



Notice of a public meeting of

East Area Planning Sub-Committee

To: Councillors Galvin (Chair), Douglas (Vice-Chair), Fitzpatrick, Funnell, King, McIlveen, Cuthbertson, Watson, Firth and Warters

Date: Thursday, 2 May 2013

Time: 3.30 pm

Venue: The Guildhall, York

AGENDA

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Betts know by **5pm** on **Tuesday 30 April 2013** on **(01904) 551078**.

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes**

(Pages 4 - 17)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 11 April 2013.

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 1 May 2013 at 5.00 pm.**

4. Plans List

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

- a) **96 Dodsworth Avenue, York. YO31 8UD** (Pages 18 - 22)
(13/00001/FUL)

Installation of an air source heat pump. [Heworth]

- b) **Archbishop Holgate's School, Hull Road,** (Pages 23 - 34)
York, YO10 5ZA (13/00293/FULM)

Two storey classroom block, relocation of cycle stores and replacement car park. [Hull Road] **[Site Visit]**

- c) **Harlestone, 14 York Road, Strensall, York** (Pages 35 - 51)
YO32 5UN (13/00474/FUL)

Erection of dormer bungalow to rear (resubmission). [Strensall] **[Site Visit]**

- d) **Biology Department, Wentworth Way,** (Pages 52 - 62)
Heslington, York. YO10 5DD
(13/00571/FULM)

Erection of a three-storey Biomedical and Natural Sciences building. [Heslington] **[Site Visit]**

- e) **18 Alma Grove, York YO10 4DH** (Pages 63 - 70)
(13/00657/FUL)

Single storey rear extension (resubmission). [Fishergate]

5. Urgent Business

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

Democracy Officer:

Name- Judith Betts

Telephone – 01904 551078

E-mail- judith.betts@york.gov.uk

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

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

Contact details set out above.

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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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EAST AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 1 May 2013

**Members of the Sub Committee to meet at Union Terrace Car Park
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10:20	Harlestone, 14 York Road, Strensall	4c)
11:05	Archbishop Holgate's School, Hull Road	4b)
11:35	Biology Department, Wentworth Way, University of York	4d)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 APRIL 2013
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, KING, CUTHBERTSON, FIRTH, WARTERS, CUNNINGHAM-CROSS (SUBSTITUTE FOR COUNCILLOR WATSON), BOYCE (SUBSTITUTE FOR COUNCILLOR MILVEEN) AND HORTON (SUBSTITUTE FOR COUNCILLOR FUNNELL)
APOLOGIES	COUNCILLORS FUNNELL, MCILVEEN & WATSON

Site Visited	Attended by	Reason for Visit
Chowdene, Malton Road	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	For Members to understand the objections received in the context of the site
115 Broadway	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	For Members to understand the level of local interest in the context of the site.
7 Fairfields Drive, Skelton	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	To understand the visual impact of the proposed development, any potential impacts on local residents and objections received within the context of the site.
York Designer Outlet	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	To inspect the site.

Country Park, Pottery Lane	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	To inspect the site given that it had been called in by the Ward Member over concerns that the site would be expanded to handle static caravans.
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57. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests not included on the Register of Interests that they might have had in business on the agenda.

No interests were declared.

58. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annexes to agenda item 7 (Enforcement Cases Update) (minute item 63 refers) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

59. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 7 March 2013 be approved and signed by the Chair as a correct record.

60. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Committee.

61. PLANS LIST

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

61a Chowdene, Malton Road, Huntington, York. YO32 9TD (12/03690/FUL)

Members considered a full application by Mr David Wardell for a change of use of land to permit the creation of 20 pitches for touring caravans or tents and erection of a toilet block (resubmission).

In their update to Members, Offices informed the Committee that comments on the application had been received from both the Environment Agency and the Council's Countryside Officer. They also circulated a paper showing the movement and path of a car and caravan when leaving the site.

The Environment Agency (EA) objected to the application on the basis that no justification had been submitted for the proposed method of foul drainage disposal (a sealed cess pool), which was considered to be unsustainable and posed an unacceptable risk to the water environment. A full justification for the use on non-mains drainage was required under Circular 3/99 'Planning Requirement in respect of the Use of Non Mains Sewerage incorporating Septic Tanks in New Development. Officers recommended that if Members decided to refuse planning permission that an additional reason for refusal be incorporated to cover the EA's objection.

The comments of the Countryside Officer were that although the site was in close proximity to a Great Crested Newt habitat, the proposed application would be unlikely to cause a detrimental impact.

Representations in objection were received from a local resident, Ken Harrison. He expressed concerns about the access lane to the site from the A1036 Malton Road. He stated that traffic often queued up outside his house on Malton Road, and that the proposal this would make access to the site more difficult. Furthermore, he was concerned that owners of motorhomes would have to swing in to oncoming traffic from the main road to exit the site.

Further representations were received from another local resident in objection, Elizabeth Merry. She felt that the application would increase the amount of noise and rubbish in the vicinity, particularly given that businesses were located in front of the proposed site.

Representations in support were received from the applicant's agent, Michael Hammill. He informed the Committee that in the last five years no accidents in the vicinity of the site had been caused as a result of traffic entering and exiting the site using the access lane. He felt that although the width of the lane was not ideal, that most people would use common sense when using the lane. In response to a question from a Member, the Council's Highways Engineer could not confirm whether there had been any recorded accidents at the junction of the access lane with Malton Road in the last five years. The agent confirmed that if the application was approved, the applicant would be happy to accept a condition controlling the arrival and departure times of caravans together with a landscaping condition. He also clarified that the site would only be for use by caravans rather than both caravans and tents.

Some Members felt that the application should be approved as the site was already in use as a caravan site and that they would be happy with the proposal as long as there was sufficient screening.

Other Members considered that the location of the access lane, just off main road (Malton Road) was already dangerous and an increase in traffic and vehicles towing large caravans would exacerbate this.

Concern was also expressed that the junction between the access lane and Malton Road was not safe for vehicles and pedestrians because of restricted visibility.

RESOLVED: That the application be refused with the following additional reason for refusal.

The application indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances Circular 3/99 'Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development' advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the circular in order to justify the use of non-mains drainage facilities. No such information has been submitted. The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. In particular the application fails to:

- (i) Address the issues set out in Section 6 Annex A of Circular 3/99.
- (ii) Justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in Circular 3/99.

REASON: The proposed development would be likely to intensify the use of substandard access of restricted width. The increase in traffic using the access will predominantly be by vehicles with trailers/caravans. The access is taken from a classified highway which is a main artery into the city and carries high frequency public transport services. The limited width cannot be improved due to boundary features and land ownership issues, and will make access for cars towing trailers/caravans and

HGV's particularly difficult. The restrictive width together with the increased frequency of use of the access will increase the likelihood of such vehicles having to wait on or reverse out onto A1036 Malton Road. Such manoeuvres would be detrimental to the safety of highway users, particularly vulnerable highway users such as pedestrians and cyclists using the adjacent shared pedestrian/cycle route. Furthermore the increased frequency of vehicles having to wait to enter the site or having to reverse into Malton Road will interfere with the free flow of traffic with associated detrimental impacts on service reliability to public transport routes including Park and Ride. Thus the development is considered to conflict with advice contained within the National Planning Policy Framework (section 4-paragraph 32) which states that decisions should take account of whether safe and suitable access to sites can be achieved for all people, and Policies T2a and V5 of the City of York Draft Local Plan.

61b 115 Broadway, York. YO10 4JY (13/00114/FUL)

Members considered a full application by Mrs Jane Moss to convert an existing roof from hip to gable form and erect two storey and single storey rear extension.

Representations in objection were received from a local resident, Carol Whitehead. She informed the Committee that as she lived adjacent to 115 Broadway, that the proposed extension would block out light to her property. She advised the Committee that she would not object to a single storey extension and that she objected to the use of the property as an HMO (House in Multiple Occupation) because of the poor maintenance of the property.

Further representations in objection to the application were received from another local resident, Lee Pendall. He expressed concerns about an increase in traffic (due to an increase in numbers of residents, who might each own a vehicle), noise and if there was a bedroom in the roof space that there was not an identifiable fire escape.

Photographs of the property under consideration were circulated to Members. These were attached to the agenda, which was subsequently republished after the meeting.

Officers informed the Committee that the outward projection of the extension had been reduced from 3.8 metres to 3.5 metres, that the property benefitted from a Lawful development Certificate for use as an HMO and could therefore be legally occupied by up to six unrelated individuals. A diagram was circulated illustrating the footprint of the extensions that could be erected on the rear of the property using permitted development rights. This was attached to the agenda after the meeting. The agenda was then republished.

Some Members pointed out that if the application was approved, it would enable the development to be controlled by conditions, including a management plan and a condition requiring new boundary fencing to be erected. This would improve the visual appearance of the site. However, if planning permission was refused, a very similar extension could be erected using permitted development rights over which no control could be exercised.

Other Members felt that the application should be considered on its merits and refused, as although the extension had been reduced in size, it still exceeded permitted development limits. Some of the suggested conditions of approval could not be easily enforced.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity, car parking and the impact on the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

61c 7 Fairfields Drive, Skelton, York. YO30 1YP (13/00382/FUL)

Members considered a full application by Mr S Ward for the erection of a single storey dwelling with rooms in roof (resubmission).

In their update to Members, Officers stated that a letter of objection had been received from the Skelton Village Trust, who considered that the proposal contravened Design Guideline 8 of the Skelton Village Design Statement. The Trust added that the allocated plot size for the development was neither adequate nor reasonable, nor was the off street parking provision and that neighbouring residents' privacy would be detrimentally affected.

In addition to this a comment had been received from the Council's Flood Risk Engineer who raised no objections to the application subject to an appropriate drainage condition. Officers recommended that if they were minded to approve the application that this condition be substituted for condition 10 within the Officer's report.

As the neighbour consultation period had not expired, Officers also recommended that if the Committee were minded to approve the application, in the event of further objections being received that raised new issues, that they delegate decision making to the Chair and Vice Chair.

In response to a question about how much weight should be attached to Village Design Statements when determining planning applications, Officers responded that they were a material consideration so long as they did not conflict with policies contained within the Development Control Local Plan (2005).

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, and the revised drainage condition, would not cause undue harm to interests of acknowledged importance with particular reference to:

- principle of the development
- visual impact on the street scene

- impact on the living conditions of the neighbours
- car parking and bin and cycle storage
- open space provision

As such the proposal complies with Policies GP1, GP10, H4a, L1c of the City of York Development Control Local Plan.

**61d York Designer Outlet, St Nicholas Avenue, York.
(13/00245/FUL)**

Members considered a full application by Ms Maria Farrugia for the temporary use of car park for siting of funfair and marquee.

Representations in objection were received from a representative of Fulford Parish Council, Mary Urmston. They objected to the application on the grounds of inappropriate development in the Green Belt, parking concerns and the use of generators rather than mains to provide electricity to the site. She stated that inappropriate development in the Green Belt should only be permitted if there were exceptional circumstances, and none applied in this case. Previous applications for smaller developments had been refused on Green Belt grounds.

In relation to parking concerns, she informed the Committee that users of the previously held funfair had parked on adjacent grass verges, due to the lack of available parking spaces, and that the Park and Ride had been detrimentally affected by the large increase in numbers visiting the funfair.

Representations in support of the application were received from a representative of the applicant, Rob Siddle. He informed the Committee that the Ice Factor was now in its ninth year of operation, that it generated income and employment for the city and had attracted up to 40,000 visitors.

In response to concerns about parking at the site, the applicant informed Members that the Council's Highways department did not raise any objections to the application, and that this was the responsibility of the site operators. In addition, the Committee were informed that noise monitoring was carried out during the event to ensure that the applicants' did not breach their licence.

The applicant confirmed that they would continue to carry out further noise monitoring and take action if necessary.

In response to concerns raised by Fulford Parish Council, some Members stated that the Council's Highways Officers had no powers to control parking within the site itself. Other Members questioned why mains electricity could not be used to provide electricity to the site. The applicant confirmed that generators were used as there was no alternative power source available within the site.

Further discussion took place on whether a condition could be attached to the planning permission for events on the site to operate off mains electricity.

Officers stated that it would have to be demonstrated that the use of generators would result in a significant amount of harm in order to refuse permission on this basis.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the openness of the Green Belt, the amenity of local residents, the effect on the local highway network and car parking. As such the proposal complies with Policies GB1, GP1, V1 and GP23 of the City of York Development Control Local Plan and Government advice contained within the National Planning Policy Framework.

**61e Country Park, Pottery Lane, Strensall, York. YO32 5TJ
(12/03270/FUL)**

Members considered a full application by Miss Raquel Nelson for a variation of condition 3 of approved application 04/01105/FUL (use of a caravan site) to allow for an increase in number of caravans from 20 to 40.

In their update to Members, Officers stated that the Council's Local Plan V5, which placed an upper limit of 20 caravans on any given site, conflicted with the Government's more recent Good Practice Guide, and also with an appeal decision relating to the York Caravan Park in Stockton Lane. They stated that if the applicants wanted to have static caravans on site they would have to submit a fresh planning application. They also informed the Committee that access to the site from New Lane was currently blocked, and that if Members were minded to approve the application, a condition could be added to reopen this access. In relation to a fence being erected around the boundary of the site, this was currently being investigated by Enforcement Officers.

Representations in objection were received from John Chapman, of Strensall with Towthorpe Parish Council. He confirmed following the Officer's update that the site had not been screened by trees and hedges but by a close boarded fence on the south/western boundary of the site. He also referred to an earth bund along the southern boundary of the site, which was already in place. He informed Members that this bund consisted of contaminated materials from the adjacent caravan site. If the application was approved the Parish Council requested conditions to prevent static caravans, the restoration of pedestrian access to the site from New Lane and restriction of boundary treatment to trees and hedges only.

Representations in support of the application were received from the applicant's agent. He informed Members that even with an increase in the number of caravans that the overall density on the site was low. He also confirmed that full details of the drainage scheme had already been approved by the Council and the Environment Agency. In response to a Member's question about the purpose of the boundary fence, the agent responded that the applicant had erected it due to unauthorised trespass on to the site.

Members were minded to approve the application with an additional condition to re-open the access from New Lane. Councillor Warters abstained, as he had been denied entry to the site on the Committee's site visit, and asked that his vote be recorded.

RESOLVED: That the application be approved with the following additional condition;

9. The access from the southern boundary of the caravan site hereby authorised to New Lane Strensall shall be kept open and free of obstruction for users of the site at all times.

Reason: In the interests of sustainable development and to secure compliance with Policy V5 of the York Development Control Local Plan.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on the open character and purposes of the designation of the York Green Belt, impact upon residential amenity and impact upon the local pattern of surface water drainage. As such the proposal complies with Policy YH9 and Y1C of the City of York Development Control Local Plan and Government Policy contained within paragraphs 79-92 of the National Planning Policy Framework.

61f 45 Usher Lane, Haxby, York. YO32 3LA (13/00411/FUL)

Members considered a full application by Mr and Mrs Slade for a single storey rear extension and porch to front.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority then proposal, subject to the conditions listed in the Officer's report would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the street scene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and

the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

62. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members considered a report (present to both Planning Sub-Committees and Main Planning Committee) which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 January to 31 March 2013.

RESOLVED: That the report be noted.

REASON: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate, over the last 6 months and year.

63. ENFORCEMENT CASES-UPDATE

Members received a report which provided them with a quarterly update on the number of enforcement cases currently outstanding for the area covered by the Committee.

RESOLVED: That the report be noted.

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

64. OTHER REMARKS

Under this item, one Member raised a point he had previously made at a meeting of the Committee in November, about planning conditions to restrict working hours and material variation not being complied with on a development site in his ward. He felt that the non compliance of this condition in general should be examined by the Committee at a future meeting.

It was suggested that this issue could be taken to the Main Planning Committee or that the Assistant Director for City Development and Sustainability attend all the Planning Committees to discuss this issue with Members.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 4.05 pm].

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 -Design

CYGP5 - Renewable energy

3.0 CONSULTATIONS

3.1 Internal

Environmental Protection Unit:

Further information is being sought from the applicant to indicate that noise generated by the machinery will not harm neighbours.

3.2 External

Planning Panel - No objections.

Neighbours - No comments received.

4.0 APPRAISAL

4.1 The only issue to assess when considering the application is whether noise from the operation of the heat pump would cause unacceptable harm to the living conditions of neighbours.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.3 The NPPF supports the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Paragraph 98 states that when determining planning applications, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. They should approve the application if its impacts are (or can be made) acceptable.

4.4 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 content of the NPPF. Local Plan Policy GP1 'Design' states, inter alia, that development proposals should ensure that residents living nearby are not unduly affected by noise.

4.5 Policy GP5 recognises that the development of renewable energy will make a vital contribution to the reduction of carbon dioxide emissions, facilitating the delivery of the Government's commitment on climate change. Proposals for the development of renewable energy facilities will therefore be encouraged provided there is no significant adverse effect on the existing landscape, air quality, biodiversity,) water resources, agricultural land (defined as grades 1, 2 or 3a) or sites of archaeological or historic importance.

4.6 Officers from the Council's Environmental Protection Unit stated that the information initially submitted by the applicant on 2 January 2013 was insufficient to adequately assess whether the proposal will have an unacceptable impact on adjacent occupiers in terms of noise. The applicant subsequently submitted a consultant's noise assessment report on 17 April 2013 to try and indicate that the tonality and level of noise created by the heat pump would be within acceptable levels.

4.7 The initial response from the Environmental Protection Unit indicates that the latest noise assessment has not shown that the proposal will not negatively impact upon neighbours.

4.8 The applicant is employed in the sustainable energy sector and wants to use the machinery at his home for research purposes. However, in the absence of agreement from the Council's specialist officers in respect to noise, this could not be confirmed as acceptable.

4.9 It may be the case that this issue can be resolved shortly, and such delegated authority is sought to approve if this does not occur prior to the meeting. As stated in the introduction, the application is being brought to Committee as the applicant's partner works for the City Council.

The need to bring the application back to Committee a further time may delay the implementation of the proposal. It is requested therefore that to help avoid delays in research work relating to the heat pump Members give officers delegated authority to determine what is a relatively minor proposal.

5.0 CONCLUSION

5.1 The air source heat pump is physically a small piece of apparatus and will be located against the ground floor rear elevation of the terraced house.

5.2 Information has been sought from the applicant to show that noise generated from the use of the machinery will not detract from neighbours' living conditions when their windows are open. A noise assessment has recently been submitted by the applicant; however, the Council still has reservations about the impact of the proposal and is seeking further information from the applicant.

5.3 To avoid further delays in dealing with the proposal it is requested that Members give officers delegated authority to determine the application. The proposal is modest in scale and has received no objections from neighbours.

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-
(To be submitted)

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:

Contact details:

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

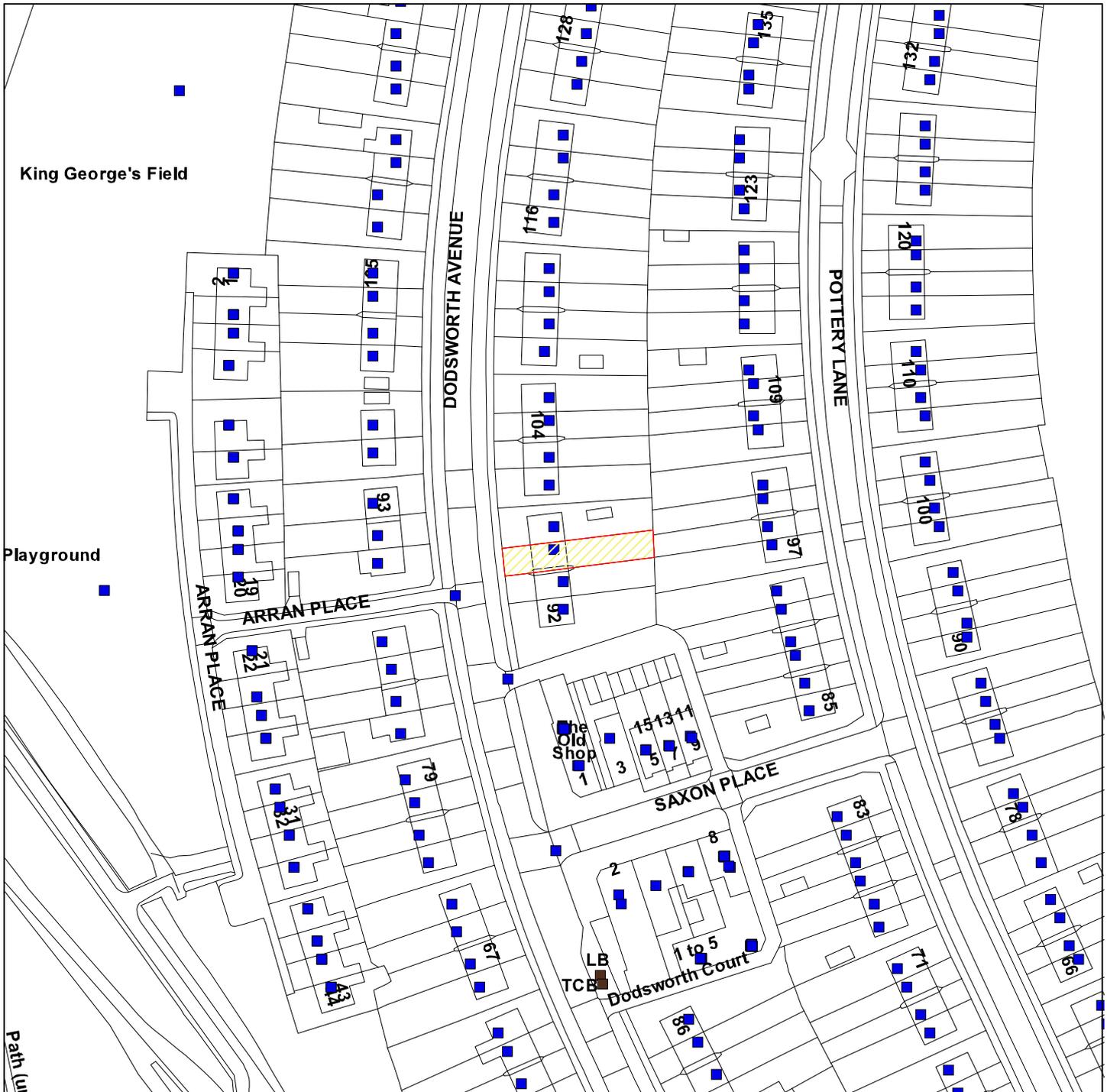
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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	23 April 2013
SLA Number	Not Set

COMMITTEE REPORT

Date: 2 May 2013
Team: Major and Commercial Team
Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 13/00293/FULM
Application at: Archbishop Holgate's School Hull Road York YO10 5ZA
For: Two storey classroom block, relocation of cycle stores and replacement car park
By: Archbishop Holgate School
Application Type: Major Full Application (13 weeks)
Target Date: 28 May 2013
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 This is a full application for the erection of a modular building to provide additional teaching facilities at Archbishop Holgate School, Hull Road, York.

1.2 Archbishop Holgate's school is located on Hull Road approximately 1.5 miles to the east of York city centre. It is a voluntary aided mixed gender secondary school. It currently serves approximately 1036 students in the 11 - 18 age range.

1.3 The 8.5Ha site is located directly adjacent to Hull Road. The surrounding development is primarily low rise residential with the Black Bull Hotel on the western perimeter of the school site.

1.4 The school buildings are single, two and three storey mixed development, based on an original school development in 1963. This was significantly enlarged in the 1970's with successive further developments to date. The main buildings are located towards the northern part of the site. The southern part of the site comprises the school grounds, mainly playing fields. The main entrance and exit point for both vehicular and pedestrian traffic is located on Yarburgh Way on the north eastern side of the site although there is a pedestrian entrance at the north- western corner of the site directly from Hull Road.

1.5 Following the closure of the Burnholme College site the catchment area for Archbishop Holgate School has been extended to include the whole of the former Burnholme college catchment area. The proposed additional facilities are essentially to accommodate rising pupil numbers.

1.6 The application is to construct a two storey building on the north western side of the site adjacent to the sports hall and swimming pool to accommodate approximately 1590 square metres of floor space.

The overall size of the building is approximately 43 metres by 18.5 metres with a maximum height of 10 metres. The ground floor is set out to provide 8 class rooms, reception office, staff room and other ancillary facilities; the details of the layout of the upper floor has yet to be determined as the reorganisation of resources within the school have yet to be fully resolved. However it is envisaged that the space will be most suited to an enlarged IT suite or laboratories. The building is a modular building part of the Ultima building system developed by portakabin. The building system allows for part of the building process to be completed off site; the Ultima building system allows maximum flexibility for the design of the structure to reflect the design requirements of individual sites externally and internally.

SITE HISTORY

1.7 Planning permission was granted in 2008 for the erection of a new building to provide sixth form education (Planning Ref: 08/01266).

1.8 There are a number of other planning applications on the site, none of which have direct relevance to the current proposal

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: Archbishop Holgate's CE 0243

2.2 Policies:

CYED1 -Primary and Secondary Education

CYED11 - Protection of Playing Fields

CYGP1 - Design

CYGP4A - Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management – States that the proposed development will result in the loss of a large number of cycle spaces and the creation of further car parking. This is contrary to the school’s current Travel Plan, local and national transportation and planning policy together with the authority’s hierarchy of highway users. The application needs additional cycle parking in areas of good surveillance and an improved travel plan before additional car parking is considered. Amendments are sought.

3.2 Flood Risk Management Team - Insufficient information has been submitted to determine the suitability of the drainage for the development.

3.3 School Travel Coordinator - The school travel plan is inadequate and the loss of cycle parking is unacceptable particularly where pupil numbers are increasing significantly. A much higher percentage of Burnholme College pupils’ cycle to school, and this should be considered as part of the scheme.

3.4 Sustainability Officer - Comments awaited

EXTERNAL

3.5 Hull Road Planning Panel - The Panel support the proposals, however are disappointed that the use of renewable energy (solar panels) are not being proposed to the vast expanse of roof facing south away from the roadside elevation.

3.6 Police Architectural Liaison Officer - Pleased that the cycle parking is to be located to a more central space. The cycle parking should ideally be fully enclosed and secure. The travel plan acknowledges that this would be preferable. The hoops proposed between the car park and the new building should be changed to another form of separation to prevent indiscriminate cycle parking. The application does not make any reference to crime prevention measures such measures should be sought through condition.

3.7 Sport England – Currently object to the loss of the playing ground. Application to be referred to Government Office if supported by the Local Planning Authority in its present form.

4.0 APPRAISAL

4.1 Key Issues

- Policy background/ development principle
- Design and landscape considerations
- Traffic, highways and access issues
- Playing field provision
- Drainage
- Sustainability

- Impact on Residential amenity
- Crime Prevention

POLICY BACKGROUND/ DEVELOPMENT PRINCIPLES

4.2 The site is located within the urban area on the east side of York. The development is within the existing grounds of Archbishop Holgate's school.

4.3 The National Planning Policy Framework (NPPF) sets out 12 core principles which should underpin decision- taking. The principles include the expectation that planning should always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities to meet local needs.

4.4 Section 4 'promoting sustainable transport' of the NPPF says transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.

4.5 Section 7 'requiring good design' attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

4.6 Paragraph 74 of the NPPF says existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless; an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.7 The draft local plan (DLP) sets out educational objectives, one of which is to foster a culture of education, life-long learning and to widen access to education. Policy ED1 in relation to primary and secondary education says that new secondary education facilities will be granted provided that it would meet a recognised need, the development is of a scale and design appropriate to the character and appearance of the locality and an area of open space and playing fields, sufficient to meet the needs of pupils, is incorporated in the development and where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

Policy ED11 says the loss of playing fields associated with educational establishments will not be permitted unless exceptional circumstances are proven to exist.

4.8 Other relevant policies in the DLP include GP1 Design, GP4a sustainability and the Interim planning statement on sustainable design and construction.

4.9 The principle of providing additional facilities within the school grounds accords with both national and local plan policies.

DESIGN AND LANDSCAPE

4.10 Archbishop Holgate's school is set back from the Hull Road frontage by approximately 100 metres. The existing buildings are of no great merit, the space around the structures provide the buildings with a landscaped setting which is important to the visual quality of the site. The proposed building will change the appearance of the group of school buildings from Hull Road. The building is a two storey modular structure which will have a maximum height of just over 10 metres. Although modular, the building is a permanent structure which can be designed in elevational terms to have regard to its context. The design and access statement says that the building has been located in its proposed position to minimise travel distances between the existing and main school buildings, to avoid encroachment on the green field areas, to improve the aesthetics of the north elevation of the school campus, to provide a wrap round of the school structures with the recently constructed sixth form block, and to ensure adjacent residential properties are not affected. Although it may have been preferable to create an extension to the existing school to achieve a fully integrated school facility the proposed building, given the set back from the road frontage, the structure will not dominate or detract from existing views along the Hull Road frontage. The elevational treatment of the building reflects that of the recently constructed sixth form block, although coloured panels within the design are different to differentiate the lower school from the upper. The siting and design of the building is considered to be adequate and sufficient to comply with advice in the NPPF and policies within the DLP. The location of the new parking area although to the front of the site is at a lower level than the proposed building and will be obscured from the Hull Road frontage by existing landscaping.

4.11 The front boundary of the site is delineated by a substantial hedge, and there are a number of trees within the verge in front of the site and a number of mature trees within the site that provide quality to the school environment. The siting of the proposed building will mean the loss of three trees. These trees are shown as repositioned adjacent to the building. The site's best feature is its landscape setting and the provision of an adequate landscaping scheme will be fundamental to the assimilation of the building and the future visual quality of the site.

A landscaping condition is proposed to ensure that sufficient landscaping is provided to enhance the development and the school site.

TRAFFIC, HIGHWAYS AND ACCESS ARRANGEMENTS

4.12 Highways Network Management (HNM) has concerns with the proposed provision of cycle and car parking. In terms of student cycle parking the scheme seeks to remove an existing covered cycle shelter that accommodates 320 student cycle parking to allow for the new building. Approximately 96 of these spaces are proposed to be relocated to the side of the sixth form block. In addition to these spaces there are a further 96 uncovered sixth former cycle spaces to the front of the sixth form block. The impact of the proposed changes results in reduction of 224 cycle spaces (416 as existing reducing to 192 cycle spaces serving the school pupils as proposed). In accordance with CYC Annex E standards the minimum number of cycle spaces required for a school with a projected student population of 1156 pupils is 385 spaces. In relation to adult cycle parking there is currently a covered and secure cycle store for staff capable of holding approximately 25 bikes which appears unchanged in the proposals. Furthermore the proposed scheme seeks to change the official level of car parking provided on site from 100 marked spaces to 99 marked out spaces with 71 overspill car park spaces on the made up ground following the construction of the sixth form block, giving an increase of 70 spaces.

4.13 As presented the application is contrary to local and national planning and transportation policies and HNM. In order for a favourable recommendation to be made the following changes to the scheme are considered essential;

- i) A minimum of 385 no. cycle parking spaces for student that are covered to satisfy CYCs Annex E parking standards. Alternatively we may be prepared to accept 231 pupil cycle spaces. This figure is based upon a target modal split of 20% of pupils travelling by cycle. If the lower figure is accepted the Travel Plan will need to clearly state that this is the initial level of provision and that space will be made available for further cycle parking in the future based upon target mode splits to be set, agreed and subsequently conditioned through the TP.
- ii) The improvement of position of the proposed cycle spaces. The proposed cycle spaces should be positioned in an area of natural surveillance and closely located to the new building. We suggest that the area in front of the building and the school reception would provide an ideal opportunity for this.
- iii) The upgrading of the uncovered spaces in front of the sixth form block to covered spaces. In addition to having the spaces alongside the sixth form block, there is an opportunity to provide spaces in the vicinity of the new building that will be suitably overlooked (unlike current shelter).

iv) A proper school travel plan that will outline measures to promote sustainable travel together with reducing dependence on the private car. This will include initiatives to encourage cycle use for staff and pupils.

v) The made up ground adjacent to the proposed replacement car park to be returned to a grassed area, and to no longer be used as an unofficial car park to comply with the car parking standards.

vi) In relation to staff cycle parking the proposals will lead to a small increase in staff; however based upon the negligible increase and provision of a TP which will be conditioned on any subsequent approval HNM will agree to no additional staff spaces being required. Visitor parking is proposed but would be better located directly outside the reception area to provide high levels of security and prevent unauthorised use by students.

4.14 Officers hope to resolve the concerns of HNM prior to Planning Committee. Without the resolution of the issues raised Officers consider that there is a sufficient basis for the application to be refused on highway grounds.

PLAYING FIELD PROVISION

4.15 Sport England has considered this application in the context of its policy which opposes any grant of planning permission for any development which would lead to the loss of or prejudice the use of any part of a playing field. The concern is the loss of the area of field adjacent to the tennis courts. This area originally had the long jump pit and a number of other athletic marked areas within it. Following the construction of the sixth form block the area has been used for car parking; the planning permission for the sixth form block indicated that this area would remain open. Officers are in further discussions with Sport England to seek resolution of this concern. A further update on this matter will be given at Committee.

DRAINAGE

4.16 The site is located within flood zone 1 and should not suffer from river flooding. The Flood Risk Management Team is however concerned about the level of information provided to assess the adequacy of the drainage for the proposed building. The applicant is in the process of completing the design for the drainage and further details will be provided at Committee about the drainage arrangements. Officers are however satisfied that suitable drainage for the site can be achieved through condition. Appropriate conditions will be provided at committee.

SUSTAINABILITY

4.17 The Design and Access Statement addresses the building's sustainability credentials.

The document says that the pre-formed nature of the structure which includes the ability to manufacture off site, the labour savings of this form of construction and the possibility that the building can be removed from site and relocated to another make the proposal a sustainable option. In terms of energy efficiency the appliances to be used within the building are to be high efficiency and the proposal is considering the use of either air source heat pumps or solar photovoltaic panels to achieve the on-site renewable requirements of the Council's Interim Planning Statement on Sustainable Design and Construction. The application will be conditioned to achieve BREEAM 'Very Good' rating and to ensure that the development provides 10% onsite renewables.

IMPACT ON RESIDENTIAL AMENITY

4.18 The nearest residential properties are located to the west of the site on Sails Close. The nearest properties have relatively limited rear garden areas although the boundary between the houses and the school site is well defined by existing landscaping. The building is proposed on the north-east of the houses, with its end elevation facing the boundary with the Travelodge and providing only oblique views between the residential boundaries and the site of the building. There will be no detrimental impact to residential amenity as a result of the siting of the building. At its nearest point the building is about 7 metres from the joint boundary with the Travelodge site, standing 10 metres high. The height and proximity of the structure to the Travelodge site is considered to be acceptable.

CRIME PREVENTION

4.19 The Police Architectural Liaison officer notes that the existing cycle parking is not secure and is poorly located within easy access and escape footpaths (see highway section above). A number of measures are suggested to reduce the risk of crime. The submission of details of crime prevention measures to be incorporated in to the scheme is proposed to be subject to conditions as it is considered fundamental to the core principles and design objectives set out in the NPPF.

5.0 CONCLUSION

5.1 The principle of the development is considered to comply with the requirements of national and local plan policy.

5.2 The siting and design of the building is considered to be adequate and sufficient to comply with advice in the NPPF and policies within the DLP.

5.3 Further information will be reported to Committee on cycle and vehicle parking provision, drainage and the concerns of Sport England about the loss of playing fields. Subject to these areas of concern being resolved, officers consider that the application can be supported.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

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

To be confirmed at committee

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 take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs ****. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

4 The developer shall aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. Unless otherwise agreed in writing by the Council within 1 month of the date of the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good' standard.

Reason. To ensure that the development is sustainable and accords with Policy GP4A of the draft City of York Local Plan.

5 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10 per cent of the developments predicted energy demand. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to at least the required level of generation.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction

6 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority (LPA), a statement of crime prevention measures to be incorporated in to the design of the scheme shall be submitted to and agreed in writing by the LPA. Thereafter the scheme shall be implemented to the satisfaction of the LPA before the building is first occupied. Crime prevention measures shall accord with the advice set out in section 7 of the National Planning Policy Framework and comply with the aims and objectives of 'secure by design'.

Reason: To safeguard the future and existing users of the site

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 :-

- Policy background/ development principle, Design and landscape considerations, Traffic, highways and access issues, Playing field provision, Drainage, Sustainability, Impact on Residential amenity, Crime Prevention. As such the proposal complies with Policies ED1, GP1, GP4a of the City of York Development Control Local Plan and advice in the National Planning Policy Framework.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application.

The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Provided pre-application advice regarding the proposals
- Negotiated cycle parking levels
- Sought further details of drainage
- Discussed playground provision in seeking to resolve issues raised by Sport England

Contact details:

Author: Diane Cragg Development Management Officer (Mon/Tues/Wed)

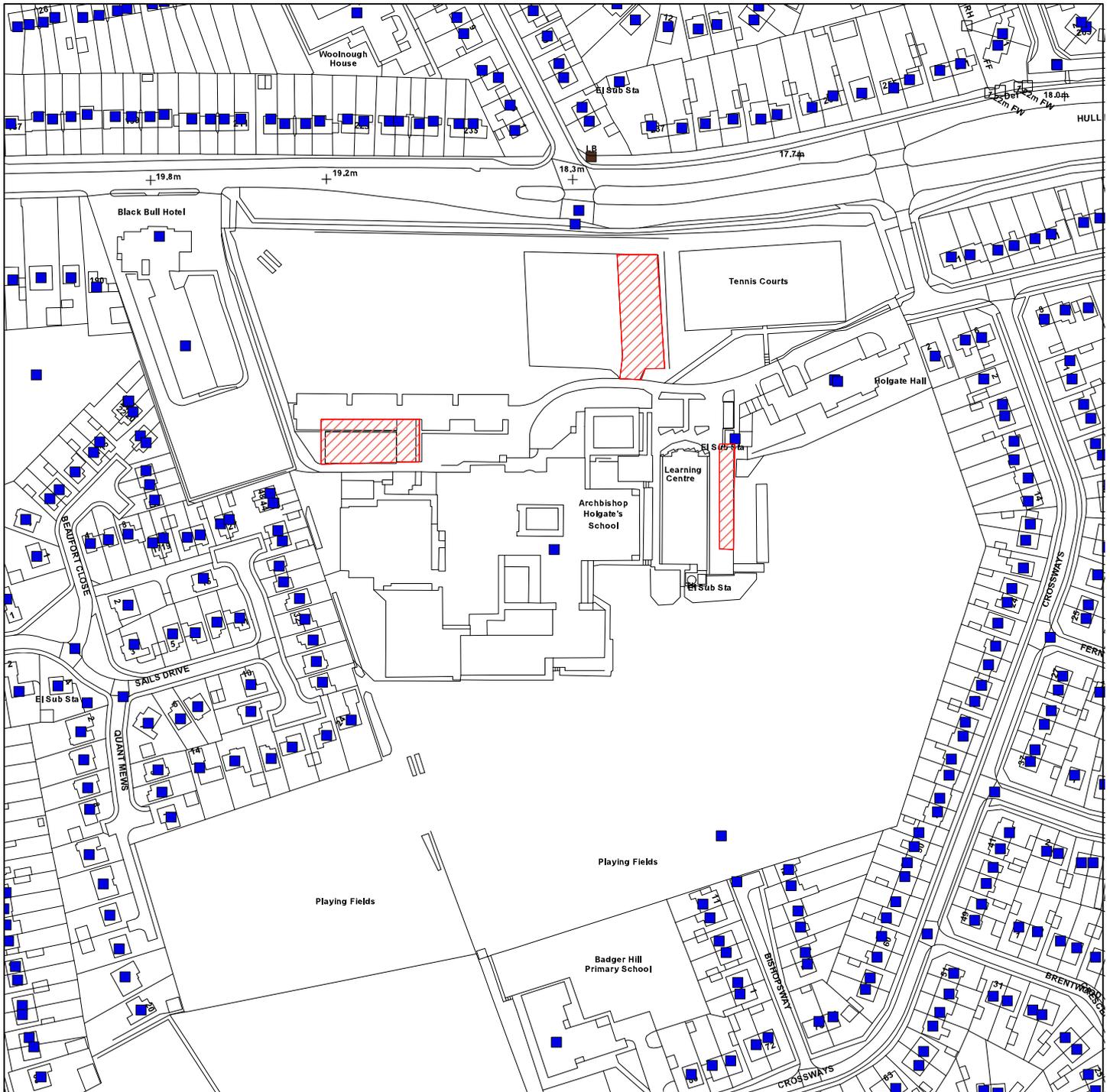
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Archbishop Holgates School



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	22 April 2013
SLA Number	Not Set

COMMITTEE REPORT

Date: 2 May 2013
Team: Major and Commercial Team
Ward: Strensall
Parish: Strensall With Towthorpe Parish Council

Reference: 13/00474/FUL
Application at: Harlestone 14 York Road Strensall York YO32 5UN
For: Erection of dormer bungalow to rear (resubmission)
By: Mr M Blacklee
Application Type: Full Application
Target Date: 30 April 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a detached dormer bungalow. The site is the back garden of 14 York Road in Strensall. The site is bounded by 4 and 5 St Mary's Close to the North, 14 York Road to the east, 16 and 18 York Road to the south and West End to the west. The proposed house would be accessed between 14 and 16 York Road utilising an existing access point.

1.2 The proposed dormer bungalow is an irregular shape and has a footprint of approximately 64 sq m. The proposed eaves height is approximately 2.6m with the ridge sitting 6.1m above the ground. The bungalow would be constructed of brickwork with a tiled roof. Windows and doors would be painted timber. A detached single garage is proposed to the south of the proposed bungalow. The proposed bungalow contains three bedrooms within the roof space.

1.3 The application site is within Flood Zone 1 which is the lowest category of flood risk. The whole of the site is within Strensall Conservation Area. Surface water drainage would be discharged into the main public sewer via an underground storage tank with a discharge flow restrictor.

1.4 This application has been called into Planning Committee by Councillors Wiseman and Doughty on the grounds that the proposal is over development within the Conservation Area and is inappropriate garden infill. A site visit is recommended to allow Planning Committee Members to assess the impact of the proposed development on the character and appearance of the conservation area and neighbouring residential amenity.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Strensall Village CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1 -Design

CYHE2 - Development in historic locations

CYGP10 - Subdivision of gardens and infill devt

CYH4A -Housing Windfalls

CGP15A - Development and Flood Risk

CYL1C - Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

ENVIRONMENTAL PROTECTION UNIT

3.1 No objections subject to informatives regarding demolition and construction and the promotion of electric vehicle charge points.

LEISURE

3.2 No on-site communal open space is proposed therefore a commuted sum should be sought for off-site open space provision/upgrade in the local area.

HIGHWAY NETWORK MANAGEMENT

3.3 No objections to the proposed development from a highways point of view. The proposal utilises an existing access and will not incur a material increase in vehicular movements onto the highway network. Car parking and turning meet the required standards. Cycle parking is to be accommodated within the garage.

FLOOD RISK MANAGEMENT

3.4 The application site is within Flood Zone 1 and should not suffer from river flooding. However, objections are raised based on the amount of information provided to date as it has not been possible to determine the potential impact the proposals may have on the existing drainage systems.

ENVIRONMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.5 (Conservation Officer) - States this application site is situated in Strensall Conservation Area no. 23. The application site is situated to the east of West End Close and is open to public view from West End looking from the west. There are glimpsed views of the application site from York Road. The open character of the application site, that is currently garden ground, contributes to the existing character and appearance of this part of the conservation area.

3.6 The proposals for the dwelling house have been revised since the withdrawn application ref. 12/03564/FUL. The simplified design of the dwelling house, with the half-hipped gables removed from the roofscape, generally respects the character of existing twentieth century suburban dwelling houses within the context of the application site. The design of the Front (East) Elevation of the dwelling house should be reconsidered, that is the main entrance door and bay window appear offset from the first floor window and should be repositioned. It is noted that the front elevation is not open to general public view within the context of the conservation area.

3.7 The scale and mass of the proposed dwelling house will create a sense of enclosure to West End Close and increase the density of the built form in this part of the conservation area. Existing views along West End looking east will be altered with the infill of the existing garden ground that has an open character. However, the proposed dwelling house will be viewed within the context of existing twentieth century suburban housing that contributes to the existing character and appearance of this part of the conservation area.

EXTERNAL

STRENSALL PARISH COUNCIL

3.8 Object on the following grounds:

- (i) there are drainage issues which must be addressed for both surface and foul water as there are already issues with surface water drainage in this area
- (ii) the application contravenes NPPF 17/4 in the loss of amenity to the host property and surrounding properties
- (iii) the advice of the Conservation Officer must be sought

(iv) the Parish Council were shocked to find that the copper beech tree which was on the rear boundary had been felled

FOSS INTERNAL DRAINAGE BOARD

3.9 No correspondence received at the time of writing the report.

LOCAL RESIDENTS

3.10 Objections have been received from 1, 3 and 4 West End Close, 4 St Mary's Close, and 9, 14 and 16 York Road. A summary of the comments made are below:

- infill in a conservation area should not be permitted
- the dwelling would be very intrusive and overpowering and would harm the character and appearance of the Conservation Area
- the dwelling would appear intrusive when viewed from West End
- the access road would be from Strensall Road in the middle of a double S bend which is currently saturated with traffic, increasing traffic and access points would be extremely dangerous and irresponsible
- there are historic foul drainage issues in the area and the proposal would add to these problems
- the proposed house will create more surface water which will affect surrounding properties and gardens, there have already been problems with sinkage in the area and gardens have standing water problems
- the proposed development would overlook houses in West End Close
- the submitted supporting statement contains a number of errors, it states that the proposal is in accordance with local and national planning policies when it is in fact contrary to the policies and advice
- the proposal would dominate surrounding buildings, would result in the loss of open space between developments, would have a detrimental impact on landscape features and would appear cramped in
- the site is not previously developed land or within walking distance of the city centre as specified by the applicant
- the proposal will have a significant impact on the outlook and amount of light enjoyed from the rear of 16 York Road
- the proposed house provides no natural surveillance of public spaces or paths or even the proposed access drive
- the proposal would result in a loss of privacy in neighbouring houses
- the application is contrary to Local Plan Policies GP1, HE2, H4a, and GP10 as well as guidance within the NPPF.
- the construction of the proposed development will cause problems on York Road and make crossing dangerous

4.0 APPRAISAL

4.1 The key issues are:

- Principle of residential development
- Impact on the character and appearance of Strensall Conservation Area
- Impact on neighbouring residential amenity
- Highways, car and cycle parking
- Drainage
- Open Space

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.2 The National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' However, Paragraph 53 requires local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst written significantly before the NPPF the Development Control Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' follows this theme by stating that planning permission will be granted for sub-division of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where:

- the site is in the urban area and is vacant or underused; and
- the site has good accessibility to jobs, shops and services by non-car modes; and
- it is of an appropriate scale and density to surrounding development; and
- it would not have a detrimental impact on existing landscape features.

4.3 The application site is within the settlement limit of Strensall. The occupants of the proposed house would have access to local services and facilities and also those within the wider City by non-car modes. Therefore, the proposed site is considered to be within a sustainable urban location. The application site consists of a section of the side and rear garden of 14 York Road. Although garden land is no longer classified as "previously developed (brownfield) land" there are no policies at a local or national level which state that such developments are unacceptable in principle. Each application must be assessed on a case by case basis to establish whether there would be any harm. This analysis is undertaken below when assessing the likely impact on the character and appearance of Strensall Conservation Area and neighbouring amenity.

However, given the sustainability of the site, the City's need for new housing, and the presumption in favour of sustainable development set out in the NPPF, it is considered that the broad principle of development is acceptable.

IMPACT ON THE CHARACTER AND APPEARANCE OF STRENSALL CONSERVATION AREA

4.4 Policy HE2 'Development in Historic Locations' of the Development Control Local Plan states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals should retain or enhance elements which contribute to the character or appearance of the area. As stated above both Policy GP10 and H4a require new residential developments to not be detrimental to the character and appearance of the street scene. Policy GP1 'Design' further adds to this and states 'Developments which are considered to be likely to have a significant impact on the character and appearance of the area should be refused.'

4.5 The whole of the application site is within Strensall Conservation Area. Strensall Conservation Area was originally designated in 1979; the application site is thought to have been part of the extension of the Conservation Area in 2001. Each Conservation Area designation has supporting text which highlights the special qualities of these areas and picks out the key elements which it is particularly important to protect and preserve. The supporting text for Strensall Conservation Area does not make any reference to the application site or the land around it in terms of its special qualities. It is considered that the most prominent views of the proposed house would be from along West End. It is considered that only glimpsed views would be afforded from York Road and St Mary's Close.

4.6 Surrounding the application site are a variety of house types both in terms of height, footprint, design, and period of construction. The majority of dwellings in the area are relatively modern and no single style of design dominates. The proposed dwelling is one and half storeys in height, whereas dwellings along West End and York Road are predominantly two storey houses. It is therefore considered that the proposed dormer bungalow would appear secondary and generally subservient when seen from the west along West End. The proposed dormer bungalow would result in the loss of some space around dwellings in that the existing garden of 14 York Road does play a role in creating separation between dwellings. However, it is not considered that the proposed dormer bungalow would appear out of place on this site as it would be seen as a 'book end' to the cul-de-sac. The proposed bungalow's siting would retain views from West End towards the rear of houses along York Road and it is not considered that it would dominate views or create a cramped and overdeveloped appearance as seen within the context of existing twentieth century suburban housing which is the dominant character of the area as seen from West End.

4.7 Only glimpsed views of the proposed dormer bungalow would be afforded between existing houses on York Road and from St Mary's Close to the rear. It is not considered that the proposed dwelling would appear dominant or intrusive from any public vantage points in these areas. The proposed dormer bungalow is simple in design and relatively modest in height. It is considered that the proposal generally respects the character of existing twentieth century suburban dwelling houses within the context of the application site. The Conservation Officer has not objected to the application; comments were made regarding the front elevation due to the fact that the proposed entrance door and bay window are offset from the first floor window. However, there is no significant public view of this elevation and it is not considered that this would warrant a reason for refusal.

4.8 Part of the proposed access would change an existing area of grass at the side of 14 York Road into hard standing for vehicular access. This will have some impact on public views of the site. However, the front of the proposed access which is closest to York Road is already hard standing so the immediate environment adjacent to the public footpath would not change. Additionally the access is proposed to contain 0.5m of green landscaping on both sides which would visually break up the amount of hard standing as well as retaining a reasonable level of green landscaping in the interests of visual amenity.

4.9 Two substantial trees have been removed from the area in the last year. These trees are considered to have made a positive contribution to the character and appearance of the area. A Mountain Ash tree remains within the garden of 5 St Mary's Close, close to the curtilage boundary with the application site. It is considered that the proposed development is set far enough off the northern boundary to ensure that this tree continues to thrive. A condition is recommended regarding tree protection methods during construction to ensure this tree is not damaged. Within the proposal the applicants are proposing to plant new trees close to the boundary with West End. The planting of suitable trees, as well as other landscaping within the site, could be secured by condition. It is considered that when these trees have matured, they will make a positive contribution to the character and appearance of the Conservation Area.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.10 The application site shares a boundary with seven different dwellings and is therefore going to have some level of impact on the amenity of a number of local residents. The application site is currently green and undeveloped and therefore any proposed development on this site is likely to be a sensitive issue and understandably result in concerns being expressed by neighbouring residents. However, in determining this application, the proposal needs to be considered in terms of considering whether residents would retain a reasonable level of amenity.

It is acknowledged that with all development in residential areas there will be some impact, but the consideration has to be whether the impact is sufficient to warrant refusal of the application taking account of local and national planning policy and guidance.

4.11 Development Control Local Plan Policy GP1 'Design' requires developments to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.12 The nearest dwelling to the proposed dormer bungalow is 4 West End Close to the west. The proposed bungalow sits approximately 6.6m at the nearest point to the east side elevation of this dwelling. The rear of the proposed dormer bungalow faces towards the side and front of 4 West End. Any views from the rear windows of the proposed dormer bungalow towards the front windows of 4 West End would be at an oblique angle and would not result in a significant loss of privacy. 4 West End only has two openings within its side elevation, these are considered to be secondary in nature and do not provide the main outlook or light to the house. It is considered that the proposed development would not dominate or overshadow 4 West End Close.

4.13 To the south of the proposed dormer bungalow are dwellings at 16 and 18 West End. 18 West End is approximately 19.4m to the south of the nearest point of the proposed dormer bungalow. It is considered that the proposed dormer bungalow is a sufficient distance away to not significantly affect the amount of outlook and privacy enjoyed from rear windows and the rear garden of 18 West End. The proposed bungalow is set 9m back from the shared curtilage boundary. The existing 1.8m high boundary fence on this boundary is proposed to be retained.

4.14 The dwelling which appears to be most affected by the proposed development is 16 York Road. The proposed access to the dormer bungalow is between 14 and 16 York Road. Whilst access arrangements between existing houses are often unacceptable due to the impact this can have on neighbouring amenity, in this case it is considered that the separation distance between the side of 16 York Road and the access is sufficient to maintain a reasonable level of amenity. 16 York Road is approximately 3.2m from the shared curtilage boundary; beyond this a 0.5m wide landscaping strip would be retained to provide an additional visual buffer between the access and the side of number 16. It is considered that the 3.7m separation between the access drive and the side of 16 York Road is acceptable given the nature of the site adjacent to a busy road. It is not considered that the typical comings and goings associated with a three bedroom dwelling would harm residential amenity of this dwelling to an extent which would warrant refusal of the application. Likewise it is considered that a reasonable level of separation is provided between the proposed access and 14 York Road, a 1.5m high boundary fence and a 0.5m landscaping strip would be created to the side of the access to provide privacy and some sound reduction for the residents of 14 York Road.

4.15 At the nearest point the separation distance between the side of the proposed dormer bungalow and the rear of 16 York Road is approximately 13.4m. 16 York Road has a rear garden area which is smaller than the majority of other houses in the area. The distance between the rear of 16 York Road and the boundary with the site is approximately 8m. The proposed dormer bungalow has been orientated such that it does not face directly towards the rear elevation of number 16. Views from the proposed glazed doors at ground floor level and the one small bedroom at first floor level on the south side elevation of the proposed dormer bungalow would not directly face towards 16 York Road. Therefore, it is not considered that the proposal would create a sense of being overlooked. It is considered that the non-direct angle of view from these proposed windows towards the rear of 16 York Road and the 13.4m separation distance are sufficient to not result in an unacceptable loss of privacy within number 16.

4.16 The application site is tight and the proposed dormer bungalow and detached garage would alter the view and outlook from the rear of 16 York Road. However, the retention of existing private views is not a significant material planning consideration; what must be considered is the impact on outlook to ensure that the dwelling does not appear dominant and overbearing. The proposed dormer bungalow has a modest eaves height of approximately 3m and a ridge height of approximately 6.1m. A section of the proposed dormer bungalow protrudes towards the rear of 16 York Road and creates the minimum separation distance of 13.4m. However, this measurement is towards a corner of the side protrusion, the design then includes a 1.7m set back with the roof then hipping away from 16 York Road. Whilst the outlook from the rear of 16 York Road would alter, it is not considered that the rear garden or rear windows of 16 York Road would be dominated by the proposed dormer bungalow to an extent which would warrant refusal of the planning application. The proposed dormer bungalow is north of 16 and 18 York Road and therefore would not have a significant impact on the amount of sunlight entering these neighbouring curtilages. Both dwellings would continue to receive evening sun from the west. The proposed garage has been designed with a low angle of pitch and has been located off the boundary but partially behind the rear garage of 16 York Road in order to minimise the impact on the living conditions of this dwelling.

4.17 It is not considered that the proposed development would appear dominant or overbearing when viewed from either 4 or 5 St Mary's Close to the north. Whilst the proposed dormer bungalow is only approximately 3m from the garden boundaries, the two bungalows to the north have fairly substantial gardens with the proposed dormer bungalow not being located directly in line with the rear elevations of these existing bungalows.

The proposed bungalow is south of the existing dwelling on St Mary's Close, however due to its size, the distance from the bungalows, and the size of the garden areas, it is not considered that the proposal would result in a loss of natural light to an extent which significantly harms neighbouring amenity. The submitted sun path diagrams in support of the application confirm this view.

4.18 The application has resulted in a number of objections from local residents who are concerned about the impact of the proposed development on their residential amenity. It is acknowledged that the proposed dormer bungalow would change the outlook and views from some neighbouring houses, however it is considered that the impact from the proposed development is not significant enough to warrant refusal of the planning application. The scale of the dormer bungalow and its distance from boundaries is considered sufficient for it not to appear overbearing, the relationship between the proposed windows and existing is considered to not unacceptably result in a loss of privacy, and the size and orientation of the proposal ensures that the impact on the amount of natural light entering neighbouring houses and gardens is acceptable.

HIGHWAYS, CAR AND CYCLE PARKING

4.19 The proposal would create one three-bedroomed dwelling within the garden of 14 York Road. The number of vehicle movements in and out of the site would therefore be small. The proposed development would utilise an existing vehicular access which serves the existing house at 14 York Road. Highway Network Management has no objections to this access being utilised for the new house. The site does sit between a number of bends in York Road; however the advice from Highway colleagues is that serving one additional dwelling at this location would not create a significant highway safety concern. Visibility at this access point is considered acceptable. There is space within the site for a vehicle to turn around and exit the site in a forward gear, which is considered important in this location.

4.20 The proposed dwelling includes a garage which could be utilised for parking a car and there are also hard surfaced areas within the curtilage which would allow off street car parking. The proposed house only contains three bedrooms and it is considered that the curtilage has sufficient capacity to absorb likely car parking demand for any future residents and occasional visitors.

4.21 The proposed garage is approximately 3.2m by 6m in footprint. This size of garage is considered sufficient in size to allow a car to be parked within it as well as providing secure and enclosed cycle parking for future residents. It is therefore considered that the proposal incorporates adequate cycle parking in line with local standards and would therefore encourage sustainable transport choice.

DRAINAGE

4.22 Development Control Local Plan Policy GP15a 'Development and Flood Risk' promotes the use of sustainable drainage systems in order to reduce surface water runoff. Additionally it requires new developments on undeveloped land to not impede water flows and not increase flood risk elsewhere. The application site is within Flood Zone 1 which is the lowest flood risk category. The application proposes permeable surfaces to the access drive and vehicle parking/turning areas. However, clearly the house and garage developments would reduce the amount of permeable land on site and therefore this could increase surface water runoff if it is not properly managed. In order to manage this and ensure that surface water runoff is not increased, the application proposes the use of an underground water storage chamber with a hydro brake flow control. Water which falls onto the house would be drained into the storage chamber before being released into the drains at a controlled rate. The principle of this system is generally acceptable; however at the time of writing the report there is a request from the flood risk drainage team for more detailed information. The applicants are aware of this and will be working with the Flood Risk Engineer to provide the necessary information before the date of Planning Committee. An update will be provided at Committee regarding drainage.

OPEN SPACE

4.23 Policy L1c of the Development Control Local Plan seeks to ensure that new developments provide open space for the benefit of future occupiers of any new residential scheme. For small scale developments a commuted sum is sought for off-site provision/upgrade. For a three bedroom house such as that proposed here the latest Supplementary Planning Guidance seeks a sum of £2004. The applicants have agreed to this contribution to be secured through a Unilateral Undertaking.

5.0 CONCLUSION

5.1 The application site is within a sustainable urban location with good access to services and facilities by non-car modes. The city is considered to have a shortage of housing. The NPPF places a strong presumption in favour of sustainable development. Local Planning Authorities are required to demonstrate strong and clear reasons for refusing any planning application for sustainable development. Without such reasons, authorities are encouraged to approve applications without delay. Any potential reasons for refusal need to be strong, robust and clearly identified, particularly given the status of the existing Development Control Local Plan.

5.2 The proposed bungalow is simple in design and has an eaves and ridge height which is below many dwellings within the immediate vicinity of the site.

Whilst the proposal would be built on an existing garden which does add to the sense of space around dwellings, it is considered that the development would not be harmful to the character and appearance of the Conservation Area as it would appear secondary in height to taller houses and would be seen within the context of existing twentieth century suburban housing.

5.3 The application site borders a number of existing curtilages and will therefore have some impact on residential amenity. However, having considered the impact on each dwelling, it is not considered that the impact is sufficient to warrant refusal of the application in terms of either loss of outlook, privacy or natural light.

5.4 There are no objections to the proposed development from a highway safety point of view. The proposal provides reasonable off-road car parking arrangements and space for secure and enclosed cycle parking.

5.5 The application is therefore recommended for approval subject to the following conditions, resolving drainage issues, and securing a commuted sum payment for the provision/upgrade of public open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Proposed Plans and Elevations YEW-277-012 02 Revision B

Garage Elevations YEW-277-012 05

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

3 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 (enlargement or improvement of dwellinghouse), B (enlargement of roof), C (alteration of roof), E (erection of outbuilding) 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 the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

4 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 into the property.

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

5 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 including bricks and roof tiles, 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 acceptable appearance for this development within Strensall Conservation Area.

6 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted in the garden area and alongside the access. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

8 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing Mountain Ash tree immediately to the north of the site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials or the commencement of building works.

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

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.2 metres (excluding the chimney), 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 and neighbouring residential amenity.

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:

- Principle of residential development
- Impact on the character and appearance of Strensall Conservation Area
- Impact on neighbouring residential amenity
- Highways, car and cycle parking
- Drainage
- Open Space

As such the proposal complies with Policies GP1, GP10, GP15a, L1c, H4a, and HE2 of the City of York Development Control Local Plan.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the proposal, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Entered into discussions with the applicants following the submission of the first application to negotiate a scheme which respects the character and appearance of the Conservation Area and protects neighbouring amenity.

3. INFORMATIVES

Electric recharge point:-

In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage, it is recommended that the applicant should install a standard domestic 13A electrical socket on an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket. Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

4. Demolition and Construction

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 dispatch 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: Michael Jones Development Management Officer

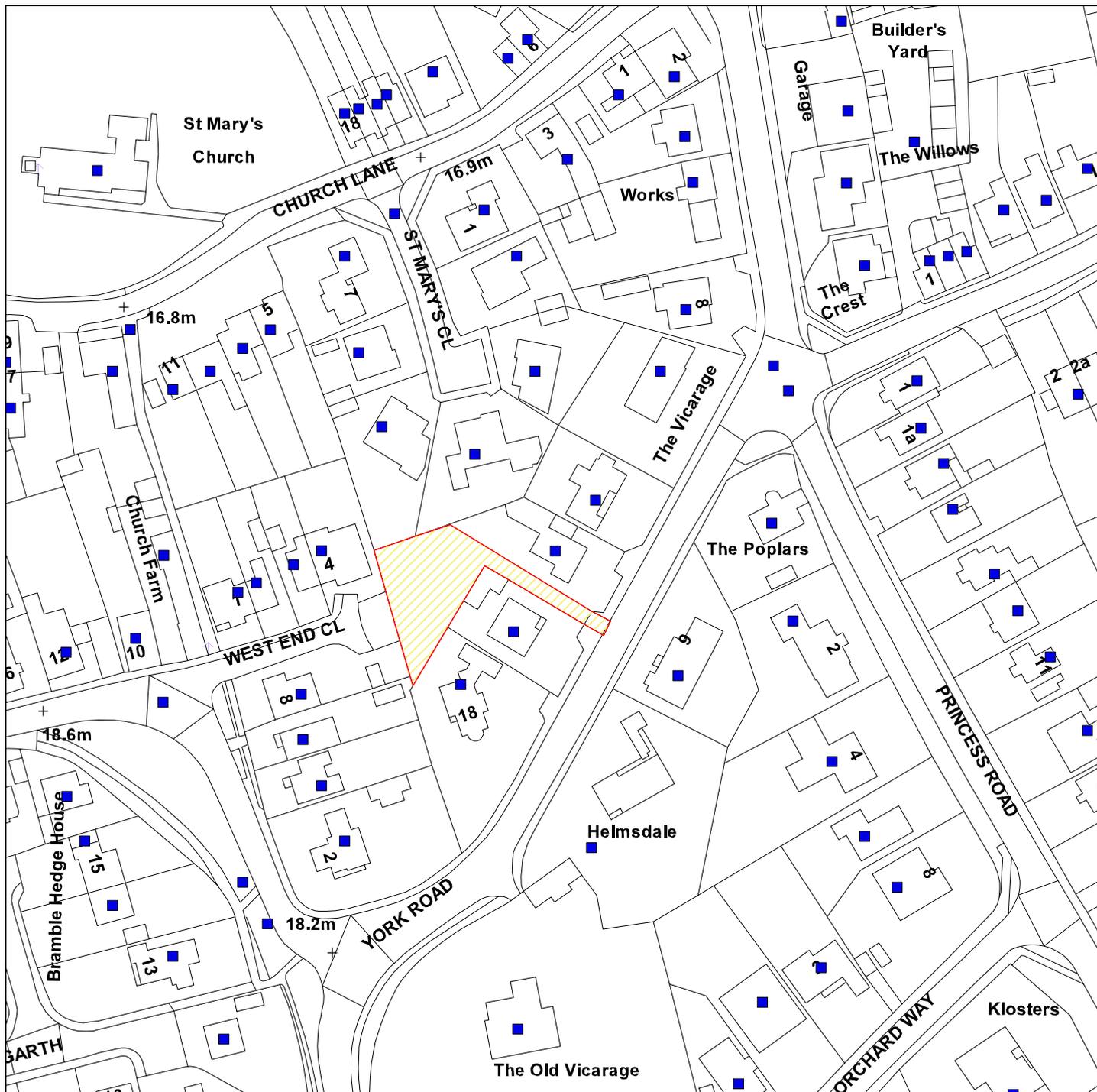
Tel No: 01904 551339

13/00474/FUL

Harlestone, 14 York Road, Strensall



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	22 April 2013
SLA Number	Not Set

COMMITTEE REPORT

Date: 2 May 2013
Team: Major and Commercial Team
Ward: Heslington
Parish: Heslington Parish Council

Reference: 13/00571/FULM
Application at: Biology Department Wentworth Way Heslington York YO10 5DD
For: Erection of a three-storey Biomedical and Natural Sciences building.
By: University Of York
Application Type: Major Full Application (13 weeks)
Target Date: 11 June 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The Biology Department within the Heslington West Campus of York University comprises a mix of single storey concrete CLASP system built structures together with a series of more recent three storey curtain wall clad structures of comparable scale and massing which have been added in recent years as the quality and range of teaching and research accommodation has been upgraded. The site lies within well landscaped surroundings at the north western edge of the Campus overlooking Walmgate Stray. Planning permission is presently sought for the erection of a three storey Biomedical Sciences Research and Teaching Facility on land to the north west of the complex between the existing Biology Block K and Wentworth Way. An existing area of soft landscaping would be lost as result of the proposal.

1.2 The proposal envisages the creation of a building of some 2,154 square metres floorspace. The building would be phase 1 of a development to attract students to a range of new Biomedical Science and Natural Science degree courses including additional teaching laboratory space, a computer practical space with capacity for 120 students along with associated preparation and storage space. With the new degree courses, places for up to an additional 420 students and 10 staff would be created as a result of the proposal. Four accessible parking spaces would be provided as part of the scheme and cycle parking would be provided at the rate of 1 space per every person attending the building. The new building would be designed to reach a BREEAM rating of very good and would when fully operational it would be connected to the University's Combined Heat and Power Plant to be developed as part of the Heslington East Campus.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYED6 -University of York Heslington Campus

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit were consulted in respect of the proposal on 28th March 2013. Views will be reported orally at the meeting.

3.2 Highway Network Management were consulted in respect of the proposal on 28th March 2013. Views will be reported orally at the meeting.

3.3 Design, Conservation and Sustainable Development were consulted in respect of the proposal on 28th March 2013. Views will be reported orally at the meeting.

EXTERNAL:-

3.4 Heslington Parish Council were consulted in respect of the proposal on 28th March 2013. Views will be reported orally if available.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the setting of Walmgate Stray;
- * Economic Benefits of the Proposal.

STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

Application Reference Number: 13/00571/FULM

Item No: 4d

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.3 Policy ED6 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development within the Heslington West Campus of York University providing it involves small scale extension to existing buildings, the development would not adversely affect the campus' landscape framework, the height of new buildings would be appropriate to the location in terms of distance to and height of surrounding buildings and a high standard of design appropriate to the setting of the University is proposed. Central Government planning policy as outlined in paragraph 17 "Core Planning Principles" urges Local Planning Authorities to proactively drive and support sustainable economic development to deliver infrastructure to be provided for the needs of the community. The current proposal envisages the erection of a three storey research and teaching building clad in a mix of structural glazing, colour coated metal filligree and render panels. An area of lawn with shrub planting would be lost to accommodate the new building but it would reflect the pattern of scale, massing and palette of materials of the L and M blocks to the north east. The new building would not be visible from the surrounding road network and would not be readily visible in long or short distance views from outside of the site to the west and north west. Any impact upon the visual amenity of the wider street scene is therefore felt to be acceptable and the terms of Policy ED6 have therefore been complied with.

IMPACT UPON THE SETTING OF WALMGATE STRAY:-

4.4 The application site lies directly to the north east of Walmgate Stray beyond Wentworth Way with a principal pedestrian access opposite the south west corner of the proposed building. The Stray is protected by Private Act of Parliament to protect the landscape approach to the City Centre as well as provide opportunities for informal recreation and a major wildlife habitat in addition. The application site lies some 28 metres distant at its closest point. A significant degree of shelter would be provided in views into and out by the belt of mature trees lining Wentworth Way between the application site and the Stray. Any impact upon the setting of the Stray is therefore felt to be acceptable.

ECONOMIC BENEFITS OF THE PROPOSAL:-

4.5 The substantial rise in student numbers taking Biology degrees from 2000 to 2012 has led to the development of a range of new degree level programmes including Biotechnology and Microbiology. Further new degree programmes in Biomedical Science and Natural Sciences are also proposed with an intake of 40 students per year for each course. The current proposal seeks to provide an appropriate teaching and research environment for the wider range of courses to be provided and to develop the University as centre of excellence in the teaching of the Natural Sciences.

New facilities proposed, include a high quality flexible learning space or learning studio, two additional fully equipped seminar rooms for small group teaching and appropriate office accommodation to house the academic and administrative staff responsible for managing the programme. The proposal forms part of a wider scheme to expand Science teaching and research within the principal campus which has already brought in wider economic and employment benefits to the area and therefore support is recommended in line with Central Government Planning Policy outlined in the NPPF.

5.0 CONCLUSION

5.1 The Biology Department of York University lying within the Heslington West Campus comprises a mix of single storey CLASP concrete panel buildings interspersed with more recent three storey curtain wall structures which are progressively replacing the earlier buildings. Planning permission is sought for the erection of a three storey render panel clad teaching and research building for the Biomedical and Natural Sciences to the north west of the main complex. It would reflect the pattern of scale and massing along with the palette of materials of adjoining buildings and would not have an adverse impact upon the setting of Walmgate Stray. It furthermore forms part and parcel of a wider programme to improve the range and quality of Science teaching and research at the University in order to develop it as a centre of excellence. The proposal is therefore acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing Refs:- T15 Rev A; T01 Rev A; T03 Rev A; T04 Rev A; T05 Rev A; T06 Rev A; T07 Rev A; T14 Rev A; T08 Rev A; T09 Rev A; T10 Rev A; T11 Rev A; T12 Rev A; T13 Rev A; and T17.

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

3 VISQ8 Samples of exterior materials to be app -

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees ,shrubs and other planting. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 DRAIN1 Drainage details to be agreed -

6 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 19 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.

7 NOISE7 Restricted hours of construction -

8 HWAY31 No mud on highway during construction -

9 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:
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 impact upon the visual amenity of the wider street scene, impact upon the setting of Walmgate Stray and the Economic Benefits of the Proposal. As such the proposal complies with Policy ED6 of the City of York Development Control Local Plan.

2. CONTROL OF POLLUTION ACT 1974:-

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, including the imposition of appropriate planning conditions considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

13/00571/FULM Erection of a Three Storey Biomedical Sciences Building, University Department of Biology Wentworth Way, Heslington.

Since the Committee Report was produced consultation responses have been received from Heslington Parish Council and the Foss(2008)Internal Drainage Board each raises no objection to the proposed development.

A consultation response has also been received from the Environmental Protection Unit raising no objection to the proposal but which requests the inclusion of the following conditions as part of any planning permission:-

- 1) All demolition and construction works and ancillary operations, including deliveries to and dispatch 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.

Reason:- To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

- 2) Details of all machinery, plant and equipment to be installed or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority, The machinery, plant or equipment and approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason:- To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

- 3) Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust

and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

- 4) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing 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 2A of the Environmental Protection Act 1990.

Reason:- To secure the residential amenity of Neighbouring properties and to prevent land contamination.

And the following Informative:-

CONTROL OF POLLUTION ACT 1974:-

- 1) 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".
- 2) 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.
- 3) 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.

- 4) 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.
- 5) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- 6) There shall be no bonfires on the site.

Concern has also been expressed in respect of the level of landscape screening at the boundary of the site with Walmgate Stray, the following additional condition is therefore also recommended:-

“ Prior to the commencement of the development hereby authorised, details, including types and species and a programme of planting and maintenance, of additional landscape planting, along the western boundary of the site with Walmgate Stray shall be submitted to and approved in writing by the Local Planning Authority. Any tree or shrub which dies or becomes diseased within a period of five years from the date of this permission shall be replaced with a specimen of similar size and species to the satisfaction of the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

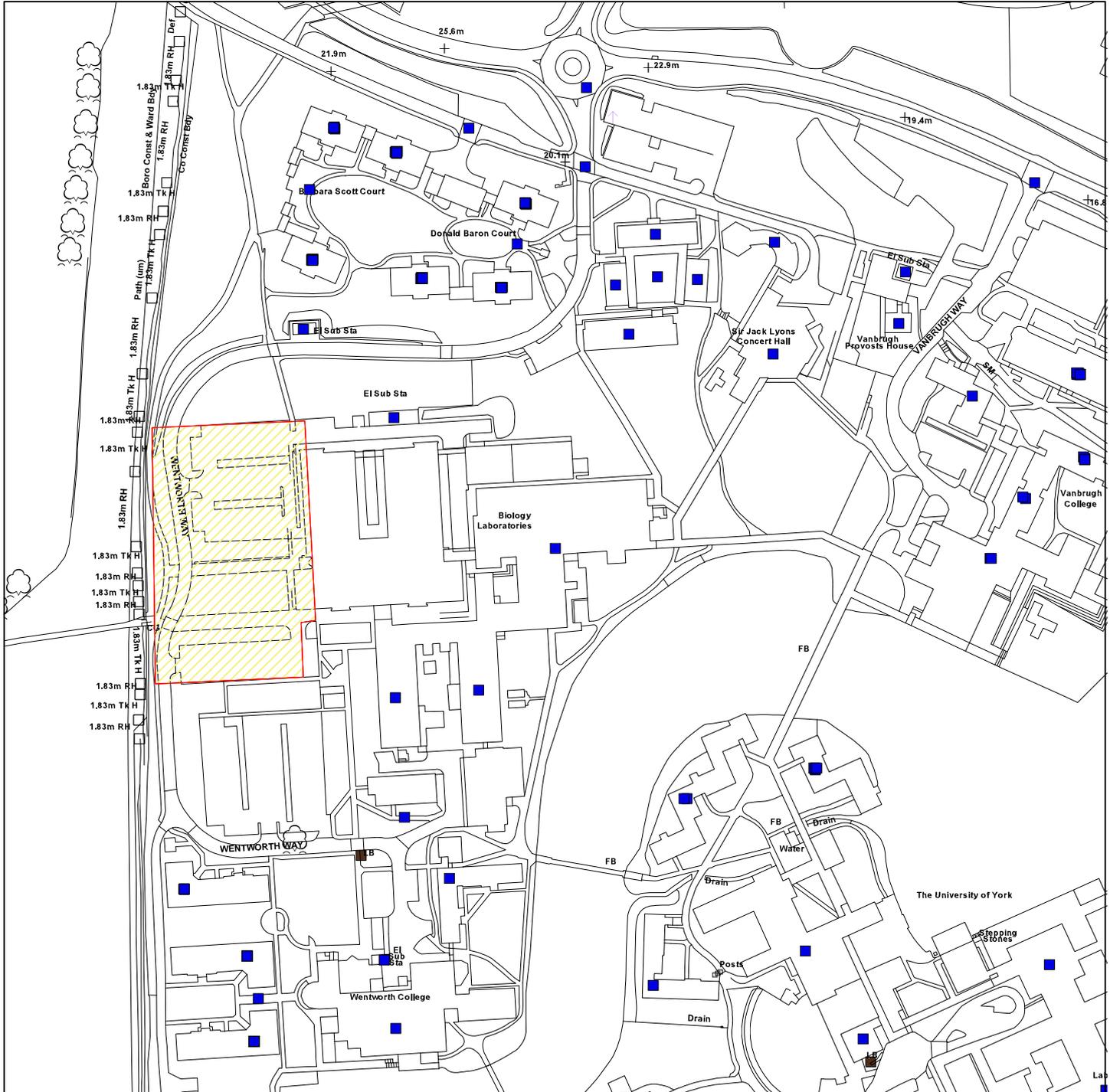
Reason:- To safeguard the setting of Walmgate Stray and to secure compliance with Policy NE8 of the York Development Control Local Plan.”

13/00571/FULM

Biology Department, Wentworth Way, Heslington



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	22 April 2013
SLA Number	Not Set

COMMITTEE REPORT

Date: 2 May 2013
Team: Householder and Small Scale Team
Ward: Fishergate
Parish: Fishergate Planning Panel

Reference: 13/00657/FUL
Application at: 18 Alma Grove York YO10 4DH
For: Single storey rear extension (resubmission)
By: Mrs Dorothy Evans
Application Type: Full Application
Target Date: 16 May 2013
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for the erection of a pitched roof rear/side extension to provide additional living space. A matching brick and tile construction is proposed. An existing lean-to conservatory-style structure will be removed. This application forms an amendment, further to the recently refused scheme, as mentioned below.

1.2 This end terraced dwelling is sited within a group of residential dwellings located around a square, included within the Fishergate Conservation Area, due to their architectural and social interest.

1.3 This application is brought to Committee for a decision due to the applicant being an employee of City of York Council

RELEVANT SITE HISTORY

1.4 Application No. 12/03547/FUL - Single storey part flat/ part pitched roof rear and side extension. Refused 11.02.2013 by virtue of its excessive size, scale and proximity to the boundary, and the loss of light, overshadowing and unduly oppressive and overbearing impact that would result in undue loss of amenity to residents at No. 17 Alma Grove.

1.5 Application No. 06/01440/FUL - Single storey pitched roof extension to side and rear. Approved 31.08.2006

1.6 Application No. 05/02724/FUL - Two storey pitched roof side extension and single storey rear extension. Refused 07.04.2006. Due to harm to neighbouring amenity and design

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford Road CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 - Design

CYH7 - Residential extensions

CYHE3 - Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 None

EXTERNAL

FISHERGATE PLANNING PANEL

3.2 No reply received up to date of writing. Any subsequent comments received will be reported.

RESPONSE TO NEIGHBOUR NOTIFICATION (CONSULTATION PERIOD EXPIRES 26.04.2013)

3.3 No reply received up to date of writing. Any subsequent comments received will be reported

4.0 APPRAISAL

4.1 Key Issues:

- Visual impact on the dwelling and the character and appearance of the surrounding conservation area;
- Impact on neighbouring amenity

POLICY CONTEXT

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH

4.3 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.4 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.5 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 content of the NPPF.

4.6 NATIONAL PLANNING POLICY FRAMEWORK (NPPF), MARCH 2012, CHAPTER 12, PARAGRAPH 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.7 NATIONAL PLANNING POLICY FRAMEWORK (NPPF) MARCH 2012, CHAPTER 12 PARAGRAPH 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.8 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.9 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.10 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYHE3 of the Development Control Local Plan states that within Conservation Areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.11 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

ASSESSMENT

IMPACT UPON THE APPEARANCE OF THE DWELLING AND SURROUNDING CONSERVATION AREA

4.12 When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

In this particular case, matching materials and fenestration are proposed, with all the existing upvc windows being replaced with timber, and all proposed windows also being of timber construction and of a more traditional design than those existing. Being sited largely to the rear of the site, the extension will not be overly visible to public view. The extension will also project to the side of the existing dwelling incorporating a monopitch roof, and being in line with the rear elevation will not be overly visually prominent. The existing hedge to the side along the common boundary with No. 19 Alma Grove will provide an element of screening. On this basis the proposal is considered to preserve the character and appearance of the Conservation Area.

4.13 Adequate amenity space will remain within the side garden area, along with cycle parking provision in the existing detached garage together with adequate refuse storage area.

IMPACT UPON NEIGHBOURING AMENITY

4.14 Further to recent refusal of planning permission, as mentioned above, this scheme has been reduced in footprint and height, in order to address the impact on amenity upon adjacent residents at No. 17 Alma Grove. No change in site circumstances has occurred since the previous submission. The extension is now proposed to be set off this common side boundary with No. 17 Alma Grove by approx. 1.8 metres, further to the removal of a utility area from the scheme. The pitch of the roof has been reduced, in order to reduce the overall height and the rear projection has also been reduced by approx. 0.25 metres. Taking the above into account, it is considered that the application has been amended sufficiently enough to overcome the previous concerns, and is now not considered to cause significant harm to these neighbouring residents, further to loss of outlook; light or overshadowing.

4.15 The scheme approved in 2006, referred above, included a single storey pitched roof rear extension. This projected to the rear by approx. 4.5 metres along the common boundary with No. 17 Alma Grove and incorporated a pitched roof; with an eaves height of 2.7 metres. A 1.8 metre high fence is currently sited along the common boundary along with the existing conservatory-style structure which would be removed.

4.16 No windows are now proposed within the rear elevation and, the high level of the proposed rear rooflights will avoid loss of privacy to neighbours. Some overshadowing to the rear yard of No. 18 Levisham Street may occur, although the hipped design of the roof and relatively modest height will help to mitigate this, and the separation distance of approx. 8.7 metres between the extension and the rear elevation of this neighbouring dwelling is considered adequate to avoid significant loss of outlook.

4.17 Sufficient separation space and boundary treatment is in place to avoid any loss of amenity to residents at 19 Alma Grove and also to 20 and 22 Levisham Street.

5.0 CONCLUSION

5.1 It is considered that the proposal would not be unduly harmful to the living conditions of nearby neighbours or the character or appearance of the dwelling within the surrounding conservation area. Approval is recommended.

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

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

098_AL(0)005 Rev B; 098_AL(0) 006 Rev B; 098_AL(0) 007 Rev B; 098_AL(0)008 Rev B; 098AL(0)0010 Rev B; 098_AL(0)0011 Rev B

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 the residential amenity of neighbours or the impact upon the Conservation Area. As such the proposal complies with Policies H7, HE3 and GP1 of the City of York Development Control Local Plan; Paras 132 and 134 of the National Planning Policy Framework and City of York Supplementary Planning Guidance to Householders (Approved March 2001)

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory.

For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

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Tel No: 01904 552405

