



## Notice of meeting of

### East Area Planning Sub-Committee

**To:** Councillors Moore (Chair), Hyman (Vice-Chair),  
D'Agorne, King, Vassie, B Watson and I Waudby

**Date:** Thursday, 17 May 2007

**Time:** 2.00 pm

**Venue:** 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 2 - 13)

To approve and sign the minutes of the last meeting of the Sub-Committee held on Wednesday 11 April 2007.

**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 16 May 2007 at 5.00pm.

#### 4. Plans List

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

- a) **29 Low Mill Close, York (07/00547/FUL)** (Pages 14 - 17)  
Single storey pitched roof side extension. [*Heslington Ward*]
- b) **32 Reighton Avenue, York (07/00611/FUL)** (Pages 18 - 25)  
Erection of detached bungalow to rear (revised scheme).  
[*Skelton, Rawcliffe, Clifton Without Ward*]
- c) **Site of Garages 1 to 6 Fifth Avenue, York (07/00516/FULM)** (Pages 26 - 36)  
Erection of two and three storey housing development comprising 6 no. two bedroomed flats, 2 no. three bedroomed houses and 3 no. two bedroomed houses. [*Heworth Ward*]
- d) **32 Sefton Avenue, York (07/00607/FUL)** (Pages 37 - 39)  
Single storey pitched roof side extension. [*Heworth Ward*]
- e) **8 Walnut Close, Haxby, York (07/00308/FUL)** (Pages 40 - 44)  
Two-storey front extension, single storey side extension, incorporating existing garage. [*Haxby and Wigginton Ward*]
- f) **78 The Old Village, Huntington, York (07/00415/FUL)** (Pages 45 - 50)  
Two storey side and rear extensions and single storey garage to side and rear extension (revised scheme 06/01300/FUL).  
[*Huntington and New Earswick Ward*]
- g) **15 Galtres Road, York (07/00826/FUL)** (Pages 51 - 54)  
Single storey pitched roof rear extension. [*Heworth Without Ward*]

**h) 9 Baysdale Avenue, Osbaldwick, York (Pages 55 - 58)  
(07/00627/FUL)**

Single storey extension and conservatory to rear.  
*[Osbaldwick Ward]*

**i) Yearsley Swimming Baths, Haleys Terrace, (Pages 59 - 63)  
York (07/00626/GRG3)**

Recladding of the walls and roof to the pool hall. *[Clifton Ward]*

**j) 41 Yarburgh Way, York (07/00212/FUL) (Pages 64 - 69)**

Change of use from dwelling house to house in multiple occupation with 7 bedrooms (retrospective). *[Hull Road Ward]*

**5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

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 below.

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

**EAST AREA PLANNING  
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 16 MAY 2007**

<b>TIME</b>	<b>OFFICER</b>	<b>SITE</b>
10:15	NM	78 The Village, Huntington
10:35	NM	8 Walnut Close, Haxby
11:00	HB	41 Yarburgh Way, Badger Hill

**Could Members please use their own transport for the visits but anyone requiring a lift should contact Roger Armistead on 551642 to make arrangements.**

City of York Council

Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 APRIL 2007
PRESENT	COUNCILLORS MOORE (CHAIR, except for item 5b), GREENWOOD, HALL(in Chair for item 5b), KING (EXCEPT FOR ITEMS 5c, 5d, 5h and item 6) SMALLWOOD, VASSIE(except for item 5a), B WATSON, I WAUDBY AND ORRELL (except item 6) (SUBSTITUTE)
APOLOGIES	COUNCILLORS HYMAN AND D'AGORNE

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**72. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Centurion Park, Clifton	Cllrs Moore, Greenwood, Hall, B Watson, I Waudby, Orrell	To familiarise Members with the site and access to the proposed development.
Northfields, Strensall	Cllrs Moore, Greenwood, B Watson, I Waudby	To familiarise Members with the visual impact the proposed development would have on the area
43 Yarburgh Way, Badger Hill	Cllrs Moore, Greenwood, Hall, B Watson, I Waudby,	To assess the impact the extension would have on neighbouring properties.

**73. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor I Waudby declared a personal non-prejudicial interest in plans item 5a) (Clifton Garage, 82-84 Clifton, York) as she dealt with the garage when it was trading.

Councillor Moore stood down from the Committee for agenda item 5b) (Land lying to the East of Centurion Office Park, Tribune Way, York), under the provisions of the Planning Code of Good Practice, and spoke from the floor as a Ward Councillor and did not take part in the discussion or decision thereon. Councillor Hall chaired this item.

**74. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 7 (Enforcement Cases Update) on the grounds that they contain 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 directive under any enactment as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

**75. MINUTES**

RESOLVED: That the minutes of the last meeting of the Subcommittee held on 15 March 2007 be approved and signed by the Chair as a correct record.

**76. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**77. 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.

**77a. Clifton Garage, 82-84 Clifton, York (06/02809/FULM)**

Members considered a full planning application for the erection of 12 two bedroom flats, 2 one bedroom flats and a retail unit with associated access and parking following the demolition of Clifton Garage.

Officers updated that one additional letter of objection had been received.

Members asked for the total number of objections received and the Officer said that there had been 222. Eight had been received in support (including two petitions totalling 32 signatures).

Representations were received in objection from a resident who said that a larger retail unit would have a detrimental impact on the locality and on the smaller shops in the area. He also said that it would spoil the village feel of Clifton Green.

Representations were also received from a resident on behalf of Avenue Terrace Residents who thought that the proposed retail unit was too large for the area and the proposed development would be visually dominating and out of character with the neighbourhood. There was no proven justification for the new retail outlet and it would cause parking issues in the area as well as being detrimental to neighbouring amenities.

Representations were also received from a local resident who was generally supportive of the application but stated that there was insufficient turning space for large vehicles at the rear of the shop. He also said that larger vehicles held up the traffic in the area whilst they were manoeuvring.

Representations were received from the applicant's agent who said that they had worked closely with Officers over access and believed that this development could bring a lot to the area. He stated that the traffic access issues had been considered.

Councillor Scott spoke as Ward Councillor and voiced concerns about disruption that this proposed development would have on neighbouring properties. There would be unavoidable noise from customers and staff parking and from deliveries. There would be an immediate loss of amenity and possible security concerns. A shop of this size would be catering for a wider area and this could have a negative effect on the SPAR which also houses the local Post Office. He alleged that this development would not add anything to the local area. He also said that it was family housing that was needed rather than flats.

Members discussed the possibility of splitting the retail section up into smaller units. Some Members asked whether it would be better to have one larger store with one or two deliveries a day or two or three smaller units with at least one delivery each per day. Officers said that the traffic would be the same for each of these. Members also said that there would be a loss of on-street parking.

Members considered the number of objections received. They discussed the fact that noise from lorries and extractors could be very hard to live with. There would also be a loss of visual amenity if the development were to go ahead. There were several queries surrounding access and vehicular movements. Concerns were also raised regarding the effect a large retail unit would have on the smaller businesses already in the area. There were concerns about the lack of family housing in the proposed development.

RESOLVED: That the application be refused.

REASONS:

- (i) The proposals, by virtue of the size of the retail unit, are considered to represent a scale of provision which is inappropriate to this locality which is currently served by a range of retail outlets. As such and in the absence of an assessment of retail need that demonstrates that the shop will meet an identified

local need the proposals are contrary to Draft Local Plan Policy S10 part ii and the aims of PPS6.

- (ii) The proposed development, by virtue of the height bulk and proximity of the buildings and proximity of the access, parking and vehicle unloading areas to the rear of dwellings on Avenue Terrace, would harm the living conditions enjoyed by occupiers of those dwellings to such a degree as to be unacceptable and contrary to the aims of Draft City of York Local Plan Policies GP1 and S10 iii and the aims of PPS1.
- (iii) The proposed development is likely to lead to increased car and HGV movements entering and leaving the site and stopping at the site to the detriment of highway safety.
- (iv) The proposed development, by virtue of the size of the retail unit, will result in detriment to the character of this part of the Clifton Conservation Area. As such the proposals are contrary to the aims of PPG15, Policies HE3 and S10 iii of the Draft City of York Local Plan and Policy E4 of the North Yorkshire County Structure Plan.

**77b. Land Lying to the East of Centurion Office Park, Tribune Way, York (07/00248/OUTM)**

Members considered an outline application for mixed use B1 and B8 development on land to the east of Centurion Park (layout, scale, appearance, access and landscaping) and residential development comprising 12 dwellings to land lying to the south of Centurion Park (siting and access only).

Officers updated that additional representations had been received from a resident of Thorntree Grove and these were distributed to Members at the meeting for information.

Representations were received from a local resident who spoke in objection to the application and said that the land was designated as employment land and should therefore be used as such. He said that the applicant wanted to erect housing to make the application financially viable and was not happy that Members 'underwrite' this kind of financial return. He also expressed concerns regarding access to the development.

Representations were received in objection from a resident of Hornbeam Close, who expressed the view that the land was designated for employment use and therefore Members should not agree to a change of land use to residential. He also raised concerns regarding loss of security and community and a probable increase in traffic in the area.



Representations were received on behalf of Clifton without Parish Council who recommended that Hornbeam Close remain a cul-de-sac and that the Sub-Committee should refuse the application.

Representations were received from the applicant's agents and they said that their client had a workforce of approximately 90 persons and were looking to expand by another 15 to 20 in the next 15 months. They said that without residential development to support the building of light industrial the scheme would not be financially viable.

Councillor Moore stood down from the Committee and spoke from the floor as Ward Councillor. He said that there were various issues regarding this application including:

- This should have been two separate applications
- The application made was erroneous:
  - Incorrect information had been submitted
  - The site plan failed to show the land within the ownership and/or control of the applicant
- The application would have a considerable negative impact on neighbouring properties.
- The applicant had failed to address Policy E3b of the Local Plan, detailed in the Officer's comments at para 4.3 on page 35 of the report.
- The applicant had not justified the loss of employment land as referred to in the Officer's comments in para 4.5, also on page 35 of the report.
- Planning Policy Statement 1 states that good design is indivisible from good planning. In Councillor Moore's view the impact of the access to the proposed residential area was certainly not good design.

Members clarified with the agents that they were saying the scheme could not go ahead unless there was approval for the residential side of the development. The agents said that this was correct.

Members discussed the fact that this was designated as employment land and if the application were to be approved then all efforts at balancing land usage would be lost.

RESOLVED: That the application be refused.

REASON:

- (i) The application site lies within an area which is designated as a standard employment site. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that the proposed change of use would lead to significant benefits to the local economy. Therefore the proposed

residential development is considered contrary to Policy E3b of the City of York Draft Local Plan.

- (ii) The application site is within the urban area and it is considered to be in a sustainable location. The proposed residential development has split the site to create small unused areas of land to the north and west of the site. Due to its location and size, this land would not be capable of further development in the future. Therefore it is considered that the proposed residential development would not lead to an effective and efficient use of this site. This could place development pressure on land within less sustainable locations in the future. The splitting of the site has also artificially given the site an area of below 0.3 ha and therefore the requirement for affordable housing on the site has been avoided. Therefore the proposal is considered contrary to PPS1 and PPS3 and the City of York Council affordable housing advice note.
- (iii) It is considered that the increased traffic along Hornbeam Close would harm the level of amenity for residents. Hornbeam Close is a cul-de-sac serving 12 dwellings; the increased use of this road for cars accessing the proposed new dwellings would harm the living conditions which local residents have come to expect. The new access road and footpath is within 1 metre of 12 Hornbeam Close which would cause significant harm to the living conditions of the residents of this property.
- (iv) The proposed access route to the new dwellings through Hornbeam Close is not considered suitable to serve an additional 12 dwellings. Hornbeam Close has been designed with traffic calming measures suitable for a cul-de-sac of this size. Significantly increasing the traffic levels using Hornbeam Close would change the character and functionality of this Close which could cause harm to public safety.

**77c. 43 Yarrow Way, York (07/00379/FUL)**

Members considered a full application for a two storey extension and change of use from single dwelling house to house in multiple occupation.

Officers updated that if Members were minded to refuse the application the reasons for refusal be amended to incorporate National Policy.

RESOLVED: That the Application be refused.

REASON:

- (i) It is considered that the proposed extension and conversion from private dwelling house to a house of multiple occupation would harm the living conditions which neighbours could reasonably expect to enjoy because of the potential noise and disturbance from the high level of occupancy and activity. The application site is located close to neighbouring properties and therefore there is a high potential for the living conditions of neighbours to be harmed. The proposal constitutes an overdevelopment of the site and an intensity of use of the property which is disproportionate to its original purpose within its setting. The proposal is contrary to the aims of PPS1 and Policies GP1, H7 and H8 of the City of York Draft Local Plan.
- (ii) It is considered that the proposed two storey side extension would, by virtue of its massing and scale, harm the living conditions of residents of 41 Yarburgh Way through the creation of a dominant and overbearing structure. This is contrary to the aims of PPS1 and Policies GP1, H7 and H8 of the City of York Draft Local Plan.
- (iii) The proposed cycle parking hoops within the front garden are not covered and not considered secure. Therefore they would not promote cycle use and dependency on the car would not be reduced. This is contrary to the aims of PPS1 and Policies T4 and H8 of the City of York Draft Local Plan.
- (iv) The proposed extension harms the appearance of the dwelling and character of the area through the addition of an incongruous flat roof design. Therefore the proposal is contrary to Policies GP1, H7 and H8 of the City of York Draft Local Plan and design principles contained within Planning Policy Statement 1.

**77d. 43 Yarburgh Way, York (07/00376/FUL)**

Members considered a report for a full application for a single storey pitched roof side extension.

Members asked that an Informative be included on the decision notice that the extension was not used as a separate dwelling but was used in association with the main dwelling.

RESOLVED: That the application be approved subject to the conditions outlined in the report and subject to the following Informative .

- (i) PERMITTED DEVELOPMENT RIGHTS: Dwelling extension permitted development rights which are present at this property would be exhausted by the erection of the side

extension. Therefore, any further extensions of this property would require planning permission.

REASON: The proposal, subject to the conditions & Informative, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

**77e. Drome Farm, Elvington Lane, Elvington, York (07/00077/FULM)**

Members considered a report for the continued use of land for processing brick rubble and concrete.

Officers updated that the rectangular building that was queried at the site visit was not a dwelling.

Officers also updated that if Members were minded to approve the application that condition 8 be amended to 'Within one month of this permission, a plan showing sight lines of 2.4m x 160m in both directions shall be submitted to the Local Planning Authority for approval. This work shall be carried out, and thereafter maintained, within 3 months of approval by the Local Planning Authority.' Condition 10 should be amended to read 'The existing screening/boundary treatment of the entire site shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority.'

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following amended and additional conditions.

8. Within one month of this permission, a plan showing sight lines of 2.4m x 160m in both directions shall be submitted to the Local Planning Authority for approval. This work shall be carried out, and thereafter maintained, within 3 months of approval by the Local Planning Authority.

Reason: In the interests of road safety.

10. The existing screening/boundary treatment of the entire site shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the Green Belt.

11. This permission relates solely to the processing of brick, rubble and concrete on the site identified as the 'Processing Area' on plan 06:22:02 received by The

CoYC on 12/01/07. The site cannot change its use nor can the size of the processing area increase without further planning permission.

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

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 Green Belt. As such the proposal complies with Policy GB1 of the City of York Draft Local Plan.

**77f. 5 Northfields, Strensall, York (06/02710/FUL)**

Members considered a full application for the erection of a five bedroom dwelling house to the rear of 5 and 6 Northfields.

Officers updated that an extra condition had been added regarding the existing ground levels.

Representations were received on behalf of Strensall Parish Council in objection. They said that this building would have a significant impact on Northfields. The house was very large and there would be a significant loss of garden land.

Representations were received from the applicant's agent in support of the application. He addressed the sub-committee and stated that there were no genuine grounds for refusing the application.

Councillor Cuthbertson spoke as Ward Councillor and stated that the size of the development was inappropriate for the surrounding area and it would have a direct effect on Netherwoods and Northfields. There would be a lack of amenity space for the persons living in the proposed building. A five bedroom house with double garage would be out of context for this area. There would also be a problem with access to the property. He asked the sub-committee to refuse the application on the size/massing of the building, loss of amenity space and the effect on neighbouring properties.

Members discussed whether this property was to be split into smaller units and Officers responded that the house was for a family or a group of people living as a family.

Members requested that an Informative be added regarding bonfires on this site.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following additional condition and informative.

11. Before development commences details of existing ground levels and finished floor, eaves and ridge heights shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity

INFORMATIVE: There shall be no bonfires on the site.

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 of the development on the character and form of the area and residential amenity. As such the proposal complies with Policies H4 (a), GP10 and GP1 of the City of York Local Plan Deposit Draft.

**77g. 101 East Parade, York (07/00327/FUL)**

This application was withdrawn by the applicant prior to the meeting.

**77h. Forest Farm, Lingcroft Lane to Crockey Hill, York (06/02719/FUL)**

Members considered a report for a full application for the change of use for four turkey sheds to B8 storage.

Representations were received from the applicant's agent, spoke in support of the application and said that the turkey contract had terminated in 2005. He reported that there was no viable agricultural use for the land due to the shape and size of the buildings and that a proactive approach would be to use the buildings as B8 storage rather than leave them idle. He stated that the buildings would not be changed and that any extra traffic generated by the change of use would not be detrimental to the area.

Members discussed putting a condition on the application regarding dark sky compliant light and the applicant's agent agreed to this.

The applicant had also offered to extend a public right of way as far as the bus stop on the main road and members welcomed this. There was talk of making the footpath into a public bridleway so that cyclists could use it as an off road route into York. Members also asked for an Informative that further discussions take place regarding opening up further public rights of way.

RESOLVED: That the application be approved subject to the conditions outlined in the report with the following amended condition, the additional condition and informative:

9. Details of any associated external lighting with the development hereby approved shall only be implemented in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. External lighting should be 'Dark Skies' compliant.

Reason: To ensure the development has an acceptable effect on the Green Belt and on the nearest residential properties to the site in terms of light pollution.

13. Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

INFORMATIVE: The applicant is encouraged to work with City of York Council in the improvement of cycle and pedestrian routes on the site.

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 effect on the York Green Belt, visual amenity, sustainable development, residential amenity and highways issues. As such the proposal complies with Central Government Guidance, in particular PPG2: Green Belts and PPS7: Sustainable Development in Rural Areas, Policies E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, GB1, GB3, GB11, GP1 and GP4a, of the City of York Draft Local Plan incorporating the 4<sup>th</sup> set of changes approved April 2005.

**78. CLIFTON HOSPITAL : OUTSTANDING SECTION 106 IN RELATION TO MANAGEMENT OF THE LANDSCAPE.**

Members were asked to note a report detailing the current status of the outstanding Section 106 in relation to Clifton Hospital. Members discussed the importance of resolving issues on the site.

RESOLVED:

1. Members note the progress made with regard to the completion of Section 106 agreement and the ongoing work still required in order to achieve a satisfactory conclusion to this long standing case.
2. That the Enforcement Officer work with the Countryside Officer to ensure that issues are dealt with promptly and efficiently.

REASON: To update Members on progress with the Section 106 agreement conditioned as part of the planning application for the Clifton Hospital site.

**79. 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 reports be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

**80. CHAIR'S REMARKS**

The Chair thanked the Members of the Committee for their help over the past four years.

**81. MEMBER'S COMMENTS**

Members expressed concern that Highway Officers were not available to answer queries on several of the applications discussed at this meeting where they felt that Highway issues were of significant importance.

Councillor R Moore  
Chair

The meeting started at 2.00 pm and finished at 5.30 pm.



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Heslington  
**Parish:** Heslington Parish Council

**Reference:** 07/00547/FUL  
**Application at:** 29 Low Mill Close York YO10 5JN  
**For:** Single storey pitched roof side extension  
**By:** Mr J McLaren  
**Application Type:** Full Application  
**Target Date:** 4 May 2007

**1.0 PROPOSAL**

This application seeks planning permission to erect a single storey pitched roof side extension. The application site is a detached house on Low Mill Close that is a cul-de-sac within close proximity of the Badger Hill Estate.

City Of York Council employs the applicant; therefore this application has to be presented to the committee.

Property history shows:

Planning Permission granted 08/01/1996 for a two storey pitched roof rear extension (Ref: 7/S02/08910/FUL) alt (Ref:8/02/70/PA)

Sizes of the Extension - approx 3.5metre highest point sloping down to approx 2.3metre x approx 3.2 metre reducing to 2.5metre x 8 metres along the boundary.

**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:

CYH7  
Residential extensions

CYGP1  
Design

**3.0 CONSULTATIONS**

3.1 Internal

Highway Regulation - No objections.

### 3.2 External

Heslington Parish Council - No response at the time of writing this report 04.05.07

### 3.22 Comments From Neighbours - None

## 4.0 APPRAISAL

### 4.1 Key Issue(s): Effect Upon the Street Scene and Neighbours

4.2 The Application Site - The proposed single storey side extension will appear subservient to the main house .The position of the property is well set back from the highway and sits within an ample sized plot. There is a detached garage to the side, which is original to the dwelling. The proposed side extension will be approx 1 metre from the existing garage. The design and scale is appropriate to the main dwelling and it is not considered that the proposal will result in over -development of the site or reduce the outside amenity within the curtilage due to the property having a two-storey rear extension.

### 4.3 Draft Local Plan Policy CYGP1

### 4.4 Draft Local Plan Policy CYH7

### 4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001

4.6 Effect upon the Street Scene - . The position of the dwelling within the cul-de-sac is not visually prominent therefore will not impact on the street scene.

4.7 Effect Upon Neighbouring Property - It is considered that the proposal will not significantly harm neighbouring amenity. The proposal will not be over dominant or overbearing for neighbours. Due to the proposed side extensions modest height and the orientation of the dwellings there is unlikely to be a significant impact on natural light and it is not considered that the proposed roof lights windows will cause a significant loss of privacy for neighbours. The property has a 2-metre fence on the boundary that provides ample screening for the adjacent properties on Hesketh Drive.

## 5.0 CONCLUSION

It is considered that the proposal will not harm the character and appearance of the street scene or significantly harm the amenity of neighbours.

## 6.0 RECOMMENDATION: Approve

1 TIME2

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

Approved Plans Drawing Number JM 01 1 Dated 09/03/07

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 VISQ1

## **7.0 INFORMATIVES:**

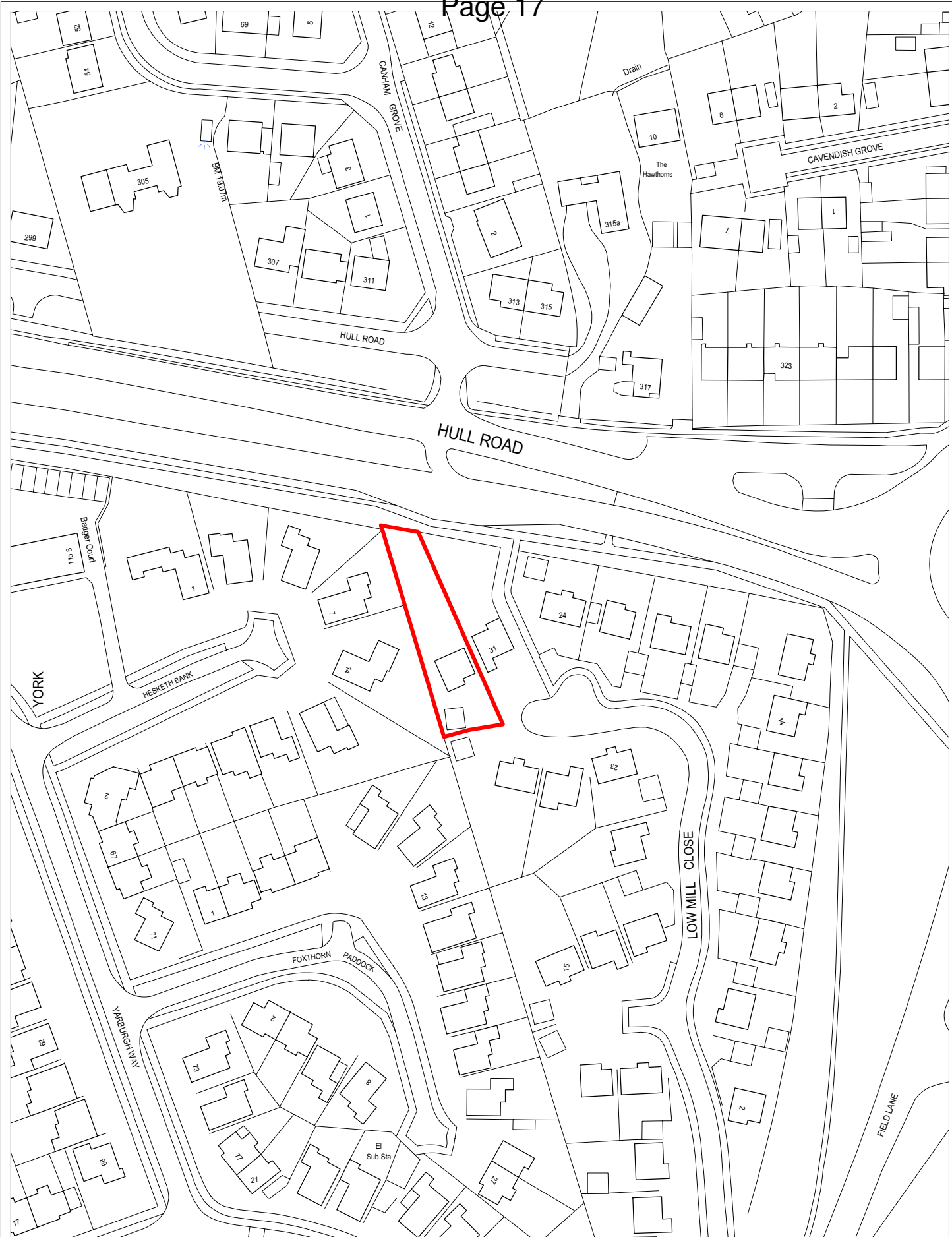
### **Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to neighbouring properties. The size and scale of the side extension will not have any detrimental impact on the street scene. As such the proposal complies with policies H7 and GP1 of the City of York Draft Local Plan.

### **Contact details:**

**Author:** Sharon Lickers Development Control Assistant

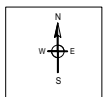
**Tel No:** 01904 551359



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

**Site Plan : 29 Low Mill Close 07/00547**

SCALE 1:1250 DRAWN BY JB DATE 4/5/2007  
 Originating Group Project  
 Organisation



Drawing No. **SL 2**



Residential Density

CYL1

Open spaces in new residential devts

CYGP9

Landscaping

CYT4

Cycle parking standards

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highways - No objections. The dwelling would be served by an existing access. Car parking and cycle storage are provided in accordance with council standards

Drainage - No objections.

Environmental Protection Unit - No objections subject to an informative reminding the developer of their environmental obligations.

#### **3.2 External**

Clifton Without Parish Council - No objections. In support only: (a) subject to the support of neighbours and (b) Melton Drive being made up to adopted highway standard.

Public Consultation - Five letters of objection have been received from local residents. Issues raised comprise: approval would generate more vehicles (including construction vehicles), which would damage the unadopted Melton Drive; Increase risk of flooding; impact on neighbouring occupiers; destruction of ecosystems/habitats; conflict with policy GP10.

### **4.0 APPRAISAL**

#### **4.1 Key Issues**

Density and Sustainability.

Visual appearance.

Neighbour amenity.

Off-street parking.

Public open space.

Impact on ecosystems/habitats

Drainage.

Adoption of Melton Drive.

#### **4.2 The Application Site**

Rear garden and 3-car garage of a 2-storey, semi-detached, dwellinghouse fronting onto Reighton Avenue. Access to the garage building is from Melton Drive. The site has further parking at the front of the house with access from Reighton Avenue. The rear garden is mainly lawned with some ornamental trees and a 2m-high hedge to all boundaries. The area is predominantly residential. The proposed dwelling would be located on the south-eastern part of the site, ie where the garage building is located.

Whilst Melton Drive comprises mainly 2-storey houses the dwelling immediately opposite the site is a bungalow (No.2 Melton Drive).

#### 4.3 Housing Density and Sustainability

The site area is 0.026ha, giving a development density of 38dph. The site is in a sustainable location with good access to public transport.

#### 4.4 Visual Appearance

The scale and appearance of the proposed dwelling have changed significantly from the previous application. The dwelling is now much smaller and is similar in scale to No. 2 Melton Drive opposite. The scale of the proposal is now appropriate for the site and is in keeping with the character of the street scene.

#### 4.5 Neighbour Amenity

The existing garage building has a ridge height of 4.8m and lies approximately 1.2m from the boundary with the rear garden of 34 Reighton Avenue. The new dwelling would have a ridge height of 5m and would be 1m from the boundary. Whilst the footprint of the new building would be greater than the existing garage the impact of the scale of the bungalow on the occupiers of No.34 would be acceptable, particularly as the two dwellings would be separated by a distance of approximately 22m. Overlooking of No.34's garden would be prevented by a 2m-high hedge along the shared boundary and by the sensitive arrangement of windows. Overlooking of the existing house at 32 Reighton Avenue would be prevented by a new 1.8m-high fence between the site and the retained part of No.32's rear garden. Impact on the occupiers of No.1 Melton Drive would be minimal due to the distance between the buildings, the orientation of No.1, the relatively narrow end elevation of the proposed dwelling and an intervening garage. There are no other significant amenity issues.

#### 4.6 Off-Street Parking

Adequate cycle storage would be provided. Off-street car parking for the new dwelling would be in accordance with council standards, ie a maximum of one space. However, the access to the parking space is shown as 6.5m wide, well in excess of the 3.5m width required. The access should therefore be reduced in width. This would prevent the garden area being occupied by cars (to the detriment of the outlook of the occupiers) and to minimise the visual break in the boundary treatment.

The existing house on the site would retain adequate parking space on the Reighton Avenue frontage.

#### 4.7 Public Open Space

An open space contribution of £815 would be required. This can be made the subject of a planning condition and a s.106 agreement

#### 4.8 Impact on Ecosystems/Habitats

Much of the site is already occupied by buildings or hardstanding. The site is not known to be occupied by any protected species. Whilst one minor tree would be lost the larger tree on the site and all boundary hedges would be retained. These could be protected by condition.

#### 4.9 Drainage

The site is in flood zone 1 and the likelihood of flooding is small. The council's drainage engineer has no objections to the proposal.

#### 4.10 Adoption Of Melton Drive

The main issue of concern to local residents is possible damage to Melton Drive, an unadopted highway. The objectors are seeking to have the road adopted by the council. Maintenance of the road is the responsibility of each owner that has a frontage to the highway, which includes 32 Reighton Avenue.

The council has an order of priority list for the making up of private streets. This is based on a merit rating system and Melton Drive is at present sixth on the list. The streets on the list are referred to as prospectively maintainable highways. Residents have been asked whether they would like to pursue the making up of their street but there was insufficient positive return for the council to consider taking the matter any further. Although the council may contribute towards the overall cost of making up the highway to an adoptable standard actual costs would be apportioned in accordance with respective property frontages.

The planning application, however, should be considered on its own merits and the fact that Melton Drive is a private street should not influence the outcome.

### 5.0 CONCLUSION

5.1 The proposal is acceptable in terms of housing density, sustainability, visual impact, impact on residents' living conditions, open space and highway issues. The application therefore complies with policies GP1, GP10, H4a, H5a, T4, and L1 of the City of York Local Plan Deposit Draft. An open space contribution of £815 would be required if planning permission were to be granted. Adoption of the adjacent private road is not planning issue and is therefore not relevant to the planning application.

### 6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered AP1/07 and AP2/07 dated 16 March 2007 and APVL1/03/07 dated 2 April 2007 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 DRAIN1

5 HT1



- 6 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 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 None of the existing trees or hedges shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until 12 calendar months after completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

- 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: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

**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 a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £815.

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 HWAY19
- 10 The width of the vehicular access onto Melton Drive shall not exceed 3.5m. No building work shall take place until details of the access including any

hedges, gates, walls or piers along the boundary of the site have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

- 11 The development shall not be occupied until the 1.8m-high timber fences shown on the approved plans have been erected to the satisfaction of the local planning authority.

Reason: In the interests of visual amenity and the amenities of the adjacent occupiers.

- 12 Cycle parking provision in accordance with the approved plans must be provided before the use commences and thereafter retained for the sole use of the occupants of, and their visitors to, the development hereby approved.

Reason: To comply with the Local Planning Authority's parking standards.

## **7.0 INFORMATIVES: Notes to Applicant**

1. 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 housing density, sustainability, visual impact, impact on residents' living conditions, open space and highway issues. The application therefore complies with policies GP1, GP10, H4a, H5a, T4, and L1 of the City of York Local Plan Deposit Draft.

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

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday                      08.00 to 18.00  
Saturday                                    09.00 to 13.00  
Not at all on Sundays and Bank Holidays.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

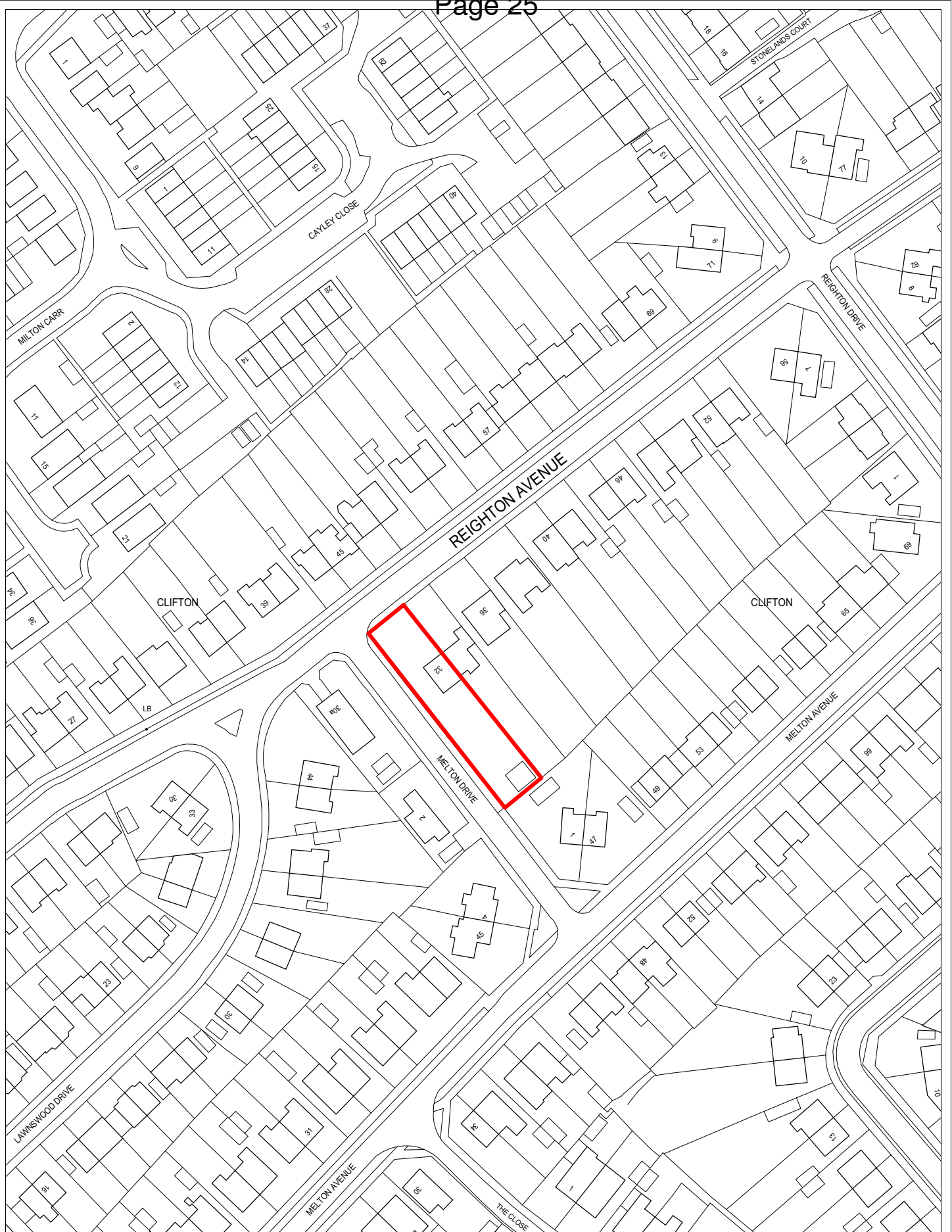
4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

**Contact details:**

**Author:** Kevin O'Connell Development Control Officer  
**Tel No:** 01904 552830



# Site Plan : 32 Reighton Avenue



SCALE 1:1250	DRAWN BY User Name	DATE 2/5/2007
Originating Group	Project	Drawing No. PE 1
Organisation		

9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 551550

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City of York Council LA 1000 20818

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 07/00516/FULM  
**Application at:** Site Of Garages 1 To 6 Fifth Avenue York  
**For:** Erection of two and three storey housing development comprising 6no. two bedroomed flats, 2no. three bedroomed houses and 3no. two bedroomed houses  
**By:** Yorkshire Housing  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 6 June 2007

**1.0 PROPOSAL**

1.1 The application is for the erection of three 2-bedroom houses, two 3-bedroom houses and six 2-bedroom flats. The dwellings would be arranged linearly in three adjacent blocks. All the units would be affordable. The development would broadly follow the existing urban pattern with frontages facing the street. The flats would be three storeys high and arranged towards the centre of the layout. The houses would be located at each end of the development with private gardens to the rear. One parking space per unit and planting would be provided to the front of the development. Each flat would have one secure cycle space within the building and secure cycle storage would be provided to the rear of each house.

1.2 The site area is 0.15ha and the density of the development would be 73dph. The application has been amended since submission. The scheme as initially submitted comprised a total of 12 units, which officers considered to be overdevelopment of the site.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1  
Design

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYGP4A  
Sustainability

CYT4  
Cycle parking standards

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Housing and Adult Services - Support the scheme.

Highway Network Management - No objections to the principle of development. The southernmost strip of the site lies within the highway boundary and would need to be formally stopped up. The highway authority has no objections to the principle of the stopping up but would require the public footpath to be widened from 1.5m to 2m along the entire site frontage.

Environmental Protection - No objections. A substantial desk study has already been undertaken which has identified several potentially contaminative uses, requiring that a site investigation is carried out before any development takes place. Two closed landfill sites are within 250m of the site. The site itself may have had clay pits supplying the brickworks previously occupying the site, and these in turn may have been infilled. Therefore gas monitoring will have to be undertaken to establish if landfill gases are present.

Environment, Conservation, Sustainable Development - A mature line of poplar trees that currently affords an amenity to the streetscape will be lost. The scheme would only be acceptable if reasonable replanting along the front of the scheme is possible to soften the development's aspect in the landscape. The density of the scheme and the car parking spaces preclude planting to the front of the site and the street lighting precludes significant planting in the highway verge. One of the dropped kerbs would lead to the early demise of a lime tree in the highway verge.

City Development - In support of the scheme as it proposes 11 affordable dwellings on a brownfield site offering good access to shops and services. A BREEAM assessment to 'very good' standard will be required.

#### **3.2 External**

Parish Council - No objections.

Environment Agency - The adjacent watercourse, Tang Hall Beck and the Foss are part of a pumped system and are considered to be at capacity with existing flooding problems. Therefore it is unacceptable to discharge to these watercourses any increase in volume or rate of discharge, whether this discharge is via sewer or direct. The submitted Flood Risk Assessment (FRA) is acceptable, showing that the site has limited risk, due to the natural topography. No objection in principle, subject to standard drainage condition.

Public Consultation - The public consultation period expired on 4 May. One objection has been received from the engineering business immediately to the rear of the site: Housing is a noise sensitive use that would be inappropriate in this wholly industrial area, which includes B2 uses. The outlook, amenity space and living environment for the incoming residents would be unacceptable. Residential use would impinge on the efficiency of the industrial businesses and could lead to objections from the new residential occupiers against the noise generated by the industrial uses.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

Housing provision

Housing density

Sustainability

Design and visual appearance

Occupier amenity

Neighbour amenity

Trees and landscaping

Parking and highway issues

Public open space

### **4.2 The Application Site**

The site is a narrow, brownfield site which has been cleared except for a block of six lock-up garages at the western end. The site has a long street frontage along which are approximately 20 mature Lombardy Poplar trees. Fifth Avenue is predominantly residential although large industrial premises occupy sites to the west and south. At the eastern end is a well-used ginnell connecting Fifth Avenue with open space alongside Tang Hall Beck to the rear. The site is flat and lies at the top of an embankment approximately 3m above the industrial premises to the rear.

### **4.3 Housing Provision**

The proposal has been developed in partnership with City of York Council and the Housing Corporation as part of the 2006-2008 Approved Development Programme (ADP). It would regenerate a largely-vacant site into 2 and 3-bedroom homes, all for social rent. The proposals would be funded with Social Housing Grant (SHG) from the Housing Corporation.

The properties would be built by Yorkshire Housing with City of York Council benefiting from 100% nomination rights on first lets, with 75% nomination rights on subsequent re-lets. These homes would help to meet the demand for housing identified by the existing Housing Needs Survey (HNS) and the interim Housing Market Assessment (HMA).

#### 4.4 Housing Density

The density would be 73dph. Whilst the density is high, it is compatible with the character of the surrounding area and easily satisfies policy H5a which seeks to achieve a minimum density of 40dph.

#### 4.5 Sustainability

The site is in a sustainable location with good access to shops and public transport. As part of the requirement of receiving SHG the homes would be built to Scheme Development Standards (SDS) and Eco-Homes Very Good, which has influenced the design and aesthetics of the scheme.

#### 4.6 Visual Appearance

The long, narrow shape of the site and the industrial uses to the rear present design difficulties. Nevertheless, despite the houses having a stepped front elevation to maximise rear amenity space, the dwellings follow the linear pattern of the existing residential area. The dwellings would have a contemporary look whilst respecting the scale and character of the area. Main materials would be brick and render with some Trespa (or equivalent) panels. Scale, design and appearance are in keeping with the character of the street scene and are acceptable subject to satisfactory materials and colours being used.

#### 4.7 Occupier Amenity

The proposed dwellings would all be of reasonable size. Moreover all of the houses would have private gardens and the flats would have shared amenity space. All of the units would be separated from the public footway/carriageway to the front by a buffer of planting and hard landscaping. Off-street parking spaces would, as far as possible, be located away from the windows of ground-floor habitable rooms.

The buildings would be single-aspect (towards the street) to minimise the impact of the industrial premises to the rear. Possible impact of the industrial uses to the rear on the occupiers of the dwellings is a material consideration. However, in a comparable case concerning a site nearby (Unit 1, Fifth Avenue) in 2005 the appeal inspector disagreed with the council the environmental concerns of juxtaposing housing and industry. He considered that as residential areas already bordered nearby industrial sites, albeit separated by roads, the relationship between the site and the adjacent industrial uses would not be made significantly worse and would not materially affect the living conditions of future residents (He also disagreed with the council about whether the Environmental Protection Unit might have to take action to curtail the operations of adjoining businesses if future residents of the flats made a complaint. He found that the proximity of the proposed housing would not materially affect the operation of the businesses).

Therefore the proximity of the dwellings to the adjacent industrial uses is not considered to be a sufficient reason to refuse the application, especially bearing in mind the dwellings' single-aspect design and the lower level of the industrial units. Moreover, the industrial activities closest to the site are, in the main, enclosed by buildings, which would go some way to shielding future occupiers of the dwellings from nuisance.



#### 4.8 Neighbour Amenity

The site is over 20m from the houses on the opposite side of Fifth Avenue and at least 10m from the nearest houses to the side. No part of the development would materially affect the amenities of nearby residents.

#### 4.9 Trees and Landscaping

The poplar trees currently on the site are not of high amenity value but add to the landscape character of the street. Whilst a buffer of low planting would be provided along much of the site frontage the high density of the scheme would preclude the provision of many replacement trees. Nevertheless the applicant has agreed to discuss, with officers, opportunities for replacement planting within the site and along the public verge.

#### 4.10 Parking and Highway Issues

The proposals for car parking and cycle storage accord with council standards and are acceptable. Whilst some stopping up of the public highway is required the works would result in the public footway being widened from 1.5m to 2m, to the benefit of highway safety and amenity.

#### 4.11 Public Open Space.

A developer contribution of £9781 would be required for the provision of public open space in accordance with policy L1 of the local plan. This has been agreed by the applicant.

### 5.0 CONCLUSION

The application is acceptable with particular reference to housing provision, housing density, design, visual impact, sustainability, impact on residents' living conditions, parking, cycle storage, flood risk, open space, and highway issues. The application therefore complies with policies H4a, H5a, GP1, GP4a, T4, GP15a and L1 of the City of York Local Plan Deposit Draft. A developer contribution of £9781 would be required for the provision of public open space in accordance with policy L1 of the local plan.

**6.0 RECOMMENDATION:** Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered P05, P06, P08 and P09 received 2 March 2007 and P02B, P04A, P07A and P10B received 4 May 2007 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 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: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

**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 a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £9781.

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.

4 VISQ8

5 HWAY10

6 HWAY17

7 HWAY19

8 HWAY29

9 HWAY31

10 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same: The public footway along the site frontage to be widened and rebuilt to a standard width of 2m. The existing lamp column along the public footway along the site frontage to be re-sited in a location to be agreed by the local planning authority.

Reason: In the interests of the safe and free passage of highway users.

11 No works shall commence on site until that extent of public highway comprising a verge between the public footway and the existing site boundary has been stopped up or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

- 12 Gas monitoring shall be carried out on the site over a period of at least six months to consider the effect of any landfill gas migration. The survey shall be undertaken and the results submitted to the local planning authority prior to any works being carried out on the site.

Reason: To determine if landfill gasses are being emitted from the site which may be detrimental to the health and safety of the occupants.

- 13 Based on the information from the gas survey, proposals for a gas protection regime shall be submitted to and approved by the local planning authority prior to the commencement of any development on site.

Reason: To protect the health and safety of the occupants.

- 14 A desk study identifying any potentially contaminative uses which have or are currently occurring on site shall be submitted to and approved by the local planning authority prior to development of the site.

Reason: To protect the health and safety of workers and future occupants of the site.

- 15 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

Reason: To protect the health and safety of workers and future occupants of the site.

- 16 A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect the health and safety of workers and future occupants of the site.

- 17 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect the health and safety of workers, future occupants of the site, and the integrity of any proposed underground services.

- 18 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of any proposed underground services.

- 19 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 20 The development shall not be commenced until a BREEAM assessment to 'very good' standard has been submitted to and approved in writing by the local planning authority and the environmental standards shall be implemented and maintained thereafter.

Reason: To ensure that the development is sustainable and accords with policy GP4a of the draft City of York Local Plan.

## **7.0 INFORMATIVES: Notes to Applicant**

1. 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

General power of improvement - Section 62 - Mr M Kitchen (01904) 551336

2. The site is in the flood plain (zone 3) and therefore may be at risk of flooding. The Environment Agency advises that domestic extensions should comply with the following guidance:

1. Floor levels within the proposed development should be set no lower than existing levels; and

2. Flood proofing of the proposed development should be considered by the applicant and incorporated where appropriate;

OR

3. Floor levels within the extension should be set at 300mm above the known or modelled 1 in 100 year annual probability (1%) chance river flood level.

3. 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 housing provision, housing density, design, visual impact, sustainability, impact on residents' living conditions, parking, cycle storage, flood risk, open space, and highway issues. The application therefore complies with policies H4a, H5a, GP1, GP4a, T4, GP15a and L1 of the City of York Local Plan Deposit Draft.

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

5. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

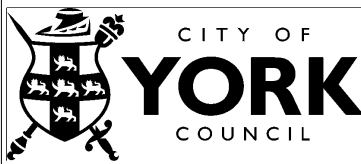
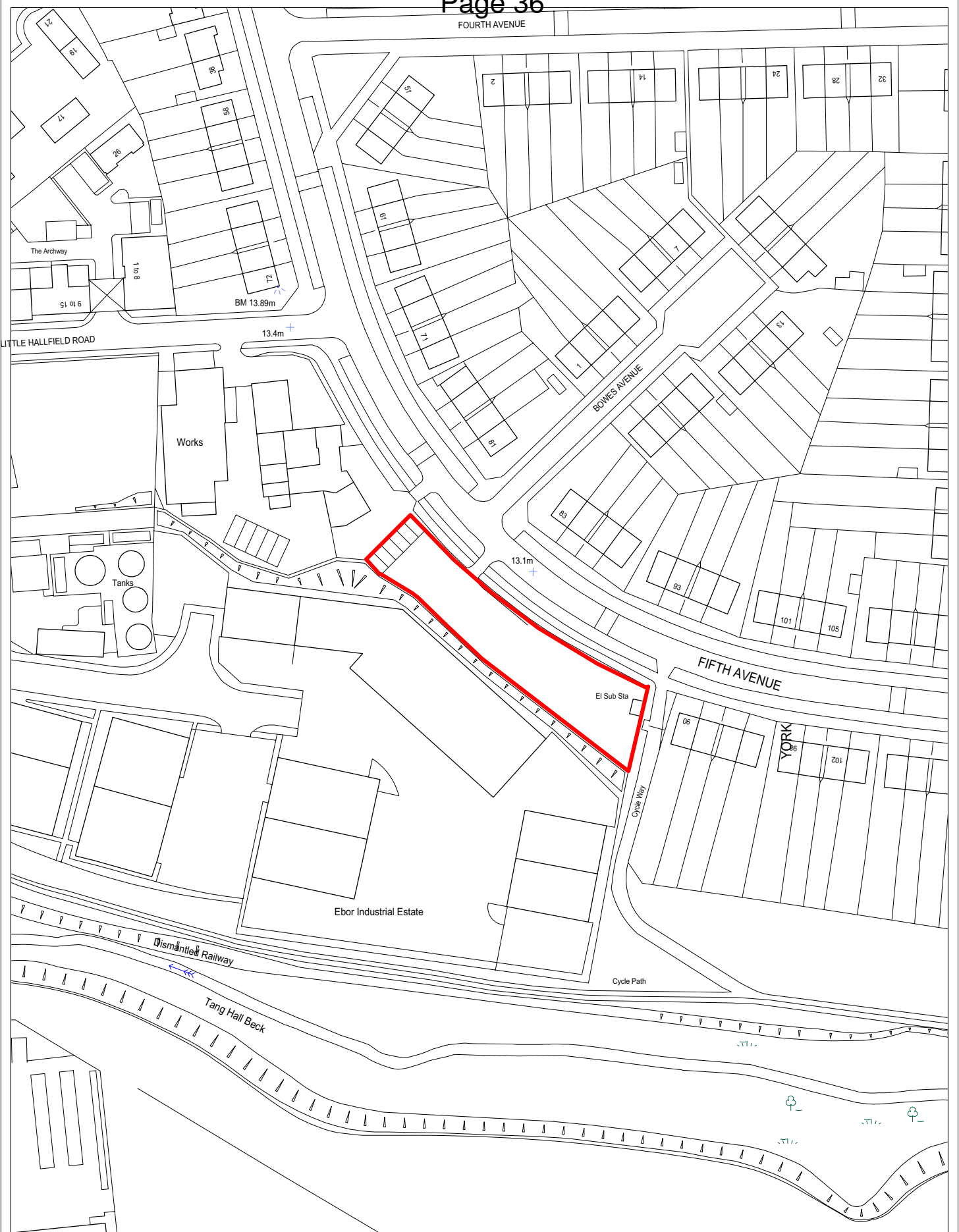
5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

**Contact details:**

**Author:** Kevin O'Connell Development Control Officer  
**Tel No:** 01904 552830

FOURTH AVENUE



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

### Site Plan : Development site - FIFTH AVENUE

SCALE 1:1250

DRAWN BY JB

DATE 2/5/2007

Originating Group

Project

Drawing No.

Organisation

PE 2



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 07/00607/FUL  
**Application at:** 32 Sefton Avenue York YO31 9LR  
**For:** Single storey pitched roof side extension  
**By:** Mrs Curtis  
**Application Type:** Full Application  
**Target Date:** 10 May 2007

**1.0 PROPOSAL**

1.1 The site comprises a detached, hip-roofed bungalow with attached, flat-roofed garage. To the side is a ginnel bounded on each side by a mature hedge. The site lies in a quiet residential street.

1.2 The proposal is to demolish the garage and replace it with a single-storey, hip-roofed extension approximately 4.6m by 3m to provide a study.

1.3 The application is before members because the applicant is an employee of the council.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 Internal  
None.



3.2 External

Parish Council - No objections.

Public Consultation - No response.

**4.0 APPRAISAL**

4.1 Key Issues

Visual appearance.

Neighbour amenity.

4.2 Visual appearance

The design and appearance are in keeping with the character of the existing building and are acceptable subject to matching materials being used.

4.3 Neighbour Amenity

The extension would be small in scale and approximately 6m from the adjacent dwelling. It would cause no overlooking or other significant impact on the adjacent occupiers.

**5.0 CONCLUSION**

The proposal accords with policies GP1 and H7 of the local plan and is acceptable.

**6.0 RECOMMENDATION:** Approve

1 TIME2

- 2 The development hereby permitted shall be carried out only in accordance with the approved un-numbered plans received 15 March 2007 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 VISQ1

**7.0 INFORMATIVES:**

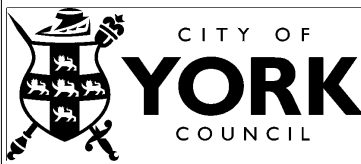
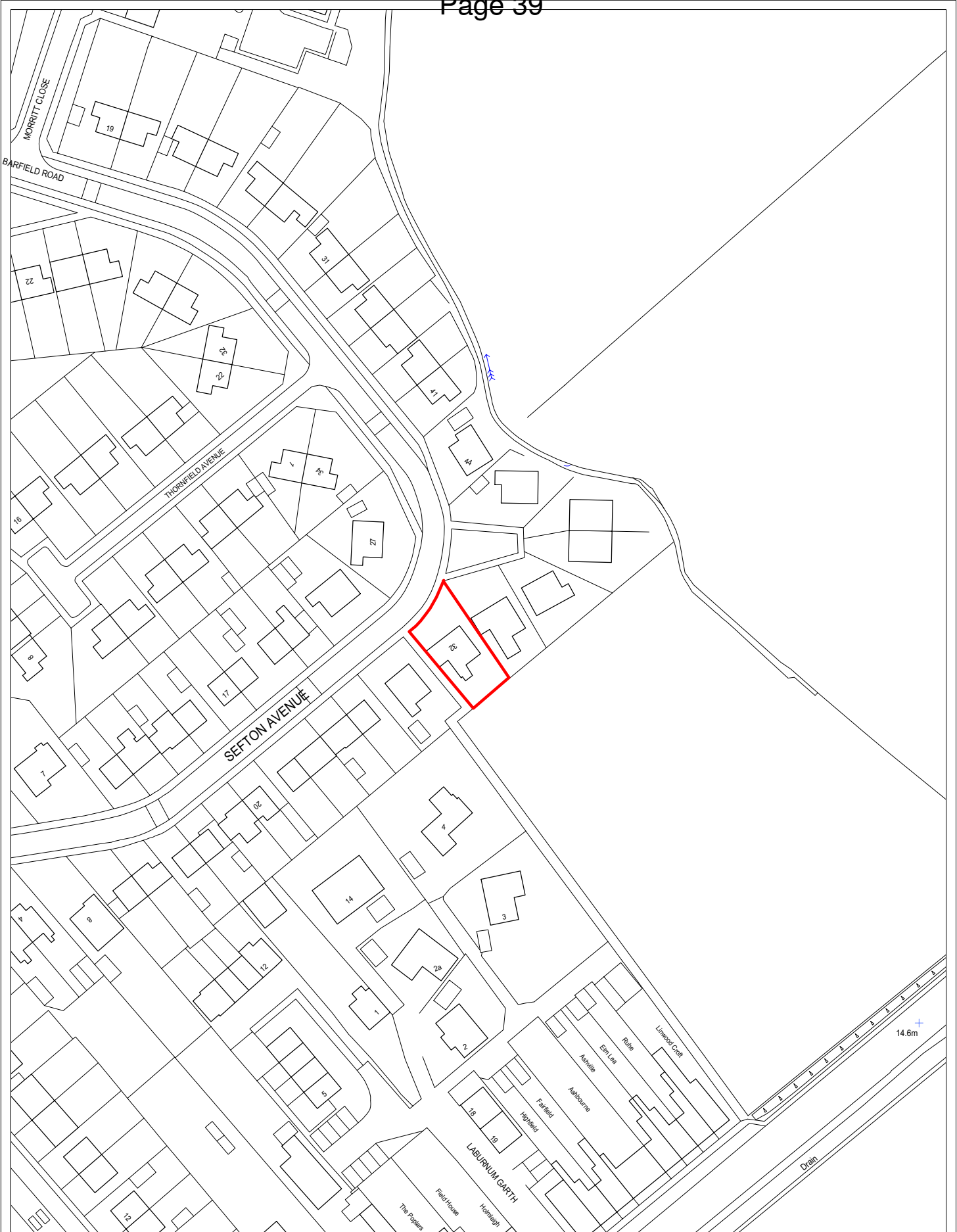
**Notes to Applicant**

1. 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 visual appearance and neighbour amenity. As such the proposal complies with policies GP1, and H7 of the City of York Local Plan Deposit Draft.

**Contact details:**

**Author:** Kevin O'Connell Development Control Officer

**Tel No:** 01904 552830



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

### Site Plan : 32 Sefton Avenue

SCALE 1:1250

DRAWN BY JB

DATE 2/5/2007

Originating Group

Project

Drawing No.

Organisation

PE 3



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Haxby And Wigginton  
**Parish:** Haxby Town Council

**Reference:** 07/00308/FUL  
**Application at:** 8 Walnut Close Haxby York YO32 3ZP  
**For:** Two-storey front extension, single storey side extension, incorporating existing garage  
**By:** Mr And Mrs Caddy  
**Application Type:** Full Application  
**Target Date:** 13 April 2007

**1.0 PROPOSAL**

1.1 The application property is a modern detached two-storey property within a cul-de-sac location.

1.2 It is proposed to erect a two-storey front extension and convert the nearby detached garage to living accommodation and create a narrow link to the house.

1.3 The application is being brought to Committee at the request of a local member.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 Internal

Highway Network Management - No objection subject to the driveway being surfaced.

### 3.2 External

Parish - object - feel the previous reasons for refusal still stand.

#### Neighbours

J Parkin Town Planning Consultant on behalf of neighbours - Object - The reduction in size does not overcome previous reasons for refusal, cycle parking shouldn't be in the rear garden, creation of two parking spaces would harm trees, poor fenestration, the proposal will dominate the streetscene and harm the rhythm of the built form of the street, overdevelopment, concern that car parking not practical, it could be used for commercial use, increased surface water run-off will put pressure on drains.

15 Walnut Close - Object - No appreciable difference to the schemes that were refused, discrepancies on plans, should condition that it is not used for commercial use, not clear if the parking area can be accessed because of trees and a lamp post.

## 4.0 APPRAISAL

4.1 Applications for a two-storey front extension were previously refused in 2006 (06/01072 and 06/02294). The proposals were refused as it was considered that the developments would appear incongruous and overdevelop the property. Concerns also existed in respect to the impact on the privacy and outlook of the occupier of 15 Walnut Close.

4.2 The scale of the scheme has been reduced since earlier applications. The first application proposed a two storey front extension 6 metres wide and 7 metres high. The second application was for an extension 4.8 metres wide and 6.5 metres high. The current application is for an extension 4.1 metres wide and 6.2m high. The level of projection of 3.2 m and the link to the garage has remained on each scheme.

4.3 It is considered that the key issues in assessing the proposal are:

Impact on living conditions of 15 Walnut Close.

4.4 This property was visited by the planning officer. It is considered that the amendments that have taken place will ensure that the proposal does not cause unacceptable harm to the living conditions of this property. In respect to privacy, there is already significant overlooking from the existing front windows of the house. Due to the projection it is considered that the view from the proposed extension will be too oblique towards the rear garden and home to cause significant additional harm. In respect to outlook and light it is the case that the extension is more oblique from main windows than the existing house and the lower structure will largely be viewed against the bulk of the house - it is not considered that the degree of harm caused is sufficient to merit refusal.

Impact on the streetscene

4.5 Local and national planning policy seeks to ensure that extensions are compatible with the existing property and the character of the surrounding area. It is considered that the style, scale and detailing of the extension relates well to the main house. It would be preferable if the garage were not linked to the house, however,

this is only at ground floor level and as such is not considered to have a significant impact on the spacing of properties.

4.6 In considering the proposal it is important to take account of the fact that the property is the only one in the immediate area with a gable that fronts the street. In this context the development will not appear any more out of place than the existing home. Even with the development the spacing around the property will still be greater than many other parts of the cul-de-sac. It is the case that one of the appealing characteristics of the area is the relatively intimate layout and attractive human scale of the streetscene. The scale of the extension is now not considered to be such that it amounts to overdevelopment.

#### Parking

4.7 A poor layout of the proposed parking arrangements has been submitted with the application. It is the case that 2 car parking spaces can be accommodated on the front garden, however, it should be conditioned that further plans are submitted prior to development to ensure that the front garden is sensitively landscaped to avoid the car parking being intrusive. Secure cycle parking can easily be accommodated in the rear garden.

#### Other significant issues raised by objectors

4.8 There is a discrepancy on a plan showing a wider first floor than shown on the elevations. It can be conditioned that the width of the first floor element shall relate to the elevation (4.1 metres).

4.9 It is not considered reasonable to include a condition that the property is not used for a commercial use. Some types of home working are appropriate in a residential location and any proposal for a commercial use can be judged on its merits should it arise.

4.10 Drainage Issues can be addressed via other legislation.

4.11 It is considered that there is adequate space for car parking without necessarily needing to move a lamppost. However, it will be conditioned that further details showing the parking arrangements for the garden are agreed prior to development commencing.

## 5.0 CONCLUSION

5.1 For the reasons given it is recommended that the application be approved.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

AWC/2/05, AWC/2/07 received by the Local Planning Authority on 12 February 2007

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

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

- 3 The first floor element of the front extension shall not exceed 4.1 metres in width in accordance with drawing AWC/2/07 received by the Local Planning Authority on 12 February 2007.

Reason: For the avoidance of doubt

- 4 VISQ1

- 5 Notwithstanding the approved details, prior to commencement of development details of off-street parking provision for two cars within a suitably landscaped garden area shall be submitted to and approved in writing by the Local Planning Authority. The work shall be completed in accordance with the approved details prior to the occupation of the extension.

Reason: To ensure that cars are accommodated in a way that does not detract from living conditions or the streetscene.

- 6 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

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

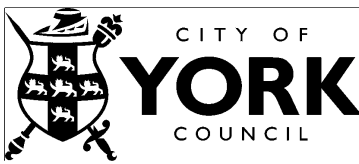
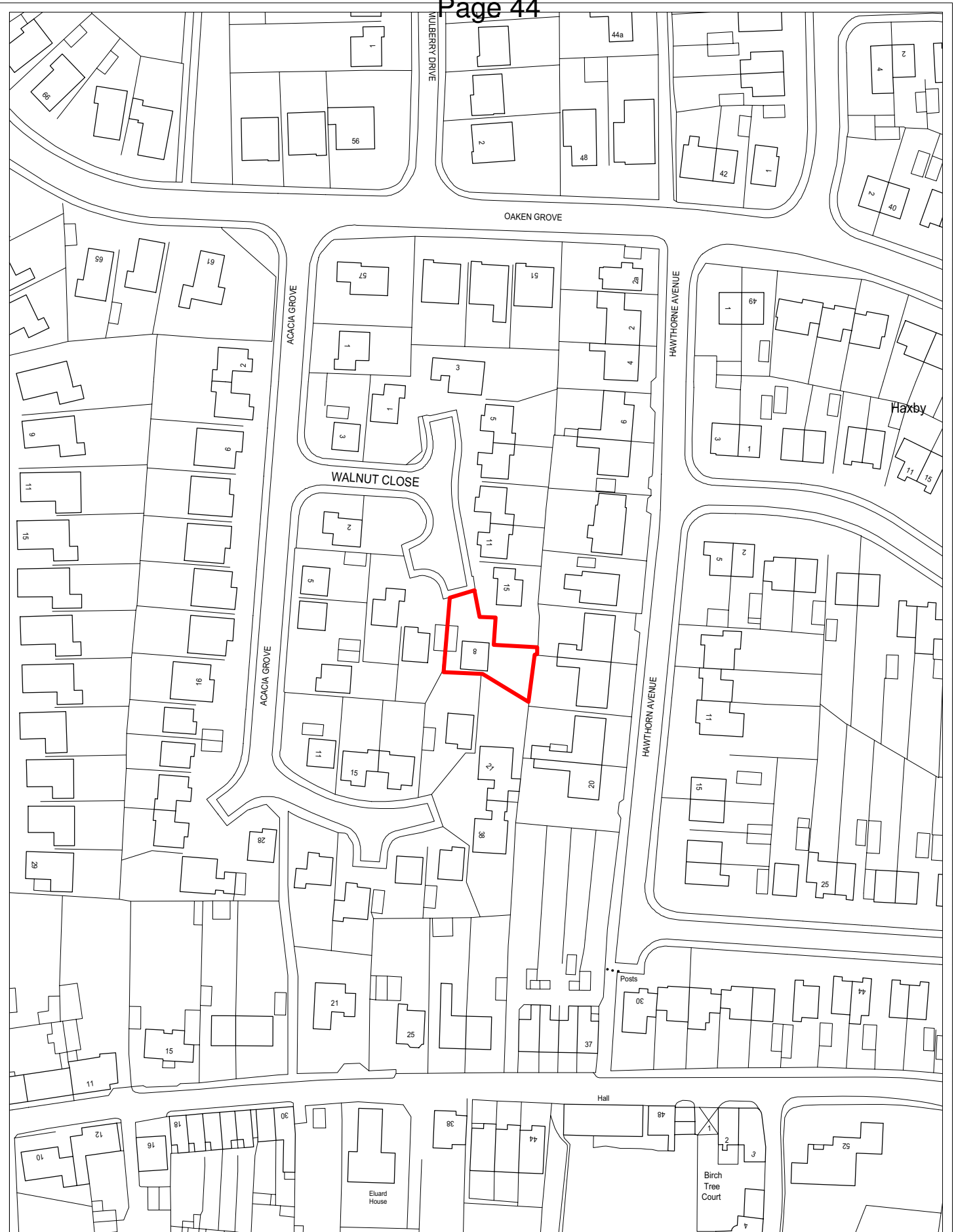
## **7.0 INFORMATIVES: Notes to Applicant**

### **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 impact on the streetscene and neighbours' living conditions. As such the proposal complies with Policy GP1 and H7 of the City of York Local Plan Deposit Draft.

### **Contact details:**

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



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

**Site Plan : 8 Walnut Close 07/00308**

SCALE 1:1250

DRAWN BY JB

DATE 2/5/2007

Originating Group

Project

Drawing No.

Organisation

PE 7



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 07/00415/FUL  
**Application at:** 78 The Old Village Huntington York YO32 9RB  
**For:** Two storey side and rear extensions and single storey garage to side and rear extension (Revised scheme 06/01300/FUL)  
**By:** Mr B Corrie  
**Application Type:** Full Application  
**Target Date:** 19 April 2007

**1.0 PROPOSAL**

1.1 The application property is a detached two-storey property.

1.2 The rear garden and the western most edge of the garden is located within the Huntington Conservation Area.

1.3 It is proposed to erect a part two-storey and part one-storey side extension adjacent to 76 The Old Village and a two-storey rear extension to the rear and a garage adjacent to 78a.

1.4 The application is being brought to Committee at the request of a local member.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area Huntington 0025

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYH7  
Residential extensions

CYGP1  
Design

CYHE3  
Conservation Areas



### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - No objections subject to existing vehicle access being removed to avoid over-provision of car parking.

Conservation - No objections subject to control of materials.

#### 3.2 External

Parish Council - Object - The development is over dominance of the host property and incongruous in the street scene.

#### Neighbours

78a The Old Village - Object - Overdevelopment, the property is poorly maintained, harm to the birch tree, the proposed garage will detract from living conditions, proposed dual access will create conflicts with pedestrians, the new access in a more dangerous location, there is inadequate parking provided for the large property, harm to living conditions of number 76.

76 The Old Village - Object - Still feel the extension is too dominating, concerned about fumes from cars parking in the small parking space to the side, over-development.

### **4.0 APPRAISAL**

4.1 The current application is a re-submission following the delegated refusal of an application for a side extension (06/01300). In 2004 (04/03458) planning permission was refused for two houses on the site following the demolition of the existing house. The most significant difference between this application and 06/01300 is that the depth of the two-storey element of the side-extension adjacent to number 76 is 4.2 metres rather than the whole 6.5 metre depth of the property. The other changes include the introduction of a garage and small single storey rear extension.

4.2 The applicant appealed against the City Council's refusal of planning application 06/01300. The Inspectorate dismissed the appeal. He gave two reasons for dismissing the appeal:

A. It would have an unacceptable impact upon the amenity of any occupants of 76 The Village.

B. Because of the extension's proximity to the birch tree it would detract from the appearance of the tree and the space around it which currently make an important contribution to the character and appearance of the Conservation Area

4.3 In assessing the current scheme it is considered appropriate to assess whether these two issues of concern have been addressed. In addition the additional development added to this scheme need to be considered:

#### Additional Developments

4.4 The garage and rear two-storey extension is close to the side elevation of 78a The Village. The side elevation of 78a is blank with the exception of the side glazing on the rear extension. There is glazing in the rear and opposite elevation of this extension and it is therefore not considered that the development will cause unacceptable harm in respect to light and outlook.

4.5 The single storey rear extension is short in length (2.5 metres) and well away from the boundaries of the garden of the application property.

#### Highways

4.6 Two uncovered car parking spaces are proposed along with a garage capable of accommodating a car (this is located behind one of the spaces). If approved the house would be a large 4-bedroom property. Highway Network Management have raised concerns in respect to the over provision of car parking spaces. Although the desire to reduce car use is acknowledged it is considered that only two off-street are likely to be practical for parking and this would not be excessive taking account of the size and location of the property and the previous availability of off-street parking provision (a double garage with an undersized space to the front).

#### Impact on streetscene

4.7 It is considered that the design of the extension is sensitive to the main house. The design of the extension reflects the main house in scale, design and rhythm. In the context it is seen as an appropriate solution, even though the Council's guidance on house extensions typically seeks a set back.

4.8 The garage is set back an adequate distance to avoid it being prominent in the streetscene.

#### Impact on birch tree.

4.9 A significant birch tree is located within the rear garden of 74 The Village close to the application site. A trench for the existing foundations has already been dug. It is stated by the applicant that this is permitted development because if the scheme was refused a single storey extension could be erected in its place. The key issue is the relationship of the extension to the canopy. The merits of the scheme are fairly well balanced, however, it is considered that the reduction in the height of the element of the rear extension closest to the tree is sufficient to avoid the extension conflicting with the canopy and retains a reasonable amount of space around it.

#### Impact on number 76

4.10 It is considered that the current scheme is now of a scale that it would not cause unacceptable harm to the living conditions within the bungalow and small yard. The reduction in the extent of the two-storey element will mean that the outlook from the yard and house will be more open and more natural light and sunlight will reach the property throughout the year. The birch tree does combine to reduce light further, however, it is not considered that the overall impact is now so harmful to justify a refusal of permission.

## 5.0 CONCLUSION

5.1 For the reasons given it is recommended that the application be approved.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows or doors shall be inserted within the side or rear elevations of the approved house other than those shown on the approved plans.

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

- 3 Notwithstanding the approved details, the proposed front elevation windows shall be 2 or 4 pane sliding sash.

Reason: To reflect the age of the original property.

- 4 A sample panel of the brickwork and roofing material to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. 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

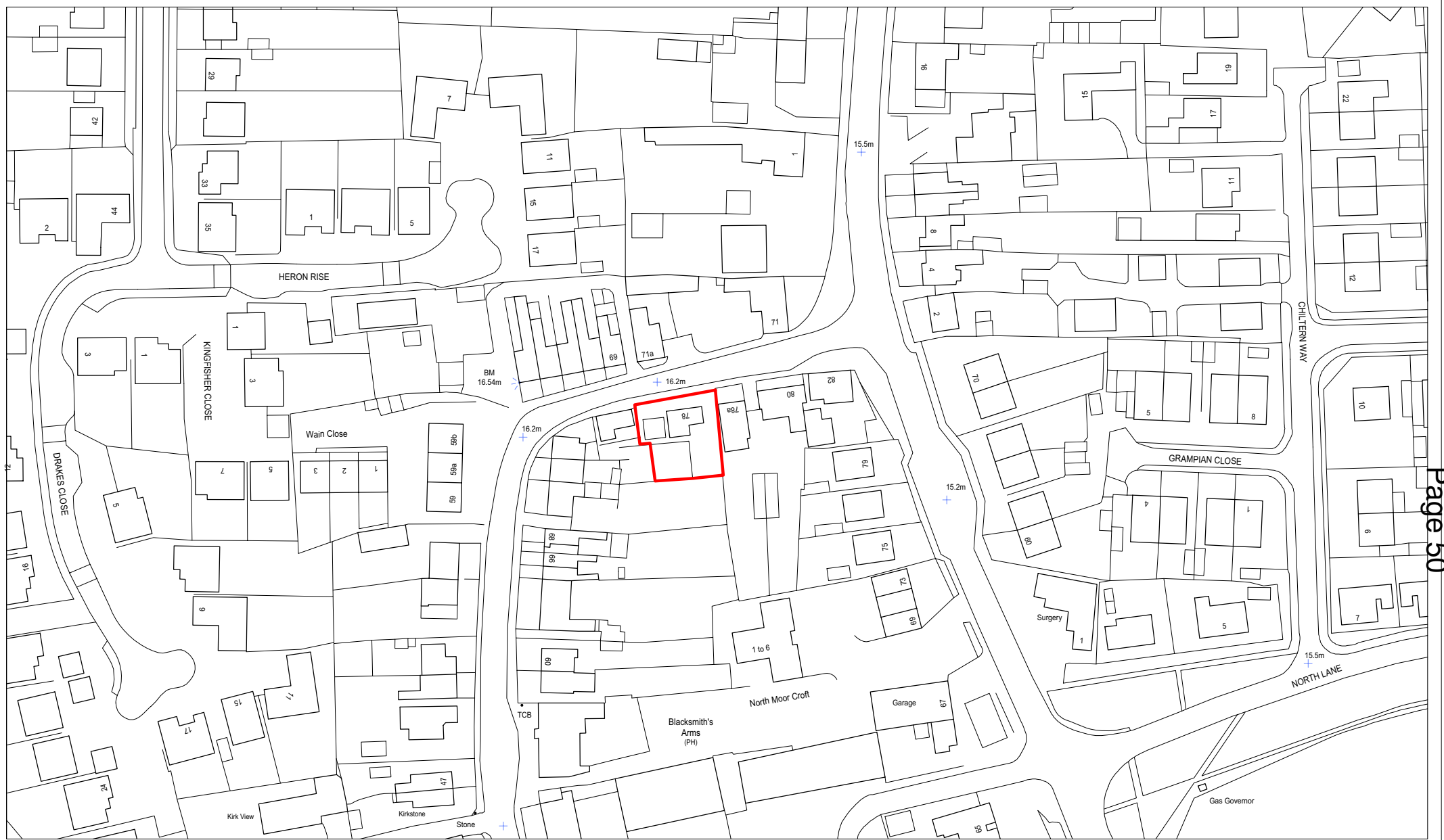
## 2. REASON FOR APPROVAL

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 impact on the character and appearance of the conservation area and the living conditions of neighbouring properties. As such the proposal complies with Policy GP1, H7 and HE3 of the City of York Local Plan Deposit Draft.

**Contact details:**

**Author:** Neil Massey Development Control Officer (Wed/Thurs/Fri)

**Tel No:** 01904 551657



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

## Site Plan : 78 The Old Village Huntington 07/415/FUL

SCALE: 1:1250

DRAWN BY: JB

Originating Group:

Project

Organisation

DATE 2/5/2007

Drawing No.

PE 8



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Heworth Without  
**Parish:** Heworth Without Parish  
Council

**Reference:** 07/00826/FUL  
**Application at:** 15 Galtres Road York YO31 1JP  
**For:** Single storey pitched roof rear extension  
**By:** Mr P Evely  
**Application Type:** Full Application  
**Target Date:** 5 June 2007

**1.0 PROPOSAL**

1.1 The application property is a two storey semi-detached house in a residential street off Stockton Lane.

1.2 It is proposed to erect a 5m long single storey rear extension.

1.3 The application is being brought to Committee as the applicant is employed by the City Council.

**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:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 At the time of writing this report no representations had been received. An update will be made at committee.

**4.0 APPRAISAL**

4.1 The proposal will not have a significant impact on the streetscene and there is adequate garden space remaining to meet the needs of the property.

4.2 The key issue when assessing the proposal is the impact on the neighbour's outlook, light and privacy and the enjoyment of their garden.

4.3 Number 17 is detached from the property. There is adequate separation to the proposed extension to avoid harm to light and outlook. An existing 1.8m fence will retain privacy.

4.4 Number 13 is attached to the application property. There is currently a hedgerow approximately 2.5m in height running along the rear-dividing boundary of the two properties. A section of this is to be removed to accommodate the extension.

4.5 The extension is borderline in acceptability. At 5 metres running along the boundary the impact on light and outlook needs careful consideration. It is the case, however, that the eaves height is relatively low at 2.6 metres. Also the nearest room on the ground floor elevation of the adjoining property is dual aspect and the property has a large ground floor area having recently constructed a 9.7m long extension set in from the boundary. It is considered in the context that providing objections are not received from the occupier of number 13 there are not sufficient grounds to argue that the proposal would cause unacceptable harm to the property's internal living conditions. Number 13 has a large garden and the overall impact on its enjoyment will be limited.

## 5.0 CONCLUSION

5.1 The application consultation period expires on 9 May 2007. Subject to the content of any representations received prior to committee it is recommended that the application be approved.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Drawing numbers PE-02 and PE 03 received by the Local Planning Authority on 10 April 2007.

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

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

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

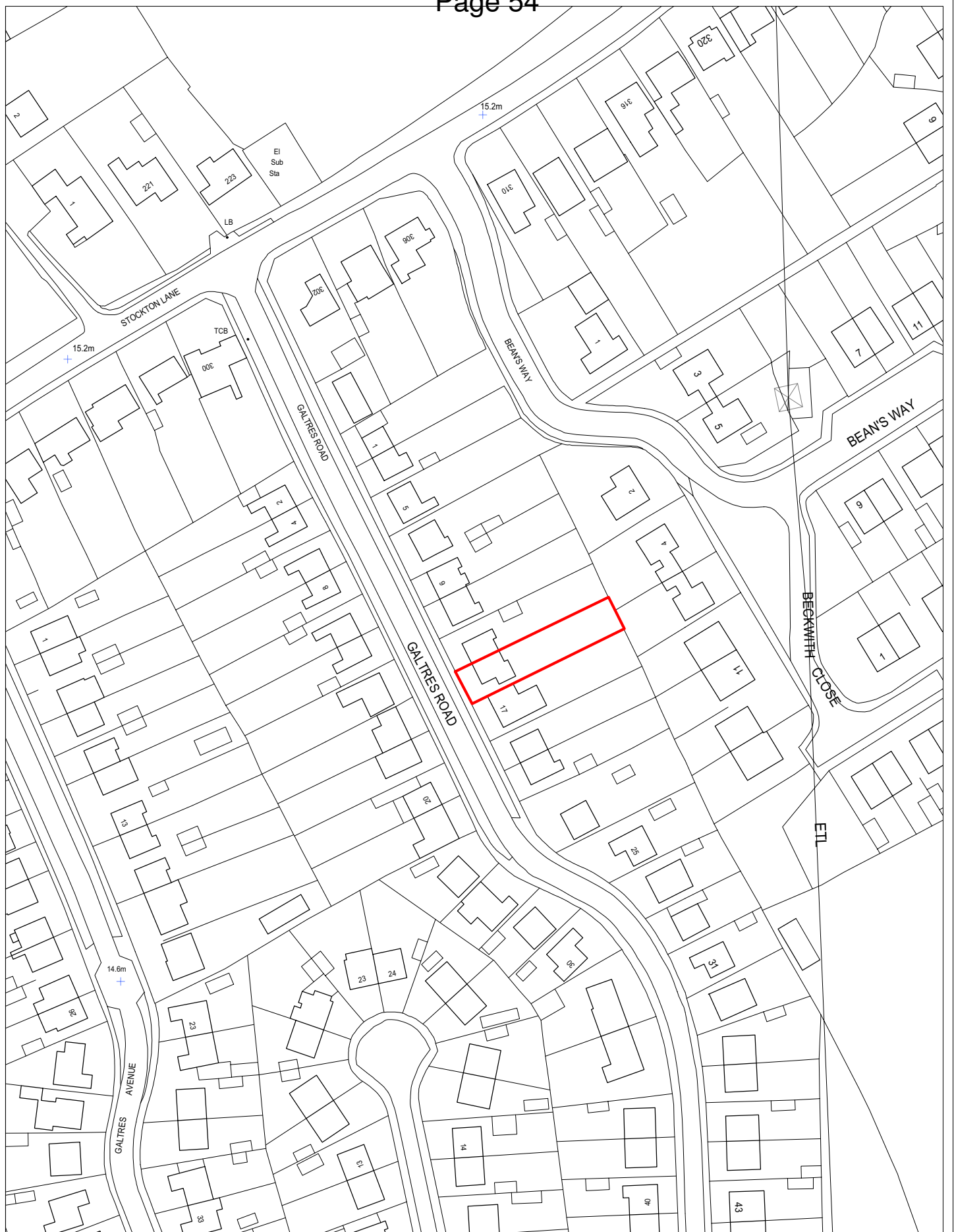
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours' outlook, light and privacy. As such the proposal complies with Policy H7 and GP1 of the City of York Local Plan Deposit Draft.

**Contact details:**

**Author:** Neil Massey Development Control Officer (Wed/Thurs/Fri)

**Tel No:** 01904 551657





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

**Site Plan : 15 Galtres Road 07/826/FUL**

SCALE 1:1250

DRAWN BY JB

DATE 2/5/2007

Originating Group

Project

Drawing No.

Organisation

PE 9



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Osbaldwick  
**Parish:** Osbaldwick Parish Council

**Reference:** 07/00627/FUL  
**Application at:** 9 Baysdale Avenue Osbaldwick York YO10 3PA  
**For:** Single storey extension and conservatory to rear  
**By:** Victoria Japes  
**Application Type:** Full Application  
**Target Date:** 14 May 2007

**1.0 PROPOSAL**

1.1 The application property is a detached dormer bungalow located within a residential area of Osbaldwick.

1.2 It is proposed to replace two lightweight lean-to conservatories at the rear of the property with a brick built extension and a pitched roof conservatory.

1.3 The application is being brought to Committee as the applicant is employed by the City Council.

**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:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 Internal

None received

3.2 External

None received

#### **4.0 APPRAISAL**

4.1 The proposal will not have a significant impact on the streetscene and there is adequate garden space remaining to meet the needs of the property.

4.2 The key issue when assessing the proposal is the additional impact on neighbours' living conditions.

4.3 It is considered that there is adequate separation from number 9 to avoid the proposed 2.7m extension causing significant harm. The proposed side elevation facing number 9 is blank.

4.4 The proposed conservatory is closest to 19 Highfield. The conservatory will be near the rear garden boundary of this property. The distance from the rear of the property to the proposed conservatory would be around 6 or 7 metres. In this context it is not considered that this is unacceptable. The proposed conservatory is only a height of 2.3 metres to its eaves and is set an average of around 1 metre from the boundary. It is also semi-circular with the side elevation only extending for 1.7 metres. Much of the structure will be screened behind an existing boundary fence.

#### **5.0 CONCLUSION**

5.1 For the reasons given it is recommended that the application be approved.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Drawing VJ/AP/01 received by the Local Planning Authority on 19 March 2007.

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

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

#### **7.0 INFORMATIVES: Notes to Applicant**

##### **1. REASON FOR APPROVAL**

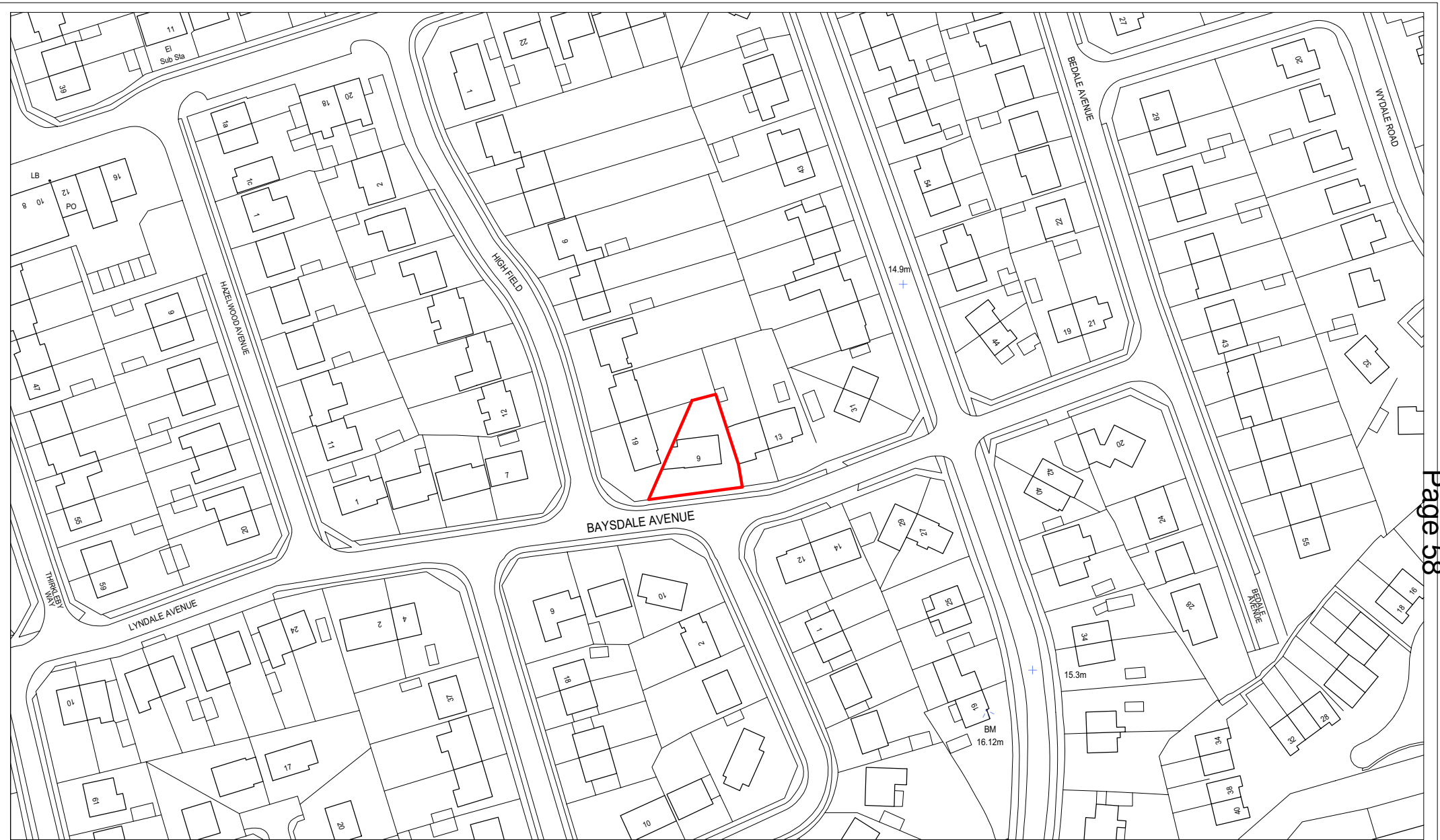
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours' light, outlook and

privacy. As such the proposal complies with Policy H7 and GP1 of the City of York Local Plan Deposit Draft.

**Contact details:**

**Author:** Neil Massey Development Control Officer (Wed/Thurs/Fri)

**Tel No:** 01904 551657



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

Site Plan : 9 Baysdale Avenue 07/627/FUL

SCALE: 1:1250

DRAWN BY: JB

Originating Group:

Project

Organisation

DATE 2/5/2007

Drawing No.

PE 10



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Clifton  
**Parish:** Clifton Planning Panel

**Reference:** 07/00626/GRG3  
**Application at:** Yearsley Swimming Baths Haleys Terrace York YO31 8SB  
**For:** Recladding of the walls and roof to the pool hall.  
**By:** Mr Andrew Laslett  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 15 May 2007

**1.0 PROPOSAL**

1.1 The application site lies to the east of Haxby Road in Clifton. Adjacent development to the west are large industrial and office buildings currently owned by Nestle UK Ltd. A large open car parking area is sited to the east of the application site. The site area is given as 0.3 ha.

1.2 This application seeks planning consent to re-clad the existing pool hall and plant room at Yearsley swimming pool. The hall measures 60.0m x 28.0m; its overall height to the ridge is given as 8.8m. It is a steel frame structure above facing brickwork on all elevations. The plant room structure to the east measures 11.0m X 8.0m; it has an overall height of 5.4m. Both the hall and the plant room are covered by a cement fibre roof. Unlike the main hall, the existing plant room is a brick structure.

1.3 It is proposed to replace the roofs and frames of the existing structures with composite plastisol coated steel panels. The existing facing brickwork would remain unaltered by virtue of the work proposed.

1.4 The applicant is the Local Authority. Therefore under General Regulations no.3 this application is required to be determined by members at the planning committee.

**1.5 RELEVANT PLANNING HISTORY**

1.6 3/92/106: Erection of office extension to rear of swimming pool and porch to front. Planning permission was granted on 29.4.1992.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Whitestone Cross NGR SE 6073 5367 Haxby Rd 0284

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYC1  
Criteria for community facilities

## 3.0 CONSULTATIONS

### INTERNAL:

3.1 Highway network management: Response received 30 March 2007 - No objections.

3.2 Lifelong learning and culture services: Response received 1 May 2007 - Leisure services strongly support this application.

### EXTERNAL:

3.3 Clifton Planning Panel: Response received 18 April 2007 - No objections.

3.4 Neighbours consulted and site notice posted, expired 3 May 2007. No response received.

## 4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Use of material
- ii. Sustainability
- iii. Other material considerations

Use of material:

4.2 Policy GP1 of the City of York Local Plan 2005 sets out a list of design criteria for assessing the merits of development proposals. In this case having considered the current state of the buildings, the quality of the materials used in the original construction, and the type and nature of the buildings in the area, the work proposed would not just improve the condition of the swimming pool, but would also enhance the visual appearance of the area.

4.3 The colour of the plastisol coated steel panels is proposed as Goosewing Grey. By virtue of the industrial appearance of the existing buildings and the surroundings, it is regarded that the proposed choice of colour is acceptable, although the use of darker colour coating on the side walls would be less intrusive. A condition is required to secure a more appropriate choice of colour.

Sustainability:

4.4 Policy GP4a of the City of York Draft Local Plan 2005 requires all development to have regard to the principles of sustainable development. In relation to the scheme proposed, the proposal should minimise the use of non-renewable resources and should minimise pollution.

4.5 The proposed composite panels would achieve high levels of insulation, which would exceed current Building Regulation standards. In addition, the use of composite panels would reduce condensation of roof and walls, which means they are likely to be more durable than other forms of material.

Other material considerations:

4.6 The proposed work would not alter or affect Whitestone Cross, a grade II stone to the south of the application site.

4.7 It is not considered that the requirement to submit a Flood Risk Assessment for development in Flood Zones 2 and 3 is necessary in this case due to the nature of the work proposed, all of which is to re-clad the upper part of existing buildings.

4.8 Having taken the above into account, it is considered that the proposed work accords with the policies set out in the City of York Local Plan. Hence, this application is recommended for approval.

## 5.0 CONCLUSION

The proposed re-cladding work would not harm the visual quality of the locality. Furthermore, the proposed choice of material would meet the sustainable criteria. Hence the proposal accords with the policies set out in the City of York Local Plan and is therefore considered acceptable subject to the external colour of cladding.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

RBS060456/1PP and RBS060456/Blk



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 The work hereby approved shall be constructed of the following material:

Ward Roof - Trapezoidal IP1000

and the colour of the plastisol coating shall be agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and to minimise the use of non-renewable resources in accordance with Policies GP1 and GP4a of the City of York Draft Local Plan 2005.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

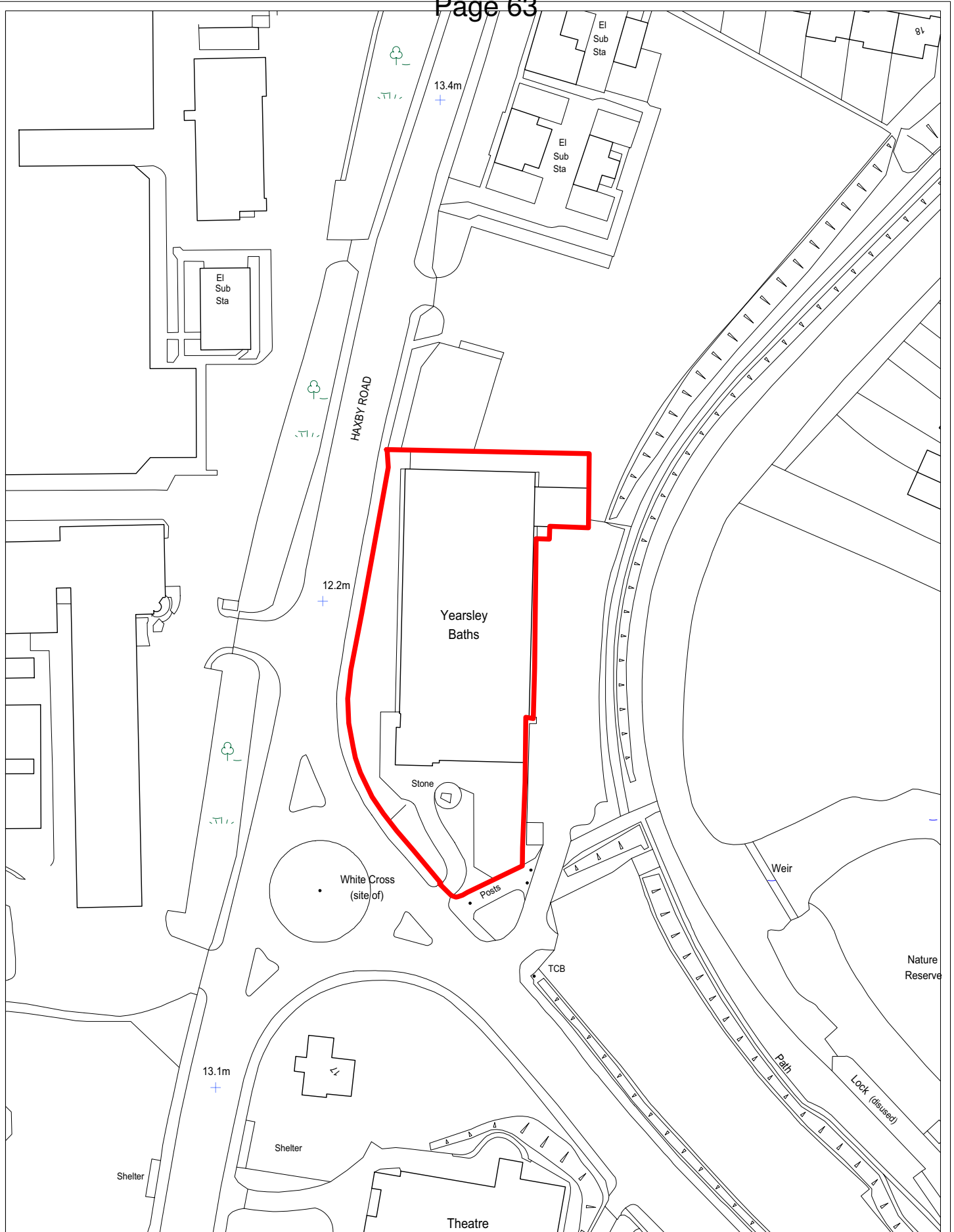
#### 1. REASON FOR APPROVAL

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 visual amenities and sustainability. As such the proposal complies with Policies GP1, GP4a and C1 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

**Author:** Billy Wong Development Control Officer

**Tel No:** 01904 552750



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

**Site Plan : Yearsley Baths 07/626/FUL**

SCALE 1:1000

DRAWN BY JB

DATE 2/5/2007

Originating Group

Project

Drawing No.

Organisation

**PE 12**



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 17 May 2007

**Ward:** Hull Road  
**Parish:** Hull Road Planning Panel

**Reference:** 07/00212/FUL  
**Application at:** 41 Yarburgh Way York YO10 5HD  
**For:** Change of use from dwelling house to house in multiple occupation with 7 bedrooms (retrospective)  
**By:** Mr J Clarkson  
**Application Type:** Full Application  
**Target Date:** 10 April 2007

**1.0 PROPOSAL**

1.1 The application property is an extended detached house, adjacent to Badger Hill shops, with Hull Road to the rear. The access road to the rear yard of the shops runs along the western boundary. There is a large detached garage in the rear garden area and a paved area at the front of the site.

1.2 Planning permission was granted firstly in 2005 for a two storey side extension and then for a revised scheme in 2006 as the extension had not been built in accordance with the previously approved plans. A garage, which was already being built, was also included within the approval. The plans showed a study, utility and garden room at ground floor and 5 bedrooms at first floor. An informative was attached to the approval to bring the applicant's attention to the likely need for planning permission if more than 6 people were living together at the property.

1.3 This application is to regularise the current use of the extended property as a House in Multiple Occupation (HIMO) with seven bedrooms - the study and garden room previously approved in the ground floor of the two storey side extension now being used as bedrooms. The property retains a lounge, kitchen, dining room and utility room at ground floor and has one bathroom and two shower rooms. The agent has confirmed that the property is currently occupied by students and this is the applicant's future intentions.

1.4 The application is the subject of an enforcement complaint and is brought to Committee for determination at the request of Councillor Simpson-Laing. Planning permission was refused at the April East Area Committee for the extension and conversion of 43 Yarburgh Way to a house in Multiple Occupation on the grounds of overdevelopment and intensity of use of the property disproportionate to its original purpose; harm from the two storey extension; inadequate cycle parking provision; and, design of the extension.

**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:

CYH8

Conversion to flats/HMO/student accom

CYT4

Cycle parking standards

### **3.0 CONSULTATIONS**

3.1 Internal

Highways - No objections, subject to standard condition HWAY18 (Cycle parking).

3.2 External

Hull Road Planning Panel - Object:

1. When the application was first submitted the panel pointed out that the design was intended for use as a multi occupancy dwelling and therefore objected..., this is now in effect a student hostel rather than a domestic dwelling and has no place in a locality that consists of family housing.
2. This is a commercial venture, the deeds for the property contain a recorded covenant which forbids commercial use. The Council has the necessary powers to oppose this kind of venture...and [should do so] to protect the interests of residents in adjacent properties.
3. There is no legal access from the highway to the rear garden for parking.
4. There is not sufficient space for the parking of a number of vehicles for a multi occupancy building.
5. Applicant is not a resident in York and therefore have no concern for Badger Hill or York residents.

Four letters of objection from Badger Hill residents:

1. Already a HIMO at no.45. The creation of another will result in too high a concentration of students living in a small area, leading to a change in the character of the street and problems with noise and parking. Increased noise levels and extra congestion.
2. Next door is empty and there is currently an application to extend it in a similar way, probably for student let. There could potentially be in excess of 20 students living in 3 adjacent houses. (Officer comment - application at 43 was refused April 2007).

3. If Council allows former family houses to be converted to HMO's, it becomes more worthwhile for developers to buy up these family houses that are in such short supply. Once converted, it is unlikely that they will revert back.
4. Student houses should be integrated into community, not allowed to overwhelm.
5. This is a retrospective application. Local residents were denied the chance to protest before the building work took place as the plans looked like a domestic residential extension. If approved, it might encourage other developers to circumvent the planning process. If applicant had applied for change of use at time of extension likely would have been refused as contravened Local Plan policies H7 and H8.
6. Did not object to retrospective application for a garage as did not realize it would turned into a practice studio for a rock band.
7. Example of overdevelopment of a dwelling house.
8. Extension led to loss of existing garage and shortening of driveway. Garage erected in rear garden reducing private amenity space. There is no access to the garage from public highway, thus eliminating its use to garage motor vehicles.
9. Concerned that no site notice was posted (Officer comment - letters were sent to neighbours and the Planning Panel notified).
10. Introduction of student hostel would be detrimental to residential amenity and the interests of indigenous residents.
11. Set precedent for such hostels throughout estate. Incremental changes would result in erosion of local character and distinctiveness of the estate and demographic balance. Concern about acceleration of this as consequence of university expansion.
12. Conversion of family houses to HMO result in general and progressive decline of whole suburbs. Decay and neglect quickly become evident.

#### **4.0 APPRAISAL**

4.1 The key issues are:

- Suitability of property;
- Effect upon neighbouring residential amenity and residential character of area;
- Provision of adequate parking and refuse facilities.

4.2 PLANNING POLICY: The relevant planning policy is contained in Planning Policy Statement 3: Housing (PPS3) and in the City of York Draft Local Plan. PPS3 (Housing) outlines the Government's key housing goals, including the aim to create sustainable, inclusive, mixed communities in all areas. The Draft Local Plan policies are set out in Section 2.2. In particular, Policy H8 states that planning permission will only be granted for conversion of a dwelling to multi occupation where:

- the dwelling is of sufficient size (min 4 bedrooms) and with a suitable internal layout for the proposed number of occupants and will protect residential amenity for future occupiers;
- external alterations would not harm the character or appearance of the building or area;
- there is adequate car and cycle parking;
- it would not create an adverse impact on neighbouring residential amenity, particularly through noise disturbance or the residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses;

- adequate provision is made for the storage and collection of refuse/recycling.

4.3 DWELLING SIZE AND LAYOUT: The property has been previously extended and prior to its conversion to a HMO had 5 bedrooms. Following conversion there remains a kitchen, two reception rooms and three bathrooms. The internal layout would not result in a poor level of amenity for present or future occupiers. There is a private amenity space provided at the rear of the property, though this has been reduced by the erection of the garage, approved under the 2006 application (06/00128/FUL).

4.4 EXTERNAL ALTERATIONS: No external alterations are proposed as part of this application. The property has already been extended and the garage erected at the rear without harming residential amenity or the character of the area.

4.3 AFFECT ON RESIDENTIAL AMENITY AND CHARACTER OF AREA: Concerns have been raised by local residents and the Planning Panel about the use as a student hostel and the impact of this on the character of the residential area. They refer to the use of the neighbouring two properties, 43 and 45 as student houses. Whilst this concern is acknowledged and the desire to preserve the character and appearance of the area understandable, it needs to be balanced against the circumstances of the property and proposed use.

The property will remain in residential use, with seven single bedrooms. The property is currently occupied by students and this form of occupation is expected to remain.

It is considered that there is little difference to residential character of the area between occupancy by seven people as proposed, or by six people, which, providing they were living together as a single household, would be classed as a dwellinghouse (as defined by the Use Classes Order (2005)).

The property is a detached building, which has already been extended to accommodate the increased numbers of occupants without harming the character or appearance of the area, and it is considered that its use as an HMO will not harm the character or appearance of the building, or the area.

The property is located on the edge of the Badger Hill estate, next to a parade of shops and backing onto Hull Road, which is a dual carriageway and a main arterial route into the City. It is in a mixed use area on the edge of the residential estate.

This would be the only HMO (house with more than six persons living together) in the immediate vicinity.

4.5 PARKING AND REFUSE PROVISION: The layout plan shows two vehicle spaces - one on the front drive and one at the rear. The agent has confirmed that there is a right of way for access to the rear of the property via the service area to the shops. However, there is space at the front of the property on the hardstanding area for two vehicles to park. The Highway Officer considers that this is sufficient given the proximity of the site to public transport and providing cycle parking is available - this could be provided in the rear garage. Further details of this are required. A refuse area is shown at the front of the site, though this should be relocated to the rear where there is more space and so that it would be more in-

keeping with the residential character and appearance of the area. There is room at the side of the property that provides access through to the rear garden.

## 5.0 CONCLUSION

5.1 In light of the above, and notwithstanding the decision made on 43 Yarburgh Way, the proposal to retain the use of the property as a House in Multiple Occupation is considered to be acceptable. It is therefore recommended for approval.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

Drawing no. 2504/SLP/01, undated, received 31 January 2007;  
Drawing no. 2504/SP/02 dated Feb 2007 and received 7 February 2007;  
Drawing no. 2504/P/01 dated March 2005 and received 13 February 2007;

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

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

- 2 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

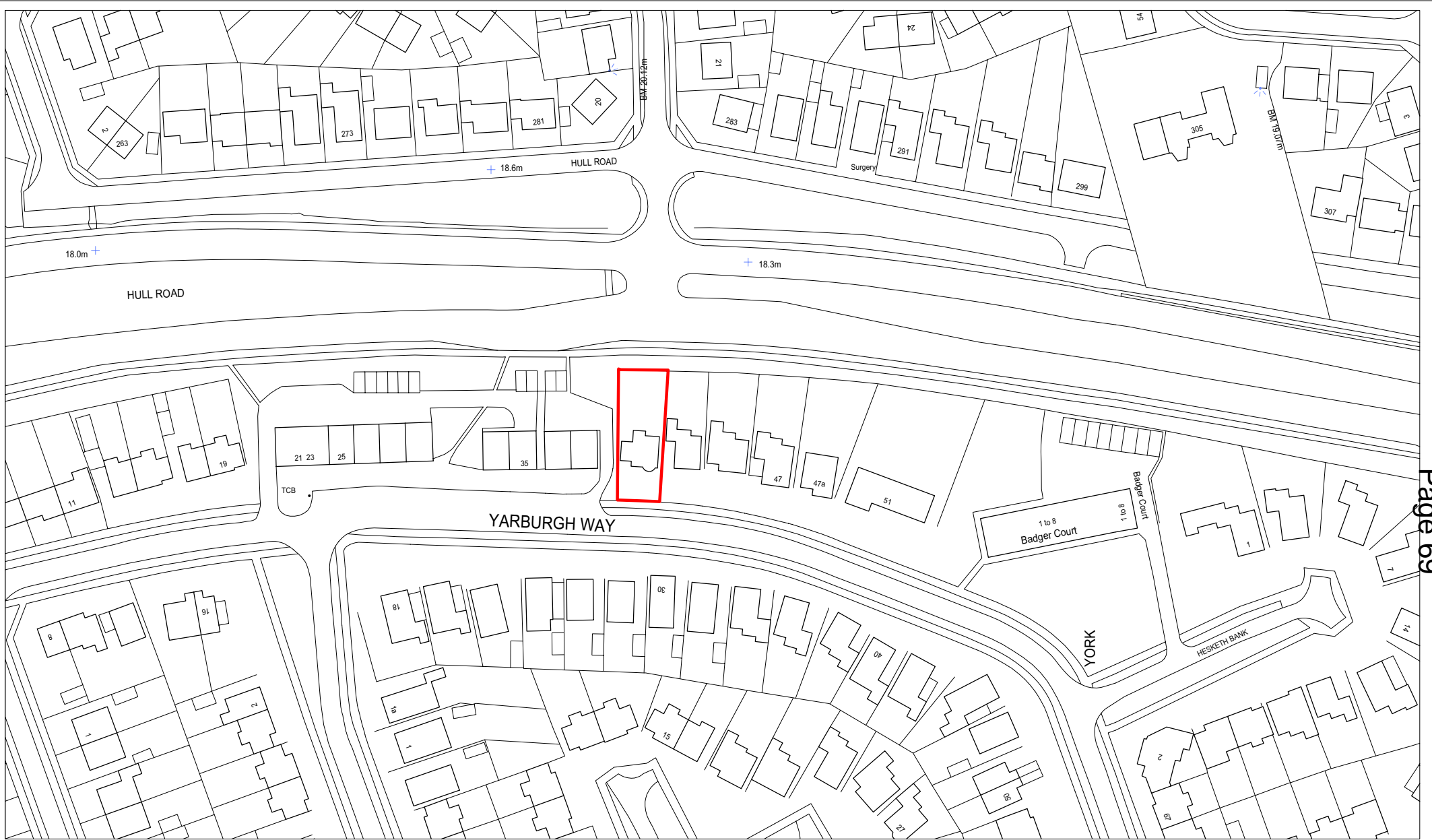
Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

## 7.0 INFORMATIVES:

### Contact details:

**Author:** Hannah Blackburn Development Control Officer

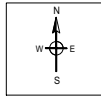
**Tel No:** 01904 551477



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

Site Plan : 41 Yarburgh Way 07/00212

SCALE: 1:1250 DRAWN BY: JB  
 Originating Group: Project  
 Organisation



DATE 2/5/2007  
 Drawing No. PE 11