

**Notice of 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, 7 June 2012

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

**1. Declarations of Interest**

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

**2. Minutes** (Pages 4 - 8)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 3 May 2012.

**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 6 June 2012 at 5.00 pm**.

**4. Plans List**

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

a) **8 Old Orchard, Haxby, York. YO32 3DU** (Pages 9 - 17)  
**(12/01064/FUL)**

This full application is for two storey rear and single storey rear extensions.

This application has been brought before East Area Planning Sub-Committee for a decision by Councillors Richardson and Cuthbertson due to concerns made by local residents. [Haxby and Wigginton] **[Site Visit]**

b) **3 Whitby Drive, York, YO31 1EX** (Pages 18 - 29)  
**(12/00076/OUT)**

This outline application is for a residential development of 5 no. dwellings with associated garages and access (resubmission).

Councillor Ayre has called in the application for the Committee to determine on the grounds that it does not comply with Policy GP1 of the York Development Control Local Plan and conflicts with Policies NE1, NE8, GP9, GP4a) and H4a). [Heworth Without] **[Site Visit]**

**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](mailto: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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## **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

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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 6<sup>th</sup> June 2012****Members of the Sub Committee to meet at Union Terrace Car Park  
at 10.00 am.**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:15	8 The Old Orchard, Haxby	4a)
10:45	3 Whitby Drive, Heworth Without	4b)

City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	3 MAY 2012
PRESENT	COUNCILLORS WISEMAN (CHAIR), DOUGLAS (VICE-CHAIR), FIRTH, FITZPATRICK, FUNNELL, HYMAN, MCILVEEN, WARTERS, WATSON AND BOYCE (SUBSTITUTE FOR COUNCILLOR KING)
APOLOGIES	COUNCILLOR KING

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**57. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal or prejudicial interests that they might have had in the agenda.

No interests were declared.

**58. MINUTES**

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on Thursday 12 April 2012 be signed and approved as a correct record by the Chair subject to the following amendments;

- That Councillors Firth and Hyman were not present for Minute Items 54a, 55 and 56.
- That Councillor Wiseman declared a personal non prejudicial interest in Minute Item 54f as a member of Earswick Parish Council. She added that in this role she did not review planning applications and did not make comments on these.

**59. PUBLIC PARTICIPATION**

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

**60. PLANS LIST**

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

**60a Yearsley Bridge Adult Training Centre Huntington Road York YO31 9BN (11/03269/FULM)**

Members considered a full major application by Andy Cramer and Jeremy Binnian of Linden Homes Yorvale for the erection of 32 dwellings, 1no retail unit and 1no veterinary surgery following demolition of existing buildings. This application was deferred at the Committee's April meeting where concerns were raised from Members over highway safety and clarification was sought over the ownership of the land to the northeast of the side of the site, landscaping and site drainage.

In their update to Members, Officers informed the Committee that the Parish Council had restated their previous concerns over parking problems. It was also reported that the Yorkshire Ambulance Service were satisfied with the two way traffic that would occur as a result of the development.

Some Members highlighted that the area of public open space at the far end of the site, which was owned by the Council might be prone to vandalism as the land's future ownership had yet to be decided. One Member suggested that it might be worth asking whether the applicant wished to purchase the land following approval.

Representations in support were received from the agent for the applicant. He spoke about how the applicant would retain the ash and oak tree and that the poplars on site would be replaced, Additionally the applicant was happy for bat boxes to be installed, and would be content to buy the area of open land to extend the properties' gardens.

Members asked a series of questions to the agent including;

- Whether the road would be shared by residents, ambulances and users of the veterinary surgery.
- Whether the hours of delivery to the retail unit could be altered to make the hours more sociable given the proximity to plots 4, 5 and 6 which would be used for housing.
- At which point the hours of operation for the retail unit could be conditioned.

The agent responded that the road would be adopted, with the width increased to 5.8 metres and that only one car would access a property opposite the entrance to the ambulance station. Some Members felt that the parking for plot 18 was sufficient as long as it did not encourage parking on the road opposite the ambulance station.

Further discussion took place between Members on the opening hours and delivery hours on Monday to Friday and Sundays and Bank Holidays for the proposed retail unit. Some Members felt that the size of the delivery vehicles were too large, and would block the road. Some Members proposed that the delivery hours would be;

- Monday- Saturday 8 am to 6pm with Sundays and Bank Holidays 10 am to 6pm.

It was suggested that the retail unit would also open from 7 am to 10 pm throughout the week.

Councillor Warters asked that his vote against the application was recorded on the grounds that the proposals would cause problems for the ambulance service in the future.



RESOLVED: That the application be approved subject to the following amended condition;

- The hours of delivery to and dispatch from each commercial premises shall be confined to the following times, unless otherwise approved in writing by the Local Planning Authority:

Saturday, Sunday & Bank Holidays 10:00-18:00

REASON: In the opinion of the Local Planning Authority the proposal is acceptable in principle and, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, highway safety and flood risk. As such the proposal complies with Policies SP7, GP1, GP4, GP7, GP9, NE1, T4, H2 and H4 of the City of York Development Control Local Plan.

**60b 98 Eastfield Avenue Haxby York YO32 3EZ (12/00804/FUL)**

Members considered a full application by Mr Graham Tissiman for a bay window to the front of the property at 98 Eastfield Avenue.

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 residential amenity of neighbours and the effect on the character and appearance of the area. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

**61. OTHER REMARKS**

The Committee wished to record their best wishes to Councillors Hyman and Firth as the Lord Mayor elect and Sheriff elect for the 2012-13 Municipal Year.

Councillor S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 2.34 pm].

**COMMITTEE REPORT**

**Date:** 7 June 2012                      **Ward:** Haxby And Wigginton  
**Team:** Householder      and   **Parish:** Haxby Town Council  
                    Small Scale Team

**Reference:** 12/01064/FUL  
**Application at:** 8 Old Orchard Haxby York YO32 3DU  
**For:** Two storey rear and single storey side and rear extensions  
**By:** Mr Horsman  
**Application Type:** Full Application  
**Target Date:** 7 May 2012  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

## THE SITE:

1.1 The application site is a two storey detached dwelling incorporating an attached flat roof garage to the side, which is well set back from the front of the house. The rear of the property hosts a generous sized garden, with a small single storey flat roof kitchen extension.

## THE PROPOSAL:

1.2 Planning permission is sought to erect a two storey extension projecting 2.0 metres beyond the rear of the existing dwelling in order to enlarge two of the existing bedrooms. The eaves and ridge height of the extension would follow the eaves and ridge of the existing dwelling. A single storey extension, which would span the full width of the property including the existing garage, would project by a further 2.0 metres (i.e. 4.0 metres in total). The garage would also be extended forward by approximately 1.3 metres and a pitched roof would be erected over the enlarged structure, linking in with the extension to the rear. The single storey extension would incorporate a mono-pitched roof with three velux roof lights in the roof slope in addition to full length patio doors, rear external door and new window. The first floor would incorporate two windows identical to the existing layout. In terms of the garage, the new pitched roof would have a total height of approx 4.0 metres reducing to 2.3 metres at the eaves height.

1.3 The application includes a Daylight and Sunlight Assessment which describes any potential loss of light or overshadowing. In addition a copy of the local sewer map has been provided which confirms that there are no sewers in this area.

1.4 There is no relevant site history documented on the site or dwellings within close proximity to the site.

**ADDITIONAL INFORMATION:**

1.5 This application has been brought before East Area Planning Sub-Committee for a decision by Councillors Richardson and Cuthbertson due to concerns (described in paragraph 2.3) made by the local residents. A site visit is proposed in order for Members to fully understand the context of the site.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

INTERNAL:

3.1 None

EXTERNAL:

3.2 Haxby Town Council - No objections. It is noted that several neighbours are very concerned about the proximity of the extension to a sewer which runs through the back garden of number 8. Appropriate conditions requested to ensure integrity of and access to the sewer during construction work providing neighbours are consulted.

3.3 Comments from neighbour consultation letters sent 29.03.12 are listed below.

10 Old Orchard  
3 Abelton Grove  
5 Abelton Grove  
7 Abelton Grove

Large extension would be intrusive to existing privacy.  
Extension is too intrusive to the neighbouring houses and small gardens  
Overpower the balance of the small residential area.  
Bring the building line closer to the rear boundary.  
The aesthetics/dynamics of the neighbourhood would become compromised.  
No other properties in the street have two storey rear extensions.  
Size and scale  
Large drain/manhole cover.  
Effect market value of property.

Additional comments from No10:

Reduction in light in to ground and first floor windows from the side extension.  
Dominate the rear garden.

In addition a letter has been received from Miss C.L. Ash, granddaughter of the previous owner of the application property. This confirms that there is a private drain running along the back of the house.

#### **4.0 APPRAISAL**

KEY ISSUES:

4.1 Visual Amenity.  
Residential Amenity.

RELEVANT PLANNING POLICY GUIDIANCE:

4.2 The National Planning Policy Framework confirms 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. It also states 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.

4.3 Draft Local Plan Policy CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours.

4.4 Draft Local Plan Policy CYGP1 - sets out a series of criteria that the designs of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) 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; (c) 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; (e) 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 (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling and the scale of the new extension should not dominate the original building. In terms of privacy the main aims are to prevent access overlooking between dwellings and into private garden areas. To avoid designing extensions with windows that over look a neighbour partially close to the boundary. In these cases it is suggested that a minimum distance between over looking habitable room windows is 21 metres.

#### DESIGN AND VISUAL AMENITY:

4.6 In terms of design the two storey extension would continue the existing ridge line and fenestration pattern, projecting 2.0 metres and spanning the full width of the rear elevation. The mono- pitched rear extension would project approx 4.0 metres at the longest length reducing to approx 2.7 metres at the rear of the garage. The additional windows on the first floor would follow the pattern of the existing windows for the purpose of creating two larger sized rear bedrooms. These windows would provide views on to the rear garden and would not compromise the privacy of the adjacent occupiers. Comments have been made by the nearby residents that the cumulative impact of the proposal is out of proportion with other properties in the street, and that the work would over develop the rear garden. Whilst the proposed extension would alter the appearance of the dwelling, it is not considered that this would adversely affect the views from public areas. Nor is it considered that the design and scale of the extensions would dominate the existing dwelling to such a degree that refusal could be warranted on these grounds. Furthermore, the majority of the development would be to the rear of the property and would be constructed of materials that are in keeping with the character and appearance of the host dwelling.

#### IMPACT ON THE NEIGHBOURS:

4.7 In terms of the surrounding neighbours objections have been received from the residents at 10 Old Orchard to the south (side) and the residents of the single storey dwellings at 3, 5 and 7 Abelton Grove to the rear of the site. Site visits were undertaken to both the application site and the neighbours objecting to the proposal to ascertain the impact of the rear extension would have on these occupiers.

4.8 In addition a letter has been received referring to the proposed extension being built close to a large manhole cover, which provides access to the main sewer which runs through the gardens of Old Orchard. The agent has supplied a copy of the local area sewer map, which indicates that here are no sewers at the rear of the property. The agent has confirmed that any drains encountered during the early stages of the building work will be maintained and protected.

4.9 Objections received from the neighbours on the grounds listed below:

Large extension would be intrusive to existing privacy.

Extension is too intrusive to the neighbouring houses and small gardens

Overpower the balance of the small residential area.

Bring the building line closer to the rear boundary.

The aesthetics/dynamics of the neighbourhood would become compromised.

No other properties in the street have two storey rear extensions.

Size and scale

Large drain/manhole cover.

Effect market value of property.

Additional comments from (No10) relate to the proposed pitched roof and extension to the existing garage.

The extension would result in a reduction in light in to ground and first floor windows from the side extension and would dominate the rear garden.

LOSS OF PRIVACY/OVERSHADOWING REAR GARDENS:

4.10 The first floor windows would serve larger rear bedrooms, thus there would be no increase in the number of bedrooms at the property. In terms of the objections received with the regard to the loss of privacy, whilst it is acknowledged that the additional 2.0 metres would move the dwelling closer to the rear boundary, there would still be a distance of 12.6 metres to the rear boundary and a total separation distance of approximately 22.5 metres from the closest dwelling at 5 Abelton Grove. This distance allows a reasonable separation distance between the dwellings and is in accordance with the council's Supplementary Planning Guidance. This situation is further exemplified by the fact that there is already an element of existing overlooking between the gardens. On this basis the extensions are not considered to create any significant loss of privacy over and above the existing situation, such that refusal could be warranted on these grounds.

4.11 The first floor extension would be set off the shared boundary with the dwellings at no 6 and no 10 Old Orchard and separated on both elevations by a 1.8 metres fence. In addition no 6 Old Orchard has a flat roof attached garage, which projects beyond the rear building line. This property is situated to the north with its main habitable windows facing on to the rear garden and set away from the rear

extension. Thus other than some slight overshadowing of the rear garden, it is not considered that the extension would have an adverse impact on the property.

#### OVER DEVELOPMENT/PERMITTED DEVELOPMENT:

4.12 In terms of the amount of development proposed to the property, it is considered that the projection of the two storey rear extension is a relatively modest addition in comparison to the size of the main house and its relatively large garden. It is also the case that in isolation this extension could be virtually erected within permitted development limits without the need for planning permission. This is because permitted development rights allows for the erection of two storey rear extensions incorporating a length of no more than 3 metres so long as they are more than 2.0 metres from the shared boundary. Thus a two storey extension with a projection greater than that proposed could be erected at the rear of the property, provided it was inset a distance of 2.0 metres from the boundary with 6 Old Orchard. In terms of the single storey extension the total proposed length adjacent to the shared boundary would be approx 4.0 metre at the longest length reducing to approx 2.7 metres on the north elevation. Again, in isolation the majority of the single storey extension (other than the corner section that projects from the rear of the garage) could also be constructed under permitted development.

#### IMPACT ON 10 OLD ORCHARD:

4.13 In terms of the impact of the proposal on 10 Old Orchard, the single storey extension would be in close proximity to the shared boundary garden, with a total height of approx 4.0 metres. However, the eaves height would be a relatively modest 2.3 metres, and the roof would slope away from the boundary and would incorporate a hip at the rear where it would have most potential impact on the neighbour. An element of screening is provided by an existing 1.8 metre high boundary fence. In terms of loss of light to the side and rear windows of this property, the extension would be to the north of no.10 and as such would have little impact on sunlight entering into the ground floor and side landing windows. It is also a material consideration that in isolation the extension to the rear of the garage, in isolation, could also be considered under the same permitted development legislation as previously mentioned.

#### DRAINAGE:

4.14 There is no specific evidence that the proposed development would result in drainage problems. The site is not within an area that has been identified as being at risk of flooding. Drainage issues on small scale developments such as this are a matter that would be dealt with under the Building Regulations.



**OVER HANGING GUTTERS:**

4.15 The agent has confirmed that the distance to the boundary would be approx 500mm; therefore it is not considered that the guttering or drainpipes would project over the shared boundary.

**PROPERTY DEVALUATION**

4.16 The devaluation of property is not a material planning consideration.

**5.0 CONCLUSION**

5.1 It is considered that because of the design of the extension and proportions of the rear garden the proposal would not create any significant harm to the amenity of the neighbours in terms of proximity or overlooking. Nor is it considered that the extension would detract from the character and appearance of the area. For this reason, the proposal is considered to comply with Policies GP1 and H7 of the City of York Draft Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Householder Approval

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Dwg Nos 12.08.2 and 3 received on 08.03.2012
- 3 VISQ1 Matching materials -

**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 effect on residential amenity and the impact on the streetscene. 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.

**Contact details:**

**Author:** Sharon Jackson Development Management Assistant

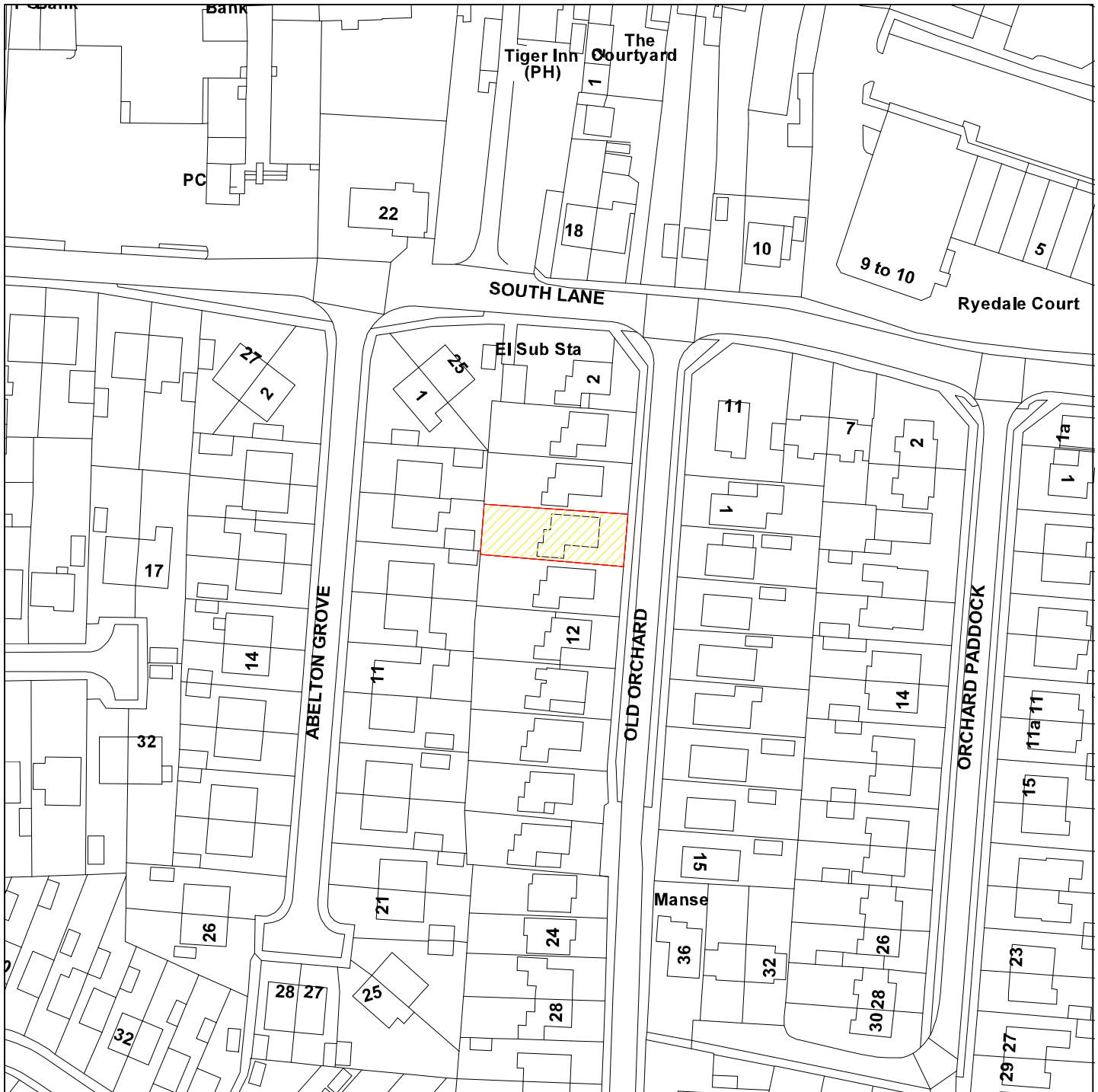
**Tel No:** 01904 551359

# 12/01064/FUL

## 8 Old Orchard



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	21 May 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 7 June 2012                      **Ward:** Heworth Without  
**Team:** Major                      and   **Parish:** Heworth Without Parish  
            Commercial Team                      Council

**Reference:** 12/00076/OUT  
**Application at:** 3 Whitby Drive York YO31 1EX  
**For:** Residential development of 5no. dwellings with associated  
            garages and access (resubmission)  
**By:** Mrs Janet Wheldon  
**Application Type:** Outline Application  
**Target Date:** 30 March 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site comprises a brick built bungalow circa 1960 set within a substantial elevated backland site to the north east of the City Centre. It is accessed from a short cul-de-sac via a small parade of shops on Whitby Avenue. Outline planning permission is sought for redevelopment of the site, including demolition of the existing bungalow, for residential development. All matters other than access are reserved for further determination. The scheme represents a re-submission of an earlier scheme ref: - 10/02751/OUT previously refused by this Committee for the following reason:

"The application site consists of a well established garden forming a valuable green space within the local area. Residential gardens no longer fall within the definition of previously developed land as defined by Planning Policy Statement 3 "Housing"(Revised June 2010), and are therefore no longer considered as a priority for development. It is considered that the development of the site would result in an unacceptable loss of a residential garden ("garden grabbing"), which would be detrimental to the character of the immediate residential environment, contrary to Policies GP1 and GP10 of the City of York Draft Local Plan."

A subsequent appeal to the Secretary of State was not determined as the Inspector considered that insufficient information had been submitted in relation to the proposed scale of the development. This has now been rectified (see below).

1.2 In March 2012 the previously extant Planning Policy Guidance Notes and Planning Policy Statements were replaced by a single document, the National Planning Policy Framework. There has been no change to the definition of previously developed land since the previous refusal, which still excludes residential gardens.

1.4 The applicant has submitted an indicative scheme on the basis of five plots as the maximum allowable in highway terms with access from a private drive. The applicant has furthermore indicated an intention to develop the site with two storey properties. Subsequent to the application being received the applicant has submitted a detailed drainage scheme to address concerns in respect of the surface water drainage of the site. The applicant has also provided an indication of the upper and lower limits for height, width and length of each dwelling. In terms of scale, the dwellings would be two stories in height. No rooms in the roof space are proposed at this time. Typically, all garages would be single storey in height. The eaves heights of the dwellings would be between 5.0 and 5.25 metres, and the ridge heights between 8.5 and 9.0 metres.

1.5 Councillor Nigel Ayre has called in the application for Members of the East Area Planning Sub-Committee to determine on the grounds that it does not comply with Policy GP1 of the York Development Control Local Plan, specifically that it does not allow for a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, does not avoid the loss of open spaces, vegetation, water and other features, which contribute to the quality of the local environment and does not ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or being dominated by overbearing structures. It furthermore does not comply with Policy GP10 of the York Development Control Local Plan on the grounds that the proposed development would lead to over-development which would be detrimental to the character and amenity of the local environment. He also expresses concern in respect of the sustainability and landscape impacts of the proposal and conflict with Policies NE1, NE8, GP9, GP4a) and H4a) in terms of the loss of mature landscaping within the site. A site visit is required as the application is recommended for approval and there are a large number of objections. In addition, there have been changes to the membership of the East Area Planning sub-Committee since the application was last considered.

## **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:

CGP15A

Development and Flood Risk

CYGP1  
Design

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYH4A  
Housing Windfalls

CYNE1  
Trees, woodlands, hedgerows

CYNE8  
Green corridors

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Highway Network Management raise no objection to the proposal subject to any permission being conditioned to require details of access, parking and turning arrangements be reserved for further approval.

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 Structures and Drainage Engineering Consultancy raise no objection to the proposal.

3.4 Design, Conservation and Sustainable Development raise no objection to the proposal subject to any permission being conditioned to provide for bats foraging in the vicinity.

#### **EXTERNAL:-**

3.5 Julian Sturdy MP for York Outer objects to the proposal on the grounds that the scale and height of the proposed properties would appear incongruous and intrusive in relation to the visual amenity of the wider street scene. He is concerned that the

proposal would amount to garden grabbing and would result in the loss of an open area of significant townscape importance.

3.6 Councillor Nigel Ayre objects to the proposal on the grounds that it would result in the loss of a landscaped area of very significant townscape importance with consequent harm to local biodiversity. It would result in an increase in traffic and on-street parking in the vicinity to the detriment of the residential amenity of neighbouring properties and it would result in a pattern of development totally alien to the locality and oppressive to the residential amenity of properties surrounding the site.

3.7 44 Letters of objection have been received. The following is a summary of their contents:-

- \* Concern at the impact of the proposal upon the local pattern of surface water drainage;
- \* Concern at the impact of additional traffic generation upon the local highway network;
- \* Concern at the impact of the proposal upon the residential amenity of neighbouring properties by virtue of loss of privacy, overlooking and overbearing impact;
- \* Concern that the proposal would result in increases in anti-social behaviour in the locality;
- \* Concern that the proposal would result in a loss of open space of significant townscape value;
- \* Concern that the proposal would result in a pattern of development entirely alien to the locality;
- \* Concern at the adequacy of the site access for the numbers of vehicles that the site would generate;
- \* Concern at the loss of a number of mature trees of townscape importance with associated wildlife habitat;
- \* Concern at the impact of construction noise and traffic on nearby residential occupiers;
- \* Concern at the failure to comply with Central Government guidance in respect of the use of gardens as development land;
- \* Concern at the possible health impacts arising from the location of bin stores for the new properties;
- \* Concern that additional housing in the area is not needed.

#### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

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- \* Impact upon the residential amenity of neighbouring properties;
- \* Impact of the proposal upon the visual amenity of the street scene;
- \* Impact of the proposal upon the local surface water drainage pattern;
- \* Impact of additional traffic generated upon the site access and the local highway network;
- \* Impact of the proposal upon local biodiversity;
- \* Loss of an important open space of significant townscape value.

#### IMPACT UPON RESIDENTIAL AMENITY:-

4.2 Policy GP1 of the York Development Control Local Plan states that new developments will be expected to respect or enhance the local environment, be of a density, layout, scale and massing that are compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The proposed development envisages the demolition of the existing bungalow and the redevelopment of the cleared site and its associated garden for housing. The garden area as it stands is large but poorly maintained. The relationship of the existing bungalow and its surroundings furthermore does not sit easily with the adjoining area. To the south in Whitby Avenue the pattern of development comprises bungalows laid out in narrow plots. To the north and north east however the pattern of development consists of fairly substantial two storey properties set within large gardens. The proposal seeks outline planning permission for residential development with all matters other than access reserved. The indicative layout submitted with the proposal indicates a preference for a two storey form of construction, which it is considered would be acceptable for the northern section of the site. Rear gardens 10 metres in length are incorporated which are entirely consistent with the local pattern of development. There is a noticeable change in level to the properties to the south in Whitby Drive, however any impact would be reduced by properties in this area adopting an alternative form of construction be it as conventional or dormer bungalows. Bin stores can be located and the access configuration arranged without detrimental effect arising upon neighbouring properties. It is considered that any impact upon the residential amenity of neighbouring properties would be at an acceptable level and that the proposal would not conflict with Policy GP1 of the Draft Local Plan.

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

4.3 Policy GP10 of the York Development Control Local Plan states that planning permission for the sub-division of existing garden areas to facilitate new development will only be forthcoming where it would not be detrimental to the character and amenity of the local environment. Similarly Policy H4a) of the York Development Control Local Plan states that planning permission for housing will be forthcoming on land within the urban area which is presently unallocated where it



involves infilling and the site has good accessibility to jobs and services by non-car modes, the development is of an appropriate scale and density to surrounding development and it would not have a detrimental impact upon existing landscape features. This is consistent with Central Government planning policy in respect of housing outlined in the recently issued National Planning Policy Framework (March 2012). The pattern of development surrounding the application site consists of substantial mainly detached and semi-detached houses in large gardens along Stockton Lane to the north and north east and bungalows set within comparatively small plots to the south and south east. The application site is poorly maintained and poorly related to the existing pattern of neighbouring development. The proposal is in outline with all matters reserved for further approval with the exception of access. No specific form of development is proposed, however a preference for a two storey pattern of development is expressed. Such a pattern would be more characteristic of the area to the north and it would enable the development to harmonise with the surrounding street scene if any development adjoining the properties in Whitby Avenue were single storey.

4.4 In terms of the loss of garden land the area is remote, relatively difficult to access and a recognisable garden function no longer exists. It is considered that to develop the site for five dwellings would not have a material impact upon the visual amenity of the wider street scene and that the terms of both Policies GP10 and H4a) can therefore be complied with.

#### IMPACT OF THE PROPOSAL UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.5 Policy GP15a) of the York Development Control Local Plan states that developers must satisfy the Local Planning Authority that any flood risk can be satisfactorily managed with the minimum environmental effect and that the site can be developed, serviced and occupied safely. The application site is within Flood Zone 1 and therefore at a minimal risk of flooding. Much of the eastern and southern sections of the site do however retain water for long periods on the ground surface. The applicant has submitted a detailed scheme which envisages the construction of a series of subterranean storage tanks that would release surface water at a controlled rate without giving rise to a flooding risk for the properties to be constructed or for the surrounding area. The proposal would, therefore, comply with Policy GP15a) of the Draft Local Plan would.

#### IMPACT OF ADDITIONAL TRAFFIC GENERATION:-

4.6 The application site is accessed via a cul-de-sac leading from a small parade of shops on the northern side of Whitby Avenue. Existing traffic levels in the vicinity are generally light and the illustrative scheme indicates five houses which would be the maximum capable of being accessed from a private drive. The proposal would not

lead to a materially significant increase in traffic in surrounding roads either during construction or when the development is completed and fully occupied.

#### IMPACT OF THE PROPOSAL UPON LOCAL BIODIVERSITY:-

4.7 Significant concern has been expressed in respect of the potential impact of the proposal upon local biodiversity. Policy NE1 of the York Development Control Local Plan states that trees, woodlands and hedgerows of landscape, amenity and nature conservation value will be protected by refusing development proposals which would result in their loss or damage and requiring trees or hedgerows which are retained on development sites to be adequately protected during site works. Similarly Policy NE7 of the Draft Local Plan states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these and to promote public awareness and enjoyment of them. The application site consists of a disused garden area that includes a number of mature trees. The applicant has undertaken a detailed tree survey and has agreed to the retention of the significant belt of trees along the northern boundary of the site and to provide an area of additional planting to reinforce the eastern boundary of the site. There is some evidence of bats foraging in the vicinity but there is no indication of a roost within the application site. There is no evidence of other protected species being active within or adjacent to the application site. Subject to appropriate mitigation being incorporated within the development it is considered that it would not give rise to material harm to local biodiversity and that Policies NE1 and NE7 of the Draft Local Plan would be satisfied.

#### LOSS OF AN OPEN SPACE OF MAJOR TOWNSCAPE IMPORTANCE:-

4.8 Clear and significant concern has also been expressed in respect of the loss of an area of open space of major townscape importance. Policy NE8 of the York Development Control Local Plan states that planning permission will not be forthcoming for development which would destroy or impair the integrity of green corridors and "stepping stones". The application site comprises a secluded garden area in a poor state of repair and maintenance. It is not clearly visible in public viewpoints and it does not contain any particular features of townscape merit. The development of the site for housing at a density and layout comparable with the adjoining area with suitable landscaping is considered, therefore, to be appropriate.

### **5.0 CONCLUSION**

5.1 The application site comprises a brick built bungalow circa 1950 lying in a large disused garden to the north east of the City Centre. Outline Planning Permission is sought for the demolition of the existing house and the redevelopment of the site for housing. All matters other than access are reserved for further approval. The surrounding area comprises large brick built houses set within large gardens to the north and north east and more recent bungalows set within modest gardens to the

south and south east. The application is accompanied by an illustrative scheme that demonstrates that five dwellings can be accommodated on the site without detrimental impact upon the wider street scene. Provided a lower form of development is adopted towards the southern boundary of the site then it is considered that the residential amenity of nearby properties can be adequately safeguarded, and as the existing garden does not have a clearly defined role in townscape terms, the development proposed is considered to be acceptable and approval is therefore recommended.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters -

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 VISQ8 Samples of exterior materials to be app -

4 VISQ4 Boundary details to be supplied -

5 The development hereby permitted shall not commence until full details of the proposed vehicular access, turning, parking arrangements and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason: - To ensure appropriate on-site vehicle parking facilities, access and manoeuvring areas are provided in the interest of highway safety and the general amenity of the development.

6 No development shall take place until full details of measures for bat mitigation and conservation have been submitted to and approved in writing by the Local Planning Authority.

These measures shall include:-

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

The works shall be implemented in accordance with the approved details and timing unless otherwise agreed in writing by the Local Planning Authority.

Reason: - To secure the habitat of a protected species in accordance with Central Government Policy in relation to Planning and Biodiversity outlined in the National Planning Policy Framework paragraph 118.

7 The dwellings to be erected on this site adjacent to properties in Whitby Drive shall be single storey in height. No external alterations to the dwellings to incorporate an additional floor shall be carried out following completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: - To protect the amenities of adjoining residents and to ensure that the development integrates successfully into the area.

8 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the local planning authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the local planning authority and thereafter implemented, prior to first occupation of the development.

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

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated in accordance with the schedule contained within the following document: "Commutated Sum Payments for Open Space in New developments - A Guide for Developers" (Approved April 2007). No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

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

Reason: To protect the amenities of adjacent residents.

**7.0 INFORMATIVES:**

**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 residential amenity of neighbouring properties, impact upon the visual amenity of the wider street scene, impact upon the local surface water drainage pattern, impact of additional traffic generated upon the local highway network, impact of the proposal on local biodiversity and loss of an important open space of townscape value. As such the proposal complies with Policies GP15a), GP1, GP4a), GP9, GP10, H4a), NE1, NE7 and NE8 of the City of York Development Control Local Plan.

**2. UNEXPECTED CONTAMINATION:-**

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.

### 3. 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

#### **Contact details:**

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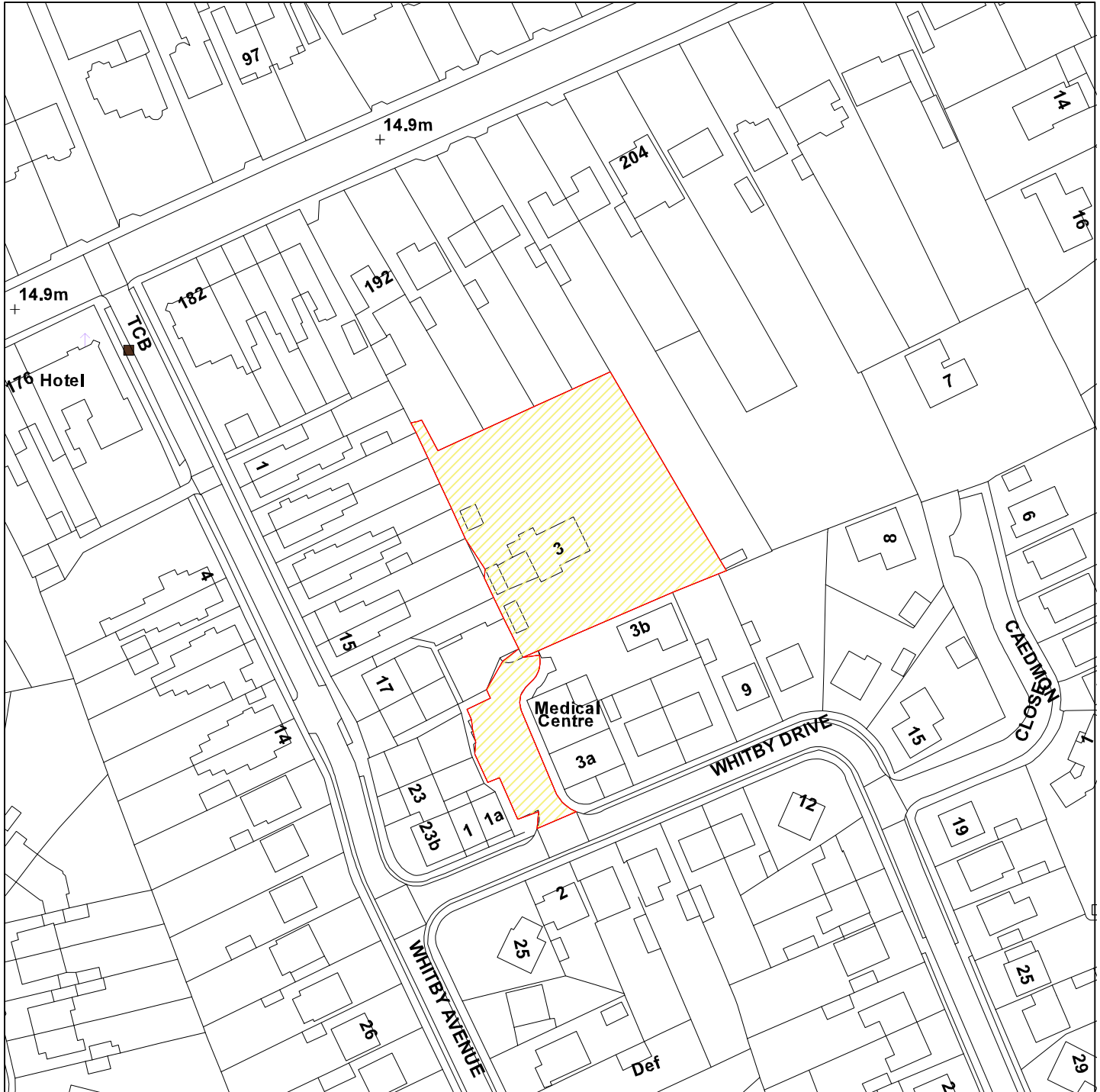
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## 3 Whitby Drive



GIS by ESRI (UK)



Scale : 1:1250

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