



## Notice of meeting of

### East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Hyman (Vice-Chair),  
D'Agorne, Greenwood, Hall, King, Smallwood, Vassie,  
M Waudby and B Watson
- Date:** Thursday, 12 October 2006
- Time:** 2.00 pm
- Venue:** The Guildhall, York

## AGENDA

### 1. **Declarations of Interest**

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

### 2. **Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of the Annexes to agenda item 6 (Enforcement Cases – Update) on the grounds that they contain information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

### 3. **Minutes**

(Pages 2 - 13)

To approve and sign the minutes of the meeting held on 14 September 2006.

#### **4. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 11 October 2006 at 5.00pm.

#### **5. Plans List**

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

- a) **8 St Peters Grove, York (06/01588/FULM)** (Pages 14 - 23)
- b) **York District Hospital, Wigginton Road, York (06/01674/FULM)** (Pages 24 - 30)
- c) **17 Worcester Drive, Osbaldwick (06/01198/FUL)** (Pages 31 - 36)
- d) **Wheldrake C of E Primary School, Wheldrake (06/01553/FUL)** (Pages 37 - 43)
- e) **St Peters School, Clifton, York (06/01428/FUL)** (Pages 44 - 47)
- f) **35 Third Avenue, Heworth, York (06/01947/FUL)** (Pages 48 - 53)

#### **6. Enforcement Cases Update** (Pages 54 - 124)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

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

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

Contact details are set out below.

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552030
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

**EAST AREA PLANNING COMMITTEE  
12 October 2006**

**Index to plans list items**

<b>SITE</b>	<b>OFFICER</b>	<b>ITEM</b>	<b>VISIT</b>	<b>WARD</b>
8 St Peters Grove. 06/01588/FULM 12 x 2 bed flats. Conversion and new build.	HS	5a		Clifton
York District Hospital, Wigginton Road. 06/01674/FULM Decked car park to front.	AG	5b	V	Clifton
17 Worcester Drive. 06/01198/FUL Rear extensions.	AG	5c	V	Osballdwick
Wheldrake School. 06/01553/FUL Extensions.	MJ	5d	V	Wheldrake
St. Peters School. 06/01428/FUL Gates to closed footpath.	MJ	5e		Clifton
35 Third Avenue. 06/01947/FUL Two storey side extension.	MJ	5f	V	Heworth

The quarterly planning enforcement report will be taken separately and in private, after the planning applications.

**SITE VISITS Wednesday 11 October 2006**

**10.00 Meet coach at Clarence Street. Return to Clarence St. after visits.**

**10.10 York District Hospital, Wigginton Road.**

**10.30 35 Third Avenue.**

**10.55 17 Worcester Drive.**

**11.30 Wheldrake School.**

City of York Council

Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	14 SEPTEMBER 2006
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), CUTHBERTSON (SUB FOR CLLR HALL), D'AGORNE, GREENWOOD, KING, SMALLWOOD, VASSIE AND I WAUDBY (SUB FOR CLLR M WAUDBY)
APOLOGIES	COUNCILLORS HALL AND M WAUDBY

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**18. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
212 Shipton Road, Rawcliffe, York	Cllrs Moore, Hyman, B Watson and Vassie.	To familiarise Members with the site.
12 Grange Close, Skelton, York	Cllrs Moore, Hyman, B Watson and Vassie.	To familiarise Members with the site.
17 Worcester Drive, Osbaldwick, York	Cllrs Moore, Hyman, B Watson and Vassie.	To familiarise Members with the site.

**19. DECLARATIONS OF INTEREST**

The Chair invited Members to declare any personal or prejudicial interests which they had in any of the business on the agenda.

Cllr I Waudby declared a personal prejudicial interest in Plans item 4f) (212 Shipton Road, Rawcliffe) as her son worked in the shop adjacent to the site and she left the room and took no part in the discussion or voting thereon.

Cllr Moore declared a personal non-prejudicial interest in Plans item 4f) (212 Shipton Road, Rawcliffe) as a member of Rawcliffe Parish Council but confirmed that he had had no involvement at Parish Council level with this application.

Cllr Hyman declared a personal non-prejudicial interest in Plans item 4g) (17 Worcester Drive, Osbaldwick) as his father in law lived in Meadlands at the rear of the site.

Cllr D'Agorne declared a personal non-prejudicial interest in Plans item 4e) (Garage Yard, Escrick Street, York) as a Local Education Authority governor at Fishergate School opposite the site.

Cllr Vassie declared a personal non-prejudicial interest in Plans item 4j) (Wheldrake C of E Primary School, North Lane, Wheldrake) as he was a governor and his child attended the primary school.

Cllr King declared a personal non-prejudicial interest in Plans item 4i) (Swallow Hall, Crockey Hill Road, Wheldrake) as he played golf at the course.

## **20. MINUTES**

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 10 August 2006 be approved and signed by the Chair as a correct record subject to the following amendment

In Minute 17a. Northfield, 15 North Lane, Wheldrake, York (06/01438/FUL) the deletion of the sixth paragraph and its replacement with the following:

“Certain Members raised concerns regarding the implications of a letter received from the applicants agent to Sub-Committee members relating to the proposed appeal lodged against the Committee’s previous decision and requested legal advice on its contents”.

## **21. PUBLIC PARTICIPATION**

Under the Council’s public participation scheme Matthew Laverack spoke on a matter within the remit of the Sub-Committee.

He confirmed that the matter had largely been dealt with by the amendment to the minutes of the Sub-Committees meeting on 10 August 2006. He stated that the minutes of the last meeting were inaccurate and incomplete insofar as they related to the planning application at Northfield, 15 North Lane, Wheldrake (06/01438/FUL). He referred to Members references to him behaving improperly, in relation to information he had sent to Members prior to the meeting, which had shown to be incorrect. He also stated that the emailed information referred to in para. 6 of the minute had in fact been posted to Members.

## **22. 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.

**22a. 23 Hospital Fields Road, Fulford (06/1458/FULM)**

Members considered a Major Full Application, submitted by Shepherd Developments for the erection of a two storey office development with associated car and cycle parking at 23 Hospital Fields Road, York.

Officers circulated an updated report which detailed that revised plans had now been received which showed a revised elevational design which attempted to break up the previously blank façade. It stated that Highways had no objections subject to conditions and that the Flood Risk Assessment had been submitted which concluded that there would be a 0.1% risk of flooding existing sewers. The applicant had also confirmed that the building was intended to meet, if not exceed, Part L of the current Building Regulations and achieve a Bream Rating of Excellent. Officers also confirmed that the cycle parking had now been moved to the front entrance.

Members welcomed the sustainability statement included with the application which they felt engaged with the Councils policies with regard to sustainable developments. In the light of the statement it was suggested that an informative be added requesting the applicant to consider real time monitoring of their energy use and the performance of the building and making this information available to promote best practice across the city.

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

1 The development hereby approved shall not be occupied until the areas for vehicle parking have been constructed and laid out in accordance with the approved plans (or such details that are subsequently submitted to and approved in writing by the Local Planning Authority). Such areas shall thereafter be retained for the purposes of parking vehicles.

**Reason;**

To ensure that adequate provision for parking of vehicles, in accordance with the councils maximum parking standards and advice contained in PPG 13(Transport) is provided within the site curtilage to avoid the displacement of uncontrolled parking on the adjacent public highway, to the detriment of free flow of traffic, safety of highway users and amenity of local residents.

2 The development hereby approved shall not be occupied until covered and secure cycle parking facilities, for 25 cycles, have been provided in accordance with detailed drawings, which are to be submitted to and approved in writing by the Local Planning Authority. Such drawings are to show the position, design, materials and finishes thereof. Such facilities shall thereafter be retained for the purposes of parking cycles.

Reason;

To ensure that adequate provision for the parking of cycles, in accordance with the council's minimum cycle parking standards.

3 Pedestrian visibility splays of 2m x 2m shall be provided either side of the vehicular access and shall be retained thereafter, free of all obstructions over 600mm in height above the level of the adjacent footway.

Reason;

To ensure an adequate level of visibility to and from the vehicular access is provided in accordance with the relevant guidelines so that the use of said access does not prejudice the safety of pedestrians in the vicinity of the access.

4 No part of the development hereby permitted shall be occupied until the following highway works -

"the provision of real time bus information display to the inbound bus stop in the vicinity of no. 204 Fulford Road" have been carried out in accordance with a specification to be agreed in writing with the Local Planning Authority, or alternative arrangements have been made to ensure the same.

Reason: In order to encourage employees to travel to the site by public transport in accordance with advice contained in Planning Policy Guidance Note 13(Transport), and with Policy T20 of the City of York Draft Local Plan.

5 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of a Travel Plan that has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with advice contained in PPG 13-Transport, and in Policy T20 of the City of York deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

#### 1.INFORMATIVES

The applicant should provide real time monitoring of the energy performance of the building and make this information publicly available in order to contribute up to date information on sustainable methods of construction and to promote best practice across the city.

#### 2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361



**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the streetscene and locality and its impact upon employment allocation within the city. As such the proposal complies with Policies GP1, GP4a, E4 and SP7 of the City of York Deposit Draft Local Plan, as well as Regional Spatial Strategy Policy YH8 and PPS6 Planning for Town Centres (2005).

**22b. 122 Strensall Road, Huntington (06/01020/FUL)**

Members considered a Full Application, submitted by Hogg Builders (York) Ltd for the erection of 6 dwellings.

Officers updated that the application site was in Earswick and not Huntington as stated in the report and that the public open space contribution would, subject to Parish Council consultation, go towards the North zone of the Sport and Action Leisure Strategy . Officers confirmed that although the policy relating to affordable housing provision had changed significantly since the previous approval for six dwellings on the site that, on balance, the recommendation was for approval as the improved mix of house types would be lost if the earlier permission was implemented.

Members confirmed that the proposed scheme gave a wider mix of housing on the site with the introduction of two smaller units but requested the imposition of conditions to protect the roots of the walnut tree.

**RESOLVED:** That approval be granted subject to the conditions outlined in the report, a Section 106 Agreement and the following informative;

**INFORMATIVE:**

The applicant is encouraged to examine whether all or a significant part of the materials on site can be recycled as part of the development, for sustainability purposes.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to density, housing mix, affordable housing, character and form, residential amenity, trees, highways, land contamination, archaeology, drainage, education facilities and public open space. As such the proposal complies with guidance in PPS1 and PPG3 and Policies H2a, H3c, H4a, H5a, GP1, GP4a, GP6, GP10, HE10, NE1 and T4 of the City of York Draft Local Plan incorporating 4th set of changes.

**22c. 12 Grange Close, Skelton (06/01398/FUL)**

Members considered a Full Application, submitted by Mr Hutchinson, for a two storey pitched roof side extension and single storey rear extension.

Officers updated that the adjacent resident at 14 Grange Close had reiterated their objections and had appointed a Chartered Surveyor to survey the impact of the proposed development on their bungalow. He was of the opinion that the proposal would constitute over development and would dominate and overshadow their dwelling.

Representations were received in support from the applicant who confirmed that following refusal of the previous application he had amended the design of the extensions to reduce their affect on the amenity of the neighbouring occupiers.

**RESOLVED:** That the application be approved subject to the conditions outlined in the report.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on the street scene and amenity of neighbours. As such the proposal complies with policies GP1 and H7 of the City of York Local Plan Deposit Draft.

**22d. St Peters School (06/01428/FUL)**

Members considered a Full Application submitted by St Peters School for the erection of a fencing enclosure at each end of the former public footpath (retrospective).

Officers confirmed that the proposed gates would be of simple style and design and be in keeping with the black steel fencing in the area.

Representations were received from the Footpath Secretary of the Ramblers Association who indicated that the application was for fencing enclosures and not gates and they felt that an application for gates would require the submission of a new application. He asked Members to either refuse or defer the application to enable further consultation with the school in relation to public access to the path during school holidays and during flooding of the area.

Representations were also received from a representative of Clifton Path Action Group who stated that the school had erected steel fencing across each end of the path and not gates as stated in the report. He raised objections that no enforcement action had been taken against the applicants and requested that the application was deferred pending a compromise solution.

Officers stated that who used the gates was not a planning matter and that the planning application was simply concerned with the visual impact of the gates.

Members questioned clarification as to whether the advertisement of fencing enclosures was misleading and suggested deferment of the application to allow readvertisement of the application to state erection of gates.

**RESOLVED:** That consideration of the application be deferred to allow readvertisement to state erection of gates and that the applicant be advised of the Committees concerns that no discussion had taken place regarding the publics limited use of the path during school holidays and during flooding.

**22e. Garage Yard, Escrick Street, Fulford (06/01568/FUL)**

Members considered a Full Application, submitted by J T M Developments Ltd, for the erection of a three storey block of 4 apartments (Resubmission 05/02076/FUL).

Officers updated that this application was the resubmission of an earlier application the only change being that this application had been accompanied by a supporting statement. It was reported that the statement raised no new issues and did not overcome objections to the previous application. Members were informed that a possible redesign of the development was in the early stages of discussion and that this may result in a resubmission of the application.

Representations were received in objection to the application from a neighbour who confirmed that local residents were disappointed to see that the present application had not been amended to overcome previous objections. He asked Members to refuse the application as this would be a 3 storey development adjacent to the existing 2 storey properties with an overbearing brick wall. The residents felt that their peace and privacy would be lost with additional traffic congestion adjacent to the already busy school.

**RESOLVED:** That the application be refused.

**REASON:** The proposed development, by virtue of the proximity, height and size of the gable end elevation of the building facing neighbouring properties on Escrick Terrace, would result in an overbearing and domineering form of development, causing unacceptable harm to the amenities of those properties contrary to paragraph 29 of the 'Planning System: General Principles', published alongside PPS1: Delivering Sustainable Development and policy GP1 of the City of York Draft Local Plan.

**22f. 212 Shipton Road (06/01061/FUL)**

Members considered a Full Application, submitted by Miss L Wallis, for the replacement of a shop with 3 no. residential units above following the demolition of the old shop at 212 –214 Shipton Road.

Officers updated that Highways had requested the inclusion of additional conditions relating to construction and the preparation of a dilapidation survey of the highway prior to the commencement of works. Members were also requested to change the final sentence in para.1.3 to read “Buildings stand on one side of the road facing a verge between the residential distributor and the main Shipton Road”. In answer to questions Officers gave details of the Flood Risk Analysis for the area.

Members questioned if there were any proposed traffic restrictions planned for the area. It was confirmed that consideration would be given to these in the next Annual Review of Traffic Regulation Orders.

Representations were received in objection to the proposal from a neighbour who jointly owned a convenience store adjacent to the site and who confirmed that the parking situation had worsened following developments in the area. She felt that this proposal would aggravate an existing problem and suggested parking vehicles at the rear of the properties.

Representations were also received from the Clerk to Rawcliffe Parish Council who confirmed that they were opposed to the application which they felt would have a significant affect on the street scene and would exacerbate parking problems in the area. The Parish Council requested that the application should be deferred pending the resolution of the parking issues.

Some Members expressed concerns regarding the traffic issues, including problems which could arise with reversing vehicles from the forecourt and the pedestrian/vehicle conflict. Members questioned the possibility of pursuing the applicant for the cost of implementing a Traffic Regulation Order but Officers confirmed that they did not consider that this would be practical due to the detrimental impact waiting restrictions could have on local residents and shops.

Officers also confirmed that they could not substantiate reasons for refusal on parking grounds and confirmed that the open space at the rear of the property would be insufficient to provide parking for the development.

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

1 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as

shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

2 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the living conditions enjoyed by occupiers of adjoining dwellings, the character and appearance of the area or highway safety. As such the proposal complies with Policies GP1, H4, SP8, and S10 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG4 and PPG13.

**22g. 17 Worcester Drive, Osbaldwick (06/01198/FUL)**

Members considered a Full Application, submitted by Mr P Hodgson, for a pitched roof extension to side and rear including a detached garage after the demolition of an existing.

Officers updated that, during the site visit the previous day, Members and Officers had noted a variation between the site boundary of the garden which appeared smaller than that shown on the planning application. Officers also requested the alteration of the Planning Officers report, page 50 in the first line relating to overlooking the deletion of the word "omitted" and its replacement with "resolved".

Representations in objection were received from a neighbour, on behalf of local residents, who stated that the proposed large extension would have a detrimental impact on neighbours with a loss of light and they felt the design and scale were inappropriate for the area. She stated that there were a number of elderly neighbours who had found the whole process very stressful.

Representations in support were received from the applicant who stated that with a large family including 6 children he required additional accommodation. He confirmed that his proposals had been amended to try and minimise the impact on neighbours. This included removing rear overlooking windows, inserting obscure glass in the bathroom, laying land drainage and retaining trees on the boundary.

Councillor Morley, as Local Member, confirmed that he appreciated Officers work in their attempts to balance the concerns of adjacent

residents whilst providing accommodation for the applicants needs. He did however feel that the scale of the scheme was not appropriate for the site and would have an adverse affect on the neighbour's amenities.

Members questioned details of surface water drainage and expressed concern at the accuracy of the site plan in relation to the size of the application site and stated that this conflict may have some bearing on the development.

**RESOLVED:** That consideration of the application be deferred to the next meeting pending a site visit and for Officers to request the provision of an accurate site plan to include the siting of neighbouring properties.

**REASON:** To provide accurate site plans for the avoidance of doubt when considering the application.

**22h. Gateway York Hotel, Kexby (06/01437/FULM)**

Members considered a Major Full Application, submitted by Colin and Sharon Marsh, for the erection of 6 no. single storey, detached, timber lodge guest bedroom units and connecting path around an existing pond at the rear of The Gateway to York Hotel, Hull Road, Kexby.

Officers circulated a brochure which showed the design of the single storey log cabins proposed for use as accommodation for hotel guests. They confirmed that no ecological assessment information or of any drainage/sewage details had been provided with the application to enable Officers to access the impact of the proposal.

**RESOLVED:** That the application be refused.

**REASON:** 1 The proposed development conflicts with national and local green belt planning policy which states that there is a presumption against inappropriate development unless there are very special, defined, circumstances. The local planning authority does not consider that there are substantial or compelling reasons to justify setting aside green belt policy in this case. The proposals therefore conflict with PPG2 and policies GB1 and GB11 of the City of York Local Plan Deposit Draft.

2 Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the natural environment in the vicinity of the site contrary to policies GP1, NE2, NE3, NE4a, and NE7 of the City of York Local Plan Deposit Draft.

3 Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems

contrary to policies GP1 and GP15A of the City of York Local Plan Deposit Draft.

**22i. Swallow Hall Golf Course, Wheldrake (06/00438/FULM)**

Members considered a Major Full Application, submitted by John Scutt, for the change of use and alterations to agricultural land to extend an existing golf course at Swallow Hall, Crockey Hill Road, Wheldrake.

Officers circulated additional site plans which showed the site in relation to Elvington and Wheldrake. Officers confirmed that access to the site was via the existing entrance and that no additional buildings or car parking were proposed.

**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 in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Green Belt, visual amenity of the area, and the highway network. As such the proposal complies with Policies GB1, GB13 and L3 of the City of York Draft Local Plan.

**22j. Wheldrake Primary School (06/01553/FUL)**

Members considered a Full Application, submitted by the York Diocesan Board of Education, for one and two storey pitched roof side and rear extensions at Wheldrake C of E Primary School.

Officers updated that the application involved the removal of existing portable classrooms from the site and their replacement with permanent extensions to improve teaching facilities at the school. It had been hoped to have further information relating to additional sustainable elements within the scheme for the meeting, as the applicants were aware of the Sustainability Officers views in respect of the scheme.

Members questioned the possible inclusion in the sustainability statement of details relating to solar panels, exterior lighting and rainwater recycling.

**RESOLVED:** That consideration of this application be deferred for one month to allow a site visit and for the applicants to provide a sustainability statement to include details of external lighting and solar heating.

**REASON:** To enable the applicant to submit a full sustainability statement to support the Councils promotion of sustainable developments and in order to hold a site meeting prior to consideration of the application by Members.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 5.45 pm.



## COMMITTEE REPORT

**Committee:** East Area                      **Ward:** Clifton  
**Date:** 12 October 2006                **Parish:** Clifton Planning Panel

**Reference:** 06/01588/FULM  
**Application at:** Executive Communication Services Ltd, 8 St Peters Grove, York YO30 6AQ  
**For:** Conversion of existing building and erection of 3 storey block to provide a total of 12 x 2 bed apartments with associated on-site parking and secure cycle storage.  
**By:** Hearthstead Homes Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 13 October 2006

### 1.0 PROPOSAL

1.1 This is a full planning application for the conversion of 8 and 9 St. Peters Grove to eight flats and the erection of a new block of 4 flats.

1.2 The site extends to 0.15 Hectares and the existing building is currently in use as a conference facility. It is proposed that the existing building is extended at the rear with a two storey flat roofed new element filling the space between the existing rear wings and extending to the rear. Dormer window additions to allow provision of accommodation within the roof space are proposed at the front and at the rear.

1.3 A new build block of 4 flats arranged over four floors is proposed, sited adjacent the southern boundary with a vehicular access to parking at the rear separating the new and the existing buildings.

1.4 Twelve parking spaces, divided between the forecourt and the rear of the site, are proposed and two cycle stores accommodating 12 cycles are also shown on plan.

1.5 The site lies within Clifton Conservation Area. The existing building (8 and 9 St. Peters Grove) is not listed.

1.6 A separate application for consent to demolish an existing outbuilding has been submitted as application ref. 06/01649/CAC.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Clifton 0013

2.2 Policies:

H4 - Housing development in existing settlements

GP1 - Design

SP8 - Reducing dependence on the car

HE2 - Development in historic locations

HE3 - Conservation Areas

HE11 - Trees and landscape

H7 - Residential extensions

T4 - Cycle parking standards

GP4 - Environmental sustainability

GP10 – Subdivision of gardens

### 3.0 CONSULTATIONS

#### INTERNAL

**3.1 HIGHWAYS NETWORK MANAGEMENT:** Access to the site is via two existing dropped accesses. It is not considered by officers that the proposal will lead to a material increase in traffic generated by the site. Car parking for 12 vehicles has been provided, this is in accordance with CYC maximum standards which would allow a theoretical maximum provision of 15. The surrounding streets are protected by traffic regulation orders including residents parking for which the site is currently to apply for a limited number of permits. The proposal has the potential to increase the number of permits that could be applied for by future occupiers. Officers are therefore also seeking members approval to have the property removed from the R34 scheme. The site is located close to the city centre and a wide range of local facilities to reduce the dependence on the private car.

**3.2 LEARNING CULTURE AND CHILDRENS SERVICES:** A contribution of £31,062 is sought in respect of two pupil spaces required at Canon Lee School.

**3.3 ENVIRONMENTAL PROTECTION UNIT:** The results of the Phase 2 survey indicates there may be elevated levels of certain contaminants in the soil although a search of previous uses of the site does not indicate likely contamination of the site. In order to ensure that future occupants of the premises are not exposed to potential contaminants, I would request that the following two conditions are placed on the permission should it be granted:

1. Prior to any units at the site becoming occupied, the applicant should provide details of the results of chemical analysis of soil and subsoil samples from areas of grass surfaces and landscaping. The number, location and depth of these samples, and the chemicals for which they are to be analysed shall be agreed with the Environmental Protection Unit in advance.

Reason: To protect human health and the wider environment.

2. Any contaminated material 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 human health and the wider environment.

In addition I would request the following conditions to protect the surrounding residents amenity while and after the development of the site:

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

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

Reason: To protect the amenity of the local residents.

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

Reason: To protect the amenity of the local residents.

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

Demolition and Construction - Informative

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

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

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

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

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

### 3.4 URBAN DESIGN AND CONSERVATION - CONSERVATION:

#### Conversion.

The principal change is the infilling of the rear yard space with the two storey extension. The scale is subservient and the modern appearance allows the existing building to maintain its character fairly successfully. Considering the limited views to this elevation I think that only materials need to be considered through condition. The use of a different cladding material to brick could set up a more distinct and successful comparison to the main building but I don't believe it is essential.

Noticing the use of upvc on the proposed new dwelling I think it would be wise to condition that all existing windows and doors on the main buildings are retained or replaced like for like unless otherwise agreed. Similarly we should condition samples of roofing materials, details of roof lights and further large scale drawings of the dormer window to the front roof slope.

#### New Build.

St Peters Grove contains a collection of some of the best late 19th century / early 20th century villas within the city. As a group they display a strong sense of cohesion in terms of scale, layout and quality of build and appearance. Large gardens and mature planting are also very much part of the Grove's historic character and help maintain each buildings presence and status. This character has been undermined

by the infilling of garden plots to such an extent that precedent makes it difficult to object to this part of the proposal on principle.

The position and height of the new building will make it prominent within the street-scene and bring it into direct comparison with No.8 St Peters Grove. In this context the architectural treatment fails, its impact is not matched either by its elevational design or its quality of detailing and materials. The result will not preserve the character of the conservation area.

The plot demands a degree of subservience to No.8 St Peters Grove in order not to appear too prominent. The most obvious difficulty is the height, which needs to be brought down by one storey. The design is ordered but lacks the detail and proportion in comparison to the buildings it references. The side elevations are particularly bland and oppressive. Whilst simple detailing might be a good way forward this approach will be let down by using cheap modern materials such as plastic windows and guttering. Regarding proportion the building appears top-heavy in comparison to No.8. By following the historic gradation of room heights; ground floor as the highest, reducing upwards (albeit in a subtle manner) an extra reference to its context will be achieved.

**3.5 URBAN DESIGN AND CONSERVATION - ARCHAEOLOGY:** This site lies immediately outside the AAI. It lies in an area which has produced evidence for Roman burials. Evidence for a series of Roman cemeteries has come to light from the 17th century onwards. These finds indicate extensive exploitation of the areas on both sides of Bootham and Clifton in the Roman period. In the post-Roman period, this settlement and burial activity ceases and the land is given over to low-impact agricultural activity. This means that the Roman deposits tend to be well preserved beneath a variable depth of medieval and later plough and garden soils. It is possible that this development may reveal Romano-British features and deposits including burials. Therefore an archaeological watching brief on all groundwork will be necessary. Please place standard condition ARCH2 on any consent which is granted

**3.6 URBAN DESIGN AND CONSERVATION - LANDSCAPE:** The trees of greatest value on this site are those along the street frontage, i.e. the Plum, Limes and Willow.

The only cause for concern (in planning terms) for the trees on site is the introduction of parking bays 1 - 5, especially 4 and 5. To instate the latter two, the ground levels would need to be increased over the root plate of the adjacent Lime tree, which is a mature tree and therefore less able to withstand changes in ground conditions. Therefore these two spaces should be omitted. The other four may be possible with a no-dig construction as the ground is more level here, but this will result in a reduced garden aspect to the front. (But looking at other properties in the street, the majority of the front gardens have been forfeited to parking.)

In response to concerns you have received regarding the two Hollies at the rear of the site, neither are worthy of protection by way of a TPO such as to prevent development per se in this area. The foliage of the variegated Holly is sparse, which greatly reduces its amenity value. The plain Holly is a better specimen and is worth

retaining but not worth a TPO due to small size, distance from the street and the limited location from where one can see it. I note the proposals suggest its retention anyway, which appears to be possible.

The Pyracantha and Cherry are attractive trees and are worthy of retention , but again due to their small stature and limited visibility, they should not pose a restriction to development.

3.7 LIFELONG LEARNING AND CULTURE: As there is no on site open space commuted sums should be paid to the Council for

- a) amenity open space
- b) play space
- c) sports pitches

The contribution to off site provision is to be based on "Harrogate" or latest York formula through a Section 106 Agreement.

## EXTERNAL

3.8 CLIFTON PLANNING PANEL: We have no objections.

3.9 PUBLICITY: The application has been advertised by neighbour letter, site notice and press notice. A total of five responses have been received raising the following points:

- loss of privacy in building and garden
- loss of light
- detriment to amenity of garden
- height of building exceeds neighbours and is overbearing
- width of building narrower than neighbours and incongruous to setting
- bin store sited against our boundary
- boundary wall should be raised to provide security and protect amenity
- conditions recommended to secure: high walls at rear, landscaping, external lighting, site management, use of flat roofs. p.d. rights removal, retention of trees
- parking pressure on St. Peters Grove
- housing density already too high
- noise disturbance
- loss of mature trees harmful to area, these should be subject of TPO

## 4.0 APPRAISAL

4.1 There is no objection on principle to the change of use of this conference centre to flats. There is no objection to the removal of the modern building at the rear or the outbuilding and external staircases as proposed.

Conversion of 8 and 9 St. Peters Grove.

4.2 The proposed dormer windows to the front are arranged symmetrically and sit within the roof slope. The roof extensions at the rear are contained within the shape of the existing roof and have no impact on the street scene. The proposed extension at the rear in modern style similarly has no impact on the street scene. Careful selection of materials will be required to ensure that the juxtaposition of styles is successful. The first floor living room window would introduce sideways looking in towards flats on the adjacent site to the north. Given the distance of separation of these windows it is considered that the effect will be to provide inadequately for privacy in both existing and proposed dwellings. Works of alteration can be conditioned to protect external appearance and retain existing windows.

New build.

4.3 Whilst infill development for housing on the site is supported in principle any such proposal will need to preserve or enhance the character and appearance of the Clifton Conservation Area and be of an appropriate scale and density in accordance with the aims of policies HE3 and H4 and GP1 of the Draft City of York Local Plan and PPS 1 and PPGs 3 and 15. Development will also need to ensure that nearby residents are not unduly affected by noise, disturbance, overlooking or dominated by overbearing structures in accordance with the aims of policy GP1 of the Draft City of York Local Plan and PPS 1.

4.4 The design of the proposed building, by virtue of its height and siting, is considered to be unduly prominent and this prominence of a new build is considered to be detrimental to the character and appearance of the Clifton Conservation Area. Further to this whilst the broad approach to the design of the building is acceptable the detailed elevational treatment and detailing is considered unsuccessful. The comments of the Conservation Officer (see paragraph 3.4) are noted.

Highways and transport.

4.5 It is proposed to use the existing two vehicle crossing points for access onto the site. Parking for one car per unit and covered secure cycle parking for one cycle per unit is proposed on site. As such the proposals accord with CYC maximum parking standards which indicate that a maximum of 15 car parking spaces is appropriate. Given the level of on site parking proposed, the limited capacity of the surrounding road network and the potential additional demand for further parking that the site could generate - and in the interests of encouraging use of means of transport other than the private car in this highly sustainable location - it is considered reasonable that the applicant fund the exclusion of the site from eligibility for parking permits within the R34 zone.

4.6 The layout of cycle and bin stores could be amended to further reduce the impact on neighbours and improve security and a condition to reserve and secure such details should be attached to any consent.

Effect on long term health of trees.

4.7 Whilst those trees within the site that are proposed to be removed make limited contribution to the appearance of the conservation area the mature trees on the site frontage are an important part of it. The protection of the long term health of these trees in accordance with the aims of policies HE3 and HE11 of the Draft City of York Local Plan. The arrangement of parking spaces 4 and 5 are considered unacceptable detrimental to the health of the mature Lime Tree which is prominent in the street scene.

Privacy

4.8 The proposed development would introduce additional corner windows in the extension to the rear of numbers 8 and 9 that would be separated by just thirteen metres from window in the flats to the north. This is considered to result in unacceptably low levels of in building privacy both within the proposed development and the existing flats.

4.9 The introduction of new windows at the rear of the site facing properties on Burton Stone Lane, both in the new build and the extension to number 8 and 9 St. Peters Grove is considered acceptable as opposing windows would be separated by a distance of 30 metres.

4.10 The proposed new build does however include small windows in the south west elevation which are in close proximity to the boundary and are considered to unacceptably reduce the privacy at 7 St. Peters Grove. opposing windows in this instance are separated by a distance of less than 8 metres.

4.11 The proposals are considered to impinge unacceptably on the levels of privacy of neighbouring dwelling in the manner discussed above and hence are considered to be contrary to the aims of policy GP1 of the Draft City of York Local Plan and PPS 1.

Noise nuisance

4.12 The proposals include an area for the parking of five vehicles. This represents a significant increase over existing levels of activity in this area of the site and is considered likely to have a detrimental impact on the living conditions enjoyed by neighbouring occupiers. However, these movements would be associated with a residential use, and can be ameliorated by appropriate boundary treatments, on balance it is considered that the proposed car parking arrangements are not unacceptably detrimental to the living conditions of occupiers of adjoining residential units.

Amenity Space.

4.13 The proposals include two small areas of open space at the rear of the buildings with two small formal areas between the buildings and the street. The area on the front are hemmed in by parking and the areas at the rear small and directly related to ground floor windows. As such these spaces are of visual amenity value



rather than a practical useable amenity space. The site is relatively remote from areas of public open space and it is considered necessary to include some open amenity area for use of residents on site. The provision of children's play, adult recreation and any shortfall of general amenity space would be acceptable by contribution in lieu of on site provision in accordance with policy L1 of the draft City of York Local Plan.

## 5.0 CONCLUSION

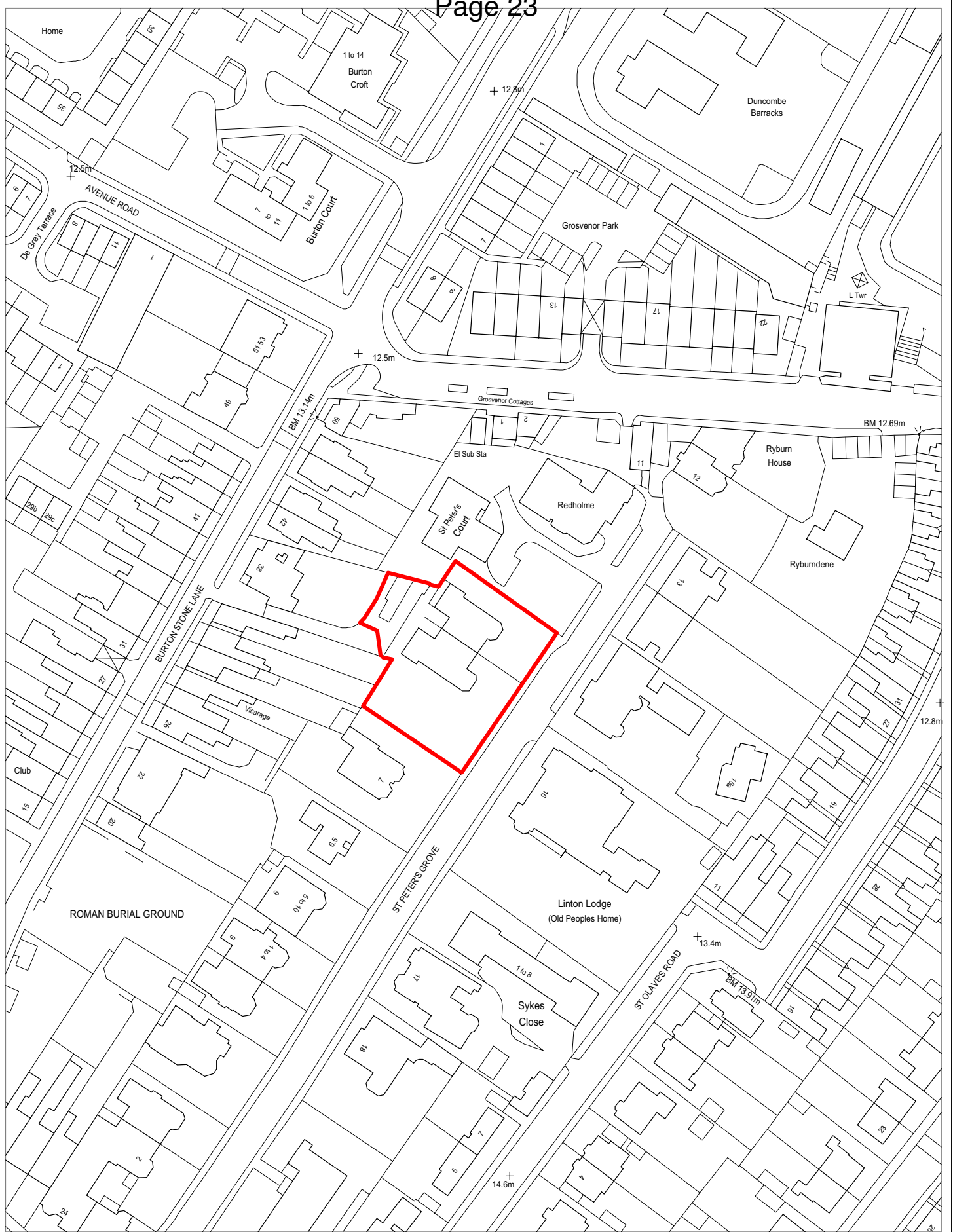
5.1 For the reason discussed above it is recommended that this application be refused.

## 6.0 RECOMMENDATION: Refuse

- 1 The proposed development, by virtue of the height, siting and design of the proposed new build block, would be detrimental to the character and appearance of Clifton Conservation Area. As such the proposals are considered to be contrary to the aims of Policies HE3 and GP1 of the Draft City of York Local Plan and the aims of PPS1 and PPG15.
- 2 The proposed development, by virtue of layout and construction of parking spaces, would be detrimental to the long term health of the Lime identified as T2 on the site layout plan. This tree is considered to make an important contribution to the appearance of the street scene and to be an important part of the character of the Clifton Conservation Area. As such the proposals are considered to be contrary to the aims of Policies HE3 and HE11 of the Draft City of York Local Plan and the aims of PPS1 and PPG15.
- 3 The proposed development, by virtue of the position of windows to habitable rooms within the extension to the rear of number 8 and 9 St. Peters Grove and the new build block, is considered to provide inadequately for the privacy of residents within the proposed development and result in an unacceptable detriment to living conditions through loss of privacy to the occupiers of 7 St. Peters Grove and St. Peters Court. As such the proposals are considered to be contrary to the aims of Policies GP1 and H4 of the Draft City of York Local Plan and the aims of PPS1.

### Contact details:

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**Tel No:** 01904 551352



CITY OF  
**YORK**  
COUNCIL

8 ST. PETER'S GROVE 06/01588/FULM 12 X 2 BED FLATS CONVERSION & NEW BUILD

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 29/9/2006  
Drawing No.



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

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City of York Council LA 1000 20818

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Clifton  
**Date:** 12 October 2006                    **Parish:** Clifton Planning Panel

**Reference:** 06/01674/FULM  
**Application at:** York District Hospital, Wigginton Road, York YO31 8HE  
**For:** Erection of multi storey (3 level) car park including alterations to vehicle access and roads  
**By:** Peter Strickland  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 20 October 2006

**1.0 PROPOSAL**

1.1 The application relates the existing surface car park at the front of the District Hospital, facing Wigginton Road. The car park currently provides 184 visitor and 124 staff spaces. The proposal is to create a decked multistorey car park for patients and visitors on the site of the existing car park.

1.2 The application follows a previously approved application (ref: 03/00811/FUL) that was approved in early 2005 for a smaller multistorey car park. The resubmission moves and slightly enlarges the car park from the centre of this site further north so as to free up land for further future hospital expansion.

1.3 The new structure would take the form of a ground floor deck with spaces for 37 visitor cars, the first and second floors for with a total of 162 visitor cars on each level. This creates a total of 361 visitor spaces. There will also be 122 staff car parking spaces to the ground floor and 28 additional staff spaces on external grasscrete. This creates a total of 483 spaces within the car park building. Vehicular access to the building will be from the north of the site and the present main access will be blocked off and built over by the car park. There will be an area of grasscrete staff car parking to the front of the building adjacent to a modified access to be used by blue light traffic and staff only. Pedestrians will have main access at the north of the building within a small staff ground floor block where there will be a stair well and elevator. This will give access to a pedestrianised area and the rest of the hospital.

1.4 The building would comprise of galvanised steel frame structure with burgundy coloured blockwork and teak stained cladding to the lower level. The attendants block will be of galvanised steel frame and teak stained sawn timber cladding with a glass and burgundy rendered stair well element. There is no low level shrub planting shown on the plans but there are cable rails at intervals of 14 metres onto which are proposed to be grown climbers.

1.5 The application includes landscaping measures along the Wigginton Road frontage involving the retention of existing trees as far as possible and the retention of the existing grass bund.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### 2.2 Policies:

## 3.0 CONSULTATIONS

Internal

Highway Network Management - Highway regulation are at time of writing formulating their formal response to the application.

Environmental Protection - EPU are at time of writing still formulating their formal response. Their concerns in summary relate to the potential increase in car parking and the impact upon rooms adjacent to the building site that is used for outpatient clinics due to pollution created by the movement of cars.

Environment and Conservation - No response at time of writing. There were serious concerns within the previous application regarding the proximity of the proposed car park to the landscaped area adjacent to Wiggington Road and the previous scheme was amended to be moved further away from this area.

Conditions relating to materials and large scale details of the panel edges and the fixing of the panels to the frames are requested as well as one requiring the finished colours to be agreed, and a full landscaping scheme. Also an archaeological watching brief conditions is recommended.

Landscape - The critical trees are those along Wiggington Road (some of which are within the highway verge, some are on hospital land) and as such the development should be compatible with these with some tweaking of distances. The corners closet to Wigginton Road may well cause harm to these trees.

Several early-mature Limes are contained within the car park footprint and would thus be removed. From the outside they look to be of good form with healthy foliage. As such they could have a very long-term amenity value and are worthy of retention. Nonetheless their visibility is limited to relatively close proximity along Wiggington Road because of screening by the other avenue trees.

The loss of a very attractive, singular Lime adjacent to the existing entrance road would be unfortunate and should be avoided if at all possible.

### 3.2 External

Clifton Planning Panel - No objections but request an alternative pedestrian crossing.

Nearby Residents and Interested Parties - No objections from consulted neighbours.

## 4.0 APPRAISAL

Key issues:

Impact of proximity to Wigginton Road

Design

Suitability of a building adjacent a major approach into the City.

Impact upon trees and existing Landscaping

Impact upon Highway network.

5.1 The principle for the car park has already been set and the Hospital already has valid approval for the construction of the car park upon this site. The main difference is the re siting of the structure that will bring it substantially closer to Wigginton Road.

5.2 The reason behind the re siting of the car park is due to the desire and need of the hospital to extend. This expansion is currently being planned and it is believed that some provisional master planning work has been undertaken. This does not form part of the planning application however and merely provides a justification for the alteration from the approved scheme. It is anticipated that subject to the outcome of this current application, subsequent applications shall be submitted for further modification of the site.

### Pre Application Advice

5.3 Pre application discussions were undertaken by the applicant and the applicant was advised that the landscaped element adjacent to Wigginton Road was of paramount importance at least in one meeting. This was also a prime consideration of the previous application. The basic design principle for a structure using modern materials of steel and timber cladding was also agreed and are in principle considered suitable.

### Design

5.4 Planning Policy Statement 1 (delivering sustainable communities) clearly states that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted."

It also states that developments should provide "high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development."

5.5 City of York deposit draft Local Plan Policy GP1 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.

5.6 Local Plan Policy C4 also states that any such expansion should not reduce the amenity of local residents; result in the loss of key areas of landscaping, or cause traffic problems.

5.7 The previous application was extensively negotiated and modified to bring the building further from the road and the final distance achieved was a 13 metre separation from Wigginton Road to the proposed car park. This left adequate space for suitable planting and the protection of existing trees that did contribute to softening the building. However this new application, in its attempt to maximise space, has almost breached this landscaped bund that runs alongside the car park and may well harm existing trees while not leaving adequate space for new planting. The new application also creates a new access through the existing landscape bund to the areas detriment. The applicant appears unable to modify the footprint of the car park in any way other than considering a very minor change to the closest elements to the main road and relying on planting to reduce the impact of the structure.

5.7 It is the opinion of Officers that the proposal will contribute negatively to this major approach into the City Centre. It is felt that the proposal gives little regard to the importance of creating a high quality environment and relies on prescribed landscaping conditions for camouflage. It is acknowledged that this structure is unavoidably functional and subsequently there are few ways other than appropriate siting available to reduce the impact of such a building. This approach of creating a building that visually harms the city is considered to be both unsustainable and unacceptable mainly in terms of its siting so close to the site boundary.

5.8 The Central Core Conservation area is situated to the south of the site and Wigginton Road is a major approach into the Conservation Area. It is felt that the integration of such a large structure so prominent to Wigginton Road will be detrimental to the Conservation Area and will appear very much out of much character through its size and scale.

5.9 The internal spaces of the hospital will also suffer due to the size and scale of this building upon this narrow site. The building will create a canyonisation of the present main frontage of the hospital in this location. This was minimised in the

previous scheme by adequate planting and a wider gap being left between the two buildings. Although this area is within the private ownership of the Hospital the integration of this 'canyon' feature goes somewhat against the general advice given by CABI, the Government's advisor on design who are actively trying to encourage quality environments for healthcare facilities through design.

### Landscape

5.10 The impact upon the trees along Wigginton Road is considered a serious issue as these trees would provide some screening of the proposed building. However Officers are concerned that the siting of the proposed building will adversely impact upon the trees and thereby affect the visible amenity that currently exists. The proposed extra access into the site below the car park will also contribute negatively to the landscape of the site and is not considered appropriate.

### Impact Upon Highways

5.11 Highway Officers have serious concerns regarding the impact upon highway movement on Wigginton Road and internal movement within the proposed car park. The prime concern is whether the newly formed junction forming the access to the Hospital is capable of handling future traffic demand, without undue congestion and delays. They have raised these concerns with the applicants transport consultants who are attempting to address this issue. At time of writing however the initial response from Highway regulation is to refuse the application. Officers are currently awaiting a formal response from the applicants and intend to update at Committee.

## 5.0 CONCLUSION

6.1 In summary this decision has to be based weighing up the balance between the future needs of the hospital and the need to protect this important approach into the city centre and the physical environment of the City as a whole. The proposal is required for an identified need and as a multi storey car parks the design is thought out better than most. However the route into the City along Wigginton Road is highly characteristic with mature trees lining either side and creates a pleasant landscaped environment in terms of approach.

6.2 The Hospital buildings are well set back but at present do not create the most human or attractive of environments and it is officer opinion that this multi storey car park with its proximity to the main road and its canyonisation of the internal hospital roads will create an environment of poor quality that in turn will go against current desires to create more sustainable communities through good design.

6.3 On balance however the decision must be weighted against the desire of the Hospital to expand and provide a service to the people of York. It is Officer opinion however that a more suitable scheme that does not harm the historic and characteristic environment of York will go some way to providing a better, more sustainable future for the City and will, in the long term, override the short term objectives for gaining a large car park on site.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Refuse

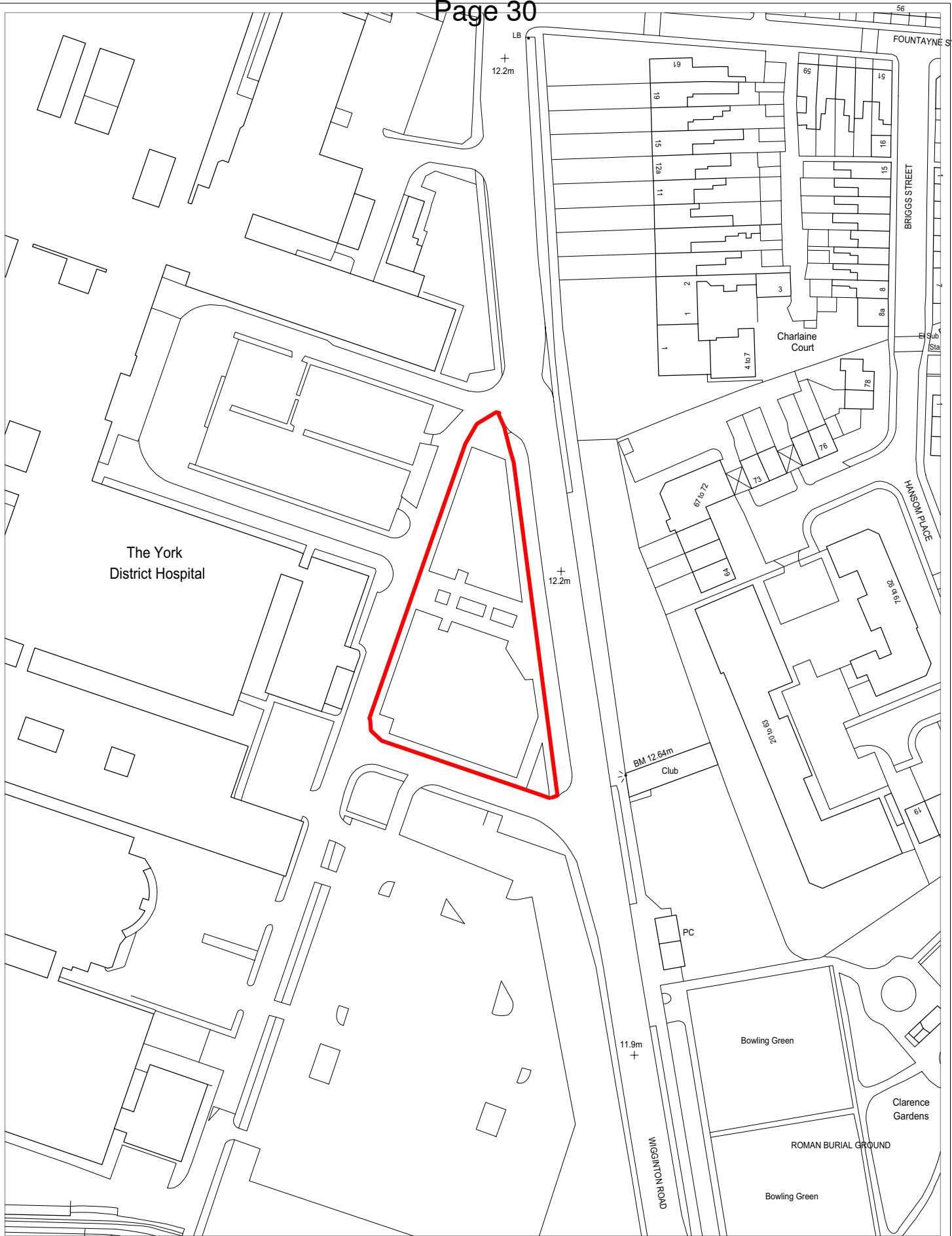
- 1 The proposal, by virtue of its siting immediately adjacent to Wigginton Road will contribute negatively to the built environment of York and this major approach into the Central Historic Conservation Area and City centre through its height, size and dominance. Therefore it is considered that the application is contrary to Policy GP1 and C4 of the City of York Deposit Draft Local Plan as well as overriding National Policy Guidance in the form of PPS1 (delivering sustainable communities) that places the emphasis on good design in order to create more sustainable communities.
- 2 The proposed structure will rely too heavily on landscaping measures to soften its impact whilst leaving too little space for such measures to be employed. As such the building will appear monolithic, over functional and unacceptable on this landmark site and major approach into the City Centre. As such the application is considered contrary to Policy GP, NE1 and C4 of the City of York Deposit Draft Local Plan as well as overriding National Policy Guidance in the form of PPS1 (delivering sustainable communities)

### 7.0 INFORMATIVES:

#### Contact details:

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**Tel No:** 01904 551596





CITY OF  
**YORK**  
COUNCIL

YORK DISTRICT HOSPITAL, WIGGINTON ROAD 06/01674/FULM DECKED CAR PARK TO FRONT



SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 29/9/2006  
Drawing No.

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

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City of York Council LA 1000 20818

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Osbaldwick  
**Date:** 12 October 2006                      **Parish:** Osbaldwick Parish Council

**Reference:** 06/01198/FUL  
**Application at:** 17 Worcester Drive, York YO31 0NY  
**For:** Pitched roof extension to side and rear including detached garage after demolition of existing  
**By:** Mr P Hodgson  
**Application Type:** Full Application  
**Target Date:** 21 July 2006

**1.0 PROPOSAL**

This application seeks permission for the erection of a pitched roof extension to the side and rear including a detached pitched roof garage after demolition of existing garage.

This application is a resubmission of a previous application that was refused due to its impact upon neighbours by the development of the plot.

This resubmission has been altered in size and footprint from the previous scheme and subsequent other amendments have been received during the current application.

**UPDATE**

The previous application was deferred with members requesting a revised site plan showing accurate distances between the proposal and the rear boundaries. At the time of writing the applicant has agreed to provide the plan but Officers are still awaiting receipt.

The main issues are the same as previously considered and the report reflects this.

**2.0 POLICY CONTEXT****2.1 Development Plan Allocation:**

DC Area Teams East Area (1) 0003

**2.2 Policies:**

CYGP1  
Design

CYH7  
Residential extensions

### 3.0 CONSULTATIONS

#### Internal

Highway Network Management - Highway Officers have no objections to the scheme.

#### External

Parish/Planning Panel Response - No objections subject to neighbours.

Neighbour Response - 3 Objections were received in relation to the original plans after neighbour consultation letters were sent out. The main issues of concern were:

The overdevelopment of a modest plot that was deemed to be out of character with the locality.

Over dominance of the proposed extension.

Noise associated with the increase in rooms.

Privacy affected by windows.

Loss of sunlight caused by the extensions.

Drainage.

Affect on outlook.

After revised plans were submitted neighbours were reconsulted and four objections were received stating that the plans would still constitute overdevelopment and would harm sunlight, outlook and amenity.

Environment Agency - Although not formally consulted the property does not appear to be located within a designated Flood Zone.

### 4.0 APPRAISAL

Key issue(s): Development Upon the Plot, Impact Upon Neighbours

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

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.

**THE APPLICATION SITE.** - The application property is a detached bungalow at the head of this suburban cul de sac and occupies a triangular plot that is narrow to the rear and extends to either side. The property has apparently previously had modest extensions in the form of a flat roof side extension and a small porch to the rear. There is a 2metre close boarded fence to the perimeter of the property. There is an existing dormer to the rear with a single window serving a wc.

**EFFECT UPON THE STREET SCENE** - The proposal will have limited impact upon the street scene through the proposed side extension and garage. The demolition of the existing garage will place the side extension in a more prominent position. However this is not considered to be detrimental to the street scene. Revised plans show a new pitched roof dormer to the front that is considered acceptable.

**EFFECT UPON NEIGHBOURING AMENITY** - The proposal has been amended from the original Planning Application by reducing the size of the western single storey element from 9.55m to 6.05m and removing a previously proposed gable window to the eastern kitchen/bed 4 extension. The proposed double garage was to remain to the eastern edge of the plot. Revised plans were requested during the current application and achieved the removal of a second window to the existing dormer leaving only the in situ window. Further modifications involved the hipping of both of the extensions by a maximum amount in order to relieve the dominant impact upon the boundaries and also hipping the proposed garage roof along with lowering the eaves as much as possible.

### Overlooking

In terms of overlooking the removal of all proposed first floor windows has omitted the issue and the only window that remains is the existing bathroom. These modifications have resulted in awkward room size and shapes internally and have resulted in the addition of a front dormer.

### Dominance

The proposed extensions have been modified to create two hips to the two proposed rear projections. This has removed any gable feature that was considered over dominant in relation to neighbours and has created a much more modest extension that slopes away from the rear boundary. The rear garden of the plot is tight and is similar to those properties on Meadlands that also have modest gardens in width. The rear extensions have been substantially modified since the previous submission and it is believed that the reduction in length, the hipped roofs to both the garage and the extensions and the reduction in eaves height of the garage will relieve the impact upon neighbours and on balance recommendation is for approval.

### Overshadowing, Impact Upon Living Conditions Through Loss of Light

The orientation of the plot is somewhat awkward and in order to fully assess this proposal the case officer undertook an exercise of modelling the proposal in 3d.

This created an approximate 3d model whereby the sunlight and shadows could be shown. This, together with the traditional methods of estimating the sun paths illustrates that the present house on this plot already obscures much of the sunlight from neighbouring properties. When compared utilising this 3d guide it was apparent that the proposed extensions to the house would slightly, but not dramatically impact upon sunlight reaching neighbouring properties. This exercise was undertaken based on the plans as originally submitted and it is expected that the revised hip features would further reduce the impact. On the basis of this it is felt that the garage would perhaps have the most harmful impact but in light of the hipped roof and lowered eaves it is felt that the proposal would not adversely overshadow neighbouring properties more than the existing building already does.

OVERDEVELOPMENT - The proposal intends to develop upon a unusual suburban plot and it is the opinion of the case officer that the modifications proposed are not excessive. The reduction in footprint from the original scheme, the hipped roofs and the removal of windows have reduced the extensions' impact upon the locality. Careful consideration should still be given to the potentially dominant effects upon neighbours but on balance the proposal is recommended for approval.

## 5.0 CONCLUSION

The proposal attempts to balance the concerns of adjoining residents while at the same time providing suitable accommodation to be created within this suburban dormer bungalow to the applicants wishes. The proposal has been amended to a sufficient degree so as to minimise the impacts upon neighbours through reducing the sizes and footprints as well as hipping the roof and removing rear overlooking windows. As such it is recommended for approval.

## 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 neighbours. As such the proposal complies with Policies H7 and GP1 of the City of York Deposit Draft Local Plan.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2
- 2 PLANS2
- 3 VISQ8

- 4 Notwithstanding the approved plans no further windows shall be installed to the rear elevation of the property unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours

5 GARAG1

6 NOISE7

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

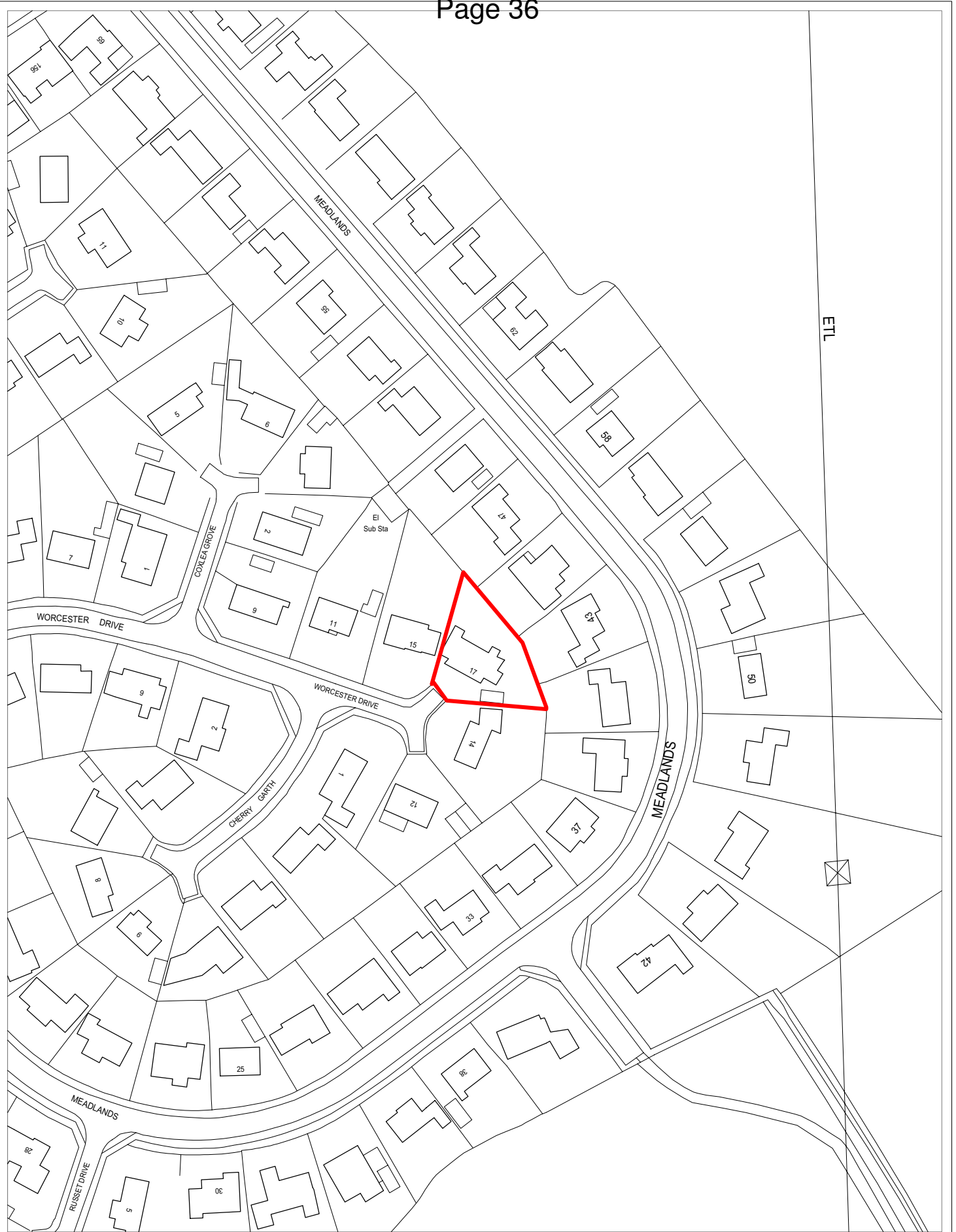
#### 1. REASON FOR APPROVAL

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

#### **Contact details:**

**Author:** Andrew Graham Development Control Officer

**Tel No:** 01904 551596



17 WORCESTER DRIVE 06/01198/FUL REAR EXTENSIONS

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 29/9/2006  
 Drawing No.



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

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City of York Council LA 1000 20818

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 12 October 2006  
**Ward:** Wheldrake  
**Parish:** Wheldrake Parish Council

**Reference:** 06/01553/FUL  
**Application at:** Wheldrake C Of E Primary School North Lane Wheldrake York YO19 6BB  
**For:** One and two storey pitched roof side and rear extensions  
**By:** York Diocesan Board Of Education  
**Application Type:** Full Application  
**Target Date:** 1 September 2006

### 1.0 PROPOSAL

Wheldrake with Thorganby Church of England School is a primary school educating 4 to 11 year old children. This application seeks planning permission for an extension to the school and internal alterations to improve the teaching facilities available at the school.

This application is deferred from East Area Sub Planning Committee in September in order for a sustainability appraisal to be carried out.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP4A  
Sustainability

CYGP1  
Design

CYED1  
Primary and Secondary Education

### 3.0 CONSULTATIONS

3.1 Internal



Highway Network Management - As there is no proposed increase in staff or pupil numbers there are no highway objections to this proposal.

Educational Planning Officer - No objections.

Sustainability Officer - No comments were received regarding the sustainability statement at the time of writing the report.

### 3.2 External

Wheldrake Parish Council - No objections as long as the portable classroom units are removed if the application is successful.

Response to site notice (posted 10/08/06) and neighbour consultation letters (sent 19/07/06) - One piece of correspondence received from the residents of 1 Greengales Lane. The following concerns were raised:

- the height of the development, as the ridge of the proposed roof is higher than the gutter level of the existing north east elevation
- the width of the proposed north east elevation
- the location of the bicycle shed

To minimise the impact of the developments encroaching onto 1, 3, and 5 Greengales Lane the following is suggested:

- the height of the development is restricted to below the gutter level of the existing north east elevation
- the development is kept within the original building line of the left wall of the existing north east elevation (Classroom 6 on the playground area).
- The bicycle sheds are relocated away from the end of the north east elevation to minimise encroachment towards Greengales Lane
- Existing trees are maintained and additional trees are planted to screen the development from Greengales Lane.

## 4.0 APPRAISAL

### 4.1 Key Issue(s):

- Street Scene
- Impact on local residents
- Sustainability

4.2 The Application Site - Wheldrake with Thorganby C of E School currently comprises the main building with three mobile classroom units located around the school. The primary school currently educates approximately 210 pupils between the ages of 4 and 11. The proposed school extension would result in no significant increase in student numbers as the temporary classroom units would be removed.

4.3 Draft Local Plan Policy GP1 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.

4.4 Draft Local Plan Policy ED1: Primary and Secondary Education states that planning applications for new/extended primary and secondary education facilities will be granted permission provided that:

- a) it would meet a recognised need; and
- b) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and
- c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; and
- d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

4.5 Impact on the Street Scene - The proposed extension is on the north east and north west elevations of the school. The extensions are of contemporary design which it is considered would not harm the character and appearance of the school or the street scene. The proposed extensions have incorporated some of the design principles contained on the current school building. The proposal also involves the removal of 3 temporary classroom units. These units are not of the style and design which are suitable as a long term classroom solution at this school. It is considered that the extension would provide a more visually acceptable classroom solution than the current units on site whilst also providing a better working environment for the pupils and teachers. The applicant has confirmed that there would be no additional lighting requirement as a result of the school extension.

4.6 Effect Upon Neighbouring Property - A letter of objection was received from residents of 1 Greengales Lane. Greengales Lane runs along the eastern boundary of the school, the proposed extensions take the school closer to this boundary. It is considered that whilst the school would be closer to dwellings along Greengales Lane there would not be significant harm caused to the amenity which neighbours could reasonably expect to enjoy. There would be over 40 m between the school extension and neighbouring properties and it is considered that the school extension would not have a dominant or overbearing impact on these properties. There is some green landscaping along the boundary which would also help reduce the impact of the proposal on local residents. It is considered that the new extension would not generate significantly increased levels of noise for neighbouring properties.

4.7 Sustainability - The City of York Council is keen to promote sustainable development where possible. The applicant has submitted a document which addresses Policy GP4a: Sustainability of The City of York Council Draft Local Plan. A summary of the report is presented below, the letters represent the corresponding section of Policy GP4a:

- a) Accessibility: The school is in a central location within 400 m of a bus stop. The school has a green transport plan that encourages cycling and walking to school with

bicycle sheds provided. The school's transport plan is currently being reviewed and any proposals put forward will be implemented.

b) Social Needs: The design includes aspects to enable extended use of the school by the local community. Zoning of the school will provide better access for the existing youth club activities and talks are ongoing regarding a permanent library facility.

c) Local Economy: Improving the school will serve to strengthen the local economy by ensuring that the village remains viable as it grows. The provision of a learning centre would encourage locally run classes which would reduce the need to travel into York.

d) Design: The external design of the building is in-keeping with the original building and the village. Investigations have taken place into systems to reduce energy and water usage at the school and these will be incorporated into the extension proposals.

e) Materials: It is expected that the new roof area will provide sufficient water to service the needs of the toilet facilities in the immediate vicinity of the extension by the incorporation of a grey water system. In all cases, 10 second push taps, spray taps and low flush toilets will be used. All specified materials will be responsibly sourced in line with BREEAM (BRE Environmental Assessment Method, the most widely used means of reviewing and improving the environmental performance of buildings), for example timber will be obtained from certified sustainable sources. All waste which is generated on site during construction will be segregated to encourage recycling and reduce waste to landfill. Where feasible, hardcore will be generated on site from waste materials and re-used.

f) Pollution: Potential sources of pollution will be carefully controlled during building. Noise will be minimised not least to reduce the impact on the school.

g) Conservation: The existing wildlife areas within the school grounds are well removed from the proposed location of the extension. Where the extension provides an opportunity for landscaping, this will be done in consultation with stakeholders with a view to increasing the ecological value of the grounds.

h) Renewables: A survey carried out in April 2006 shows that on average 57% of a school's direct carbon emissions come from heating. Heating efficiency is a major concern of the school as it also gives rise to significant running costs. Ground source heat pumps are expensive to install with a 30 year payback period even if a 50% grant was provided. Biomass boilers are more expensive than oil and gas fired boilers. The electric heating bill in the temporary classroom accommodation is £720 p.a. This gives the school a current heating cost of £4920 p.a., the boiler which is to replace this would reduce costs to £3100 p.a. which would significantly reduce the carbon footprint. A biomass boiler would cost £5010 p.a. The conclusion is that an efficient gas-fired boiler is the best solution for this extension with an estimated 4 year payback period. Other low-cost energy efficiency measures will be used such as insulation, draft-proofing, time-switch and occupancy sensing lighting. The school continues to give serious consideration to the future installation of a wind turbine for micro generation. However, funding remains a stumbling block.

i) Recycling: Recycling and refuse arrangements will not be impacted directly by the proposed extension, but segregation of waste will be supported with new facilities. Wormeries will be established to encourage the disposal of vegetable matter on site and to provide direct educational benefit.

As with all proposals there is always the desire for greater use of sustainability measures. However, funding is limited with governors and the community attempting to raise £90,000 which is needed in addition to the DfES funding. It is considered that the above satisfies Policy GP4a as it is clear that all aspects of sustainability have been considered with measures incorporated where possible.

## 5.0 CONCLUSION

It is considered that the proposed school extensions would not cause significant harm to the street scene or the amenity of local residents.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing No. 1284/01, 1284/02, 1284/03, 1284/04A (20/07/06), and 1284/05 received by The CoYC on 07/07/06

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

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

3 VISQ1

- 4 Prior to the development commencing details of the car and cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the LPA.

Reason: To promote the use of cycles and in the interests of highway safety

5 NOISE7

- 6 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and approved in writing by the LPA. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction materials and the hours during which this will be permitted.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

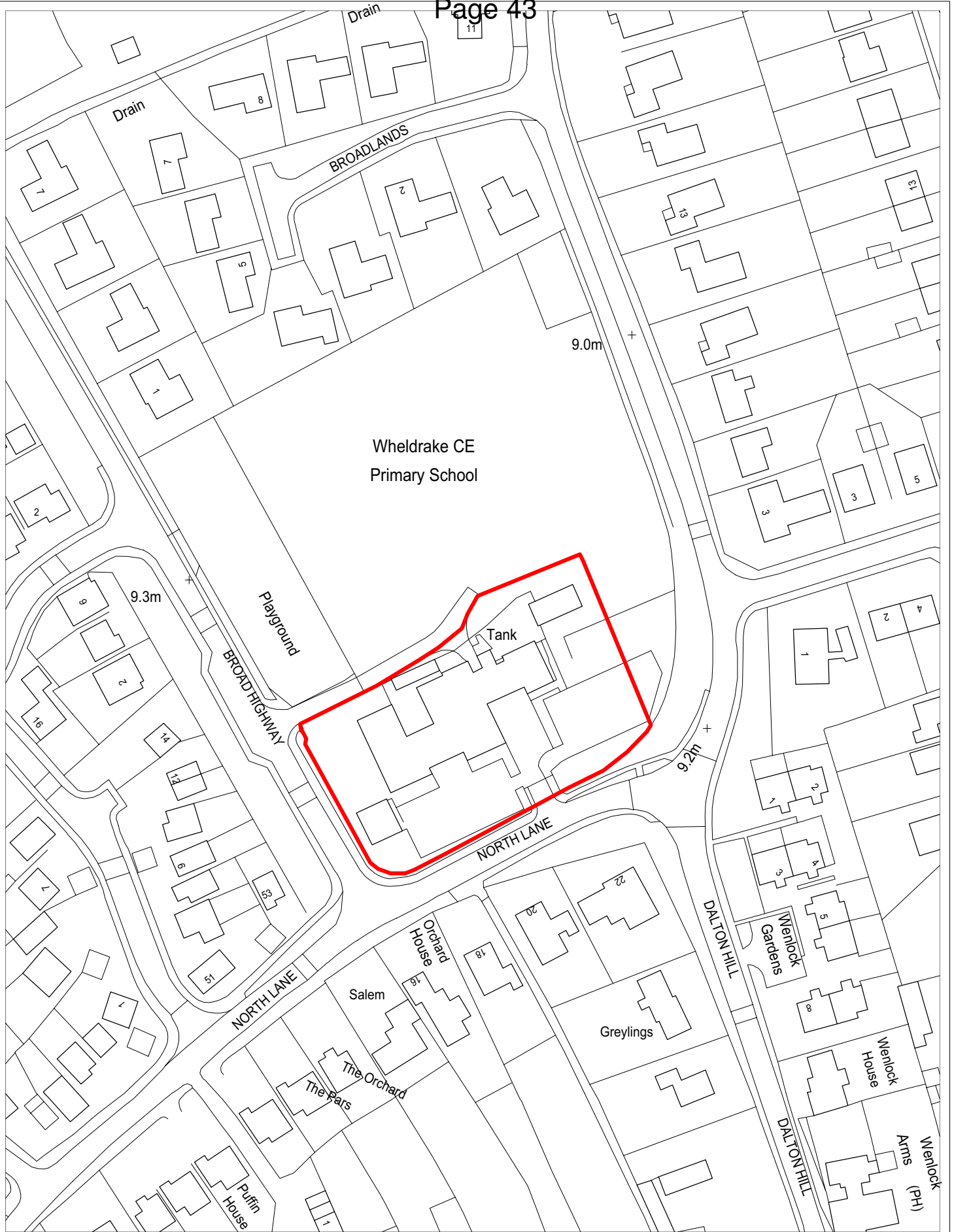
**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity of local residents. As such the proposal complies with Policies GP1 and ED1 of the City of York Draft Local Plan.

**Contact details:**

**Author:** Michael Jones Development Control Officer  
**Tel No:** 01904 551325



06/01553 - WHELDRAKE SCHOOL 06/01553/FUL EXTENSIONS

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 29/9/2006  
 Drawing No.



**COMMITTEE REPORT**

<b>Committee:</b>	East Area	<b>Ward:</b>	Clifton
<b>Date:</b>	14 September 2006	<b>Parish:</b>	Clifton Planning Panel

**Reference:** 06/01428/FUL  
**Application at:** St Peters School, Clifton, York YO30 6AB  
**For:** Erection of gated enclosure at each end of former public footpath.  
**By:** St Peters School  
**Application Type:** Full Application  
**Target Date:** 8 September 2006

**1.0 PROPOSAL**

St. Peters School is located in the Clifton Conservation Area on Clifton. Previously a public footpath ran through the school grounds. On the 16th May 2006 the Planning Inspectorate determined that the footpath should be closed to public use. A means of enclosure was erected at each end of the footpath by St Peters School and planning permission is now sought for the permanent erection of a gate on both the northern and southern entrance of the former public footpath.

This application was requested to be heard at Planning Committee by Cllr Scott and Cllr Reid as it was suggested that there may be a high level of public interest in the site. This application was deferred from the East Area Sub Planning Committee in September due to an error with the wording of the proposal. The application has been re-advertised with the word 'fencing' replaced by 'gated'.

**2.0 POLICY CONTEXT**

## 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

Floodzone 2 Flood Zone 2 CONF

Schools Queen Anne 0253

## 2.2 Policies:

CYGP1  
Design

CYHE3

Conservation Areas

### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - No objections

Conservation - No objections

#### 3.2 External

Clifton Planning Panel - Support the application

Response to site notices' posted 19/09/06 - No correspondence received

### **4.0 APPRAISAL**

#### 4.1 Key Issue(s): Impact on the Conservation Area

4.2 The Application Site - St Peters School is on Clifton within the Clifton Conservation Area. The former public footpath that ran through the school was closed to the public on 16th May 2006. Means of enclosure have been erected at both ends of the footpath in order to ensure it is not used as a public through route. These were a temporary measure and consent is now sought for permanent gating. The footpath is no longer open to the public and this application is simply concerned with the impact of the gates themselves.

4.3 Draft Local Plan Policy GP1 states that development proposals will be expected to respect or enhance the local environment. Policy HE2 (Development in Historic Locations) states that within conservation areas development proposals must respect adjacent buildings, open space, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals must maintain or enhance existing urban space, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.4 Impact on the Conservation Area - The proposed gate on the southern boundary of the school is less visually important in terms of protecting the character and appearance of the area. The proposed gate is of simple design and it is considered that it would not cause significant harm to the visual amenity of the area. The proposed gate on the northern boundary, adjacent to Clifton, would be visually prominent within the conservation area. A Conservation Officer looked at the plans and raised no objections to them in terms of their impact on the conservation area. The front boundary of St Peters School is characterised by a black steel fence with simple styling. The proposed gate is of the same design with black colouration and it is considered that it would maintain the character of the area and would not cause detrimental harm to the street scene.



## 5.0 CONCLUSION

The proposed gates would not harm the character and appearance of the area.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Drawing No. 1071-6/1 received by The CoYC on 23/06/06

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

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

## 7.0 INFORMATIVES:

### Notes to Applicant

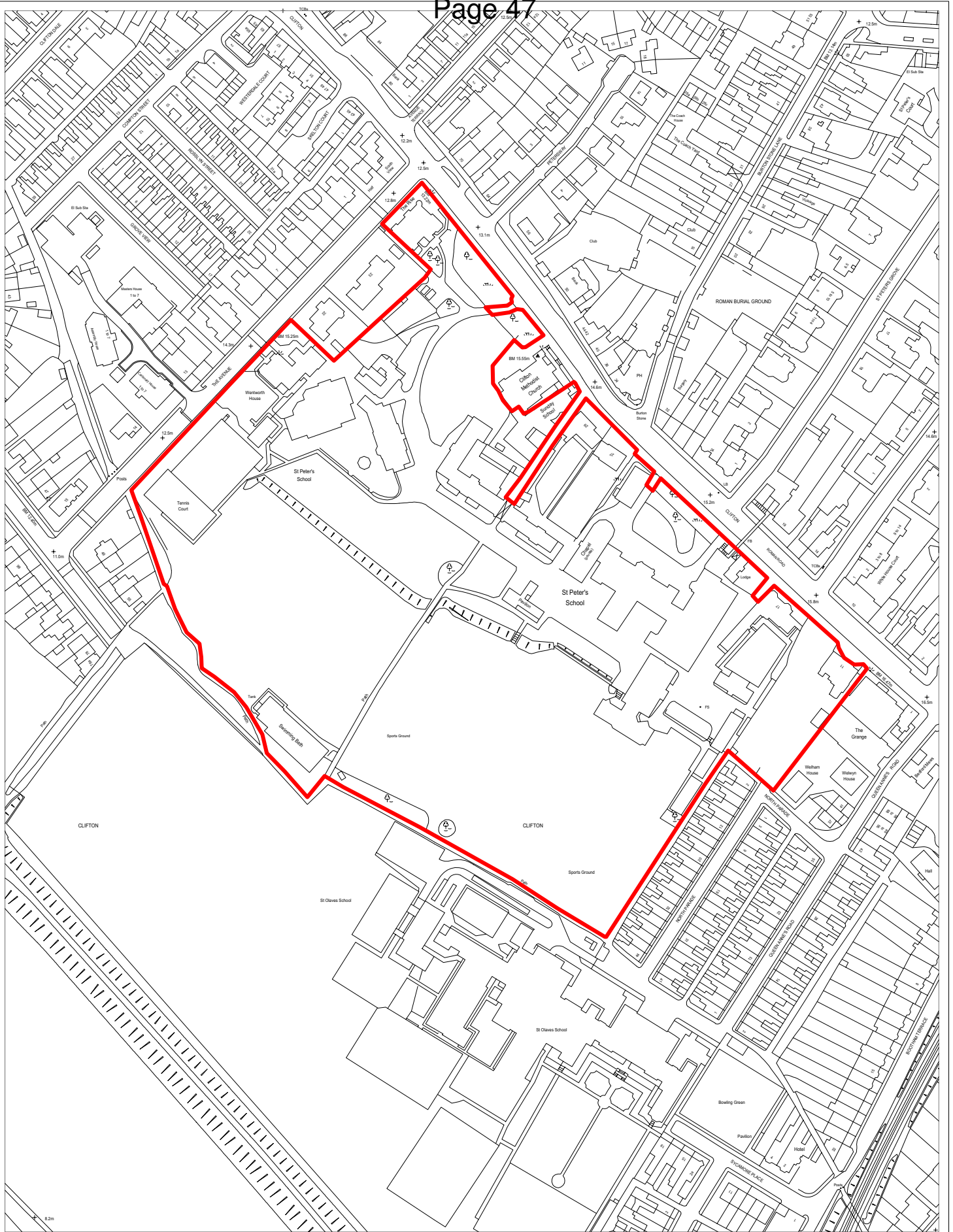
#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Clifton Conservation Area. As such the proposal complies with Policies GP1 and HE2 of the City of York Draft Local Plan.

### Contact details:

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325



**CITY OF**  
**YORK**  
COUNCIL

**ST. PETER'S SCHOOL 06/01428/FUL GATES TO CLOSED FOOTPATH**

SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 29/9/2006  
Drawing No.



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 12 October 2006

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

**Reference:** 06/01947/FUL  
**Application at:** 35 Third Avenue, York YO31 0TY  
**For:** Two storey side extension  
**By:** Mr Cain  
**Application Type:** Full Application  
**Target Date:** 1 November 2006

**1.0 PROPOSAL**

1.1 This application seeks planning permission for a two storey side extension at 35 Third Avenue which is in Heworth. The application site is a semi-detached house which is of similar design and proportions as many dwellings in the area.

1.2 A similar extension has previously been proposed at 35 Third Avenue, this was refused at the East Area Planning Committee in August 2003. The officer recommendation was for the application to be approved. The reason for refusal of the previous application was:

'The proposal, by virtue of its size, scale and proximity to the adjacent property is considered to be overdevelopment which would create an overdominant effect upon the neighbouring property and would therefore adversely affect the residents amenity. Hence it is considered to contravene to policy H7 of the City of York Deposit Draft Local Plan.'

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Tang Hall Primary 0232

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No cycle storage is incorporated into the proposal. The driveway is not of sufficient length and therefore any car parked in this area may overhang the footpath.

#### **3.2 External**

Heworth Planning Panel - No comments received at the time of writing.

Response to neighbour consultation letters - Two letters received from the residents of 37 and 40 Third Avenue. The following points were raised:

- a) The two storey side extension is an overdevelopment of the site
- b) The proposal would create a tunneling effect
- c) The proposal would block out natural light
- d) The proposal was refused 3 years ago under H7 of the City of York Draft Local Plan and the size of the proposal has not altered
- e) There are no objections to a single storey extension
- f) The building of the extension would cause a lot of disruption to the area through delivery lorries, skips on the road and builders cars and vans
- g) Driveways have been damaged in the past by heavy vehicles
- h) The surface of the road surface at Third Avenue is already in a poor state of repair, the proposed extension would only make this situation worse

### **4.0 APPRAISAL**

#### **4.1 Key Issue(s): Impact on the Street Scene and the Amenity of Neighbours**

4.2 The Application Site - 37 Third Avenue is a semi-detached dwellings in Heworth. The dwelling is within a row of semi-detached houses, on the opposite side of the road are terraced houses. There are a number of two storey side extensions in the surrounding area, some of which are on houses of similar design within similar locations. 47 Third Avenue received planning permission for a large two storey side extension in 2000 (00/00333/FUL), this has since been erected. An application was refused in 2003 for a two storey side extension at this property. The differences between the current application and the previous proposal are that the current application incorporates approximately a 0.5 m set back at the front and rear of the side extension and a 0.3 m drop in the ridge height of the roof.

4.3 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; and (iii) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the

main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.25) Side extensions should be sympathetically designed to appear subservient to the main house. Their appearance will be improved if the extension is set back from the main building. (1.26) It is particularly important that the design of side extensions takes account of the height of the new building in relation to the distance from neighbouring properties.

4.6 Effect upon the Street Scene - It is considered that the proposed side extension would appear subservient to the main house. The extension is not of great width and has been set back from the front of the house with the ridge of the roof below that of the host dwelling. This improves the appearance of the side extension. This detailing was not included on the original application which was refused in 2003. There has been an attempt to match the design principles of the main house onto the proposed side extension, this is shown in the size of the windows and the detailing at the top and bottom of the windows. A condition can be used to ensure the extension is built using similar materials to those on the host dwelling.

4.7 Effect Upon Neighbouring Property - Dwellings at the rear, Eastbourne Grove, are approximately 30 metres away from the applicant site and it is considered amenity impacts on these properties would be minimal. The dwelling most likely to be affected by the proposal is 37 Third Avenue; the proposed extension is close to the curtilage boundary with this property. 37 Third Avenue is East of the proposed extension and therefore there may be some loss of natural light on the west elevation of this dwelling in early evening. However, 37 Third Avenue only has three secondary windows within this elevation, one within the side door and one next to this at ground floor level, both of these serve a kitchen. There is however a large rear window which also serves the kitchen. There is one small window at first storey level which also appears to be secondary in nature. It is considered that the potential loss of natural light into these windows do not unduly harm the amenity which neighbours could reasonably expect to enjoy. One window is proposed for the side elevation of 35 Third Avenue, this is at first storey window and would serve a bathroom. A condition could be included with any approval to ensure that this window is obscure glazed and therefore there is no potential loss of privacy.

4.8 Response to Neighbour Concerns highlighted in paragraph 3.2 - Points a) to h) raised by neighbours are addressed below:

a) It is not considered that the two storey side extension is an overdevelopment of the site. There are a large number of similar proportioned side extensions within The City of York and the application site has sufficient outdoor amenity space to accommodate such an extension.

- b) It is unclear how the proposal would create a tunnelling effect. The extension would be close to the property boundary but there are no primary windows which would look out onto this extension.
- c) This has been addressed in paragraph 4.7 above.
- d) A proposal was refused in 2003. There are some changes between the previously refused proposal and the application under consideration.
- e) Only a two storey side extension is to be considered as part of this application.
- f) , g) and h) General disruption is not a material planning consideration. It is inevitable that all developments will create a degree of disruption to the local area.

4.9 Highway Issues - Communication has taken place with the agent for this application. It is likely that a revised application will be submitted before the date of committee. It is anticipated that the revised plan will incorporate enclosed cycle parking facilities with the proposed extension set back further to allow a car to be parked without it overhanging the footpath. A verbal update will be given during the Committee Site Visit and Committee Meeting.

## 5.0 CONCLUSION

It is considered that the two storey side extension would not significantly harm the character and appearance of the street scene or the amenity which neighbouring residents could reasonably expect to enjoy.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Revised drawing

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

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

3 VISQ1

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the window in the East elevation of the side extension shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3.

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no additional windows other than those shown on the approved plans shall be inserted at any time into the side elevation of the extension.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity of neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

#### **Contact details:**

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325



CITY OF  
**YORK**  
COUNCIL

35 THIRD AVENUE 06/01947/FUL TWO STOREY SIDE EXTENSION

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 29/9/2006  
Drawing No.







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## Planning and Transport (East) Area Sub-Committee

12 October 2006

Report of the Director of City Strategy

### Enforcement Cases - Update

#### Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

#### Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are now being monitored by the Enforcement team. A system has been set –up to enable Officers to monitor payments and commitments required under the Agreement. A schedule below shows the number of Section 106 Agreements currently being monitored in the East Area Sub-Committee.

#### Current Position

6. Members should note that 80 new cases were received for this area within the last quarter. 79 cases were closed and 168 remain outstanding. There

are 39 Section 106 Agreement cases outstanding for this area after the closure of 10 for this quarter. No cases resulted in the service of formal enforcement notices. 1 case has been referred to Legal and awaits service.

### **Consultation**

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

### **Options**

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

### **Corporate Priorities**

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

### **10. Implications**

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

### **Risk Management**

11. There are no known risks.

### **Recommendations**

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

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

**Contact Details**

**Author:**

**Author's name**

Mandy Swithenbank/  
Alan Kendall  
Planning Enforcement Officer

**Chief Officer Responsible for the report:**

**Chief Officer's name**

Michael Slater  
*Assistant Director (Planning and Sustainable  
Development)*

**Dept Name** City Strategy  
Tel No. 551376/551324

**Report Approved**  **Date** 28 Sept 2006

*Chief Officer's name Roger Armistead  
Title Development Control team leader*

**Report Approved**  **Date** 28 Sept 2006

**Specialist Implications Officer(s)** *List information for all*

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

**All**  *tick*

**For further information please contact the author of the report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

**Annexes**

Annex A – Ongoing Investigations – Update (Confidential)

Annex B – Cases Closed (Confidential)

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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