



Notice of meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Thursday, 18 January 2007

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

**Site visits for this meeting will commence at 11.00 am on
Wednesday 17 January 2007 at Memorial Gardens.**

1. Declarations of Interest

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

2. 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 3 - 8)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 21 December 2006.

4. Public Participation

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

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

5. Plans List

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

a) 153 Lowther Street, York (06/02437/FUL) (Pages 9 - 14)

Single storey extension to the rear. *[Guildhall Ward]*

b) Hebden Rise Adult Training Centre, Pateley Place, York (06/02197/REMM) (Pages 15 - 24)

Residential development comprising 23 flats in 1 no. three storey block and 1 no. part two, part three storey block. *[Holgate Ward]*

c) St James Vicarage, 257A Thanet Road, York (06/01283/REMM) (Pages 25 - 34)

Erection of 26 dwellings with associated access road, garaging, parking and cycle stores. *[Dringhouses & Woodthorpe]*

d) St James Vicarage, 257A Thanet Road, York (06/02413/REM) (Pages 35 - 46)

Erection of 6 no. dwellings. *[Dringhouses & Woodthorpe Ward]*

- e) **Plot 15, Great North Way, Nether Poppleton, York (06/01688/REMM)** (Pages 47 - 54)

Erection of 2 no. light industrial/storage and distribution units (B2 and B8 uses). [*Acomb Ward*]

- f) **Trentholme House, 131 The Mount, York (06/02603/FUL)** (Pages 55 - 62)

Retention of safety railings at roof level. [*Micklegate Ward*]

6. Enforcement Cases Update (Pages 63 - 126)

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.

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

Democracy Officer

Name: Simon Copley

Contact Details:

- Telephone (01904) 551078
- Email – simon.copley@york.gov.uk

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

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

Contact details are set out above.

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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE
SITE VISITS****Wednesday 17 January 2007****Coach departs Memorial Gardens at 11.00**

TIME (Approx)	SITE	ITEM
11.10	St James Vicarage, 257A Thanet Road	5c & 5d
11:50	Hebden Rise Adult Training Centre, Pateley Place	5b

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City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	21 DECEMBER 2006
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

48. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
10 Hatters Close, Copmanthorpe, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Sue Galloway, Horton, Macdonald, Reid, Sunderland and B Watson
7-9 Hawkshead Close, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Sue Galloway, Horton, Macdonald, Reid, Sunderland and B Watson

49. DECLARATIONS OF INTEREST

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

Councillor Reid withdrew from the room during consideration of agenda item 4b (42 Stonegate, York) under the provisions of the Planning Code of Good Practice, as she had considered a licensing application for the premises as a member of a Licensing Sub-Committee.

Councillor Simpson-Laing withdrew from the room during consideration of agenda item 4b (42 Stonegate, York) under the provisions of the Planning Code of Good Practice, as she regularly frequented the premises.

50. MINUTES

RESOLVED: That the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 16 November 2006 and 28 November 2006 be approved and signed by the Chair as a correct record.

51. PUBLIC PARTICIPATION

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

52. 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.

52a. 73 Gale Lane, York (06/01508/FUL)

Members considered a full application, submitted by Mr J Wheldon, for the erection of an apartment block comprising 6 no. two bed flats and 1 no. two bed house, after demolition of existing dwellings at 73 and 75 Gale Lane (resubmission).

The case officer advised Members that condition 2 needed to be amended to refer to revised plan JW/GL/6B, received on 6 December 2006, and that an additional condition was recommended to ensure the implementation of the planting shown on the plans.

Members proposed that an informative be added requesting that the developer requires tenants to bring their bins back into the stores after they have been emptied.

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

- (i) Condition 2 – “The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

JW/GL/7 received 18th September 2006

JW/GL/8 received 18th September 2006

JW/GL/6B received 6th December 2006

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

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

And the following additional condition and informative:

- (i) Condition – “The scheme of landscaping shown on Drawing No. JW/GL/6B received by the Local Planning Authority on 6 December 2006 shall be carried out in its entirety within the period of twelve

months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To secure the satisfactory implementation of the proposal.”

- (ii) Informative – “The Planning Committee requested that the lease of the flats should include a clause requiring the occupiers to remove their refuse bin from the street after emptying and place them in the bin store provided.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area, residential amenity, open space provision and highway safety. As such the proposal complies with Policy H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP9, H4a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft.

52b. 42 Stonegate, York (06/01641/FUL)

Members considered a full application, submitted by Ian Loftus, for the variation of condition 4 of planning permission 03/00590/FUL to extend opening hours of an internet lounge from 1000-2300 (Mon-Sat) and 1100-2230 (Sun) to 1000-2400 (Mon-Thurs), 1000-0100 (Fri and Sat) and 1100-2400 (Sun) and extension of off-licence hours from 2230-2300(Sun).

Some Members expressed concern that the application would harm the conservation area character of Stonegate and residential amenity in the area, whilst other Members expressed the view that no harm would be caused.

Councillor Horton proposed and Councillor B Watson seconded a motion to refuse the application. On being put to the vote, this motion was lost, and a further motion was then put forward to approve the application.

RESOLVED: That the application be approved, subject to the conditions attached to the previous planning permission for the premises.

REASON: The West & City Centre Area Planning Sub-Committee is of the opinion that in view of the existing licensed premises in the area, the proposed extension of hours would not harm the character and appearance of the conservation area and local residential amenity contrary to Policy E4 of the North Yorkshire County Structure Plan: Policies GP1, HE3,

HE4 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Guidance Note No. 15 "Planning and the Historic Environment".

52c. 10 Hatters Close, Copmanthorpe, York (06/02156/FUL)

Members considered a full application, submitted by Mr P Hagues, for a two storey pitched roof side extension and single storey rear extension.

The case officer reported that Copmanthorpe Parish Council had changed their position on the application since the report had been published and outlined the objections that they had recently put forward.

Members expressed the view that for applications such as this, where other buildings were in close proximity, drawings were needed to indicate how the development related to neighbouring properties at roof level. Officers were asked to investigate whether these details could be required when new planning legislation comes into effect. It was suggested that a condition be added requiring the details of the relationship between the development and adjacent properties at roof level to be submitted to the Local Planning Authority for approval.

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

- (i) Condition – “Notwithstanding the approved plans a large scale drawing (1:20) showing the roof detail and guttering where it abuts the adjacent property (9 Hatters Close) including measured details of that property shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the approved drawing.

Reason: To ensure that the roof and gutter detail can be built as shown in the interest of the visual amenity of the area and the living conditions of the adjacent property.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses" and Guidelines 2, 3 and 4 of

the extension and infill development guidelines in the Copmanthorpe Village Design Statement (2003).

52d. 7 Hawkshead Close, York (06/02062/FUL)

Members considered a full application, submitted by Mr S O'Driscoll, for the erection of a pitched roof two storey detached dwelling on land at 7-9 Hawkshead Close (resubmission).

The case officer reported that, since the publication of the report, comments had been received from the drainage engineer at York Consultancy. No objections had been raised but conditions were requested to require details of surface water drainage systems to be submitted to the Local Planning Authority for approval and to require the agreement of the height of the existing ground level and finished floor level above ordnance datum. An informative was also requested regarding the connection of surface water drainage systems to the sewers.

Representations were received in objection to the application, from a neighbouring resident.

Some Members expressed the view that, in order to improve parking and access to buildings, the proposed dwelling needed to be moved back approximately 1m on the site, creating a larger gap between it and the existing property at 9 Hawkshead Close. Members highlighted the need to relocate the cycle store to a more accessible location and to provide appropriate bin storage space. They also drew attention to the need to ensure that the treatment of the boundary between the gravelled area and the adjacent lawn was satisfactory.

RESOLVED: That the application be deferred.

REASON:

- (i) To investigate whether the proposed dwelling could be moved back approximately 1m on the site, creating a larger gap between it and the existing property at 9 Hawkshead Close, in order to improve parking and access to buildings;
- (ii) To assess whether the cycle store could be relocated to a more accessible location;
- (iii) To consider provision of appropriate bin storage space;
- (iv) To ensure the treatment of the boundary between the gravelled area and the adjacent lawn is satisfactory.

52e. Dodsworth Hall, Millfield Lane, Nether Poppleton, York (06/02233/FUL)

It was reported that this full application, submitted by Honey Pots (Dodsworth Hall) Limited, for a single storey rear extension, vehicle access and car parking, and new rooflights, had been withdrawn by the applicant.

COUNCILLOR D LIVESLEY

Chair

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

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 18 January 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02437/FUL
Application at: 153 Lowther Street York YO31 7LZ
For: Single storey extension to rear
By: Mr Steven Burton
Application Type: Full Application
Target Date: 22 January 2007

1.0 PROPOSAL

1.1 The application is for planning permission for a single storey rear extension to form a conservatory. Also proposed is the demolition of two single storey rear extensions to the dwelling and the insertion of new windows on the rear elevation and roofslope.

1.2 The building is not listed, nor is it in a conservation area.

1.3 The application is brought to sub committee as the agent / architect is the partner of a Councillor.

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 Central Area 0002

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

Planning Panel - No objections

Neighbour notification - No written representations have been made.

4.0 APPRAISAL

4.1 The key issues are design and the impact on the amenity enjoyed by neighbouring occupants.

Relevant policy

4.2 GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

4.3 Policy H7 states that planning permission will be granted for house extensions where: the design and materials are sympathetic to the main dwelling and the locality of the development; the scale is appropriate; there is no adverse impact on residential amenity; proposals respect space between dwellings; and that the proposed development does not result in an unacceptable loss of private amenity space within the curtilage of the dwelling.

Proposal

4.4 The proposed conservatory would project around 3m from the original rear building line. It would infill the space between the two-storey rear outshot and the side boundary wall with 151 Lowther Street. The conservatory would have a lean to roof, which would lower toward the aforementioned side boundary, where it would be around 2.2m from ground to eaves level. The dwarf wall would be rendered to match the host; otherwise the structure would be of glass and polycarbonate. New windows on the host are also contained in the plans, which do not require planning permission and the demolition of two dilapidated single storey extensions.

Design

4.5 By virtue of the scale and location of the proposed conservatory it would be a subordinate addition to the host that would have no significant visual impact on the street scene or locality. Although the materials would not strictly match the host, conservatories of such materials are common extensions to domestic dwellings and are generally acceptable when not over prominent.

Amenity

4.6 Because of the presence of the existing two storey outshot at the host, the conservatory would have a neutral effect on the amenities enjoyed by 155 Lowther Street. In relation to 151, the extension would only project 3m from the rear building line; from ground floor level only the eaves and roof would be viewed above the side boundary wall / fence, which is around 1.8 - 2m high. As such the conservatory would not appear overbearing. There would not be a significant loss of light, or overshadowing, as the rear elevations of the dwellings predominantly face south.

5.0 CONCLUSION

5.1 The proposed development is of acceptable design and would have no adverse effect upon amenity, in accordance with the relevant policies listed in 2.2. Approval is recommended.

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans
- 2 TIME2 Development start within three years
- 3 There shall be no window openings inserted into the east side elevation, unless obscurely glazed, without prior written consent from the Local Planning Authority.

Reason: To prevent overlooking into 151 Lowther Street.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

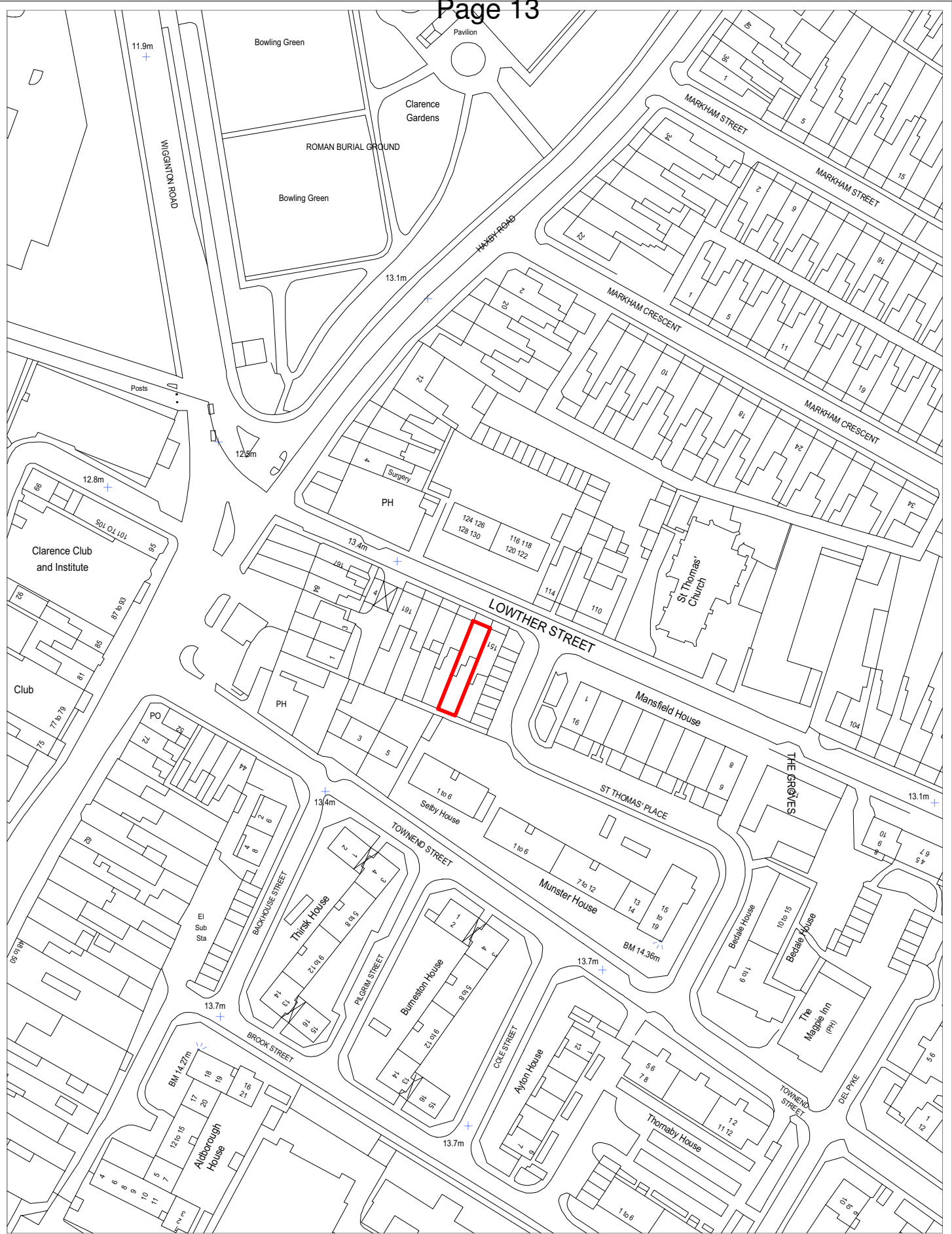
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design and amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Local Plan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

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

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Site Plan : 153 Lower Street York



SCALE 1:1250 DRAWN BY JB DATE 5/1/2007
 Originating Group Project Drawing No.
 Organisation PLAN 4

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

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Holgate
Date: 18 January 2007 **Parish:** No Parish

Reference: 06/02197/REMM
Application at: Hebden Rise Adult Training Centre Pateley Place York YO26 4LS
For: Reserved matters application pursuant to outline permission 05/00316/GRG3 for residential development comprising 23 flats in 1 no. three storey block and 1no. part two part three storey block
By: Consort Homes
Application Type: Major Reserved Matters Application (13w)
Target Date: 25 January 2007

1.0 PROPOSAL

1.1 The application seeks reserved matters approval for the erection of 23 flats following the demolition of Hebden Rise Adult Training Centre, Acomb.

1.2 Outline permission was granted on 21st April 2005 for residential development on the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP9
Landscaping

CYGP1
Design

CYH2A
Affordable Housing

CYH4A
Housing Windfalls

CYH5A
Residential Density

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The current proposals are for 23 no. 2-bed apartments. Peak hour traffic generation for such a development is likely to be on a par with the previous vehicle movements associated with its use as an Adult Training Centre.

At outline stage, it was pointed out that the carriageway width of Hebden Rise is currently substandard and should be widened to 4.5 metres prior to occupation of the new development in order to allow the passage of opposing traffic movements. A 2 metre wide footway should also be provided along the frontage of the development site where none currently exists. A section 38 agreement needs to be entered into with the developer to cover all these works which have been identified on the submitted plans.

Car parking provision associated with the development accords with our Local Plan standards and includes one space per unit, with two being disabled bays, plus 4 visitor bays. Covered secure cycle parking spaces are identified on the layout drawing although they appear to be too small to accommodate the required 23 cycle spaces. This can be conditioned. The refuse store also includes arrangements for the recycling of materials. Footpaths with a minimum width of 1.5 metres to allow the passage of wheelchairs appear to have been provided.

Landscape officer - The planting plans shown on the two drawings submitted are essentially adequate to fulfil the requirements specified under LAND 1 up to design stage. Conditions are required in connection with protective fencing to the trees which are to be retained.

Environmental Protection Unit - No objections but recommend conditions

3.2 External

Police Liaison Officer - Comments to the original scheme:

- The pedestrian access proposed to Hebden Rise should have a locked gate system with controlled access (since indicated on revised plans)
- There are no details of the boundary treatment for Hebden Rise or Pateley Place. It is presumed that the existing wall is to be removed. Easy access to the open plan area brings problems with anti-social behaviour and crime issues. The open plan design creates the impression that the land in and around the apartment blocks is public space as opposed to being private and under the control of the residents. There is no perceived ownership of any communal space and apart from the rumble strip there is nothing to prevent people walking around the development. (Brick piers have since been annotated at the vehicular entrance to give a sense of ownership)
- Defensive planting should be provided to the front landscaped strip to prevent access to the ground floor windows (indicated on landscape scheme)

- The cycle store is inadequate in size and poorly located adjacent to the vehicular access (additional cycle store added and repositioned to give better natural surveillance)

Neighbours - Two letters of objection received from 14 and 18 Manor Drive South on the following grounds:

- Object to the location of the bin/bike store on the grounds that it is isolated and could attract antisocial behaviour
- The drawings do not indicate what type of retaining wall will be located in this area
- Request additional planting to the boundary to mask the new building and protect privacy
- The vehicular access is close to Manor Drive South which will increase noise and disturbance, especially due to the rumble strip
- The proposal is for three more dwellings than was shown on the indicative master plan submitted with the outline application. This means the footprint of the buildings is greater and edging towards overdevelopment.
- The development is of a uniform height and design. The inner elevation looks blank and institutional whilst the exterior despite alleviation has a dominating and monotonous off-the-peg appearance. The frontage along Hebden Rise is not strong but overpowering

Neighbours have been reconsulted on the revised scheme and Members will be update at committee.

4.0 APPRAISAL

4.1 Key Issues

- Principle of Development
- Design and Scale
- Highway Implications
- Affordable housing and financial contributions

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP9, H2a, H4a and H5a. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy GP9 states that where appropriate development proposals will be required to incorporate a suitable landscape scheme.

Policy H2a of the Draft Local Plan requires housing development of 15 dwellings/0.3Ha or more in the urban area and 2 dwellings/0.03Ha or more in

villages with less than 5,000 population to provide affordable housing. The policy gives a target of 50% of dwellings to be affordable and requires that they are distributed throughout the housing development rather than being concentrated in one area.

Policy H4a 'Housing Windfalls' of the CYLPDD states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

Policy H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependant on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60dph in the city centre; 40dph in the urban area and 30dph elsewhere in the city of York.

4.2 This application concerns the former Hebden Rise Adult Training Centre that was used as a day service base for adults with learning difficulties since it was built in 1967. The Centre catered for up to 45 customers per day during the week. The roughly triangular shaped site is bounded by Hebden Rise to the southeast, Pateley Place the northeast and the rear of Manor Drive South to the southwest. Outline planning permission was granted in April 2005 for residential development of the site with the means of access to the site forming part of the application. All other aspects were to be considered at reserved matters stage.

4.3 DESIGN AND SCALE

The scheme is divided into two main blocks. The block facing Pateley Place would be constructed in an 'L' shape and would wrap around to front onto Hebden Rise. The block is predominantly three storey, with a two storey element adjacent to the vehicular access. This has been designed with a reduced height to remove any unacceptable overshadowing of the properties facing the development site which are situated on lower lying land and are immediately to the north of the application site. A three storey block in this location would have dominated these properties and resulted in an unacceptable scheme. The block is designed with varying roof heights, ranging from 8.2 metres to 11 metres. This variation gives relief to the massing of the development and breaks the ridgeline. The elevations would also be staggered with areas set back from the main elevation and projecting gable elements to give visual relief. The front elevation would be at a distance of 16.5m from the properties opposite, facing the development site. The blocks would be constructed of slate, brick, stone and blockwork. Juliet balconies would be located to two of the units, which would front onto Pateley Place and two balconies would be present to the two third floor units fronting onto Hebden Rise.

4.4 The second block would follow the same design principle with varying heights and setbacks creating variety within the scheme. Again Juliet balconies would be located to the third floor flats and would face onto Hebden Rise. The units to this

elevation would vary between 10 and 10.8 metres in height. It would be at a distance of 19.5m from the front elevation of the properties facing the development site along Hebden Rise,

4.5 Access to the buildings would be gained from the rear elevation only via doors leading into communal areas. The flats would all be two bedroom, one with en-suite, with open plan lounge and kitchen, an internal storage area and would all have dual aspect. A gated pedestrian access would be provided between the two blocks to give access to Hebden Rise. The area to the front of the blocks would be landscaped and enclosed with a 1.2m ball topped railing. The existing trees on the site have been retained as part of the scheme, in line with the outline application.

4.6 The application site is situated on a raised area of land which sits approximately 2 metres higher than adjacent highways and residential properties. This results in the overall height of the development being in the region of between 10 and 12.5m above ground level. The majority of the properties within the locality are two storey with the exception of a four storey block of flats at the head of Hebden Rise. As such this scheme would not appear out of character within the area or result in a visually obtrusive scheme. The elevational treatment of the development also appears acceptable. The only concern relates to the access to the building being gained from the rear elevation only. The applicant was requested to amend this but was unable to do so without having a detrimental impact upon the internal layout of the scheme.

4.7 HIGHWAY IMPLICATIONS

It was agreed at outline stage that the vehicular access to the site would be retained in the same location as the access serving the training centre. This is located at the head of Pateley Place. The plans indicate the access being widened to 5.5m to allow for the passing of vehicles at the junction. The access would serve the area to the rear of the blocks which would contain 27 car parking spaces, one per flat, with two of these being disabled, plus 4 visitor. Two separate small buildings are to be erected within the grounds to provide bin storage and cycle parking. Further highway works were agreed at outline stage, being the widening of Hebden Rise and the formation of a 2m wide footpath alongside. These have been included within the submitted plans and will be secured via a section 38 Agreement, through the highway department.

4.8 AFFORDABLE HOUSING AND FINANCIAL CONTRIBUTIONS

When the outline application was submitted in 2005 it was envisaged that the site would not be able to accommodate 25 or more dwellings. At that time this was the trigger for the provision of affordable units. As such there was no condition placed on the decision notice stating that affordable housing should be provided. As members are aware the trigger for the provision of affordable units has since reduced to 15 dwellings. However, as there was no condition placed on the outline decision the council can not now request affordable housing as part of this reserved matters application. Furthermore, there was also no condition on the decision notice requesting financial contribution towards the provision and upkeep of public open space, and again the Council can not now request this funding as part of this reserved matters application.

5.0 CONCLUSION

5.1 The residential development of the site has previously been considered as being acceptable. Highway improvements have been incorporated within the scheme in line with the conditions contained within the outline approval and the landscape scheme accords with the conditions of approval. The design of the proposed development appears acceptable and would not appear to have any detrimental impact upon the character of the area or residential amenity. Properties to the rear of the site, along Manor Drive South will not be unduly affected by the development. Officers recommend approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing number Y81:565:03 received 18th December 2006
Drawing number Y81:565:05 received 18th December 2006
Drawing number Y81:565:10 received 18th December 2006
Drawing number Y81:565:11 received 18th December 2006
Drawing number Y81:565:02 received 4th January 2007
Drawing number Y81:565:12 received 4th January 2007
Drawing number Y81:565:13 received 4th January 2007
Drawing number Y81:565:14 received 4th January 2007
Drawing number Y81:565:15 received 4th January 2007

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

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

- 2 HWAY14 Access to be approved, details reqd
- 3 HWAY18 Cycle parking details to be agreed
- 4 HWAY19 Car and cycle parking laid out
- 5 HWAY21 Internal turning areas to be provided
- 6 HWAY26 Internal road details to be agreed
- 7 Prior to commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with the Local Planning Authority. 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 material, and the hours during which this will be permitted.

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

- 8 Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). The fencing shall be erected below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further from the tree. The protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the protective fencing or within the canopy area of existing trees: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation. There shall be no site huts, no sales cabin, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure the retention and protection of existing trees before, during and after development which are the subject of a tree preservation order (TPO) and/or make a significant contribution to the amenity of the area.

- 9 Prior to the commencement of any works, details shall be agreed in writing with the Local Planning Authority of the internal footpath arrangements within the site, including widths and construction materials, and the height of the surrounding boundary wall.

Reason : In the interest of safety of the general public.

- 10 VISQ8 Samples of exterior materials to be app

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

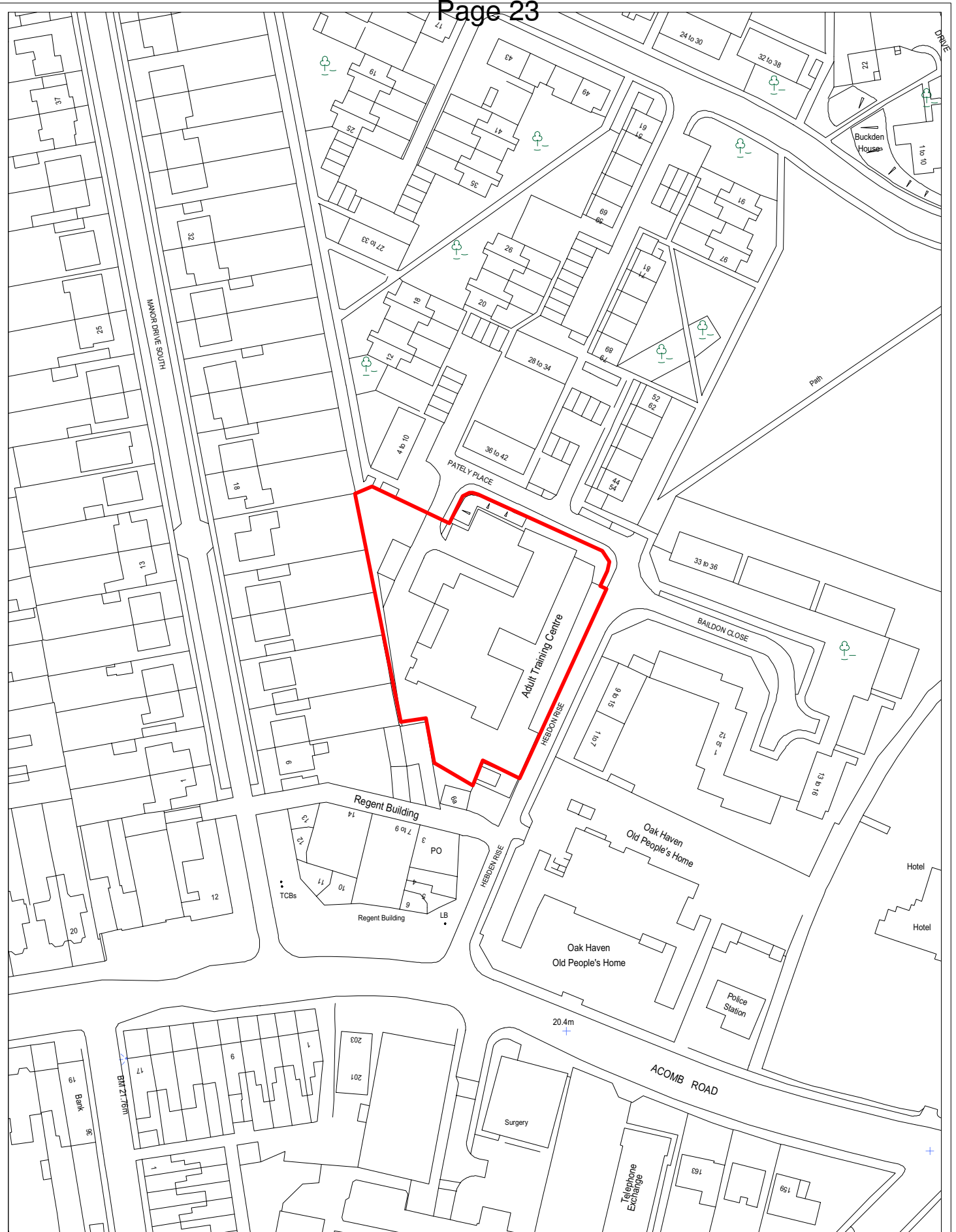
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area, residential amenity or highway safety. As such the proposal complies with Policies GP9, GP1, H2a, H4a and H5a of the City of York Local Plan Deposit Draft.

Contact details:

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

Tel No: 01904 551668

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Site Plan : Hebdon Rise



SCALE 1:1250

DRAWN BY JB

DATE 5/1/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 5

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

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York City Council LA 1000 20818

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COMMITTEE REPORT

Committee: West & City Centre Area
Date: 18 January 2007

Ward: Dringhouses & Woodthorpe

Reference: 06/01283/REMM
Application at: St James Vicarage 257A Thanet Road York YO24 2PE
For: Reserved matters application for erection of 26 dwellings with associated access road, garaging, parking and cycle stores (to which 04/02866/GRG4 relates)
By: Barratt Homes (York)
Application Type: Major Reserved Matters Application (13w)
Target Date: 5 February 2007

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 26 dwellings with associated access road, garaging, parking and cycle stores (to which 04/02866/GRG4 relates).

1.2 The application relates to the Deacon Church Hall and its designated curtilage. The site is bordered by a mixture of dense hedge and tree planting, which screen views from neighbouring vantage points. Flat no's 3, 4, 5, and 6, St James Place border the site to the west, with the rear gardens of no's 255 and 257, Thanet Road abutting the site to the south. The site is accessed from Thanet Road and can be exited using a traffic loop system.

RELEVANT HISTORY

04/02866/GRG4 - Outline Application for Residential Development - Approved 16th September 2004.

05/00286/OUT - Outline Application for Residential Development after Demolition of Existing Vicarage - Approved 21st April 2005.

06/02413/REM - Reserved Matters Application for Erection of 6 no. dwellings (to which 05/00286/OUT) - to be determined at the Planning (West and City Centre Area) Sub Committee on the 18th January 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYH2A
Affordable Housing

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYED4
Developer contributions towards Educational facilities

CYGP4A
Sustainability

CYH5A
Residential Density

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No Objections (Condition and Informatives Included)

3.2 Highway Network Management - No Objections

Recommend that a three stage safety audit (as required by condition 9 of the outline) in respect of proposed works to the public highway at the junction with the site access, is submitted prior to the commencement of works on site.

3.3 Urban Design and Conservation (Landscape Architect) - Objections

5 Silver birch located centrally and the Horn beam fronting Thanet Road are worthy of retention.

3.4 Marston Moor (IDB) - Objections " The site lies within the Boards District within the catchment of Holgate Beck, a watercourse that may not be capable of accepting in flow from its' catchment".

Objections overcome by condition (condition included)

3.5 City Development - Policy Comments (No Objection)

3.6 Yorkshire Water - No Comments "The developer/agent should ensure that planning conditions relating to drainage are discharged with the Local Planning Authority prior to any application for S104 Sewer Agreement (if applicable) and/or applications for connection to the public sewerage system".

3.7 North Yorkshire Police - Comments

"The design of layouts should provide a clear definition of ownership and responsibility for every part of the development"

"Active frontages; rather than blank wall, should be encouraged"

EXTERNAL

3.8 Dringhouses/Woodthorpe Planning Panel - Objections

- * Application contrary Planning Policy GP1.
- * Impact upon neighbouring street scene.
- * Reduces the rural appearance of the area.

3.9 Four letters of objection have been received regarding the applicants' proposals. The letters raise the following concerns.

- * Concern about loss of trees/hedging.
- * Proposed buildings are excessive.
- * Visual Impact on Hobmoor Local Nature Reserve.
- * Security (some additional fencing is required).
- * Increase in Traffic.
- * Buildings could be adapted for another usage.

4.0 APPRAISAL

4.1 The proposal raises the following key issues:

- * Planning Policy
- * Impact upon Neighbouring Residents
- * Highway Issues/ Car Parking
- * Affordable Housing
- * Design, Density and Sustainability

PLANNING POLICY

4.2 PPS1 - Delivering Sustainable Development (Paragraph 1) states that good planning helps to deliver homes, jobs and better opportunities for all, whilst protecting the environment. Paragraph 19 states that planning authorities should seek to enhance the environment as part of development proposals.

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

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

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

4.6 H5a - Residential Density: states that outside that outside of the urban area of York, new residential developments should aim to achieve net densities of greater than 30 dwellings per hectare.

4.7 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

4.8 H2a - Affordable Housing: seeks to secure an affordable housing element in line with the Councils Second Housing Needs Survey (April 2002) within new housing schemes of 2 dwellings.0.3ha or more in villages of less than 5,000 population. The policy sets a target of 50% affordable housing (45% for affordable rent, 5% for discounted sale) for new residential developments.

4.9 GP9 - Landscaping: where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must:

- a) be planned as an integral part of the proposals; and
- b) include an appropriate range of indigenous species; and
- c) reflect the character of the locality and surrounding development; and
- d) form a long term edge to developments adjoining or in open countryside.

IMPACT UPON NEIGHBOURING RESIDENTS

4.10 0.5 metres has been provided to the shared boundary with No.257, Thanet Road, with a further 8.5 metres provided to the gable elevation of the

aforementioned property. The gable of Plot 1 contains only secondary windows and is therefore not considered to harm the existing amenity of the neighbouring property. The front and rear elevations of Plots 1 to 4 overlook Thanet Road and proposed parking areas respectively.

4.11 Plots 15 to 18 (Palmerston; 2 storey) and Plots 19 to 27 (Troydale; 2.5/3 storey) dominate the northern corner and north eastern boundary of the site respectively. Both properties afford views over Hob Moor, however their orientation and location represent little harm to those properties already surrounding the site.

4.12 The close proximity of Plots 5 to 14 (Troydale; 2.5/3 storey), requires more detailed consideration. The south western projection of this particular unit has a blank gable, eliminating any overlooking into the rear garden of No.257 Thanet Road, the orientation also mitigates any detrimental overshadowing/loss of light. 23 metres has been provided between the south western gable of the development and the rear elevation of No.257, Thanet Road, this provision is considered sufficient enough to not appear overbearing.

4.13 The south western elevation of the north western projecting unit contains 4 bedroom windows and 2 dormer windows (1 bedroom/1 bathroom). These windows orientate over the rear garden of No.257, Thanet Road, however the 30.5 metres provided between facing elevations is considered significant to mitigate any overlooking. The rear garden of the aforementioned property is also considered to be of a size which still affords the occupiers an acceptable level of privacy.

HIGHWAY ISSUES

4.14 The site will be accessed from Thanet Road using an adopted highway, via a modified junction. Highway Network Management have no objections to the applicants' proposals subject to compliance with conditions; one of which requires the submission of "full stage 3 road safety audit".

4.15 One off street parking spaces have been provided per dwelling; meeting the guidance set out in Appendix 1 of the City of York Development Control Draft Local Plan, which requires 2 bedroom properties to have one parking spaces (can include garage).

4.16 Plots 5 to 14, 15 to 18 and 19 to 27 share two detached cycle and bin stores.

AFFORDABLE HOUSING

4.17 The outline application was granted approval in 2004, with the site falling below the threshold of 0.5ha (now 0.3 ha) for affordable housing set out in policy H2a, However, City of York Council has agreed with the diocese on a previous application that a requirement for 25% of the housing to be affordable housing for rent will be built into the sale agreement. A similar agreement has been reached on this site, although as the site is below the threshold this cannot be imposed by a 106 on this outline consent and will instead be agreed upon sale of the site.

RESIDENTIAL DENSITY

4.18 Policy H5a "Residential Density" require developments in urban area to achieve a net residential density of greater than 40 dwellings per hectare. The applicant has provided 26 dwellings on a 0.313 hectare site, therefore the residential density is 83.6 dwellings per hectare, (the density is so great by virtue of the buildings being flats), meeting the requirements of the aforementioned policy.

LANDSCAPING

4.19 The application site is dominated predominantly by rough grassland and self seeded vegetative features. Five Silver Birch trees and a White beam have been identified by the Local Planning Authorities Landscape Officer as being worthy of retention. The Silver Birches are located along the application boundary with 06/02413/REMM, with the Hornbeam fronting Thanet Road.

4.20 The applicant intends to remove the aforementioned tree species and replace them with sporadic tree planting both within and around the application site. Existing hedging along the south western, north eastern and north western boundaries will be retained, with their future protection secured by condition. The retention of existing hedging mitigates significantly the developments impact upon Hob Moor and the amenity of neighbouring properties.

SUSTAINABILITY

4.21 An overarching aim of the City of York Development Control Local Plan (2005), is to achieve sustainable design and construction. Policy GP4a requires all developments to regard the principles of sustainable development. The environmental performance of both new and existing buildings is assessed using the Building Research Establishment's Environmental Assessment Method (BREEAM).

4.22 In this instance, requiring the applicant to submit a BREEAM assessment would not be lawful as no relevant conditions were attached as part of the outline approval. The outline application for St James Vicarage was submitted in and granted approval in 2005, pre dating any policy requirements for the submission of BREEAM related documents.

4.23 GP4 "Sustainability" is however still relevant. Paragraphs D, E, G and I are all relevant in this instance and should be considered by the applicant, as part of the application.

d) be of high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;

e) minimise the use of non renewable resources, re-use materials already on the site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered;

g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;

l) make adequate provisions for the storage and collection of refuse and recycling.

4.24 The applicants' have submitted a "Sustainability Appraisal" which demonstrates how the development seeks to promote sustainable development and construction methods.

5.0 CONCLUSION

5.1 Cumulatively, the overall layout and design of this reserved matters application is considered to be appropriate in this instance, contributing to the character/appearance and workability of this diverse locality. Providing the applicant can demonstrate, a consideration for and a willingness to adopt sustainable practices as part of the development then the application is considered to meet PPS1, PPG3 and Policies , GP1, H4a, GP4A, L1c, GP9, H5a and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2005-sf1 - Boundary treatments.
2005-sf5 - Boundary Treatments.
2005-R1 - Boundary Treatments.
PO6:3596:10 - Bin Store Details.
PO6:3596:15 - Street Scene.
2005-SW2 - Boundary Treatments.
PO6:3596:02 - A - Location Plan.
PO6:3596:01- H -Planning Layout.
06/107/100/001 - rev a - Proposed Junction Arrangement.
PO6:3596:05 - Plans and Elevations.
PO6:3596:06 - Plans and Elevations.
PO6:3596:07 - Plans and Elevations.
PO6:3596:09 - Plans and Elevations.
PO6:3596:11 - Plans and Elevations Detached Unit.

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

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

- 2 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, hedges and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a

period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

- 3 None of the existing trees or hedges shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard the trees and hedges in a positive manner so as to secure their continued well being.

- 4 HT1 – Troydale – 12.3, Washington – 7.3, Madison – 7.3

- 5 The design of all dwellings shall be carried out in accordance with the contents of the design statement dated 05/01/2007 submitted by the applicants' agent and titled "Sustainability Appraisal" which will satisfy the requirements of Policy GP4a.

Reason: In the interests of sustainable development

7.0 INFORMATIVES: Notes to Applicant

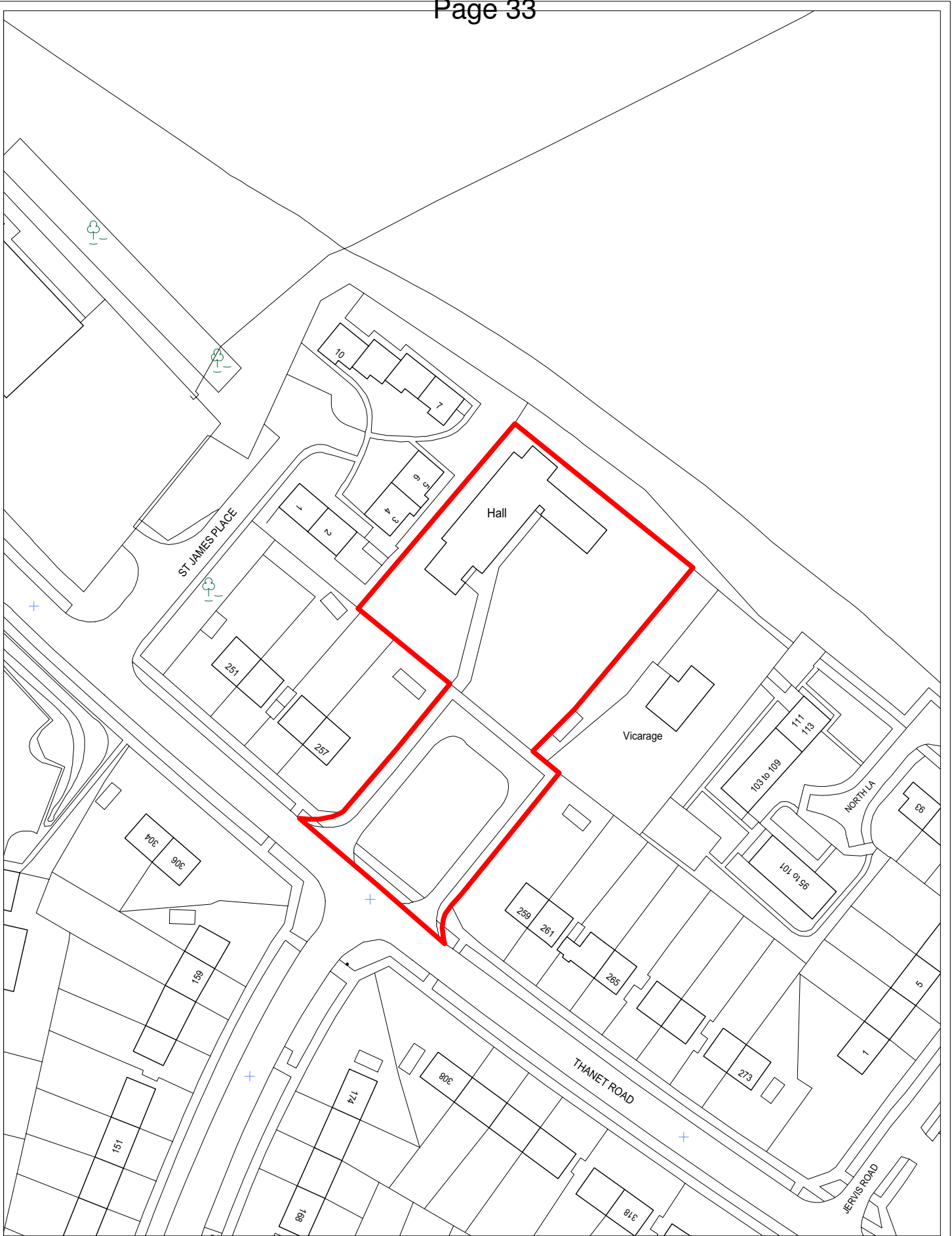
1. The developer/agent should ensure that planning conditions relating to drainage are discharged with the Local Planning Authority prior to any application for S104 Sewer Agreement (if applicable) and/or applications for the connection to the public sewerage system.

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity and the character/appearance of the surrounding street scene. As such the proposal complies with PPS1, PPG3 and Policies , GP1, H4a, GP4A, L1c, GP9, H5a and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

Contact details:

Author: Richard Mowat Development Control Officer
Tel No: 01904 551416



CITY OF
YORK
COUNCIL

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

Site Plan : St James Vicarage Thanet Road

06/01283/REMM



SCALE 1:1000

DRAWN BY JB

DATE 3/1/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 1

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Dringhouses & Woodthorpe
Date: 18 January 2007 **Parish:** Dringhouses & Woodthorpe
 Planning Panel

Reference: 06/02413/REM
Application at: St James Vicarage 257A Thanet Road York YO24 2PE
For: Reserved matters application for erection of 6 no. dwellings (to which 05/00286/OUT relates)
By: Barratt Homes (York)
Application Type: Approval of Reserved Matters
Target Date: 3 January 2007

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 6 no. dwellings with associated access road, garaging, parking and cycle stores (to which 05/00286/OUT relates).

1.2 The application relates to the St James Vicarage and its designated curtilage. The site is bordered by a mixture of dense hedge and tree planting, which screen views from neighbouring vantage points. No's 103 to 113, North Lane border the site to the west, with the rear gardens of no's 259 and 261, Thanet Road abutting the site to the south. The site is accessed from Thanet Road and can be exited using a traffic loop system.

RELEVANT HISTORY

04/02866/GRG4 - Outline Application for Residential Development - Approved 16th September 2004.

05/00286/OUT - Outline Application for Residential Development after Demolition of Existing Vicarage - Approved 21st April 2005.

06/01283/REMM - Reserved Matters Application for Erection of 26 dwellings with associated access road, garaging, parking and cycle stores (to which 04/02866/GRG4 relates) - to be determined at the Planning (West and City Centre Area) Sub Committee on the 18th January 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYH2A
Affordable Housing

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYED4
Developer contributions towards Educational facilities

CYGP4A
Sustainability

CYH5A
Residential Density

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No Objections (Condition and Informative Included)

3.2 Highway Network Management - No Objections (Condition Included)

3.3 Urban Design and Conservation - Objections.

EXTERNAL

3.4 Dringhouses/Woodthorpe Planning Panel - Objections

- * Application contrary Planning Policy GP1.
- * Impact upon neighbouring street scene.
- * Reduces the rural appearance of the area.

3.5 One letter of objection and one letter of comment have been received regarding the applicants' proposals. The letters raise the following concerns.

- * Concern about loss of trees/hedging.
- * Proposed buildings are excessive.
- * Visual Impact on Hobmoor Local Nature Reserve.
- * Security (some additional fencing is required)

4.0 APPRAISAL

KEY ISSUES

4.1 The proposal raises the following key issues:

- * Planning Policy
- * Impact upon Neighbouring Residents
- * Highway Issues/ Car Parking
- * Design, Density and Sustainability

PLANNING POLICY

4.2 PPS1 - Delivering Sustainable Development (Paragraph 1) states that good planning helps to deliver homes, jobs and better opportunities for all, whilst protecting the environment. Paragraph 19 states that planning authorities should seek to enhance the environment as part of development proposals.

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

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

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

4.6 H5a - Residential Density: states that outside of the urban area of York, new residential developments should aim to achieve net densities of greater than 30 dwellings per hectare.

4.7 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

4.8 GP9 - Landscaping: where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must:

- a) be planned as an integral part of the proposals; and
- b) include an appropriate range of indigenous species; and
- c) reflect the character of the locality and surrounding development; and
- d) form a long term edge to developments adjoining or in open countryside.

IMPACT UPON NEIGHBOURING RESIDENTS

4.9 2.5 metres has been provided to south eastern boundary from the side elevation of Plot 30. The aforementioned elevation contains two secondary windows, which service a bathroom and bedroom. The rear elevations of Plots 31, 32 and 33 are located 15 metres from the south eastern boundary and 21 metres from the rear elevations of properties on North Lane. The orientation of the properties in conjunction with their location and design, ensure that harm to existing visual and residential amenity is negligible.

4.10 The triple and double garage units servicing Plots 29 to 33 are located significantly closer to the south eastern boundary, however at 4.5 metres in height, they too represent little harm to the visual and residential amenity of neighbouring properties.

HIGHWAY ISSUES

4.11 The site will be accessed from Thanet Road using an adopted highway, via a modified junction. Highway Network Management have no objections to the applicants' proposals subject to compliance with conditions; one of which requires the submission of "full stage 3 road safety audit".

4.12 Two off street parking spaces have been provided per dwelling; meeting the guidance set out in Appendix 1 of the City of York Development Control Draft Local Plan, which requires three bedroom properties to have two parking spaces (can include garage).

RESIDENTIAL DENSITY

4.13 Policy H5a "Residential Density" require developments in urban area to achieve a net residential density of greater than 40 dwellings per hectare. The applicant has provided 6 dwellings on a 0.14 hectare site, therefore the residential density is 42.85 dwellings per hectare, meeting the requirements of the aforementioned policy.

LANDSCAPING

4.14 The application site is dominated predominantly by rough grassland and self seeded vegetative features. Five Silver Birch trees and a Whitebeam have been identified by the Local Planning Authorities Landscape Officer as being worthy of retention. The Silver Birches are located along the application boundary with 06/01283/REMM, with the Hornbeam fronting Thanet Road.

4.15 The applicant intends to remove the aforementioned tree species and replace them with sporadic tree planting both within and around the application site. Existing hedging along the south eastern and north eastern boundaries will be retained, with their future protection secured by condition. The retention of existing hedging mitigates significantly the developments impact upon Hob Moor and the amenity of neighbouring properties.

SUSTAINABILITY

4.16 An overarching aim of the City of York Development Control Local Plan (2005), is to achieve sustainable design and construction. Policy GP4a requires all developments to regard the principles of sustainable development. The environmental performance of both new and existing buildings is assessed using the Building Research Establishment's Environmental Assessment Method (BREEAM).

4.17 In this instance, requiring the applicant to submit a BREEAM assessment would not be lawful as no relevant conditions were attached as part of the outline approval. The outline application for St James Vicarage was submitted in and granted approval in 2005, pre dating any policy requirements for the submission of BREEAM related documents.

4.18 GP4 "Sustainability" is however still relevant. Paragraphs D, E, G and I are all relevant in this instance and should be considered by the applicant, as part of the application.

d) be of high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;

e) minimise the use of non renewable resources, re-use materials already on the site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered;

g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;

l) make adequate provisions for the storage and collection of refuse and recycling.

4.19 The applicants have submitted a "Sustainability Appraisal" which demonstrates how the development seeks to promote sustainable development and construction methods.

5.0 CONCLUSION

5.1 Cumulatively, the overall layout and design of this reserved matters application is considered to be appropriate in this instance, contributing to the character/appearance and workability of this diverse locality. Providing the applicant can demonstrate, a consideration for and a willingness to adopt sustainable practices as part of the development then the application is considered to meet PPS1, PPG3 and Policies , GP1, H4a, GP4A, L1c, GP9, H5a and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 HWAY19 Car and cycle parking laid out
- 2 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, hedges and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

- 3 None of the existing trees or hedges shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard the trees and hedges in a positive manner so as to secure their continued well being.

- 4 LAND3 Protection of existing planting
- 5 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

PO6:3651:01(REV A) - Planning Layout

PO6:3651:04 - Plans and Elevations
PO6:3651:03 - Garage Details

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

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

6 HT1 – 10.5

7 The design of all dwellings shall be carried out in accordance with the contents of the design statement dated 05/01/2007 submitted by the applicants' agent and titled "Sustainability Appraisal" which will satisfy the requirements of Policy GP4a.

Reason: In the interests of sustainable development

7.0 INFORMATIVES:

Notes to Applicant

1. Although not required as part of the outline approval, it is recommended that the applicant considers/implements the following:-

A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and should be submitted to and approved by the local planning authority prior to the development of the site (This should where possible date back to 1800).

A site investigation should be undertaken based upon findings of the desk study. The investigation should be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation should be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Gas monitoring should be carried out on the site over a period of at least three months to consider the effect of any landfill gas migration. The survey should be undertaken and the results submitted to the Planning Authority.

Based on the information from the gas survey, proposals for a gas protection regime should be submitted to and approved by the Local Planning Authority prior to the commencement of any development on site.

A risk-based remedial strategy should be developed based on the findings of the site investigation. The remedial strategy should be submitted to and approved by the local planning authority in writing. The approved strategy should be fully implemented prior to any development commencing on site. The remedial strategy

should have due regard for UK adopted policy on risk assessment and should be developed in full consultation with the appropriate regulator(s)

A validation report should be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on the site.

Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination should be agreed with local planning authority and fully implemented prior to any further development of the site.

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.

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.

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:

Adoption of Highway - sec 38/278 - Mr M Kitchen - 01904 551336

3. REASON FOR APPROVAL

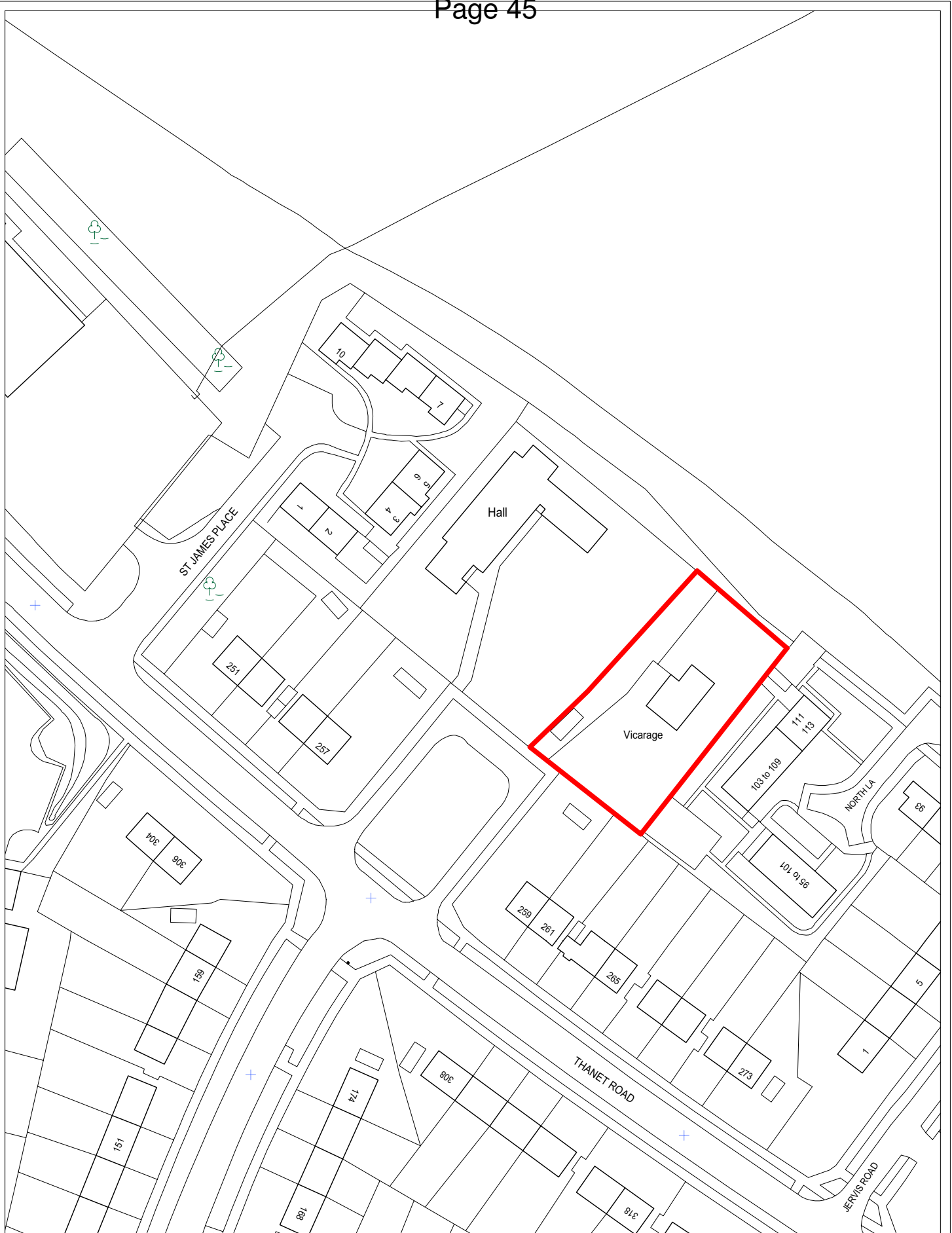
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with PPS1/PPS3 and Policies , GP1, H4a, GP4A, L1c, GP9, H5a and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

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CITY OF
YORK
COUNCIL

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

Site Plan : St James Vicarage Thanet Road

06/02413/REM

SCALE 1:1000

DRAWN BY JB

DATE 3/1/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 2



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Acomb
Date: 18 January 2007 **Parish:** Acomb Planning Panel

Reference: 06/01688/REMM
Application at: Plot 15 Great North Way Nether Poppleton York
For: Erection of 2 no. light industrial/storage and distribution units (B2 and B8 Uses)
By: White Rose Development Enterprises Ltd
Application Type: Approval of Reserved Matters
Target Date: 22 January 2007

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 2 no. light industrial/storage and distribution units (B2 and B8 Uses). The applicant seeks approval for siting/design, external appearance, means of access and landscaping.

1.2 Application 99/01777/0UT "Proposed Mixed Use Development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses. - Approved 01/04/2003 established the principal of developing Plot 15 (along with 2C, 8B, 8C, 9, 6A and 8A) for the aforementioned Use Classes.

1.3 The proposal compliments existing, approved and other proposed uses within the site.

Relevant History

a) 99/01777/0UT - Proposed Mixed Use Development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses. - Approved 1st April 2003

* The developer entered a S106 with the City of York Council following approval of the above. The Developer covenants that

- o The RPAL (railhalt parking and access land) shall be made available to the Council in accordance with the provisions of Schedule 1.
- o It shall encourage and use its reasonable endeavours to ensure that the prospective occupiers of the Development comply with the terms of the GTP (green travel plan)

b) 06/00518/FUL - Variation of condition (i) of planning permission 99/01777/OUT (for proposed office/light industry/research and developments (B1), general industrial (B2), and storage or distribution (B8) uses) extend the time to the period for the submission of reserved matters application until 01.04.2013 - Approved 20th October 2006

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYT4
Cycle parking standards

CYGP4A
Sustainability

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL

Highway Network Management - No Objections (Conditions Included).

Environmental Protection Unit - No Objections.

York Consultancy (Drainage) - No Objections.

Urban Design and Conservation (Landscape Architect) - No Objections (Conditions Included).

EXTERNAL

Acomb Planning Panel - No Objections.

4.0 APPRAISAL

KEY ISSUES

- * Policy Context
- * Design/Layout
- * Highway Issues
- * Landscaping
- * Sustainability
- * Drainage

4.1 Policy T4 - Cycle Parking Standards states in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E.

For B1 (business), A1 (shops), A2 (Financial and professional services) and A3 (food and drink) proposals in York City Centre, commuted payments will be required to make up for any shortfall in the provision of on-site cycle parking spaces.

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

4.3 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

DESIGN/LAYOUT

4.4 The proposed buildings are both single storey in design and are accessed using two (per unit) goods doors. Both units have gently sloping pitched roofs. The units vary in height; 8.6 metres (Unit K) and 8 metres (Unit L), however these heights are significantly less than the hotel, leisure club and offices facing the ring road. Floor spaces vary considerably between the units 1859 sq m (Unit K), 930 sq m (Unit L).

4.5 There has been established at York Business Park a pallet of subdued colours, the aforementioned pallet has been retained as part of the application. To avoid a uniformity in elevations conditions will be included; requesting the written approval of all external materials.

4.6 The site adjoins and will be accessed from Plot 13. Plot 13 is accessed from the southern exit of the roundabout already existing on Great North Way. The application site will be accessed using a non adoptable road which links the two units. A large turning area has been created to the east of each unit.

4.7 The service and access facilities are variable in terms of layout and provision. Frontage vehicular parking dominates across the site, however the applicants' have included some additional parking to the side of individual units. Lorry parking has been provided within the eastern corner of the site. 30 parking spaces have been provided along with two banks of cycle hoops (the design of which has yet to be agreed).

HIGHWAY ISSUES

4.8 Issues relating to traffic generation have already been considered at the outline stage and therefore can not be considered as part of this application.

4.9 The internal layout in conjunction with the inclusion of relevant conditions meets the requirements of Highway Network Management.

LANDSCAPING

4.10 The application site is dominated by rough grassland and some immature self seeded shrub and tree species, none of which can be considered as significant landscape features, worthy of retention.

4.11 Non specified shrub and tree planting has been indicated internally and along the southern, western and eastern boundaries of the site. Landscape details and species specifications have been requested by the Local Planning Authority's Landscape Officer; conditions will ensure their submission prior to work starting on site.

SUSTAINABILITY

4.15 An overarching aim of the City of York Development Control Local Plan (2005), is to achieve sustainable design and construction. Policy GP4a requires all developments to regard the principles of sustainable development. The environmental performance of both new and existing buildings is assessed using the Building Research Establishment's Environmental Assessment Method (BREEAM).

4.16 In this instance, requiring the applicant to submit a BREEAM assessment would not be lawful as no relevant conditions were attached as part of the outline approval. The outline application for Plot 15 was submitted in 1999 and granted approval in 2003, pre dating any policy requirements for the submission of BREEAM related documents.

4.17 GP4 "Sustainability" is however still relevant. Paragraphs D, E, G and I are all relevant in this instance and should be considered by the applicant, as part of the application.

d) be of high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;

e) minimise the use of non renewable resources, re-use materials already on the site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered;

g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;

l) make adequate provisions for the storage and collection of refuse and recycling.

4.18 To date the applicant has not submitted a sustainability statement, however a willingness to address some of the aforementioned issues is evident from an assessment of the plans. The lack of a sustainability statement has been brought to the applicants' attention.

DRAINAGE

4.19 York Consultancy were consulted and stated that "the development is in low risk Flood Zone 1 and will not suffer from river flooding". All surface/foul sewage water will be disposed of to the main drains.

5.0 CONCLUSION

5.1 Cumulatively, the overall layout and design of this reserved matters application contributes to the workability and purposes of the York Business Park. Providing the applicant can demonstrate, a consideration for and a willingness to adopt sustainable practices as part of the development then the application is considered to meet Policies T4, GP1, GP4A and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

6.0 RECOMMENDATION: Approve

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

0975_22-201-A - Unit K Plan.
0975_22-202-A - Unit L Plan.
0975_22-203 - Unit K Elevations.
0975_22-204 - Unit L Elevations.
0975_22-200-A - Site Layout.
0975-22- 205 - Site Location.

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

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

- 2 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme showing the following:

A 3 metre (minimum) width of planting (excluding maintenance margins around buildings and grass verges) along the spine road, outside of the highway reserved area. Planting shall be in front of any security fencing i.e. facing the road.

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

- 3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- 4 HT1 – 8.6 metres (Unit K) and 8 metres (Unit L)
- 5 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development from noise.

- 6 HWAY18 Cycle parking details to be agreed
- 7 HWAY19 Car and cycle parking laid out
- 8 HWAY21 Internal turning areas to be provided
- 9 HWAY26 Internal road details to be agreed
- 10 HWAY31 No mud on highway during construction
- 11 The design of all the unit shall be in accordance with the contents of the design statement datedsubmitted by the applicants' agent under which will satisfy the requirements of Policy GP4a.

Reason: In the interests of sustainable development

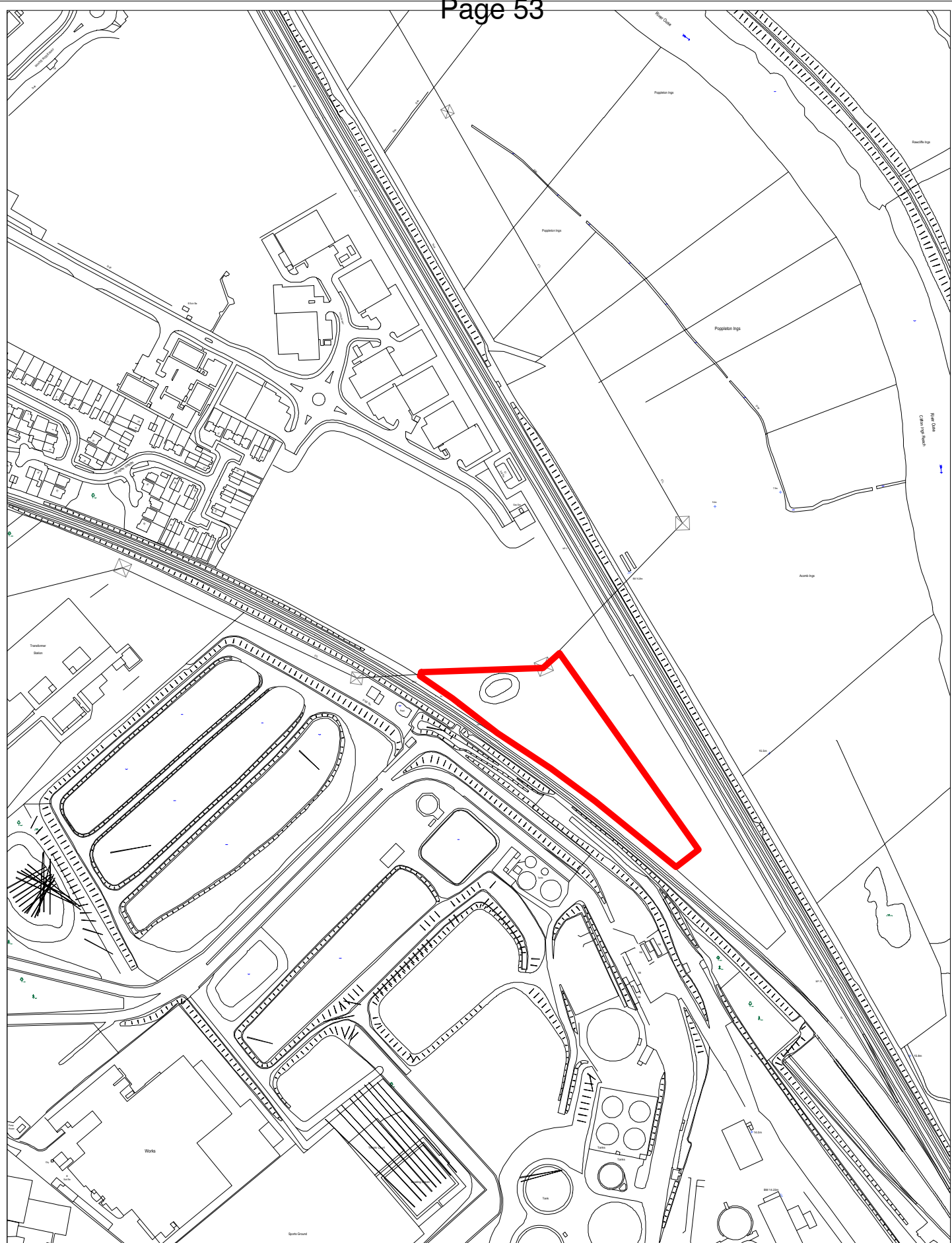
7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity and highway issues. As such the proposal complies with Policies GP1, T4, GP4a of the City of York Development Control Draft Local Plan

Contact details:

Author: Richard Mowat Development Control Officer
Tel No: 01904 551416



Site Plan : Plot 15 Great North Way York

06/01688/REMM



SCALE 1:4000

DRAWN BY JB

DATE 3/1/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 3

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Micklegate
Date: 18 January 2007 **Parish:** Micklegate Planning Panel

Reference: 06/02603/FUL
Application at: Trentholme House 131 The Mount York YO24 1DU
For: Retention of safety railings at roof level
By: Mr W Legard
Application Type: Full Application
Target Date: 22 January 2007

1.0 PROPOSAL

1.1 On 6 January 2005, planning permission was granted for the conversion of a former antique showroom to five self contained flats, and work is now nearing completion. During the conversion works, a number of alterations have been made which did not form part of the original planning application, which were as follows:

- i) the erection of safety railings enclosing the roof area above a bay window facing The Mount, access to which is gained from a window in the first floor flat immediately above the bay window. Safety railings have also been erected enclosing a flat roof area above the entrance to the basement flat, also facing The Mount, access to which is gained through a door in the first floor flat above.
- ii) the erection of a brick built "services kiosk" bridging a narrow gap between the north (side) elevation of the building, and a coach house (in residential use) located within the curtilage of the adjacent property, 129 The Mount.
- iii) the provision of metal ducting on the rear courtyard and side elevation of the building between ground and first floor level, enclosing cabling and pipework.
- iv) the laying of external decking with safety railings to a flat roof area surrounded on three sides by pitched roofs, access to which is gained by a steep "ladder" staircase and access hatch from the first floor flat below.

1.2 Retrospective planning permission was refused at a meeting of the West and City Centre Area Planning Sub-Committee held on 19 October 2006 for two reasons. Firstly, it was considered that the decking and railings at roof level would be likely to result in an intensification of the use of the flat roof area, resulting in unacceptable overlooking and loss of privacy to the occupiers of the adjacent property, 129 The Mount. It was also considered that the erection of screening to this area, as proposed, would be visually intrusive and would be perceived as a loss of privacy by the adjacent occupiers, with a consequent loss of amenity. Secondly, it was considered that the service ducting, together with those services that have been left exposed, detracts from the appearance of the building, and from the character and appearance of the conservation area by virtue of its excessive size, scale and incongruous appearance.

1.3 Subsequently, planning permission has been granted in respect of items i) and ii) above, which were not specifically referred to in the reasons for refusal. An application has now been submitted for the retention of the safety railings referred to in item iv) above. The application does not include the retention of the timber decking, which the applicant now proposes to remove, or the erection of the louvered metal screen, both of which formed part of the previous application. The building is not listed but is located within the Central Historic Core conservation area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Multiple (Spatial)

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYHE3
Conservation Areas

CYGP1
Design

3.0 CONSULTATIONS

3.1 INTERNAL

URBAN DESIGN AND CONSERVATION - This is an unlisted building within the Central Historic Core conservation area. The steep ladder type access existed prior to the recent conversion. It enabled routine maintenance to be carried out on the wide central valley gutter. A health and safety audit has specified the minimum criteria for guarding the area under the new use. The Head of Building Control has endorsed the need for the safety measures. The railings have additional upright

members to the ones required as a minimum standard. However they are of simple design and located in an unobtrusive location when viewed from the public realm. The high level alteration will have a minimal impact on the conservation area and would appear to be justified. Any decking must be removed.

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - No objections

NEIGHBOURS - No replies

4.0 APPRAISAL

4.1 Key Issues

- visual impact of the proposal on the character and appearance of the conservation area
- impact on the amenity and privacy of neighbours
- health and safety

4.2 The property to which the application relates is a substantial detached two storey building (with "split level" basement) located within an extensive curtilage, with a frontage to The Mount. It is undergoing conversion to five self contained flats, having formerly been in use as an antique showroom with living accommodation on the upper floor, and work is nearing completion. The application is retrospective and relates to the retention of safety railings erected around the perimeter of a flat roof area located above one of the first floor apartments. Access to the flat roof area is available via a steep ladder stair and hatch, both of which appear to be long established, from the first floor apartment immediately below. The applicant states that the railings are required for health and safety reasons, on the grounds that the flat roof needs to be accessed for routine inspection and maintenance purposes.

4.3 The building is not listed but is located within the Central Historic Core conservation area. When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. This duty is re-iterated in Central Government advice contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment", and is reflected in Policy E4 of the Approved North Yorkshire Plan, which states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection.

4.4 Draft Local Plan policies GP1 and HE3 are also relevant to this application. Policy GP1(Design) states that development proposals will be expected to respect or enhance the local environment and be of a scale and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy HE3 states that within conservation areas, proposals involving

external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 It is generally accepted that the mere use of a flat roof area for sitting out purposes does not constitute development requiring planning permission. However, the carrying out of other operations, such as the erection of railings etc, are considered to be operational development for which planning permission is required. The safety railings are enclosed by pitched roofs on three sides and are not visible from public viewpoints outside the site. The railings are painted black and are of an unobtrusive design and appearance, and are not considered to be harmful either to the appearance of the building or the wider conservation area.

4.6 Access to the flat roof area is by way of a steep "ladder stair" and access hatch from one of the upper floor flats. Both the access stair and hatch are long established and thus would have been available for use by the previous occupiers of the building. Notwithstanding the removal of the decking, it is reasonable to assume that the introduction of safety railings would make it more likely that the flat roof area would be used for sitting out by the occupants of the apartment, particularly bearing in mind the lack of any alternative private amenity space within the site. It is considered, therefore, that the intensification of use of the flat roof area as outside amenity space is a material consideration in this case.

4.6 At the present time, there are views from the flat roof towards the adjacent property, 129 The Mount, and the intervening coach house, which is also in residential occupation in the form of an annex. The side elevation of 129 The Mount contains a number of windows, serving an entrance hall at ground floor, a storage cupboard, en-suite bathroom and corridor at first floor, and a further corridor at second floor level. Although these windows could be regarded as serving non-habitable rooms, the bathroom window contains clear glass and the corridor at first floor level runs the full length of the house, giving access to a number of bedrooms and bathrooms. Furthermore, because these windows are at a similar height to the flat roof, there are clear views towards these windows, with the potential for loss of privacy to occur. It is apparent that when viewing the railings from these windows, anybody sat out on the flat roof would be readily visible and identifiable, creating an uncomfortable perception of "being watched". However, the separation distance between the edge of the flat roof and the windows is approximately 18 -19 metres, only marginally less than the 20 - 21 metres which is normally regarded as acceptable between habitable rooms in order to maintain privacy.

4.7 There are also views from the flat roof down to roof lights installed in the rear roof slope of the adjacent coach house, which is located directly below the flat roof, serving a bedroom and en-suite bathroom. Although these roof lights are screened by louvered blinds, there will inevitably be occasions when the occupiers would wish them to be opened for ventilation purposes. With the roof light open, the railings are clearly visible from inside the bedroom, resulting in the possibility (or perception) of overlooking and loss of privacy. In addition, it is possible that conversations taking place on the flat roof, in addition to other noise sources such as a radio, could be audible within the bedroom, resulting in nuisance and disturbance to the occupiers. However, it is considered that a condition preventing the use of any form of artificial

lighting, whether fixed or portable, on the decking would prevent this from occurring during the hours when the bedroom is most likely to be occupied.

4.8 Oblique views are available from the flat roof towards the rear garden of 129 The Mount, including a patio area, although substantial areas of the garden are not visible at all, being screened by mature trees and the intervening coach house. It is also reasonable to assume that people using the flat roof for amenity purposes would normally be seated, further restricting the field of vision available over the adjacent garden area. In these circumstances, it is considered that the separation distance, which is in excess of 20 metres, is satisfactory and that any overlooking would not result in an unacceptable loss of privacy.

4.9 The applicant states that there are essential health and safety reasons for the provision of the railings to the open side of the flat roof area, even if it was to be used solely for maintenance purposes, there being a long and otherwise unprotected fall down to ground level. The application is supported by a report prepared by a Health and Safety Consultant, Bielby and Charles Associates. The report refers to the Work at Height Regulations 2005, which apply in any situation where people work on a flat roof, and which require the safest practical means to be implemented to prevent people falling. Permanent edge protection is preferred to temporary measures or fall arrest equipment, particularly bearing in mind the permanent nature of the ladder stair and access hatch. The Council's Building Control Section consider the request to install safety railings to be "reasonable" and point out that if this was a new building, they would expect some form of barrier to be erected for the safety of anyone accessing the roof. The applicant has pointed out that the steepness of the access stair and the exposed and elevated nature of the flat roof would be likely to limit the degree of useage as an amenity area. However, a key issue is that the stair and access hatch are long established and would be available for use by the occupiers of the flat irrespective of whether the safety railings are provided.

4.10 Given the applicants contention that the railings are required primarily for safety reasons, it is reasonable to expect that they are constructed to the required specification in terms of protection, loadings etc. This matter is being investigated and a further report will be given at the meeting. However, bearing in mind that lawful access is already available to the roof, and the health and safety case for the railings advanced by the applicant, it is not considered that planning permission could be reasonably refused. Indeed, it could be argued that the Council would not be exercising its proper "duty of care" if the application to retain the railings is refused.

5.0 CONCLUSION

5.1 Bearing in mind that access is already available to the flat roof, and the health and safety case advanced by the applicant, the proposal is considered to be satisfactory. However, this is an "on balance" recommendation, as clearly the retention of the railings could make the use of the flat roof as an amenity area more likely, thus impacting on the amenity and privacy of the occupiers of the neighbouring property. The installation of permanent screening to mitigate against this has already been rejected by virtue of the previous refusal of planning permission. It is considered that a condition preventing the use of any form of

artificial lighting, whether fixed or portable, on the decking would at least prevent the use of the flat roof during the hours when the adjacent bedroom is most likely to be occupied.

6.0 RECOMMENDATION: Approve

- 1 No artificial lighting (either fixed or portable) shall be installed on the flat roof area enclosed by the railings for which planning permission is hereby granted.

Reason: In the interests of the amenity and privacy of the occupiers of the adjacent property.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

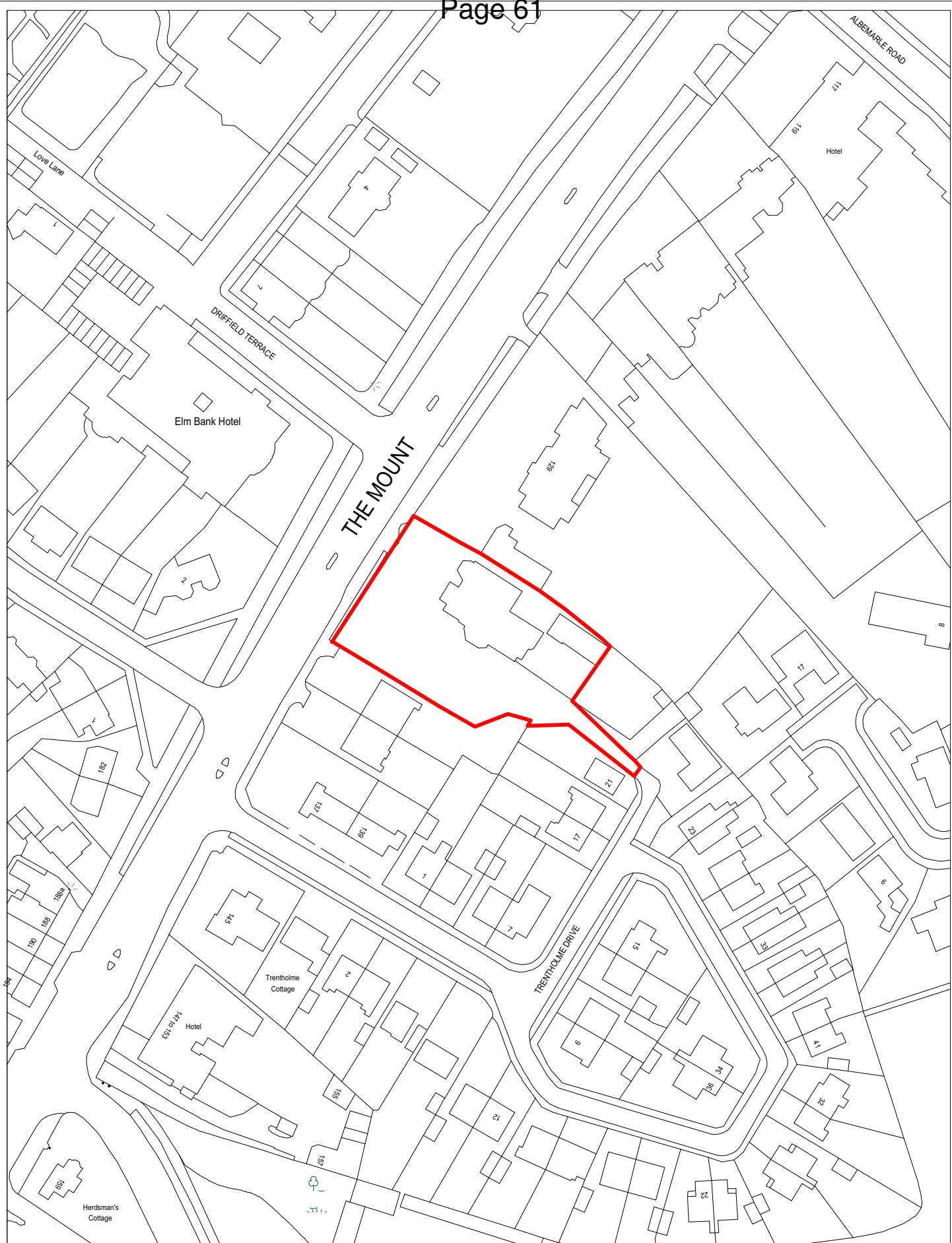
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- visual impact of the proposal on the character and appearance of the conservation area
- impact on the amenity and privacy of neighbours
- health and safety

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1 and HE3 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Simon Glazier Development Control Officer
Tel No: 01904 551351



Site Plan : 131 The Mount York



SCALE 1:1250 DRAWN BY JB DATE 5/1/2007
 Originating Group Project Drawing No.

Organisation **PLAN 6**

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West & City Centre Area Planning Sub-Committee

18th January 2007

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 Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, 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.

Current Position

5. Members should note that 95 new cases were received for this area within the last quarter . 84 cases were closed and 117 remain outstanding. There are 50 Section 106 Agreement cases outstanding for this area after the closure of 2 for the last quarter . Two cases have resulted in the service of formal enforcement notices. 1 case has been referred to Legal and awaits service.

Consultation

6. 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 Officers 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:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

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

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 05/01/07

Specialist Implications Officer(s)

None

Wards Affected: *All Wards in the West and City Centre area*

All

For further information please contact the authors of this 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 - Enforcement Cases – Update (Confidential)

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

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