



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Hyman (Vice-Chair),
D'Agorne, Hall, Greenwood, Smallwood, King, Vassie,
B Watson and I Waudby
- Date:** Thursday, 9 November 2006
- Time:** 2.00 pm
- Venue:** Guildhall, York

AGENDA

Please note that there are no site visits prior to this meeting.

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 agenda item 6 (Land to the rear of 33 Towthorpe Road, Haxby – Enforcement – 06/00597/COND Non compliance with approved plans) on the grounds that they contain information classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the Authority proposed to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or the Authority proposed to make an order or directive under any enactment.

3. **Minutes**

(Pages 2 -
9)

To approve and sign the minutes of the meeting held on 12 October 2006.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Panel's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 8 November 2006 at 5.00pm.

5. Plans List

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

- a) **St Peters School, Clifton, York (06/01428/FUL)** (Pages 10 - 13)
- b) **The Pepsimax Raceway, Kathryn Avenue, Huntington, York (06/01476/FULM)** (Pages 14 - 19)
- c) **37 Towthorpe Road, Haxby, York (06/01825/FUL)** (Pages 20 - 32)
- d) **3 Wenlock Terrace, Fishergate, York (06/02074/FUL)** (Pages 33 - 39)
- 6. **Enforcement 06/00597/COND - Non compliance with approved plans** (Pages 40 - 44)

To advise Members about the implementation of the approved drainage scheme in connection with the erection of two detached dwellings on land to the rear of 33 Towthorpe Road, Haxby.

7. Urgent Business

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

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

- Registering to speak
- Business of the meeting

- Any special arrangements
- Copies of reports

Contact details are set out below.

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552062
- E-mail – jill.pickering@york.gov.uk

**EAST AREA PLANNING COMMITTEE
9 November 2006**

Index to plans list items

SITE	OFFICER	ITEM	WARD
06/01428/FUL Gated enclosure, St Peters School, Clifton.	MJ	5a	Clifton
06/01476/FULM 'Park & Ride' car park The Pepsimax Raceway, Kathryn Avenue, Huntington	HS	5b	Huntington/ New Earswick
06/01825/FUL 5 dwellings rear of 37- 43 Towthorpe Road Haxby	HS	5c	Haxby and Wigginton
06/02074/FUL 9 flats, 3 Wenlock Terrace Fishergate	AG	5d	Fishergate

THERE ARE NO SITE VISITS SCHEDULED FOR THESE APPLICATIONS.

City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	12 OCTOBER 2006
PRESENT	COUNCILLORS MOORE (CHAIR), D'AGORNE, GREENWOOD, HALL, KING, ORRELL (SUB FOR CLLR HYMAN), SMALLWOOD, VASSIE, B WATSON AND I WAUDBY
APOLOGIES	COUNCILLOR HYMAN

27. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
35 Third Avenue, Heworth, York	Cllrs Moore, B Watson and Vassie.	To assess the impact upon neighbours and see the extent of the extension.
17 Worcester Drive, Osbaldwick, York	Cllrs Moore, J Greenwood B Watson and Vassie.	To clarify the rear boundary and to assess the impact of the extension upon neighbours.
Wheldrake C of E Primary School, Wheldrake	Cllrs Moore, J Greenwood and B Watson.	To familiarise Members with the proposed siting and size of the proposed buildings in their context and assess the impact upon neighbours.

28. 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.

Cllr Vassie declared a personal prejudicial interest in Plans item 5d) (Wheldrake C of E Primary School, North Lane, Wheldrake) as he was a governor and his child attended the primary school and he left the room and took no part in the discussion and voting thereon.

29. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Press and Public be excluded from the meeting during consideration of the Annexes to Agenda Item 6 (Enforcement Cases Update) on the

grounds that they contain 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 it contained information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

30. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 14 September 2006 be approved and signed by the Chair as a correct record subject to the following amendments

In Minute 19 the deletion of the word “non” prior to the word “prejudicial” in relation to Cllr Vassie’s declaration of interest in Plans Item 4j – Wheldrake C of E Primary School, North Lane, Wheldrake and the addition of “and he left the room and took no part in the discussion and voting thereon” at the end of the declaration.

In Minute 22d (St Peters School 06/01428/FUL) the addition of the following paragraph in the preamble

“ Members raised the issue of the scheme allowing permissive access to the footpath during times of flood though it was determined that this was not a matter within the remit of the Committee” and

In the resolution the deletion of the words “and that the applicant be advised of the Committees concerns that no discussion had taken place regarding the publics limited use of the path during school holidays and during flooding”.

31. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council’s Public Participation Scheme.

32. 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.

32a. 8 St Peters Grove, York (06/01588/FULM)

Members considered a Major Full Application, submitted by Hearthstead Homes Ltd, for the conversion of an existing building and the erection of a 3 storey block to provide a total of 12 x 2 bed apartments with associated on-site parking and secure cycle storage at Executive Communication Services Ltd, 8 St Peters Grove, York.

Officers updated that the applicant had now withdrawn this application.

RESOLVED: That the application be withdrawn as requested.

32b. York District Hospital, Wigginton Road, York (06/01674/FULM)

Members considered a Major Full Application, submitted by Peter Strickland, for the erection of a multi-storey (3 level) car park including alterations to vehicle access and roads at York District Hospital, Wigginton Road, York.

Officers updated that the applicant had now withdrawn this application.

RESOLVED: That the application be withdrawn as requested.

32c. 17 Worcester Drive, Osbaldwick (06/01198/FUL)

Members considered a Full Application, submitted by Mr P Hodgson, for a pitched roof extension to the side and rear including a detached garage after the demolition of the existing at 17 Worcester Drive, Osbaldwick. Members were reminded that this application had been deferred at the last meeting to request a site plan showing accurate distances between the proposal and the rear boundaries.

Officers updated that a revised plan had now been submitted which showed that the site boundary was nearer to the proposed development than had previously been noted on the original plans submitted. The revised plan was displayed at the meeting and Officers outlined the reduced distances between the development and the site boundaries and reported that the Environmental Protection Unit had no objections to the proposal.

The Chair referred to questions that had been raised regarding the legality of considering the revised plan without reconsultation. He indicated that Legal Services had confirmed that Members could now give greater weight to the objections received owing to the reduced distances.

Representations in objection were received from a neighbour, on behalf of local residents, and she circulated details of their objections which had been raised at the last meeting. She also reiterated their objections to the scheme which she stated were still valid especially with the reduced distances involved between the proposed development and neighbouring

properties. She also reminded Members that, at the last meeting, Cllr Morley, as Local Member, had expressed his concerns as to the adverse affect the development would have on neighbour's amenities.

Some Members expressed concerns at possible drainage problems that could arise on the site, if the development was approved, which could badly affect neighbouring properties. Officers confirmed that the application could not be refused on drainage grounds, as surface water drainage in relation to house extensions was a matter covered by Building Regulation and not planning. Concerns were also expressed regarding the proposed reduction in amenity space for the property, the effects on neighbouring buildings and of the need to ensure that adjacent residents were not unduly affected by overlooking, overshadowing or dominated by overbearing structures as referred to in Draft Local Plan Policy CYGP1.

RESOLVED: That the application be refused.

REASON: The proposed extensions by virtue of their size, height, massing and proximity to the rear boundary shared by properties on Meadlands will adversely affect the living conditions of neighbours through potential over dominance and over development. As such the application is considered contrary to policies GP1 and H7 of the City of York Deposit Draft Local Plan and advice contained within PPS1: Delivering Sustainable Development (2005).

32d. Wheldrake C of E Primary School, Wheldrake (06/01553/FUL)

Members considered a Full Application, submitted by the York Diocesan Board of Education, for a one and two storey pitched roof side and rear extensions at Wheldrake C of E Primary School, North Lane, Wheldrake, York. Members were reminded that this application had been deferred at the last meeting in order for a sustainability appraisal to be carried out.

Officers updated that Leisure, Culture and Children's Services supported the proposals and reported receipt of 4 letters of support from local residents and parents of children at the school. A further letter had been received from a Wheldrake Parish Councillor who supported the proposals but felt that the energy efficiency proposals could be added at a later date so as not to hold up development.

Representations in support were received from the Head Teacher who explained that there was a need to remove 3 mobile classrooms located around the school and to replace them with 3 classroom extensions to improve the teaching facilities within the school. She confirmed that the proposals had been put forward following consultations with many groups and pupils over a period of time. She then went on to detail work undertaken on the Sustainability Statement and the proposed measures they intended to take, details of which had previously been circulated to Members.

Representations were also received in support of the proposals from a Governor and parent of children who had attended the school for 8 years. He confirmed that the school had inadequate facilities, which were in urgent need of improvement and stated that any further delay in approving the scheme could affect funding.

Members questioned the Architect and Governor, who were in attendance, on the age of the temporary classrooms, whether the gas fired boiler could be converted to biomass at a later date, the rainwater harvesting system and grants available for a wind turbine.

Members also thanked the school for providing an excellent comprehensive sustainability statement for the proposed school extension. A request was also made for the addition of an informative asking for the possible inclusion of a real time display of energy consumption at the school.

RESOLVED: That approval be granted subject to the conditions listed in the report and addition of the following

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

Reason: To protect the amenities of adjacent residents.

Informative: The school is requested to contact The CoYC Sustainability Officer (Kristina Peat 01904 551 666) regarding options available for attaining funding for further sustainable developments and the installation of a real time display illustrating energy usage at the School.

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 impact on the street scene and the amenity of local residents. As such the proposal complies with Policies GP1 and ED1 of the City of York Draft Local Plan.

32e. St Peters School, Clifton, York (06/01428/FUL)

Members considered a Full Application, submitted by St Peters School, for the erection of a gated enclosure at each end of former public footpath, at St Peters School, Clifton, York. Members were reminded that this application had been deferred at the last meeting to allow the application to be re-advertised with the word 'fencing' replaced by 'gated'.

The Chair reported that Officers were requesting deferment of this application to allow clarification to be sought from the applicant regarding ownership of the land on which they proposed to erect the gated enclosures.

In answer to questions from Members, Officers confirmed that they would seek legal advice on the Secretary of States ruling on the closure of the footpath in relation to ownership of the land.

RESOLVED: That the application be deferred to the November meeting of the Sub-Committee.

REASON: To allow the applicants to confirm the ownership of the land prior to the Sub-Committees consideration of the application.

32f. 35 Third Avenue, Heworth, York (06/01947/FUL)

Members considered a Full Application, submitted by Mr Cain, for a two storey extension at 35 Third Avenue, Heworth, York.

Officers updated that the Heworth Planning Panel had no objections to the application and reminded Members that permission had been refused for a similar extension in August 2003 although the officer recommendation had been for approval. Officers confirmed receipt of a revised plan which reduced the scale of the proposal making it less obtrusive, provided enclosed cycle parking facilities and with the extension set back to allow a car to be parked without overhanging the footpath.

Representations in objection were received from a neighbour who stated that the application site was at one of the narrowest points on Third Avenue. He pointed out that the site tapered which gave a difference in driveway width of 9” from front to back. Although the proposal had marginally changed, the development would still block out natural light with a large expanse of blank brick wall in close proximity to his dwelling. He confirmed that he had no objections to a single storey extension.

Members referred to the site visit when the difference in driveway width had been noted and they indicated that they felt that the proposal would still have an adverse affect on the neighbouring property.

RESOLVED: That the application be refused.

REASON: The proposal, by virtue of its size, scale and proximity to the adjacent property is considered to be overdevelopment which would create an over dominant effect upon the neighbouring property and would therefore adversely affect the living conditions of neighbours. Hence it is considered to be contrary to Policies GP1 and H7 of the City of York Draft Local Plan.

33. ENFORCEMENT CASES UPDATE

Members considered a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Members expressed their thanks to the Enforcement Officers for the work undertaken in relation to all these cases.

- RESOLVED:**
- i) That the report and updates be noted.
 - ii) That Officers report back to a future meeting of the Sub-Committee on Building Control standards in relation to drainage.

- REASON:**
- i) To update Members on the number of outstanding enforcement cases within the Sub-Committees area.
 - ii) To update Members on the Building Regulation standards in relation to drainage.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 4.00 pm.

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COMMITTEE REPORT

Committee: East Area **Ward:** Clifton
Date: 9 November 2006 **Parish:** Clifton Planning Panel

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

1.0 PROPOSAL

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

This application was requested to be heard at Planning Committee by Cllr Scott and Cllr Reid as it was suggested that there may be a high level of public interest in the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

Floodzone 2 Flood Zone 2 CONF

Schools Queen Anne 0253

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections

Conservation - No objections

3.2 External

Clifton Planning Panel - Support the application

Response to site notices' - Two pieces of correspondence received, the following points were raised:

- a) The application is inconsistent about ownership of the land associated with the former public footpath.
- b) The application makes no justification of the need for the gates and also states that no vehicle movements are planned
- c) Support the proposed designs for the metalwork but opposed to new access points being granted to the school as it undermines the claims for closing the path and they could be used for unknown purposes.

In response to part a), this has now been resolved with a revised red line boundary being submitted which includes the land where the proposed gates would be located, this is consistent with the signing of Certificate A of the application form.

4.0 APPRAISAL

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

4.2 The Application Site - St Peters School is on Clifton within the Clifton Conservation Area. The former public footpath that ran through the school was closed to the public on 16th May 2006. Means of enclosure have been erected at both ends of the footpath in order to ensure it is not used as a public through route. These were a temporary measure and consent is now sort for permanent gating. The footpath is no longer open to the public and this application is simply concerned with the impact of the gates themselves. A site plan has been submitted with a red line boundary around the site which includes both ends of the former public footpath where the proposed gates would be located. It is standard practice that when a public footpath is closed that half of the land reverts into the ownership of one side of the footpath and the other half into the ownership of the other side of the footpath. As St Peters School own the land on both sides of the footpath the whole of the footpath falls within their ownership.

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

existing urban space, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

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

5.0 CONCLUSION

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

6.0 RECOMMENDATION: Approve

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

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

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

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

7.0 INFORMATIVES:

Notes to Applicant

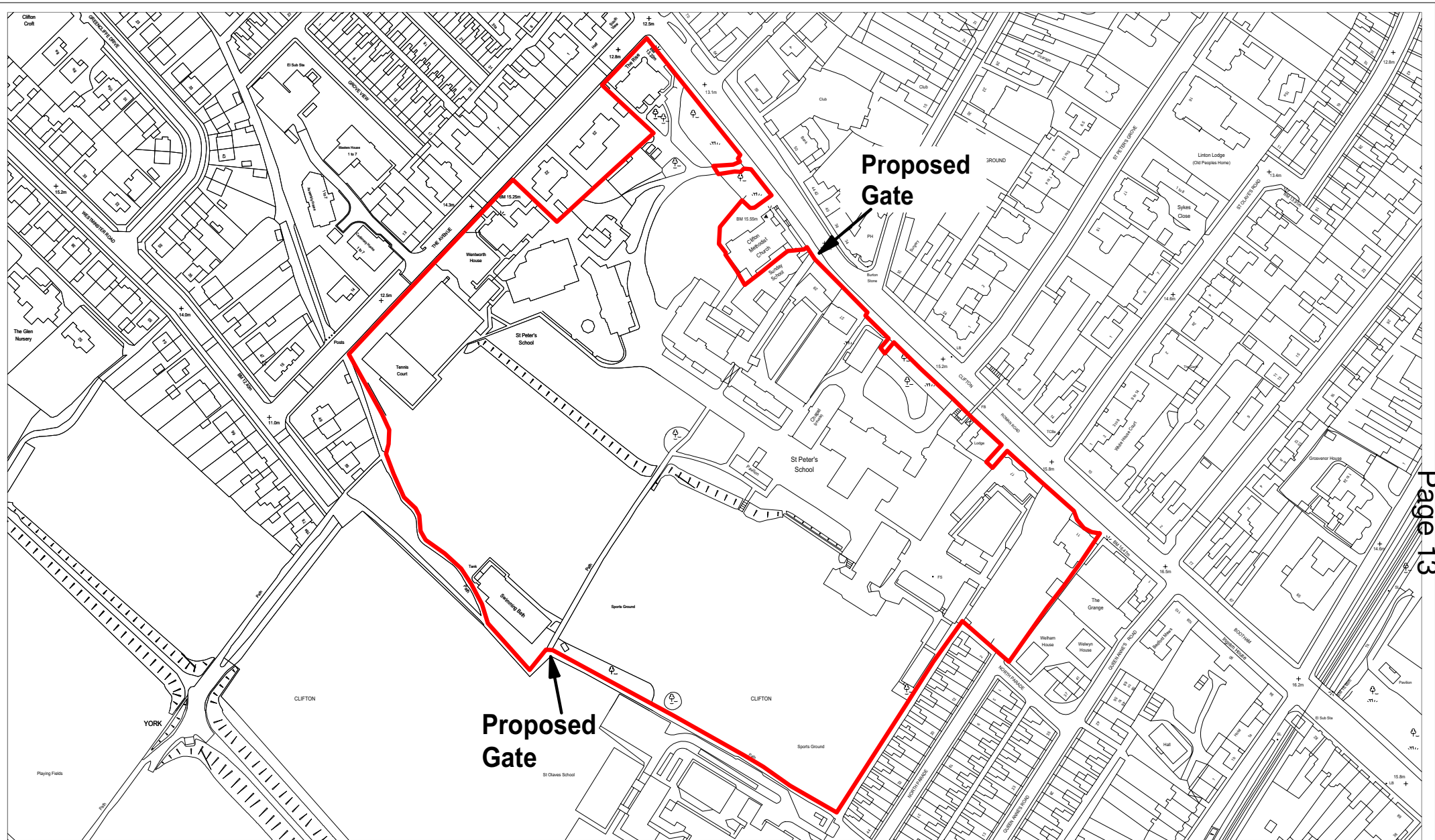
1. REASON FOR APPROVAL

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

Contact details:

Author: Michael Jones Development Control Officer

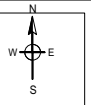
Tel No: 01904 551325



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

ST. PETER'S SCHOOL, CLIFTON - 06/01428/FUL

SCALE: 1:2500	DRAWN BY: PSL	DATE 26/10/2006
Originating Group:	Project	Drawing No.



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COMMITTEE REPORT

Committee: East Area
Date: 9 November 2006
Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 06/01476/FULM
Application at: The Pepsimax Raceway Kathryn Avenue Huntington York YO32 9JS
For: Change of use of indoor kart track to 'park and ride' car park.
By: Mr I Yeowart
Application Type: Major Full Application (13 weeks)
Target Date: 11 December 2006

1.0 PROPOSAL

1.1 This is a full planning application to use the building immediately north of the Water World swimming pool on Kathryn Avenue as a Park and Ride operation for customers of the 'Grand Central' train service from York to London. Grand Central will operate three departures to London and three arrivals from London daily.

1.2 A total of 73 covered car parking spaces would be provided within the building with 15 overspill spaces outside. Transport would be provided to and from the railway station by small coach or MPV. The site will offer waiting facilities and service information. The site will also offer the bus transit to the station and timetable information to customers arriving by modes other than private motorised transport.

1.3 The building is currently used as an indoor karting track and was formerly used as a bowling alley.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

SP9a Huntington Action Area

2.2 Policies:

SP8 - Reducing dependence on the car
T6 -Park and Ride
T7B - Making Public Transport Effective
T13 - Car park standards in York CC/District C
L1B - Loss of local leisure facilities
SP9 - Action Areas

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAYS NETWORK MANAGEMENT: The application proposes to create a garaging facility (mini Park and Ride) for Grand Central rail customers. The facility will enable passengers to leave their car outside the city centre and additionally enable the development of taxi feeder services to link into Grand Central Rail services at York. Customers will be able to purchase rail tickets at the site and passengers will be carried to York station by a coach/minibus. The bus service will not run continuously through the day but will coincide with Grand Centrals rail timetable. (3 trains per day Northbound and 3 trains per day Southbound)

The proposal is in line with City of York Council's sustainable transport policy outlined within the 2nd Local Transport Plan which aims to reduce congestion and the Council's adopted Rail Strategy. Officers from the authorities Transport Planning Unit have been in discussions with the applicant and are fully supportive of the proposals.

The applicant has submitted information on the likely traffic generation of the proposed use compared to the existing use as a karting centre. This information demonstrates that the proposal will generate a similar level of traffic to the karting centre and as such officers have not required any further assessment of the traffic impact of the scheme.

No objections are therefore raised.

3.2 ENVIRONMENTAL PROTECTION UNIT: Comments to follow.

3.3 LIFELONG LEARNING AND CULTURE: We have no policy that covers motor sport of any kind and neither does this activity fit within of our strategic plans. Therefore whilst it is disappointing to loose a leisure activity such as this, it is a commercial operation and has with no direct impact on our strategic plans, as such we have no objections.

We do have a concern about the impact of the proposed future use of the site as the access road is narrow and used by pool and stadium customers, depending on the volume and size of the busses using the road its impact may be detrimental to car park and pool users.

EXTERNAL

3.4 HUNTINGTON PARISH COUNCIL: In the absence of any information about the effect of this proposal on the Highways, Traffic, Park and Ride and related issues in this very busy and highly significant area of Monks Cross, Huntington, the Committee objects to the submission of this application. We are drawing the attention of senior management of the Directorate of City Strategy to this matter for their urgent attention. Additionally, the possible loss of a popular leisure facility requires investigation.

3.5 PUBLICITY: The application has been advertised by site notice and neighbour letter. One response has been received raising the following points:

- concerns raised regards ownership of land within application site.

4.0 APPRAISAL

4.1 This is a full planning application for the change of use of this single storey building from a karting track to provide garaging for cars as part of a privately operated park and ride scheme.

4.2 The proposals are not considered to undermine the comprehensive development of the Huntington Action Area. The key issues are considered to be the highways impact and the loss of the recreational use.

Loss of recreation use.

4.3 Policy L1b of the Draft Local Plan seeks to resist the loss of leisure facilities to meet local and citywide needs. The karting track is a privately run indoor motor sport operation and in itself not considered to play an important role in the local community. The loss of the building from leisure use must be weighed in the balance in determining this application.

4.4 It is noted that the former use (as a bowling alley) has been replaced by a bowling alley at Clifton Moor and an application (ref. 05/00367/FUL) for a karting track operation at The Gardens on Malton Road is currently under consideration. It is further noted that the loss of the karting use currently operational on the site is not contrary to the council's leisure strategy.

Transport

4.5 The comments of the Highways Network Management Team (included here at paragraph 3.1) are noted.

4.6 PPG13 (paragraphs 59) sets out the role of park and ride schemes in encouraging more sustainable travel patterns and guides that well designed and well conceived schemes should be supported by the planning system. It further guides that such schemes should be part of the transport strategy for the area. Policy T6 of the Draft City of York Local Plan sets out local criteria for Park and Ride proposals to be considered against. Park and Ride operations have been highly successful in keeping traffic out of the city centre. The proposals will generate a similar level of traffic at the site to the existing karting use and are not considered to be detrimental to the environment of the local community or have any detrimental visual impact.

4.7 it is noted that the proposals are in accordance with the aims of the Local Transport Plan and City of York Council adopted Rail Strategy and have been developed with input from City of York Council Transport Planning Unit.

4.8 On balance it is considered that the benefits in terms of reducing traffic in the city centre, (and the attendant benefits this brings in reducing air pollution and congestion there), reducing demand for parking at the railway station and increasing the potential catchment for rail services outweigh the loss of this building as a leisure facility.

5.0 CONCLUSION

5.1 On balance it is considered that the proposal, subject to the suggested conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity and the environmental quality of the local community. As such the proposal complies with Policies SP8, T6 and L1b of the City of York Local Plan Deposit Draft and the aims of PPG13.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS2 Approved plans and other submitted details
- 3 The site shall only be used for the parking of cars and motor vehicles in connection with the use by the occupants of those vehicles of a passenger transfer service between the site and a railway station.

Reason: For the avoidance of doubt and in the interests sustainable development.

- 4 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

- 5 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

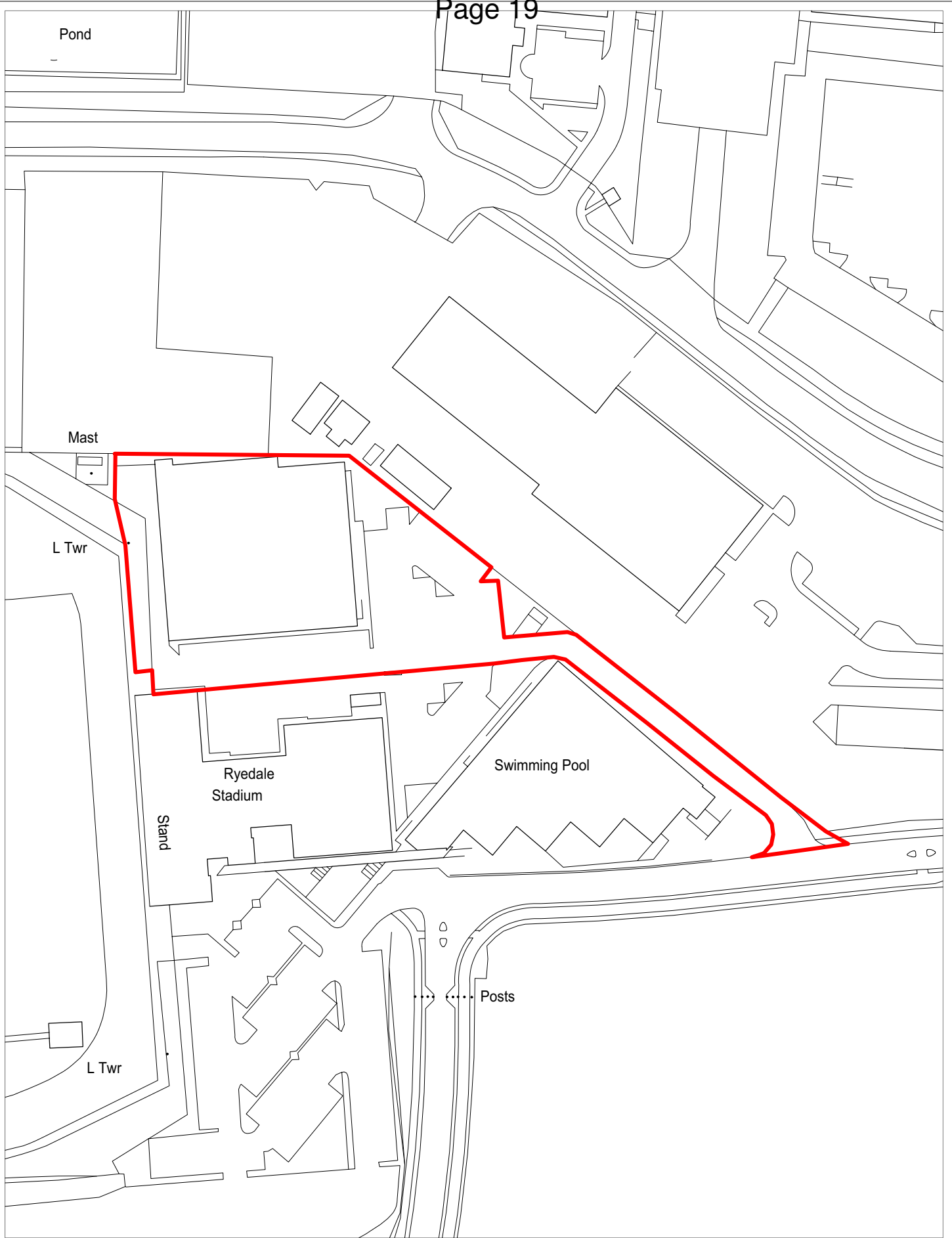
7.0 INFORMATIVES:

- 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 the environmental quality of the local community. As such the proposal complies with Policies SP8, T6 and L1b of the City of York Local Plan Deposit Draft and the aims of PPG13.

Contact details:

Author: Howard Smith Development Control Officer

Tel No: 01904 551352



CITY OF
YORK
COUNCIL

LAND ADJACENT RYEDALE STADIUM - 06/01476

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 26/10/2006
Drawing No.



COMMITTEE REPORT

Committee: East Area **Ward:** Haxby And Wigginton
Date: 9 November 2006 **Parish:** Haxby Town Council

Reference: 06/01825/FUL
Application at: 37 Towthorpe Road Haxby York YO32 3LZ
For: Erection of 5 no. detached dwellings to the rear of 37-43
Towthorpe Road
By: Hogg Builders (York) Ltd
Application Type: Full Application
Target Date: 13 October 2006

1.0 PROPOSAL

1.1 The application site measures 0.28ha and is located to the west of Towthorpe Road and to the south of New Forge Court. The site lies within the settlement limits of Haxby. The land itself is within the curtilage of 37 and 43 Towthorpe Road, and no. 24 New Forge Court. The site is divided into two at present by a leylandii hedgerow and silver birch trees.

1.2 Access to the site would be taken from the New Forge Court, with two detached dwellings sited to the west of the access road, and a further three to the east. The main elevations of the dwellings would be orientated towards the access. The four detached dwellings on the northern part of the site would have rear conservatories and integral garages. The fifth larger dwelling in the southern part of the site would have a detached garage with office/store above.

1.3 A supporting statement, tree survey, flood risk assessment and drainage details have been submitted with the application. During the course of the application additional drainage information was provided.

PLANNING HISTORY

1.4 Application ref. 04/01810/FUL for erection of three dwellings to rear of 43 Towthorpe Road (north part of the site). Withdrawn following concerns it would landlock the southern part of the site.

1.5 Application ref. 06/00583/FUL for erection of five dwellings to rear of 37 Towthorpe Road was refused for the following reason:

It has not been demonstrated that development would adequately deal with issues of surface water and land drainage issues, based on the information submitted with the application. The site and its environs already suffer from the inadequate nature of surface water drainage area and problems with run off and waterlogging. The absence of a satisfactory means of proposed drainage with this development may exacerbate the likelihood of local flooding. The development is therefore considered to conflict with Central Government planning guidance in PPG3: Housing and

PPG25: Development and Flood Risk, and Policy GP15a Development and Flood Risk of the City of York Draft Local Plan Incorporating the 4th set of changes (Approved April 2005).

1.6 This application ref. 06/01825/FUL is a revision to the above application scheme and includes further provision for the collection and attenuation of surface water drainage.

2.0 POLICY CONTEXT

2.1 Draft Local Plan Allocation:

No allocation.

2.2 Policies:

SP6 - Location strategy
H4A - Housing Windfalls
H5A - Residential Density
GP1 - Design
GP4A - Sustainability
GP10 - Subdivision of gardens and infill development
GP15 - Protection from flooding
NE1 - Trees, woodlands, hedgerows
T4 - Cycle parking standards
L1C - Provision of New Open Space in Development
ED4 - Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL

3.1 STRUCTURES AND DRAINAGE: The current Planning Application appears to address the points of objection [to the previous application] particularly the problems of existing waterlogging on the site. There are no further objections.

3.2 HIGHWAYS NETWORK MANAGEMENT: The junction of New Forge Court and Towthorpe Road is suitable to deal with the small increase in traffic movements which would be associated with this development and visibility is within recommended guidelines. From experience of other sites around the city this development is likely to generate around three vehicle trips in the peak hours, this is unlikely to have a material effect on the local highway network. Car parking, cycle storage and on-site turning are provided for each dwelling in line with CYC standards. Five conditions and two informatives are recommended.[conditions attached as numbers 5 to 9], informatives attached as numbers 2 and 3].

3.3 ENVIRONMENTAL PROTECTION UNIT: No objections to this application. However the site is in close proximity to residential properties. We therefore have concerns regarding nearby residents being adversely affected by noise during any

demolition, construction or refurbishment works. There is also concern regarding possible contamination being found during any construction works. Therefore, the following conditions are recommended: [suggested conditions attached as numbers 10 and 11 and informative as number 4].

3.4 UDC ARCHAEOLOGY: This site lies outside the AAI. It lies on the fringe of the developed footprint of Haxby on higher ground overlooking the River Foss. There is an extensive spread of late prehistoric and Romano-British features and deposits around York. It is possible that this site contains archaeological features and deposits which relate to this wider landscape. It will be necessary therefore to have an archaeological watching brief on all groundworks for this development in order to monitor for the presence or absence of deposits and, where present, record them. Please place condition ARCH2 on any consent which is granted [attached as condition 12].

3.5 UDC LANDSCAPE ARCHITECT: More trees retained, but not the silver birches, which is disappointing, though this itself is not sufficient reason to refuse, as there are of limited amenity value and not rare/long lived species. Adequate replacement tree planting should be proposed, and it is disappointing this has not been provided at this stage. This can be acquired through condition and would be expected to consist of six heavy standard trees within front gardens, variety of specimen shrubs/small trees, and cover planting between the shared drive and the front boundaries. Foundations will need to be designed to accord with ground conditions and tree species.

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

a) amenity open space - which would be used to improve a local site within the Town Council area e.g. Ethel Ward Playing Fields or West Nooks

b) play space - which would be used to improve the local site within the Town Council area e.g. Ethel Ward Playing Fields

c) sports pitches - which would be used to improve access to local facilities within the North Zone of the Sport and Active Leisure Strategy.

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

3.7 EDUCATION: A contribution of £11,621 is required in respect of one extra pupil at Joseph Rowntree Secondary School. No contributions required for foundation and primary school.

EXTERNAL

3.8 YORKSHIRE WATER:

Surface Water: The local public surface water sewer does not have capacity to accept an unrestricted discharge of surface water from the site. Surface water may

discharge into the public surface water sewer in New Forge Court, however, on-site storage/balancing - or some other means of attenuation - of the surface water will be required before any discharge to the public sewer network is permitted. The surface water discharge from the proposal to the public sewer network should be restricted so as to not exceed 2 (two) litres per second.

Water Supply: A water supply can be provided.

Waste Water: Foul water domestic waste can discharge to a public sewer recorded in New Forge Court. If planning permission is granted the following three conditions should be attached to any consent [suggested conditions attached as condition 13 to 15].

3.9 FOSS INTERNAL DRAINAGE BOARD: Further to confirmation by the applicant that the surface water is proposed to drain into Windmill Way Culverts the Board commented as follows: The information contained within the consultation appears to meet the Boards requirements that the drainage into Windmill Way culverts is no greater than existing. The Board Requires that any approval granted to the proposed development includes the following formal conditions [the requirements of the suggested conditions are covered by conditions 19 to 21].

3.10 ENVIRONMENT AGENCY: No comments received.

3.11 HAXBY TOWN COUNCIL: Strongly object. Surface water and land drainage are still of concern. Haxby Town Council is sceptical about the revised drainage plans in view of the problems recently built off Old Coppice to the rear of 33 Towthorpe Road.

3.12 PUBLICITY: The application has been advertised by neighbour letter to which 10 individual responses and a petition of 9 signatures have been received making the following points;

- inconvenience from construction traffic.
- who will ensure that the pumping system is maintained?
- conditions on land levels and replacement tree planting must be adhered to
- waterlogging.
- the site is waterlogged in winter.
- this application will solve an ongoing problem with standing water.
- continued infill development is changing the character of this area.
- loss of light.
- permission will lead to pressure for removal of more trees.
- loss of privacy.
- loss of environmental capital.
- raising levels will cause flooding of our land.

4.0 APPRAISAL

4.1 This application is a revised scheme to application ref. 06/01825/FUL. The layout and design of buildings and open spaces is very similar. This revised scheme incorporates revised drainage proposals which are discussed in section 4.16. The

previous application was refused for one reason, inadequate drainage, and in the absence of any material alteration to policy or circumstances the key issue is considered to be the adequacy of surface water drainage proposals.

4.2 PPG3: Housing requires Authorities to provide sufficient housing land in a sustainable manner and widen housing opportunities and choice. It advocates the use of previously developed land, and a sequential approach to housing which requires development to be assessed against the availability of previously developed land, location and accessibility, the capacity of existing infrastructure to absorb development, ability to build communities and environmental and physical constraints. Regional Spatial Strategy for Yorkshire and the Humber Policy H2 reiterates the sequential approach. North Yorkshire adopted Structure Plan housing policies provide related advice.

4.3 PPS1: Delivering Sustainable Development promotes in part good design and the consideration of amenity issues. PPG25: Development and Flood risk identifies flooding as a material planning consideration, including surface water and land drainage issues, and identifies that the information provided should be sufficient to enable the Authority and its consultees to properly assess this issue.

PRINCIPLE OF DEVELOPMENT

4.4 The proposed development is located within the development limits of Haxby. The site comprises under used parts of rear gardens and curtilages of the surrounding rear properties and thus in PPG3 terms would constitute previously developed land.

4.5 The site has reasonably good access to a range of facilities and services, and is accessible via public transport and for pedestrians and cyclists, in terms of sustainable use of transport. In terms of impact on local services, there is a requirement to provide a commuted sum of £11,621 for one secondary school place at Joseph Rowntree Secondary School, in accordance with the 'Developer Contributions to Education Facilities' Supplementary Planning Guidance. This can be secured by suggested condition 22 and informative 6.

4.6 The development of five dwellings is below the threshold of Draft Local Plan policy L1c in relation to the provision of on site open space. Thus open space would be provided through an off site commuted sum for £8,804 for children's play space, amenity space and sports pitch provision. This can be secured by suggested condition 4 and informative 5.

OPENSOURCE AND TREES

4.7 The site is not shown as open space on the Draft Local Plan Proposals Map and nor is it protected by open space policies, and as stated above, constitutes previously developed land. There is no public access to the site, but rather it is well enclosed by adjacent properties and, beyond some of the gardens of the adjacent properties, it is only publicly viewable to an extent from the end of New Forge Court, over the curtilages these properties.

4.8 There are nevertheless trees on the site, and the applicant was asked to provide a trees survey. The trees are of some limited public amenity value because of their location to the rear of properties, and in varying states of health and maturity. They mainly would be removed to make way for the development, including the leylandii and silver birches which currently separate the two parts of the site. None of the trees on the site are protected or worthy of protection, though as do add some character overall to the site, it would reasonable for details to be provide as part of any conditioning of landscaping to include significant replacement tree planting to be provided. With this, the development is considered acceptable in relation to trees and open space.

4.9 The layout of the development would effectively be as an extension of New Forge Court, with properties sited on the either side of the shared drive. A slightly unusual post and rail arrangement is proposed in the front curtilage of the plots, set back slightly from the widened shared drive, but this itself doesn't raise substantive planning issues. The use of detached dwellings would be also be in keeping with the location.

4.10 The development is of low density at 18 to the hectare which is well below PPG3 and Draft Local Plan recommended minimum density levels at 30 and 40 to the hectare, respectively. However policy guidance also identifies that density needs to be countered against issues of character and form, and the proposed density would by and large accord with local densities in the area. The four dwellings in the north part of the site would accord with local densities on New Forge Court and Towthorpe Road. The single dwelling in the south part of the site would be of lower density, but this reflects the location of this portion of land and in particular the proximity to the bungalow at no1. The Old Coppice to the south, whose rear elevation lies 1-3m from the boundary of the site. The low density of the development also helps provide opportunities for replacement tree planting.

TRANSPORT

4.11 The development would be accessed by way of a shared drive arrangement. The use of New Forge Court, which leads onto Towthorpe Road, and the addition of five dwellings is considered acceptable in terms of traffic generation and highways safety issues. The development would provide commensurate levels of off street car parking and secure cycle storage.

RESIDENTIAL AMENITY

4.12 The development is spacious and would provide a reasonable level of amenity for future residents. The new dwellings would be sited well away from the dwellings on Towthorpe Road, and rather the greater impact would be on the adjoining properties on New Forge Court and The Old Coppice. The access into the site benefits from a significant gap between the dwellings Nos. 21 and 24 New Forge Court, and would still leave commensurate front garden areas for these properties. The applicant also does have ownership of this land. Levels do gradually slope down to the application site from New Forge Court and down to the Old Coppice on the opposite side of the site.

4.13 No. 21 New Forge Court would be side elevation to side elevation with the proposed adjacent ('plot 1'). Close board fencing on the boundary would adequate screening at ground floor level. 'Plot 1' would also be set in from the boundary and because of the ground levels, its height would be lower than no. 21.

4.14 No.24 New Forge Court is a bungalow with rear conservatory, and its rear garden would back onto a plot for a proposed two storey house ('plot 5'), with the side elevation of the house on 'plot 5' 14m from the rear elevation of no. 24. Plot 5 would be due south, and thus there could be impact on light and aspect. Plot 5 would be 1.1m lower in levels than no. 24. No. 24's conservatory is on the opposite part of the rear elevation and would face towards rear garden of 'plot 5'. Taking account of the amendment in height made, the effect on No. 24's amenities is considered acceptable.

4.15 At the opposite end of the site, the rear elevation of the bungalow at no.1 The Old Coppice is close to the boundary of the site and would face towards the side of a large dwelling proposed on 'plot 3'. Levels under this proposed dwelling would also be 0.6m higher. However the distance between the two would be 12-13m, and the plot 3 is to the north, so there would no significant light loss. The double garage for plot 3 is at eaves level nearest No. 1, with the roof sloping away. A line of cut back conifers would be maintained between plot 3 and the gable end of No. 2 Old Coppice to the north, with the nearest other proposed dwelling to no. 2 also sited an acceptable distance away.

DRAINAGE

4.16 Proposed surface water drainage as shown on the submitted plans shows a storage tank to be provided under the driveway of plot 3 that would drain into Windmill Way Culvert which is found at the end of the Old Coppice, approximately 40m away. The rate of discharge from the storage tank would be limited to 2 litres per second.

4.17 The view of the Foss Internal Drainage Board [see section 3.9] and CYC Drainage Engineers [see section 3.1] is that the surface water drainage arrangements brought forward on this application are satisfactory and would not result in increased drainage problems on adjacent sites.

4.18 The levels changes on the site relating to the impermeable areas (e.g. dwellings, driveways, patio areas) would be drained into the surface water system. The topographical and site sections submitted do also show there would be some changes to land levels in the remaining permeable areas, with use of retaining walls on plot 3 nearest properties on the Old Coppice. The site is known to have land drainage problems, and run off from ground levels changes on the adjacent Old Coppice development has caused waterlogging and flooding of the garden to no. 37 Towthorpe Road, part of which falls within the application site. An ombudsmen investigation upheld a complaint against the Council in this respect. Whilst this development could potentially be an opportunity to sort land drainage problems on the site, no information has been submitted that would indicate this has been taken account of in the design, and that the levels changes would not result in ponding at low points, waterlogging and run off to adjacent properties.

4.19 The foul water would connect into the existing sewage system on New Forge Court, with a private foul pumping station, as the levels on the site are lower than New Forge Court. The principle of this means of dealing with foul water is acceptable to Yorkshire Water, though details of the design of the pumping station and connection have not been submitted, and Yorkshire Water would wish to agree these as part of the detailed drainage design. This is a matter which could be dealt with through condition, in the event of this application being approved.

5.0 CONCLUSION

5.1 It is considered that the proposed development, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to surface water drainage, residential amenity or highway safety. As such the proposal complies with Policies GP1, H4, GP10, GP15, NE1, L1 and ED4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG13 and PPG25. This application is therefore recommended for approval.

6.0 RECOMMENDATION: Approve

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

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

Drawing LD/01/07 received 14 August 2006
Drawing LD/01/05 received 14 August 2006
Drawing LD/01/02A received 14 August 2006
Drawing LD/01/09B received 14 August 2006
Drawing LD/01/11 received 14 August 2006
Drawing LD/01/10 received 14 August 2006
Drawing MIT/LM/03 received 18 September 2006
Drawing FARN/06/RM/03 received 18 September 2006
Drawing LD/01/01E received 5 October 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.

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

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

- 3 VISQ8 Samples of exterior materials to be app
- 4 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

- 5 HWAY12 Initial 10m surfaced, details reqd
- 6 HWAY19 Car and cycle parking laid out
- 7 HWAY19 Car and cycle parking laid out
- 8 HWAY40 Dilapidation survey
- 9 Method of works - prior to the commencement of any works a detailed method of works statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, method of securing the site access to the site and the route to be taken by vehicles transporting the demolition and construction materials and the hours during which this will be permitted.

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

- 10 NOISE7 Restricted hours of construction
- 11 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: As our in-house research has shown no obvious potential source of contamination at the site, the watching brief is recommended.

- 12 ARCH2 Watching brief required
- 13 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory and sustainable drainage.

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing and off site works, have been submitted and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 15 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied prior to the completion of the approved surface water drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- 16 LAND1 IN New Landscape details

- 17 LAND2 Retention of trees shown on plans

- 18 LAND4 IN No trenches near tree trunks

- 19 The discharge of surface water to Windmill Way Culvert shall not exceed a rate of 2 litres per second.

REASON: To ensure that the development can be properly drained and to ensure protection of the local water environment.

- 20 DRAINAGE ROUTES

All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works.

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as ¿ridge and furrow¿ and ¿overland flows¿. The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Reason: To protect the proper drainage of the area.

- 21 6 METRE CLEAR OF CULVERT

No development, including building, filling, tree planting, or any other permanent obstruction, shall be located over, or within 6 metres measured from either outside edge of the pipe forming a culverted watercourse.

REASON : To ensure that access to the culvert is available for maintenance and prevent damage to the culvert.

- 22 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

7.0 INFORMATIVES:

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 surface water drainage, residential amenity or highway safety. As such the proposal complies with Policies GP1, H4, GP10, GP15, NE1, L1 and ED4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG13 and PPG25.

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361
Cafe Licence - Section 115 - Miss T Santana (01904) 551367

- 3 INFORMATIVE: You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

- 4 INFORMATIVE: Demolition and Construction. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to

ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
 2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
 3. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
 4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
 5. There shall be no bonfires on the site.
- 5 INFORMATIVE: The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £8,804.00.

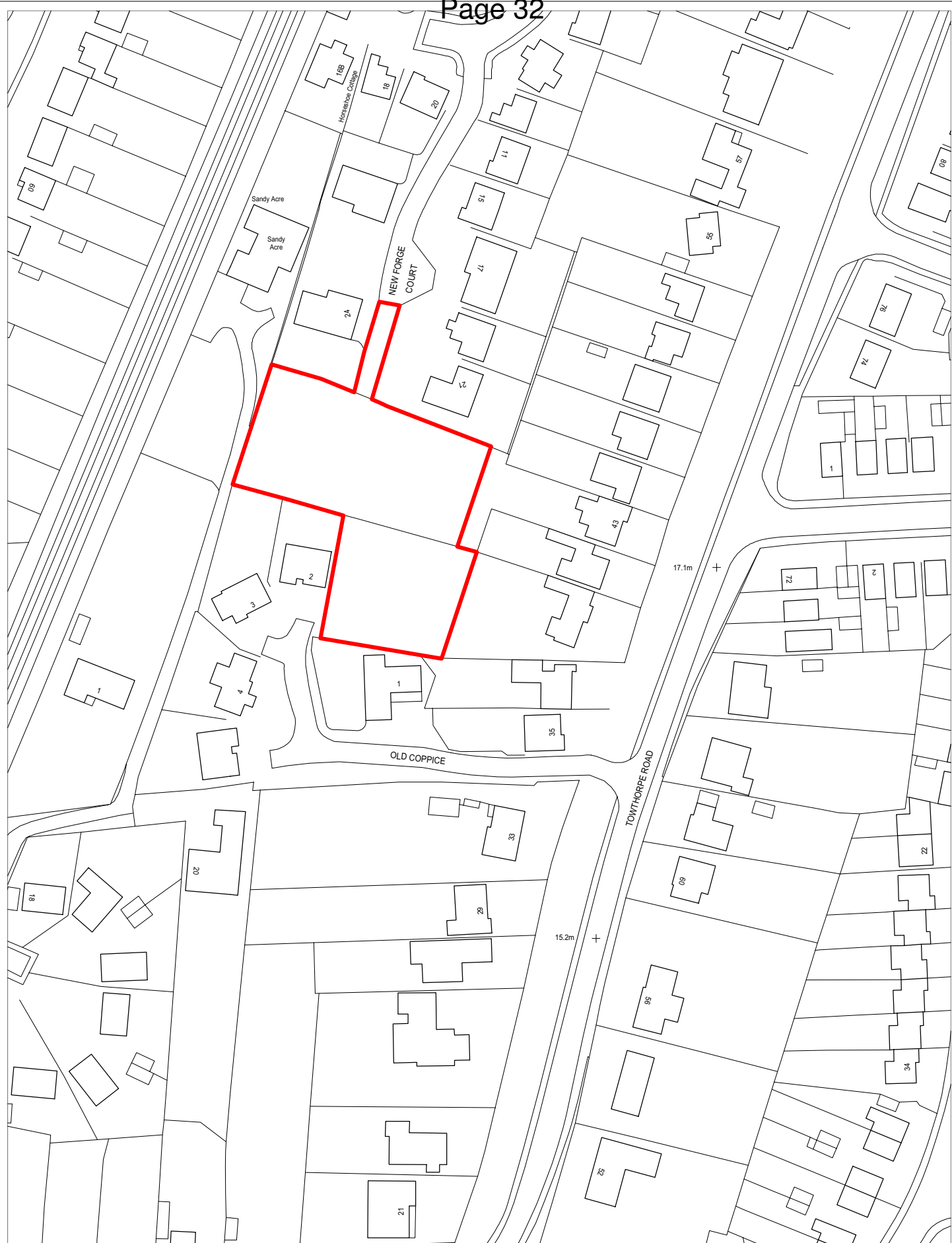
No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

- 6 INFORMATIVE: The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £8,804.00.

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

Contact details:

Author: Howard Smith Development Control Officer
Tel No: 01904 55135



CITY OF
YORK
COUNCIL

LAND TO REAR 37 TOWTHORPE ROAD, HAXBY - 06/01825



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 26/10/2006
Drawing No.

COMMITTEE REPORT

Committee: East Area **Ward:** Fishergate
Date: 9 November 2006 **Parish:** Fishergate Planning Panel

Reference: 06/02074/FUL
Application at: 3 Wenlock Terrace York YO10 4DU
For: Conversion of building from 4 no. flats to 9 no. flats with external alterations including new store in the rear yard
By: P M Yorkshire Ltd
Application Type: Full Application
Target Date: 15 November 2006

1.0 PROPOSAL

This application seeks permission for the conversion of this 19th century terrace property from 4 flats to 9 flats with external alterations including new store to the rear garden.

The property at present appears to be unoccupied but is shown on the existing plans to be divided into four/five flats/bedsits over five floors. The proposal intends to subdivide the property further to create flats one and two to basement, 2 studio flats to ground floor, flat 5 and studio flat 6 on first floor, flat 7 and studio flat 8 on second floor with flat 9 to the roof space.

Members are advised that there is currently a separate application running tandem to this for the change of use from residential to office including formation of vehicular access and car park to rear. These two applications are unrelated and each is being considered on its individual merits.

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

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

Internal

Highway Network Management - Highway Officers have no objections to the scheme subject to standard Highway condition 19.

Education - No contribution required.

EPU -

The Environmental Protection Unit have concerns with this application, Our concerns are over the loss of amenity for the residents of the proposed development through noise. 3 Wenlock terrace was originally designed as a single dwelling, this property was subsequently adapted to incorporate 4 flats. This application incorporates another 5 dwellings into a house which although large was initially designed as an individual property. If this application were to be successful we would see 9 individuals living within close proximity of one another.

The amount of noise generated in this scenario can not be predicted, different people have different lifestyles. An average person however would watch TV, listen to music have occasional gatherings with friends. If internal adjoining walls, floors / ceilings are left in there original state, these were not designed to attenuate noise from individual properties, only to separate rooms within one household, we can foresee that noise even at a reasonable level will impact on amenity of surrounding properties. This coupled with the fact that the development is for studio apartments, where one room is used for all activities will only escalate the problem as cooking, eating, sleeping and socialising will be conducted in the same area of each property rather than different rooms.

As a result of these concerns we recommend the following condition be placed onto the application, it will provide information to assess if this application is feasible with regards to better attenuation measures of internal / external party walls. Better insulation of the properties will only better the amenity of those who live within the proposed development.

The second condition is to ensure minimal disruption is experienced by the surrounding properties through noise as a result of the of the development.

Open Space - An open space contibution of £760 will be required as a commuted sum payment.

External

Parish/Planning Panel Response - No response at time of writing.

Neighbour Response - No Objections from consulted neighbours.

Additional Consultation - A site notice was posted at the site on the 22nd October. In light of the time limits involved officers request delegated authority to deal with any subsequent objections should the application be approved.

4.0 APPRAISAL

Key Issues

- the principle of the change of use
- the external appearance of the building
- the parking and open space

Policy H8 of the City of York Deposit Draft Local Plan states that Residential Conversions will only be granted where i) the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the number of households or occupants and will protect residential amenity for future occupiers. ii) External alterations to the building would not cause harm to the character or appearance of the building or area; and iii) adequate off and on street parking and cycle parking is incorporated; and iv) it would not create an adverse impact upon neighbouring residential amenity, particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses. And v) where adequate provision is made for the storage and collection of refuse and recycling.

THE APPLICATION SITE. - The application property is a Victorian terrace property that was once used as a single dwelling house but has since followed other properties within this street and converted to flats. The makeup of the street has now changed to a street of flats and guest houses.

The existing numbers of flats are shown below;

2 Wenlock Terrace - Guest house
4 Wenlock Terrace - 7 Flats
5 Wenlock Terrace - Guest house
6 Wenlock Terrace - 5 Flats
7 Wenlock Terrace - 5 Flats
8 Wenlock Terrace - 5 Flats
9 Wenlock Terrace - 5 Flats
10 _ 11 Wenlock Terrace - 16 Flats
12 Wenlock Terrace - Guest House
13 Wenlock Terrace - 5 Flats
14 Wenlock Terrace - 7 Flats
15 Wenlock Terrace - 7 Flats
16 Wenlock Terrace - 5 Flats
17 Wenlock Terrace - 5 Flats
(Information supplied by applicant and checked on site)

Wenlock Terrace has good links and is located close to the City centre and main transport routes into the city. To the rear good sized rear gardens back onto a rear lane.

Principle of increase of accommodation - This issue is the key issue to consider. Environmental Protection have concerns regarding the noise created by residents but have not formally objected and instead have added the conditions below to address their concerns. The internal dimensions of flats are of some concern and

could create a precedent that the rest of Wenlock terrace may follow. The smallest internal studio measures 18.7m sq and consists of a single room with open plan kitchen and wc off the main room. This is one of three studios one of which is of a very similar size.

Officers have limited authority to deal with the internal sizes of rooms and based upon this, on balance, Officers recommendation is approval.

Appearance - The external appearance of the building will be largely unaltered and will not harm the character or the architectural character of the building.

Parking and open space - The rear lane is difficult to access and the provision of two or three car parking spaces could be made available at the rear but at the expense of a communal rear yard for residents. New cycle and bin stores are indicated but more and better design work is required to show that 16 secure and covered bicycle stores could be made available together with the bin stores. Consequently further details of the bike and bin stores will be required.

5.0 CONCLUSION

REASON FOR APPROVAL

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

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 VISQ9 IN Rebuilding details to match existing
- 4 HWAY19 Car and cycle parking laid out
- 5 The floors and walls between each of the proposed flats and the adjacent dwellings shall be so adapted as to achieve a reasonable resistance to airborne / impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The

development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

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

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

Reason: To protect the amenity of the local residents.

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

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

2. The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £760.

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

3.

Demolition and Construction - Informative

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

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.

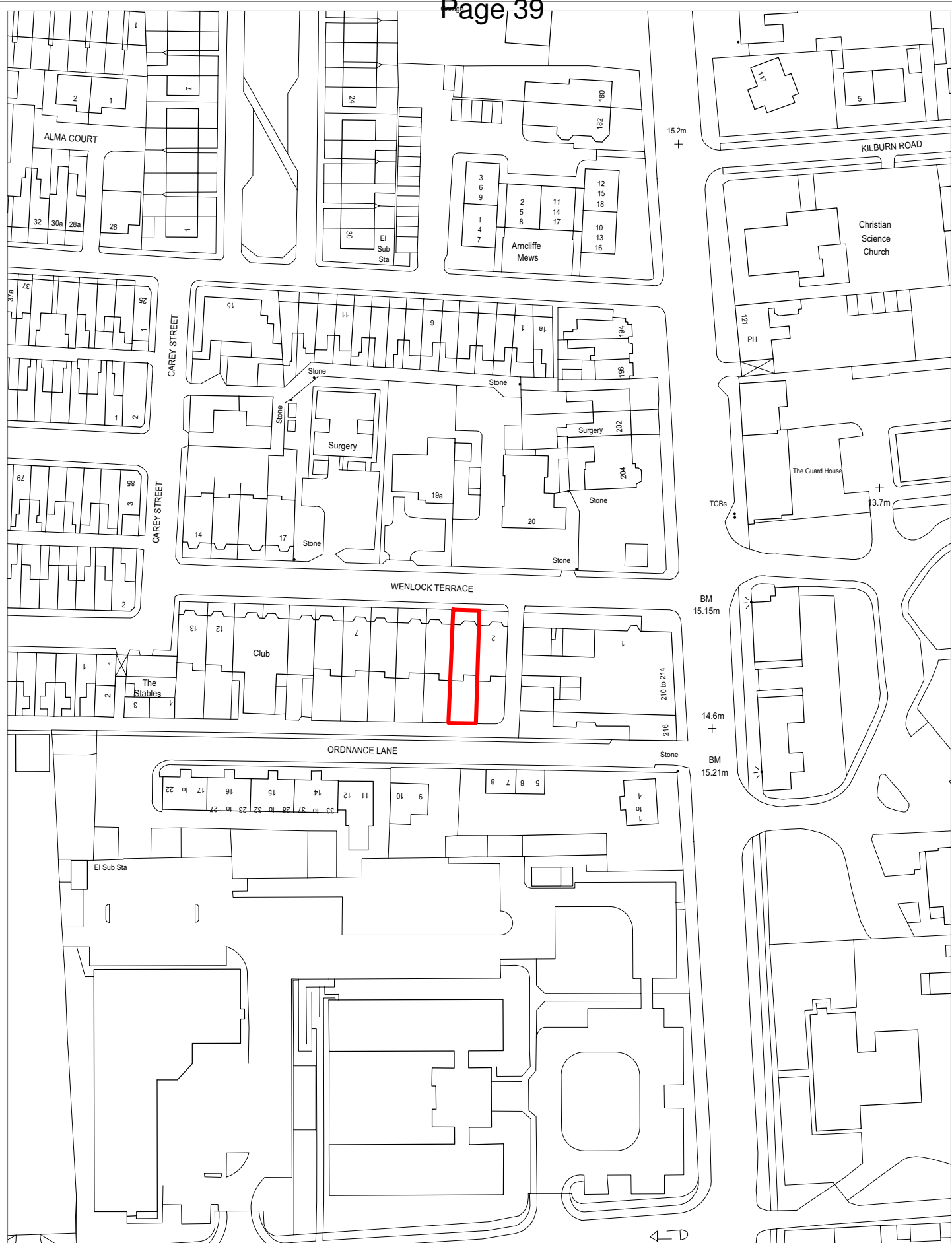
6 There shall be no bonfires on the site.

4. The applicant must ensure that all of the proposed flats meet the requirements of the 1985 Housing Act, with particular reference to natural lighting and ventilation to the basement flats.

Contact details:

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3 WENLOCK TERRACE - 06/02074/FUL

SCALE 1:1250 DRAWN BY PSL DATE 26/10/2006
 Originating Group Project Drawing No.

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