



Notice of meeting of

East Area Planning Sub-Committee

To: Councillors Moore (Chair), Hyman (Vice-Chair), Hall, King, D'Agorne, Greenwood, Smallwood, Vassie, M Waudby and B Watson

Date: Thursday, 10 August 2006

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

1. **Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 3 - 8)

To approve and sign the minutes of the meeting held on 13 July 2006.

3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 9 August 2006 at 5.00 pm.

4. **Plans List**

To determine the following planning applications related to the East Area.

- a) **Northfield, 15 North Lane, Wheldrake, York (06/01438/FUL)**
(Pages 9 - 16)
 - b) **Nunthorpe Lodge, York Street, Dunnington (06/01101/FUL)**
(Pages 17 - 24)
- 5. Any other business which the Chair considers urgent under the Local Government Act 1972**

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552030
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

EAST AREA PLANNING COMMITTEE. 10 August 2006**Index to plans list items**

| SITE | OFFICER | ITEM | VISIT | WARD |
|--|----------------|-------------|--------------|-------------|
| 15 North Lane, Wheldrake dormer bungalow (resubmission) 06/01438/FUL | NM | 1 | V | Wheldrake |
| Nunthorpe Lodge, York Street Dunnington. 06/01101/FUL | MP | 2 | | Derwent |

SITE VISITS. There is only 1 site visit.

Meet the minibus at 10 : 00 am. on Wed. 9 August at Clarence Street coach park.

Visit 15 North Lane , Wheldrake at 10 : 20 am.

Return to Clarence Street coach park.

City of York Council

Committee Minutes

| | |
|-----------|--|
| MEETING | East Area Planning Sub-Committee |
| DATE | 13 July 2006 |
| PRESENT | Councillors Moore (Chair), Hyman (Vice-Chair), Hall, D'Agorne, Greenwood, Smallwood, Vassie and B Watson |
| APOLOGIES | Councillors King and M Waudby |

6. Inspection of Sites

The following site was inspected before the meeting:

| Site | Attended by | Reason for Visit |
|----------------------------------|--|---------------------------------------|
| 21 Lamel Street, Hull Road, York | Cllrs Moore, Greenwood, Hall, Hyman, and B Watson. | To familiarise Members with the site. |

7. Declarations of Interest

The Chair invited Members to declare any personal or prejudicial interests which they had in any of the business on the agenda.

No interests were declared.

8. Exclusion of Press and Public

RESOLVED: That the Press and Public be excluded from the meeting during consideration of the Annex to Agenda Item 6 (Enforcement Cases - Update) on the grounds that it contained information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or direction under any enactment it contained information classed as exempt under Paragraph 13 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

9. Minutes

RESOLVED: That the minutes of the Sub-Committee held on 15 June 2006 be approved and signed by the Chair as a correct record.

10. Public Participation

It was noted that there were no registrations to speak under the public participation scheme.

11. Plans List

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and Officers.

11a) St Oswald's C of E School, Fulford (06/0784/FUL)

Members considered a Full Application, submitted by Sewell Education for external and car parking lighting at St Oswald's C of E Primary School. This application had been deferred at the last meeting of the Sub-Committee to allow Officers to obtain further information regarding the lighting scheme.

Officers updated that the technical information requested on the lighting scheme had been included as part of the Officers report on the application. Further details of the lighting plots to show the effects of the light together with photographs of the lights in operation were circulated at the meeting.

Representations were received in support of the application from the Architect and electrical consultant for the scheme who confirmed that the lights were required for safety, security and insurance purposes.

Members raised concerns that some of the lights appeared to reach beyond the site boundary which could affect the amenities of neighbouring properties, especially in winter. Concerns were also raised over the potential safety aspect of the floodlights for the visibility of drivers/cyclists entering the school site or at the junction of School Lane.

RESOLVED: That the application be approved subject to the conditions listed in the report and the addition of the following informatives

1. Informative. Please ensure that the lighting in the car park is directed so as not to glare in the eyes of users when entering the site.

2. Informative. The lighting to the car park and footpaths within the site should be switched off at night before the 22.00 hours timed switch off, at times when the building is not in evening use. This will avoid unnecessary intrusion into the amenity of adjacent residents.

REASON: 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 impact on the street scene and the amenity of neighbours. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

11b) 21 Lamel Street (06/00869/OUT)

Members considered an Outline Application, submitted by Mr C England, for the erection of 3 no. dwellings following the demolition of extensions and garage of existing dwelling. This application had been deferred at the last meeting to allow further consultation on the revised scheme with the objector.

Officers updated that the boundary of the site shown on the plan on page 44 of the report should also include the garden area to the south of the site.

Members expressed some concerns over delivery vehicles to the site as Lamel Street was an narrow cul de sac.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: 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 siting, design, impact on adjacent residents and highways. As such the proposal complies with Policies H4a, H5 GP1 and GP10 of the City of York Local Plan Deposit Draft.

11c) 37 Towthorpe Road, Haxby (06/00583/FUL)

Members considered a Full Application, submitted by Hogg Builders (York) Ltd, for the erection of 5 no. detached dwellings to the rear of 37-43 Towthorpe Road, Haxby.

Officers confirmed that drainage was the major issue on this site which had poor surface water and land drainage. Officers updated that a further letter of objection had been received from a resident of Towthorpe Road raising concerns regarding overlooking and the possible raising of the site levels

which could affect the problem of water logging in neighbours gardens. It was confirmed that Haxby Town Council maintained their objections to the scheme and supported neighbours objections.

RESOLVED: That the application be refused.

REASON: It has not been demonstrated that development would adequately deal with issues of surface water and land drainage issues, based on the information submitted with the application. The site and its environs already suffer from the inadequate nature of surface water drainage area and problems with run off and water logging. The absence of a satisfactory means of proposed drainage with this development may exacerbate the likelihood of local flooding. The development is therefore considered to conflict with Central Government planning guidance in PPG3: Housing and PPG25: Development and Flood Risk, and Policy GP15a Development and Flood Risk of the City of York Draft Local Plan Incorporating the 4th set of changes (Approved April 2005).

11d) 45 Stone Riggs, Stockton on Forest (06/01169/FUL)

Members considered a Full Application, submitted by Mr N Popplewell, for a conservatory to the rear and a porch to the front elevation at 45 Stone Riggs, Stockton on the Forest.

Officers updated that Stockton on Forest Parish Council had now confirmed that they had no objections to the scheme.

Members expressed concern that, if approved, the applicant could at some later date, without the need for planning permission, change the materials of the rear conservatory which could affect neighbours amenities.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: 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 impact on the street scene and the amenity of neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

12. Enforcement Cases Update

Members considered a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the report and updates be noted.

REASON: To inform Members of ongoing work in this area.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 3.55 pm.

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COMMITTEE REPORT

Committee: East Area
Date: 10 August 2006

Ward: Wheldrake
Parish: Wheldrake Parish Council

Reference: 06/01438/FUL
Application at: Northfield 15 North Lane Wheldrake York YO19 6AY
For: Erection of one detached dormer bungalow with associated external works at Plot 4 (resubmission)
By: George Blades And Sons Ltd
Application Type: Full Application
Target Date: 21 August 2006

1.0 PROPOSAL

1.1 The site forms the eastern part of the front garden of the existing bungalow at 15 North Lane, within the village settlement limits at Wheldrake. The site area including the shared driveway measures approximately 0.06 hectares. The site forms a frontage onto North Lane.

1.2 The applicant proposes to erect a three bed dormer bungalow. This would have a rectilinear footprint and would be sited 2.4 m in from the common boundary with the adjacent dwelling (15a). The roofline would be orientated with gables at the north and south ends of the proposed dwelling. The maximum height of the dwelling would be 7.1m. The east and west (side) elevations would be of single storey eaves height. A dormer would be inserted into the west facing roof plane.

1.3 The remainder of the 15 North Lane site has permission (ref: 04/02009/FUL) to be redeveloped for three further dwellings, accessed via a private drive off North Lane. This approval provides for a triple garage between the proposed dwelling and an approved dwelling to the rear (north). It is proposed that two of the garages spaces are used to provide car parking for the proposed dwelling.

1.4 The plot where the dormer bungalow subject of this application is proposed has been subject to several planning refusals. Two previous refused applications (04/00382/FUL, 03/00423/FUL) were for the erection of a house which was part of the earlier proposals for redevelopment of the whole site with 4 houses. Two applications for one house (following the approval of three other dwellings on the adjoining site) were recommended for approval but were refused at committee.

1.5 The previous application that was submitted (06/00349) was identical to the current application. This was recommended for approval at committee on 13 April 2006. It was refused because the committee considered that it would harm the living conditions of the adjoining dwelling (15a) and because it was considered that the development's scale and density was out of character with the surrounding area.

On 8 June 2006 an appeal was lodged against the this decision. The appeal is to be a hearing, and the appellant is claiming costs against the Council. The appeal will be withdrawn if this reapplication is approved as recommended.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH4
Housing devp in existing settlements

CYH5
Residential densities over 25 per ha

CYGP1
Design

CYGP4
Environmental sustainability

CYGP10
Subdivision of gardens and infill devt

CYNE1
Trees, woodlands, hedgerows

CYT4
Cycle parking standards

CYED4
Developer contributions towards Educational facilities

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management - The shared private driveway giving access to the proposed twin garage serving this property has already been approved under 04/02009/FUL. There are no highways objections subject to conditions(6-10).

UDC - No objections subject to conditions protecting the Lime Tree adjacent the site during construction and archaeological watching brief (11-12) (response to 06/00349).

Education - Education will not be seeking any contributions for this development.

3.2 External

Parish Council - Any representation will be reported to Committee.

Ouse and Derwent Drainage Board - No further comments (response to 06/00349).

Public Consultation - 5 neighbours were sent consultation letters. A site notice was also erected on 13 July.

At the time of writing this report one letter of objection had been received. The issues raised are as follows:

The plans no different than previously refused scheme.
Boundaries are designed to make the plot look bigger.
Unacceptable loss of light to side windows and front window of 15a.
Overdevelopment within rural area.

Any other comments received will be presented to Committee. The previous application for the same scheme received on 15 February 2006 received 7 neighbour objections.

4.0 APPRAISAL

4.1 There have been no significant material changes on site or to planning policy since the previous application was refused in April. This is possibly with the exception of the growth in height of the shrubs that are located on the applicant's land along the boundary with number 15a. The previous application was recommended for approval by the case officer. As there are no significant changes on site the bulk of the officer appraisal remains the same as the previous application.

4.2 The proposed dwelling would be located within the settlement limits of Wheldrake, a village with a reasonable level of local services. It would constitute the redevelopment of previously developed land as the land is currently part of the existing garden of the bungalow on the site. The development would accord with PPG3:Housing and related Structure Plan policies in this respect. The development would have an acceptable impact on local services, subject to an off site payment for open space provision of £1,224 (condition 15) under Draft Local Plan policy L1c.

4.3 The proposed use of two of the approved parking spaces in the adjacent triple garage would provide commensurate parking for the proposed dwelling. It would also leave commensurate parking for the other approved dwelling this garage would serve. Across the whole site, levels of parking are provided to standard for all four dwellings. The addition of a further dwelling is not considered to raise significant highways safety or traffic generation issues on North Lane.

4.4 The main planning issues are considered to be whether the development is acceptable in respect to scale, density and design and the effect on the amenities of surrounding properties, in particular no. 15a North Lane.

4.5 North Lane itself contains a variety of different designs of dwellings, including more traditional properties found within the conservation area on the opposite side of North Lane, and more modern properties, including those which use their roofspace to provide a first floor of accommodation. This also includes two of the approved plots on this site. The height of the dwelling proposed is in between that of the approved house on the adjacent plot (8.5m) and that of no.15a North Lane (6.4m).

4.6 The dwelling as proposed is sited approximately 10m back from the front boundary, with the current hedge/wall arrangement along the frontage retained on the plot. Dwellings on North Lane themselves are set varying distances back from the site frontage. A gap of 7 m will remain to the proposed house to the west and a gap of 5 metres to number 15a to the east. The design and scale of the dormer bungalow is considered acceptable in the local context.

4.7 The density of development in terms of number of dwellings on the whole site would remain the same as previously refused, at 19 to the hectare. In relation to this particular plot, the density would be 16 to the hectare. Whilst this is well below PPG3 recommended levels, this density does have regard to character and form of the location, and that the existing site is spacious and of very low density. Densities vary considerably in the area from 5 to 50 to the hectare. The density in this particular case is considered acceptable.

4.8 Number 15a has two habitable room windows facing across the application site. One is a secondary window serving the main living room. The second is the sole window to a room used as a dining room. The proposed new dwelling has been sited so that it is approximately 1 metre forward of the dining room window to allow a direct outlook across the garden area. The secondary window of the lounge would face towards the side elevation of the proposed dwelling, however, the main window for this room is on the front elevation of the dwelling. The siting of the proposed dwelling would have a limited impact on this window due to the acute angle (25 degree) and the 7m distance between the proposed dwelling and the front window of no. 15a. The effect on light and outlook to number 15a is not therefore considered to be so harmful to merit refusal.

4.9 The existing 1.8m boundary fence would also provide adequate screening. The distance from the proposed dwelling to the boundary fence would be 2.4m, with the distance to 15a itself around 5m. The proposed dwelling would be at its lowest point nearest 15a (eaves level, 2.5m), with the single ground floor window facing number 15a obscurely glazed. It is not considered therefore that significant harm will be caused in respect to privacy.

5.0 CONCLUSION

5.1 The proposal, subject to conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to principle of housing development, visual amenity, density, residential amenity, education and open space provision. As such the proposal complies with PPS1: Delivering Sustainable Development, PPG:3 Housing, Policies H3 and H4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4a, H5a, GP1, GP4a, GP10, NE1, T4, ED4 and L1c of the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

5.2 If planning permission is granted for this development, it is expected that the current appeal against the refusal by the local planning authority of the previous identical proposal will be withdrawn.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

1017A; 1018A; 1019.

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.

- 3 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 - 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.

- 4 VISQ8 Samples of exterior materials to be app

- 5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.1 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.

- 6 HWAY9 Vehicle areas surfaced

- 7 HWAY19 Car and cycle parking laid out

- 8 HWAY20 Residential garage use only

- 9 HWAY23 Vehicular sight lines protected

- 10 No barrier or gate to any vehicular access shall be erected within 5.0m of the rear of the carriageway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

- 11 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures:-

(i) No development or change in level shall take place within the crown spread of the trees to be retained;

(ii) Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 Part 8 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). The fencing shall be erected below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further

from the tree. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

(iii) None of the following activities shall take place within the protective fencing or within the canopy area of existing trees: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no site hits, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

(iv) No trenches, pipe runs for services or drains shall be routed under the crown spread of any tree without the prior approval in writing of the Local Planning Authority.

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.

12 ARCH2 Watching brief required

13 NOISE7 Restricted hours of construction

14 Any contaminated material detected during 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 protect human health and the wider environment.

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

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

16 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located within 3 (three) metres either side of the centre line of the sewer, which runs near to the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

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

Reason: In the interests of satisfactory and sustainable drainage.

18 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development can be properly drained.

- 19 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for their disposal.

**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 the principle of housing development, visual amenity, density, residential amenity, education and open space provision. As such the proposal complies with PPs1, PPG3, Policy H3 and H4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4a, H5a, GP1, GP4a, GP10, NE1, T4, ED4 and L1c of the City of York Local Plan Deposit Draft.

2. 2. INFORMATIVE:

The alternative arrangements of the above condition 15 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 a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1,224,

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.

3. 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

4. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior ro works commencing.

5. INFORMATIVE

Regard should be had to the Control of Pollution Act 1974

Contact details:

Author: Neil Massey Development Control Officer (Thurs/Fri)
Tel No: 01904 551657



CITY OF
YORK
COUNCIL

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 613161

15 NORTH LANE, WHELDRAKE - 06/1483/FUL

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 28/7/2006
Drawing No.



COMMITTEE REPORT

Committee: East Area
Date: 10 August 2006

Ward: Derwent
Parish: Dunnington Parish Council

Reference: 06/01101/FUL
Application at: Nunthorpe Lodge Derwent Lane Dunnington York YO19 5RR
For: Erection of pitched roof detached dwelling on land to the west / rear of Nunthorpe Lodge, with access to York Street (revised scheme)
By: Mr And Mrs L A Stephenson
Application Type: Full Application
Target Date: 13 July 2006

1.0 PROPOSAL

1.1 This application is a resubmission of a previously approved scheme because the applicant wishes to amend the design of the property from that approved.

1.2 The site in question forms part of the rear garden of Nunthorpe Lodge, a medium to large detached house that stands in extensive grounds off Derwent Road, a side road off York Street.

1.3 The proposed development involves the erection of one house in the western portion of the applicants garden approx. 55 metres from Nunthorpe Lodge. The rear boundaries of no's 79 to 89 York Street meet the side boundary of the application site area. Planning permission was granted for a new dwelling at the March 2005 committee meeting on the area of land immediately to the south, this being in the grounds of Kendall House.

1.4 Access to the site is proposed via an existing unmade and somewhat overgrown farm track that runs along the western boundary of the site and discharges onto York Street between no's 89 and 91. Access to the agreed plot in the grounds of Kendall House has been agreed from this track.

1.5 Members may recall refusing planning permission for a new dwelling on this site twice last year, firstly at the March meeting and then at the May meeting. The grounds for refusal were that the location, scale and massing of the proposed house dominated and overshadowed neighbouring dwellings, its size was considered to be out of character with nearby housing and it had not been shown to the satisfaction of the Council that the work required to improve the access into the site would not harm the boundary trees, hedge and natural habitat of locally protected species, which are items of acknowledged importance. It was finally approved in August 2005 when members were content that these objections had been overcome.

1.6 The local member has requested that the application be brought to committee on the grounds of the controversial site history and the impact the development has on neighbours on York Street.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH4

Housing devp in existing settlements

CYGP10

Subdivision of gardens and infill devt

CYGP1

Design

CYHE1

Designation of Conservation Areas

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Regulation - No objections are raised. Consent for a dwelling on this site has been previously granted and the details of the access agreed. Access to the site is to be taken from York Road via an existing private track which provides adequate levels of visibility. The private lane is to be upgraded in terms of its width and surfacing to accommodate two-way traffic. Hence no objection subject to previous conditions Hwy 12, 19, 22, 28, 31, 40 and Inf.1 been re-appended.

3.3 Ecology Officer - Comments as on previous application. These were 'The land in which the new property is to be situated is of limited ecological interest, being well maintained garden etc. As such does not feel that a Great Crested Newt Survey is required despite the presence of known breeding ponds within 200m. Asks that, as a precautionary measure a condition is included requesting that the applicant provide and implement an amphibian mitigation plan prior to development commencing. This would include the hand searching of suitable habitats, eg rubble / rubbish piles, hedges etc, timing of works and the need for a DEFRA licence if any protected species are found. Also requests that the boundary hedge on the access track be retained except for access purposes. A mitigation / protection plan should also be prepared for these as well.' Same conditions to be re-appended.

3.4 Landscape Architect Officer - No objections. Comments and recommended conditions as before.

3.4 EXTERNAL.

3.5 Dunnington Parish Council - The roof has reverted to the height in the rejected application as has the closeness to the northern boundary. These points need to be addressed.

3.6 Ouse and Derwent Internal Drainage Board - No objections.

3.7 Neighbours - were consulted by letter and a site notice was placed close to the entrance of the site on York Road.

6 letters of objection received on grounds that:

- Plans are incorrect and scale is wrong on the proposed site plan. The 1.5 metre high hedge does not extend beyond the rear boundary of no.83 York St. No. 85 has never had a hedge and has a close boarded fence.
- Why does the conservation area only apply to the frontages and not the rear of the properties. Allowing this development makes a travesty of the decision of the Council's decision to make it a conservation area. (NB: This part of York St is not in the Dunnington Conservation area).
- Heavy destruction of trees and bushes has taken place within the proposed site area which has totally decimated wildlife and visitors to neighbouring gardens. Was a survey ever taken to ascertain whether bats ever nested or lived on this site.
- Dangerous junction onto York St where there has been several accidents in the past. This junction also floods causing drivers to use the full width of the road with increased risk of collision.
- disruption to neighbours lives and reduction in value of neighbours properties.
- new house is overbearing and out of scale with properties in close proximity. Sheer size of the property still vastly overshadows any of the adjacent houses with the height yet again approx. 2 metres higher than existing properties.
- passing place on the access road is right by patio of no. 89 - this creates noise and disturbance. Track is not wide enough for two vehicles to pass one another.
- design has changed again since the approval. House has gain moved back closer to the rear boundary with the gardens on York Street. Separation distance is now 17m and not 21 as previously approved. Ground floor of the north elevation now contains several clear glazed windows which given the deciduous nature of the boundary hedge will be clear visible from habitable rooms in the rear of 83 York St.
- Width of the north elevation is now 13.8m approx and extends across the entire width of no.83's garden and partly across the gardens of 81 and 85. Same elevations in previous refusals were 12.25m and 13.75m.
- House is now 9.3 metres at its highest point, 700mm higher than on the approved scheme.
- Has twice the footprint size of the houses on York St.
- Height, width and design now repeat the reasons stated for previous refusals.

4.0 APPRAISAL

4.1 Key issues.

Comparison of this amended proposal to the approved scheme with reference to previous refusals. Main considerations include:

- Suitability of design and layout.
- Impact on adjacent properties.
- Access into the site.
- Impact on the natural environment.

4.2 When considering applications for new houses, the first consideration is whether the site is acceptable in principle for this form of development. This principle has been accepted by virtue of the previous approval and cannot be revisited here. The issues are therefore restricted to site specific issues. In policy terms, PPG3 (Housing) seeks to direct the majority of new housing to brownfield sites within more sustainable, service villages. Gardens are defined in PPG3 as brownfield (previously developed) land and Dunnington is a sustainable, well serviced settlement where development should be encouraged. Planning permission

has also already been granted on the adjacent plot. The site is situated within the defined settlement limits. Members should be aware that even if this amendment is refused then the approved scheme can still be implemented. Therefore the main issue for members to consider is whether this scheme is materially worse than the one already approved.

4.3 Design and layout.

The proposal is essentially the same in that a substantial two storey dwelling remains before us. This scheme shows the house positioned further back towards the northern boundary of the site (with the properties on York St) and is more compact than previously agreed. The two schemes compare as follows:

Approved scheme:

North elevation - 16 metres.

East elevation - 11.5 metres.

South elevation - 16 metres.

West elevation - 11.5 metres.

Height - Height to eaves Shows ridge line broken up. Height ranges between 7.8 metres at lowest point to 8.8m at its highest.

Distance to boundary with houses on York Street - between 5.5 and 6.5 metres.

This scheme.

North elevation. 14 metres

East elevation. 15 metres.

South elevation 14 metres.

West elevation. 15 metres.

Height to eaves 5.2 metres, height to highest part of roof 9.2 metres.

Distance to boundary with houses on York Street - between 3.2 and 4.5 metres.

4.4 The key issue is to assess whether the alterations are materially more harmful to the amenity of the neighbours on York Street than the approved scheme. The reason for the re-submission of a new scheme is that the applicant '...is not completely at ease with the final approved scheme in terms of arrangement, massing and materiality, and feels that a better building can be produced in the long run, which is more suitable to the site and the village as a whole'. (taken from the agent's submitted statement in support of the application).

4.5 The position of the house has moved 2.5 metres closer to York St than shown on the approved layout. However, set against this, the full height gable end window that was facing the York St houses on the approved scheme has been deleted and replaced by two small obscure glazed windows (to en-suite bathrooms) at first floor level and 4 ground floor windows to a study (secondary side window), downstairs toilet, utility and secondary kitchen window. Whilst the large, two storey side window on the approved scheme did not serve any rooms (it was largely a hall and landing window) it did afford a degree of overlooking over the gardens of the neighbouring gardens which this scheme does not.

4.6 The alterations re-position the house on a more west / east orientation and results in a more defined entrance feature facing the access into the site. This scheme much more clearly identifies front, rear and side elevations by virtue of having the main fenestration details to the front and rear and secondary openings to the sides.

4.7 A rear to side relationship between properties requires a minimum separation distance of 12 metres. The distance between the conservatory on the rear of no.83 York St and the nearest elevation of this amended house is 18 metres. This compares to the approved scheme where the distance was 20 metres to the nearest brickwork and 22.5 metres to the

large, full length window facing York Street. In that case, because of this large window, officers considered that there should be a minimum 21 metre separation between the houses. However, given the more obvious west / east orientation here and that the large, full length window has now been deleted and replaced by two small first floor obscure glazed windows, then the side to rear distance requirements are considered more relevant.

4.8 Whilst it is acknowledged that the distance between the proposed house and no.83 is smaller, officers consider that given the alterations this still meets development control requirements and importantly, largely removes any significant issues of overlooking which remained a factor even in the approved scheme. Conditions are recommended to remove Permitted Development rights for any additional new windows at first floor level in the elevation facing the houses on York Street.

4.9 With regard to height, at 9.2 metres high, it is 600 mm higher than on the approved scheme. The eaves are 500 mm lower at 5.3 metres high. However, due to the changed orientation of the house, the view of the roof from the rear of the houses on York Street is slightly altered and, in the view of officers, less obtrusive. As on the approved scheme the roof is 'split level' with only the rear portion extending up to the height of 9.2 metres. Two 'wings' off the front elevation join the highest part of the roof around the house's midpoint and the height of this front portion of roof is only 7.5 metres, 500 mm shorter than the height of the lower ridge line on the approved scheme. Whilst it is acknowledged that the highest ridge line is some 600 mm higher than before, the roof is hipped steeply away from its northern boundary and the 9.2m apex is 26 metres away from the nearest neighbouring habitable room, a conservatory on the back of no.83. This rises to 30 metres from the two storey elevation. These distances are considered to be more than acceptable and far enough away so as not to cause any material loss of light or be either visually overbearing or dominating.

4.10 By re-orienting the house through 90 degrees, the main roof mass is now mainly visible from the west at the site entrance (where there are no houses) and from the parent dwelling to the east, Nunthorpe Lodge. The higher ridge line now runs in the direction away when from the York St houses whereas before it ran parallel to the boundary and was consequently more visually dominant. Therefore, whilst it is acknowledged that the house is closer to the boundary and is 600 mm higher at its highest point than on the approved scheme, officers consider that overall the visual impact of the development from the neighbour's perspective actually represents an improvement.

4.11 The access into the site is from the same private access road and the entrance to the site is in the same position. The mature tree by the site entrance remains. If approved, it is recommended to re-impose conditions 11 and 12 relating to the construction of the track / site entrance within the crown spread of any trees alongside the access track and the protection of the hedgerows alongside the access track.

4.12 The passing place is shown approx. 2 metres further south but this has no material impact on highway safety or the amenity of neighbours. The safety of the road junction onto York Street was considered previously and cannot be revisited here.

5.0 CONCLUSION

5.1 Officers consider that, for the reasons outlined above, the revised scheme is not materially any more harmful than the already approved scheme and in terms of overlooking and visual impact from the neighbouring houses on York St represents an improvement. It accords with relevant development plan and draft local plan policies.

6.0 RECOMMENDATION: Approve

1 TIME1

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

drawing no's:
G2560-01-A
G2560-02-A

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

4 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.2 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.

5 HWAY12

6 Development shall not commence until details of the improvements to the private road between the site and the public highway have been approved in writing by the Local Planning Authority, and the development shall not be occupied until the approved scheme has been implemented.

Reason - In the interests of highway safety.

7 HWAY19

8 HWAY28

9 HWAY31

10 HWAY40

- 11 Within the crown spread of any trees alongside the access track, the driveway construction, including the kerbs, shall be of a no dig construction in accordance with Arboricultural Practice Note 1 such that:

- i) it involves no excavation other than the removal of surface vegetation.
- ii) The full construction is water permeable and
- iii) It does not involve compaction with heavy machinery.

Prior to site preparation, building or other development operations, including the importing of materials, the driveway construction shall be approved in writing by the Local Planning Authority. The approved documents shall include the construction details, a method statement of construction and a plan illustrating where the different types of construction shall be applied.

Reason - To protect existing trees.

- 12 No hedgerows within the application site or along the access track shall be removed (except to implement the approved access arrangements) except with the written consent of the Council. Any section of hedge agreed to be removed and any piles of rubble, brash or other suitable cover shall be hand searched by a competent and licensed individual for any reptiles or amphibians to the commencement of any work.

Reason : In the interests of wildlife conservation.

- 13 VISQ4

- 14 All construction traffic to the site shall be from Derwent Lane only unless otherwise agreed in writing by the Local Planning Authority.

Reason. The private access road from which access to the site will be taken is considered unacceptable for use by construction traffic due to its width, construction and close proximity to sensitive hedgerows.

- 15 VISQ4

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

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

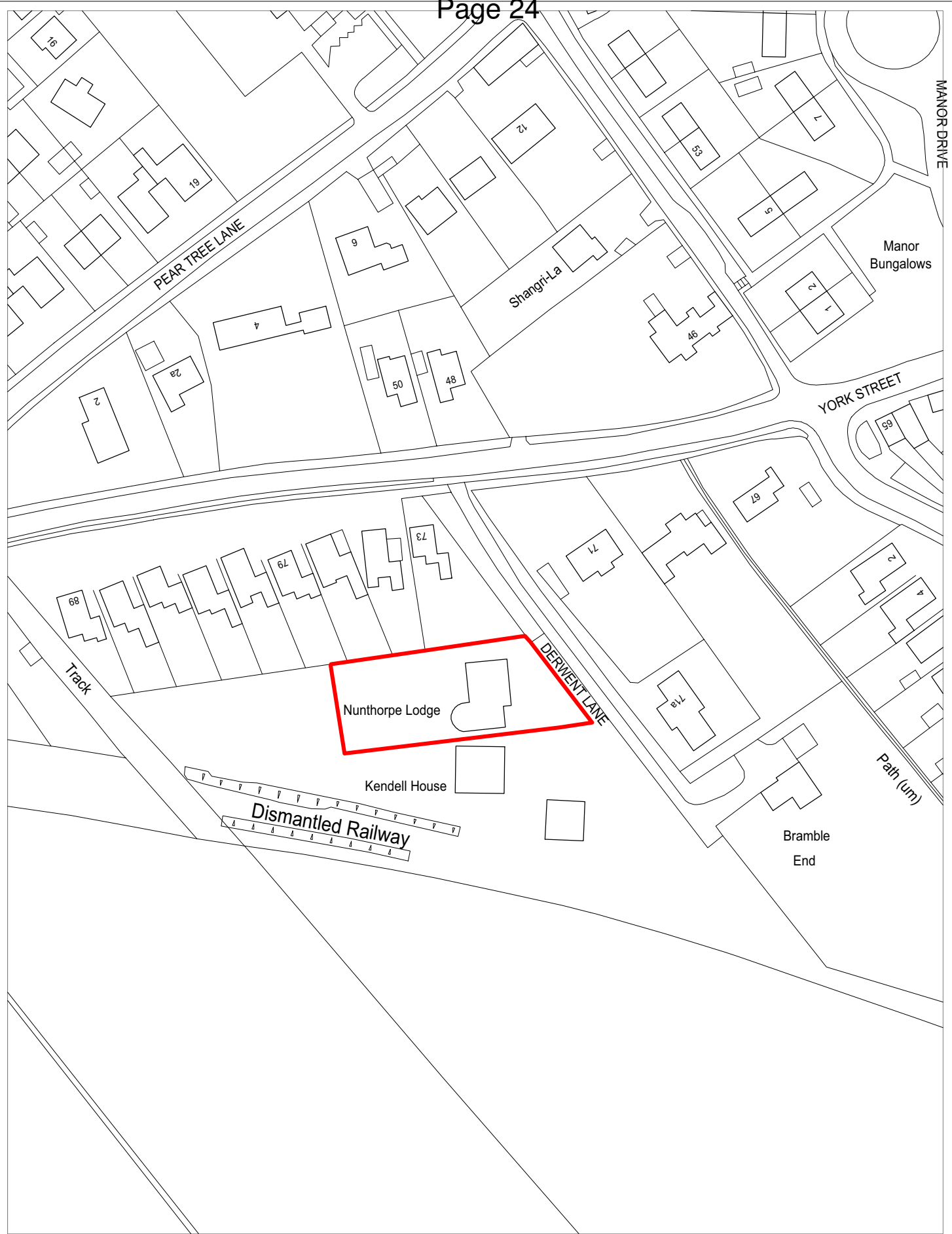
- 17 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

7.0 INFORMATIVES:

Contact details:

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CITY OF
YORK
COUNCIL

NUNTHORPE LODGE, DUNNINGTON - 06/1101/FUL



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 28/7/2006
Drawing No.

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