considered to be minimal in this instance.

3.21 The proposed dwelling is approx. 2 metres higher (overall height 7 metres) than the Beehive. The highest point of the dwelling which contains three different ridgelines is located approx. 9 metres from the northern elevation. Although some overshadowing is expected, the distance provisions in conjunction with boundary features and the location of existing properties, mitigate the overall amenity impact significantly. Assessing the perceived amenity impact is difficult at present as the Beehives' location may not be in accordance with the approved plans.

3.22 The east elevation is 9.4m from the proposed 2m high brick boundary wall and 22.4 metres from the rear elevation of Greenthwaites. The proposed high wall will prevent over looking to the existing house from the ground floor and no windows are

included in the first floor roof void gable. The west elevation has one bedroom window in the first floor roof void bedroom gable overlooks the Green Belt to the west.

SUSTAINABILITY

3.23 The applicant proposes to use the following in order to increase energy conservation and ecological awareness. The specifics of each are set out in the Design and Assess statement, which accompanies this particular application.

- * Super Insulated, Thermal Mass Building Fabric.
- * Passive & Active Solar Design.
- * Zero CO₂ - Ground Source Heat Pump Under Primary Floor Heating System.
- * Zero CO₂- Bio-Fuel Secondary Heating System.
- * Zero CO₂ - Site Generated Renewable Energy Solar Hot Water.
- * Zero CO₂ - Site Generated Renewable Energy Electrical Supply.
- * Low Energy Appliances.
- * Natural Passive Ventilation.
- * Local Rain Water Supply.
- * Water Saving Devices.
- * Healthy-Internal Environment.

3.24 Cumulatively, the applicants' proposals are considered to be compliant with Policy GP4a "Sustainability", which aims to promote "development that meets the needs of the present without compromising the ability of future generations".

AFFORDABLE HOUSING

3.25 The application as submitted relates to one dwelling on a site of 0.087ha and therefore falls above the threshold for requiring affordable housing in accordance with Policy H2a.

3.26 Policy H5a - Residential Density requires a density of 30 dph in this location dependent on individual site circumstances. The applicant has provided a density of 5.8 dph.

3.27 A higher density scheme with secured affordable housing has not been considered in this instance for the following reasons;-

3.28 Firstly, the proposed density would impact significantly upon the character and appearance of the designated Conservation Area, as it would result in a compacted layout in an area characterised by similar sized properties with large garden areas.

3.29 Secondly additional accommodation would only serve to compound the perceived highway problems associated with the un adopted road and highway safety in general referred to by local residents in a number of objection letters.

3.30 An informative has been included highlighting the need for affordable housing provision to be considered should the site be sub divided at a later stage.

5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance and are therefore recommended for approval.

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:-

Issue E - Ground Floor Plan.
Issue E - Roof Loft Floor Plan.
Issue F - West Elevation.
Issue E - East Elevation.
Issue E - North Elevation.
Issue e - South Elevation.

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 HWAY10 Vehicular areas surfaced, details reqd

5 HWAY19 Car and cycle parking laid out

6 Prior to the dwelling hereby permitted being first occupied turning facilities shall be provided within the site or at the junction with School Lane capable of accommodating refuse vehicles in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be maintained free of all obstructions that would preclude their intended use.

Reason: In the interests of highway safety.

7 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be

carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents

8 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 alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with the provisions of Policy L1c

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 financial contribution towards the 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.

9 Any suspect contaminated materials detected during the site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development of the site.

Reason: To safeguard the amenities of local residents.

10 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing trees, hedges and shrubs shown to be retained on approved plans This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

11 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 to 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.

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 neighbouring amenity, designated conservation area/green belt and highway issues. As such the proposal complies with policies GP1, H5a, HE2, NE1, H4a, H2a and L1c of the City of York Local Plan Deposit Draft and policy E4 of the North Yorkshire County Structure Plan.

2. 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:

A. 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".

B. 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.

C. 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.

D. 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.

E. There shall be no bonfires on the site.

3. The planning permission hereby granted does not override private property rights nor does it confer a right of access along the un-adopted highway "School Lane". Confirmation of a "right of way" is a legal issue and you should satisfy yourself that a right of way exists prior to commencing the development.

4. Affordable Housing Informative

Any future planning application to erect buildings within the red line boundary shown on the submitted site plan may be required to provide an affordable housing contribution in line with the guidance set out in Policy H2a of the City of York

Development Control Draft Local Plan.

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