

COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Wigginton Parish Council
Commercial Team

Reference: 14/02173/FUL
Application at: 12 Barley View Wigginton York YO32 2TY
For: Erection of detached dwelling to side of 12 Barley View with detached double garage and new vehicular access from Rye Cross
By: Mr D Leeper
Application Type: Full Application
Target Date: 25 November 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Demolition of a detached single garage and erection of a detached, 2-storey, 3-bedroom house measuring approximately 8.6m x 5m x 4.8m to the eaves and 8m to the ridge. A pair of single garages would be erected at the rear of the site with access from Rye Close. One of the garages would serve the new dwelling, the other garage would replace the garage to be demolished. An existing vehicular access from Rye Close would be widened to serve the two garages.

1.2 The application has been called in by Councillor Cuthbertson due to concerns raised by a local resident that the application would constitute overdevelopment of the site, could result in a terracing effect and, when added to the adjacent buildings, would be incompatible with existing properties due to an increase in massing.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1 Design
CYGP4A Sustainability
CGP15A Development and Flood Risk
CYGP10 Subdivision of gardens and infill devt
CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Communities, Culture and Public Realm

3.1 As there is no provision for on-site open space commuted sums should be paid to the council for amenity open space, play space and sports pitches. The contribution to off-site provision is to be based on the latest York formula through a Section 106 Agreement.

Environmental Protection Unit

3.2 No objections. Add the council's standard conditions regarding unexpected contamination and recharging of electric vehicles.

Highway Network Management

3.3 No objections. Add a standard condition requiring car parking to be provided.

Flood Risk Management (Verbal)

3.4 No objections. Add a condition requiring drainage details to be submitted for approval.

EXTERNAL

Wigginton Parish Council

3.5 No objections.

Yorkshire Water

3.6 Clarification has been requested from the agent to show where foul and surface water connects to the public sewer network [and verbally on 19 December 2014:] In the absence of such information add conditions requiring separate systems of drainage and for drainage details to be submitted for approval.

Public Consultation

3.7 The consultation period expired on 7 October 2014. Seven objections have been received raising the following planning issues:

- Overdevelopment of the site;
- Scale, proportions and design are out of keeping with the area;

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- Loss of sunlight/daylight to neighbouring houses;
- Loss of outlook from neighbouring houses;
- Would exacerbate existing flooding/drainage problems;
- Would worsen on-street car parking;
- Loss of highway safety due to increased traffic and reduced visibility.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development for housing;
- Visual appearance;
- Neighbour amenity;
- Highway issues;
- Flood risk;
- Highway matters;
- Open space.

THE APPLICATION SITE

4.2 Part of the side/rear garden of a semi-detached, 2-storey house at the corner of Barley View and Rye Close. The area is suburban residential, principally bungalows and 2-storey houses, some of which have prominent extensions, The application site has a detached single garage accessed from Rye Close.

POLICY CONTEXT

4.3 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).

4.4 The City of York Development Control Local Plan was approved for development control purposes in April 2005.

Its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Relevant local plan policies are listed in section 2.2 of the report.

PRINCIPLE OF DEVELOPMENT

4.5 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.

4.6 The National Planning Policy Framework 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. Whilst garden sites such as this are excluded from the definition of previously-developed land the NPPF does not make them unsuitable for housing development. Local planning authorities are still expected to seek the efficient use of land, which focuses new residential development on sites in sustainable locations, which include the application site. The principle of the use of the land for housing is acceptable.

VISUAL APPEARANCE

4.7 The National Planning Policy Framework acknowledges 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). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Permission should be refused for development of 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).

4.8 The scale, design and materials of the house are in keeping with the adjacent houses and the area generally. The front elevation would follow the general building line of adjacent houses and would be set back from the side boundary by between 1.5m and 3.5m. This set back is sufficient to maintain the general, open character of the street scene, particularly bearing in mind that two nearby houses have significant side extensions facing Rye Close that extend up to the public footway.

NEIGHBOUR AMENITY

4.9 The main entrance to No.12 and a secondary first-floor window face the proposed house. But none of the windows of the proposed house would face No.12 and a sufficient gap would be retained for access to the front door. There would be no material loss of natural sunlight/daylight to neighbouring properties.

No other occupiers would have their amenity affected by the proposals. Separation distances would be sufficient to prevent significant overlooking or overbearing.

FLOOD RISK/DRAINAGE

4.10 The site is in low risk flood zone 1 and should not suffer from river flooding. The application includes a drainage assessment, which describes how surface water run-off would be attenuated to provide a net gain over the current situation. Drainage details should be made a condition of approval.

HIGHWAY MATTERS

4.11 Four off-street parking spaces would be provided (two for the new and two for the existing house) which is in accordance with the council's maximum parking standards. The proposal would have no material impact on traffic or highway safety.

PUBLIC OPEN SPACE

4.12 The Council's leisure officers have sought a financial contribution towards public open space, in accordance with policy L1C of the 2005 local plan. National Planning Practice Guidance was revised on 28 November 2014 in respect of planning obligations. This states that tariff style planning obligations towards pooled funding 'pots' intended to provide common types of infrastructure for the wider area should not be sought from developments of 10-units or less. This guidance means that the part of policy L1c (Provision of New Open Space in Development) of the Development Control Local Plan which requires, for sites of less than 10 dwellings, a commuted sum towards off-site provision is no longer in accordance with National Planning Policy.

5.0 CONCLUSION

5.1 The proposal as revised accords with the National Planning Policy Framework and relevant policies of the 2005 City of York Draft Local Plan and is acceptable.

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 drawings numbered 14:36:03, 14:36:04 and 14:36:05.

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

3 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

4 No development shall take place until details of the proposed means of foul and surface water drainage have been submitted to and approved by the Local Planning Authority. Details shall include:

a. Site specific details of the flow control device manhole, which shall limiting the surface water run-off to a maximum of 2.0 lit/sec.

b. Storage volume calculations, using computer modelling to 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 shall 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. The full range of modelling should be provided.

c. Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

d. A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties.

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

5 VISQ8 Samples of exterior materials to be app -

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

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.

7 Prior to first occupation of the development the applicant shall install within the curtilage of the development, a three pin 13 amp electrical socket in a suitable position to enable the charging of an electric vehicle within the curtilage using a 3m length cable.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. If located externally the socket shall be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

8 HWAY19 - Car and cycle parking laid out.

9 VISQ4 - Boundary details to be supplied.

10 NOISE7 – Restriction of hours of construction

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 attached appropriate conditions to the approval, thus enabling a positive outcome to be achieved.

2. CONTROL OF POLLUTION

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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

- (b) 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".
- (c) 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.
- (d) 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.
- (e) 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.
- (f) There shall be no bonfires on the site.

3. VEHICLE CROSSING

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: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361.

Contact details:

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