



## Notice of meeting of

### East Area Planning Sub-Committee

**To:** Councillors Moore (Chair), Hyman (Vice-Chair),  
D'Agorne, Greenwood, Hall, King, Smallwood, Vassie,  
B Watson and I Waudby

**Date:** Thursday, 25 January 2007

**Time:** 2.30 pm

**Venue:** The Guildhall, York

### A G E N D A

**Please note that there are no site visits scheduled for this meeting.**

**1. Declarations of Interest**

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

**2. Minutes**

(Pages 1 - 5)

To approve and sign the minutes of the meeting held on 11 January 2007.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Panel's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 24 January 2007 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 in the East Area with an outline of the proposals and relevant policy considerations and the views and advice of consultees and Officers.

**a) Tesco Stores Ltd, Stirling Road, York (Pages 6 - 13)  
(06/02357/FULM)**

Ground floor extension to rear of existing store, insertion of mezzanine to first floor and alterations to pedestrian access from the roundabout.

**b) Clifton Family Centre, 107 Burton Green, York (Pages 14 - 26)  
(06/02648/OUT)**

Outline application for the erection of 8 no. dwellings (approval sought for access only).

**c) Lord Deramores Primary School, School Lane, Heslington, York (Pages 27 - 32)  
(06/02479/FUL)**

External lighting units on school buildings (retrospective).

**d) Lord Deramores Primary School, School Lane, Heslington, York (Pages 33 - 37)  
(06/02480/LBC)**

Internal electrical rewire and external lighting units (retrospective).

**e) 106 Millfield Lane, York (06/02308/FUL) (Pages 38 - 42)**

Single and two storey side extensions.

**f) Walmgate Stray, Heslington Lane, York (Pages 43 - 49)  
(06/02590/GRG3)**

Construction of a shared footway/cycleway from the end of the existing University cycle route to Mitchels Lane.

**g) 12A New Walk Terrace, York (06/02713/FUL) (Pages 50 - 54)**

Installation of 2 no. dormers to front elevation.

- h) **17 Worcester Drive, York (06/02740/FUL)** (Pages 55 - 59)  
Extensions and alterations to existing dwelling.

**5. Urgent Business**

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

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

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

Contact details are set out below.

Democracy Officer:

Name: Jill Pickering

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

City of York Council

Minutes

---

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 JANUARY 2007
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), D'AGORNE, GREENWOOD, HALL, KING, VASSIE, B WATSON AND I WAUDBY
APOLOGIES	COUNCILLOR SMALLWOOD

---

**47. 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.

No interests were declared.

**48. EXCLUSION OF PRESS AND PUBLIC**

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

**49. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 14 December 2006 be approved and signed by the Chair as a correct record subject to the addition to Minute 45a) (Land adjacent to Concorde Park, fronting Amy Johnson Way, York 06/02102/FULM) of the following additional resolution:

- ii) That Officers be requested to review the cycle arrangements with the developer to see whether the parking could be located in a more secure, convenient and safely accessible location on the site.

Arising out of consideration of the Minutes, Cllr Watson questioned when the Sub-Committee would consider the application at Hoxne Farm, Sheriff Hutton Road, Strensall (Minute 45e) as the application had been deferred

to the January meeting. Officers confirmed that there were still a number of points that required clarification but that this application would be brought back to the Sub-Committees meeting in February.

**50. PUBLIC PARTICIPATION**

Vic Paylor, Chair of Clifton Without Parish Council, spoke to the Sub-Committee under the Councils Public Participation Scheme on an issue within the Sub-Committee's remit.

Mr Paylor referred to the Clifton Hospital site and the Section 106 Agreement, which had been conditioned as part of the planning application in March 1995. He referred to a meeting, which had taken place approximately 4 years ago between the City of York Council and the developers. Since that time the Parish Council had been endeavouring to ensure that all the agreed works were completed and he requested the Sub-Committees support to reinforce their requests.

The main problems related to the land transfer which was with the Council's legal department and which was preventing progress with the various works. Part of the Agreement related to a 5 year maintenance programme for the site, which could not be undertaken together with problems with security and incorrect notices displayed at the sewage site. He expressed thanks to Bob Missin, Countryside Officer, who had assisted the Parish Council in pursuing matters and he now requested the Sub-Committees support for the completion of the Section 106 Agreement.

With Members agreement, the Chair requested a report back from Officers to the 15 March 2007 meeting of the Sub-Committee with a copy of the report forwarded to Clifton Without Parish Council.

**51. 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

**51a. Greystones Farm, Towthorpe Moor Lane, Strensall, York (06/00080/FUL)**

It was reported that this full application, submitted by R G Chapman, for the installation of floodlighting for a golf range and planting of coppice (retrospective), had been withdrawn by the applicant.

Officers confirmed that enforcement action would be pursued in connection with the floodlights on the site.

**51b. Northern Electric Plc, Stirling Road, York (06/00946/FUL)**

Members considered a Full Application, submitted by Shopping Centres Ltd, for external alterations to front and rear, new gable roof extension and addition of mezzanine first floor to part of Unit 2.

Officers confirmed that this application was for external and internal alterations to the Northern Electric Plc premises with the construction of a mezzanine to the first floor. It was reported that the total floor area of Unit 2 was 1367 sq. m and, following the proposed split into two units, the area of 2A would be 545 sq. m and 2B, including the proposed mezzanine, 1636 sq. m. Officers also confirmed that the proposal met Highway requirements.

Members requested further details in relation to the Greater York Shopping Policy and what limit to the increase in the range of goods sold, or the reduction in size of retail units, which would be acceptable at out of town retail centres. Officers confirmed that the City Development Unit, were satisfied that the proposal did not harm the York city centre and they therefore raised no objections.

**RESOLVED:** i) That the application be approved subject to the conditions listed in the report.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York City Centre and the amenities of the locality. As such the proposal complies Policies S2, GP1, SP7A, SP6 and S1 of the City of York Local Plan Deposit Draft.

ii) That further information be sought from the City Development Unit in relation to the Greater York Shopping Policy to include figures to show the limit to the increase in the range of goods sold, or the reduction in size of retail units, which would be acceptable at out of town retail centres and that this information be emailed to all Sub-Committee members.

**51c. Northern Electric Plc, Stirling Road, York (06/00947/FUL)**

Members considered a Full Application, submitted by Shopping Centres Ltd, for the variation of Condition 5 of planning permission 3/104/141AD/PA to extend the type of goods sold from part of Unit 2.

Officers updated that a figure in the report required amendment, in paragraph 1.8 Condition 5 should read “not exceeding 92,500sq ft” and that Condition 3 under the recommendation for approval had been reworded to make it more comprehensive for the avoidance of doubt. Details of which were circulated at the meeting.

Certain Members expressed concern that the limit would soon be reached when out of town centres would affect the viability of the city centre and they questioned the availability of sites in the city. Officers confirmed that

each application was assessed on its merits as to its possible affect on the city centre. Other Members confirmed their support for the application as they felt that there was a need for the sale of this type of goods at the Clifton Moor Retail Park and that this would bring back into use a unit, which had been vacant for some time.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and subject to the replacement of Condition 3 with the following:

The range of goods to be sold in the ground and mezzanine floor of unit 2b as approved by this decision shall be restricted in accordance with the Greater York Shopping Policy (GYSP), so that the sale of the following goods shall be limited to ancillary sales only.

- a) men's, women's and children's clothing and footwear.
- b) fashion accessories.
- c) watches and jewellery.
- d) music and video recordings and video.
- e) cameras including camcorders and photographic equipment.
- f) domestic TV video and hifi equipment.
- g) toys.

Except that up to 45% (736 sq. m.) of the gross floor space of the unit, including mezzanine (1636 sq. m.) will allow for the sale of clothing, footwear and homeware.

Reason: In order to prevent the unit being used as open retail and conflicting with retail uses in the city centre.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York City Centre. As such the proposal complies Policies S2, GP1, SP7A, SP6 and S1 of the City of York Local Plan Deposit Draft.

## 52. ENFORCEMENT CASES UPDATE

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

**RESOLVED:** i) That the report and updates be noted.

- ii) That Officers provide Members with an update on City of York Council planning policy as it relates to the development of accommodation incidental to the main dwelling e.g. granny flats.

**REASON:** To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 3.07 pm.



**COMMITTEE REPORT**

**Committee:** East Area                                    **Ward:** Skelton, Rawcliffe, Clifton  
Without  
**Date:** 25 January 2007                               **Parish:** Clifton Without Parish Council

**Reference:** 06/02357/FULM  
**Application at:** Tesco Stores Ltd Stirling Road York YO30 4XZ  
**For:** Ground floor extension to rear of existing store and insertion of  
mezzanine first floor. Also alterations to pedestrian access from  
roundabout.  
**By:** Tesco Stores  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 29 January 2007

**1.0 PROPOSAL**

1.1 This is a full planning application to extend the existing Tesco superstore to the rear to provide an area for the operation of a home delivery service and to enlarge the retail area of the store. The proposals also include for the construction of a 2878 square metre mezzanine floor to provide additional retail floor space and additional bulk storage.

1.2 Previous planning permissions for an alternative format home delivery service extension at the rear of the store (ref. 06/01834/FUL) and extensions to the front of the store to provide additional retail floor space and rear to provide bulk storage (ref. 03/01099/FUL) remain extant. Permission ref. 03/01099/FUL allows for increasing the ground floor area of the store by 2889m<sup>2</sup> but includes the loss of a total of 89 visitors car spaces.

1.3 The original consent for the store was subject of conditions limiting the retail floor space. These were subsequently varied, most recently by application ref. 03/03107/FUL, and current limits imposed by that variation are that a maximum of 2536 square metres (net) floor space be given a over to non-food retail and 4240 square metres (net) to food retail. This is not an application to vary those limits.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

None

2.2 Policies:

GP1 – Design  
GP4a - Sustainability  
SP7 - The sequential approach to development

SP8 - Reducing dependence on the car  
S2 - Out of centre retail warehouse criteria

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 CITY DEVELOPMENT: The proposal is for a ground floor extension to rear of existing store and insertion of first floor mezzanine floor and alterations to pedestrian access from roundabout. The site is unallocated on the City of York Proposals Map (April 2005).

With an application such as this where additional floor space is proposed in an out of town location a Retail Impact Assessment would normally be required. PPS6 states

'impact assessments should be undertaken for any main town centre use which is proposed in an edge of centre or out of centre location, and not in accordance with the development plan'.

However the applicant (Tesco Stores Ltd) has previously received planning consent for a similar level of floor space (gross floor space 12,248sqm). This refers to application reference number 03/01099/FUL, which should also be read in conjunction with application 03/03107/FUL. The conditions of approval regarding floor space stated that:

- 1) The amount of non- food sales floor space should be limited to no more than 2536sqm of the net floor space of the extended Tesco Food store.
- 2) The amount of food sales floor space should be limited to no more than 4,240sqm of the net sales floor space of the extended Tesco Food store.

Provided that the current application conforms with the above conditions as set out in the 03/03107 decision, I would not wish to raise a policy objection.

3.2 ENVIRONMENTAL PROTECTION UNIT: No objections to this application. However the site is in quite close proximity to residential properties. I therefore have concerns regarding nearby residents being adversely affected by noise during any demolition, construction or refurbishment works and deliveries to and from site.

Therefore, the following condition is recommended:

1. All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from 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 local residents during the construction of the development.

I would also request that the following informative (construction and demolition) is included: [included as second informative]

3.3 HIGHWAYS NETWORK MANAGEMENT: It is officer's understanding that previous approval 03/01099 will be revoked under a Section 106 agreement should this application be successful and all recommendations are based on this understanding.

The home delivery service is already operating from the store and, based upon the number of trips the vehicles are likely to make, is not expected to have a material impact on the surrounding highway. The level of traffic generated by the delivery vehicles must also be considered against the potential savings in vehicle trips by customers shopping online.

There is an existing permission for this site, 03/01099, for an extension to the front of the building which would increase the GFA to 12,248 sq m. This approved extension necessitated the removal of customer car parking spaces, but a parking accumulation survey indicated that sufficient parking capacity remained during peak hours. A Transport Assessment was submitted with this application and the possible implications for the surrounding network examined by officers and found to be acceptable as information provided by Tesco showed that similar extensions in other stores provide enhanced facilities for existing customers rather than attracting greater numbers of customers. Pedestrian and cycle improvements were also included in this application with improved cycle parking and a new pedestrian/cycle link to Clifton Moor Gate.

This development proposes a GFA increase to 12,240 sq m and is therefore comparable with the existing permission. Unlike the previous consent, this proposal does not reduce the customer car parking spaces but does reduce staff parking by 10 spaces. As per the existing permission, improved cycle parking and a new pedestrian/cycle link to Clifton Moor Gate have been included in this application. A Travel Plan has been submitted which is acceptable subject to the condition below.

There are no highway objections to this proposal subject to the following conditions: [attached as conditions 4, 5 and 6].

#### EXTERNAL

3.4 CLIFTON WITHOUT PARISH COUNCIL: No objections.

3.5 CLIFTON MOOR BUSINESS ASSOCIATION: No objections.

3.6 PUBLICITY: The application has been advertised by press notice and site notice to which no response has been received.

## 4.0 APPRAISAL

### RETAIL IMPACT.

4.1 The proposed development would result in the store having a gross floor area of 12,240 square metres compared with the extant consent (ref. 03/01099/FUL) which would result in a gross floor area of 12,248 square metres. The applicant has undertaken to revoke this previous consent and a previous home delivery extension if this consent is granted and on this basis there is not considered to be additional adverse impact on retailing in the city and hence no retail impact assessment has been required. The previous consent can be revoked by the applicant unilaterally entering into a legal agreement and hence it is recommended that, if members are minded to grant consent, any consent is deferred to officers until such an agreement has been completed. Grant of consent would not result in any variation of the food and non-food floor space limits. As such the proposals are considered to be in accordance with the aims of Policy S2 of the Draft City of York Local Plan and the aims of PPS6.

### TRANSPORT

4.2 The previously approved scheme resulted in the loss of 89 visitors car parking spaces. This revised scheme would retain existing visitors parking but would result in the loss of 10 staff parking spaces at the rear of the store. The transport statement submitted with the application states that the maximum staff numbers on site at any one time will rise from 350 to 400, this is the same rise with the previously approved extensions. A scheme of improved pedestrian, cycle and bus access measures are proposed for the front of store that include a new more direct link to the pedestrian crossing between this store and the adjacent retail area to the west.

4.3 A staff travel plan has been submitted and additional staff cycle parking is proposed to be sited at the rear of the store. The comments of the Highways Network Management team are noted and the measures proposed are considered adequate. Detailed design of the additional staff cycle parking (to be covered and secure) shall be secured by condition. As such the proposals are considered to be in accordance with the aims of Policies GP4a, SP8 and T13a of the Draft City of York Local Plan and the aims of PPS1 and PPG13.

### VISUAL IMPACT

4.4 The design of the proposed extensions to the rear of the store are in keeping with the existing building and are not considered detrimental to the appearance of the building or the wider area. The extensions are not considered to appear incongruous or disproportionate. Control of materials to match the existing building can be secured by condition. As such the proposals are considered to be in accordance with the aims of Policy GP1 of the Draft City of York Local Plan and the aims of PPS1.

AMENITY.

4.5 It has been recommended by the Environmental Protection Unit that any permission be subject to a standard construction hours condition. However given the distance separating the nearest dwelling from the site, the busy road which separates them and the 24 hour operation of the store such a condition is considered to be unduly onerous. It is considered that the amenity of these residential units can be protected through a construction management plan - controlling such matters as delivery times, working hours and noise levels - secured by condition and agreed with the applicant. As such any consent is considered to be in accordance with the aims of Policy GP1 of the Draft City of York Local Plan and the aims of PPS1.

**5.0 CONCLUSION**

5.1 It is considered that the proposal, subject to the conditions listed below and the revocation of planning permissions reference 03/01099/FUL and reference 06/01834/FUL, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of this building, the vitality of the city centre, living conditions enjoyed by occupiers of nearby dwellings or the safe operation of the highway network. As such the proposal is considered to comply with policies SP8, T4, T13, GP1 and S2 of the Local Plan Deposit Draft and the aims of PPS6 and is recommended that approval be delegated to officers following revocation of planning permissions ref. 03/01099/FUL and ref. 06/01834/FUL.

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

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

Drawing Number P103 revision A received 7 December 2006  
Drawing Number 10 revision B received 30 October 2006  
Drawing Number P101 received 30 October 2006  
Drawing Number P102 received 30 October 2006  
Drawing Number P104 received 30 October 2006  
Drawing Number P105 received 30 October 2006

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

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

- 2 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.

- 3 The materials to be used externally shall match those of the existing building in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

- 4 The development hereby approved shall not be brought into use until covered and secure cycle parking facilities have been provided in accordance with detailed drawings, which are to be submitted to and approved in writing by the LPA. Such facilities shall thereafter be retained for the purposes of parking cycles.

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

- 5 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of a Travel Plan which shall be submitted to and approved in writing by the LPA.

Reason: To ensure the development complies with advice contained in PPG13 (Transport) and in policy T20 of the City of York Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site together with parking on site for these users.

- 6 The development hereby approved shall not be brought into use until the pedestrian/cycle link shown on drawing P103 has been constructed in accordance with detailed drawings submitted to and approved in writing by the LPA.

Reason: To ensure safe means of pedestrian access and encourage sustainable travel.

- 7 Prior to any works commencing on site, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Once approved, the CMP shall be adhered to at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of occupants of nearby residential properties.

## **7.0 INFORMATIVES:**

1. Reason for approval.

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of this building, the vitality of the city centre, living conditions enjoyed by occupiers of nearby dwellings or the safe operation of the highway network. As such the proposal complies with policies SP8, T4, T13, GP1 and S2 of the Local Plan Deposit Draft and the aims of PPS6.

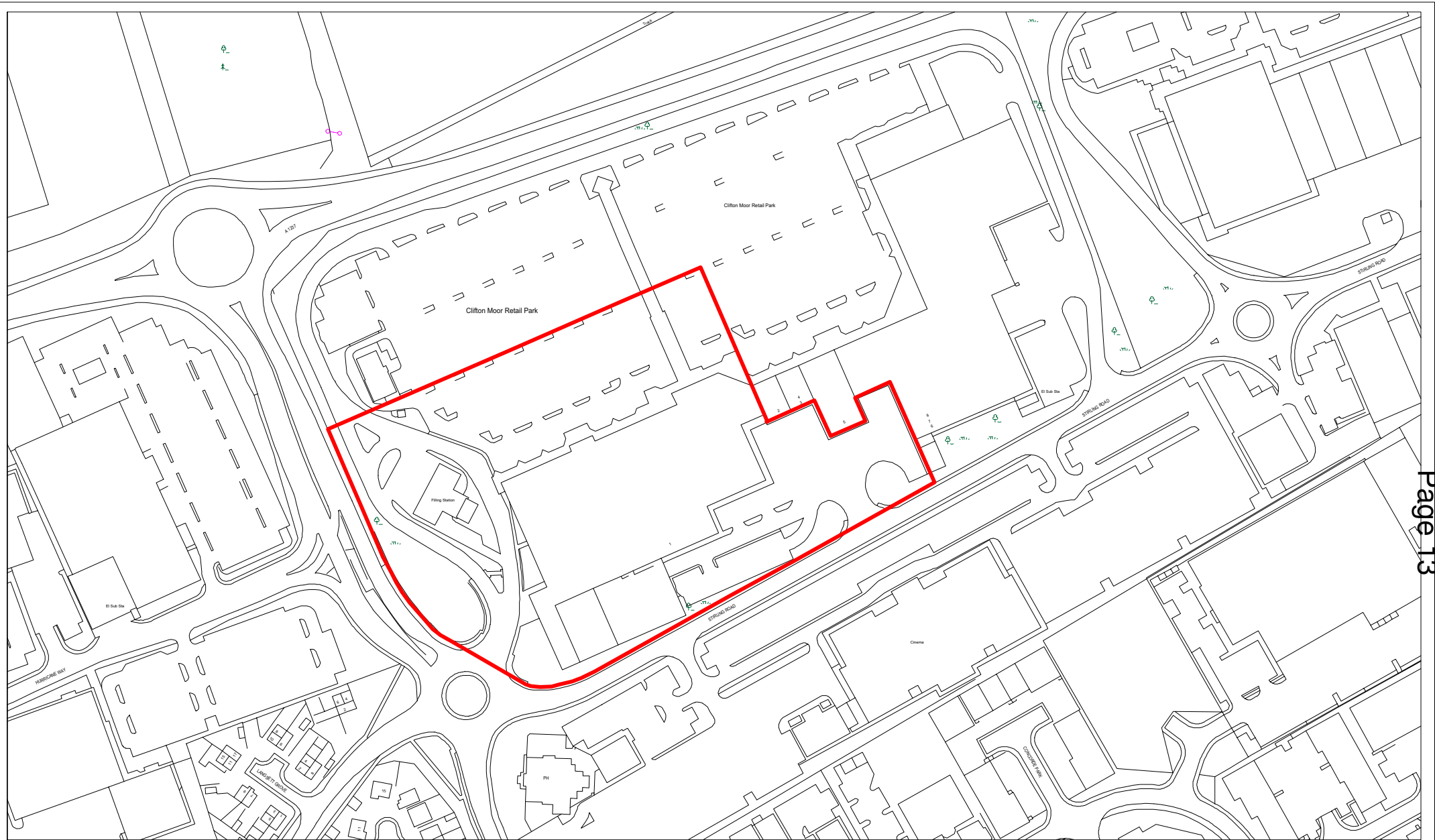
## 2. Demolition and Construction - Informative

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 attached to any planning approval:

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
3. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
5. There shall be no bonfires on the site.

### **Contact details:**

**Author:** Howard Smith Development Control Officer  
**Tel No:** 01904 551352



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

### Site Plan : Tesco Stores Ltd. Clifton Moor Retail Park York

SCALE: 1:2500

DRAWN BY: JB

Originating Group:

Project

Organisation

DATE 15/1/2007

Drawing No.  
 MAG 2



Produced from the 1993 Ordnance Survey 1:2500 mapping with the permission of the Controller of Her Majesty's Stationery Office  
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



**COMMITTEE REPORT**

<b>Committee:</b>	East Area	<b>Ward:</b>	Clifton
<b>Date:</b>	25 January 2007	<b>Parish:</b>	Clifton Planning Panel

**Reference:** 06/02648/OUT  
**Application at:** Clifton Family Centre 107 Burton Green York YO30 6JZ  
**For:** Outline application for erection of 8 no. dwellings (approval sought for access only)  
**By:** Resources AMP  
**Application Type:** Outline Application  
**Target Date:** 29 January 2007

**1.0 PROPOSAL**

1.1 The application relates to an area of land (0.156 hectares) at the end of Burton Stone Lane (though its address is Burton Green). It is bounded by Bootham Stray to the north, Burton Green Primary School to the west and south, beyond which is two storey housing and blocks of flats to the east. The building has been demolished and site cleared since the application was submitted, but was last occupied by a two storey property with associated car parking and amenity space, used by CYC Clifton Family Learning Centre.

1.2 The application seeks outline permission for residential redevelopment, with access to the site applied for and all other matters reserved for subsequent approval. Vehicular and pedestrian access would be via a newly formed roadway from Burton Stone Lane. The form of development proposed is 8 no. two-storey dwellings grouped into four semi-detached pairs. The site plan shows an indicative layout with one semi-detached pair fronting onto Burton Stone Lane and the remaining houses located around the internal access road, one vehicle parking space per dwelling and two communal visitor spaces, private garden areas to serve each dwelling and a refuse collection area at the front of the site adjacent to the entrance.

1.3 A Planning Support Statement, Design and Access Statement and Ecological Survey Report have been submitted to accompany the application. A revised drawing (drg no. 201-001 rev.B) has been submitted at the request of Highway Network Management to show works necessary within the highway.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Schools Burton Green Infant 0186

2.2 Policies:

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYGP11  
Accessibility

CYNE7  
Habitat protection and creation

CYT4  
Cycle parking standards

CYH3C  
Mix of Dwellings on Housing Site

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYC3  
Change of use of community facilities

CYSP10  
Strategic Windfalls

CGP15A  
Development and Flood Risk

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

i) Environmental Protection Unit - No objections. However site is in close proximity to residential properties. Therefore have concerns regarding nearby residents being adversely affected by noise during any demolition, construction or refurbishment works. The site is also in close proximity to a Primary School. Therefore have

further concerns of noise from the school affecting the amenity of the residents of the proposed houses. Conditions recommended to address concerns.

ii) Highway Network Management - [The current lawful use of the site is as a family centre] and as such is likely to generate a certain level of traffic throughout the day. Given the level of development being proposed it is likely that the traffic that will be generated by the proposal will be similar to the current [lawful] use of the site.

The application is outline and only seeking approval for means of access. Access is to be taken from the end of Burton Stone Lane. The existing public highway is to be modified (kerb realignment) to form a turning head which will be able to accommodate a refuse vehicle. The realignment of the carriageway will result in the creation of a small area of new public highway which will also serve as an access to the proposed dwellings. Such works will be carried out through an agreement under the 1980 Highways Act to the authorities standards. The works are likely to require the relocation of an existing lamp column, which will have to be carried out at the developers expense.

The site is located a short walk from bus stops served by frequent bus services and in the vicinity of the site pedestrian provision is generally good which will further reduce dependence on the private car.

As other issues relating to design/layout are reserved, officers are suggesting a number of conditions covering issues such as car and cycle parking and turning areas.

iii) Countryside Officer - The report indicates that whilst there was no evidence of bats being present, there were roost opportunities within the building that could be so used. As such the presence of bats cannot be confirmed. In such instances, it is necessary for a precautionary approach to be considered and consider that a condition should be included in any consent. The report already provides for these but details of what is proposed to be included, etc., needs to be confirmed. Roost features can be incorporated into any or all of the new buildings but it would be advantageous if at least one loft roost could be provided within the new development. Request condition.

iv) City Development - The site is not a recognised allocation on the City of York Local Plan Proposals Map (April 2004), but is adjacent to the Green Belt and Bootham Stray. The existing use of the site is a family learning centre that is being relocated to Clifton Green Junior High (as indicated in planning report). In conclusion, no policy objection is raised if the Development Control Officer is satisfied that the proposal satisfactorily demonstrates compliance with policies SP10, H4a, H5a, C3, T4, GP9 and GP11. Conditions of approval should also be applied to ensure reserved matters will satisfactorily address the following policies: H3c (Mix of Dwellings on Housing Sites); GP1 (Design); GP3 (Planning Against Crime); GP4a (Sustainability).

v) Education - request contribution of £31,062 in respect of 2 pupils at Canon Lee Secondary School.

### 3.2 External

Clifton Planning Panel - Do not object as long as there are no more parking spaces.

Yorkshire Water - No comments.

Burton Green Primary School - Adjoins the site. Many of previous concerns appear to have been addressed. The school is pleased to see plans for family housing. Hope that detailed plans in the future will ensure that the school playing area is not overlooked where possible.

## 4.0 APPRAISAL

4.1 The main considerations are:

- loss of community facilities/land;
- principle of redevelopment of site for residential;
- density and mix;
- design issues and impact on visual amenity of area;
- impact on natural environment;
- affect on amenity of surrounding occupants;
- access, parking and highway safety;
- drainage and flood risk;
- impact on existing local facilities.

4.2 In addition to the Draft Local Plan (DLP) policies set out in section 2.2, national advice contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, PPS9: Biodiversity and Geological Conservation and Planning Policy Guidance Note 13: Transport and in RSS12: Regional Spatial Strategy for Yorkshire and Humber are relevant.

### 4.3 Loss of community facilities/land

Policy C3 of the DLP states that planning permission will only be granted for the redevelopment of community facilities where the proposal is of a scale and design appropriate to the character and appearance of the locality, and where it can be demonstrated that the existing land or buildings are surplus to the existing or future needs of the local community and that alternative sites for the existing use can be provided.

The Planning Support Statement confirms that the existing use is no longer required in connection with the provision of community services and has been relocated to Clifton Green Junior School. It explains that this relocation was part of an approach, supported in 2002 by the Council's Family Centres Review Group, to streamline the service delivery within existing school sites in order to retain such provision in a more viable and sustainable manner. Following the decision to relocate the family centre, consultations were undertaken by the applicant with regards to reusing the site for a different community use, though no interest has been expressed to date by the Council's Asset Management Group or the Primary Health Care Trust and no other use has been identified. In addition, there is an existing community facility at Burton Stone Community Centre at Evelyn Crescent, off Crichton Avenue.

Therefore, it is considered that the proposal to redevelop the site complies with the latter two criteria of Policy C3.

## 4.4 Principle of residential redevelopment

PPS3, RSS12 and DLP Policy H4A (Housing Windfalls) encourage new housing development to be located on previously developed land. The latter policy states that planning permission will be granted where the site is within the urban area, has good accessibility, is of an appropriate scale and density and would not have a detrimental impact on existing landscape features. In addition, DLP Policy SP10 (Strategic Windfalls) states that reuse for housing will be a high priority on windfall sites below 0.2ha outside the City Centre.

The site would fall within the definition of 'previously developed land', is located in a predominantly residential area within the main urban area of the City and has good accessibility. Therefore, the principle of redevelopment of the site for residential purposes is acceptable in policy terms, subject to the scale and density of the proposed development being acceptable and no landscape features are adversely affected (as discussed below).

## 4.5 Density and mix

PPS3 and Policy H5a of the DLP encourage the efficient use of land in all new housing developments, whilst having regard to the character, quality and amenity of the area. Policy H5a states that new residential developments in the urban area, but outside the city centre, should aim for a density greater than 40 dwellings per hectare. As the application proposes eight houses on this 0.156 hectare site, the density of the development would be approx. 51 dwellings per hectare and would therefore exceed the minimum requirement.

PPS3 and DLP Policy H3c seek a mix of house types, sizes and tenures on all new residential development sites, in order to sustain mixed communities. PPS3 states that smaller sites should have regard to the proportion of households that require market or affordable housing and the existing mix of housing in the locality. There is no requirement for affordable housing provision within the scheme as the number of units and size of the site fall under the threshold set out in DLP Policy H2a. With regards to mix of house type and size, the application indicates that the site could accommodate eight two-bedroomed dwellings proposed in four semi-detached pairs. This would compliment the existing housing mix in the locality, though a wider mix of unit size could be provided.

## 4.6 Design issues and impact on visual amenity of area

PPS1 and PPS3 seek to secure an improvement in the quality of new housing development with sustainable and environmentally friendly new housing encouraged.

The application is in outline form with appearance, landscaping, layout and scale being reserved for later consideration. A Design and Access Statement and

indicative site plan have been submitted to support the application and inform the decision making process.

The site plan, drawing no. 201-001 rev.B, demonstrates that the eight houses can be accommodated on the site with an appropriate level of private amenity space and parking provision to serve each dwelling. The indicative layout is appropriate given the size and irregular shape of the site and the limited frontage to the road in which to accommodate a vehicular access. It indicates that the houses could be arranged to provide a presence in the streetscene with natural surveillance of activity on the road and the internal roadway. Adequate boundary treatment could be provided to secure private amenity space.

The site plan also shows two storey buildings being erected on the site, replacing the two storey building that previously occupied it. This is considered to be appropriate given that the houses would be viewed within the context of the two storey houses to the south and single storey school building to the west and against the backdrop of Bootham Stray, which is designated Green Belt. As a higher building would potentially harm the visual amenity of the area and in accordance with the requirements of the General Development Procedure Order 2006, it is recommended that a condition be attached to any approval restricting the upper height limit to that shown on the indicative drawing.

There are no significant landscape features within the site that would be adversely affected. The existing hedging on the northern and western boundaries of the site are shown on the indicative plan as being retained and improved by tree planting. This would help to soften the visual impact of the development from the north and form a long term edge appropriate to the open countryside character and Green Belt designation of Bootham Stray, in accordance with DLP Policy GP9 (Landscaping).

DLP Policy GP4a requires development to have regard to the principles of sustainable development. The site is in a sustainable location, within walking distance of services and facilities and to a regular bus service. An area is shown on the indicative plan adjacent to Burton Stone Lane, that could be used for refuse/recycling collection. No further information has been submitted regarding materials and renewable energy sources. As the site is to be sold on, a condition could be attached to require any future developer to give full consideration to sustainable design principles at detailed design stage.

#### 4.7 Natural environment

An Ecological Survey Report has been submitted with a particular reference to the potential for bats at the site and occupying the building (which has now been demolished). This found no presence of bats, though identified roost opportunities that could have been used. Therefore, the Council's Countryside Officer has requested a condition be attached to any approval to require full details of measures for bat mitigation and conservation.

#### 4.8 Affect on amenity of surrounding occupants

The site has an adjoining boundary with the primary school only and is separated from the surrounding residential housing by Burton Stone Lane to the east and the school access road to the south. As stated above, the submitted site plan indicates two storey buildings being erected, which would limit the impact on the amenity of the adjacent school and would further reduce any impact on that of the residents to the south.

The Council's Environmental Protection Unit has no objections subject to the imposition of conditions to address the potential effect on neighbouring residential properties, the future residents of the dwellings adjacent to the school boundary and potential site contamination.

#### 4.9 Access, parking and highway safety

The site is located close to local facilities and public open space and within a short walk of a frequent bus service.

Access to the site is not a reserved matter and is proposed to be from Burton Stone Lane. The site plan has been revised at the request of the Highway Officer to show a turning head within the highway adjacent to the access, in order to accommodate a refuse vehicle.

It is likely that the traffic generated by the development proposed would be similar to the lawful use of the site for community uses.

The Highway Officer does not object to the proposal though requests conditions be attached to any approval to address the detailed design layout and method of works.

#### 4.10 Drainage and flood risk

It is intended that surface water and foul sewerage will be disposed of to the main drain and sewers. Yorkshire Water are aware of this and have raised no objection.

The site is located in Flood Zone 1 and therefore there is no serious flood risk implications for this development nor it is likely that the proposal would add significantly to the flood risk of the surrounding area.

#### 4.11 Impact on local facilities

The scheme would generate 1 foundation stage, 2 primary and 2 secondary school pupils. There is capacity in local facilities to cater for the foundation and primary school pupils, but a financial contribution of £31,062 is required for the secondary school places.

Policy L1c of the DLP requires new housing developments to make provision for the open space needs of future occupiers and allows this to be addressed through a commuted sum payment towards off site provision for sites of less than 10 dwellings. The details of this have not been resolved and so will be reported to Members at the Committee meeting.

## 5.0 CONCLUSION

5.1 The proposed development of this previously developed site, located within the main urban area of the City and in a sustainable location, is considered to be acceptable in principle. It is therefore recommended that this outline planning application is approved subject to the imposition of conditions, as set out below.

## 6.0 RECOMMENDATION: Approve

- 1 OUT1 Approval of Reserved Matters
- 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: appearance, landscaping, layout and scale, including a schedule of all external materials to be used.

The reserved matters application(s) shall comply with the Design and Access Statement submitted on 4 December 2006 as part of the application submission.

Reason: In order that the Local Planning Authority may be satisfied with the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 regarding finished appearance of the development.

- 3 The reserved matters application(s) shall be accompanied by a statement to demonstrate that sustainable design principles have been fully taken into account in the detailed design of the scheme. This shall include details of materials to be used and consideration of the use of sustainable drainage systems and renewable energy sources.

Reason: To achieve a sustainable and environmentally friendly development in accordance with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing and Policy GP4a of the City of York Draft Local Plan.

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

Reason: In the interest of highway safety and to promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.



5 HWAY31 No mud on highway during construction

6 The development hereby approved shall not be occupied until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

formation of turning head and highway alterations as indicatively shown on drawing no. 201-001 re.B;

Reason: In the interests of the safe and free passage of highway users.

7 HWAY40 Dilapidation survey

8 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb/verge/footway to match adjacent levels.

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

9 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved statement.

Reason: In the interests of highway safety.

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

Reason: To protect the amenities of adjacent residents.

11 Any suspect contaminated materials detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed in writing with the Local Planning Authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

12 Any building envelope with a facade onto the Primary School, shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation

provided. The detailed scheme shall be approved by the Local Planning Authority and fully implemented before the building is occupied.

Reason: To protect the amenity of future residents.

- 13 No development shall commence unless and until a scheme to ensure the provision of adequate additional 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.

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

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

- 15 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8 (eight) metres, 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 or amenity of surrounding occupants.

- 16 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council. The measures should include:
- i) Details of what provision is to be made within the new building to replace the features lost through demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes.
  - ii) The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species in accordance with Planning Policy Statement 9, which requires mitigation to provide a net gain in wildlife value.

## **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 redevelopment of community facilities for residential purposes, housing density and mix, design issues and impact on visual amenity of area, impact on natural environment, affect on amenity of surrounding and future occupants, access, parking and highway safety, drainage and flooding, and impact on existing facilities. As such, the proposal complies with Planning Policy Statement 1: delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Guidance Note 13: Transport, Regional Spatial Strategy for Yorkshire and Humber (RSS12) and Policies SP10, GP1, GP3, GP4A, GP9, GP11, GP15a, NE7, T4, H3c, H4a, H5a, L1c and C3 of the City of York Draft Local Plan (incorporating fourth set of changes).

### **2. INFORMATIVE:**

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Works in the highway - Section 38/278 - Michael Kitchen (01904) 551336

### **3. INFORMATIVE:**

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

### **4. INFORMATIVE:**

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 £31,062. 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.

5. INFORMATIVE:

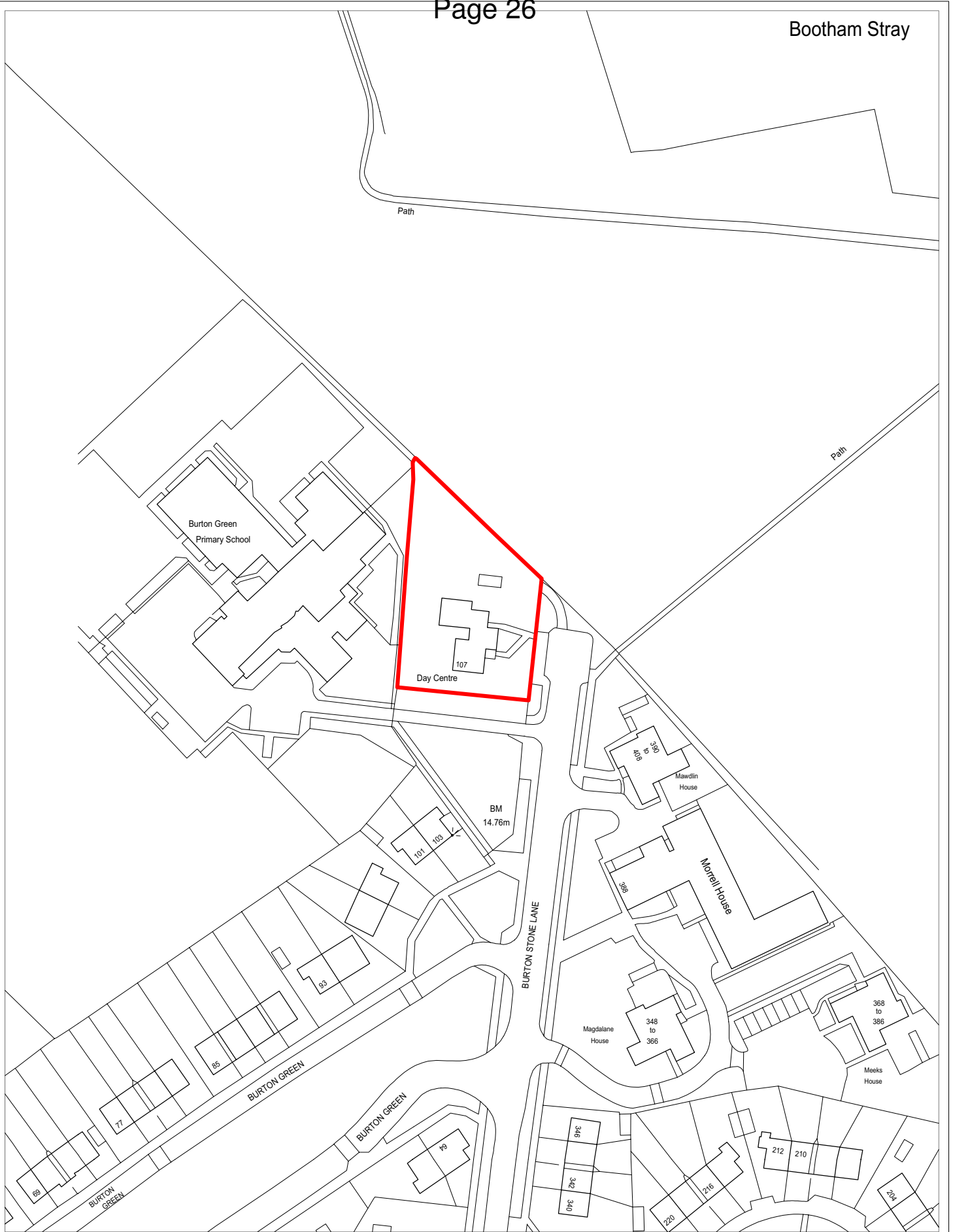
The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of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

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

**Contact details:**

**Author:** Hannah Blackburn Development Control Officer

**Tel No:** 01904 551477



CITY OF  
**YORK**  
COUNCIL

CLIFTON FAMILY CENTRE, 107 BURTON GREEN - 06/02648/OUT



SCALE 1:1250

DRAWN BY PSL

DATE 15/1/2007

Originating Group

Project

Drawing No.

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Heslington  
**Date:** 25 January 2007                  **Parish:** Heslington Parish Council

**Reference:** 06/02479/FUL  
**Application at:** Lord Deramores Primary School School Lane Heslington York YO10 5EE  
**For:** External lighting units on school buildings (retrospective)  
**By:** LCCS Education Services  
**Application Type:** Full Application  
**Target Date:** 25 January 2007

**1.0 PROPOSAL**

1.1 The application relates to a Grade II listed building with playing fields located on NE side of School Lane, on the edge of Heslington village. It seeks permission for the installation of external security light fittings. The application is retrospective and has been submitted as a result of an enforcement complaint and investigation.

1.2 The applicant's agent has submitted a letter in support of the application. It explains that the lights have been installed at the request of the School to enhance security at the school for pupils and staff and to protect the premises and property during hours of darkness. It confirms that the lighting fittings and method of operation have been chosen for low energy consumption, general aesthetic appearance and environmental impact to the surrounding neighbourhood premises.

1.3 A Listed Building Consent application is also before the Council for determination for the internal rewiring of the school as well as the external light fittings and associated wiring (06/02480/LBC).

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area Heslington 0029

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Multiple (Spatial)

Schools Lord Deramore's Primary 0208

2.2 Policies:

CYGP1  
Design

CYGP3  
Planning against crime

CYGP18  
External attachments to buildings

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

CYHE4  
Listed Buildings

### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - Having consulted the Highway Lighting Engineer, there are no objections - condition HWAY37.

Environmental Protection Unit - (response to LBC application) - No objections.

Conservation - Have visited the site twice, once during the day and once at dusk. Does not think that the internal installation is unacceptable in these particular circumstances. The interior is generally of less value than the exterior and has been much altered, although the main hall has some quality. Adapting a Victorian school to modern day needs will clearly result in some conflict, but it is preferable overall that the school continues in use and is allowed to 'move with the times', provided that the conflicts are minimised. Most of the wiring has been carried in surface-mounted plastic trunking which can look obtrusive, but most of it is at low level and is not eye-catching. More importantly, it is physically less damaging than chasing cables into the wall plaster, especially if repeated over time as technology changes. So although the wiring does look crude in some areas it can be regarded as reversible. The light fittings etc are also acceptable, again bearing in mind the educational standards etc to be met.

The external installation is almost acceptable. The cabling has mostly been run close to existing cables or along discrete routes, and do not think the light fittings are too alien (any security / amenity lighting is going to be conspicuous). But the terminal boxes to the light fittings stand out, and the cables carried across the gables of the front façade need to be better routed or concealed. There is scope for improvement by moving some wires slightly and by painting some lengths and fittings in a dark colour, which is common practice on historic buildings.

Unhappy to either accept or refuse the scheme as it stands, but suggest that either it be approved subject to some agreed adjustments being made or it be withdrawn and resubmitted after these adjustments.

Update by Officer:- Verbal agreement with Conservation Officer to recommend application subject to condition requiring minor alterations to be undertaken, including repositioning and painting of wiring on right hand gable of front elevation, painting of cabling on central gable on front elevation, painting of junction boxes and re-routing and painting of cabling on pier buttress on northern elevation.

### 3.2 External

Heslington Parish Council - Hope that sensitivity will be shown towards neighbours of the school, so that the lighting proposed does not cause any nuisance and light pollution. Lighting levels should be in accordance with the conservation status of the village.

## 4.0 APPRAISAL

4.1 The main considerations are:

- design and visual impact on the appearance of the building, area and conservation area;
- affect on setting and special interest of the listed building;
- opportunity to minimise crime.

4.2 In addition to the Draft Local Plan policies set out in Section 2.2, relevant planning policy is contained within Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15), Policy E4 (Historic buildings and areas) of the North Yorkshire County Structure Plan and the 2004 Heslington Village Design Statement (VDS). PPG15 reinforces the special regard to be given to the desirability of preserving listed buildings, their setting or any features of architectural or historic interest. Section 11.2 of the VDS covers lighting and security. It states that lighting should respect the rural area and the Conservation Area and that obtrusive and excessive security lighting should be controlled. Policy GP18 of the Draft Local Plan is of particular relevance as it covers external attachments to buildings. It states that light fittings...will be granted where their design, location, materials and colouring do not significantly detract from the visual appearance of the building, the visual amenity of the area, or the character and appearance of conservation areas.

4.3 The lights are required to address security breaches at the site and enhance the security of the pupils and staff during hours of darkness. They are fitted with a photocell that triggers them to come on at dusk and have been fitted with a timer switch to turn off at 8pm, in order to minimise lighting pollution to adjoining residential premises.

4.4 The light fittings themselves are of a simple design, though modern in appearance, and are relatively small in relation to the size of the building. The fittings and method of operation were chosen for the following reasons: low energy consumption; general aesthetic appearance; and, environmental impact to the surrounding neighbourhood premises. The fact that the building is listed and in a



conservation area does not seem to have been taken into account in the design of the fittings themselves, but effort has been made to install those at the front of the building in an unobtrusive manner by positioning them behind front buttresses.

4.5 Taking into account their size, simple design and siting along with the security reason for the lights and method of operation, it is considered that the fittings preserve the setting of the listed building and character and appearance of the conservation area and do not significantly detract from the visual and residential amenity of the area.

## 5.0 CONCLUSION

5.1 In light of the above, the application is recommended for approval subject to the following conditions.

## 6.0 RECOMMENDATION: Approve

- 1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-  
Drawing no. RBS 050103/E1 dated May/June 2005 and manufacturer's details of 'Thorlux Mercian' lighting;  
or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 2 HWAY37 Control of glare etc from lighting
- 3 The lighting units on the front elevation of the building facing School Lane shall be switched off at 20:00 each day at all times.

Reason: To protect the residential amenity of neighbouring occupants.

## 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 special interest of the listed building, character and appearance of the conservation, visual amenity, residential amenity and highway safety. As such the proposal complies with Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995), Policies GP1, GP3, GP18, HE2, HE3 and HE4 of the City of York Draft Local Plan (incorporating 4th set of

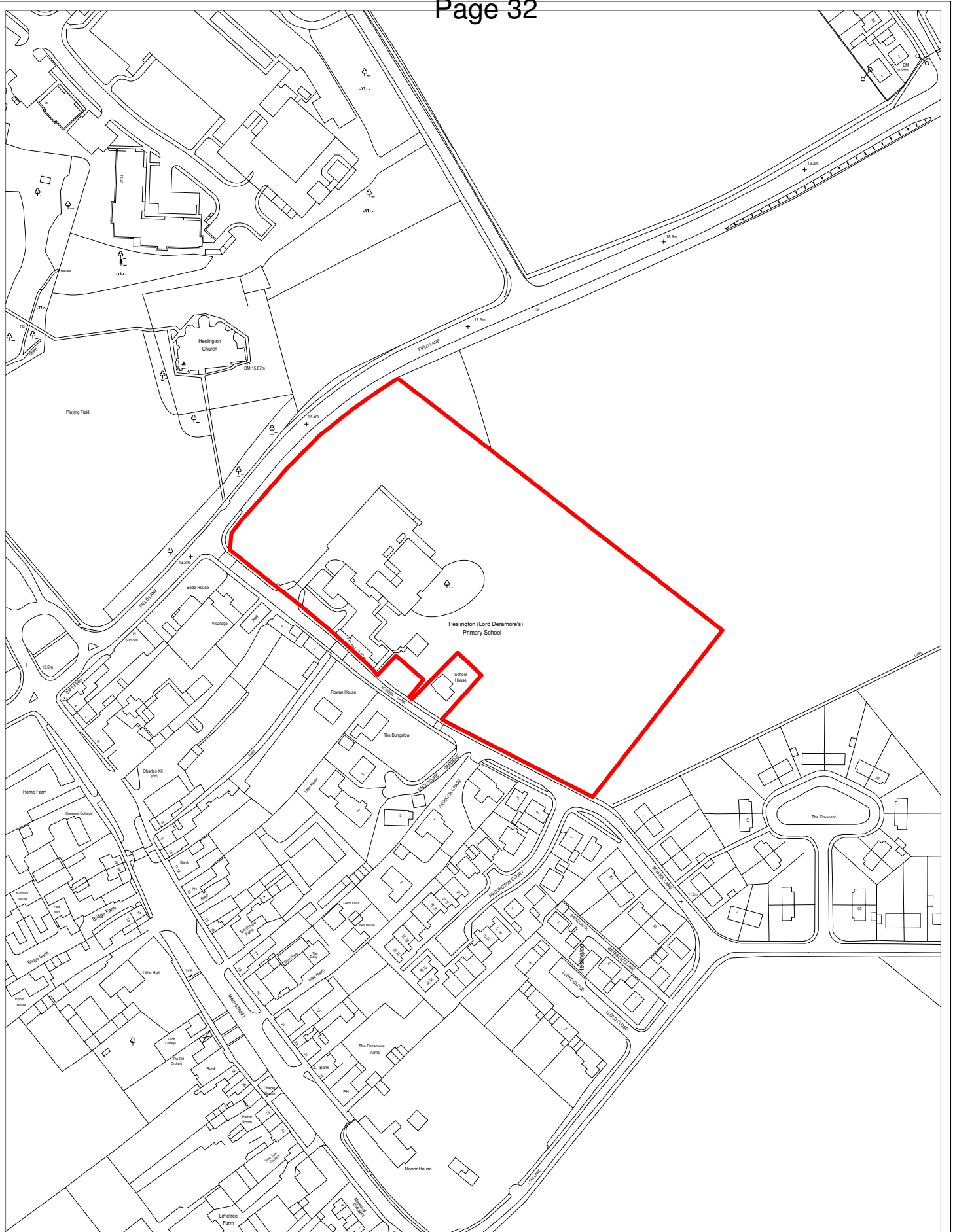
changes, April 2005) and planning guidelines in the Heslington Village Design Statement (2004).

2. Please be aware that the granting of planning permission does not predetermine the outcome of the application for Listed Building Consent. This latter application will need to be forwarded to the Secretary of State for consent to be granted. This is necessary under planning regulations as the application has been made by the Council and involves alteration to the exterior of a Council owned listed building.

**Contact details:**

**Author:** Hannah Blackburn Development Control Officer

**Tel No:** 01904 551477



**CITY OF  
YORK  
COUNCIL**

LORD DERAMORE'S PRIMARY SCHOOL, SCHOOL LANE, HESLINGTON - 06/02479/FUL



SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 15/1/2007  
Drawing No.

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

Produced from the 1993 Ordnance Survey 1:2500 mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

City of York Council LA 1000 20818



## 2.2 Policies:

CYHE4

Listed Buildings

## 3.0 CONSULTATIONS

### 3.1 Internal

Conservation - Have visited the site twice, once during the day and once at dusk. Does not think that the internal installation is unacceptable in these particular circumstances. The interior is generally of less value than the exterior and has been much altered, although the main hall has some quality. Adapting a Victorian school to modern day needs will clearly result in some conflict, but it is preferable overall that the school continues in use and is allowed to 'move with the times', provided that the conflicts are minimised. Most of the wiring has been carried in surface-mounted plastic trunking which can look obtrusive, but most of it is at low level and is not eye-catching. More importantly, it is physically less damaging than chasing cables into the wall plaster, especially if repeated over time as technology changes. So although the wiring does look crude in some areas it can be regarded as reversible. The light fittings etc are also acceptable, again bearing in mind the educational standards etc to be met.

The external installation is almost acceptable. The cabling has mostly been run close to existing cables or along discrete routes, and do not think the light fittings are too alien (any security / amenity lighting is going to be conspicuous). But the terminal boxes to the light fittings stand out, and the cables carried across the gables of the front façade need to be better routed or concealed. There is scope for improvement by moving some wires slightly and by painting some lengths and fittings in a dark colour, which is common practice on historic buildings.

Unhappy to either accept or refuse the scheme as it stands, but suggest that either it be approved subject to some agreed adjustments being made or it be withdrawn and resubmitted after these adjustments.

Update by Officer:- Verbal agreement with Conservation Officer to recommend application subject to condition requiring minor alterations to be undertaken, including repositioning and painting of wiring on right hand gable of front elevation, painting of cabling on central gable on front elevation, painting of junction boxes and re-routing and painting of cabling on pier buttress on northern elevation.

Environmental Protection Unit - No objections.

### 3.2 External

English Heritage - Do not wish to offer any comments on this occasion. Recommend that this application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. If, in due course, your Authority is minded to grant consent, please forward these comments to the Government Office in line with Circular 01/2001 paragraphs 26-28.

## **4.0 APPRAISAL**

4.1 The main consideration is the impact on the character, appearance and setting of the listed building.

4.2 In addition to Policy HE4 of the Draft Local Plan referred to in Section 2.2, national advice in Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15) and Policy E4 of the North Yorkshire County Structure Plan are also of relevance. PPG15 reinforces the special regard to be given to the desirability of preserving listed buildings, their setting or any features of architectural or historic interest. Annex C of PPG15 offers guidance on alterations to listed buildings. Paragraph C.68 states that 'only undamaging and visually unobtrusive position for fixtures [including security lighting] should be agreed'. Paragraph C.69 states that 'long runs of surface wiring should be avoided' and the 'introduction of new services to historic interiors must also be handled with care'.

4.3 The internal rewiring, needed to meet health and safety requirements, has largely been carried in surface-mounted plastic trunking, at low level. As such, it is not unduly obtrusive and could easily be reversed with limited damage to the listed fabric.

4.4 The light fittings themselves are of a simple design, though modern in appearance, and are relatively small in relation to the size of the building. They require cabling, which is orange, around the external walls of the building for the power supply and associated junction boxes. The fact that the building is listed does not seem to have been taken into account in the design of the fittings, routing of the cabling or colour finish of the cabling and boxes. Efforts have been made to install the lights on the primary front elevation of the building in an unobtrusive manner by siting them behind the corner buttresses. The positions of light fittings on other elevation or parts of the building are not contentious. However, the cabling and junction boxes on the front elevation and the cabling around a buttress on the northern elevation, due to their position and/or exterior colour, needs to be altered and this could be dealt with by condition.

4.5 Subject to these minor alterations being made to the routing and colouring of some of the wiring and the colour finish of the junction boxes, the external works are considered to be acceptable.

## **5.0 CONCLUSION**

5.1 In light of the above, it is recommended that the Council be minded to grant consent subject to conditions and apply to the Secretary of State to grant the consent. This is necessary under planning regulations as the application has been made by the Council and involves alteration to the exterior of a Council owned listed building.

**6.0 RECOMMENDATION:** Council to apply to Secretary of State

- 1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-  
Drawing nos. RBS 050103/E1 and RBS 050103/E2 dated May/June 2005 and RBS 050130/E3 dated May 2005 and manufacturer's details of 'Thorlux Mercian' lighting;  
or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 2 The following works shall be undertaken to the cabling and junction boxes associated with the external lighting hereby approved within two months of the date of this approval:

- the cabling routed across the southern-most gable on the front elevation of the building shall be repositioned to be 50mm lower;
- the junction boxes and cabling located on the front elevation of the building shall be painted or colour finished dark brown;
- the cabling routed around the eastern-most pier buttress on the northern elevation of the front building shall be repositioned in accordance with details to be submitted to and agreed in writing by the Local Planning Authority beforehand and shall be painted or colour finished dark brown.

Reason: In order to preserve the special interest of this grade II listed building.

**7.0 INFORMATIVES:**

**Notes to Applicant**

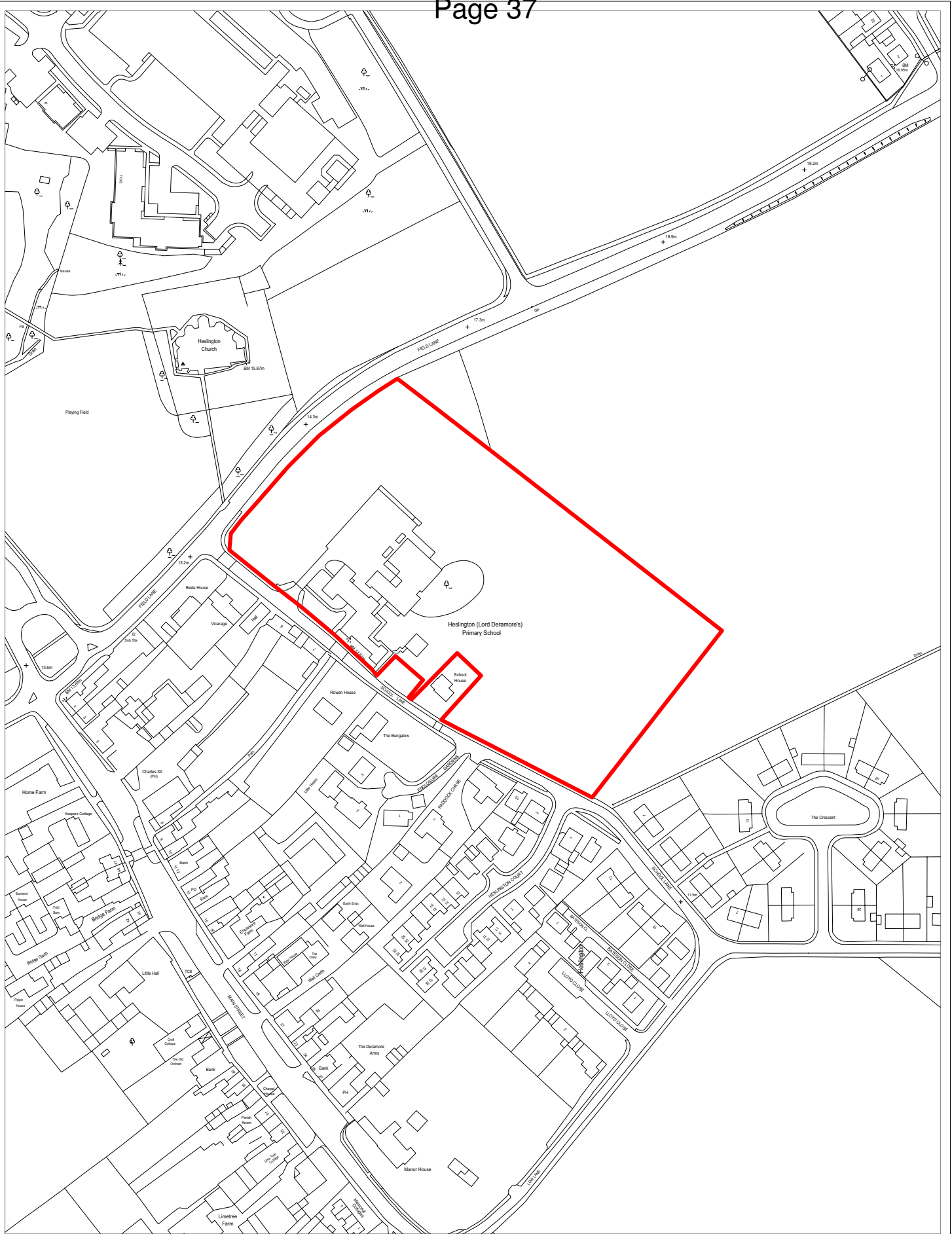
1. REASON FOR APPROVAL

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 special interest of this grade II listed building. As such the proposal complies with Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Draft Local Plan (incorporating 4th set of changes, April 2005).

**Contact details:**

**Author:** Hannah Blackburn Development Control Officer

**Tel No:** 01904 551477



CITY OF  
**YORK**  
COUNCIL

LORD DERAMORE'S PRIMARY SCHOOL, SCHOOL LANE, HESLINGTON - 06/02480/LBC



SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 15/1/2007  
Drawing No.

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

Produced from the 1993 Ordnance Survey 1:2500 mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

City of York Council LA 1000 20818



**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Hull Road  
**Date:** 25 January 2007                      **Parish:** Hull Road Planning Panel

**Reference:** 06/02308/FUL  
**Application at:** 106 Millfield Lane York YO10 3AL  
**For:** Single and Two storey side extensions.  
**By:** Phil West  
**Application Type:** Full Application  
**Target Date:** 31 January 2007

**1.0 PROPOSAL**

This application seeks planning permission to extend 106 Millfield Lane which is a detached property in the Hull Road area of York. The proposed extensions consist of a two storey and single storey side extension on the East elevation and a single storey extension on the West elevation of the house.

This application is being heard by the Planning Committee at the request of Cllr Simpson-Laing who had concerns regarding the size of the proposed extensions.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 Internal

Highway Network Management - No objections.

3.2 External

Hull Road Planning Panel - Object to the application because the proposal is more than double the floor area of the existing house therefore representing a massive

overdevelopment of the site. Despite the labelling of the additional rooms it is obvious that this is intended for multi occupancy with the potential for at least seven bedrooms which would make it an intolerable burden for neighbouring properties. The available parking is clearly inadequate for a multi occupancy dwelling. The loss of a considerable part of the garden results in a serious loss of amenity space. The intrusion into the adjacent property would make it virtually impossible to access and the loss of space between the two properties would cause deterioration of visual amenity and would result in a terracing effect.

Neighbour Consultation - No correspondence received.

#### **4.0 APPRAISAL**

##### 4.1 Key Issues:

- Visual Impact on the Street Scene
- Living Conditions of Neighbours

4.2 Local Plan Policy GP1 states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Local Plan Policy H7 states that the design and materials should be sympathetic to the main dwelling and the locality of development. The design and scale should be appropriate in relation to the main building and there should be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that the basic shape and size of the extension should be sympathetic to the design of the original house. The scale of a new extension should not dominate an original building.

4.5 Millfield Lane is off Tang Hall Lane. The application site is a detached house which sits centrally within the plot. This section of Millfield Lane is characterised by semi-detached and terraced housing and therefore the application site is atypical for this Lane. This application seeks planning permission for a two storey and single storey side extension on the East elevation and a single storey side extension on the West elevation of the house. The original plans submitted with this application have been amended. The proposed rear extension was removed from the plans and a new single storey extension was added to the side of the proposed two storey side extension. The reasoning for this was to maintain the rear garden and instead lose a triangular section of garden to the side of the property which due to its shape and size would not be highly usable.

4.6 Visual Impact on the Street Scene - The proposed extensions to 106 Millfield Lane are significant in size. The proposed two storey side extension is a little over 3 metres in width with a further 2 metres added in the form of a single storey lean-to single storey extension. The proposed single storey side extension on the West

elevation of the house is 2.5 metres wide and encroaches on land which is currently within the ownership of 104 Millfield Lane. Taking each element of the proposed extension on its own merits it is considered that they do not harm the visual appearance of the dwelling or the character of the area. The two storey side extension is set back at first storey level and the introduction of a front porch canopy adds a design feature which breaks up the visual bulk of the enlarged house frontage. The proposed extensions have roof shapes which match those of the main house and window detailing is of the style used on the main property. Whilst the combination of the extensions is large in scale, on balance, it is considered that given the individual nature of the dwelling within Millfield Lane and the sympathetic design of the extensions to the main house that there would not be significant harm to the appearance of the dwelling or the character of the area.

4.7 Living Conditions of Neighbours - As discussed above the single storey rear extension proposed for the West elevation of the property encroaches on land currently owned by 104 Millfield Lane. Certificate B has been signed by the applicants to confirm that the owners of 104 Millfield Lane have been notified about this. Although land ownership is not a planning issue it is worth noting that no objection letter has been received from 104 Millfield Lane. It is considered that the proposed side extension on the West elevation of the house would not significantly harm the living conditions of residents of number 104. The extension is only single storey with a roof which hips away from the property. There would be no overlooking windows and a gap would remain between the extension and the house at 104. The proposed extensions on the East elevation are close to the property curtilage boundary, however 108 is more than 5 metres off the shared curtilage boundary and has no windows in its side elevation and a hipped roof garage to the rear. It is considered that the extensions would not appear overbearing or significantly reduce the amount of natural light entering number 108. The proposed two storey and single storey side extension has no windows in its side elevation so overlooking of 108 Millfield Lane would not be a significant issue. The extensions would result in a reduction in outdoor amenity space at the property but it is considered that the rear garden is of sufficient size to serve the basic outdoor needs of this property.

4.8 In addressing Hull Road Planning Panel's comments regarding the potential for this house to change into a House of Multiple Occupancy (HMO) it must be stated that this application is for extensions which would change this dwelling from a three to a four bedroom house. This application should be judged on what is submitted, if further bedrooms are added in the future then a separate planning application would be required if the property is to become a HMO. The issues surrounding a HMO should be assessed as part of that application if the scenario ever occurs.

## **5.0 CONCLUSION**

On balance it is considered that the proposed extensions do not significantly harm the character of the area or the living conditions of neighbours.

**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:-

Revised plans drawing numbers 2006-26-01A, 2006-26-04A, and 2006-26-05A received by The CoYC on 11/01/07

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

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

- 3 VISQ1 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 openings shall be inserted at any time into the side elevations of the extensions without the prior written consent of the Local Planning Authority.

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

- 5 The garage shown on the approved plans shall be used as such and not converted into habitable living accommodation without the prior written consent of the Local Planning Authority.

Reason: To ensure that cycle storage facilities are available

## **7.0 INFORMATIVES:**

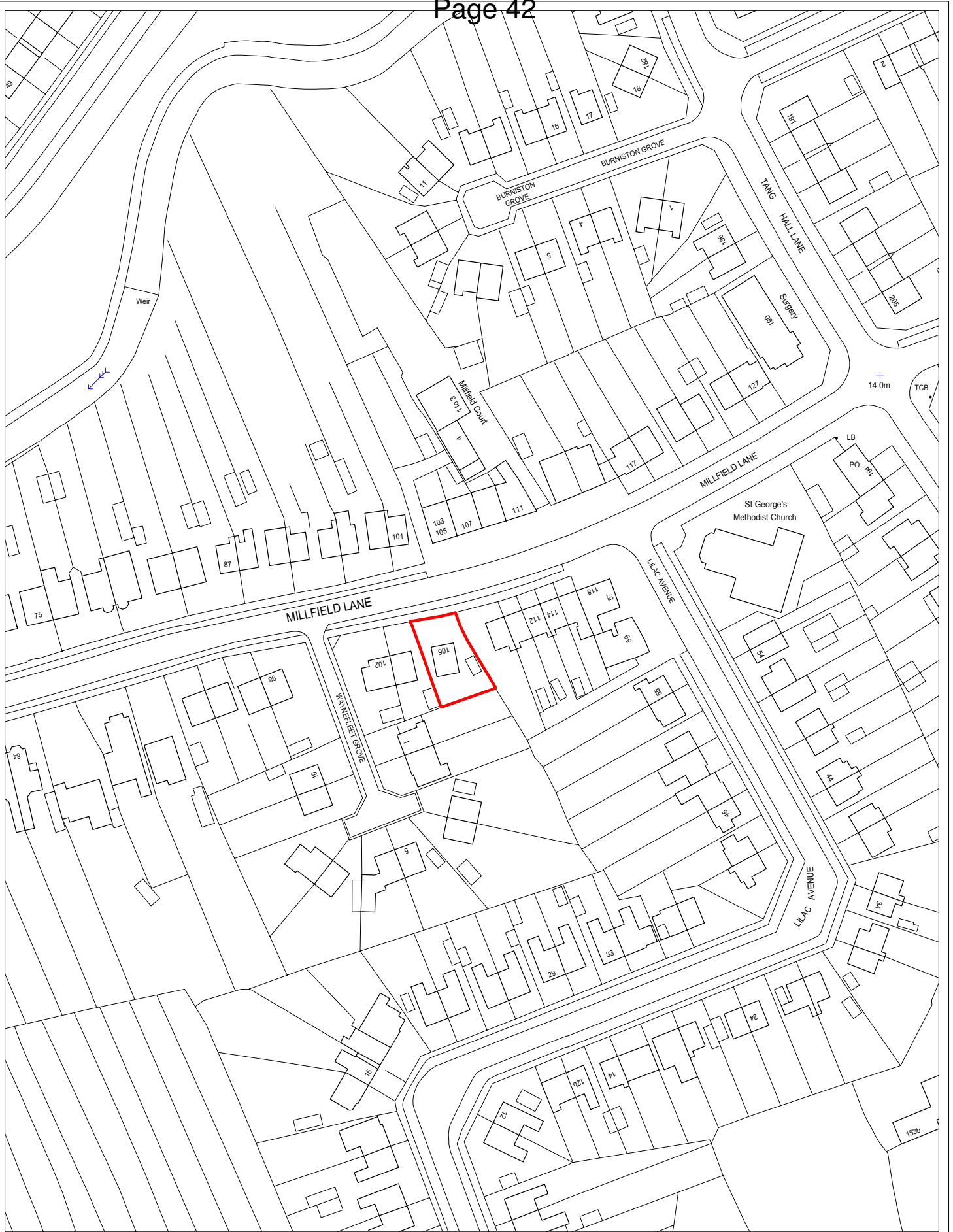
### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

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

#### **Contact details:**

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



CITY OF  
**YORK**  
COUNCIL

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

## Site Plan : 106 Millfield Lane

SCALE 1:1250

DRAWN BY JB

DATE 15/1/2007

Originating Group

Project

Drawing No.

Organisation

MAG 1



**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Fishergate  
**Date:** 25 January 2007                 **Parish:** Fishergate Planning Panel

**Reference:** 06/02590/GRG3  
**Application at:** Walmgate Stray Heslington Lane Heslington York  
**For:** Construction of a shared footway/cycleway from the end of the existing University cycle route to Mitchels Lane  
**By:** City Of York Council  
**Application Type:** Full Application  
**Target Date:** 17 January 2007

**1.0 PROPOSAL**

It is proposed to create a section of path suitable for cyclists and pedestrians along the southern edge of Walmgate Stray. The application is being submitted on behalf of the Head of Transport Planning. The path is 230m in length and 3m in width. It is set in around 10m from the hedge that runs along the boundary of the stray and Heslington Lane. It is proposed to be constructed of Bitmac. Linked to the construction of the path is the erection of a small bridge to carry the path over the narrow beck at the east of the site. No lighting is proposed to be constructed alongside the path; the only structures are the bridge, access gates, cattle grid and a post and rail fence along the northern edge of a section of the path.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYGB1  
Development within the Green Belt

CYNE1  
Trees, woodlands, hedgerows

**3.0 CONSULTATIONS**

3.1 Internal

Countryside Officer - Approximately 5m of hedgerow will be lost at the east of the stray. The hedge is protected under the 1997 Hedgerow Regulations; however, the loss of a small section of hedgerow can be justified given that it is not prominent and would not cause a significant break in the continuity of the hedge. To mitigate against the loss of the hedgerow it is suggested that a gap in the hedgerow elsewhere is planted up. Loss of a strip of stray grassland is not considered so harmful in the context to raise concerns.

Landscape Architect - No objections providing the path is outside tree canopies. The fencing along the path should be kept to the minimum practical length.

Environmental Protection - No objections subject to no construction during unsocial hours.

### 3.2 External

The proposal was discussed with the Freemans Stray Council prior to submitting the application. The Stray Masters agreed to the development of the proposed path.

N. Yorks Police Community Safety Officer - no objections. Suggests that the boundary hedge could be lowered to aid surveillance. Issue of concerns of conflict between pedestrians and cyclists raised.

Planning Panel - support

Neighbours - 2 site notices were erected adjacent to Heslington Lane. No responses received.

## 4.0 APPRAISAL

4.1 Walmgate Stray is approximately 700 metres in length and in most parts approximately 250m wide. It is mainly covered in rough grass. The area close to where the path is proposed includes some small cattle pens and a football pitch. Approximately 200 metres into the stray is a hedge lined drain running east to west. The stray is allocated as Green Belt in the Local Plan.

4.2 The path is proposed to come off Broadway through an existing opening at the southwest corner and links up with the cycle path contained within the university grounds immediately to the east. The works are being proposed by the Council as part of its aim to create a comprehensive safe cycle network. Cyclists currently use Heslington Lane - this is a relatively narrow and busy road. There is inadequate space to provide safe cycle facilities on Heslington Lane or on the grass verge alongside.

4.3 Proposals to promote cycling are consistent with the objectives of chapter 6 (Transport) of the Local Plan and Planning Policy Guidance Note 13 (Transport) that seek to reduce reliance on car travel. The provision of an off-road cycle facility would also help to promote healthier lifestyles.

4.4 The proposal will have little impact on residential amenity. The key issues in assessing the acceptability of the proposal are considered to be the impact on the natural environment/ Green Belt and whether the facility would be safe to use.

Impact on the natural environment/greenbelt

4.5 Policy GB1 (greenbelt) states that highways works are acceptable providing that they do not detract from the open character of the greenbelt or prejudice the setting of York. The proposals have such a minimal visual impact it is not considered that this will occur.

4.6 Policy NE1 (Trees, Woodlands and Hedgerows) seeks to protect trees and hedgerows of landscape or conservation value. At the entrance and exit of the stray the path is located close to the canopy of trees. It is considered that it should be pulled away slightly from the canopy here to avoid any possible damage to the trees - this is covered by condition 2. The path is proposed an adequate distance from other trees that run alongside Heslington Lane to avoid any significant conflict with trees.

4.7 The Council's Countryside officer does not consider the loss of grassland where the path will run to be significant. A small section of hedgerow will be lost at the eastern end to create a route through to the path within the University grounds. The Council's Countryside officer has assessed the proposal in relation to the 1997 Hedgerow Regulations and does not consider that the area of hedgerow to be lost to be of significant wildlife value. As part of the proposals it has been agreed to compensate for the loss of 6m of hedgerow by planting approximately 50m of hedgerow to fill in a gap in the area of hedgerow that runs east west across the centre of the Stray. This is covered by condition 4.

4.8 A 100m section of post and rail fence is proposed adjacent to the cycle path, along with a replacement livestock pen in the southwest. The fence is required to avoid conflict between cyclists and livestock. It is considered that a timber fence would not appear out of place on the stray in the vicinity of the cattle pens. It is the case that all of the development is taking place close to the fringe of the stray where the backdrop includes lampposts and telecom masts. The path will appear a relatively formal structure given that others paths in the vicinity are just worn grass. However, it is not considered that any harm to the character or appearance of the fringe of the site is sufficient to outweigh the benefits from increasing cycling provision and safety.

## Safety

4.9 Removing cyclists from the road will improve safety for cyclists and other road users. The path is not proposed to be illuminated by new lighting, however, because street lights are located along the adjoining side of Heslington Lane there will be some lighting of the route. It is clearly questionable whether it would be sensible to choose to use the route when it is dark, however, there is good natural surveillance of the route during the day time given that the hedge adjoining Heslington Lane is only approximately 1.2m high. The Police Community Safety Officer has confirmed that there is not a history of relevant crimes in the area. He suggests that it would be



worthwhile lowering the hedge to improve surveillance. This will be included as an informative on the planning application.

## 5.0 CONCLUSION

It is considered that the proposal subject to the conditions listed below would not cause harm to interests of acknowledged importance, with particular reference to nature conservation, impact on the Green Belt and public safety. As such the proposal complies with policies GP1, GB1 and NE1 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS9 and PPG13. The application is therefore recommended for approval.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The location and construction of the footway/cycleway and all associated operations shall be kept outside of the canopy spread of the existing trees that run alongside Heslington Lane. The precise line of the path shall be agreed in writing with the Local Planning Authority prior to development commencing and the work accord with the agreed details.  
  
Reason: So that crown lifting and crown reduction will not be necessitated by the development.
- 3 Notwithstanding the approved details, plans and elevations of the proposed bridge at the eastern end of the route shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The work shall accord with the agreed details.  
  
Reason: To ensure that the proposed works are acceptable.
- 4 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 vegetation to be planted in gaps in the hedgerow in the eastern boundary of Walmgate Stray. This scheme shall be implemented within a period of twelve 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: To compensate for the loss of the hedgerow at the eastern end of the path.
- 5 Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, the locations and details for protective fencing to BS5837: 2005

shall be shown on a plan and agreed with the local authority, erected on site, and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To protect the adjoining trees.

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

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

Reason: To protect the amenity of neighbouring residents.

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the openness of the Green Belt and existing vegetation. As such the proposal complies with Policies GP1, GB1 and NE1 of the City of York Local Plan Deposit Draft.

### 2. For Information

It is recommended that consideration be given to the future height of the hedge adjacent to the path to ensure adequate surveillance of the route from Heslington Lane.

### 3. Demolition and Construction - Informative

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

- 1 The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of

practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

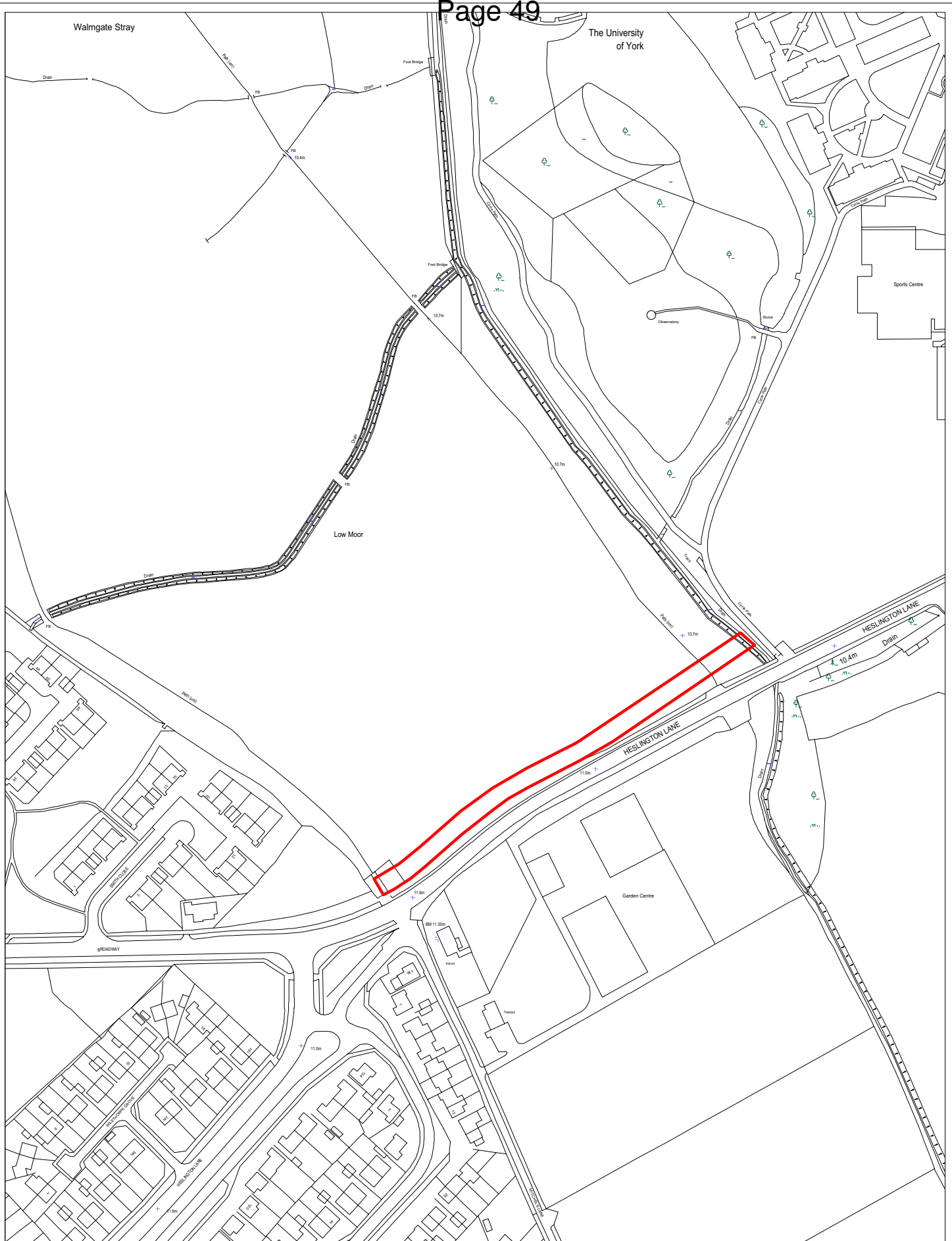
5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

**Contact details:**

**Author:** Neil Massey Development Control Officer (Wed/Thurs/Fri)

**Tel No:** 01904 551657



### Site Plan : Walmgate Stray - 06/02590

SCALE 1:2500

DRAWN BY JB

DATE 15/1/2007

Originating Group

Project

Organisation

Drawing No.

MAG 4

**COMMITTEE REPORT**

<b>Committee:</b>	East Area	<b>Ward:</b>	Fishergate
<b>Date:</b>	25 January 2007	<b>Parish:</b>	Fishergate Planning Panel

**Reference:** 06/02713/FUL  
**Application at:** 12A New Walk Terrace York YO10 4BG  
**For:** Installation of 2 no. dormers to front elevation  
**By:** Mr J Vandijk  
**Application Type:** Full Application  
**Target Date:** 2 February 2007

**1.0 PROPOSAL**

1.1 The application relates to a two storey end terrace house with basement and accommodation in roof space on south side of street in a predominantly residential area. The property is not listed but falls within New Walk/Terry Avenue Conservation Area and nos. 1-12 (consecutive) within the same terrace row are grade II listed.

1.2 The application proposes the erection of two flat roofed dormers on front roof slope to serve the existing accommodation in the roof space. The dormers would be 1m wide x 1.6m high x max. 3.6m long, lead covered with modern sash windows. Revised plans have been submitted at the request of the Council's Conservation Officer, which make minor design changes - omission of the originally proposed curved roofs and alteration to full lead exterior.

1.3 The applicant has submitted a letter of support. This explains that:

- the windows would allow light, ventilation and headroom to the second floor room;
- a pair of dormers would be more appropriate and rational solution than velux roof windows, which do not require planning;
- the proposal seeks to improve the building (which is currently something of an architectural misfit on the end of a fine period terrace) and contribute to the appearance of the street;
- the main guttering and roofline of 12A and 12B as a 'couple' would remain unchanged;
- the dormers in a lead finish would be embedded in the roof and less visually distracting than the current differences between the properties;
- the majority of those that could have, have not objected.

1.3 The plans show alteration to the front elevation windows and door, which are works proposed by the applicant, but do not require planning permission and so do not form part of the application. Planning permission was granted for a flat roof dormer window on the rear roof slope in November 2006.

1.4 This application has been referred to the Committee at the request of Councillor Hill, on the grounds that the effect of the dormer windows on the Georgian terrace deserves closer scrutiny.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area New Walk / Terry Avenue 0033

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Schools St. George's RC Primary 0225

### 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

## **3.0 CONSULTATIONS**

### 3.1 Internal

Highways - No objections.

Conservation - No objections, but the roofs should be flat with the lead carried down to the top of the window in order to avoid shaped timber fascia. Questions whether slating the cheeks is a good idea; all lead would be better. This is allowed because of the exceptional nature of the building (one of a pair) and should not be a precedent for decisions elsewhere.

### 3.2 External

Fishergate Planning Panel - Objects. Believes that this would not be in keeping with the character of the Georgian terrace and would spoil the line of the terrace, which is an important part of the Conservation Area. Adding dormers to one of a pair of properties (formerly one property known as Melbourne House) would make the end of the terrace look unbalanced. The alteration to the basement window and treatment of the ground floor door and window do not raise any objection.

Five letters from residents of New Walk Terrace, raising following points and objections:

- History of building outlined, including alterations to split into two properties in 1930s with modernisation works that have led to different appearance to rest of Georgian terrace;
- Reference to 2000 application for 12B and ill-advised decision that only allowed partial works, including dormer at rear, rather than full restoration to Georgian appearance, as considered that both 12A and 12B should be similar in appearance;
- Support for restoration of front elevation windows and doors;
- Objection to dormers which would be out of character with rest of historic terrace, would detract from its appearance and beauty, and destroy its uniformity and roof-line;
- Only way proposal acceptable is for both 12A and 12B to look same at applicant's cost and any proposal other than rebuilding the 4th floor should be rejected.

#### **4.0 APPRAISAL**

4.1 The main considerations are:

- design;
- impact on character and appearance of area and conservation area;
- residential amenity.

4.2 In addition to the City of York Draft Local Plan policies set out in 2.2, advice in Planning Policy Guidance Note 15: Planning and the Historic Environment and Policy E4 of the North Yorkshire County Structure Plan are relevant. These emphasise the special duty of the Local Planning Authority to preserve or enhance the character and appearance of the conservation area. Paragraphs 1.19 and 1.20 of the Council's 2001 planning guidance, 'Guide to extensions and alterations to private dwelling houses', offers advice on dormer windows. It states that as a general rule dormers should not extend across more than one third of the roof space and should not dominate the existing roof. It advises two smaller dormers rather than one large dormer. It does not encourage dormers that face to the front of the property, unless they are small in scale and in keeping with the style of the property.

4.3 The dormers proposed comply with the advice in the Council's 2001 planning guidance. The dormers are sympathetic in their design and scale to the main dwelling. Pitched roofs to the dormers would not be appropriate given the age of the building.

4.4 This unlisted property has been much altered from its original state, as the letters from the local residents highlight, and being noticeably short at only two storeys high, the aspiration to three storeys is not considered to be alien or detract from the character and appearance of adjacent historic buildings, the conservation area nor the locality in general. The Conservation Officer has been consulted and raises no objections on the basis of the exceptional nature of the building.

4.5 The dormers would not adversely affect the amenity which neighbouring residents could reasonably expect to enjoy, in terms of the potential for overlooking.

4.6 Reference has been made to the proposed changes in 12B as part of an application in 2000, which precedes the Council's guidance. This application approved the rebuilding of the front bay window and dormers on the rear roof slope, though it originally proposed the creation of a mansard roof at the rear. Officers' understanding from the letter of the owner of no.12B is that she had wanted to raise the height of the property to a full three storey to match the rest of the terrace row, but was advised against this by the Council. This alteration is considered to be substantially different to the current proposal for the erection of two dormers within the existing roof slope.

## 5.0 CONCLUSION

5.1 In light of the above, the application is 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:-

Unnumbered floor plans dated 7.12.06 and received 8.12.06;  
Modified drawing 1 and drawing 2 dated 4.1.07 and received 5.1.07;

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

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

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

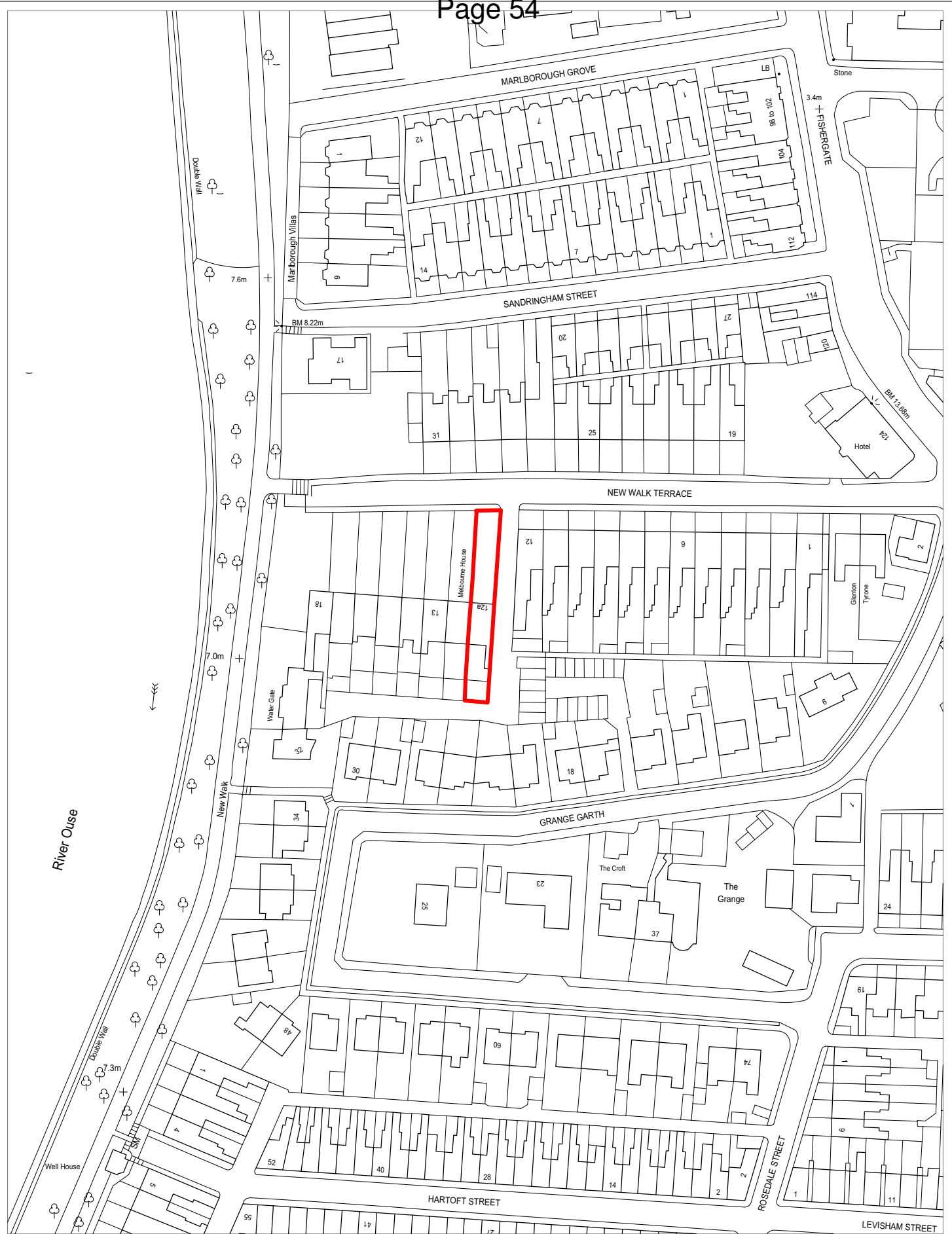
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design, the impact on the character and appearance of the area and New Walk/Terry Avenue Conservation Area. As such the proposal complies with Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995), Policies GP1, H7, HE2 and HE3 of the City of York Draft Local Plan (incorporating 4th set of changes, April 2005) and the City of York Council 'Guide to extensions and alterations to private dwelling houses', March 2001.

### Contact details:

**Author:** Hannah Blackburn Development Control Officer

**Tel No:** 01904 551477





12A NEW WALK TERRACE, FISHERGATE - 06/02713/FUL

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 15/1/2007  
 Drawing No.



**COMMITTEE REPORT****Committee:** East Area**Ward:** Osbaldwick**Date:** 25 January 2007**Parish:** Osbaldwick Parish Council**Reference:** 06/02740/FUL**Application at:** 17 Worcester Drive York YO31 0NY**For:** Extensions and alterations to existing dwelling**By:** Mr P Hodgson**Application Type:** Full Application**Target Date:** 6 February 2007**1.0 PROPOSAL**

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

This application is a resubmission of 2 previous applications that were refused due to their impact upon neighbours and the over development of the plot.

This resubmission attempts to relieve the impact upon neighbours further by removing the proposed detached double garage and reducing the 'kitchen' element of the proposal by 1000mm. The rest of the changes suggested in previous applications by the case officer have been retained. These include no extra first floor windows overlooking and hipped roofs to the extensions.

This is the third submission for this site.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

**3.0 CONSULTATIONS**

Internal

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

External

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

Neighbour Response - At time of writing no objections have been received. This is possibly in light of the intervening Christmas period and as such the concerns of neighbours from the previous submission are summarised below.

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

Over dominance of the proposed extension.

Noise associated with the increase in rooms.

Privacy affected by windows.

Loss of sunlight caused by the extensions.

Drainage.

Affect on outlook.

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

Building Control - Building Control have confirmed that drainage will be assessed under a Building Regulations application and as such is not a planning matter in terms of residential extensions.

#### **4.0 APPRAISAL**

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

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

DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

**EFFECT UPON THE STREET SCENE** - The proposal will have limited impact upon the street scene through the proposed side extension and garage. The revised scheme shows a new pitched roof dormer to the front that is considered acceptable.

**EFFECT UPON NEIGHBOURING AMENITY** - The proposal has been amended from the first Planning Application by reducing the size of the western single storey element from 9.55m to 6.05m and removing a previously proposed gable window to the eastern kitchen/bed 4 extension. The proposed double garage was to remain to the eastern edge of the plot.

The revised submission shows the retention of hipped roofs and the absence of any further first floor windows with the addition of a one metre reduction in the kitchen extension and the removal of the proposed double garage that was to be situated abutting the rear corner boundary.

### Overlooking

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

### Dominance

The proposed extensions have retained the two hips to the two proposed rear projections and have reduced the kitchen element of the extensions by one metre. This has removed any gable feature that was considered over dominant in relation to neighbours and has created a much more modest extension that slopes away from the rear boundary. The garage has also been removed and relieves any impact upon neighbours.

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

The orientation of the plot is somewhat awkward and in order to fully assess the previous proposal the case officer undertook an exercise of modelling the proposal in 3d. This created an approximate 3d model whereby the sunlight and shadows could be shown. This, together with the traditional methods of estimating the sun paths illustrates that the present house on this plot already obscures much of the sunlight from neighbouring properties. When compared utilising this 3d guide it was apparent that the proposed extensions to the house would slightly, but not dramatically impact upon sunlight reaching neighbouring properties. On the basis of this it was felt that the garage would perhaps have the most harmful impact with the house extensions causing little overshadowing.

**OVERDEVELOPMENT** - The proposal intends to develop upon an unusual suburban plot and it is the opinion of the case officer that the modifications proposed are not excessive. The reduction in footprint from the previous scheme together with the removal of the proposed garage have reduced the extensions' impact upon the locality and the proposal is fully supported and recommended for approval.

In summary it is felt that the further reduction in footprint and the removal of the proposed garage will create a scheme that is suitable and will not harm the amenities or living conditions of neighbours. Issues of drainage are to be addressed during the construction phase and members are reminded that this application must be determined based upon the level of development and the planning implications that may exist and not upon the impact that development will have upon drainage. This issue has been assessed through the Environment Agency flood matrix which does not consider the site to be situated within a Flood Zone. Further drainage tests can be carried out under a Building Regulations application and this should address any issue of problematic surface water.

## 5.0 CONCLUSION

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

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 VISQ8 Samples of exterior materials to be app
- 3 PLANS1 Approved plans
- 4 Notwithstanding the approved plans no further windows shall be installed to the rear elevation of the property unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours

- 5 NOISE7 Restricted hours of construction

## 7.0 INFORMATIVES:

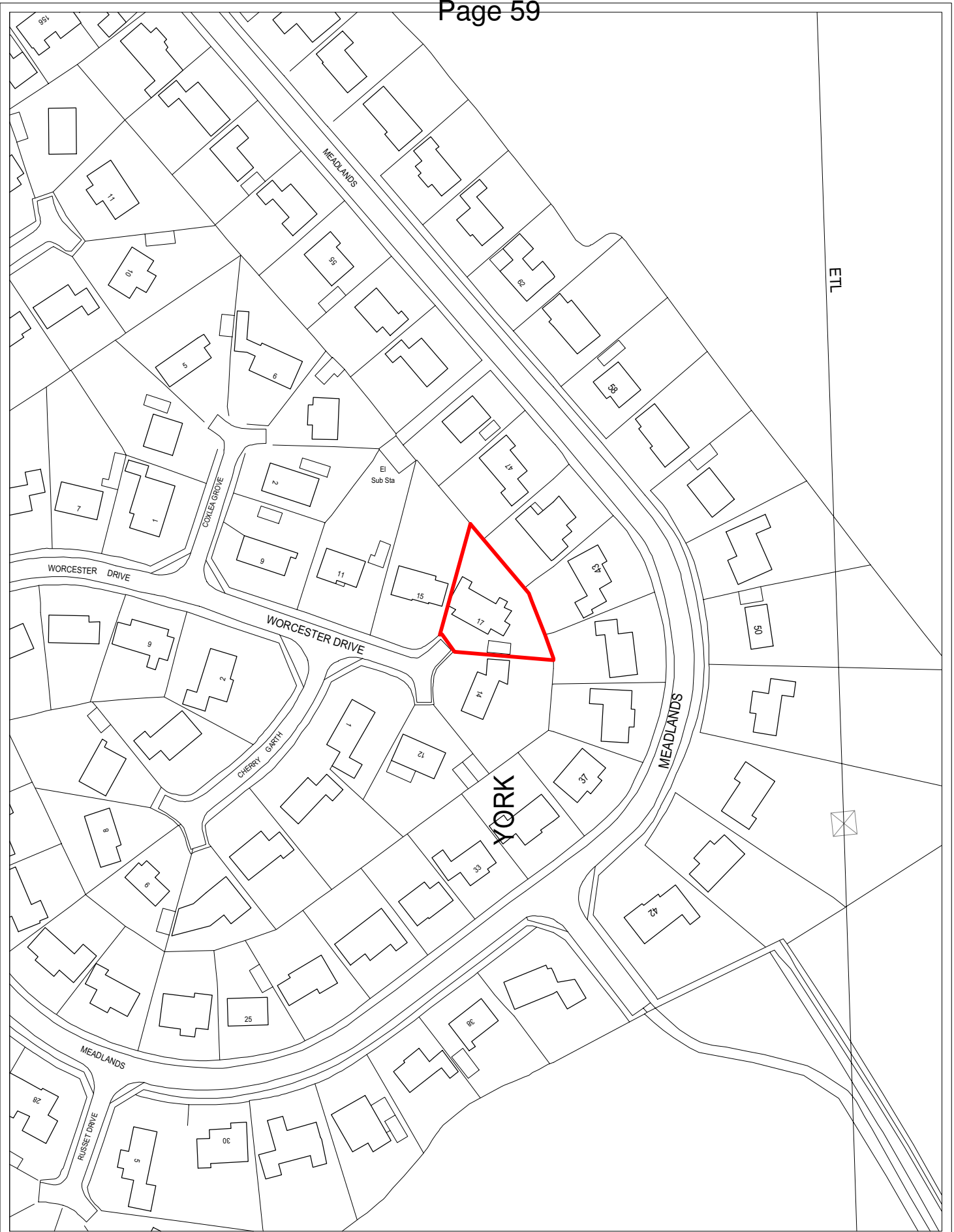
### Notes to Applicant

#### 1. REASON FOR APPROVAL

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

### Contact details:

**Author:** Andrew Graham Development Control Officer  
**Tel No:** 01904 551596



Site Plan : 17 Worcester Drive Burnholme York



SCALE 1:1250

DRAWN BY JB

DATE 15/1/2007

Originating Group

Project

Drawing No.

Organisation

MAG 3

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

Produced from the 1993 Ordnance Survey 1:1250 mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

York City Council LA 1000 20818