

## COMMITTEE REPORT

**Date:** 18 October 2012      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Askham Bryan Parish  
Commercial Team      Council

**Reference:** 12/01796/FUL  
**Application at:** 107 Main Street Askham Bryan York YO23 3QS  
**For:** Erection of new dwelling after demolition of existing dwelling  
(resubmission)  
**By:** Mr G Berks  
**Application Type:** Full Application  
**Target Date:** 1 August 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application is for a three storey dwelling following the demolition of the existing two storey dwelling.

1.2 The existing building is not listed. The site is within the Askham Bryan settlement envelope and within the Askham Bryan Conservation Area. It is also Washed Over Greenbelt.

1.3 The existing building dates from the 1970s and sits centrally within the plot. The existing house on the plot is relatively small in scale, of two storeys with a low eaves and ridge height. Whilst the footprint extends to close to the eastern boundary of the site, the impression is of very low density development, not least because the garage element is only single storey, and with a flat roof. There is no single architectural style within the street, but the majority of the dwellings are of two storeys with relatively low ridge heights. No.103 has a somewhat taller ridge height, but its impact on the streetscene is lessened by the roof form. The generous plots widths in relation to the houses allow views through to the open countryside beyond.

1.4 This application differs from the previous refused application (11/0183/FUL) in the following respects:

- The width of the dwelling has been reduced from 15.6 metres to 15.1 metres.
- The two front feature gables have been reduced in height to the same height as the connecting roof ridge. In the previous refused application the feature gables were 9.45 metres in height while the central roof element was 8.6 metres in height. The proposed dwelling is 9 metres in height.

- The feature gables on the front elevation have been altered and have a hipped roof.
- The second floor windows and rooflights in the front elevation have been removed.
- The detail of the garage doors has been altered, to lessen the horizontal emphasis of the refused application.
- Rooflights have been added to the side elevations.
- The flat roof of the rear two storey offshoot has been replaced with a half hipped pitched roof. The height of the offshoot increases from 5.4 metres (of the previous application) to 7.35 metres, the eaves would be 3.7 metres in height. The offshoot remains the same depth as the previous application.
- There are minor alterations to the internal layout on the ground and first floor. Between reception room 1 and reception room 2 a cloak room and wc have been added, there are also some re-arrangement of the doors to the proposed rooms. On the first storey the dressing room to the master bedroom has been reduced in size to create a larger master bedroom.

1.5 The application comes before committee at the request of Cllr Steward. The Councillor has concerns regarding the proposed dwelling and its appearance within the Conservation Area and its compliance with the Askham Bryan Village Design Statement. The Councillor considers that the proposed dwelling is too large for the site, would result in a loss of light to the neighbouring property, and will have windows that are unique and inappropriate in design. As there have been objections to the scheme from neighbours there will be a site visit.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

Air safeguarding GMS Constraints: Air Field safeguarding 0175  
 Conservation Area GMS Constraints: Askham Bryan CONF  
 City Boundary GMS Constraints: York City Boundary 0001  
 DC Area Teams GMS Constraints: West Area 0004

### **2.2 Policies:**

CYGP1 Design  
 CYGP4A Sustainability  
 CYGP10 Subdivision of gardens and infill devt  
 CGP15A Development and Flood Risk

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

CYGB1 Development within the Green Belt

CYGB2 Development in settlements "Washed Over" by the Green Belt

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

##### Conservation Officer

#### 3.1 No objections

- Maintained good separation between the new dwelling and the neighbours
- The design of the dwelling continues the diversity of styles in the vicinity
- would not be overly dominant in the streetscene
- Providing the construction materials sit comfortably with those typically used in the settlement, the development would preserve the historic character and appearance of the conservation area
- Public views of the site from the south, ie into the conservation area, are relatively distant views; the proposed development will not be overly intrusive in views into the settlement. There will be some visual impact on the setting of the grade II listed hall in these views. However, its historic setting, which would have been over open land, is now compromised by twentieth century housing development on the south side of Main Street.
- Request the following conditions: materials; sample panel of brickwork; sample panel for external hard surfacing; doors and windows to be timber; vertical cross section illustrating window, head and sill; removal of permitted development rights; full details of boundary treatment

##### Ecology Officer

3.2 No objections. Bat survey has been submitted, request condition for further details of bat mitigation and conservation.

##### Flood Risk Management Team

3.3 Object. Insufficient information has been provided to determine the potential impact the proposals may have on existing drainage systems

##### Environmental Protection Unit

3.4 If intention is to include Air and Water Heat pumps will require a condition regarding noise details to be submitted. If a biomass boiler or turbine is proposed

recommend refusal on lack of information. Request informative for electric vehicle re-charge point, and demolition and construction

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Askham Bryan Parish Council

#### 3.5 Object

- Not materially different from previous refused application
- Conflicts with Guidelines 3.2, 5.1, 5.3, 6.6, 6.12.1, and 6.12.2 of the Askham Bryan Village Design Statement
- The CAD impression submitted is not accurate, shows the neighbouring properties obscured by trees
- The roofline and the building profile drawings show contradictions so unable to ascertain the exact proposal for the roof profile at the rear (Officer note: this has been corrected in revised plans)
- The double gable frontage is of a modern urban design with a dominant vertical form and not sympathetic to the rural nature of the conservation area village, and as such is incongruous to the existing street setting and the conservation area. No other dwellings within Askham Bryan have a double gable frontage
- The design gives the visual effect of the main traverse roof ridge being prominent, the two front gables will appear taller than the traverse roof ridge from the street emphasising the dominance of the building. Most dwellings have roofs that follow an east west line providing visual continuity, the gables will obscure this, adding to prominence and visual mass. The roof design is not sympathetic to the adjoining properties
- The rear elevation extends significantly further than the existing building and will have a detrimental impact upon the amenity of the neighbouring properties. In protruding further to the rear than the existing dwelling it will also add of the mass of the dwelling, and obscure/restrict views between the buildings that currently exists
- The mass of the proposed dwelling is similar to the refused application. The alterations do not reduce the visual impact of the property
- The proposed dwelling by virtue of its scale, mass, bulk, and design will appear cramped in the site and will appear overbearing, over dominant, and ultimately overdeveloped urban appearance
- The proposed dwelling not only marginally increases the street frontage but increase the height of the dwelling across the whole frontage to three storey. Will remove the feeling of space between the proposal and the neighbouring dwellings which is a characteristic of the conservation area
- 103 Main Street is used as a benchmark to justify the height. The ridge height of 103 exceeded the height for which it was granted planning permission. 103

Main Street is not typical of the design and form of dwellings in Main Street and should not be viewed as the norm.

- By virtue of scale constitutes inappropriate development within the greenbelt.
- By virtue of scale will erode and the visual relationship between the current settlement and its rural setting.
- Does not respect the scale and density of the neighbouring buildings.
- Concerned may set a precedent.

### Neighbour Notification

#### 3.6 Five letters of objection received:

- Out of character with the nature and scale of Askham Bryan as a small rural village
- Overdevelopment of the site and would be unduly prominent
- May create a precedent, allowing a progressive urbanisation of the village. Would result in dwellings out of the price range of most people
- Would result in a loss of light to 103 Main Street
- Does not meet the requirements of the Askham Bryan Parish Plan including a design statement. Contrary to guidelines 3.1, 3.2, 3.3, 3.6, 5.1, 5.3, and section 6
- The proposed building is much larger than the neighbouring buildings; it fills the width of the plot and extends further back than other dwellings
- The CAD impression is misrepresents the impact; the relationship to the neighbouring dwellings has not been shown
- Urban development in a rural village
- The three storey south elevation will be the most prominent building on the approach to the village from Askham Fields Lane
- Views of Askham Bryan Hall visible between 107 and 103 Main Street will be lost
- Will dominate neighbouring dwelling 109 Main Street
- Does not maintain views through to the countryside, does not respect the south aspect from Chapel Lane, or the open character of the village
- No contextual view of the proposals from the southern approach have been submitted
- It does not complement the scale and density of the neighbouring dwellings, does not reflect the rural character and pattern of the village
- The existing building is of a modest scale and appearance proposals seeks to replace with a dwelling approximately 4 times the volume. Existing building has an open and spacious relationship with its neighbours
- Has the same building line as 103 Main Street, which will exacerbate the bulk enhancing the prominence
- The roof forms do not reflect the characteristics found in the village as described in Section 6 of the VDS; however the buildings generally have

gabled side elevations. Hipped roofs appear to have been used adopted to disguise the bulk of the building

- The double storey glazed entrance hall is out of character, with the design and the guidelines set out in the VDS
- Out of character with the conservation area
- Out of proportion to existing dwelling/plot sizes
- Urban density
- There are no glass fronted dwellings within the village
- There are no stone mullioned windows in the village

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

12/01797/CAC - Demolition of existing dwelling - Pending

11/00332/CAC - Demolition of dwelling - Refused, for the following reason:  
The dwelling proposed to be demolished contributes to the character and appearance of the conservation area. In the absence of an approved scheme for the redevelopment of this site the dwelling's demolition without the imminent prospect of appropriate redevelopment would be detrimental to the character and appearance of the conservation area.

11/00183/FUL - Erection of new dwelling after demolition of existing dwelling - Refused, for the following reasons

- The proposed dwelling by virtue of its scale, massing, and design would appear incongruous with the scale and appearance of the neighbouring dwellings, and the conservation area. In addition the proposed dwelling would be cramped and overdeveloped, and would result in a harmful sense of enclosure in the street, and would have an unduly prominent and over dominant appearance within the Askham Bryan Conservation Area and the streetscene. The proposal fails to make positive contribution to the character and local distinctiveness of the local environment and the conservation area.

- The proposed dwelling due to its location and size would result in a loss of light to 103 Main Street and to a lesser extent 109 Main Street. As such the proposal would have a harmful impact to residential amenity of the occupants of these dwellings

- Due to the high potential of the dwelling and the immediate surrounding area for supporting roosting bats, an appropriate assessment is required to establish the full potential of the site for supporting roosting bats and to determine whether any bats are currently or have recently occupied the building. Appropriate mitigation measures must also be incorporated if the assessment demonstrates that the proposed development would have a significant impact on bats or their roosts. As no such assessment has been submitted with the planning application, it is

considered that the proposed development is contrary to Policy NE6 of the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statement 9: Biodiversity and Geological Conservation.

Other pertinent applications

97/02705/FUL - Erection of two storey five bedroomed detached dwelling (103 Main Street) - Approved.

There was a subsequent retrospective application (00/00619/FUL) to increase the height of the dwelling 0.7metres to 9.95 metres, and the alterations to the pitch of the roof from 35 degrees to 40 degrees. The application as approved at West Committee on 16 May 2000.

## KEY ISSUES

1. Impact of the area, including the conservation area
2. Impact on neighbouring dwellings

## POLICY CONTEXT

4.1 The National Planning Policy Framework sets out the main purpose of planning: to achieve sustainable development, this is split into three roles: economic, social, and environmental. The NPPF on the core planning principles seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, protecting the greenbelts around urban areas; encourage the effective use of land that has been previously developed, providing that it is not of high environmental value; conserve heritage assets in a manner appropriate to their significance.

4.2 The NPPF gives weight to good design, a key aspect of sustainable development indivisible from good planning, and should contribute positively to making places better for people. The NPPF encourages the provision of a wide choice of homes. Decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development types or styles. It is however proper to seek to promote or reinforce local distinctiveness. Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Weight should be given to outstanding or innovative designs that help to improve the character and quality of an area and the way it functions. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality an area and the way it functions.

4.3 The NPPF states that opportunities for new development within Conservation Areas should be sought to enhance and better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the assets should be treated favourably. Not all elements of a conservation area necessarily make a positive contribution. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated as substantial harm or less than substantial harm as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area.

4.4 The NPPF states that the construction of new buildings is inappropriate within the Green Belt, there are a number of exceptions those relevant to this case the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces; and limited infilling in villages. LPAs should ensure that substantial weight is given to any harm to the Green Belt.

4.5 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. However the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies and s.109 of the Localism Act 2011 grants powers to the Secretary of State to revoke the RSS which is a material consideration. The general extent of the York Green Belt is detailed on the Proposals Map of the City of York Council Development Control Local Plan.

4.6 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

4.7 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.8 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.



4.9 Policy HE2 'Development in Historic Locations' states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character or appearance of the area. Policy HE3 'Conservation Areas' states that within conservation areas demolition will only be permitted where there is no adverse effect on the character or appearance of the area.

4.10 Policy HE5 'Demolition of Listed Buildings and Buildings in Conservation Areas' states that conservation area consent will not be granted for the demolition of buildings which positively contribute to the character or appearance of conservation areas. Where exceptionally demolition or partial demolition is permitted, no demolition shall take place until a building contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted.

4.11 Policy GB2 'Development in Settlements "Washed Over" by the Green Belt' states that proposals for new buildings within Green Belt villages will be permitted providing they are located within the built up area of the settlement; the location, scale and design is appropriate to the form and character of the village and surrounding property; and, the proposal would constitute limited infilling and not prejudice the openness or purposes of the Green Belt.

4.12 The Askham Bryan Parish Plan (2006) incorporating the Village Design Statement set out a series of guidelines for development within the village. The following are considered to be pertinent to the proposal. Developments should not be permitted to detract from the rural character and the linear nature of the village (3.1). Developments must reflect, and complement the character of the immediate surrounding area particularly with regard to scale, density, and mix of designs (3.2). Any new development should respect, maintain, or provide views to the open countryside (3.3). No development should be permitted which would interrupt the open character and setting of the village approaches (3.6). The established set back building line on Main Street should be maintained in any future developments (3.8). Developments must respect and complement the scale and density of neighbouring buildings and should retain sympathetic open spaces to enhance the visual and physical setting of the village (5.1). Relationships between buildings and spaces created should reflect the rural patterns of the village and complement traditional building forms (5.3). The height and pitch of roofs must be sympathetic to the structural design and to neighbouring properties (6.6). Reflect traditional details such as raised gables and corbelled kneelers (6.9). Reflect local traditions and vernacular styles in all external treatments (6.12.5).

## IMPACT ON THE CONSERVATION AREA

4.13 The proposal is considered to be limited infilling within the village and is considered to comply with the exceptions to inappropriate development, within the greenbelt, set out in the NPPF. The proposal is not considered to impact on the openness of the greenbelt as it is viewed in context of the surrounding development.

4.14 The existing two storey detached dwelling sits within a large plot within the settlement limits of Askham Bryan village. The site is surrounded by residential dwellings. The site is located approximately mid way between Askham Fields Lane and Chapel Lane. There are some eighteenth and nineteenth century houses, including Askham Bryan Hall, but until the later half of the twentieth century, the southern side of this part of Main Street remained open. The south side of the road has been filled in with dwelling of individual designs dating from the mid 20th century onwards.

4.15 The existing house on the plot is relatively small in scale, of two storeys with a low eaves and ridge height. Whilst the footprint extends to close to the eastern boundary of the site, the impression is of very low density development, not least because part of the building is only single storey, and with a flat roof. There is no single architectural style here, but all of the houses are of two storeys with relatively low ridge heights. The generous plot widths in relation to the houses allow views through to the open countryside beyond and create a feeling of space; this makes a strong contribution to the rural character of the conservation area. The relationship between the settlement and the remaining countryside, together with the many mature trees, and the open field setting, are highlighted as one of the main elements of the character and appearance of the conservation area, in the designation statement included in the local plan.

4.16 The proposed dwelling would have a similar forward building line to 103 Main Street and is set behind the building line of 109 Main Street. There would be a gap of 3.6 metres between the proposed and 103 Main Street, and 4.6 metres between the proposed and 109 Main Street. The existing dwelling has a gap of 2.9 metres to 103 Main Street and 6.5 metres to 109 Main Street. The height of the existing dwelling is 7 metres the proposed dwelling is 9.1 metres. The proposed dwelling would be one of the taller buildings within the street. The width of the proposed dwelling is slightly wider than the existing, and by virtue of the proposed dwelling spanning the plot at three storeys in height and the increase in mass, the proposed would have a greater presence within the streetscene. The hipped roofs and the variation in the projection of the front elevation create visual interest. The dwellings within Askham Bryan reflect the period they were constructed in, there are similar dwellings of similar scale on the other side of the street, with less of a gap between dwellings (90, 92, and 94 Main Street). The design of the building continues the diversity of styles in the vicinity and is considered to have a neutral impact on the

character and appearance of the conservation area. The building it replaces has not particular architectural merit, it is the gaps between the dwellings together with the impression of low density development that is considered to be the positive addition to the streetscene.

4.17 The proposal is considered to preserve the historic character and appearance of the conservation area. The proposed dwelling would be visible when viewing the setting of the conservation area and the village, it would be viewed in context of the surrounding dwellings, the design of the proposed dwelling is not considered to be unduly prominent when viewing the proposed dwelling from Askham Fields Lane or the road to Askham Richard.

4.18 There is considered to be sufficient off-street parking, and cycle storage can be within the integral garage.

#### IMPACT ON THE AMENITY OF THE OCCUPANTS OF THE NEIGHBOURING DWELLINGS

4.19 One of the core planning principles within the National Planning Policy Framework is that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.20 The previous application for a dwelling was refused on a number of grounds; one reason was the loss of light to 103 Main Street and to a lesser extent 109 Main Street. The depth and general appearance of the side elevations has remained the same as the previous application; the distance to 103 Main Street has increased by 0.5 metres. The wording of the previous application report stated that the harm to residential amenity was not considered to be sufficient to warrant refusal on those grounds alone but cumulatively with the other reasons it was considered to have weight.

4.21 The flat roof of the previously proposed rear two storey off-shoot has been replaced with a half hip pitched roof. As such whilst the overall height has increased, the eaves have dropped in height by 2 metres to 3.8 metres, which is considered to remove the overbearing impact to 103 Main Street. As the proposal is to the west of the 103 Main Street it is considered that it would result in an element of loss of light and overshadowing to all three windows of the living room of No. 103 (two secondary windows in the side elevation and the main window in the rear elevation), this is lessened by the roof design of the two storey offshoot and as such is not considered to be result in harm to residential amenity. The proposed dwelling would result in some loss of light to a small part of the garden of No. 103 however given the large size of the garden this impact is not considered to result in undue harm to the amenity of the occupants of No. 103. There is one window proposed in the east elevation of the proposed dwelling (a first floor en-suite), as this window is

secondary it is not considered they would result in a loss of privacy, obscure glazing could be conditioned.

4.22 No. 109 Main Street has a large window in the side elevation facing the proposed dwelling, by virtue of the proximity of the proposed building it would result in a loss of light to this window, however as the window is to a staircase/landing (a secondary room) it is not considered to result in an undue loss of residential amenity. The rear ground floor windows of No. 109, closest to the boundary, are living room windows, the proposed dwelling would protrude further to the rear than the existing dwelling potentially resulting in a sense of enclosure. By virtue of the distance to the proposed side elevation together with the large rear garden of No.109, the sense of enclosure would not result in undue harm to the amenity of the occupants. The two storey offshoot at the rear of the proposed dwelling has bedroom and dining room windows facing 109 Main Street. The windows would be 12 metres from the shared boundary which despite there being no boundary treatment is considered to be sufficient distance to mitigate any impact from overlooking. There are three windows proposed in the side elevation facing 109 Main Street: a window the a ground floor WC and a secondary window to the Cinema Room, together with a first floor window to a bathroom. As there no existing boundary treatment obscure glazing to these windows could be sought via a condition.

## **SURFACE WATER DRAINAGE**

4.23 The proposed would result in an increase in non-permeable area. The applicants have proposed a soakaway. The Flood Risk Management Team has objected to the proposal on the grounds of insufficient information. Additional information has been submitted, at the time of writing the report feedback had not been received from the Flood Risk Management Team. Feedback will be reported at the committee meeting.

## **BATS**

4.24 A bat survey has been submitted with the application; the Ecology Officer is satisfied and agrees with the contents of the report that the present building is not used as a roost site. The Ecology Officer requests that accommodation for bats could be incorporated with the construction of the building; this can be conditioned and would be in line with Section 11 of the NPPF.

## **5.0 CONCLUSION**

5.1 The main planning considerations are whether the proposed replacement would have an acceptable visual impact on the area, and whether a reasonable level of amenity would be retained for surrounding occupants. On balance it is considered that the amended scheme is of an appropriate design and would not have an

unacceptable impact on residential amenity. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, HE2, HE5, and GB2 of the City of York Development Control Local Plan and Government policy contained within the National Planning Policy Framework

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

Drawing Number B160/01/01 Revision A received 30 August 2012;

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

2 TIME2 Development start within three years -

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. In addition the materials to be used for the hardstanding area to the front of the dwelling indicated as permeable paving on the approved plans shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and the character and appearance of the conservation area 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved

plans shall at any time be inserted in the side elevation of the property.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that Order), the windows in the east and west elevation shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

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

7 The doors and window frames shall be constructed from timber

Reason: So as to achieve a visually cohesive appearance in the conservation area.

8 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

i) Vertical cross section illustrating typical window, head and sill at scale 1:10;

Reason: So that the Local Planning Authority may be satisfied with these details.

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.1 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

10 No demolition shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council.

The measures should include:

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- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To enhance the biodiversity and wildlife interest of the area.

## **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 visual amenity of the building within the streetscene, the impact to the conservation area and its setting, and its impact to the residential amenity of the occupants of the neighbouring dwellings. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, HE2, HE5, and GB2 of the City of York Development Control Local Plan and Government policy contained within the National Planning Policy Framework.

### **2. INFORMATIVE:**

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

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

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

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

**Contact details:**

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