



Notice of meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Tuesday, 3 October 2006

Time: 12.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

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

2. Minutes (Pages 3 - 10)

To approve and sign the minutes of the meeting held on 20 July 2006.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Monday 2 October at 5.00pm.

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) **23 St Pauls Square, York YO24 4BD** (Pages 11 - 16)
(06/01901/LBC)
- b) **Fox And Hounds 39 Top Lane** (Pages 17 - 28)
Copmanthorpe York YO23 3UH
(06/01762/OUT)
- c) **19 Horseman Avenue Copmanthorpe York** (Pages 29 - 38)
YO23 3UF (06/01772/OUT)

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

Democracy Officer

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting on the details above.

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

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**Tuesday 3 October 2006****Index to items**

SITE	ITEM	VISIT
23 St Pauls Square	A	V
Fox and Hounds, 39 Top Lane, Copmanthorpe	B	V
19 Horseman Avenue, Copmanthorpe	C	V

**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE
SITE VISITS**

Monday 2 October 2006

Coach departs Memorial Gardens at 11:00hrs

TIME (Approx)	SITE	ITEM
11.10	23 St Pauls Square	A
11.30	Fox and Hounds, 39 Top Lane, Copmanthorpe	B
12.00	19 Horseman Avenue, Copmanthorpe	C

City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 AUGUST 2006
PRESENT	COUNCILLORS BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, LIVESLEY (CHAIR), MACDONALD, REID AND B WATSON
APOLOGIES	COUNCILLORS SIMPSON-LAING AND SUNDERLAND

15. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Site to rear of 30 – 41 Millfield Gardens, Nether Poppleton	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Sunderland, Bartlett.
St Mary's C of E Primary School, School Lane, Askham Richard	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton, Sunderland, Bartlett.
27 Station Road, Copmanthorpe	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton, Sunderland, Bartlett.
Acomb Primary School, West Bank, York	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton, Sunderland, Bartlett.
83A Front Street, York	To familiarise Members with the site.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton, Bartlett.
46 Kyme Street, York	To familiarise Members with the site and at the request of Cllr Fraser.	Cllrs Livesley, Macdonald, S Galloway, B Watson, Horton.

16. DECLARATIONS OF INTEREST

Cllr Horton declared a personal and prejudicial interest in Plans Item 4c – Site to the rear of 30-41 Millfield Gardens, Nether Poppleton, York (06/011552/FUL) as he knew the applicant.

It was noted in the interests of transparency that Plans Item 4j – 4 Littlefield Close, Nether Poppleton (06/01529/FUL) was made by the wife of an elected member although there were no interests to declare.

17. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Area Planning Sub-Committee held on 20 July and 1 August be approved and signed as a correct record.

18. PUBLIC PARTICIPATION

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

19. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning & Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of the consultees and officers.

19a. 46 Kyme Street, York, YO1 6HG (06/01262/FUL)

Members considered a full application, submitted by Mr and Mrs I Nixon for a two storey pitched roof rear extension (Retrospective).

Mr Crompton, a neighbour to the application site, addressed the committee with concerns about the size and scale of the extension being out of character in the area and the risk of creating a precedent. He was also concerned that approval for the application was being sought retrospectively.

RESOLVED: That the application be approved in line with the conditions and informatives in the report.

REASON: The proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, H7, HE2 and HE10 of the City of York Local Plan Deposit Draft.

19b. Acomb Primary School, West Bank, York (06/01132/FUL)

Members considered an application for the erection of fencing and gates to the Nursery Drive and West Bank entrances and adjacent to garages on Carrick Gardens.

Officers updated the committee that a further letter in objection to the item had been received which raised concerns about traffic issues and gates opening.

Members discussed the need for an extra piece fencing to be added onto the plans to increase the security of the site and assurances were given to the committee that this was acceptable to the applicant.

RESOLVED: That the application be approved in line with the conditions and informatives in the report and that the extra return of fencing be added to Officers satisfaction.

REASON: The proposal complies with Policies GP1 and GP3 of the City of York Development Control Local Plan (1995).

19c. Site to rear of 30-41 Millfield Gardens, Nether Poppleton, York (06/01150/FUL)

Members considered a full application, submitted by Mr Tim Hanser for the Change of use of part of agricultural land to residential gardens for 30-41 Millfield Gardens and 35 and 37 Hillcrest Avenue.

Officers updated the committee that though it was not material to the application, in the interests of transparency, the land of the site of the application was owned by City of York Council and leased to the farmer.

Mr Roberts, a neighbour, addressed the committee and raised some concerns about the conflict between the application and the vision in the Poppleton Village Design Statement. He also raised specific issues about the protection of the hedgerow.

Mr Mortimer, another neighbour, spoke in support of the application and discussed the need for expansion of domestic gardens and raised the issue that the hedge is not protected but that it would be retained by the residents.

RESOLVED: That the application be refused in line with the report and that Officers should open an enforcement action.

REASON: The application fails to accord with Policy GB1 and the City of York Council Draft Deposit Local Plan and Planning Policy Guidance 2 and contrary to Policy NE1 of the City of York Draft Deposit Local Plan.

19d. 27 Station Road, Copmanthorpe, York, YO23 3SY (06/01210/FUL)

Members considered a full application, submitted by Mr Stericker for the erection of a conservatory to the side of the property.

Officers updated the committee that Copmanthorpe Parish Council had added 2 further objections in that the tabled application went against the intention of the original application and that the application site is lower than the neighbouring property so the level of overlooking was felt to be unacceptable.

Mr Longhorn, a neighbour, addressed the committee and raised the following objections, overlooking due to the site levels, opposition to the insertion of additional windows/openings that had been referenced in the decision in 2005, the application was further forward to the boundary and suggested that the conservatory would be more appropriately sited at the rear of the site rather than at the side.

Mr Steriker, the applicant addressed the committee to stress the merits of the application including that the conservatory would not impact on any neighbour's line of sight and would not be intrusive but would facilitate their enjoyment of their own house and garden.

RESOLVED: That the application be refused.

REASON: On the grounds of proximity to the boundary wall, overlooking and harm to the amenity of the neighbours.

19e. 2 Millers Yard, Gillygate, York, YO31 7EB (06/01226/FUL)

Members considered a full application, submitted by Mr D Glasper for the change of use from offices (B1 Use) to clinic/consulting rooms (D1 Use) at No 2 Millers Yard and non-residential educational/ training use (D1) at No 4 Millers Yard.

Officers updated the committee that there had been a further letter of objection received.

Mr Glasper, the applicant addressed the committee and emphasised the merits of the scheme.

RESOLVED: That the application be approved in line with the conditions and informatives in the report with the following alterations:

That , condition 4 in the report be replaced with the general hours condition and that condition 5 be deleted and that the permission be granted only to the applicant and not any subsequent user.

REASON: The proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No. 3 Adopted 1995) and policies HE3, T4 and E3 of the City of York Draft Local Plan; Planning Policy

Guidance Notes No.15 "Planning and the Historic Environment" and Planning Policy Statement No.1 "delivering Sustainable Development".

19f. Warehouse 83A Front Street, York, Y024 3BR (06/01261/FULM)

Members considered a full application, submitted by Corner Developments (Faxton) Ltd for the conversion of chapel to 10 no. residential apartments, external alterations including new front canopy, new and replacement windows, bin and cycle stores (resubmission).

Officers updated the committee and emphasised that though the building is not listed it did have an important contribution to make to the character of the conservation area and also informed Members that there were some amendments to the conditions as detailed below:

That "and material be added to the end of 3ii/ and that the following be added at "3v. Bin and Cycle Store".

That condition 4 of the report be replaced with the following:

4. Details of all means of enclosure to the site boundaries and the internal walls/fences to the proposed patio areas, shall be submitted to and approved in writing by the LPA before the development commences and provided before the development is occupied. Thereafter the agreed walling shall not be lowered or breached without prior written consent from PLA.

That condition (of the report be amended to ARCH2.

That condition 13 of the report be replaced with the following:

13. Notwithstanding the information submitted with the application, before the installation of any window in the development, agreement shall be reached in writing with the Local Planning Authority to identify whose windows and rooflights where obscured glazing is required, and the extent and detailed design of the obscured glazing and the means of opening for the respective windows to be provided. The approved scheme shall then be retained in place at all times.

Reason: To protect the privacy and amenities of adjoining residents.

And that the following conditions be added:

18. Notwithstanding the information submitted with the application, the height of the wall, to be retained in relation to finished levels in the patio area, following the partial demolition of the building at the rear of the site, shall be agreed in writing with the LPA before the commencement of works upon the site.

Reason: To ensure adequate privacy for the residents of Chapel Terrace.

19. HWAY 29 (no outward opening gate)

20. Notwithstanding the information submitted with the application, prior to the commencement of works upon the site, a revised plan shall be submitted to and agreed in writing with the LPA for the layout of cycle parking/bin stores on the western boundary of the application site.

Reason: To achieve a layout that is convenient to use for residents and to achieve a satisfactory appearance.

Mrs Kadis, a neighbour, addressed the committee and raised concerns about the window scheme that would overlook her property and general concerns about parking pressures.

RESOLVED: That, the application be approved in line with the conditions and informatives in the report and the replacement conditions and amendments listed above.

REASON: That the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4A, GP13, HE2, HE3, HE4A, HE5A, L1C, ED4 and S9 of the City of York Development Control Local Plan.

19g. St Mary's C of E Primary School, School Lane, Askham Richard, York, YO23 3PD (06/01406/GRG3)

Members were advised that this application had been withdrawn prior to the meeting and as such was not part of the Plans List for determination.

19h. Ali G Pizza, 11 Tower Street, York, YO1 9SA (06/01471/FUL)

Members considered a full application, submitted by Ali Gurgar for the Variation of condition 2 of planning permission 7/05/737/ARI/TP to extend opening hours to 16.00 hours - 1.00 hours Monday-Thursday 16.00 hours - 02.00 hours Friday and Saturday and 16.00 - 1200 hours Sunday.

Officers updated the committee about the receipt of a further letter of objection identifying noise, litter and vandalism as concerns in relation to the application. Officer advised Members of the need to revisit the wording of condition 2 regarding litter collection.

Mr McLoughlin, solicitor for the applicant, addressed the committee about the merits of the scheme and supporting a family run business.

RESOLVED: That the application be approved in line with the conditions and informatives in the report with the exception of condition 2 which Officer must seek satisfactory rewording of.

REASON: The proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3, S6 and S7 of the City of York Local Plan Deposit Draft.

19i. Council Depot, Hazel Court, York, YO10 3DS (06/01484/GRG3)

Members considered a full application, submitted by City of York Council for the Erection of a 15 metre high wind turbine (re-submission).

Officers updated the committee with a report that Cllr M Hill had written to express his support for the wind turbine.

RESOLVED: That the application be approved in line with the conditions and informatives in the report.

REASON: The proposal complies with Policies GP4, GP5 and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy statement Notes 1 “delivering Sustainable Development” and No.22 “Renewable Energy”.

19j. 4 Littlefield Close, Nether Poppleton, York, YO26 6HX (06/01529/FUL)

Members considered an application submitted by Alison Jayne Bradley for the Erection of 2 x 1.8m high double wooden gates.

Officers updated the Committee to report that the response from Nether Poppleton Parish Council had been received and there were no objections.

RESOLVED: That the application be approved subject to the conditions and informatives in the report.

REASON: The proposal complies with Policy GP1 of the City of York Development Control Local Plan (2005).

19k. Lendal Hill House, Museum Street, York, YO1 7DT (06/01323/LBC)

Members considered a full application, submitted by Lendal Tower Venture for the Erection of boundary railings and alterations to outbuilding to form storage area.

Officers updated the committee that a plan had now been received showing the boundary markings for 3 garden areas.

RESOLVED: That the application be approved in line with the conditions and informatives outlined in the report.

REASON: That the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE4 and HE9 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 3.00 pm and finished at 6.00 pm.

COMMITTEE REPORT

Committee: West and City Centre **Ward:** Holgate
Date: 3 October 2006 **Parish:** No Parish

Reference: 06/01901/LBC
Application at: 23 St Pauls Square York YO24 4BD
For: Alterations to rear window and door glazing and internal door
By: Mr Body
Application Type: Listed Building Consent
Target Date: 24 October 2006

1.0 PROPOSAL

1.1 The application is for alterations to the glazing of the rear window and door and alterations to an internal door.

1.2 The dwelling is a grade II listed building and within the St Paul's Square/Holgate Road Conservation Area.

1.3 The application was requested to come before committee by Cllr. B. Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area St Paul's Square / Holgate Road 0032

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Listed Buildings Grade 2; 24 St Pauls Square York YO2 4BD 0240

Listed Buildings Grade 2; 23 St Pauls Square York YO2 4BD 0243

Listed Buildings Grade 2; 22 St Pauls Square York YO24 4BD 0245

Schools St. Paul's CE Primary 0229

2.2 Policies:

CYHE4

Listed Buildings

CYHE3
Conservation Areas

CYHE2
Development in historic locations

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 25/09/2006
Site Notice - Expires 27/09/2006
Press Advert - Expires 04/10/2006
Internal/External Consultations - Expires 25/09/2006

8 WEEK TARGET DATE 24/10/2006

3.2 INTERNAL CONSULTATIONS

CONSERVATION - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

No other representations were received within the consultation period

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

06/00006/LBC - Alterations to part of coach house to form garage and re-building of wall - Approved

06/00210/FUL - Alterations to part of coach house to form garage and re-building of wall to replace existing gates - Approved

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Guidance 15 - Planning and the Historic Environment

4.3 KEY ISSUES

1. Visual impact on the listed building and the conservation area

4.4 ASSESSMENT

The dwelling was built in the mid 19th century and the rear gothic style porch later in the final quarter of the 19th century. The rear porch looks out onto the rear garden

which is enclosed by high walls. The proposal would result in the loss of two doors and a dividing rail original to the porch however it is considered that the loss of these would be marginal, there are no additional windows being put in and the existing openings would not be made larger. The proposed glazing would become translucent when a current is passed through it and remains clear at other times. The proposed alterations would result in a less traditional appearance but not harmful or negative to the overall appearance of the dwelling or the wider conservation area.

5.0 CONCLUSION

5.1 The proposed alterations to the glazing of the rear window and door, and alterations to an internal door would comply with planning policy, and the amenity requirements of the conservation area and the listed building. 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 595.001 received 29 August 2006;

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

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

- 2 TIMEL2

- 3 VISQ8

7.0 INFORMATIVES:

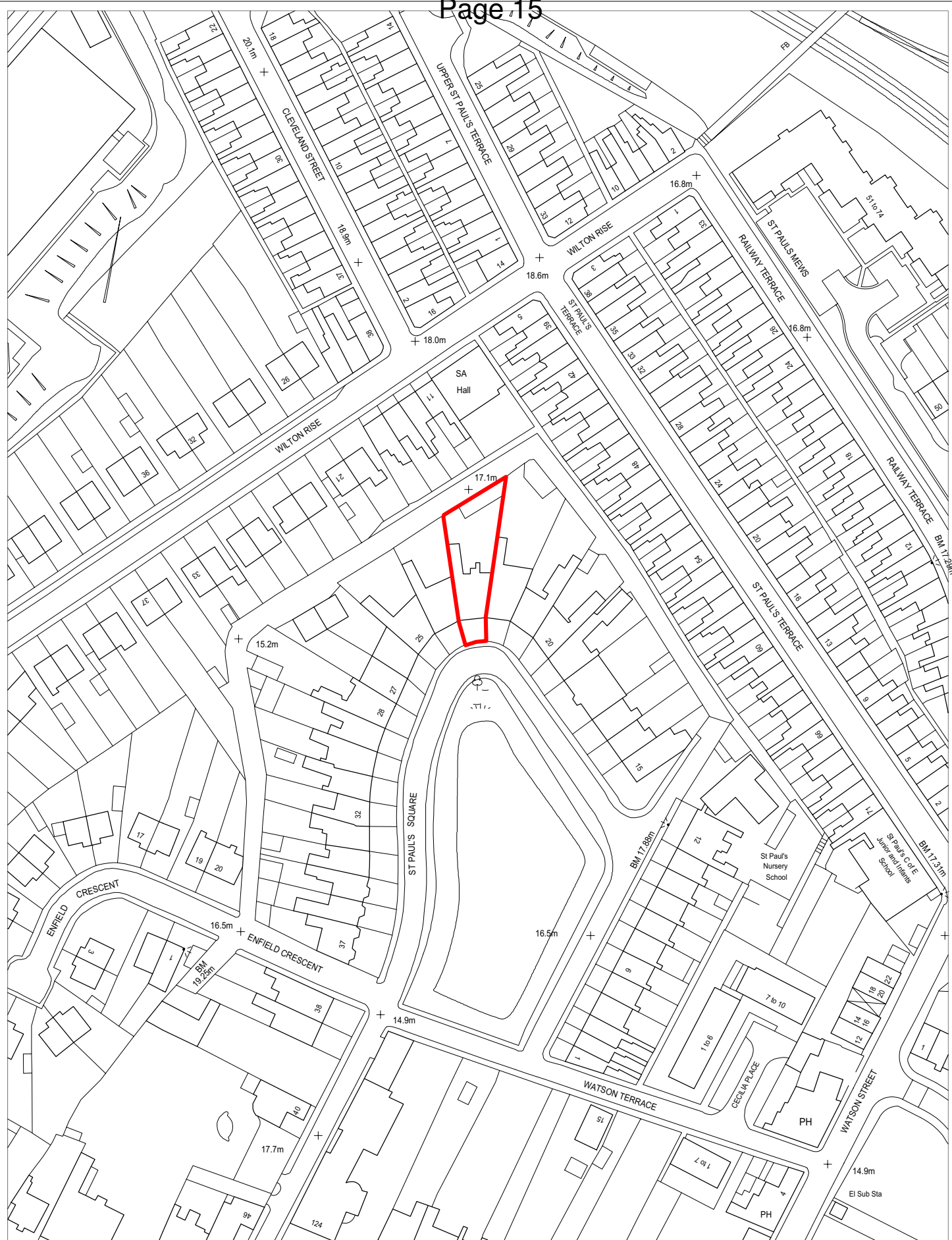
Notes to Applicant

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 amenity of the listed building and the conservation area. As such, the proposal complies with Policies HE2, HE3 and HE4 of the City of York Development Control Local Plan (2005); and Planning Policy Guidance 15 - Planning and the historic environment.

Contact details:

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



CITY OF
YORK
COUNCIL

23 ST. PAUL'S SQUARE 06/01901/LBC

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 20/9/2006
Drawing No.



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

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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Rural West York
Date: 3 October 2006 **Parish:** Copmanthorpe Parish Council

Reference: 06/01762/OUT
Application at: Fox And Hounds 39 Top Lane Copmanthorpe York YO23 3UH
For: Outline application for erection of 8 no.apartments with associated car parking and landscaping and extension to existing public house car parking facilities
By: Enterprise Inns Plc
Application Type: Outline Application
Target Date: 3 October 2006

1.0 PROPOSAL

1.1 The applicant seeks outline approval for the erection of 8 no apartments with associated car parking and landscaping and extension to existing public house car parking facilities.

1.2 The application site lies adjacent and to the south of the A64 and is separated from this trunk road by Tadcaster Road (a residential access road). A 2m high wooden post and vertical rail fence currently forms the boundary between the A64 and Tadcaster Road.

1.3 The application site has a varying topography, with the southern boundary formed by Top Lane. This is a residential road linking Copmanthorpe to York. To the south and west are residential properties consisting essentially of detached and semi detached houses.

1.4 The existing public house is located centrally. To the west the site contains additional parking facilities and a sitting out area which contains play equipment. The rear part of the premises "facing Top Lane" contain bin storage facilities and a parking/servicing area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1

Design

CYGP3

Planning against crime

CYH2A

Affordable Housing

CYH4A

Housing Windfalls

CYL1C

Provision of New Open Space in Development

CYGP9

Landscaping

CYED4

Developer contributions towards Educational facilities

CYGP4A

Sustainability

CYH5A

Residential Density

3.0 CONSULTATIONS

3.1 Internal

Development and Regeneration - affordable housing should be delivered via an "Affordable Housing Plan", the requirements of such a plan should be included/built in to a Section 106.

Lifelong Leisure and Learning - Comments

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

a) amenity open space - which would be used to improve a local site within the Parish.

b) play space - which would be used to improve a local site within the Parish such as the Recreation Ground

c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

Environmental Protection Unit - No Objections

Highway Network Management - No Objections - Conditions required (verbally confirmed 19.09.2006)

Education - request a total contribution of £6242, which will be divided between Copmanthorpe Primary and Millthorpe.

3.2 External

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

- * Loss of Views
- * Increased Traffic/Highway Safety
- * Parking on Top Lane/Grass Verges
- * Increased Pedestrian Risk
- * Shortfall in Parking Provision
- * Loss of Parking
- * Visual Harm
- * Impact upon Property Prices (not a material planning consideration)
- * Loss of Privacy
- * Increase in Noise Levels

No comments have been received from Copmanthorpe Parish Council (20.09.2006)

4.0 APPRAISAL

KEY ISSUES:-

4.1 The proposal raises the following key issues:

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

PLANNING POLICY

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

4.3 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.

4.4 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.

4.5 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.

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

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

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

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

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

4.11 Copmanthorpe Village Design Statement: seeks to

- a) guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Copmanthorpe.
- b) Contribute the views, local knowledge and interests of residents in the design and development of their village.

- c) Promote appropriate standards of design through clear guidelines so that development and change make a positive contribution to the village.
- d) Provide a practical tool for householders, developers, builders and their designers.
- e) Assist the decision making process in response to planning applications.

IMPACT UPON NEIGHBOURING RESIDENTS

4.12 The south facing "gable projection" containing a main stair case is the closest elevation to existing properties on Top Lane. A minimum and maximum distance of 26 metres and 36 metres has been provided between facing front elevations, which is considered to be acceptable in this location. Although existing first floor windows are likely to directly face the first floor windows of the flats (not included as part of the outline) the distances involved mitigate any harm to existing residential amenity.

4.13 At 9 metres in height the proposed flats are approx. 1.4 - 2.0 metres lower than neighbouring properties and are set down below the height of the existing Fox and Hounds Public House. Concerns have been raised regarding the loss of views from both the ground and first floor windows of properties on Top Lane. The Local Planning Authority accepts that existing views from housing on Top Lane will be obstructed by the applicants proposals, however there is no policy in the Development Control Local Plan to protect views. Given the distances between the existing and proposed development and the application sites location within the village settlement limit it is not considered that a refusal on these grounds could be justified.

4.14 Existing hedge and tree planting will be retained along the northern and western boundaries, securing the residential and visual amenity of 19, Tadcaster Road, Morvern Lodge and 37, Top Lane.

HIGHWAY ISSUES/CAR PARKING

4.15 Highway Network Management have no objections to the applicants' proposals, however conditions will be included to ensure compliance to submitted plans and to secure highway safety.

4.16 Following discussions with Highway Network Management and in view of the changed circumstances of the public house operation, it was agreed that the parking arrangement and parking provision could be altered and reduced respectively. It was requested that 25 spaces should remain upon the site to accommodate traffic utilising the public house.

AFFORDABLE HOUSING

4.17 Para.6.5 of the submitted "Planning Statement" states "in line with the Councils affordable housing policy(as outlined in the City of York Affordable Housing Advice Note July 2005 Target Schedule (page 19) it is proposed that 4 of the apartments (2 x 3 bed and 2 x 2 bed) will be affordable units and that these would be secured by a S106 agreement". Conditions have been included as part of this application to secure the aforementioned S106 agreement.

DESIGN, DENSITY AND SUSTAINABILITY

4.18 Policy H5a of the Draft Local Plan aims to achieve net residential densities of greater than 30 dwellings per hectare. In this instance the applicant has provided 73 dwellings per hectare.

4.19 Although in excess of aforementioned guidance, it is considered appropriate to maximise densities upon this particular site to mitigate pressure on existing green field sites and not to compromise other established planning objectives which aim to maintain a high quality environment within the city.

4.20 This departure from Local Plan Policy is justifiable for a number of reasons. Firstly, the application site is a relatively uninspiring and poorly maintained "gateway" site located within the defined settlement limits of Copmanthorpe village. Developing a site of this nature would certainly reduce development pressure elsewhere in the City. The site has good transport links with the City Centre and local facilities and is not expected to create an unsustainable increase in traffic movements. Finally as previously mentioned in para's 4.6 - 4.8 the size and scale of the proposal represents little harm to the visual and residential amenity of neighbouring properties or the character and appearance of the surrounding area.

4.21 Cycle storage has also been provided within the site to further encourage sustainable living.

4.22 In terms of design and massing the applicants' proposals are comparable in some respects to the neighbouring Fox and Hounds Public House. The application site will be set down below the aforementioned Public House with much of its massing mitigated by the existing topography and the new boundary fence. The developments full height can only be appreciated from the north, where it overlooks Tadcaster Road and the Ring Road. In terms of massing, the proposed flats occupy a footprint approx. 80 sq metres less than the Public House premises. The subservient nature of the gable staircases and the gap left between the two building also help to mitigate the any perceived bulk or massing.

4.23 Copmanthorpe Village Design Statement states that the existing "green gateway" gives the impression of a distinct and self contained village. The application site will contain further planting continuing the existing planting along the northern site of Top Lane. The proposal will utilise a poorly managed hard landscape wedge, and its location and design appears to bolster the "gateway" when approached from the east. Its location also helps to screen the A64 from the views of visitors and residents alike.

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

- 2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: design, external appearance and landscaping

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

- 3 HT1 9m

- 4 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

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

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

Reason: To protect the health of the occupants

- 6 The building envelope shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of new occupants from noise from the A64 and the public house

7 DRAIN1

8 OUT4

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

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

10 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 £8,156

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.

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

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city

in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance 'Developer Contributions to Education Facilities' dated January 2005.

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 a legal interest in the application site, The obligation should provide for a financial contribution calculated at £6242 . The basis for this calculation is contained within the Council's 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 Planning Authority's enforcement powers in this regard.

- 12 The development shall not begin until a scheme submitted as part of the first reserved matters showing a 50% unit provision for affordable housing purposes as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-
- i) The numbers, type and location of the site of the affordable housing provision to be made
 - ii) The timing of the construction of the affordable housing
 - iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
 - iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and means by which such occupancy shall be enforced.

REASON: To comply with Policy H2 a of the Council's Development Control Local Plan (4th Set of Changes April 2005)

Informative:

For the avoidance of doubt, the term affordable housing means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

**7.0 INFORMATIVES:
Notes to Applicant**

1. The developer's attention should 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;

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

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

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

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

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

6 There shall be no bonfires on the site.

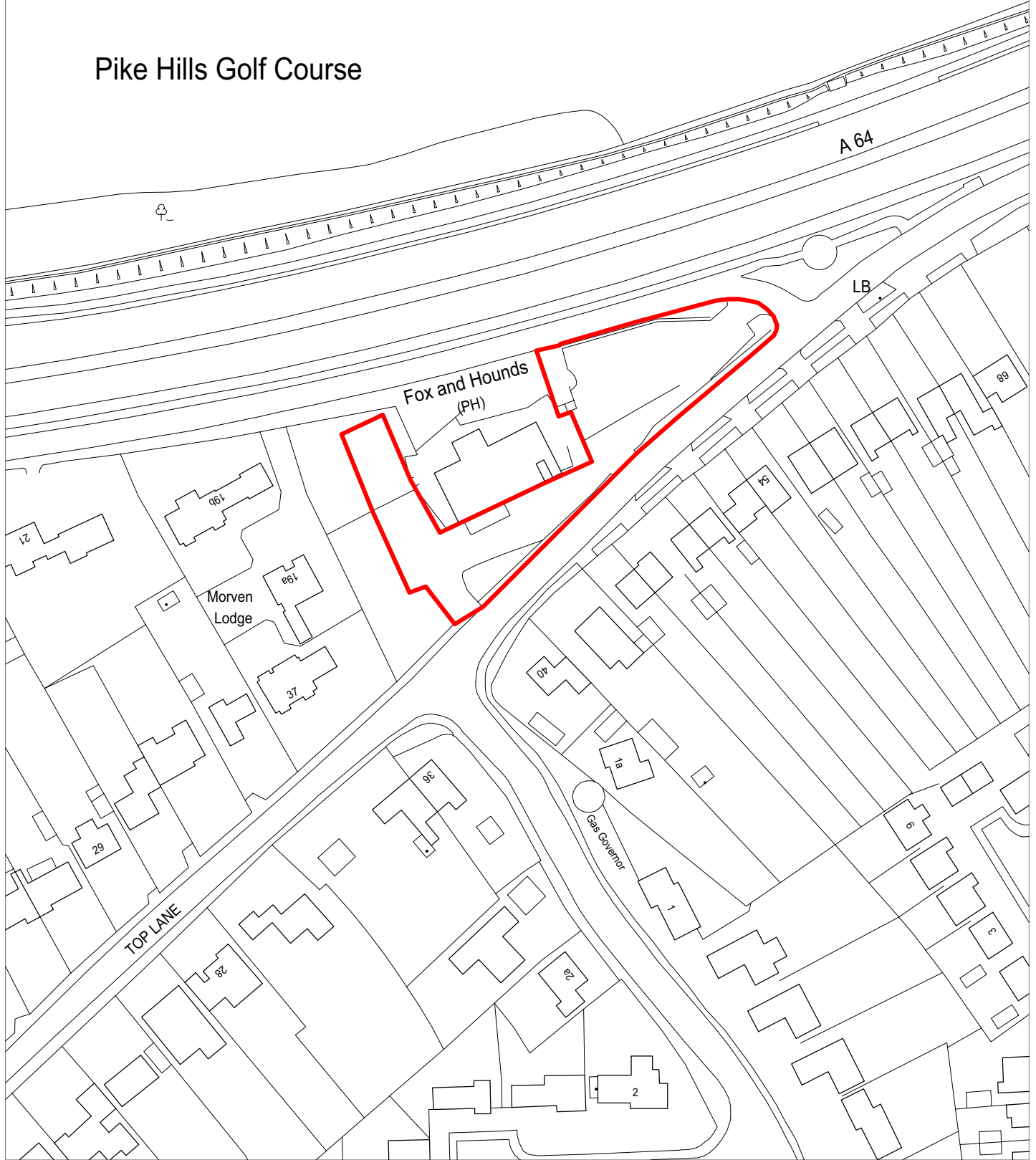
2. REASON FOR APPROVAL

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, highway safety, sustainability and density. As such the proposal complies with PPS1 and PPG3 guidance and policies L1c, H4a, GP9, GP4a, H5a, H2a, GP3, ED4 and GP1 of the City of York Development Control Draft Local Plan.

Contact details:

Author: Richard Mowat Development Control Officer
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Pike Hills Golf Course



CITY OF
YORK
COUNCIL

FOX AND HOUNDS, COPMANTHORPE 06/01762/FUL



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 20/9/2006
Drawing No.

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COMMITTEE REPORT

Committee: West and City Centre **Ward:** Rural West York
Date: 3 October 2006 **Parish:** Copmanthorpe Parish Council

Reference: 06/01772/OUT
Application at: 19 Horseman Avenue Copmanthorpe York YO23 3UF
For: Outline application for erection of single dwelling (resubmission)
By: Holgate Bridge Homes Ltd
Application Type: Outline Application
Target Date: 3 October 2006

1.0 PROPOSAL

1.1 Outline planning permission is sought for the erection of a 4-bed detached dwelling to the rear of 19 Horseman Avenue. The proposal also includes the formation of 2 no. car-parking spaces to the side of the proposed dwelling. Access to the proposed development is shown via an existing access way from Horseman Avenue, which is presently used by no.19. Turning space for both the existing and proposed property is to be shared as part of the paved yard area.

1.2 The proposed site is located within the rear garden of 19 Horseman Avenue. This rectangular shaped site measures 0.08ha. 19 Horseman Avenue is located at the end of a cul-de-sac. There is an existing vehicular access (3.00 m wide) which serves no.19. There are a number of mature trees which bound the site to the north and east elevations. The trees situated adjacent no.19's rear boundary to the east are protected by a tree preservation order. The site has a pronounced slope. The site falls away by approximately 2.00 - 2.50 m from the front to the rear.

1.3 The proposed dwelling is a detached, two storey house with a pitched roof. The windows are to the front (west) side (north) and rear (east) elevations. The length of the proposed dwelling is 14.80 m, the width is 8.80 m and the highest point of is 7.60 m above ground level. As the dwelling is a split level design there are 2 separate ridge heights. Both are approximately 7.20 m - 7.40 m above their respective ground levels. There appears to be a difference in ground floor levels of approximately 2.00-2.50 m from the front of the dwelling (adjacent Horseman Avenue) to the rear of the proposed dwelling adjacent 'The Stable' and 'East Wing House'. It appears that the proposed dwelling, if built, would be 700 mm at its highest point and 1.10 m at the lower ridge level below that of the existing bungalow to the front elevation (19 Horseman Avenue).

1.4 19 Horseman Avenue is an existing semi-detached bungalow which is 10.40 m in length x 8.70 m in width x 6.90 m in height to its ridge level (highest point). It is proposed to erect the new dwelling approximately 6.00 m away from the nearest point (northeast corner) of no.19.

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

1.6 HISTORY: Outline planning permission (05/02325/OUT) for the erection of a single dwelling was previously refused on 11.01.2006, for the following reasons:-

(a) The proposed dwelling, garage and associated works, by virtue of the small size of the plot and the close proximity to existing dwellings, would appear as a cramped overdevelopment of the site. The proposal would detract from the appearance and character of the area and as such is contrary to Policies GP1, GP10 and H4A of the City of York Local Plan Deposit Draft and guidance contained within the Copmanthorpe Village Design Statement;

(b) The proposal by virtue of the close proximity of the proposed dwelling and the proposed route of the shared access drive to no.19 Horseman Avenue would severely harm the residential amenity of the occupiers of that property by reason of overlooking, general noise and disturbance and loss of garden area. As such the proposal is contrary to Policies GP1, GP10 and H4A of the City of York Local Plan Deposit Draft and the guidance contained within the Copmanthorpe Village Design Statement;

(c) In the opinion of the Local Planning Authority the occupiers of the proposed dwelling would not enjoy a level of residential amenity that they would reasonably expect by virtue of the overshadowing of the proposed garden and east and south facing windows by surrounding trees and by virtue of overlooking from the windows and garden areas of no.19 Horseman Avenue which is situated at a higher ground level than the proposed dwelling. As such the proposal is contrary to Policies GP1, GP10 and H4A of the City of York Local Plan Deposit Draft and the guidance contained within the Copmanthorpe Village Design Statement.

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

Schools Copmanthorpe Primary 0190

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4A

Housing Windfalls

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

Advise the imposition of condition requiring full details regarding access, parking and turning arrangements and cycle storage facilities to be submitted and approved by the LPA prior to development commencing and also standard highway condition relating to details to be submitted regarding vehicular areas surfaced.

3.3 Urban Design and Conservation

No observations received.

3.4 Environmental Protection Unit

Advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

3.5 EXTERNAL.

3.6 Copmanthorpe Parish Council object on the following grounds:-

- (i) The submission does not address the loss of open space between Horseman Avenue and Orchard Garth. One CYC's original reason for refusal (11/01/06) refers to the small size of the plot and the cramped overdevelopment of the site which this proposal would produce if allowed to proceed;
- (ii) The inadequate access remains the same;
- (iii) Precedent;
- (iv) The P.C. further comment that 'in short we see little change in this resubmission and would urge refusal a second time'.

3.7 Objections have been received from 11 neighbouring households. These comments relate to:-

- (a) Out of character - The proposed dwelling is a cramped over-development of the site and would detract from the appearance and character of the area. It is also not in proportion with neighbouring properties or the density of the area.
- (b) Loss of natural screening and impact upon wildlife and trees- The proposal would have a detrimental impact upon wildlife, trees and plants and might necessitate future works to trees to allow for adequate amenity. Trees at the rear of the site are covered by a tree preservation order.
- (c) Traffic nuisance - An increase in vehicular traffic would cause an increased danger to pedestrians and road traffic and complicate manoeuvring for the existing residents of Horseman Avenue and also complicate access for emergency vehicles.
- (d) Amenity:-

- (i) The proposed shared access would pass within just over 1.00 m from the conservatory on no.18 causing noise nuisance to the occupiers of the property;
- (ii) The proposal would diminish the existing level of privacy to no.18 and no.20 Horseman Avenue, East Wing House, 7 Orchard Garth ('The Stables') and adjacent dwellings in Faber Close (the separation distance between properties on Faber Close is less than 21.00m).
- (e) Drainage - The local drainage system has a problem with capacity. Further development will only exacerbate this problem.
- (f) Flooding - The proposal would increase the risk of flooding due to the high water table and increase of hardstanding area.
- (g) Design statement - does not satisfy the requirements of the Copmanthorpe Village Design Statement.

4.0 APPRAISAL

4.0 OFFICERS REPORT

4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area;
- Impact on residential amenity;
- Affect on highway safety;
- Protected trees;
- Open space and education; and
- Drainage

4.2 POLICY

4.3 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.

4.4 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 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.5 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.

4.6 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.

4.7 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.

4.8 Policy L1c requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.9 Copmanthorpe Village Design Statement - aims to guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Copmanthorpe. All developments should retain and enhance site features and should be carried out with great sensitivity, to respect its historic buildings and their settings.

4.10 PRINCIPLE OF DEVELOPMENT: The site lies within the defined settlement boundary of Copmanthorpe. There are no other relevant statutory constraints i.e. Conservation Area, etc. The proposed residential use conforms with the immediate locale. As a consequence, the proposed development of the land for residential use is acceptable in principle as it is compatible with the surrounding land uses. Whilst the principle of residential use is acceptable, the impact of the development on the visual amenity of the area, the amenity of adjacent residents and the safety of the highway network need to be considered.

4.11 IMPACT ON VISUAL AMENITY OF AREA: The existing property is a semi detached single storey family dwelling with a relatively large rear garden. A similar planning application 05/02325/OUT was refused in 2005. The refused application proposed that a new dwelling be erected directly behind no.19, within the rear garden area of the existing dwelling. The associated sub division of the garden would have resulted in the existing and proposed dwelling being left with only a relatively small garden area, which would have severely reduced the amenity enjoyed by current/future occupiers and resulted in a cramped form of development.

4.12 This current application has attempted to address the original reasons for refusal in terms of protecting the level of amenity for the existing and proposed dwelling, protecting character and appearance of the area and also not affecting adjacent neighbours amenity.

4.13 The application site is reasonably well screened from Horseman Avenue as it set within the rear garden of no.19. Due to the topography of the site the proposed dwelling would not protrude above the ridge line of the existing dwelling (no.19). There may however be some limited views available when approaching the no.19 and from certain points within the cul-de-sac. Also the proposed dwelling could be

seen from the rear outlook of properties in Orchard Garth, namely 'The Stables' 'East Wing House' and 'The Manor'. This would be particularly noticeable during autumn/winter when the deciduous trees screening the development have shed their leaves. There may be also some very limited views from dwellings in Faber Close. Finally a public footpath runs along the east boundary of the site which would afford views of the site in certain places.

4.14 Whilst the proposal is not considered to be an overdevelopment of the plot due to the siting of the new dwelling giving adequate levels of garden space for both the proposed and existing dwelling, it is considered that the development is out of character with the area. Relatively large rear gardens and informal green spaces are an attractive and characteristic feature of the immediate locality. The introduction of such a large house - as "backland development" - would not be in character with the general pattern of development in the street and could be considered detrimental to this sense of informal green space and the characteristic spaciousness and result in a layout and design at odds with and unrelated to the surrounding built form.

4.15 **IMPACT ON RESIDENTIAL AMENITY:** The relationship between the proposed dwelling and adjacent dwellings is considered to be problematical, inasmuch as it would most likely have a detrimental impact upon their amenity. Whilst there appears to be an adequate separation distance (approximately 36.00 m) between the proposed dwelling and the existing 3 dwellings to the rear (Orchard Garth), this cannot be considered the same for properties in Faber Close. The separation distance between these dwellings ranges from approximately 13.00 - 15.00m. Whilst it is acknowledged that there is a row of conifer trees and shrubbery (approximately 4.00m in height) which divide these properties from the proposed dwelling, it is considered that such a scheme may still appear incongruous and overbearing to the occupants of these dwellings. Furthermore the proposed dwelling could have a detrimental impact upon their rear gardens (only private amenity space) due to shading and loss of light, privacy and aspect. It should also be noted that these trees are not protected and could be removed by the applicant should the development be approved.

4.16 Due to the difference in land levels it is difficult to calculate the precise impact the proposal may have upon the amenity of the adjacent neighbours. However it is considered that the proposal would have a detrimental impact upon 19 Horseman Avenue. As a consequence the introduction of a substantial property within the rear garden of no.19 would create an awkward juxtaposition between each dwelling's living arrangements in terms of privacy and overlooking. It is however acknowledged that there are no significant window openings in the elevation of the proposed dwelling adjacent no.20.

4.17 It is possible (or even likely) that the proximity of the proposed house would lead to future pressures to carry out pruning or felling works to these trees. Whilst the trees to the south area formally protected, no such protection it is afforded to the belt of conifers to the east. If the height of these trees are lowered it would exacerbate the detrimental impact of the proposed dwelling upon adjacent neighbours in Faber Close.

4.18 The application includes the alteration of the internal layout of no.19 so as to mitigate the impact of the proposed dwelling upon the amenity of existing/future residents. It has been highlighted by a neighbour that this element of the application should not be given any weight. This is because such an alteration could not be controlled or reasonably enforced against, should approval be granted and the applicant either does not wish to alter the internal layout or chooses to change back to the original layout at a future date.

4.19 PROTECTED TREES: The proposed dwelling is 2 storeys in height with 4 bedrooms at first floor level. The siting of the dwelling is to the northeast side of the proposed plot which gives the maximum distance from the protected trees to the south. The main windows would be sited in the gable elevations and eastern elevation. The house would be part overshadowed by the both the protected trees and the row of conifers/shrubbery to the east for at least part of the day. Similarly, a significant part of the proposed garden will be overshadowed for much of the year.

4.20 HIGHWAYS: No highway objection has been raised regarding the access arrangements. However it is suggested a condition requiring full details regarding access, parking and turning arrangements and cycle storage facilities should be submitted and approved by the LPA prior to development commencing and also standard highway condition relating to details to be submitted regarding vehicular areas surfaced.

4.21 OPEN SPACE: Under Policy L1c there would be an open space provision requirement for this site. If the scheme were acceptable in all other respects the provision of open space could be dealt with by condition.

4.22 DRAINAGE: Foul water drainage to public sewers can be provided. Responses from neighbours indicate that there may be some difficulties in surface water drainage and the proposals would result in an increase in impermeable area and hence increased run-off. There is no evidence to suggest that suitable soakaways and permeable hard standings could not be designed to provide a sustainable drainage solution. Details of the surface water drainage works could be secured to be approved before development commences through imposition of appropriate conditions.

5.0 CONCLUSION

5.0 The proposed building would, if built, appear as an incongruous, and awkward addition that would create a cramped form of development within the area. It would therefore have a harmful effect on the character and amenity of the local environment and adjacent neighbours.

5.1 As a consequence the proposed detached two storey dwelling is considered to be unacceptable and is recommended for refusal, contrary to GP1, GP10, H4a and L1c of the City of York Development Control Draft Local Plan, Policy E4 of the North Yorkshire County Structure Plan and the Copmanthorpe Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The proposed development would have a harmful effect upon the character and visual amenity of the local environment due to its scale, design and siting. The proposed dwelling would appear incongruous and out of scale and proportion with the adjacent bungalows in Horseman Avenue. Also due to the siting of the proposed dwelling it would create a contrived and awkward living arrangement between the existing dwelling (no.19) and adjacent neighbours. As a consequence the proposal is contrary to Policies GP1, GP10, H4a and L1c of the City of York Local Plan Deposit Draft and the guidance contained within the Copmanthorpe Village Design Statement.

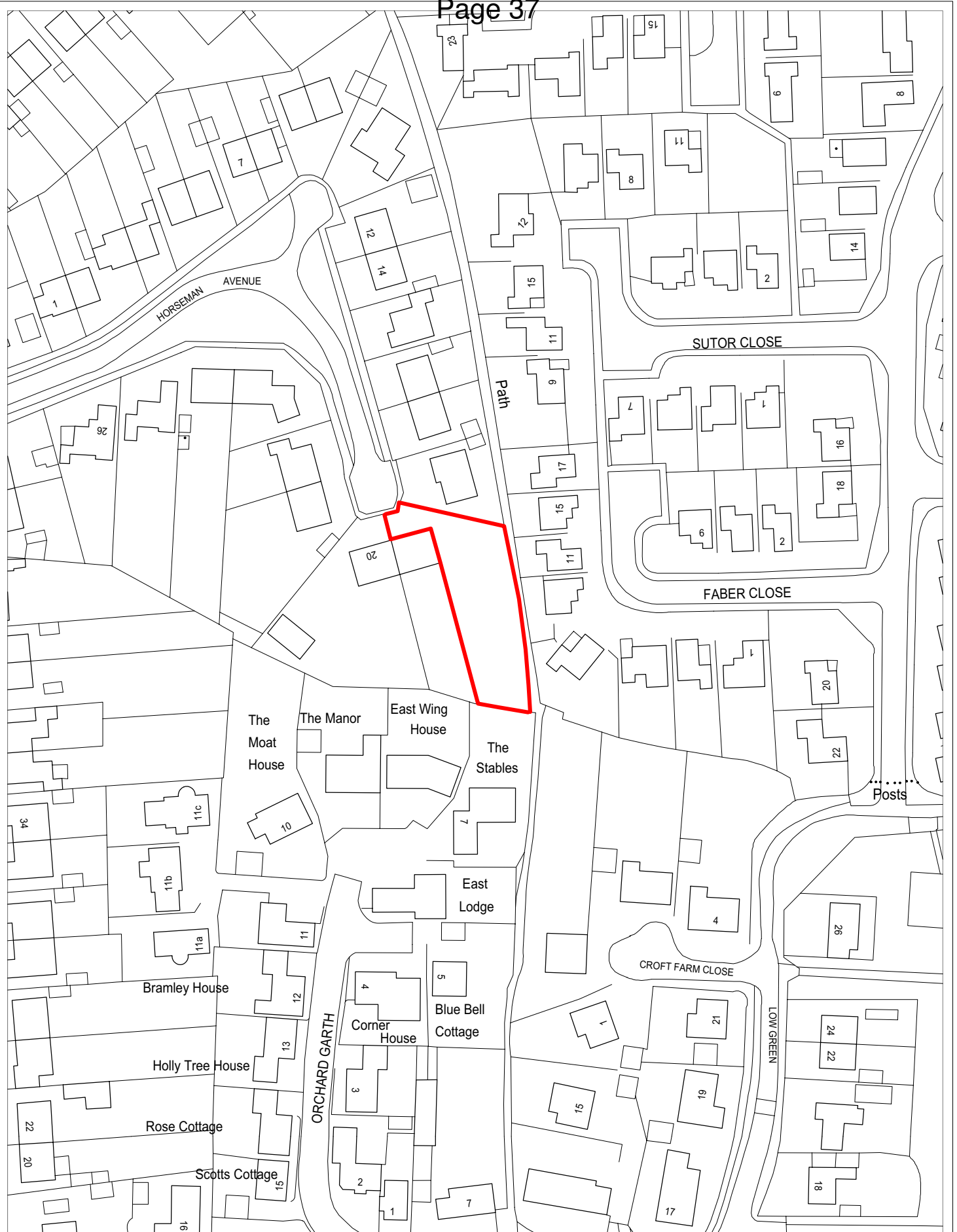
- 2 Such a scheme would create a harmful deterioration in the residential amenity of the occupiers of the existing adjacent dwellings due to creating an un-neighbourly and overbearing feature which would also have an adverse effect upon the levels of light to their rear private gardens. As a consequence the proposal is considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and to policies GP1, GP10, H4a, L1c of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005 and the Copmanthorpe Village Design Statement.

7.0 INFORMATIVES:

Contact details:

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Tel No: 01904 551326



CITY OF
YORK
COUNCIL

19 HORSEMAN AVENUE, COPMANTHORPE 06/01772/OUT



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 20/9/2006
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