



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, 15 February 2007
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

**Site visits for this meeting will commence at 11.00 am on
Wednesday 14 February 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. Minutes (Pages 3 - 16)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 18 January 2007 and 30 January 2007.

3. Public Participation

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

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

4. Plans List

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

- a) 46 Station Road, Upper Poppleton, York (06/02701/FUL)**
(Pages 17 - 24)

One and two storey side extension and single storey extension to the rear. *[Rural West York Ward]*

- b) 1 Poppleton Hall Gardens, Nether Poppleton, York (06/02221/FUL)** (Pages 25 - 32)

Single storey extension to the north elevation, pitched roof one and two storey extension to the south side elevation, and pitched roof double garage at the front (revised scheme). *[Rural West York Ward]*

- c) 26 Tadcaster Road, Dringhouses, York (06/02780/FULM)**
(Pages 33 - 50)

Erection of 3 no. three storey houses and a three storey block comprising nine flats and one house, with ancillary garage and cycling blocks, after demolition of the existing buildings. *[Dringhouses & Woodthorpe Ward]*

- d) Bar 38, Coney Street, York (06/02788/FUL)** (Pages 51 - 56)

Retention of external seating area. *[Guildhall Ward]*

- e) 7 Hawkshead Close, York (06/02062/FUL)** (Pages 57 - 68)

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

- f) 114 Bishopthorpe Road, York (06/02715/FUL)** (Pages 69 - 76)

Change of use from residential dwelling to 6 bedroom guest house with owners' accommodation. *[Micklegate Ward]*

- g) Oakwood Farm, Northfield Lane, Upper Poppleton, York (06/02637/FUL) (Pages 77 - 88)**

Change of use to Class B1 (Business Use) and Class B8 (Storage and Distribution Use) (resubmission). [*Rural West York Ward*]

- h) 22 Bewlay Street, York (06/01199/FUL) (Pages 89 - 98)**

Rear dormer (reduction in size of existing unauthorised dormer). [*Micklegate Ward*]

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

Democracy Officer

Name: Simon Copley

Contact Details:

- Telephone (01904) 551078
- 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 14 February 2007****Coach departs Memorial Gardens at 11.00**

TIME (Approx)	SITE	ITEM
11.15	22 Bewley Street, York	4h
11.35	114 Bishopthorpe Road, York	4f
12.15	Oakwood Farm, Northfield Lane, Upper Poppleton	4g
12:40	46 Station Road, Upper Poppleton	4a
13:00	1 Poppleton Hall Gardens, Nether Poppleton	4b

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City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 JANUARY 2007
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), STEVE GALLOWAY (SUBSTITUTE FOR MACDONALD, FOR AGENDA ITEMS 5B & 5F), SUE GALLOWAY, HORTON, REID, SIMPSON-LAING AND B WATSON
APOLOGIES	COUNCILLORS MACDONALD AND SUNDERLAND
IN ATTENDANCE	COUNCILLOR MACDONALD (FOR AGENDA ITEM 6)

53. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
St James Vicarage, 257A Thanet Road, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Sue Galloway, Horton and Reid
Hebden Rise Adult Training Centre, Pateley Place, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Sue Galloway, Horton and Reid

54. DECLARATIONS OF INTEREST

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

Councillors Horton and B Watson declared personal prejudicial interests in agenda item 5a (153 Lowther Street, York) as they knew the applicant, left the room and took no part in the discussion or decision thereon.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 5a (153 Lowther Street, York) as her partner was the architect and she knew the applicant, left the room and took no part in the discussion or decision thereon.

55. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the public and press be excluded from the meeting during consideration of Annex A to agenda

item 6 (Enforcement Cases Update) (minute 59 refers) on the grounds that it contained 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.

56. MINUTES

RESOLVED: That the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 21 December 2006 be approved and signed by the Chair as a correct record.

57. 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.

58. 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.

58a. 153 Lowther Street, York (06/02437/FUL)

Members considered a full application, submitted by Steven Burton, for a single storey extension to the rear of the property.

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

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

58b. Hebden Rise Adult Training Centre, Pateley Place, York (06/02197/REMM)

Members considered a major reserved matters application, submitted by Consort Homes, for residential development comprising 23 flats in 1 no. three storey block and 1 no. part two, part three storey block.

The case officer reported that three additional letters of objection had been received since the publication of the report and also recommended the inclusion of an HT1 condition, restricting the height of the development to 11.1m above the existing ground level, the wording of which was circulated to Members.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant's architect.

Members requested the inclusion of a condition requiring a lockable gate on the rear car parking area, the details of which were to be approved by the Local Planning Authority. They also emphasised the need for accessible letterboxes and adequate space to be provided for recycling facilities.

Some Members expressed concern regarding the design of the elevation fronting onto Hebden Rise and the lack of on site amenity space.

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

- (i) Condition - "Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 11.1 metres, as measured from the existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area."

- (ii) Condition – "Before the first occupation of the development hereby permitted a lockable pedestrian and vehicle gate shall be provided at the entrance to the site from Pateley Place in accordance with details which shall be submitted to and approved by the Local Planning Authority. The gates shall be retained on their approved form and location whilst the development remains in place.

Reason: In the interests of the prevention of crime and disorder in accordance with policy GP3 of the Development Control Local Plan.”

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

58c. St James Vicarage, 257A Thanet Road, York (06/01283/REMM)

Members considered a major reserved matters application, submitted by Barratt Homes (York), for the erection of 26 dwellings with associated access road, garaging, parking and cycle stores.

The case officer recommended the deletion of the wording, “or dying or being severely damaged or becoming seriously diseased before the end of that period”, from condition 3 of the application, which related to retention of trees and hedges. He reported that drawing number PO6:3596:04 had been submitted, showing site elevations, and that condition 1 should make reference to this. He also presented advice that had been received from the City Development section regarding affordable housing.

Officers clarified, with regards to paragraph 4.6, that Policy H5a required new residential developments to aim to achieve net densities of greater than 40 dwellings per hectare, not 30 as stated.

Representations were received in objection to the application, on behalf of Dringhouses & Woodthorpe Planning Panel, and in support of the application, from the applicant’s architect.

Members requested the inclusion of the informatives recommended for the related application 06/02413/REM.

Some Members expressed concerns regarding the proposed design, the high density and the height of the development, particularly where it was close to Hob Moor.

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

- (i) Condition 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.
PO6:3596:04 – Site Elevations
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.”

- (ii) Condition 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 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.”

- (iii) Informative – “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."

- (iv) 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”

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

58d. St James Vicarage, 257A Thanet Road, York (06/02413/REM)

Members considered a reserved matters application, submitted by Barratt Homes (York), for the erection of 6 no. dwellings.

The case officer recommended the deletion of the wording, “or dying or being severely damaged or becoming seriously diseased before the end of that period”, from condition 3 of the application, which related to retention of trees and hedges. He reported that drawing number PO6:3596:04 had been submitted, showing site elevations, and that drawing number PO6:3651:01 (REV B) had been submitted, relocating the south eastern gable elevation 2.8m further away from the shared boundary with 103-113 North Lane, so that the distance between the buildings was 13.3-13.8m, and that condition 5 should make reference to these drawings. He also presented advice that had been received from the City Development section regarding affordable housing.

Representations were received in objection to the application, on behalf of Dringhouses & Woodthorpe Planning Panel and in support of the application, from the applicant’s architect.

Members requested the inclusion of the informatives recommended for the related application 06/01283/REMM.

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

- (i) Condition 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 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.”

- (ii) Condition 5 – “The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

PO6:3596:04 – Site Elevations
PO6:3651:01(REV B) - 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.”

- (iii) Informative – “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.”

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

58e. Plot 15, Great North Way, Nether Poppleton, York (06/01688/REMM)

Members considered a reserved matters application, submitted by White Rose Development Enterprises Ltd, for the erection of 2 no. light industrial/storage and distribution units (B2 and B8 uses).

The case officer reported that the applicant had submitted a sustainability statement since the publication of the report. A copy of this statement and updated wording for condition 11 following its submission were circulated to Members.

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

- (i) Condition 11 – “ The design of all the units shall be in accordance with the contents of the design statement dated 8 January 2007 submitted by the applicants’ agent under the reference AP/LM/975-22 which will satisfy the requirements of Policy GP4a.

Reason: In the interests of sustainable development.”

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

58f. Trentholme House, 131 The Mount, York (06/02603/FUL)

Members considered a full application, submitted by Mr W Legard, for the retention of safety railings at roof level.

The case officer reported that no representations had been received from the residents of the adjacent property and drew attention to a letter from the applicant’s health and safety consultants recommending that a toe board be fitted at the base of the railings. He also highlighted that the application did not include the decking currently in situ and that this would need to be removed, either by agreement with the applicant or by enforcement action.

Representations were received in support of the application, from the applicant’s agent, and a photograph of the railings was circulated to Members.

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

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

- 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.

59. ENFORCEMENT CASES UPDATE

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

Members requested that future reports include business names as well as addresses for easy identification of properties.

RESOLVED: That the report and updates be noted.

REASON: To inform Members of ongoing work in this area.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 3.00 pm and finished at 5.40 pm.

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	30 JANUARY 2007
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), HORTON, MACDONALD, REID, SIMPSON-LAING AND B WATSON
APOLOGIES	COUNCILLORS SUE GALLOWAY AND SUNDERLAND

60. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
42 Neville Terrace, York	As the application is recommended for approval and objections have been received	Councillors Horton, Macdonald and B Watson

61. 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 Bartlett declared a personal prejudicial interest in agenda item 3b (2 Clifford Street, York) as a member of the Licensing Sub-Committee that had considered an application for the premises. He left the room and took no part in the discussion or decision on the item.

Councillor Horton declared a personal prejudicial interest in agenda items 3b (2 Clifford Street, York) and 3d (Bar 38, Coney Street, York) as a member of the Licensing Sub-Committees that had considered applications for these premises. He left the room and took no part in the discussion or decision on these items.

Councillor Simpson-Laing declared a personal prejudicial interest in agenda item 3c (218 Salisbury Terrace, York) as a local resident. She left the room and took no part in the discussion or decision on the item.

62. 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.

63. 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.

63a. 42 Neville Terrace, York (06/02557/FUL)

Members considered a full application, submitted by Mr and Mrs Martin, for a two storey, pitched roof, side extension and garage to the rear, after demolition of the outside WC.

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

The case officer briefed Members on factors considered when assessing whether a property was a House of Multiple Occupation (HMO) and expressed the view that 42 Neville Terrace was a shared house, not an HMO. Members requested that copies of the briefing note on HMO's be circulated to them for future reference.

Some Members expressed concern regarding the visual impact of the proposal on the street scene and the noise that would result from the roller shutter garage door. Councillor B Watson proposed and Councillor Horton seconded a motion to refuse the application on these grounds. On being put to the vote, the motion was lost.

Members also expressed concern regarding the possible transmission of sound through the party wall to 76 Park Grove. It was therefore proposed that the application be deferred for advice on designing adequate sound attenuation into this wall.

RESOLVED: That the application be deferred.

REASON: For advice on designing adequate sound attenuation into the party wall with 76 Park Grove.

63b. 2 Clifford Street, York (06/02690/FUL)

Members considered a full application, submitted by Wayne Dixon, for the removal of condition 6 of planning permission 06/00372/FUL to allow 24 hour opening Monday to Sunday (current hours 0800 - 0100 hrs Monday - Thursday and 0800 - 0300 hrs Friday - Sunday).

Representations were received in objection to the application, from a nearby resident, and in support of the application, from the applicant's solicitor.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, the character and appearance of the conservation area and the special historic interest of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies S6, HE3 and HE4 of the City of York Local Plan Deposit Draft.

63c. 218 Salisbury Terrace, York (06/02777/FUL)

Members considered a full application, submitted by the York Diocesan Board of Finance Ltd., for the conversion of the existing church hall to 3 no. 1 bed apartments and external alterations.

The case officer reported that Environment Agency had objected to the application, as they had not yet seen the Flood Risk Assessment, and that the Council's Environmental Protection Unit had requested the inclusion of a condition controlling the hours of construction and ancillary operations on any permission granted. He also reported that Council's Network Management section had not raised any highway objections and had requested the inclusion of a condition requiring revised plans for cycle storage to be submitted. In relation to paragraph 4.14 of the report, he clarified that the street was not within a residents' parking scheme.

Representations were received in support of the application, from the applicant's agent. A 69 signature petition from residents of the Leeman Road area, objecting to the application, had been handed to the case officer before the meeting and copies of the covering letter, outlining their concerns, were circulated to Members.

Members raised some concerns regarding the relocation of ballet classes from the church hall to the refurbished church, in terms of whether the type of flooring would be appropriate. They expressed the view that there was a lack of information available about alternative facilities proposed at the refurbished church and available at the nearby school and therefore it was difficult to assess their suitability and affordability. They concluded that the application would result in the loss of an existing community facility, without demonstrating that it was no longer needed or that suitable alternative facilities had been provided, and was therefore contrary to Policy C3.

RESOLVED: That the application be refused.

REASON: The proposed development would result in the loss of an existing community facility. The Local Planning Authority considers that application does not adequately demonstrate that the existing facility is surplus to the requirements of the local community or that alternative acceptable sites have been provided.

As such the proposal is contrary to Policy C3 of the City of York Draft Local Plan, which states permission will only be granted for the redevelopment or change of use of existing community facilities where it can be demonstrated that the existing land or buildings are surplus to, or no longer capable of meeting, the existing or future needs of the local community, or where it can be demonstrated that alternative acceptable sites for the existing use can be provided.

63d. Bar 38, Coney Street, York (06/02789/FUL)

Members considered a full application, submitted by Inventive Leisure, for the variation of condition 12 of planning permission 97/01825/FUL to extend opening hours from 0900 - 2400 Monday - Sunday to 0900 - 0200 Monday - Wednesday and 0900 - 0300 Thursday – Sunday.

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

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

REASON: In the opinion of the Local Planning Authority the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, crime and disorder and the character and appearance of the conservation area. As such the proposal complies with national planning policy guidance note PPS:6, policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE3 and S6 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 12.00 pm and finished at 1.35 pm.

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 15 February 2007 **Parish:** Upper Poppleton Parish Council

Reference: 06/02701/FUL
Application at: 46 Station Road Upper Poppleton York YO26 6PY
For: One and two storey side extension and single storey extension to rear
By: Mr Pietro Manfredi And Miss Sarah Lewis
Application Type: Full Application
Target Date: 26 March 2007

1.0 PROPOSAL

1.1 The application is for a one and two storey side extension and a single storey extension to the rear of the original dwelling.

1.2 The property is a semi-detached dwelling set in a wide spacious suburban street. The street has a mixture of styles of dwellings.

1.3 This application comes before committee as the one of the applicants is an employee of the City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 09/01/2007

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 09/01/2007

8 WEEK TARGET DATE 26/03/2007

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

UPPER POPPLETON PARISH COUNCIL - No objections

1 LETTER OF OBJECTION

- The side extension will block light out of bedroom window (in side elevation facing proposed side extension)

- Will look out onto a brick wall instead of view of road

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

None

4.2 ADDITIONAL PLANNING POLICY

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

Poppleton Village Design Statement, 2003

4.3 KEY ISSUES

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

4.4 ASSESSMENT

PLANNING POLICY

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

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

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

The City of York Council supplementary planning guidance - Guide to extensions and alterations to private dwelling houses states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Side extensions should be set back at least 0.5 metres from the forward building line and set down in height from the height of the original roof to give the side extension an element of subservience and to reduce any terracing impact. A terracing effect can also be avoided by leaving a space between the extension and the boundary of about 1 metre. Generally roofs that reflect the pitch and style of the existing roof are encouraged. Generally this will be in the form of a pitched roof that will match the main property.

The supplementary planning guidance - Poppleton Village Design Statement states that the scale, design and materials etc must all be considered and be sympathetic. To conserve the special character of the traditional communities, the size, scale and massing of extensions should harmonise with neighbouring properties and spaces. Contemporary design should complement and be in sympathy with existing building character.

VISUAL IMPACT ON THE DWELLING AND THE AREA

The proposed side extension is set back only 0.2 metres, less than the 0.5 metres guideline in the CYC supplementary planning guidance. The proposed extension is set back as far as the existing side garage. The proposed side extension is 3.75 metres in width compared to the width of the original dwelling of 6.4 metres. There is a significant set down in height of the side extension from the original dwelling which creates an element of subservience to the main dwelling despite the small set back from the building line. The proposed side extension also maintains a 0.8 metre gap between the proposed extension and the side boundary.

The proposed rear extension spans the full width of the original dwelling and two thirds of the width of the side extension. There are similar examples of rear extensions within the street, 48 Station Road has a rear extension spanning the full width of the dwelling and would be a similar depth to the proposed.

IMPACT ON NEIGHBOURING PROPERTY

The neighbouring dormer bungalow - 44 Station Road, has a first storey bedroom window in the side elevation facing the proposed side extension. There would be a distance of 5.2 metres between the proposed extension and this window and it is not considered to cause any significant loss of light to this window. Any over shadowing would be minimal by virtue of the distance between the dwellings, the orientation of the dwellings, and the proposed hipped roof sloping away from this dwelling. This proposed extension is not considered to have an overbearing or over dominant impact on the neighbouring property. The occupant of 44 Station Road has concerns about the loss of part of the view of the street, however it is noted that this window is a secondary window to the bedroom, and the loss of a view from this secondary window is not considered sufficient enough to warrant refusal. There are no windows proposed in the side elevation and therefore it is considered there would be no loss of privacy to the occupants of 44 Station Road.

The proposed rear extensions are not considered to impact negatively on the residential amenity of the occupants of the surrounding dwellings.

5.0 CONCLUSION

5.1 The proposed two storey side extension and single storey rear extension would not cause any loss of residential amenity of the occupants of the surrounding dwellings. The proposed side extension is subservient in appearance to the original dwelling and is not considered to cause undue harm to the character of the dwelling or the street scene. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number 1297.3 received 8 December 2006

Drawing Number 1297.4 received 29 January 2007;

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

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

- 2 TIME2 Development start within three years
- 3 VISQ1 Matching materials

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) no additional windows other than those shown on the approved plans shall be constructed.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); and Poppleton Village Design Statement (2003).

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

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CITY OF
YORK
COUNCIL

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

Site Plan : 06/02701/FUL 46 Station Road Upper Poppleton York

SCALE 1:1250

DRAWN BY JB

DATE 2/2/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 4



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 15 February 2007 **Parish:** Nether Poppleton Parish Council

Reference: 06/02221/FUL
Application at: 1 Poppleton Hall Gardens Nether Poppleton York YO26 6LE
For: Single storey extension to North side elevation. Pitched roof one and two storey extension to South side elevation. Pitched roof double garage to front (revised scheme)
By: Chris Swift And Sonia Snowden
Application Type: Full Application
Target Date: 10 January 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a single storey extension to the north side elevation, a pitched roofed one and two storey extension to the south side elevation and a single garage to the front (revised scheme). All materials used will match the existing where appropriate.

1.2 The application relates to a 60's/70's detached brick built property. The property is located on a corner plot within the Nether Poppleton Conservation Area. The south facing side garden is contained by dense hedge and tree planting. The property has an attached garage to the side, which can be accessed using the existing driveway. The southern garage elevation of No.2 Poppleton Hall Garden runs flush with the northern boundary of the application site.

1.3 The application was called into Committee by Cllr Macdonald.

RELEVANT HISTORY

06/02221/FUL - Single Storey Extension to North Side Elevation, Pitched Roofed One and Two Storey Extension to South Side Elevation and Pitched Roofed Double Garage to Front - Refused 7th September 2006.

Planning Appeal APP/C2741/A/06/2026386/NWF relates to the above (status: currently undetermined)

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Nether Poppleton 0019

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

CYHE2

Development in historic locations

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No Objections

3.2 Urban Design and Conservation - No Objections

EXTERNAL

3.3 Nether Poppleton Parish Council - Objections

- * Scale, mass and design harm the character of the dwelling.
- * Dominates the corner plot appearing cluttered.
- * Harms the character and appearance of the Conservation Area.
- * Contrary to Policy and Village Design Statement.

4.0 APPRAISAL

KEY ISSUES

1. Planning Policy
2. Visual impact on the dwelling and the conservation area
3. Impact on neighbouring property

PLANNING POLICY

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

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

4.3 Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG15) sets out the approach to dealing with proposals that affect Conservation Areas. In making decisions on proposals in Conservation Areas, Planning Authorities have a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy E4 of the North Yorkshire County Structure Plan states that areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Development Control Local Plan are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

4.4 HE2 - Development in Historic Locations: within or adjoining conservation area, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

ADDITIONAL PLANNING POLICY

4.5 CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001
Poppleton Village Design Statement, 2003

ASSESSMENT

4.6 Application 06/01536/FUL was previously refused for the following reasons:-

"By virtue of the scale, mass and design the proposed extensions would have an overwhelming, dominant and cluttered appearance and are considered to have an incongruous impact on the character of the dwelling and therefore contrary to Policies H7 of the City of York Development Control Local Plan (2005), Design Guideline 14 of the Poppleton Village Design Statement, and the City of York supplementary design guidance - guide to extensions and alterations to private dwelling houses."

"By virtue of the scale, mass and design the proposed extensions would have a negative impact on the character of the Nether Poppleton Conservation Area by virtue of the extensions appearance and prominence and would result in harm to the visual amenity of the Nether Poppleton Conservation Area and the street scene and is therefore contrary to Policies HE3, GP1 and H7 of the City of York Development Control Local Plan, Guideline 12 of the Poppleton Village Design Statement, and the City of York supplementary design guidance - guide to extensions and alterations to private dwelling houses."

4.7 The original dwelling has an existing footprint of approx. 89.77 sq metres; application 06/01536/FUL proposed to increase this by approx. 70.68 sq metres to 160.45 sq metres.

4.8 In response to the "reasons for refusal" the applicant has reduced the size of the footprint to 121.97 sq metres, removing the proposed double garage is the predominant reason for the reduction in floor space.

4.9 A further 10 centimetre set down of the southerly projecting ridgeline and alteration to the side/rear single storey roof elevation must also be taken into consideration.

4.10 The aforementioned omissions and alterations are considered significant enough in this instance to overcome the original refusal decision for the following reasons:-

SUMMARY

4.11 Omitting the easterly projecting double garage enables the applicant to retain the frontage of the existing property and the relatively uninterrupted building line associated with this particular street scene.

4.12 As the application site is located within the Nether Poppleton Conservation Area, where the Local Planning Authority has a duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area. If any proposals would conflict with that objective, there will be a strong presumption against the granting of planning permission. In this instance the character and appearance of the Conservation Area is dominated by a range of modern properties with no architectural or historic merit. The applicants property is set well back from Church lane and partially screened by existing hedging; the subservient nature of the design is not considered to impact upon the more sensitive areas of the Conservation Area.

4.13 The single storey side extension runs parallel with the neighbours garage, mitigating any visual or residential impact. The rear projection of the aforementioned extension is 0.6 metres higher than the existing flat roofed garage; naturally some additional overshadowing will occur, however the location of the pitched roof and the distance provided between the ridge and boundary ensures that any impact in negligible.

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

CS/NP/10A - Alterations and Extensions
CS/NP/11A - Proposed Works Elevations

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

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

- 3 VISQ8 Samples of exterior materials to be app
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows to those shown on the approved plans shall at any time be inserted in the side elevation of the property.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity and the character and appearance of the designated Conservation Area. As such the proposal complies with PPG15 and Policies H7, GP1 and HE2 of the City of York Development Control Draft Local Plan.

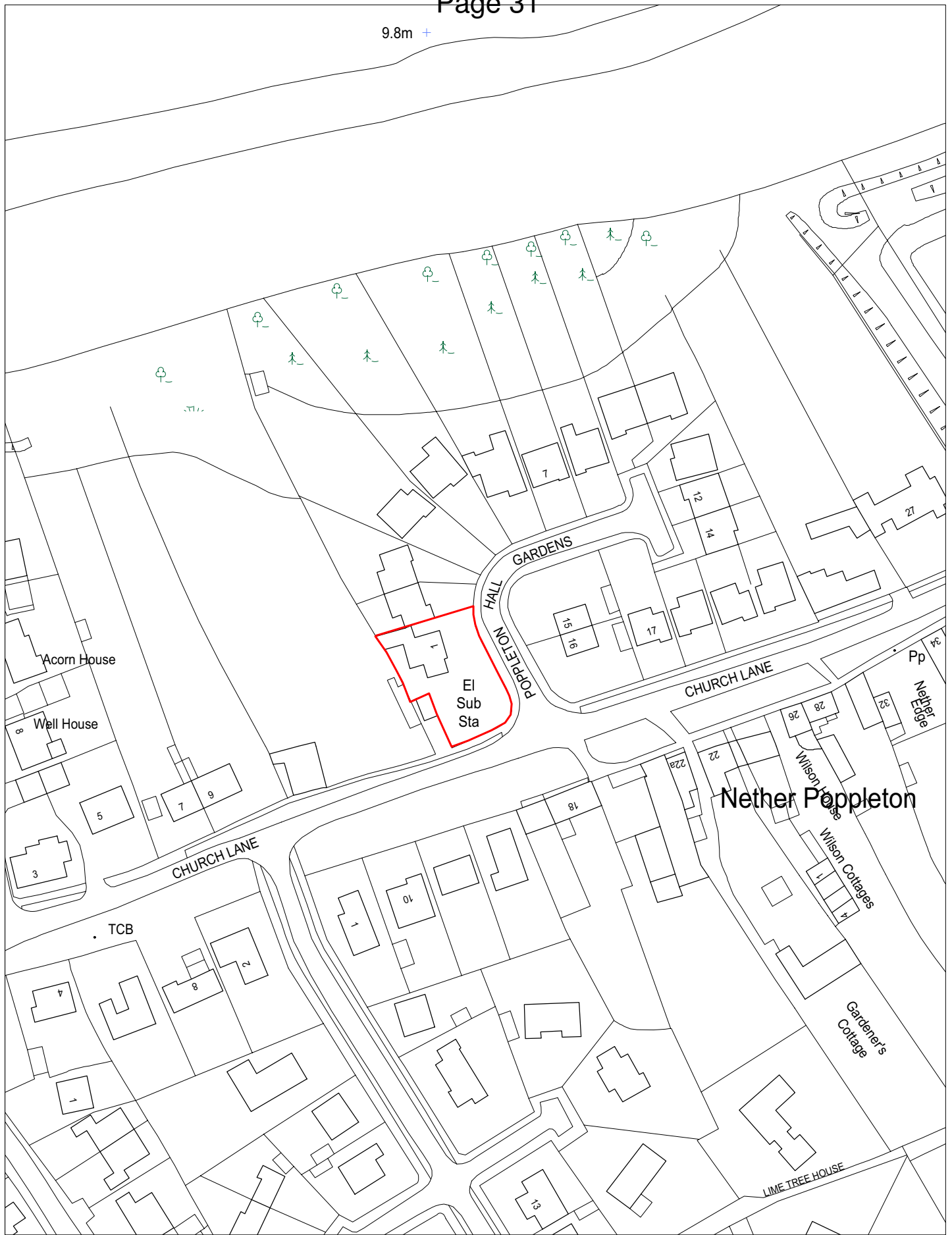
Contact details:

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Tel No: 01904 551416

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9.8m +



CITY OF
YORK
COUNCIL

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

Site Plan : 1 Poppleton Hall Gardens Poppleton York

SCALE 1:1250

DRAWN BY JB

DATE 2/2/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 5



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Dringhouses And Woodthorpe
Date: 15 February 2007 **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 06/02780/FULM
Application at: 26 Tadcaster Road Dringhouses York YO24 1LQ
For: Erection of three 3 storey houses and a 3 storey block comprising nine flats and one house with ancillary garage and cycle parking blocks after demolition of existing buildings (Re-submission)
By: Pilcher Homes Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 16 March 2007

1.0 PROPOSAL

1.1 This application relates to a site occupied by two detached houses on Tadcaster Road, the garages and fore court area to the rear, a bungalow at the rear, its gardens and an area of overgrown vegetation.

RELEVANT HISTORY

1.2 03/04013/FUL - Erection of 16 dwellings in two blocks with ancillary garage blocks after demolition of existing buildings. - Refused (West Area P&T Sub Committee) 20th January 2005.

1.3 06/00103/FULM - Erection of 3 no 3 storey houses and a 3 storey block comprising 10 flats with ancillary garage and cycle parking blocks after demolition of existing buildings (Re-submission) - Refused (West Area P&T Sub Committee) 16th March 2006 for the following reasons

"In the opinion of the Local Planning Authority the proposed buildings, by virtue of their scale, height, massing and design are inappropriate in this area and would harm the appearance and character of the area, the setting of the Tadcaster Road Conservation Area, and the amenities of residents living close to the site. As such, the proposal is contrary to Policy E4 of the North Yorkshire County Structure Plan and Policies GP1 'Design', H4 'Housing Development in Existing Settlements', GP10 'Subdivision of Gardens and Infill Development' and HE2 'Development in Historic Locations' of the City of York Local Plan Deposit Draft"

"The Council considers that the proposal would result in an unacceptable increase in the level of vehicular movements using this access point, which emerges from within a busy bus stop lay-by and into the lane structure of a busy signalised junction on a principal arterial route into the City. Traffic levels and potential conflicts on the highway at this junction have intensified since the garages on the site were last used

as garages rather than for storage, and the traffic increase would be greater than the maximum number of potential movements that could reasonably be expected if the garages at the site were to be fully reused for vehicles. Furthermore, traffic movements associated with the development here would be significantly greater than the existing (and any future likely) vehicular use of the garages. The proposal would, therefore, result in the intensification in the use of an unsuitable access point, causing interference with the free flow of traffic and a consequent danger to highway and pedestrian safety"

1.4 The applicant now seeks planning approval to erect 'Villa A', a block of 9 flats and 1 house over three storeys, located to the rear of the existing Co-op shop ('Villa A' has been reduced by 0.5 metres to 11.1 metres),"Villa B', a block of 3 town houses over three storeys on the Tadcaster Road frontage and a small detached building immediately to the rear of the Co-op that would serve as a cycle and bin store. 'Villa B' has been moved in a southerly direction to within 2 metres of the Co-op to accommodate a revised vehicular and pedestrian access. Three garaging blocks are proposed to the west of the site, providing on space per residential unit. 6 visitor/disabled parking spaces have also been provided within the site. buildings providing garages are proposed further within the site. The overgrown area to the rear of the site would be considerably landscaped and used as a garden area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Dringhouses Area 0008

Conservation Area Tadcaster Road 0034

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Dringhouses Primary 0193

2.2 Policies:

CYGP10
Subdivision of gardens and infill development

CYGP1
Design

CYH4A
Housing Windfalls

CYL1
Open spaces in new residential developments

CYNE1

Trees, woodlands, hedgerows

CYHE3

Conservation Areas

CYHE2

Development in historic locations

CYED4

Developer contributions towards Educational facilities

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 HIGHWAY NETWORK MANAGEMENT: No Objections (Conditions Included)
(Awaiting written confirmation)

3.3 LANDSCAPE ARCHITECT: The amended scheme retaining the garden area to the rear is much better. Concern over scale of proposed buildings in relation to the surrounding external space and that Villa B is divorced from the garden area at the rear. A tree of note is the mature Ash adjacent to the site in the grounds of no.1 St Helen's Road. There is concern over the proposed change in levels to create the ramp to the parking court and its compatibility with the Ash tree.

3.4 ECOLOGIST: Comments as before with regard to incorporating bat habitat into the design.

Previous Comments

The site has been surveyed by the Council's Ecologist and there is no evidence of bats roosting on the site. The site is of some interest if only as a 'wild' area in an otherwise built up area. There is substantial blackberry and blackthorn thicket, which offers a potential foraging area for bats and garden birds. There are other, better, feeding sites for bats in the vicinity however at the nearby ponds and lakes. In general it is considered that this is the type of site that should be retained however as there is nothing of substantive ecological interest on the site that would warrant its protection.

The location is such though that there are opportunities to incorporate biodiversity enhancement into the fabric of the building. Such proposals can be requested under the new nature conservation guidance note PPS9, which recommends the planning process should be used to implement biodiversity enhancement with the basic tenet now being on gain rather than net loss. It is guided by a series of key principles and guidelines.

The relevant principles etc with regard to this site are

Key Principle 2 Planning policies and planning decisions should aim to maintain and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local authorities should ensure that appropriate weight is attached

to designated sites....., protected species: and to biodiversity and geological interests within the wider environment.

3.5 HEAD OF DESIGN AND CONSERVATION: The domestic scale of properties on Tadcaster Road is broken on the frontage here by some large detached buildings in the vicinity of St. Helen's Road (eg. the public house on the corner of this road). This revised proposal for Villa B does not look out of scale with these properties. The ridge and eaves lines are comparable, and the different areas of fenestration are similar in scale and proportion. Villa A (the rear block) is of similar height and architectural style to Block B, and the same arguments would apply here. For these reasons the architectural design of both Villas is considered acceptable.

The existing road frontage buildings are not within the Tadcaster Road conservation area (as stated in some objections). In this location the conservation area boundary is at the rear of the footpath on Tadcaster Road. For the reasons stated above, the effect on the setting of the conservation area of the proposals is also considered acceptable

However, the open space provision here looks minimal - and a commuted sum may be necessary to meet the requirements for the necessary amenity space for residents.

3.6 LIFELONG LEARNING AND LEISURE; A commuted sum should be paid to the Council for amenity open space - which would be used to improve a local site such as Micklegate Stray. In addition we would require payment for play space, which would be used to improve a local site such as Nelsons Lane. Payments should also provide additional sport pitches , which would be used to improve facility within the West Zone of the Sports and Active Leisure Strategy (current projects include improvements to Dringhouses Sports Club grounds)

3.7 EDUCATION: The proposal would have an impact on Dringhouses Primary School and Millthorpe Secondary School. The proposal, in addition to other developments in the area, is projected to produce more pupils than there are currently places at Dringhouses Primary and Millthorpe Secondary School and as such a financial contribution of £40,656 is required.

3.8 ARCHAEOLOGIST: This site occupies the north-west facing slope of a low ridge of glacial moraine which runs in a south-west-north east alignment. This type of site is more suited to agricultural use than the surrounding lower lying land. A small Roman cemetery consisting of at least five stone coffins has been observed near the junction of St Helens Road and Tadcaster Road. Such cemeteries are frequently found in association with Roman villas. The burials may, however, simply represent a small roadside cemetery. In the medieval period this site formed part of the manor of Dringhouses. From the plan of the manor drawn up by Samuel Parsons in 1624, it appears that this site consisted of strip holdings running from Tadcaster Road to the beck. This pattern of land division is apparent on the 1853 OS plan of the area and can be traced through to the present shape of this site. There has been an archaeological evaluation of this site (MAP 2004). Significant evidence relating to occupation of this area during the Roman period was recovered. The site contains features and deposits of Roman date which must be recorded prior to development

taking place. Conditions ARCH1 and ARCH2 must be placed on any consent which is granted

3.9 ENVIRONMENTAL PROTECTION UNIT: Concerns (Conditions Included)

have concerns that noise created by the condensing unit of and deliveries to the nearby Co-op will have an impact on the amenity of occupants, throughout the day and night.

Noise and odour from the extraction system from the public houses kitchen will effect the amenity of occupants of this new development. Noise from patrons leaving the public houses, using the beer garden and car park to the rear of the pub will affect the amenity particularly during night time hours.

Noise created during construction of this development will affect nearby residents.

Due to the close proximity of a petrol station concerns are raised regarding contamination of the land, potentially being detrimental the health of occupants.

3.10 YORK CONSULTANCY: Objections

"Insufficient information has been provided by the applicant to determine the potential impact the proposals may have on the existing drainage systems."

311 EXTERNAL

3.12 YORKSHIRE WATER: No Objections - Comments - Conditions recommended (see conditions 24 and 25)

"The local public sewer network does not have capacity to accept any additional discharge of surface water from the site"

3.13 MARSTON MOOR INTERNAL DRAINAGE BOARD: If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the site.

The applicant should provide information as to the point of discharge of the sewer in order that the Board may comment of the suitability of the receiving watercourse.

The development probably discharges into Holgate Beck, a watercourse that will be under the control of the Environment Agency as from 1st April 2006. It is advised that the Agency's comments are sought on this application. The applicant is currently in discussion with the Environment Agency; the outcomes of any consultations will be presented verbally to Members.

3.14 DRINGHOUSES AND WOODTHORPE PLANNING PANEL: Object to the application for the following reasons:

- i) contrary to Local Plan Policy GP1.
- ii) unsuitable access and exit point

- iii) demolition of three perfectly sound dwellings
- iv) impact upon street scene
- v) traffic hazard and increased congestion
- vi) reduced visibility when bus stop is occupied

3.15 North Yorkshire Police - urges the developer to work in partnership with the Police and the Local Authority in trying to reduce crime by considering the Police "Secured by Design" Award Scheme for this site. Raise concerns that the bike stores are not overlooked by residents and that there are no current plans to "gate off" the access between No's 9 and 11 Mayfield Grove.

3.16 NEIGHBOUR LETTERS, SITE AND PRESS NOTICES: 36 letters of objection have been received from neighbouring properties regarding the applicants' proposals. The letters raised concerns regarding:

- impact on views
- loss of green area, wildlife habitat, and natural drainage area,
- unsuitability of access - bus layby, junction with right turn lane, traffic stopping for shop, playgroup, petrol station etc
- impact on road safety
- additional traffic would cause congestion, also cumulatively with other development in area
- concern that proposal would open up rear garden boundaries creating security problem
- impact on residents from pollution and noise from cars using garages
- drainage system struggling - cannot cope with more houses
- height and massing of proposed villas - visual impact and impact on character of area
- risk to gardens and drainage of excavating ground for garages
- concern over future development of garden area at bottom of site
- devalue properties
- impact on privacy of neighbours
- archaeological importance of site

4.0 APPRAISAL

4.1 KEY ISSUES

- planning policy
- impact on character and appearance of area
- impact on residents
- highway matters - traffic/access
- drainage
- ecology
- other issues
- education

PLANNING POLICY

4.2 Planning Policy Guidance Note 3 'Housing' (PPG3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPG3 advises Planning Authorities to seek housing densities of between 30 and 50 dwellings per hectare with greater intensity at locations with good public transport accessibility. PPG3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development.

4.3 Policy H4 'Housing Development in Existing Settlements' of the City of York Local Plan states that permission will be granted for new housing development on land within settlements providing it is vacant/derelict/underused or involves infilling, redevelopment or conversion; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.4 Policy GP1 'Design' includes the expectation that development proposals will : respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using 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.

4.5 Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.

4.6 Policy GP10 ' Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

IMPACT ON CHARACTER OF THE AREA

4.7 The proposal involves the demolition of 2 two storey houses and a bungalow. The proposed 'villas' are large three storey blocks. The surrounding development is predominately two storeys with the public house on the corner of Tadcaster road and St Helen's Road being the tallest building in the vicinity and comprising two storeys with rooms within the roofspace. The proposed villas are of a similar overall height to the public house building. Both villas are large buildings however with large footprints and their scale, proportions and massing are greater than surrounding properties. The architect has tried to address this issue by introducing gables, bays, chimney stacks and other features to reduce the massing but has stopped short of incorporating the third floor wholly within the roofspace. It is considered that although the buildings would have a significant presence in the street scenes of Tadcaster Road and St Helen's Road they would not dominate the street to the extent that they would harm the character of the area.

4.8 The building design follows an Edwardian style, which is normally associated with dwellings of a lesser scale. Although this style is less successful on buildings of this size it is nonetheless considered acceptable.

4.9 The application site is located beyond the boundaries of the designated Conservation Area. The proposals are not considered to adversely impact upon the character and appearance of the Conservation Area.

IMPACT ON RESIDENTS

4.10 The principal elevations of the building face the public house car park and nos.5, 7, and 9 Mayfield Grove. The distance between the building and the rear of these properties is 39-41m, well in excess of the Council's minimum distance of 21m for two storey development. Considerable planting is proposed along the boundary with these properties, to protect privacy in their gardens and soften the visual impact of the building.

4.11 The rear windows of Villa B face the rear gardens of nos. 5 and 7 Mayfield Grove however the tall building at the rear of Touchwood DIY shop would screen views from Villa B and protect privacy.

4.12 The proposed garage buildings at the rear of nos. 9,11,13,15,17,and 19 Mayfield Grove would be constructed on two levels, lower than the existing ground level and taking advantage of the fall in the land. As a result the elevations facing the Mayfield Grove properties, would only be 4.4m (garages 1 & 2), 4.6m (garages 3 to 10) and 3.2m (garages 11 to 13) above the existing ground level and project 2.6 metres (garages 1 to 10) and 1.6 metres (garages 11 to 13) above the 2 metres fence proposed along the northern boundary. Most of the Mayfield Grove properties, except no.15, either have dense vegetation and/or high hedges along their rear boundaries that would effectively screen or block views of the proposed garages.

4.13 The garages would provide parking for 13 cars, which would generate some noise and activity in this backland area that had hitherto been a quiet garden area. Given the presence of vegetation around the site boundaries and the length of Mayfield Grove and St Helen's Road gardens it is considered that noise and disturbance would not reach a level that would warrant refusal of planning permission.

HIGHWAY ISSUES

4.14 A new access point has been proposed between the northern elevation of "Villa B" and the "Tile Store", 24, Tadcaster Road.. The access is set away from the junction of Tadcaster Road and St Helens Road and enables uninterrupted access to the existing bus stop.

4.15 Revised plans showing additional alterations to the highway layout have been submitted at the request of Highway Network Management. Initial consultations with Highway Network Management appear favourable towards the scheme, as it improves further a scheme that was considered acceptable as previously submitted.

4.16 Additional comments will be collated and presented prior to the commencement of Committee discussions.

DRAINAGE

4.17 Yorkshire Water have no objections to the scheme. However, they have made the following observations.

- * Foul water may be discharged to the public sewer recorded in Tadcaster Road or to the 225mm diameter public combined sewer in land to the west, at a point approx. 25 metres from the site.

- * The local sewer network does not have the capacity to accept any additional discharge of surface water from the proposal site. The developer and Local Planning Authority are advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

- * It is understood that a culverted watercourse is located approx. 25 metres to the west of the site and appears to be an obvious place for surface water disposal.

4.18 Yorkshire Water also seek the inclusion of conditions (if the Local Planning Authority is minded to approve the application) to ensure the following:-

- * Site is developed with separate systems of drainage for foul and surface water on and off site

- * Details of the above and any balancing works and off site works prior to the commencement of development.

- * No piped discharge of surface water from the development prior to the completion of approved surface water drainage.

4.19 The concerns raised by York Consultancy will in part be dealt with by the aforementioned conditions. Issues relating to the reduction in ground levels in and around the garage area and its subsequent drainage are currently being investigated by the applicant.

ECOLOGY

4.20 The lower part of the site is mostly overgrown vegetation and is used by garden birds for feeding. The Council's Ecologist has no evidence that the site is used by protected species such as bats, and the site does not contain any trees of significance or of a quality to warrant a Tree Protection Order. The site has ecological value as a wild area in an otherwise suburban area and it would benefit wildlife and encourage the biodiversity of the area if some of the vegetation were retained rather than being landscaped as formal gardens. The proposals also offer opportunities to implement biodiversity enhancement under the new nature conservation guidance note PPS9. These items can be secured by condition (see conditions 21 and 22 below).

OTHER ISSUES

4.21 An archaeological evaluation of the site has been carried out by the applicant revealing Roman features and deposits and as such, a programme of archaeological work is therefore required prior to work commencing on the site.

4.22 The security of residents adjoining the site can be protected by the provision of some robust boundary treatment, which can be secured by condition. The proposals would also introduce an element of natural surveillance to this backland area.

EDUCATION:

4.23 The proposal would have an impact on Dringhouses Primary School and Millthorpe Secondary School. The proposal, in addition to other developments in the area, is projected to produce more pupils than there are currently places at Dringhouses Primary and Millthorpe Secondary School and as such a financial contribution of £40,656 is required. The basis for this calculation is contained within the Councils Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

OPEN SPACE

4.24 The lack of open space provision within the site, requires the applicant to make a financial contribution to the Council secured by a Section 106 agreement. £18,647 is required to provide additional "amenity open space within the surrounding area.

5.0 CONCLUSION

5.1 It is considered that the proposal would not harm the character of the area (including the adjacent Conservation Area), the amenities of residents, worsen highway safety or harm the biodiversity of the area subject to the conditions listed below. The proposal would result in additional pressure on facilities for outdoor sport/recreation and children's play and on the local primary and secondary schools. These impacts could be mitigated by way of financial contributions secured by a S106 legal agreement required by conditions 31 and 32. At the time of writing the issue of dealing with the drainage of surface water from the site has yet to be resolved however subject to the satisfactory resolution of this issue, the completion of a legal agreement and the conditions listed below Members are recommended to grant permission.

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:-

Dwg 106/101E - Site Layout, including location plan.
Dwg 106/02B - Villa A elevations.

Dwg 106/03B - Villa A Floor plans.
Dwg 106/04D - Street scene elevations.
Dwg 106/05D - Villa B design proposal.
Dwg 106/06D - Garage design proposal.
Dwg 106/07 - Cycles and refuse building design proposal.
Dwg 106/08 - Topographical Survey.
B002 Rev B - Indicative Elevations.
04/160/DE/001 - Proposed Highway Works, Kerbing and Road Markings.
04/160/DE/002 - Proposed Highway Works, Site Clearance and Construction.

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

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

- 3 Prior to the commencement of the development a noise assessment must be carried out to the written satisfaction of the Local Planning Authority. This assessment must determine the noise impact of patrons using and leaving the public house. The assessment must determine the impact that deliveries to the co-op would have on the amenity of occupants. The study must evaluate the operation of the combined effect of the condensing unit to the rear of the co-op and the public houses kitchen extraction. This study must be carried out in line with the British Standard 4142 and PPG 24.

Reason To determine measures needed to be put in place to protect the amenity of occupants from noise.

- 4 Prior to the commencement of the development an assessment of the odour from the public house extraction system must be carried out to the written satisfaction of the Local Planning Authority. This assessment must determine the odour effect that the effluvia emitted from the public houses extraction has when in full operation.

Reason To determine measures required to protect the amenity of occupants from odour.

- 5 The scheme of mitigation measures necessary to adequately protect the amenity of the future occupants from noise and odour shall be submitted to the Local Planning Authority for written approval prior to the commencement of the development. The approved mitigation measures must be fully installed prior to occupation of the use hereby permitted.

Reason: To protect the amenity of the occupants from noise and odour.

- 6 All 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

- 7 A desk study shall 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 shall 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).

Reason: to determine if any potential contaminants can be found on the site which may be detrimental to the health of the occupants.

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

Reason: to determine if potential contaminants can be found on the site which may be detrimental to the health of the occupants.

- 9 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s)

Reason: To illustrate that potentially detrimental contamination effecting the health of the occupants are to be successfully remediated.

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

Reason: to illustrate that potentially detrimental contamination effecting the health of the occupants have been successfully remediated.

- 11 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 shall be agreed with local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants.

- 12 ARCH1 Archaeological programme required

- 13 ARCH2 Watching brief required

- 14 HWAY14 Access to be approved, details reqd
- 15 HWAY19 Car and cycle parking laid out
- 16 HWAY22 Internal turning areas, details reqd
- 17 HWAY25 Pedestrian visibility splays protected
- 18 No barrier or gate to any vehicular access shall be erected within 10 metres of any highway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

- 19 HWAY31 No mud on highway during construction
- 20 VISQ8 Samples of exterior materials to be app
- 21 When demolishing the buildings, the tiles of the roofs shall be removed by hand so that they can be checked to ensure no bats are in residence. The timing of this operation should be notified to the Council in advance. A protocol for dealing with bats, should they be discovered, shall be provided to and approved by the Council prior to any work commencing.

Reason: In the interests of nature conservation to ensure that a protected species is not advertently harmed.

- 22 No development shall take place until details of the bat roost features to be incorporated into the building hereby approved have been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation or use of the building and retained thereafter as such.

Reasons: To mitigate for the loss of feeding habitat for bats and to enhance the biodiversity of the area.

- 23 Prior to the commencement of any works on the site a scheme for the protection of all trees and shrubs which are to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include a plan showing the trees and vegetation to be retained and protection measures that meet the specifications of BS5837:1991. The approved measures shall be implemented prior to the commencement of any works on the site and retained for the duration of construction works. No work, storage of buildings, equipment, materials or soil, or any bonfire, shall take place within the protected areas.

Reason: To prevent damage to the trees/hedges during the site clearance, demolition and construction period in the interest of amenity.

- 24 Development shall not begin until details of separate foul and surface water drainage systems, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

- 25 There shall be no piped discharge of surface water from the site prior to the completion of the approved surface water drainage works unless otherwise approved in writing by the Local Planning Authority.

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

- 26 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 11.1metres in the case of Villa A and Villa B, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- 27 There shall be no raising of ground levels above the existing ground levels as shown on topographical land survey drawing no 106/08 received on 18th January 2006 without the prior written permission of the Local Planning Authority.

Reason: to allow the Local Planning Authority to assess the effect of raised ground levels on adjoining land, the amenity of residents and drainage of the site.

- 28 Prior to the commencement of the development hereby permitted details of measures to suppress dust and other material from travelling from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented from the commencement of the development to its completion.

Reason: To protect the amenities of residents living close to the site.

- 29 VISQ4 Boundary details to be supplied

- 30 Prior to the commencement of development details of measures to close the existing site access from Mayfield Grove to vehicular traffic shall be submitted

to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved measures have been put in place and all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

Reason: In the interests of good highway management and road safety

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

Reason: To comply with the provisions of Policy L1 of the City of York Draft Local Plan.

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £18,647.

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.

- 32 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 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 Councils Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

Informative:

The provisions 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 legal interest in the application site. The obligation should provide for a financial contribution calculated at £40,656. The basis for this calculation is contained within the Councils Supplementary

Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Authority's enforcement powers in this regard.

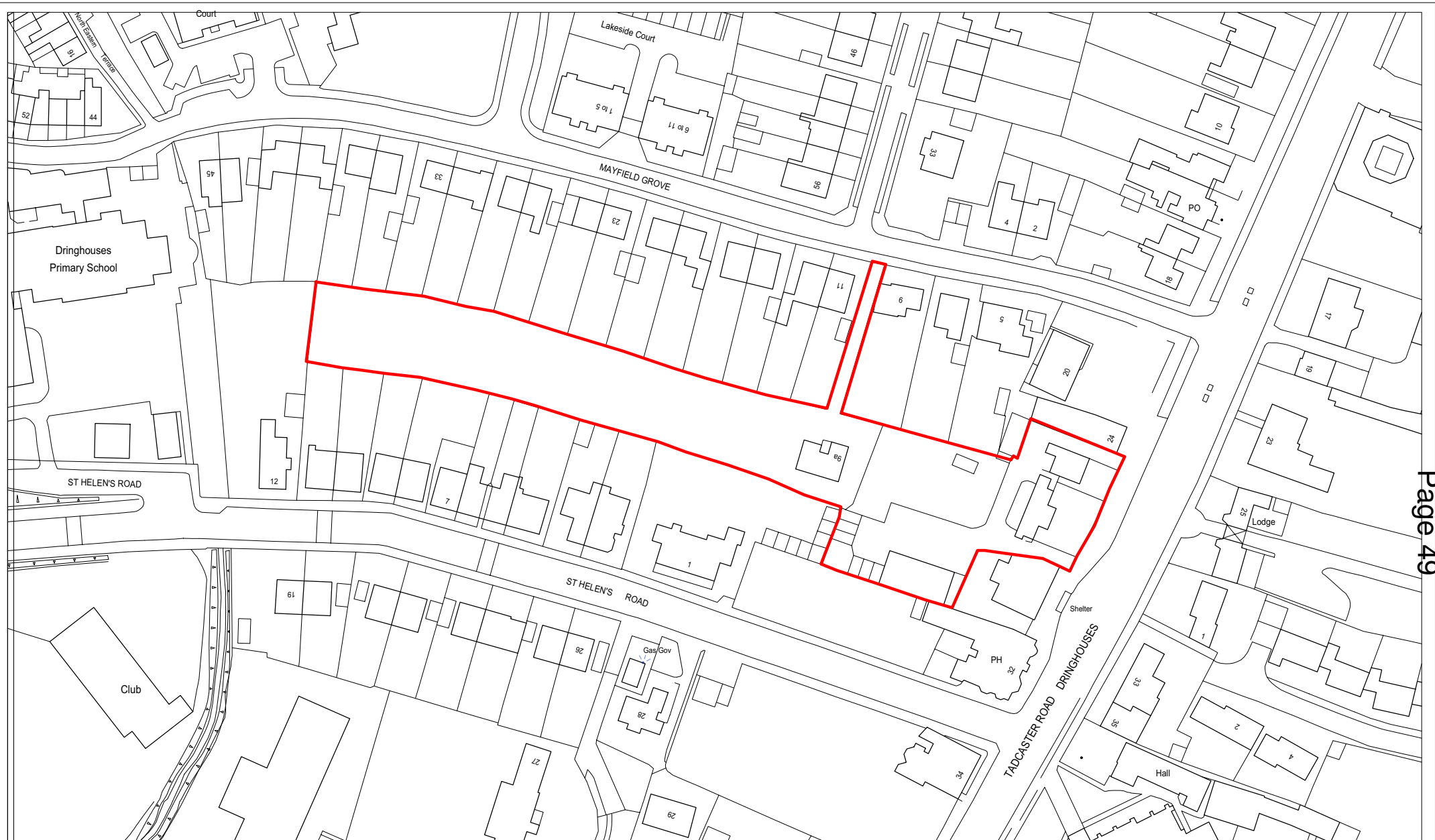
**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/ residential amenity and highway issues. As such the proposal complies with PPG3 and Policies GP10, GP1, H4A, L1, C6, NE1, HE3 and HE2 of the City of York Development Control Draft Local Plan.

Contact details:

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



Town



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

Site Plan : 26 Tadcaster Road 06/02780/FUL



SCALE: 1:1250	DRAWN BY: JB	DATE 2/2/2007
Originating Group:	Project	Drawing No.
Organisation		PLAN 8

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 15 February 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02788/FUL
Application at: Bar 38 Coney Street York YO1 9QL
For: Retention of external seating area
By: Inventive Leisure
Application Type: Full Application
Target Date: 2 March 2007

1.0 PROPOSAL

1.1 The application is for permission for the retention of the external seating area at Bar 38. Bar 38, is one of the bars / restaurants developed as part of the City Screen development, along with Orgasmic, City Screen and the Pitcher and Piano. Each premises have an external seating area overlooking the River Ouse. The site is with the Central Historic Core conservation area.

1.2 The application suggests that the premises would in future operate as a Revolution, described as 'a high quality stylish bar and food operation' for 'a range of social groups'.

1.3 The application is brought to planning committee at the request of Councillor B. Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYHE3

Conservation Areas

CYS6
Control of food and drink (A3) uses

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation - No objection.

Highway Network Management - No objection.

Environmental Protection Unit - Pending.

3.2 External

Planning Panel - No objection, provided proposal complies with policy S6 of the Draft Local Plan.

Publicity - No written representations to date.

4.0 APPRAISAL

4.1 Relevant planning applications

- The external seating area for Bar 38 has existed for some time. It was granted temporary permission in 2000 (00/813) to open until 24:00. The permission expired in August 2001, however the external seating area has since continued to operate without planning permission.
- The external seating areas at Orgasmic and City Screen are controlled by application 97/1825 which requires them to close by 24:00.
- The Pitcher and Piano external seating area has always been required to close at 24:00. This was recently re-emphasised in application 06/447 which was approved at committee.

4.2 Key issues

- Crime and public order
- Residential amenity and noise
- Character and appearance of the conservation area.

Crime and public order

4.3 There is no substantial reason to object to the application on the grounds that it would lead to increased levels of crime or public disorder. There is no evidence of a history of problems associated with the premises and no objection from the Police. It is considered that the Premises License acts as a safeguard with the interest of preventing crime and disorder and maintaining public safety.

Residential amenity and noise

4.4 There is concern that external seating along the waterfront, associated with bars and restaurants will create a noise problem, affecting properties across the river. To prevent noise nuisance, it has been conditioned on other approvals at the group of bars that noise is inaudible from the nearest noise sensitive facade and that no external speakers are placed on the buildings. These conditions have recently been applied in allowing the extension of opening hours (internal area only) at the host. As such it would only be noise from patrons, such as raised voices that would potentially harm amenity. Such noise is expected to a certain extent in the city centre. It is considered that 24:00 is a reasonable closing time, after which persons would be required to return to the internal area or leave the premises. It has already been established through other permissions that the internal area of the host and the other nearby bars are allowed to open to a later time and that this would not have an undue affect on amenity. The 24:00 closing time would be consistent with other permissions granted for the bars in the vicinity (City Screen, Orgasmic and Pitcher and Piano) and has been agreed to by the applicants.

Character and appearance of the conservation area.

4.5 The outdoor seating area overlooks the river and is visible from various vantage points including the adjacent bridges, the opposite bank and the river itself. The night time use of the seating area does require consideration in terms of lighting and the visual impact this will have on the river frontage after dark. It has been established for some time and the Council's Conservation Section consider that the outdoor seating area does not detract from the appearance of the frontage of the building facing the river. As the appearance is considered to be acceptable, it is only required to condition any change in furniture and lighting, to ensure this situation remains.

5.0 CONCLUSION

5.1 It is considered that the external seating area has an acceptable visual impact; it creates activity along the waterfront and provides a facility that allows the public to enjoy views of the city and this setting. It is considered that the restriction of hours and other conditions regarding noise emanating the premises will prevent any undue disturbance or loss of amenity. Approval is recommended.

6.0 RECOMMENDATION: Approve

1 PLANS1

2 The external seating area hereby approved shall be restricted to the area within the red line on the location plan referred to in condition 1. Any changes to the furniture associated with the outdoor area shall first be approved to in writing by the Local Planning Authority and the changes implemented in accordance with the approved details.

Reason: In the interests of pedestrian safety and the character and appearance of the conservation area.

- 3 The outdoor seating area shall not be open to customers of the premises after 24:00 hours (midnight) on each day of the week.

Reason: To safeguard the amenities of adjoining occupants.

- 4 No external speakers shall be mounted outside the premises.

Reason: to protect the amenity of local residents.

7.0 INFORMATIVES:

Notes to Applicant

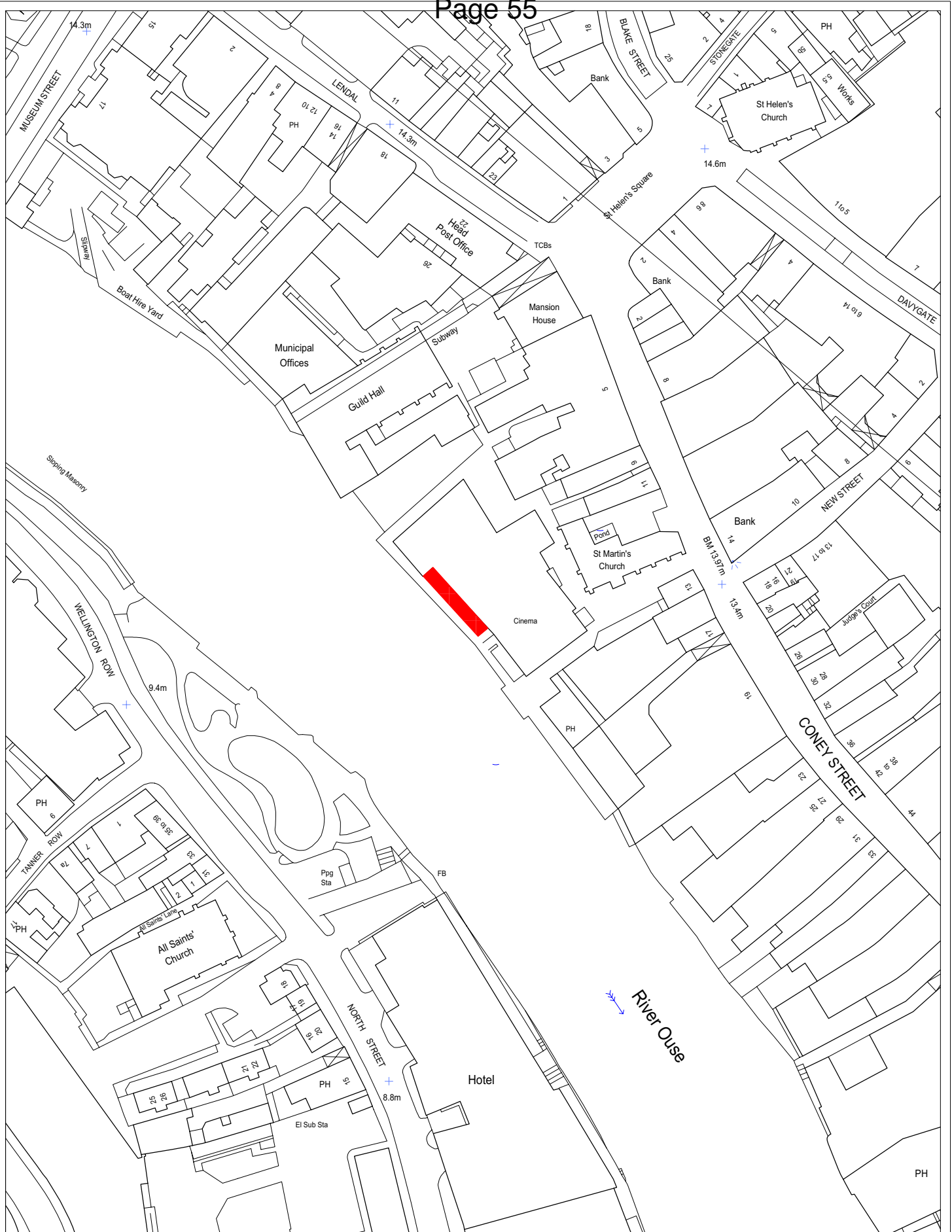
1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, crime and disorder and the character and appearance of the conservation area. As such the proposal complies with national planning policy guidance note PPS:6, policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE3 and S6 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323



CITY OF
YORK
COUNCIL

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

Site Plan : 06/02788/FUL Bar 38 Coney Street York

SCALE 1:1250

DRAWN BY JB

DATE 2/2/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 6



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 15 February 2007 **Parish:** No Parish

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

1.0 PROPOSAL

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

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

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

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

1.5 This application comes before Members once more following its deferral on the 21st December 2007 at the Planning (West and City Centre Area) Sub Committee. Members sought the following amendments.

- * dwelling moved back by 1 metre to the east.
- * dwelling moved south by 0.5 metre to increase path width between existing and new property.
- * cycle stores relocated closer to dwellings.
- * pin kerb notes added to show retention of gravel on drive.
- * pathing at both sides of the dwelling to provide better access to rear

1.6 The applicant responded to the Committee's requests and submitted revised drawings on the 18th January 2007, showing all of the above.

Relevant History

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill development

CYL1C
Provision of New Open Space in Development

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

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

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

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

3.4 Lifelong Leisure and Learning - No Objections

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

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

EXTERNAL

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

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

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

3.7 Relevant neighbours and objectors where informed of the additional amendments on the 23rd January 2007. No objection letters have been received to date. Any letters of objection or comment received prior to the 15th February 2007, will be presented verbally to the Committee.

4.0 APPRAISAL

KEY ISSUES

4.1 The proposal raises the following key issues:

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

PLANNING POLICY

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

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

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

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

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

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

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

IMPACT ON NEIGHBOURING RESIDENTS

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

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

4.10 The close proximity of the dwellings northern and southern (two storey) elevations to the southern elevation of no's 7 -9, Hawkshead Close and the northern elevation/garden area of no.11, Hawkshead Close respectively, are not considered overbearing in this instance. Between 0.9 and 5.9 metres has been provided to the southern boundary of the application site, with a further 4 and 6.7 metres provided to the no.11's single storey garage and two storey northern elevation respectively; a small utility room window and garage door are the only features within these elevations. The orientations of both the proposed dwelling and no.11, Hawkshead Close will also help to mitigate any overbearing impact.

4.11 The distance between the northern elevation of the proposed dwelling and the southern elevation of no.7 and 9, Hawkshead Close is approx. 1.5 metres, which is sufficient width to allow access to the rear garden area. This particular elevation contains only secondary windows and the front door to no.9, therefore under paragraph. 4.3 of the "Guide to Extensions and Alterations to Private Dwelling Houses" "a proposal that impacts on the outlook from the effected room will be considered on its merits taking into account the size and role of the room". In this instance with the windows all being secondary e.g. serving bathrooms and landings, the close proximity of the proposed dwelling can be justified.

4.12 The two storey element of the proposed dwelling will project 2.0 metre beyond the rear elevation of no.9, Hawkshead Close. The rear elevation of no.9, by virtue of its orientation receives very little sunlight and although the proposed dwelling will result in further overshadowing at certain times of the day, the overall impact is considered to be negligible as a large proportion of the rear garden will enjoy full sun/daylight throughout the day.

4.13 The first floor windows of no's 14, 16, 18, 20 and 22, Pheasant Drive are located 24 metres, 23 metres, 24 metres, 25 metres and 29 metres respectively, from the first floor windows of the proposed dwelling. The applicant has also provided 13 metres to the eastern boundary treatment. The distances provided meet guidance set out in paragraph 3.2 of the "Guide to Extensions and Alterations to Private Dwelling Houses", where 21 metres and 14 metres are required respectively.

CHARACTER AND APPEARANCE OF THE AREA

4.14 The two storey dwelling is comparable in terms of size, design and scale to no's 7-9 and is considerably smaller than the majority of properties within the surrounding street scene. The property has been set back approx. 0.7 metres from the front elevation of No.7, Hawkshead Close and will therefore only be visible from the cul de sacs hammerhead. The visual impact is further mitigated by the retained Silver Birch trees. Although the existing space between buildings will be lost, the distances

between the proposed southern elevation and the northern elevation of No.11 Hawkshead Close, are comparable with those already existing between other properties within the surrounding street scene.

HIGHWAY ISSUES

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

IMPACT UPON TPO TREE

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

OTHER ISSUES

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

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

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

5.0 CONCLUSION

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

6.0 RECOMMENDATION: Approve

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

583.002 Rev F - Plans and Elevations.

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

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 NOISE7 Restricted hours of construction
- 4 HWAY19 Car and cycle parking laid out
- 5 Any suspect contamination detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development on site.

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

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.
- 7 The tree shall be permanently protected with a metal tree guard, details of which shall be submitted and approved in writing by the local planning authority prior to the commencement of building works.

Reason: In order to prevent direct impact damage to the existing silver birch tree from manoeuvring vehicles.
- 8 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted

to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with Policy L1C of the City of York Draft Local Plan

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £1,224

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

9 VISQ8 Samples of exterior materials to be app

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted into the external elevations of the dwelling hereby approved.

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

11 HT1 IN Height

12 PD1 IN Rem of specific Perm Dev rights

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

2. Demolition and Construction - Informative

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

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

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

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

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

5. There shall be no bonfires on the site.

Contact details:

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

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CITY OF
YORK
COUNCIL

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

Site Plan : 7 - 9 Hawkshead Close 06/02062/FUL

SCALE 1:1250

DRAWN BY JB

DATE 2/2/2007

Originating Group

Project

Drawing No.
PLAN 7

Organisation



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Micklegate
Date: 15 February 2007 **Parish:** Micklegate Planning Panel

Reference: 06/02715/FUL
Application at: 114 Bishopthorpe Road York YO23 1JX
For: Change of use from residential dwelling to 6 bedroom guest house with owners accommodation
By: Mr And Mrs Ferraioli
Application Type: Full Application
Target Date: 2 February 2007

1.0 PROPOSAL

1.1 The application is for planning permission for a change of use into a guesthouse. The application site was previously used as a domestic dwellinghouse. No external alterations are proposed. The applicant has provided written assurances that the proposed use is a guesthouse for tourists. Accommodation would be offered on a room only basis, or bed and breakfast; there would be no self catering facilities for guests.

1.2 The application relates to a terraced dwellinghouse, located in a row of five. The building is not listed or within a conservation area. It looks onto Bishopthorpe Road, which is a relatively busy vehicle route. The immediate surrounding area is predominantly residential.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams Central Area 0002

2.2 Policies:

CYV1 Criteria for visitor related development
CYV3 Criteria for hotels and guest houses

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections.

Environmental Protection Unit - No objections.

3.2 External

Planning Panel - No objection.

North Yorkshire Police - No comment.

Publicity - Six objections on the following grounds

- Increase in demand for car parking / detrimental to highway safety.
- Cycle parking is not shown on the plans. Where would it be accommodated without harming the visual amenity of the area?
- The presence of cycle parking would not prevent people from accessing the site by car, especially if they are likely to be visiting the city.
- The type of guests that would stay at the guest house would cause noise and disturbance in the area. It is noted that people currently using the building congregate outside the front door smoking. This impacts adjoining residents and would be worse in summer when windows are open.
- The applicant runs other sites in the city which are used as hostels or temporary accommodation for the homeless.
- Oversupply of such accommodation in the area. There are a number of guesthouses on Bishopthorpe Road and Southlands Road. Also the Terry's site has plans for a hotel.
- Noise during building works.

4.0 APPRAISAL

4.1 The key issues are as follows

Principle of proposed use
Amenity of nearby occupants
Highways / parking

4.2 Of the Draft Local Plan policies V1 and V3 relating to Visitor related development are relevant. V3 is specific to guesthouses. Of the North Yorkshire County Structure Plan policy I13 refers to the development of tourist accommodation. National policy guidance in PPS1: Delivering Sustainable Development and PPG13: Transport are also referred to in the appraisal.

Principle of proposed use

4.3 V3 states planning permission will be granted for guesthouses provided the proposal:

- a) Is compatible with its surroundings in terms of siting, scale and design and
- b) would not result in the loss of residential accommodation which when originally built had less than four bedrooms;
- c) would not have an adverse effect on the residential character of the area;
- d) is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions.

4.4 The proposed change of use does not include any external alterations. The existing building is in keeping with its neighbours on Bishopthorpe Road in terms of size and appearance. As such the proposal complies with criteria a) of policy V3.

4.5 The building has five bedrooms on the first and second floors. It is proposed that there would be a further bedroom, in addition to living accommodation for the owner / manager at ground floor level. The building is of adequate size to be a guesthouse and would not lead to a decrease of available family housing stock (properties of three to five bedrooms) in the city. As such the proposal is compliant with criteria b) of policy V3.

4.6 Policy V3 recognises that the character of a residential area can be harmed when there is an over concentration of guesthouses introduced. On Bishopthorpe Road there are a number of guesthouses on both sides of the street (Environmental Protection Unit have records of 9 in total). Of these, it is of note that the guesthouse at 88-90 Bishopthorpe Road has recently been granted planning permission for a change of use to residential. Guesthouses can also be found on nearby streets such as Southlands Road and Scarcroft Road. The presence of guesthouses in the area is mainly due to the location, which is near to the racecourse and the city centre, and also because the large (originally) dwellings lend themselves to such a use. Despite the amount of guesthouses on Bishopthorpe Road, it is considered that there is not an over concentration in the area to the extent that there is significant harm to its character.

4.7 The application site is on a bus route into the city centre and is within walking distance to local amenities / services which are found on Bishopthorpe Road. It is also reasonably close to the city centre and within a built up area. The location complies with the criteria of d) of policy V3.

Amenity of nearby occupants

4.8 Local residents have raised objections regarding the nature of the proposed guesthouse and potential problems with noise and general disturbance that may occur. The applicant has re-iterated that the proposed use shall be for tourists visiting the city and not for homeless persons, or for short-term residential accommodation. The applicant can be informed that a fresh application for a change of use would be required if the premises were to be a non-C1 use, such as a hostel.

4.9 Because of the location of the site, on a main road, and given the number of rooms available, it is unlikely that the comings and goings of guests would have a significant affect on the amenity of nearby residents. The premises would be ran by the owner who proposes to reside on site; to a certain degree the owner would be responsible for the behaviour of guests. The Environmental Protection Unit report only two records of complaint regarding noise from guesthouses on Bishopthorpe Road since 1999. Given the nature of the proposed use, it may well be that on occasions guests cause noise disturbance. However because of the size of the premises, the degree of disturbance would be comparable to that which may potentially occur at a single dwellinghouse. As such it would be difficult to warrant refusal on the grounds that noise from guests would occur to an extent that could warrant refusal of the application.

4.10 Should committee decide to approve the application, a condition controlling the times of construction to reasonable hours could be attached to prevent undue harm to residential amenity during renovation works.

Highways / parking

4.11 There is no off street car parking on site; visitors arriving by car would need to park vehicles either on Bishopthorpe Road or the nearby streets which are not within respark zones. In relation to the existing residential use, it is possible that on occasions a guesthouse would create an increased demand for parking. However the host is located on a bus route and near to the city centre. This is therefore a location where the use of alternative means of transport to vehicles should be promoted, in accordance with national planning guidance in PPS1: Delivering Sustainable Development and PPG13: Transport which seek to reduce car dependence and encourage walking, cycling and public transport. Highway Network Management do not object to the reliance upon on street parking. As such, despite resident's concerns regarding the lack of parking in this area, it is considered refusal could not be sustained on such grounds.

5.0 CONCLUSION

5.1 It is considered that the proposed use would be compliant with the relevant policies listed in 2.2. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans
- 2 TIME2 Development start within three years
- 3 HWAY18 Cycle parking details to be agreed
- 4 All works and ancillary operations during construction including deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: to protect the amenity of nearby residents and occupiers of premises.

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 residential amenity, the character of the area and highway safety. As such the proposal complies with Policy I13 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies V1 and V3 of the City of York Local Plan Deposit Draft.

2. You are advised that this permission allows the application site to be used as a guesthouse or any use within class C1 of the Use Classes Order 2005 only. Any other use of the site, such as a hostel or short-term accommodation for the homeless would require planning permission.

Contact details:

Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

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CITY OF
YORK
COUNCIL

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

Site Plan : 06/02715/FUL 114 Bishopthorpe Road York

SCALE 1:1250

DRAWN BY JB

DATE 2/2/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 2



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 15 February 2007 **Parish:** Parish Of Rufforth With Knapton

Reference: 06/02637/FUL
Application at: Oakwood Farm Northfield Lane Upper Poppleton York YO26 6QF
For: Change of use to Class B1 (Business Use) and Class B8 (Storage and Distribution Use) (resubmission)
By: D Lancaster Esq
Application Type: Full Application
Target Date: 26 January 2007

1.0 PROPOSAL

- 1.1 Planning permission is sought for the change of use of an existing pair of barns to B1/B8 (storage and distribution) and the creation of a hardstanding parking area. The proposal relates to the change of use of the barns only. No internal or external works are proposed. The agent states that it is envisaged that the building will be used by small businesses in a similar manner to the other buildings on site which have been accommodated to create low-key business units without harm to any interest of acknowledged importance in the area.
- 1.1.1 The workforce is anticipated to be 10 persons on site at any one time, as indicated within the planning application. The agent states further that whilst the specific levels of traffic are unknown, it is likely that it will be similar to the levels of traffic generated by the adjacent buildings on site. The applicants further state that there will be approximately 1 heavy goods vehicle visiting the site each week and approximately 2 - 3 other vehicles visiting the site each week. The barns are enclosed within fencing and a key card is needed to enter the site. Access to the site is via Northfield Lane, and not directly onto the A1237 and adequate parking and turning areas would be provided.
- 1.1.2 This proposal is a re-submitted scheme. Previously a planning application 06/02238/FUL was submitted however this was withdrawn on 07/12/2006 prior to a decision being reached. This application is similar in context to the previous application. Previously however the proposal only included 1 of the existing barns. Due to the applicant already using both barns for storage of caravans and motorhomes, the Council advised that it would be more appropriate to withdraw the planning application and re-submit an application including both barns.

1.2 SITE

- 1.2.1 The site is adjacent the A1237 to the east and adjacent North Minster Business Park to the west. The site is located within the open countryside in an area designated as green belt.
- 1.2.2 The buildings are located to the middle part of the site, adjacent to a similar building which was granted planning permission for the change of use to B1 and B8 in February 2005 and other adjacent buildings which also have the same use. The building is in the region of 37.00 m by 30.00 m in plan and is currently being used for the storage of caravans and motorhomes.
- 1.2.3 A mature hedge bounds the majority of the site. In particular it is highlighted within the supporting letter (accompanying the application) that the site is well screened from the York ring road and other public points of view.

1.3 PLANNING HISTORY

- 1.3.1 The application site forms part of a larger site, to which separate planning consents have been granted at various times. Planning consents have been granted for consent for business (B1) and storage and distribution (B8). A chronology of the history of the site is listed below.
- 1.3.2 02/02837/FUL - Change of use of an agricultural building to self-storage unit (use class B8) - Approved - 19.12.2002. The applicant sought to change the use of some of the existing farm buildings into self-storage units. Plans submitted indicated the buildings which were to be changed to the self-storage units.
- 1.3.3 03/01823/FUL - Change of use of part of self-storage unit to milk distribution depot - Approved - 26.08.2003. The applicant sought permission for change of use of the previously approved planning application (02/02837/FUL) to a milk distribution depot. The application included proposals for a milk tanker and a number of milk floats to deliver and collect milk.
- 1.3.4 04/02170/FUL - Change of use of an existing building to form B8 Storage or Distribution to B1 Business Use (this application covered approximately one third of the building) - Approved 27/07/2004. The other two thirds had already received permission to become firstly storage and then a milk distribution depot. The proposal sought to provide business accommodation for small commercial enterprises to use the building (a saddler and upholsterer were mentioned).
- 1.3.5 04/04040/FUL - Change of use from an agricultural building to B1 business use and B8 storage use - Approved at Committee 17/02/2005. A site visit was conducted on the 16/02/2005 by members of the planning committee, planning officers and the applicants agent.
- 1.3.6 05/02371/FUL Change the use of from agriculture to business (B1) and storage (B8) - Approved on 24/05/2006.

- 1.3.7 06/02238/FUL - Change of use of an agricultural building from agricultural to B1 (business use) and B8 (storage and distribution). This application was withdrawn in November 2006. The application only covered part of a larger building. The Council advised that an application should be submitted which included all of the building due to the applicant using all of it for the proposed use.

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:

CYSP2

The York Green Belt

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

CYGB11

Employment devt outside settlement limits

CYSP6

Location strategy

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 HIGHWAYS

3.1.2 No objections

3.1.3 CITY DEVELOPMENT

3.1.4 City Development commented that any such development should benefit the rural economy and local residential workforce and that the reuse does not have a materially greater impact upon the Green Belt than the existing use.

3.2 EXTERNAL

3.2.1 BISHOPTHORPE PARISH COUNCIL

3.2.2 No comment

3.2.3 NEIGHBOUR RESPONSES

3.2.4 The following concerns/issues were previously raised regarding planning application 06/02238/FUL. The objector contacted the Council and stated that these issues were still relevant and wished them to be considered with regard to this application:-

- (i) The development of Oakwood Farm should be considered in a co-ordinated way to avoid the farm and associated curtilage becoming a sub-standard industrial estate by default;
- (ii) In total this proposal would bring the total amount of small commercial units at Oakwood Farm to approximately 2141 m² in addition to the 23,000 square feet which has been approved previously;
- (iii) There has been no transport assessment or highways contribution. A transport assessment should be sought by the LPA;
- (iv) The applicant is claiming that the barn is redundant but has erected another agricultural barn approximately 400 m away; and
- (v) An overall scheme of development for the farm should be agreed to prevent piecemeal development and the creation of business park approximately a third of Northminster Business Park.

4.0 APPRAISAL

4.1 POLICY

4.1.1 The relevant City of York Council Draft Deposit Local Plan Policies are GB1 and GB3. Policy GB1 states that planning permission will only be permitted within the Green Belt where the scale, location and design would not detract from the open character of the Green Belt; where it would not conflict with the purpose of including land within the Green Belt; where it would not prejudice the setting or special character of York. Policy GB3 states that outside defined settlement limited permission will be granted for the reuse of buildings within the Green Belt provided the reuse does not have a materially greater impact than the present use on the openness; the buildings are of permanent construction; the reuse will take place within the fabric of the existing building; the buildings are in keeping with their surroundings.

4.1.2 GB11 'Employment Development Outside Settlement Limits' - requires that proposals of this nature are only acceptable where it involves the re-use or

adaption of an existing building and it provides a direct benefit to the rural economy and to the local residential workforce.

- 4.1.3 Policy SP2 'The York Green Belt' states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map. Although the rural part of the Local Plan area is predominantly open countryside and protected for its own sake, virtually all land outside the main settlements is designated as Green Belt in this Local Plan. Whilst separate national planning guidance exists for both the open countryside (Countryside - Environmental Quality and Economic and Social Development (PPS7) and Green Belts (PPG2), a general presumption against unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.
- 4.1.4 Policy SP6 'Location Strategy' states that outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the Open Countryside.
- 4.1.5 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.
- 4.1.6 PPG2 Green Belts. This PPG outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.
- 4.1.7 Planning Policy Statement 7: Sustainable Development in Rural Areas states that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.
- 4.2 The main issues are:
- Principle of development;
 - Visual impact on surrounding area (green belt); and
 - Parking and traffic generation.

4.3 PRINCIPLE OF DEVELOPMENT

- 4.3.1 The principle of a storage and distribution and alternative employment uses on the site has been established by the granting of previous permissions. The principle of diversification and finding suitable alternative uses within the open countryside/green belt is supported by the Council's Green Belt policy national planning guidance contained within PPS7. PPS7 states 'recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.' It is further stated in this document that planning authorities should encourage the re-use or replacement of existing buildings where feasible, for economic purposes, and should be particularly supportive where the buildings are adjacent or closely related to country towns or villages.
- 4.3.2 The applicant has stated that the construction of the York ring road had a dramatic impact upon his agricultural activities. To compensate for this he is renting and investing in additional land to the west of the ring road. As a consequence of this and changing methods of farming, the barns have become redundant in terms of their original use/purpose. The applicant has therefore carried out a programme of diversification and reuse of buildings on this site. Due to the continued diversification of his site these two agricultural buildings have been used (for some time) to accommodate the more expensive caravans and motor homes which are stored on land to the south west.
- 4.3.3 The applicant has also verbally stated that he has a barn sited to the west of the site which is more convenient for storage of his agricultural equipment, etc. As such the existing building is surplus to his requirements.
- 4.3.4 It is considered that the re-use of the building accords with Council policy and Government Guidance as laid out in PPS7. The re-use would not appear to have a greater impact upon the green belt than the previous use and the principle of farm diversification within this location has previously been established.

4.4 VISUAL IMPACT ON SURROUNDING AREA

- 4.4.1 It is considered that the building is capable of conversion without any significant works. Indeed this is confirmed by the agent within his supporting letter which accompanies the planning application. It is noted that this application pertains to change of use only. Any works to alter the fabric of the building would, most likely, require additional consent. A large concrete hardstanding area is present to the front of the building which would provide adequate space for the parking and turning of vehicles and which is well screened from outside of the site. Furthermore, the conversion would not appear to have any greater impact upon the openness of the green belt than the existing building and use does. Condition restricting the type of storage allowable, as in previous applications, could be attached and restrictive working hours would reduce any potential noise disturbance from arising.

4.5 PARKING AND TRAFFIC GENERATION

4.5.1 Adequate vehicle parking spaces are provided and there is sufficient turning and manoeuvring space for the vehicles. Minor additional details are required, however it is considered that these can be suitably conditioned. The increase in traffic generated by the development would be unlikely to have a significant harmful effect on highway safety or the wider area. The highways department have raised no objections.

4.6 OTHER ISSUES

4.6.1 Due to the nature of the site and the fact that planning applications have been submitted separately over a number of years, a development brief has not been produced for this site. The applicant has submitted applications at various times, as he has continued to diversify this part of his farm/holding. Taking into consideration the development of the site which has taken place so far, it is considered that a development brief for the site would be ineffective. As previously highlighted planning permissions have been granted for all the other existing buildings on site and appropriate conditions have been accordingly attached. As a consequence, it is considered that adequate measures exist to control the uses/activities on the site.

4.6.2 The scale of the current proposal does not warrant a highway or transport assessment or highways contribution.

5.0 CONCLUSION

5.1 The principle of development has been established through previous planning permissions granted. Consequently the central issue in considering this application is whether this would have a materially greater impact on the environment and on openness of the green belt. In all respects the scheme is similar to those previously approved (adjacent) and it is considered acceptable subject to the imposition of appropriate conditions.

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

- (1) Site Plan date stamped 01/12/2006; and
- (2) General layout - date stamped 01/12/2006

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

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

- 3 No development shall take place until the applicant, or their agents, or successors in title has agreed in writing with the local Planning Authority the sub-division of the original barns. Furthermore the barns shall be used for storage and distribution purposes directly relating to the agreed sub-divided units and not for any other purpose which falls within Class B8 in the Schedule of the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason : So that the Local Planning Authority may assess the acceptability, in terms of traffic generation and residential amenity, of alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 2005.

- 4 There shall be no external storage of goods or materials within the application site, other than that shown on the approved plan relating to the continuing agricultural use associated with the surrounding buildings, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, and to protect parking and manoeuvring areas.

- 5 Details of all internal and external alterations and sub-divisions of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit.

Reason: In order for the Local Planning Authority to be satisfied that the change of use does not have any greater impact upon the open character of the green belt than the existing use

- 6 No vehicle associated with the storage use hereby approved shall enter or leave the site via the junction with the A1237 trunk road, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 7 The hereby approved uses shall be restricted to 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays with no work on Sundays or Bank Holidays

Reason: In the interest of the amenities of nearby residential properties.

- 8 There shall be no ancillary retail sales from the hereby approved change of use

Reason: In order to protect the amenity of nearby residential properties and to achieve an acceptable use within the green belt.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

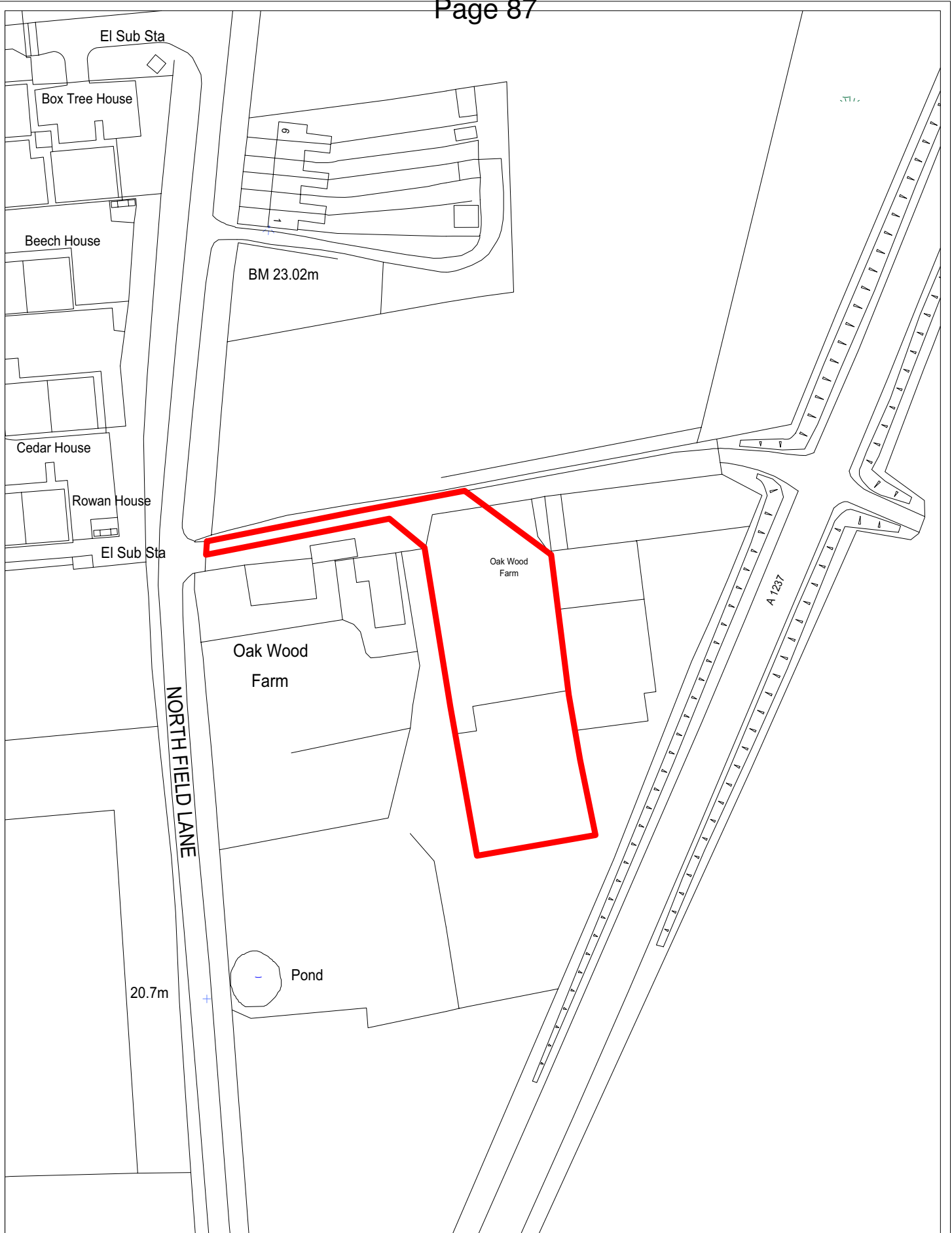
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with policies SP2, SP6, GB1, GB3 and GB11 of the City of York Local Plan Deposit Draft and also PPG2 and PPS7.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

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CITY OF
YORK
COUNCIL

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

Site Plan : 06/02637/FUL - Oakwood Farm Northfield Lane York



SCALE 1:1250

DRAWN BY JB

DATE 2/2/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 1

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Micklegate
Date: 15 February 2006 **Parish:** Micklegate Planning Panel

Reference: 06/01199/FUL
Application at: 22 Bewlay Street York YO23 1JT
For: Rear dormer (reduction in size of existing unauthorised dormer)
By: Wills And Co Development Ltd
Application Type: Full Application
Target Date: 9 March 2007

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a flat roof dormer to the rear of 22 Bewlay Street, which is a two storey terraced house. This application follows the refusal of planning permission, against officer advice, for the retention of the existing unauthorised flat roofed dormer at the City Centre Area Sub Committee on 4 May 2006 (06/00434/FUL). The applicant appealed the decision of the City Council but this appeal was subsequently dismissed. The appeal decision letter is appended to this report.

1.2 The original application was refused by Members for the following reasons:

“1 The rear dormer by reason of its design, size, appearance and prominence would harm the appearance of the host dwelling and the visual amenities of the area contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes, the City Council's Supplementary Planning Guidance "Guide to Extensions and Alterations to Private Dwellinghouses" and national planning policy contained in Planning Policy Statement 1 "Delivering Sustainable Development".

2 Because of its height, size and design the rear dormer would result in nearby residential properties being overlooked and dominated by an overbearing structure thereby harming their living conditions contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes.”

1.3 In dismissing the appeal the Inspector noted that “very few of the properties in this terrace, and that in Richardson Street backing on to the appeal site, have rear dormers...Thus the original character and appearance of this part of the area has been largely retained, presenting a harmonious and coherent design” (paragraph 8). Concluding that “the dormer is a discordant element that results in significant harm to the character and appearance of the individual building and the immediate surrounding area. Its size, scale, design form and materials fail to respect the design of the original building and its surroundings” (paragraph 9).

- 1.4 The Inspector noted other rear dormers in the surrounding area including ones at 8 and 31 Bewlay Street and accepted that a number of rear dormers, “of varying size, scale, design, form and materials have been erected in the wider surrounding area” (paragraph 12). However the Inspector came back to his observation that “the terrace including the appeal premises, and that in adjacent Richardson Street has largely retained its original attractive character, appearance and design – unlike most of the other locations where rear dormers have been referred to. I consider that it is important to ensure that these features are retained and that any alterations or additions should respect these matters.” (Paragraph 13).
- 1.5 In respect of the second refusal reason the Inspector did not support the Council’s decision concluding that “the distance between the dormer and the rear windows of the properties facing provides reasonable separation, and the rearmost windows of these properties tend not to be main habitable rooms.” (Paragraph 16).
- 1.6 The current application proposes to alter the width of the existing unauthorised dormer from 3.22m to 2.88m and its height from 2.11m to 1.76m which increases the distance from the flat roof of the dormer to the ridge of the main roof.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 2

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 External

Neighbours – Two letters have been received, objecting to the application on the following grounds:

1. Loss of privacy
2. Not in keeping with the design of the Victorian houses on either Richardson Street or Bewlay Street.

Micklegate Planning Panel - No objections.

4.0 APPRAISAL

4.1 Key Issues

- Design
- Visual Impact
- Living conditions of nearby houses

4.2 The relevant City of York Council Draft Deposit Local Plan Policy is H7. This supports application for residential extensions where the design and materials are sympathetic to the main dwelling and locality, the design and scale are appropriate and there is no adverse effect upon the amenity which neighbouring residents could reasonably expect to enjoy. Further information is contained within the 'Guide to extensions and alterations to private dwelling houses.' The guide states that as a general rule dormers should not extend across more than one third of the roof span and should not dominate the existing roof. Materials must also match the existing and be of a similar scale and proportion to the original house. In addition dormers should not be higher than the ridge of the roof of the original dwelling and in most cases they should have pitched roofs.

4.3 The application site is a mid terrace property located off Bishopthorpe Road. The dormer window is located on the rear elevation, facing onto the rear courtyard, access road and the terrace properties fronting onto Richardson Street. The dormer as amended would have a width of 2.88m compared to its existing width of 3.22m and a height of 1.76m compared to the existing height of 2.11m. It would be set down from the ridge of the dwelling by 0.55m, the existing distance to the ridge is 0.2m. It would be constructed of lead with timber casement windows with hardwood cills.

4.4 Although smaller than the existing, the proposed dormer would not accord with the design guide especially in terms of its width which is over half of the width of the main roof. The dormer is located to the rear of the property, adjacent to a two storey rear projection, its reduction in size would reduce its dominance and its visibility in the wider street scene including views from Rowntree Park. Notwithstanding the comments of the appeal Inspector, the materials that the dormer has been constructed from are considered to be appropriate.

4.5 The dormer has introduced an additional window to the rear elevation but it is considered that there would not be any unacceptable overlooking due to the degree of separation between the application site and the neighbour to the rear, in the region of 20m from dormer to the rear projection.

5.0 CONCLUSION

5.1 The 'Guide to extensions and alterations to private dwelling houses allows for suitably designed rear dormers. The dormer as proposed is not in strict accordance with the design guide, but will have less impact than the existing dormer. The appeal Inspector was clear that he considered that the form of the existing dormer was unacceptable in its impact on the appearance,

character and design of the terrace and that any alterations or additions should respect these matters.

- 5.2 As mentioned in paragraph 1.1 above, officers recommended the original application for permission. Members undertook a site visit prior to the meeting. The officer's recommendation was overturned and the application refused. As the revised proposal is considered to be an improvement on that previously recommended for permission, officer's recommendation is for approval of the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 The alterations to the existing unauthorised dormer windows shown on drawing number W02/292/02 received 12 January 2007 shall be completed within 3 months of the date of this decision letter.

Reason: In the interests of the visual amenity of the area in accordance with policy GP1 and H7 of the Development Control Local Plan.

- 2 VISQ1 Matching materials

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer
Tel No: 01904 551668



Appeal Decision

Site visit made on 7 November 2006

by **J D S Gillis B A (Hons) MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
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Date: 21 November 2006

Appeal Ref: APP/C2741/A/06/2020378

22 Bewlay Street, York, YO23 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Wills & Co. Developments Ltd. against the decision of City of York Council.
- The application Ref 06/00434/FUL, dated 26 February 2006, was refused by notice dated 8 May 2006.
- The development proposed is a dormer to rear elevation.

Summary of Decision: The appeal is dismissed.

Procedural Matter

1. The development had commenced prior to the submission of the application for planning permission, and hence the application was retrospective.

Main Issues

2. From the representations received and my inspection of the site and surrounding area I consider that the main issues in this case are the effect of the dormer on the character and appearance of the building and surrounding area, and whether it results in material harm to the living conditions of occupiers of nearby property in relation to visual dominance and loss of privacy.

Planning Policy

3. The City of York Local Plan has not proceeded to adoption, but has been subject to local public inquiry which was suspended for further work to be undertaken in relation to the green belt. A number of changes have been made to the submitted draft plan, and it has been adopted by the Council for development control purposes. The plan does not carry the full force of the development plan but is a material consideration.
4. Draft policy H7 sets out criteria to be met by extensions to residential property, including ensuring that the design, scale and materials are sympathetic and appropriate to the main building and the locality, and that the amenities of neighbouring residents are protected. This is reinforced by draft policy GP1, which sets out design requirements for all development proposals.
5. The Council has also referred to Supplementary Planning Guidance on extensions and alterations to private dwelling houses. As this guidance has not been subject to public consultation it is of reduced significance, but it does

provide design advice, including the desirability of avoiding dormers of unsympathetic design, including those that are over-large and flat roofed.

6. In addition, national policy guidance in Planning Policy Statement 1, *Delivering Sustainable Development*, [PPS1] highlights the desirability of producing such design guidance. PPS1 also emphasises the importance of good design, stating that high quality design should be the aim of all those involved in the development process and that local planning authorities, while avoiding unnecessary prescription or detail, should not accept design that is inappropriate in its context, or which fails to improve the character and quality of an area.

Reasoning

7. The appeal premises are located within a terrace of dwellings in a mature residential area of fairly high density. The dormer has been erected on the rear roof slope of the property, occupying a significant proportion of the roof area and incorporating a flat roof. The materials used are mainly lead facings to the side and roof, with white window frames.
8. The terrace forms part of a traditional housing area fairly close to the city centre, with attractive parkland to the east. While the properties are not of any special architectural or historic interest they are good examples of Victorian urban development displaying a form and design that highlights harmony and simplicity. They lend themselves well to current objectives of sustainable development.
9. Very few of the properties in this terrace, and that in Richardson Street backing on to the appeal site, have rear dormers, although a significant number have roof lights to loft conversions. Thus the original character and appearance of this part of the area has been largely retained, presenting a harmonious and coherent design. Essentially the only uncharacteristic feature along the rear of this terrace is the dormer at 31 Bewlay Street, which is at the end of the terrace and not readily visible as part of the rear street scene around the appeal premises.
10. In addition, many of the dwellings in this terrace have small front dormers of traditional design and materials which appear to have been part of the original design. Furthermore, some properties in the area, including some on Bishopthorpe Road near to the appeal premises, have small rear dormers of traditional design and appearance, although less ornate than those on the front elevations. Such dormers relate sympathetically to the character and appearance of the buildings.
11. In these circumstances I consider that the dormer erected on the rear of the appeal premises is a discordant element that results in significant harm to the character and appearance of the individual building and the immediate surrounding area. Its size, scale, design, form and materials fail to respect the design of the original building and its surroundings. It thus conflicts with national policy guidance in PPS1 and draft Local Plan policies H7 and GP1, and the Council's design guidance on alterations and extensions to dwellings.

12. Reference has been made to other rear dormers in the surrounding area, and particularly to that recently approved and erected at 8 Bewlay Street – which is very similar to that erected at the appeal premises. I accept that a number of rear dormers, of varying size, scale, design, form and materials have been erected in the wider surrounding area. However, each case must be determined on its individual circumstances, although there is also a need for consistent decisions.
13. As I have already indicated, the terrace including the appeal premises, and that adjacent in Richardson Street, has largely retained its original attractive character, appearance and design – unlike most of the other locations where rear dormers have been referred to. I consider that it is important to ensure that these features are retained and that any alterations or additions should respect these matters. While a rear dormer has been erected at 31 Bewlay Street I do not consider that this single instance provides a justification for further dormers of non-traditional design and appearance.
14. In relation to the dormer at 8 Bewlay Street, this is to the rear of the terrace opposite the appeal premises where there are already a very significant number of rear dormers of various sizes, designs and materials. Hence the original character and appearance of that terrace had been changed prior to the erection of this particular dormer. In addition, that terrace backs on to much more recent housing of completely different layout, form, design, character and appearance.
15. In my view the circumstances of the appeal premises are sufficiently different to warrant a different decision to those given in the wider area.
16. Turning to the question of the effect on living conditions of occupiers of nearby properties, I accept that a dormer would result in greater visual dominance and potential loss of privacy than roof lights. However, the distance between the dormer and the rear windows of properties facing, in Richardson Street, provides reasonable separation, and the rearmost windows of those properties tend not to be main habitable rooms.
17. In these circumstances I do not consider that the harm to living conditions would, in itself, be sufficient to refuse planning permission. Nevertheless, it adds to the other harm that I have identified.

Conclusion

18. I have had regard to all other matters raised, but none of them are sufficient to outweigh those that have led to my decision. The erected dormer conflicts with national and local design guidance and policies of the draft Local Plan and is unacceptable.

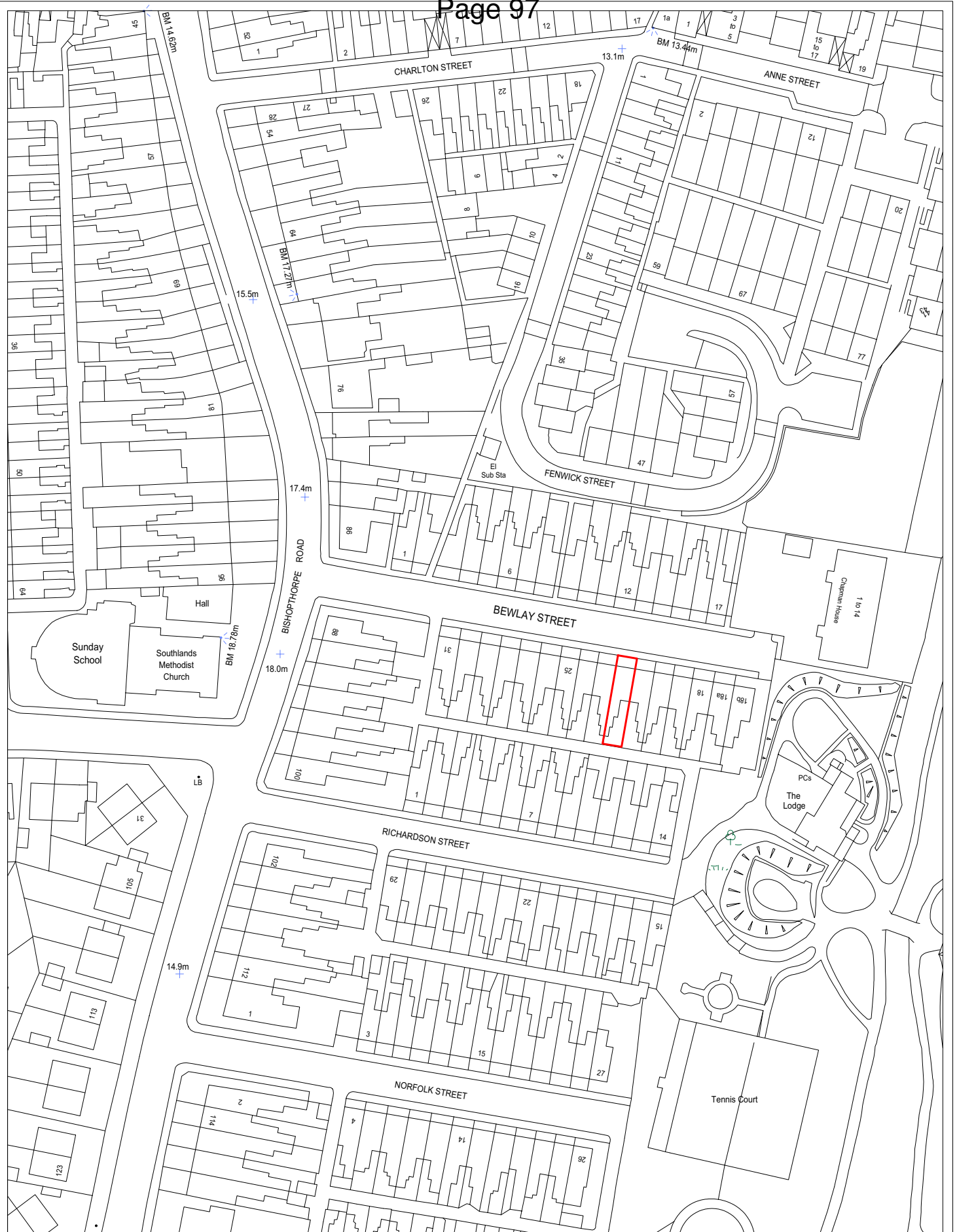
Formal Decision

19. I dismiss the appeal.

JDS Gillis

Inspector

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COUNCIL

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

Site Plan : 22 Bewlay Street York

SCALE 1:1250

DRAWN BY JB

DATE 2/2/2007

Originating Group

Project

Drawing No.

Organisation

PLAN 3



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