



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Livesley (Chair), Bartlett (Vice-Chair),
Sue Galloway, Horton, Macdonald, Reid, Simpson-Laing,
Sunderland and B Watson

Date: Thursday, 21 December 2006

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

**Site visits for this meeting will commence at 11.00 am on
Wednesday 20 December 2006 at Memorial Gardens.**

1. Declarations of Interest

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

2. Minutes (Pages 3 - 14)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 16 November 2006 and 28 November 2006.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) 73 Gale Lane, York (06/01508/FUL) (Pages 15 - 26)

Erection of an apartment block comprising 6 no. two bed flats and 1 no. two bed house, after demolition of existing dwellings at 73 and 75 Gale Lane (resubmission). *[Westfield Ward]*

b) 42 Stonegate, York (06/01641/FUL) (Pages 27 - 36)

Variation of condition 4 of planning permission 03/00590/FUL to extend opening hours of an internet lounge from 1000-2300 (Mon-Sat) and 1100-2230 (Sun) to 1000-2400 (Mon-Thurs), 1000-0100 (Fri and Sat) and 1100-2400 (Sun) and extension of off-licence hours from 2230-2300(Sun). *[Guildhall Ward]*

c) 10 Hatters Close, Copmanthorpe, York (06/02156/FUL) (Pages 37 - 44)

Two storey pitched roof side extension and single storey rear extension. *[Rural West York Ward]*

d) 7 Hawkshead Close, York (06/02062/FUL) (Pages 45 - 56)

Erection of a pitched roof two storey detached dwelling on land at 7-9 Hawkshead Close (resubmission). *[Westfield Ward]*

e) Dodsworth Hall, Millfield Lane, Nether Poppleton, York (06/02233/FUL) (Pages 57 - 66)

Single storey rear extension, vehicle access and car parking, and new rooflights. *[Rural West York Ward]*

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

Democracy Officer

Name: Simon Copley

Contact Details:

- Telephone (01904) 551078
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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

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

Contact details are set out above.

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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE
SITE VISITS****Wednesday 20 December 2006****Coach departs Memorial Gardens at 11.00****TIME SITE****(Approx)****11.10 10 Hatters Close, Copmanthorpe****11:40 7 – 9 Hawkshead Close****12:20 Dodsworth Hall, Millfield Lane, Nether Poppleton**

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City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 NOVEMBER 2006
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, MACDONALD, REID, SIMPSON-LAING (EXCEPT FOR AGENDA ITEM 4D), SUNDERLAND AND B WATSON

40. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
22A Huntington Road	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Macdonald, Reid, Sunderland and B Watson
The Palace, Bishopthorpe Road	As the application is recommended for approval and comments have been received from the Parish Council and because of the complex nature of the proposals	Councillors Livesley, Bartlett, Macdonald, Reid, Sunderland and B Watson

41. DECLARATIONS OF INTEREST

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

No interests were declared. Members who had attended the site visits declared that they had been offered tea and biscuits at The Palace, Bishopthorpe Road, York.

42. MINUTES

RESOLVED: That the minutes of the meeting of the West & City Centre Area Planning Sub-Committee on 19 October 2006 be approved and signed by the Chair as a correct record.

43. 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 Sub-Committee.

44. 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.

44a. 22A Huntington Road, York (06/01992/FUL)

Members considered a full application, submitted by Mr K Taylor, for the erection of a three storey pitched roof side extension to a house in multiple occupation to form additional accommodation and reinstatement of the front boundary wall (revised scheme).

Representations were received in objection to the application from the site owner.

Members noted that the only way of getting cycles and bins from the storage area at the rear to the street at the front would be through the house. They raised concerns regarding quality of life, in terms of this worsening the amenity of residents at the property, and health and safety, in terms of the practical difficulties of moving the large bins through the house, particularly given the steps at the front. They queried whether the area at the rear was large enough for the storage of the potential number of cycles and the necessary refuse and recycling facilities for a property of this size. They requested that any permission include a condition preventing the storage of bins at the front of the property, as this would be detrimental to the appearance of the conservation area. They also expressed some concerns regarding egress from the building at the rear in case of a fire, but recognised that this was a Building Control matter and not a planning consideration.

Councillor B Watson proposed and Councillor Macdonald seconded a motion to refuse the application on the grounds of overdevelopment in relation to its proximity to adjacent buildings, worsening of amenity for residents in terms of bins and cycles having to be brought through the house, and inadequate facilities for refuse storage and collection. On being put to the vote, this motion was declared lost and a motion to approve the application was then moved.

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

- (i) Condition – "No waste or recycling bins or refuse shall be stored at the front of the premises.

Reason: In the interests of the character and appearance of the conservation area and residential amenity.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, residential amenity and highway safety. As such the proposal complies with Policies E4 and H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, H4, H5, H8, HE3 and L1c of the City of York Local Plan Deposit Draft.

44b. The Palace, Bishopthorpe Road, York (06/01822/FUL)

Members considered a full application, submitted by The Church Of England Church Commissioners, for the erection of a new lift shaft enclosure in the light well and alterations at roof level.

Officers confirmed that the third bullet point of paragraph 1.2.1 of the report should read, “Other minor external works including the alteration of a window to a door to create a public point of access for visitors and the secondary glazing of a number of windows”.

Representations were received in support of the application from the applicant’s agent.

Some Members expressed the view that the internal 1970’s “dog leg” staircase in the Neo-Gothic Wing should be retained as being a good example of design “of its time”, whilst others supported its replacement with a staircase that complied with modern accessibility requirements and that was of a more ecclesiastical design.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to Bishopthorpe Palace which is a listed building and the Bishopthorpe Conservation Area. As such the proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3 and HE4 of the City of York Local Plan Deposit Draft.

44c. The Palace, Bishopthorpe Road, York (06/01823/LBC)

Members considered an application for Listed Building Consent, submitted by The Church Of England Church Commissioners, for external and internal alterations including works to create a self-contained apartment

and office accommodation for staff, a new lift and link structure and alterations at roof level.

Representations were received in support of the application from the applicant's agent.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the Palace which is Grade I Listed. As such the proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3 and HE4 of the City of York Local Plan Deposit Draft.

44d. 27 Station Road, Copmanthorpe, York (06/02263/FUL)

Members considered a full application, submitted by Mr S Stericker, for the erection of a conservatory to the side of a bungalow and a 0.5m high timber panel on top of the existing boundary wall (resubmission).

The case officer outlined objections from two residents and from Copmanthorpe Parish Council which had been received since the publication of the report.

Representations were received in support of the application from the applicant's agent.

Members expressed the view that the erection of the timber panel on top of the existing boundary wall was neither necessary or desirable, and the applicant indicated that he was willing not to implement this part of the scheme if permission was granted.

Members requested the addition of a condition requiring the retention of the opaque glazing on the roof of the conservatory and the fixed rooflights, to prevent any overlooking of the adjacent properties in the future.

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

- (i) Condition – "The opaque roof sheets, obscure glazing and fixed rooflights shall be installed as shown on the approved drawing and shall be retained as approved whilst the conservatory remains in place. No opening doors or windows, other than those shown on the approved plans, shall be installed.

Reason: In the interests of the living conditions of the adjacent property in accordance with policy H7 of the Development Control Local Plan."

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses" and the Copmanthorpe Village Design Statement (2003).

COUNCILLOR D LIVESLEY

Chair

The meeting started at 3.00 pm and finished at 5.00 pm.

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	28 NOVEMBER 2006
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY (FOR AGENDA ITEM 3B), HORTON, MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

45. DECLARATIONS OF INTEREST

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

Councillors Livesley, Bartlett, Sue Galloway, Horton, Macdonald, Reid, Sunderland and B Watson declared personal non-prejudicial interests in agenda item 3b (Tesco Supermarket, Askham Bar, Tadcaster Road, Dringhouses, York) as regular customers at Tesco stores.

46. 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 Sub-Committee.

47. 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.

47a. 48 Wetherby Road, Acomb, York (06/02028/FUL)

Members considered a full application, submitted by Mr & Mrs Jeffrey, for the erection of 1 no. detached single storey dwelling and garage to the rear of 48 Wetherby Road (resubmission).

The case officer circulated a sheet setting out the following changes to the conditions proposed:

- The addition of conditions to ensure that the dwelling was single storey and preventing external alterations to the roof, to require fixed obscure glazing in the bathroom windows, and to ensure the retention of the hedge on the eastern boundary at a height of at least 2m.
- The removal of conditions 11 and 13 (HWAY12 and HWAY31) and their replacement with conditions relating to improved vehicular access, provision of turning areas, and replacement cycle storage and car parking.

Representations were received from neighbouring residents, in objection to the application, and from the applicant's agent, in support of the application.

Some Members expressed concerns regarding the application, relating to the loss of the large area of garden space and the impact this had on the green corridor, the location of the access on the boundary with the gardens of two adjacent properties and the precedent that may be set for future garden developments in the vicinity.

Councillor Macdonald proposed and Councillor B Watson seconded a motion to refuse the application, on the grounds that it contravened Policies GP1 (Design), GP10 (Subdivision of Gardens and Infill Development), H4a (Housing Windfalls) and NE8 (Green Corridors) of the Draft Deposit Local Plan. On being put to the vote, this motion was lost.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with deletion of conditions 11 and 13 and the following additional conditions:

- (i) Condition – “The dwellings to be erected on this site shall be single storey. No external alterations to the roof to incorporate an additional floor shall be carried out following the completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.”

- (ii) Condition – “Fixed obscure glazing shall be fitted to the bathroom windows and shall thereafter be retained.

Reason: In the interests of the privacy of the neighbouring residents.”

- (iii) Condition – “The existing hedge to the eastern boundary of the site shall be retained at a minimum of two metres in height unless otherwise agreed in writing with the Local Planning Authority and a suitable alternative agreed.

Reason: In the interests of the privacy of the neighbouring residents.”

- (iv) Condition – “The building shall not be occupied until vehicular access has been improved in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.”

- (v) Condition – “No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.”

- (vi) Condition – “Prior to the development commencing details of replacement cycle storage and car parking for 48 Wetherby Road, lost as a consequence of this development, shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided prior to the new dwelling being first occupied and thereafter retained solely for their intended purposes.

Reason: To provide adequate off street parking for the existing dwelling.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area, neighbouring residential amenity or landscape features. As such the proposal complies with Policy H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP10, H4A, H5A, NE1 and NE8 of the City of York Local Plan Deposit Draft.

47b. Tesco Supermarket, Askham Bar, Tadcaster Road, Dringhouses, York (06/01987/FULM)

Members considered a major full application, submitted by Tesco Stores Ltd., for the erection of a 74 space temporary decked car park for a 6 month period.

Since the publication of the report, the Council’s Highway Network Management section had considered a traffic assessment submitted by the applicant. The section’s comments on the assessment were circulated at the meeting and they concluded that their concerns had been addressed. The application was therefore now recommended for approval and a list of conditions was circulated to Members for consideration.

The applicant’s transport consultant attended the meeting to answer questions.

Members expressed concern that the proposal was unsustainable, in terms of use of resources to erect a temporary structure and in terms of encouraging car use, rather than implementing a Green Travel Plan. They also expressed concerns regarding the visual impact of the structure and the removal of trees for erection of a temporary structure.

Members queried whether the lower deck would be underused because of security issues relating to the lack of natural surveillance and requested the addition of a condition requiring details of the mesh used under the ramps to be agreed by officers, to ensure that these spaces could not be accessed and become a location for anti-social behaviour.

Members noted that parking capacity would be reduced during the period when the structure was being constructed and dismantled and expressed concern that this might result in tailbacks onto the public highway. It was agreed that a condition be included requiring officers' approval of measures to protect the public during the construction and dismantlement periods. Some safety concerns were also raised regarding queues for the garage tailing back towards the roundabout. The need to maintain access to the recycling facilities sited in the car park at all time was highlighted and a condition proposed to ensure this.

Members also requested the addition of an informative stating that the Sub-Committee were disappointed nobody from Tesco's had attended the meeting to answer a wider range of questions and suggesting that if they were minded to submit a similar application next year, they start the process in plenty of time to allow a proper discussion and send adequate representation to the meeting.

RESOLVED: That the application be approved, subject to the following conditions and with the informative requested above:

- (i) Condition – "The development hereby approved shall be removed from site not later than the 17th January 2007, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The temporary nature of the car park is such that it is considered inappropriate on a permanent basis."

- (ii) Condition – "The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

4622/11/PO3 – Proposed Site Plan
4622/11/PO1a – Existing Site Plan
4622/11/PO2b – Proposed Site Plan

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

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

- (iii) Condition – "A detailed landscaping scheme illustrating the number, species, height and position of trees to be planted, shall be submitted for the written approval of the Local Planning Authority within 1 month of the permission being granted. This scheme shall be implemented within a period of six months. Any trees or plants which within a period of five years 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.”

- (iv) Condition – “Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 4.0 metres, as measured from the 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.”

- (v) Condition – “Prior to the development coming into use details of the meshing preventing access to areas under the ramp hereby approved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety.”

- (vi) Condition – “The development shall not commence until details showing the measures used to protect the public during the construction and dismantling of the decked car park hereby approved, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety.”

- (vii) Condition – “Access to the existing on-site recycling facilities shall be retained at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of members of the public.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, highway safety and the free flow of traffic as such the proposal complies with Policies GP1 and GP23 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 12.00 pm and finished at 1.55 pm.

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 21 December 2006 **Parish:** No Parish

Reference: 06/01508/FUL
Application at: 73 Gale Lane York YO24 3AD
For: Erection of apartment block comprising 6 no. two bed flats and 1 no. two bed house after demolition of existing dwellings at 73 and 75 Gale Lane (Resubmission)
By: Mr J Wheldon
Application Type: Full Application
Target Date: 29 August 2006

1.0 PROPOSAL

1.1 The application is a resubmission of a scheme previously refused by Members at the West Area Sub-Committee in February 2006 (ref: 05/02410/FULM). The current scheme seeks permission for the erection of a block of seven two-bedroom apartments following the demolition of 73 and 75 Gale Lane.

1.2 The site is currently occupied by a pair of semi-detached houses which face Gale Lane. Planning permission was recently granted for a detached house in the side garden of number 73 Gale Lane. This application has not been implemented.

1.3 The previous refused scheme comprised 12 no. one and two bedroom flats in 2 no. three-storey blocks. The proposal was considered to be an overdevelopment out of character with its surroundings; would cause harm to the living conditions of the neighbours; would harm road safety; did not provide adequate bin or cycle storage and would have resulted in a development that would be vulnerable to crime.

1.4 The application was deferred from committee in October in order for Safer York Partnership (SYP) comments to be received, to allow for information to be sought in relation to refuse collection and to ensure that a highway officer can be present to report back to Members. Comments have now been received from the Safer York Partnership, on the original scheme and a recent revision, and comments from the CYC Refuse Services have been received and are contained within the Representations section.

REVISIONS

1.5 The applicant states that both pedestrian and vehicular gates will be locked with keypad access only. In line with the SYP comments the bike sheds have been pushed slightly back into the site to allow them all to be overlooked from the proposed development. It is felt that individual brick bike sheds are safer than communal sheds, often seen in flatted developments. Additional landscaping has been provided to the front of the development to give a sense of ownership and to prevent an easy walk through for intruders. The amended plans also included an

area on site, adjacent to Tudor Road, where bins can be parked on collection day and accessed by the refuse collectors. However, comments received from the Waste Department state that the collectors would not enter the site and the bins must be presented outside on the pavement. As such fresh plans have been requested to remove this area from the scheme.

1.6 In connection with highway concerns it is noted that at present there are two vehicular access points onto Gale lane, which will be reduced to one as part of this application. In addition planning permission has previously been granted for an additional dwelling adjacent to 75 Gale Lane, served by an existing access. These three houses on the development site could have the potential to provide far more vehicle spaces and movements than the eight proposed by the current scheme.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYT4
Cycle parking standards

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - With reference to the amended drawings submitted by the applicant's agent and received on 21st September, for the demolition of existing dwellings on this site and the construction of an apartment block containing 7 no. 2 - bed units, there are now no highway objections to the application.

Engineering consultancy - Insufficient detail has been submitted to determine the potential impact the proposal may have on existing drainage systems. Details of the existing surface water systems should be provided together with details for the new development. Existing and proposed ground levels for the site and adjacent properties should be shown. Existing and proposed surfacing should be shown.

Environmental Protection Unit - The Environmental Protection Unit have no objections to this application. However the site is in close proximity to residential properties that may be adversely affected by noise during any demolition, construction and refurbishment work. Although the site is unlikely to be affected by land contamination, it is recommend that a condition, which places a watching brief for the discovery of any unsuspected contamination, is placed on the approval.

Education - No contributions are required.

Lifelong Learning and Culture - Financial contribution required for improving local leisure facilities.

Refuse Services - The bins would have to be presented to the road site, and this would appear to be along Tudor Road. As the vehicle would come from Gale Lane into Tudor Road the vehicle would stop with the rear of the vehicle level with the small gateway by the bin store to load. The back of the vehicle would be beyond the stopping area for the FTR (effectively in front of the bus stop) and given the bins are by the road we would only need 2-3 minutes to empty seven bins or boxes.

Revised Plans - We operate a curtilage collection which requires householders to present their bins outside the property boundaries for collection which would mean these bins need to be presented outside on the pavement as with any other properties.

3.2 External

Environment Agency - No objection.

Safer York Partnership - No response received.

Neighbours - Two letters of objection received to the initial scheme from 106 Gale Lane and 130 Tudor Road:

- Increased traffic at an already busy junction
- Loss of trees and hedges
- Inappropriate to the area as terrace and semi-detached prominent within the area
- Bin store at a distance to the properties and people may store refuse elsewhere on site
- Smell and vermin from the bin store
- Bike stores could be used to store other equipment such as flammables

- Flat roof of bin and bike store will give easy access to garden area by intruders
- Children may play ball games against the bike store and boundary wall
- Loss of privacy by living accommodation
- The gates shown address security issues but only if they are locked

Revised scheme: Two letters of objection from 69 and 71 Gale Lane:

- Possible danger due to number of cars entering and leaving the site at junction
- Kerbed access over neighbouring dropped kerb
- Existing 4ft lap larch fence inappropriate to boundary with proposed access
- Brick boundary wall to 71 Gale Lane should be built within the application site

Additional comments from 130 Tudor Road:

- Overdevelopment of the site
- Sheds and walls should be constructed in a way that prohibits, as far as possible, climbing to gain entry into neighbours gardens
- External lighting should be carefully considered
- Issues arising with 7 bins plus other recycling containers being strewn around obstructing the pavement, bus stop and drive

Safer York Partnership - 'Open Space' - Whilst the developer has gone some way to defining the front boundary and gating both pedestrian and vehicle access to the rear and side of the property so providing that definition between public and private space, there is still no boundary between the properties at the front. All four garden areas are separated by a path and these should be further separated and secured by either defensive planting or fencing so preventing its use as an escape route, short cut or to make anti social behaviour easier by increasing access. This would decrease the feeling of openplan and create a feeling of ownership particularly by those in the ground floor flats.

'Gates' - It could be impractical to insist on the vehicle gates remaining closed but the pedestrian gates could easily be secured with a keypad or some sort of access control to restrict its use. If the developer were willing to install similar system to the vehicle gate it would greatly decrease the prospect of crime and anti social behaviour at the rear of the development.

'Sheds'- The sheds and stores adjacent to 130 Tudor Road are quite vulnerable if the pedestrian gate were to remain unlocked. All refuse sheds, the tools shed and at least one cycle shed are not overlooked by any windows. All sheds and stores should be incorporated within the individual units where they would be more likely to be used and looked after.

'Car Parking' - This area appears to have good natural surveillance although there is no mention of lighting.

'Access' - The access to some parts of the building line makes those ground floor windows vulnerable to attack. Windows and doors should be security tested. Fencing or shrubbery can be used as a means of creating areas of defensible space to the front of windows making attack less likely.

Comments on Revised Scheme:

- Still no mention of keypads to the gates
- gates would need to be self closing otherwise they would be left open after use
- The repositioning of the stores now affords better protection with increased natural surveillance
- No lighting details for the stores or car parking
- Planting to the front is welcomed but none provided to the rear windows
- The front of the bin stores should be see through weld mesh or slatted steel fencing so potential offenders are aware it is only a bin and won't be tempted to force the door

4.0 APPRAISAL

4.1 Key Issues

- Design and Visual Amenity
- Impact upon neighbouring residents
- Access and highway Safety
- Design and Crime

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP3, GP9, H4a, H5a, L1c and T4. Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area. Policy GP3 states that new development will be required to incorporate crime prevention measures to achieve natural surveillance, secure locations for car and cycle parking and satisfactory lighting. Policy GP9 requires a suitable landscape scheme to be planned as an integral part of the proposals where appropriate.

4.3 Policy H4a 'Housing Windfalls' states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features. Policy H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependant on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60dph in the city centre; 40dph in the urban area and 30dph elsewhere in the city of York. Policy T4 states that cycle parking provision should be in line with Council standards. Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

DESIGN AND IMPACT ON THE VISUAL AMENITY OF THE AREA

4.4 The application site consists of a pair of semi-detached houses located at the junction of Gale Lane and Tudor Road. It is proposed to demolish the houses and erect a block of seven two-bedroom apartments. The building would be two storey with rooms incorporated within the roof space. There would be three self-contained units at ground floor. Individual accesses would be provided to three apartments covering the first floor with their master bedroom being located within the roof space. A single unit is proposed which would incorporate living accommodation at ground floor with two bedrooms to the first floor and no living space within the roof.

4.5 The building has been designed in an 'L' shape allowing frontage to both Tudor Road and Gale Lane. Its design is relatively uniform with slight setbacks and projecting porches to allow relief to the elevations. Details are provided to the cills and headers and a soldier course has been incorporated to all elevations. It would be constructed with a hipped roof to reflect neighbouring residential properties and to reduce its bulk. It would have an eaves height of 5.3m and a ridge height of 8.65m. The section adjacent to 71 Gale Lane has been reduced to two storey only, with no rooms provided within the roof, and as such has a similar eaves height but the ridge is reduced to 7.3m.

4.6 Access to the site would be provided by way of an improved entrance onto Gale Lane, adjacent to number 71. This would serve the car parking area which is enclosed to the rear of the site between the development and the boundary to number 71. Eight car parking spaces would be provided, one per dwelling and one visitor. A communal garden area would also be located to the rear of the building. A long low pitched roof building is proposed along the boundary with 130 Tudor Road which would house eight individual cycle stores, a tool shed and five secure refuse and recycling units.

4.7 The character of the locality is that of a well established suburban residential area, dominated by two storey houses with their own front and rear gardens. Policy H4a encourages residential development schemes in accessible urban sites that increase density. The scheme calculates at 76 dwellings per hectare. It is considered that this intensity of development can be accommodated within the site without being detrimental to the character of the area, the streetscene or neighbouring residential amenity.

4.8 The apartment block has been designed to minimise the impact upon neighbouring residential properties. The scheme incorporates hipped roofs to reflect those present within the vicinity and would have eaves and ridge heights similar to those of 71 Gale Lane. The ridge would, however, be 1.3m higher than that of the adjacent property at 130 Tudor Road but this would be at a distance of 7m away and would not appear to be overdominant or overbearing on the neighbouring property or streetscene. Furthermore, the section of the development immediately adjacent to 130 Tudor Road would follow the same building line, before projecting towards the highway, giving a visual break in the front elevation. This elevation would reflect the neighbouring terrace properties in terms of bulk and mass.

4.9 The scheme has been designed to retain the existing boundary hedge, softening the appearance of the development, and incorporate areas of landscaping to the rear

and front of the building. These areas reflect the suburban nature of the street and integrate the scheme into the local environment in accordance with policy GP9.

IMPACT UPON LIVING CONDITIONS OF NEIGHBOURING RESIDENTIAL PROPERTIES

4.10 In respect of residential amenity policy GP1 i) seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The two properties principally affected by this proposal are 130 Tudor Road which is a small end of terrace house with a large rear garden and 71 Gale Lane which is an extended two storey semi detached house with rooms in the roof and a large outbuilding running along the boundary with the application site.

4.11 The scheme has been designed to prevent any detrimental impact upon neighbouring residents in terms of overshadowing or overlooking. The block of apartments would follow the lines of the front and rear elevation of the neighbouring residential properties and would be set at a distance of between 6.8 and 7.4 metres from their side elevations. The main bulk of the building would be at a distance of 15m from the shared boundary with 71 Gale Lane and as such there would be limited impact in terms of overshadowing of the properties and their garden areas.

4.12 The rear elevation of the development facing 71 Gale Lane would be at a distance of between 15m and 18.5m to the shared boundary, due to the slight angle of the development, and 22m to the central section of the garden, immediately behind the property. There would be six windows to this first floor elevation opening into two bathrooms, which would be obscure glazed, two bedrooms and two dining areas. It is considered that these distances are acceptable and would not lead to any detrimental impact in terms of loss of privacy. With regard to the property facing Tudor Road the nearest windows of the development, being first floor bedroom windows, are at a distance of 21.5m to the shared boundary which is also considered to be acceptable.

ACCESS AND HIGHWAY SAFETY

4.13 One of the reasons for refusal on the previous application specifically related to the vehicular access to the site and highway safety implications. The number of units has been substantially reduced since the original application and accordingly the number of parking spaces has been reduced from 15 spaces to 8 spaces, being one per unit and one visitor. It is considered that traffic associated with seven two bed apartments is in lines with what can be expected from the existing dwellings at 73 and 75 Gale Lane plus the dwelling which has outline consent and is positioned in the corner of the plot.

4.14 Initial comments requested that a formal kerbed access be provided to the site. However, this cannot be achieved due to the close proximity of the neighbouring access at 71 Gale Lane. There are no objections raised though on the condition that the access be widened to allow for two way flow into and out of the site.

DESIGN AND CRIME

4.15 Comments from the Safety York Partnership have been included in the report as part of the representations section. However, in general key pad access has been provided to the pedestrian and vehicular access to the site. The cycle stores have been amended slightly to allow them all to be overlooked from the proposed development. It would be preferable to accommodate all cycle and stores inside the building but this would be impractical. No lighting details have been provided for the stores or car park area. Increased planting has been provided, as recommended, to the front of the buildings to prevent easy access through the site and to create a sense of ownership of the development. It is suggested that the front of the bin stores are welded mesh so potential intruders are aware it is only a bin and won't be tempted to force the door.

OPEN SPACE

The applicant has agreed to provide a contribution towards off-site open space in accordance with policy L1c. The contribution would be used to improve local amenity open space such as Hob Moor, local play space such as Foxwood Lane and sports pitches within the West Zone of the Sport and Active Leisure Strategy. The contribution has been assessed as £5257.

5.0 CONCLUSION

5.1 It is considered that the proposal accords with council policy. There would not be any detrimental impact upon neighbouring residents amenity in terms of overshadowing or loss of privacy. The design of the scheme reflects neighbouring properties and the bulk and massing are considered to be appropriate. There would not be any highway implications and adequate on site parking is provided. Officers recommend approval.

6.0 RECOMMENDATION: Approve

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

JW/GL/7 received 18th September 2006

JW/GL/8 received 18th September 2006

JW/GL/6 received 16th November 2006

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

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

- 3 HWAY10 Vehicular areas surfaced, details reqd
- 4 HWAY17 IN Removal of redundant crossing
- 5 HWAY19 Car and cycle parking laid out
- 6 HWAY21 Internal turning areas to be provided
- 7 HWAY25 Pedestrian visibility splays protected
- 8 HWAY29 IN No gate etc to open in highway
- 9 NOISE7 Restricted hours of construction
- 10 VISQ8 Samples of exterior materials to be app
- 11 DRAIN1 Drainage details to be agreed
- 12 HT1 IN Height ...8.7m...
- 13 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants.

- 14 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £5257.

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.

- 15 The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved plans, 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.

- 16 VISQ4 Boundary details to be supplied

- 17 Details of the proposed method of lighting the car parking area and stores shall be submitted to and approved in writing by the Local Planning Authority and shall be operational prior to the first occupation of the development

Reason: To ensure neighbouring amenity is not unduly affected by unacceptable levels of illumination emitting from the development site.

7.0 INFORMATIVES:

Notes to Applicant

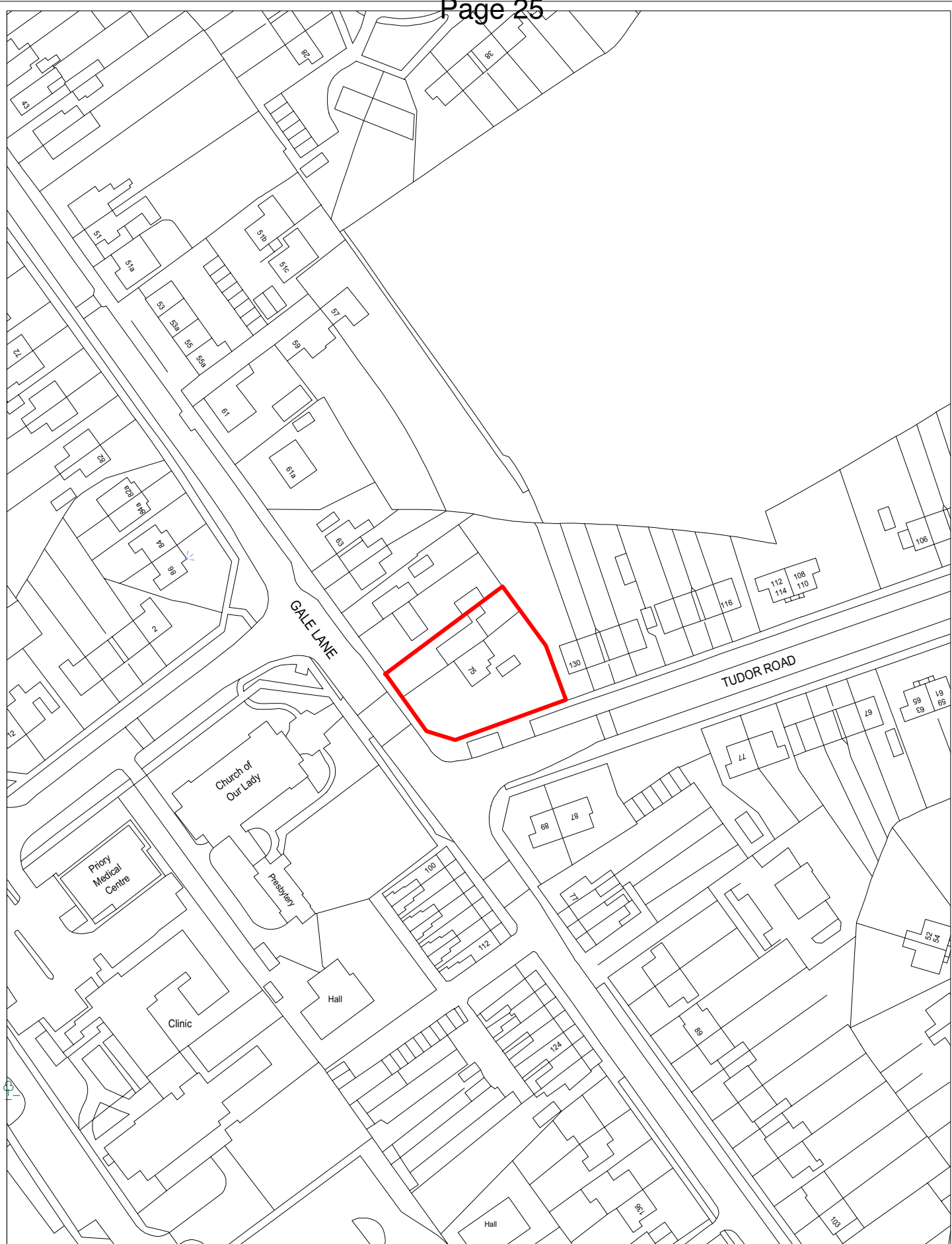
1. REASON FOR APPROVAL

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 the character of the area, residential amenity, open space provision and highway safety. As such the proposal complies with Policy H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP9, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

Tel No: 01904 551668



CITY OF
YORK
COUNCIL

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

Site Plan : 73 - 75 Gale Lane York

06/01508/FUL



SCALE 1:1250

DRAWN BY JB

DATE 7/12/2006

Originating Group

Project

Drawing No.

Organisation

FM 4

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 21 December 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01641/FUL
Application at: 42 Stonegate York YO1 8AS
For: Variation of condition 4 of planning permission 03/00590/FUL to extend opening hours of internet lounge from 1000-2300 (Mon-Sat) and 1100-2230 (Sun) to 1000-2400 (Mon-Thurs), 1000-0100 (Fri and Sat) and 1100-2400 (Sun) and extension of off-licence hours from 22.30-23.00(Sun).
By: Ian Loftus
Application Type: Full Application
Target Date: 6 December 2006

1.0 PROPOSAL

1.1 The recent amendment (April 2005) to the Use Classes Order places Internet cafes within A1 use. Circular 03/2005 confirms that provided the use of the Internet is the primary use and that the cafe is an ancillary element, the serving of hot and cold drinks does not invalidate the A1 status. This is a change from previous stances on internet (or cyber) cafes which were previously not specifically included in the Use Classes Order and were considered to either be sui generis or a dual A2/A3 use. It was on the basis of this former stance that the property was granted A2/A3 use in three separate applications (for the ground, first and second floors) in 2000, 2002 and 2003.

1.2 A condition of the first consent for the change of use of the first floor from retail (Class A1) to dual use (Class A2 & A3) as internet facility and internet cafe lounge was that the hours of operation be restricted to between 10.00 and 17.30 Monday to Saturday and 11.00 and 17.30 on Sundays. In 2002, planning permission was granted for the variation of this condition to allow opening between 10.00 to 23.30 Mondays to Saturdays and 11.00 to 23.00 on Sundays. These hours of opening were imposed on the subsequent consents for the use of the upper floors for the same use.

1.3 An application, (Ref. 05/01742/FUL) seeking consent to extend the opening hours further from 08.00 to 03.00 Monday to Saturday and 09.00 to 03.00 on Sundays, was refused planning permission on 29 September 2005. An appeal against this decision was dismissed on 2 August 2006.

1.4 In the intervening period, an application (Ref. 05/02224/FUL) seeking consent to extend the opening hours to 08.00 to 01.00 Monday to Thursday, 08.00 to 03.00am Friday to Saturday, and 09.00 to 01.00 Sunday was refused planning permission on 6 December 2005.

1.5 This application seeks consent for an extension of the off-licence hours from 2230 to 2300 on Sundays. This would be similar to the agreed closing times for the rest of the week and would match the retail off-licensing hours of 2300, daily as agreed by the licensing committee. The applicant has also applied to extend the operating hours of the Internet lounge to 1000-2400 Monday- Thursday (1 hour longer), 1000-0100 Friday- Saturdays (2 hours longer), and 1000-2400 Sunday (1.5 hours longer). The application is also supported by additional information that describes the business in further detail and explains the dispersal policy that has been adopted to cope with people leaving the premises late at night.

1.6 The property is a Grade II listed Building situated in the Central Historic Core Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2*; 44 Stonegate York YO1 2AS 0865

Listed Buildings Grade 2; 42 Stonegate York YO1 8AW 0866

Listed Buildings Grade 2; Ye Olde Starre Inne 40 Stonegate York YO1 2AS 0869

2.2 Policies:

CYS6

Control of food and drink (A3) uses

CYHE3

Conservation Areas

3.0 CONSULTATIONS

Internal

3.1 Environmental Protection - The Environmental Protection Unit have no objections to this application. Previous applications have been treated with caution due to a perceived problem with noise from customers entering and leaving the premises late at night and disrupting residents living nearby. However the Environmental Protection Unit has not received any complaints about customers at

the Evil Eye causing a noise nuisance in Stonegate. There are now three pubs operating in Stonegate in addition to the Evil Eye Lounge. As this application is for a small increase in opening hours, we have no grounds for objecting.

3.2 Highway Network Management - no objections

3.3 Urban Design and Conservation - Stonegate is a narrow historic street situated within the Central historic Core Conservation area, and closing hours should be compatible with its existing restaurants and public houses.

External

3.4 The Guildhall Planning Panel object as -

- a) Disturbance to adjoining and nearby residential property
- b) Spoils 'conservation' character of the Stonegate

3.5 Adjacent properties were consulted by letter and the application advertised by site and press notice. The consultation period expires on 20 December 2006. Five responses have been received from residents/ businesses in the area. The points raised can be summarised as follows:

- Stonegate is a leading historic street and this would not be an appropriate activity given the special character and tourist value of the street.
- there is enough licensed activity in the area; an increase in drinking hours should not be supported
- many people live in the area and the extra noise and disturbance would be most unwelcome, especially after 11pm
- there is already vomit, broken glass and cigarette ends on the street which shopkeepers clear away each morning
- anti-social behaviour will increase, and safety and security will decrease if hours are extended.
- premises operate principally as a cocktail bar and restaurant

4.0 APPRAISAL

4.1 The key issues are considered to be:

- policy background
- authorised use
- crime and anti-social behaviour
- character and function of area
- residential amenity

POLICY BACKGROUND

4.2 Planning Policy Statement 6: Planning for Town Centres (2005) contains current government guidance on a range of development in town centres. Paragraphs 2.23 to 2.26 provide advice on managing the evening and nighttime economy. Local Authorities are encouraged to develop policies, which encourage a range of complimentary evening, and nighttime economy uses which appeal to a wide range

of age and social groups. Key issues are the cumulative impact on the character and function of the centre, anti-social behaviour, crime and the amenities of nearby residents.

4.3 Local Plan Policy S6 relates to the control of food and drink uses. This policy permits the extension, alteration or development of such premises subject to no adverse impact on amenity of surrounding occupiers, openings hours to be restricted where necessary to protect amenity of surrounding occupiers and security issues (re. consumption of alcohol) are addressed.

4.4 Policy HE3 of the City of York Development Control Local Plan- Incorporating the 4th Set of Changes and Policy E4 of the North Yorkshire County Structure Plan aim to protect historic and visually important buildings and areas from development/alterations that would detract from these qualities.

AUTHORISED USE

4.5 The authorised use of the premises as an internet cafe and shop/off licence would suggest that there should not be large numbers of people coming to and from the site. When consent was granted for the previous extension of hours a condition was imposed that stated that the serving of drinks and snacks during the extended hours should be restricted to Internet users. The applicant has submitted an application to relax this condition, and is pending a decision. The premises have a large ground floor bar area and the website for the premises offers Sunday lunches, screening of football matches and cocktails as well as Internet use. Given the large bar area and the other activities being promoted on the site, it is considered reasonable to assume that the premises could attract more customers over extended hours than a basic Internet cafe with a small number of terminals.

4.6 Members should note that the existing approved A1 use at the front of the premises allows the off-licence element to open until 23.00 hours every evening with the exception of Sunday evening (22.30 hours) under Condition 4 of the original consent. In addition to the proposed extension of Internet lounge hours, the applicant seeks consent for the off-licence to be open for an additional 30 minutes on a Sunday evening.

CRIME AND ANTI -SOCIAL BEHAVIOUR

4.7 It is generally considered that the new licensing act offers a robust response framework to deal with crime and disorder, noise, and nuisance issues stemming from particular premises. Whilst it is appreciated that any extension of hours would extend nighttime activity into the late evening, it would be expected that any problems specific to these premises could be resolved through the licensing legislation. For Member's interest, the approved opening hours of the three other premises on Stonegate under licensing legislation are as follows-

Yorkshire Terrier- Opening until 01.00 Monday- Sunday

Old Starre Inne- Open until 01.00 Monday- Thursday, Sunday
Open until 02.00 Friday/ Saturday

Punch Bowl- Open until 24.00 Monday- Thursday, Sunday
Open until 01.00 Friday/ Saturday

Under planning legislation, there are no planning conditions that have been imposed on any of these three uses that restrict opening hours.

CHARACTER AND FUNCTION OF THE AREA

4.8 Stonegate forms part of the historic core of the city, as well as being a primary shopping street and during the day is busy with tourists and residents. The streets of the historic core are attractive and into the evening, tourists can be found wandering in and out of the narrow streets and alleyways which characterise this part of the city. Although there are a number of traditional pubs and some modern bars in this part of the city, generally speaking this part of the city is quieter late in the evening. This is not an area where the late night takeaways and nightclubs in the city are concentrated and it does not serve as a through route to the suburbs around the city. The late night evening entertainment in the City is largely concentrated in the Micklegate/George Hudson Street area and the street pattern of the Stonegate area does not make it a natural 'shortcut' to and from this area. It is considered that, at present, there is little to attract large numbers of people to this part of the city late at night. The function of this part of the city is therefore predominantly in relation to the retail/tourist industry. The Planning Inspector in the recent appeal decision that upheld the Council's decision to refuse planning permission for extended hours till 0300, considered Stonegate to be one of the most significant streets in the historic core of York and to be particularly important in terms of the townscape and character of the Conservation Area. He noted,

" There are two public houses, one of which, Ye Olde Starre, is of considerable historic interest. From my later site visit and, as the Council and several objectors to the proposal point out, although there are other bars in this part of the city, this is not an area characterised by " nightlife". " Para 4

The Inspector then goes on to conclude-

" There is no doubt that this would not only neither preserve nor enhance the character of this part of the Conservation Area, it would have a seriously detrimental impact contrary to established planning policy. " Para 5

4.9 It is considered that to allow this premises to operate until 24.00/01.00 hours would increase nighttime activity, largely associated with the bar use than the internet lounge use. The premises have a substantial bar area, and would have the potential to attract more revellers into this part of the city late at night. It is likely that the noise arising from more comings and goings of customers, with possible congregations outside in Stonegate would detract from its appeal as a tourist street in both the daytime and evening- a shopping and tourist area through the day but with a quiet character in the evening, appreciated by tourists and residents alike. The

proposal would neither preserve or enhance the character of this part of the Conservation Area, but would have a detrimental impact contrary to established planning policy.

RESIDENTIAL AMENITY

4.10 There are a significant number of residents in the historic parts of the city, with both flats and houses situated in Stonegate and the surrounding area. It is considered that although the residents currently will suffer some disturbance in the evening, at present this does not continue late into the night. By allowing the premises to open until midnight and beyond, the residents of the area are more likely to be disturbed by people attracted into this area of the city late at night. This is likely to harm the amenity currently enjoyed by residents of the area, as the noise and nuisance as people move to and from the premises, both when coming from other establishments and leaving at the end of the night, would extend the noise and disturbance significantly into the early hours. It is considered that whilst some degree of disturbance is inevitable in city centre locations, this would increase the potential for noise and nuisance to residents to an unacceptable degree.

4.11 The extension of opening hours of the off- licence on a Sunday evening by 30 minutes from 22.30-23.00 hours would not adversely affect neighbouring amenity.

5.0 CONCLUSION

5.1 The small increase in opening hours of the retail off-licence at the front of the premises would be unlikely to harm the character of the area or the living conditions of the neighbours. However, it is considered that the proposed extension of opening times of the internet lounge would harm the residential amenity of those living around the site as a result of increased noise and disturbance. There are a significant number of residential properties in the area whose occupiers, although subject to some nuisance from existing premises, are not generally disturbed late at night. The loss of amenity that would result from this part of the proposal would be significant and unacceptable.

5.2 Stonegate forms part of the historic core of the city and its primary function is considered to be as a retail and tourist area. The area is not in close proximity to the late night clubs and takeaways in the city and therefore does not attract large numbers of people late at night. It is considered that allowing this premises to open until 2400/0100 hours, would erode the character and function of this part of the city and the conservation area.

6.0 RECOMMENDATION: Refuse

- 1 Stonegate forms part of the historic core of the City and its primary function is considered to be as a retail and tourist area. It is considered that allowing the Internet premises to open until 24.00/01.00 hours would detract from and harm the character of the conservation area by attracting people into the area late at night, contrary to Policies S6, HE3 of the City of York Development

Control Local- Incorporating the 4th Set of Changes (2005) and Policy E4 of the North Yorkshire County Structure Plan. The extension of opening times would also harm the residential amenity of those living around the site as a result of significantly increased noise and disturbance from customers coming and going from the premises at this time of night. The proposal is therefore contrary to the advice given in Planning Policy Statement 6: Planning For Town Centres, which encourages management of the night time economy to give consideration to the character and function of the centre and the amenity of nearby residents.

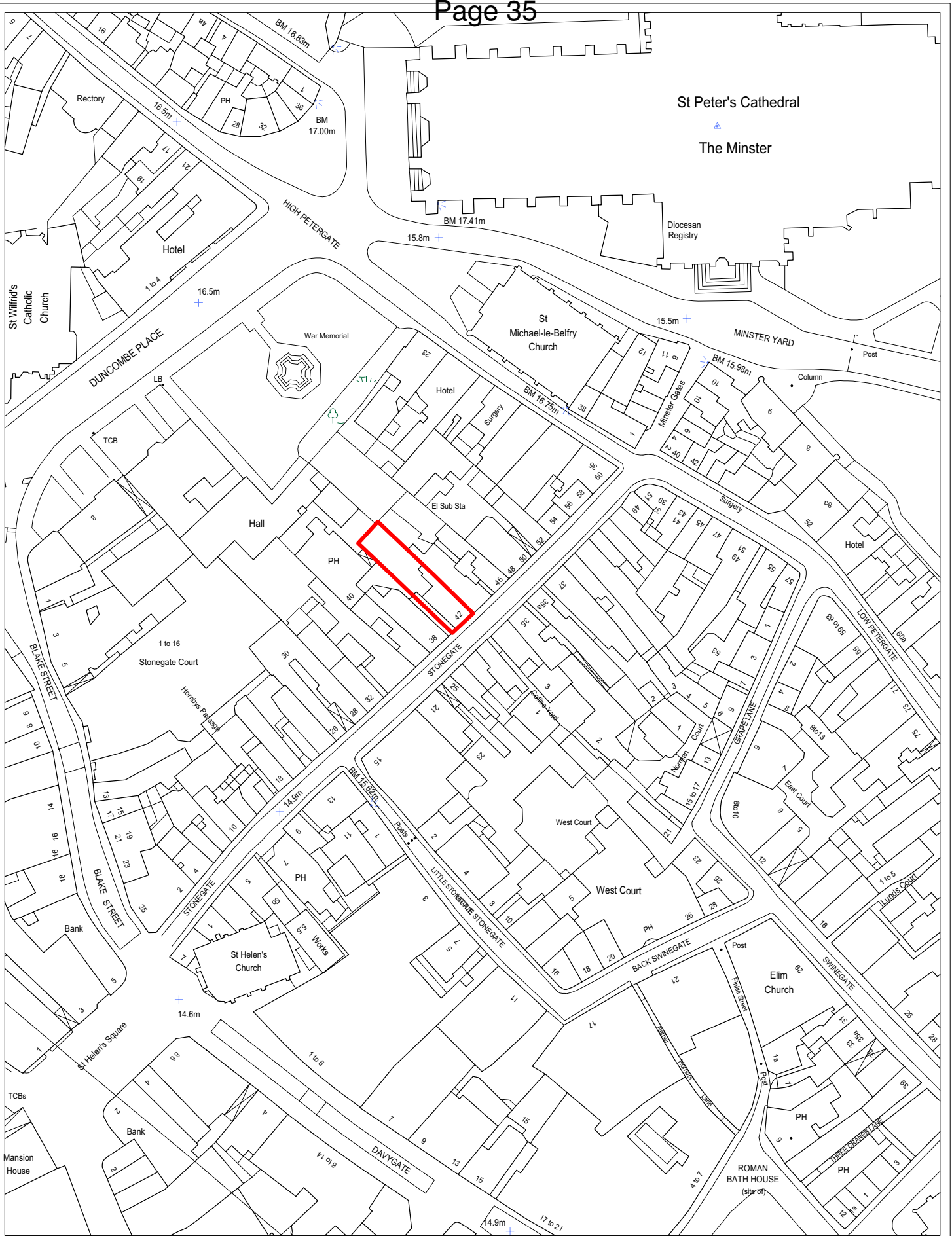
7.0 INFORMATIVES:

Contact details:

Author: Fiona Mackay Development Control Officer (Tues - Fri)

Tel No: 01904 552407

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CITY OF
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COUNCIL

Site Plan : 42 Stonegate York

06/01641/FUL



SCALE 1:1250

DRAWN BY JB

DATE 7/12/2006

Originating Group

Project

Drawing No.

Organisation

FM 5

9, St. Leonards Place, York, YO1 2ET
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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 21 December 2006 **Parish:** Copmanthorpe Parish
Council

Reference: 06/02156/FUL
Application at: 10 Hatters Close Copmanthorpe York YO23 3XQ
For: Two storey pitched roof side extension and single storey rear extension
By: Mr P Hagues
Application Type: Full Application
Target Date: 7 December 2006

1.0 PROPOSAL

1.1 The application is for a two storey pitched roof side extension and single storey rear extension

1.2 The detached dwelling is set within a suburban street with regular uniform character and spacing. There are at least two other examples of two storey side extensions within the street and numerous others in the surrounding streets.

1.3 The application comes before committee because the applicant's partner works for the City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 20/12/2006

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 20/12/2006

8 WEEK TARGET DATE 07/12/2006

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

COPMANTHORPE PARISH COUNCIL - No objections

2 LETTERS FROM NEIGHBOURS

- No provision has been made from refuse bin storage, would like condition on planning permission stating bins to be kept to the rear of the property
- Concerned about the height of the proposed side extension
- Would cause a loss of light from the loss of a gap between dwellings
- Would have a terracing impact
- Concern about the impact of the number of side extensions on the street scene

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

None

4.2 ADDITIONAL PLANNING POLICY

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001

Copmanthorpe Village Design Statement, 2003

4.3 KEY ISSUES

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property

4.4 ASSESSMENT

PLANNING POLICY

Policy GP1 'Design' of the City of York Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly

affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy H7 'Residential Extensions' of the City of York Development Control Local Plan sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

The Copmanthorpe Village Design Statement states in its design guidelines that extensions be set back from the plot boundaries and retain the right to light and privacy of the occupants of the neighbouring dwellings. The siting of proposed side extensions should avoid locations that link one house to its neighbour to create a terraced effect. The guidelines also state that proposed extensions should be set back and the height set down from the main building.

VISUAL IMPACT ON THE DWELLING AND THE AREA

The proposal is for a two storey side extension and a single storey extension to the rear of the side extension. Any potential terracing effect is reduced by the proposed side extension being set back 0.5 metres and set down in height from the original roof ridge (this being in line with the CYC supplementary design guidance and the Copmanthorpe Village Design Statement). The side extension is built up to the side boundary with 9 Hatters Close with a 0.2 metres distance between the proposal and the boundary. The proposed roof has two gable ends at right angles to each other and is rather contrived in appearance. The proposed extensions are very similar to what has been built at 9 Hatters Close (neighbouring property, 02/02359/FUL).

There are other examples within the street and in the surrounding streets of two storey side extensions. The dwellings within the street have a uniform appearance and whilst the side extensions do impact to an extent on the character of the street, it is considered that this is an established pattern of development in the area. The proposed side extension together with the number of side extensions in the street are not considered to cause undue harm to the street scene. The closure of the gaps between the dwellings whilst not maintaining the original character of the street is not deemed harmful enough to the visual amenity of the dwelling and character of the street to warrant refusal.

IMPACT ON NEIGHBOURING PROPERTY

The proposed side extension would not cause any further loss of privacy to occupants of surrounding dwellings. Neither would the proposed side extension cause any loss of light to the surrounding dwellings.

The proposed rear extension would extend 0.5 metres further than the existing garage, and is of the same proportions and same siting within the plot to what has been allowed to the rear of 9 Hatters Close. There will be overshadowing already caused by the existing garage, the increase in height from the pitched roof is not considered to cause any further significant overshadowing to the ground floor principal rooms of 9 Hatters Close.

The proposed side extension allows two off road parking spaces one in the garage and one on the driveway and therefore fulfils the parking requirements of Highways Network Management.

5.0 CONCLUSION

5.1 The proposed two storey pitched roof side extension and single storey rear extension would comply with planning policy, and the visual and residential amenity requirements of the area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number 06-024-010 Revision B, received 22 November 2006;

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

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

- 2 TIME2 Development start within three years

- 3 VISQ1 Matching materials

- 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 additional windows other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

7.0 INFORMATIVES: Notes to Applicant

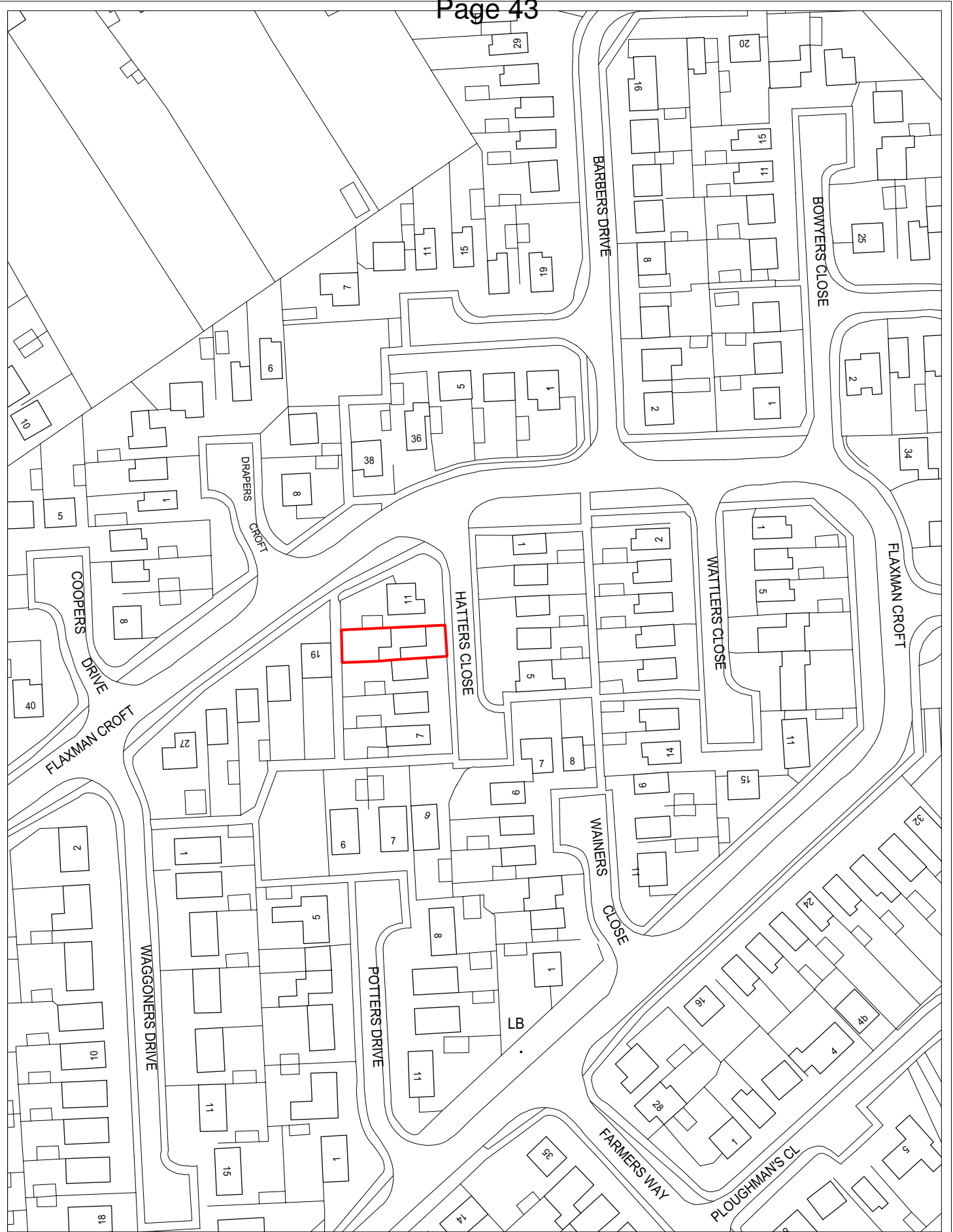
1. REASON FOR APPROVAL

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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses" and Guidelines 2, 3 and 4 of the extension and infill development guidelines in the Copmanthorpe Village Design Statement (2003).

Contact details:

Author: Victoria Bell Development Control Officer
Tel No: 01904 551347

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CITY OF
YORK
COUNCIL

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

Site Plan : 10 Hatters Close Copmanthorpe York

06/02156/FUL

SCALE 1:1250

DRAWN BY JB

DATE 7/12/2006

Originating Group

Project

Drawing No.

Organisation

FM 1



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 21 December 2006 **Parish:** No Parish

Reference: 06/02062/FUL
Application at: 7 Hawkshead Close York YO24 2YF
For: Erection of pitched roof two storey detached dwelling on land at 7-9 Hawkshead Close (resubmission)
By: Mr S O'Driscoll
Application Type: Full Application
Target Date: 15 November 2006

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a pitched roofed two storey detached dwelling with integral garage on land at 7-9 Hawkshead Close. All materials used will match the existing where appropriate.

1.2 The application relates to a large plot of land currently sub divided to provide garden areas for no's 7 and 9 Hawkshead Close. A pitched roofed detached garage is located in close proximity to the boundary with no.11 Hawkshead Close. Parking currently exists for approx 6 vehicles and is accessed from the existing cul de sac. Boundary treatment varies considerably with the most relevant boundaries in this particular instance, being those to the south and east. The southern boundary is currently dominated by a wooden fence approx. 2 metres in height, with the eastern boundary containing a mix of fencing and hedging. The front garden area is dominated by a silver birch tree, which has recently (along with 11 other similar trees) been granted a Tree Preservation Order.

1.3 The surrounding street scene contains a mixture of semi detached and detached two storey properties, some of which have; or are currently being extended.

1.4 Cllr. A. Reid and Cllr Q. MacDonald requested that the application should be considered by the Planning (West and City Centre Area) Sub Committee.

Relevant History

06/01656/FUL - Erection of pitched roof two storey detached dwelling on land at 7-9 Hawkshead Close - Withdrawn 15.09.2006.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYL1C
Provision of New Open Space in Development

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

3.1 Urban Design and Conservation (Landscape Architect) - No Objections (Conditions to be included).

3.2 Highway Network Management - No Objections - (Condition to be included).

3.3 Environmental Protection Unit - No Objections - (Conditions to be included)

3.4 Lifelong Leisure and Learning - No Objections

As there is no on-site open space commuted sums should be paid to the Council for:

- a) amenity open space - which would be used to improve a local site such as Acomb Wood.
- b) Play space- which would be used to improve a local site such as Bellhouse Way.
- c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

EXTERNAL

3.5 Relevant neighbours and objectors were consulted on the 28.09.2006 and 16.11.2006 to coincide with both the resubmission and requested amendments.

3.6 16 letters of objection have been received from the residents of neighbouring properties in response to both the original and revised plans. The letters have all been considered with the following concerns being raised.

- * Misleading , inaccurate and incomplete drawings.
- * Overlooking, Visual Impact and Loss of Light.
- * Parking Issues.
- * Damage to local environment and wildlife.
- * Impact upon Character and Appearance of the surrounding street scene.
- * Increase in Flooding.
- * Inaccuracies in the application form.
- * Damage to Silver Birch (recently granted a Tree Preservation Order).
- * Impact on neighbouring woodland and hedging.
- * Represents a gross overdevelopment of the site.
- * Increased noise.
- * Impact on neighbouring garden pond.
- * Public Safety Concerns

4.0 APPRAISAL

KEY ISSUES

4.1 The proposal raises the following key issues:

- * Planning Policy.
- * Impact on Residents.
- * Impact upon the character and appearance of area.
- * Highway Issues.
- * Impact upon TPO tree, Woodland and Hedging.
- * Other Issues.

PLANNING POLICY

4.2 Planning Policy Guidance Note 3 "Housing" (PPG3) sets out the Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, greening the residential environment, reducing dependency on the private car and provision of affordable housing.

4.3 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate

landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.5 GP10 -Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.6 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments.

4.7 Policy NE1 'Trees, Woodlands and Hedgerows' the aforementioned, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- * Refusing development proposals, which result in their loss or damage; and
- * Requiring trees or hedgerows which are retained on development sites to be adequately protected during any site works; and
- * Making tree preservation orders for individual trees and groups of trees which contribute to the landscape or local amenity; and
- * Making hedgerow retention notices where appropriate to protect important hedgerows and; ensuring the continuation of green/wildlife corridors.

IMPACT ON NEIGHBOURING RESIDENTS

4.8 The application site adjoins residential properties no's 5 and 11 Hawkshead Close as well as no's 14, 16, 18 and 20 Pheasant Drive; located beyond the eastern boundary. The new dwelling if approved will also result in a new boundary being formed between 7 and 9 Hawkshead Close.

4.9 Concerns have been raised regarding the loss of privacy, potential overlooking, the close proximity to neighbouring properties/boundaries and loss of light. No windows are proposed within the north or southern elevation of the property, therefore the impact upon neighbouring properties within Hawkshead Close are considered to be negligible.

4.10 The close proximity of the dwellings northern and southern (two storey) elevations to the southern elevation of no's 7 -9, Hawkshead Close and the northern elevation/garden area of no.11, Hawkshead Close respectively, are not considered overbearing in this instance. Between 0.9 and 5.9 metres has been provided to the southern boundary of the application site, with a further 4 and 6.7 metres provided to the no.11's single storey garage and two storey northern elevation respectively; a

small utility room window and garage door are the only features within these elevations. The orientations of both the proposed dwelling and no.11, Hawkshead Close will also help to mitigate any overbearing impact.

4.11 The distance between the northern elevation of the proposed dwelling and the southern elevation of no.7 and 9, Hawkshead Close is approx. 1 metre, which is sufficient width to allow access to the rear garden area. This particular elevation contains only secondary windows and the front door to no.9, therefore under paragraph. 4.3 of the "Guide to Extensions and Alterations to Private Dwelling Houses" "a proposal that impacts on the outlook from the effected room will be considered on its merits taking into account the size and role of the room". In this instance with the windows all being secondary e.g. serving bathrooms and landings, the close proximity of the proposed dwelling can be justified.

4.12 The two storey element of the proposed dwelling will project 1.0 metre beyond the rear elevation of no.9, Hawkshead Close. The rear elevation of no.9, by virtue of its orientation receives very little sunlight and although the proposed dwelling will result in further overshadowing at certain times of the day, the overall impact is considered to be negligible as a large proportion of the rear garden will enjoy full sun/daylight throughout the day.

4.13 The first floor windows of no's 14, 16, 18, 20 and 22, Pheasant Drive are located 25 metres, 24 metres, 25 metres, 26 metres and 30 metres respectively, from the first floor windows of the proposed dwelling. The applicant has also provided 14 metres to the eastern boundary treatment. The distances provided meet guidance set out in paragraph 3.2 of the "Guide to Extensions and Alterations to Private Dwelling Houses", where 21 metres and 14 metres are required respectively.

CHARACTER AND APPEARANCE OF THE AREA

4.14 The two storey dwelling is comparable in terms of size, design and scale to no's 7-9 and is considerably smaller than the majority of properties within the surrounding street scene. The property has been set back approx. 0.5 metres from the front elevation of No.7, Hawkshead Close and will therefore only be visible from the cul de sacs hammerhead. The visual impact is further mitigated by the retained Silver Birch trees. Although the existing space between buildings will be lost, the distances between the proposed southern elevation and the northern elevation of No.11 Hawkshead Close, are comparable with those already existing between other properties within the surrounding street scene.

HIGHWAY ISSUES

4.15 Highway Network Management consider the proposed parking provision and layout to be acceptable. The parking provisions meet the guidance set out in Appendix E of the City of York Development Control Draft Local Plan, where 1 or 2 bedroom dwellings are expected to provide 1 car parking space and dwellings with 3 or more bedrooms to provide 2 per dwelling (one of which can be a garage).

IMPACT UPON TPO TREE

4.16 The silver birch located within the front garden is protected by a Tree Preservation Order. No objections have been raised from the Councils Landscape Architect, however conditions have been recommended. The first condition requires the submission of a method statement, highlighting protection measures and the other requires the inclusion of a metal tree guard. The applicant will be providing a gravelled driveway area; when prepared in accordance to an approved method statement, the impact upon the tree is expected to be minimal, meeting guidance set out in Policy NE1 of the City of York development Control Draft Local Plan.

OTHER ISSUES

4.17 Concerns regarding the submission of inaccurate/incomplete drawing were justified. The applicant has subsequently submitted plans showing the removal of the existing garage and the correct positioning of the aforementioned TPO Silver Birch tree.

4.18 Noise levels will inevitably increase during any construction period. As this is a residential area, conditions have been included restricting the hours of work.

4.19 The impact on a neighbouring pond (man-made) is not considered to be material to the determination of this application. Similarly, the loss of a manicured lawn and some ornamental shrub planting is not considered to have a particularly detrimental impact upon existing or visiting wildlife.

5.0 CONCLUSION

The applicants' proposals are considered acceptable in this instance and are therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

583.002 Rev D - Plans and Elevations.

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

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

- 3 NOISE7 Restricted hours of construction
- 4 HWAY19 Car and cycle parking laid out
- 5 Any suspect contamination detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development on site.

Reason: To protect the health of occupants.

- 6 Before the commencement of development, including site clearance/preparation, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing silver birch tree shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, phasing of works, site access, parking arrangements for site vehicles and storage of materials. It is particularly important that the following details are also provided: construction details and method statement for the proposed gravel areas.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

- 7 The tree shall be permanently protected with a metal tree guard, details of which shall be submitted and approved in writing by the local planning authority prior to the commencement of building works.

Reason: In order to prevent direct impact damage to the existing silver birch tree from manoeuvring vehicles.

- 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: To comply with Policy L1C 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 financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £1,224

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

- 9 VISQ8 Samples of exterior materials to be app
- 10 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 external elevations of the dwelling hereby approved.
- Reason: In the interests of the amenities of occupants of adjacent residential properties.
- 11 HT1 8.6 - Height
- 12 PD1 A to H Rem of specific Perm Dev rights

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity, parking and the protection of a Silver Birch covered by a Tree Preservation Order. As such the proposal complies with PPG3 and Policies GP1, H4a, GP10, L1c and NE1 of the City of York Development Control Draft Local Plan.

2. Demolition and Construction - Informative

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 followed.

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.

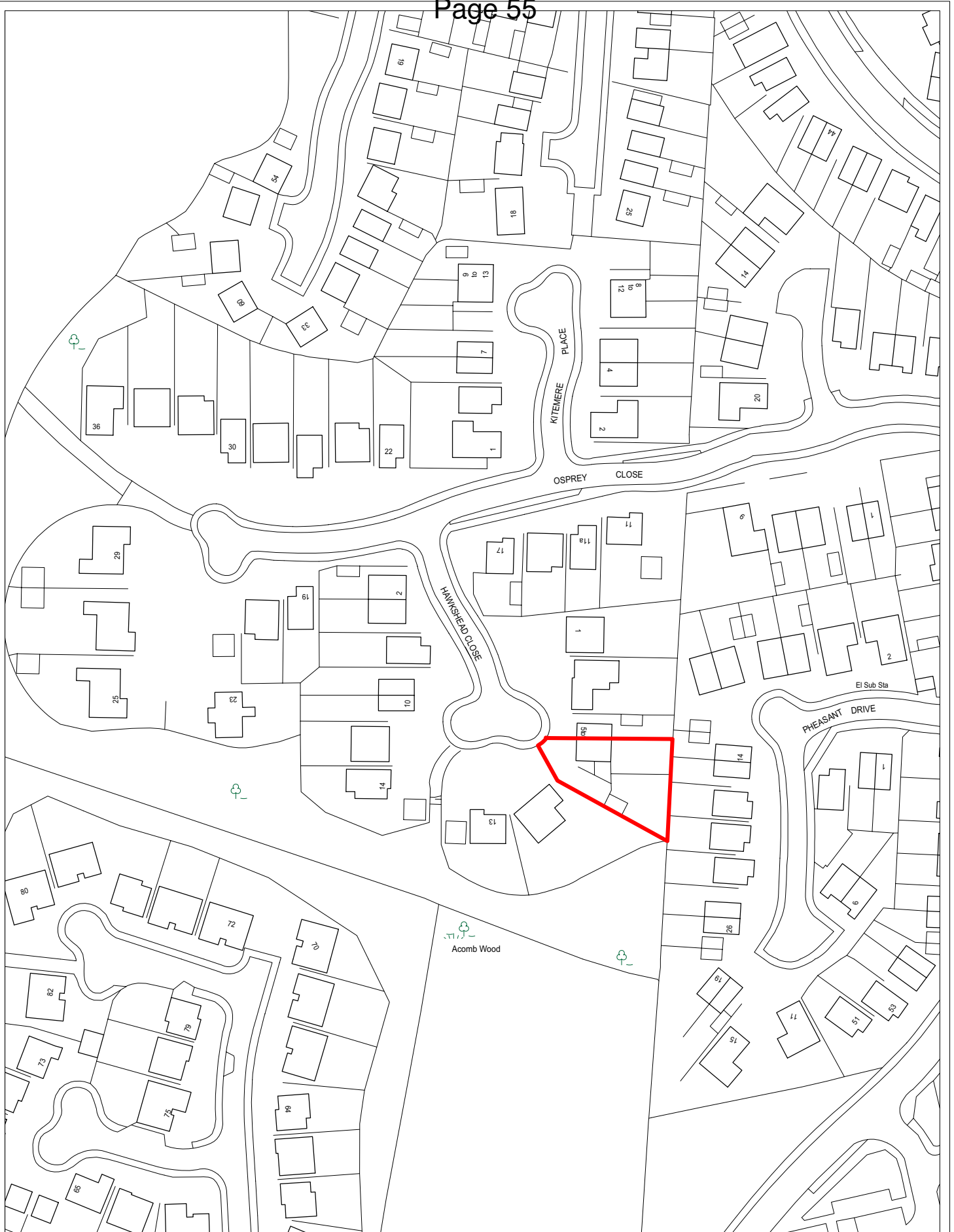
5. There shall be no bonfires on the site.

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

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CITY OF
YORK
COUNCIL

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

Site Plan : 7 - 9 Hawkshead Close York

06/02062/FUL



SCALE 1:1250

DRAWN BY JB

DATE 7/12/2006

Originating Group

Project

Drawing No.

Organisation

FM 2

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 21 December 2006 **Parish:** Nether Poppleton Parish Council

Reference: 06/02233/FUL
Application at: Dodsworth Hall Millfield Lane Nether Poppleton York YO26 6HR
For: Single storey rear extension and vehicle access and car parking, new rooflights
By: Honey Pots (Dodsworth Hall) Limited
Application Type: Full Application
Target Date: 7 December 2006

1.0 PROPOSAL**1.1 SITE**

1.1.1 Dodsworth Hall is located within the defined development boundary of Nether Poppleton. The old school house is located adjacent Millfield Lane (southwest) and is also adjacent 11 Millfield Lane to the northwest and 13 Millfield Lane to the southeast, which are residential dwellings. To the rear (northeast) is 16 Hillcrest Avenue. At present the property is vacant. A mature hedge bounds the property to both side boundaries and at the rear.

1.2 PROPOSAL

1.2.1 Full planning permission is sought for the erection of a single storey rear extension, formation of rooflights in the front and rear roof slopes of the property, formation of hard paved areas for the in/out access/exit, and the formation of 4 no. car-parking spaces. The extension is required to increase the floor area of the property to create an area for pre-school children. It is proposed that the single storey rear extension will be designed with a pitched roof. The extension will measure approximately 6.00 m in length x 2.50 m in height to eaves level and 3.60 m in height to its highest section. The extension would be principally glazed with Welsh slates proposed for the roof covering and the slates are also proposed to be affixed to the brickwork.

1.2.2 This application relates to abovementioned works only and does include change of use. Permission is only required for the aforementioned alterations and extension. Change of use permission is not required for a nursery as the property already has the benefit of an 'historic' use as D1 (non-residential institutions).

1.3 HISTORY

04/04049/OUT - Erection of a new dwelling and garage after demolition of Dodsworth Hall - Refused - 07.01.2005.

Appeal APP/C2741/A/05/1182647 - Dismissed - 20.09.2005

1.4 This application is reported to sub committee at the request of Cllr Hopton.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP9
Landscaping

CYGP11
Accessibility

CYT4
Cycle parking standards

CYT5
Traffic and pedestrian safety

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 COUNTRYSIDE OFFICER

3.1.2 There are no bats recorded from this property, There are records of roosts nearby. Because of the work proposed, which would significantly affect any roost, if one is present, and the reasonable likelihood that such a roost could be present, it is recommended that a bat survey be undertaken prior to consideration of the application. It will now only be possible to ascertain if the loft space is or has been used and if there are any external features that could support a roost, however, this should provide enough information to assess the application.

3.1.3 HIGHWAYS

3.1.4 The following comments were received from the highways department on the understanding that the application does not require change of use permission and relates purely to proposed external works and extensions:-

- 3.1.5 The highways department consider it likely that many of the pupils will arrive by car as facilities, such as this one, are used extensively by working parents. They further state that the typical time taken to 'drop off' and 'pick up' children would be approximately 10 minutes each. The 'dropping off' and 'picking up' times will coincide with morning and evening peak travel times. This, highways consider, would result in a flurry of activity at these times and consequently traffic congestion. The highways department further consider that the section of road immediately fronting the site could only accommodate the parking of 2 vehicles at any one time safely without blocking the access/egress of the site itself. As a consequence other vehicles would have to park elsewhere along Millfield Lane. As a consequence highways consider it likely that parked vehicles associated with the development would therefore cause localised conditions, which would be prejudicial to road safety, disrupt the safe operation of the bus stop and the junction of Ebor Way with Millfield Lane, and also result in damage to the verges within Millfield Lane.
- 3.1.6 The proposed access and internal driveway are of restricted widths and manoeuvring space and may also result in the need for some staff vehicles to be parked on the public highway. The access and egress would nominally be only 2m wide. The highways department acknowledge that it is not possible to be accurate in this instance as both drives have mature hedgerows as part of the boundary. It is probably physically possible to pass along these drives but only with care.
- 3.1.7 A "standard" car is assumed to be 1.8m x 4.75m. There is no "standard" drive width except where a driveway is the sole access to a dwelling then it should be 3.2m wide to allow cars and pedestrians to pass simultaneously ; the recommended minimum garage door width is 2.1m; minimum practicable drive width is generally considered as 2.5m (but not generally quoted as a "standard").
- 3.1.8 As a consequence of the above points raised by the highways department they recommend that the application should be refused.

3.2 EXTERNAL.

3.2.1 Nether Poppleton Parish Council - No objection.

3.2.2 Neighbours - 2 objections were received in connection with the original submitted scheme. These objections related to:-

- Increase in noise from activities which would detrimentally impact upon adjacent neighbours residential amenity;
- Traffic movements at the rear and side of the hall are inappropriate and would further impact upon residents amenity in terms of noise and fumes, etc.; and
- The applicant has included part of the hedge which belongs to an adjacent neighbour.

4.0 APPRAISAL

4.1 POLICY

4.1.1 Draft 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.

4.1.2 Policy E4 of the North Yorkshire County Structure Plan states that buildings of special townscape, architectural or historic interest will be afforded the strictest protection

4.1.3 Poppleton Village Design Statement: aims to guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Poppleton. All developments should retain and enhance site features and should be carried out with great sensitivity, to respect its historic buildings and their settings. Grass verges should be retained. Ancient hedgerows should be identified, registered and protected. Car-parking should be concealed as far as possible and be provided within the curtilage of the building. The use of bland fencing such as interwoven and lap as a quick-fix boundary should be discouraged. Adopting more traditional boundaries such as hedging, low brick, wrought iron and post and rail should be encouraged.

4.2 The main considerations are:

- Design;
- Impact upon adjacent neighbours;
- Highways; and
- Other issues.

4.3 DESIGN:

4.3.1 Dodsworth Hall was built in 1850 and is a simple brick and slate hall with porch and modern kitchen extension to rear. The property retains its original character.

4.3.2 The design of the existing property is very simple/ plain and retains its rudimentary character of a turn of the century utilitarian building. Whilst it is noted that the property is not listed. Local plan policy GP1 requires

development to retain and/or enhance landmarks and other townscape features which make a significant contribution to the character of the area. PPS1 emphasises the importance of good design and requires developers to demonstrate that they have taken into account design in their proposals and have had regard for local plan policies. The Poppleton Village Design Statement requires that development is of a scale, design which is sympathetic and also uses appropriate materials. Also policy E4 of the North Yorkshire County Structure Plan seeks buildings of special townscape, architectural or historic interest be afforded the strictest protection

4.3.3 It is considered that due to the design and proposed use of materials, the extension fails to sympathetically enhance or retain the character of this property and consequently fails to satisfy the aforementioned policies. The proposed extension has the appearance of a conservatory, furthermore the design does not emulate the existing single storey projection. Elements which appear obtrusive in this proposed design are the soffit /fascia, excessive areas of glazing and the fixing of slates to the brickwork dwarf wall. Also the introduction of 8 no. rooflights is considered excessive and significantly alters the appearance of this turn of the century property. The proposed introduction of hard paving the front of the property is also considered to be inappropriate and would impact upon the setting of the property and the area. It is noted, however, that the property is not located within a Conservation Area and is not listed.

4.4 IMPACT UPON ADJACENT NEIGHBOURS:

4.4.1 Objections have been received from 2 adjacent neighbours regarding loss of privacy and noise intrusion. However it should be borne in mind that this application pertains to physical works and alterations only. Change of use permission is not required as the property already has the benefit of an 'historic' use as D1 (non-residential institutions). As a consequence of this, it is difficult to consider objections regarding loss of amenity, as the applicant only requires permission for the extension and the other aforementioned work. However one could make a case, that the increase in floor area (and therefore children) and the access/exit and parking arrangements, could create additional intrusion to adjacent neighbours, above and beyond that which one would reasonably expect if the property was operated as a nursery, without the introduction of these works. However, on balance, it is considered that due to the minor scale of the proposed extension, this would not create such an additional loss of amenity to adjacent neighbours so as to refuse the application on these grounds. The vehicular movements etc. at the rear of the property would, most likely only be twice a day which is considered acceptable in terms of impact upon existing adjacent neighbours. However the practicability of these arrangements is discussed in more detail below.

4.5 HIGHWAYS

4.5.1 The proposed access/exit arrangements and car-parking spaces at the rear of the property appear unworkable due to the lack of space for manoeuvrability. Furthermore car-parking at the rear would almost certainly become unusable

in winter/wet months which would either generate additional pressure for parking on the road adjacent the property and/or cause a traffic hazard due to mud being brought onto the road from vehicles exiting the site.

- 4.5.2 Highways confirm that the proposed access and internal driveway are of restricted widths and manoeuvring space which would most likely result in the need for some staff vehicles to be parked on the public highway.
- 4.5.3 Furthermore it is thought likely that parked vehicles associated with the development would cause unacceptable localised conditions, which would be prejudicial to road safety, disrupt the safe operation of the bus stop and the junction of Ebor Way with Millfield Lane, and also result in damage to the verges within Millfield Lane.
- 4.5.4 As a consequence of the above points raised by the highways department it is considered that the application fails to satisfy policy GP1 (b) and also highway safety requirements. Furthermore no cycle provision is provided which is contrary to the requirements of policy T4 of the local plan.

4.6 OTHER ISSUES

- 4.6.1 Boundary disputes: Comments from 11 Millfield Lane (adjacent neighbour) state that they own part of the site which the applicant has included within their proposal. Normally, such an issue would be matter between the applicant and the neighbour. However if the applicant does not own this section of land then the access to the rear would be rendered unusable. Such a situation would a significant impact upon the practicability of the application. Therefore, it is considered important that the applicant and adjacent neighbour should confirm their boundaries and come to an agreement.
- 4.6.2 Accessibility: The application does not appear to make suitable provision for persons with mobility or sensory impairments to gain access or exit the property. As a consequence the proposal fails to satisfy policy GP11.

5.0 CONCLUSION

- 5.1 The proposed extension and other associated works, in the opinion of the Local Authority, are unacceptable in terms of design, appearance and impact upon highway safety.
- 5.2 As a consequence the proposal is recommended for refusal as it fails to satisfy policies GP1, GP11 and T4 of the City of York Draft Local Plan and the Poppleton Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The Planning Authority considers that in the absence of adequate on-site parking or child dropping off and picking up areas, the intensification and expansion of use and the attendant increase in traffic associated with the proposed development would be likely to result in vehicles being parked outside the site and consequently on the public highway. This would be to the detriment of the free flow of traffic, road safety and cause degradation of the highway verges. As a consequence the application fails to satisfy policy T5 of the City of York Local Plan (Draft) incorporating 4th set of changes - 2005 and guidelines 16, 31 and 39 of the Poppleton Village Design Statement.
- 2 The proposal fails to provide for covered and secure cycle parking provision which will harm the City Council's objectives of maintaining and promoting cycle usage in order to minimise traffic generation, reduce pollution, noise and the physical impact of traffic and is therefore contrary to Policy T4 of the City of York Draft Local Plan.
- 3 It is considered that due to the proposed design and use of materials, the extension fails to sympathetically enhance or retain the character of this property or the area. In particular the proposed extension and number of rooflights are not compatible with character of the building or the area and would create an incongruous feature. The proposed extension does not emulate the simple design of the existing single storey projection or the main building and appears incongruous. As a consequence the application fails to satisfy policy GP1 of the City of York Local Plan (Draft) incorporating 4th set of changes - 2005 and the guidelines 10, 11 and 14 of the Poppleton Village Design Statement.

7.0 INFORMATIVES:

Notes to Applicant

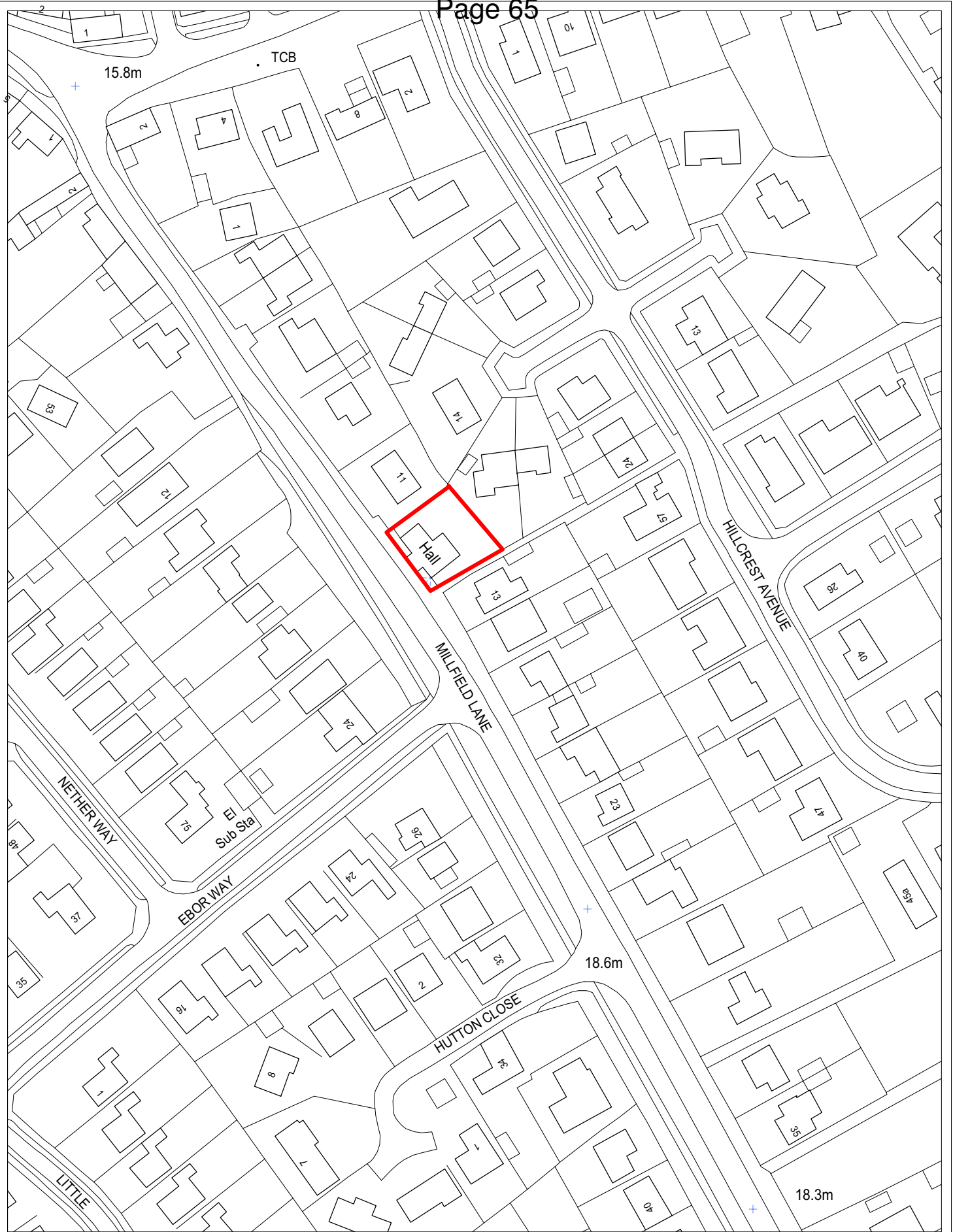
1. No bat survey has been submitted with this application. There are records of roosts nearby. Because of the work proposed, which would significantly affect any roost, if one is present, and the reasonable likelihood that such a roost could be present, it is recommended that a bat survey be undertaken prior to approval of any scheme.
2. Any re-submission of this proposal should incorporate features to allow access to the building for people with mobility or sensory impairments.

Contact details:

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CITY OF
YORK
COUNCIL

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Site Plan : Dodsworth Avenue Millfield Lane York
06/02233/FUL

SCALE 1:1250

DRAWN BY JB

DATE 7/12/2006

Originating Group

Project

Drawing No.

Organisation

FM 3



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