



**Notice of meeting of  
East Area Planning Sub-Committee**

**To:** Councillors Wiseman (Chair), Douglas (Vice-Chair), King, Fitzpatrick, Funnell, McIlveen, Watson, Hyman, Firth and Warters

**Date:** Thursday, 8 September 2011

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Cumming know by **5pm** on **Tuesday 6 September** on **(01904) 551078**.

**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 4 - 23)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 11 August 2011.

**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 Sub-Committee'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 7 September** at **5.00 pm**.

#### 4. Plans List

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

a) **Vue Cinema, Stirling Road, York. YO30 4XY (11/00516/FUL)** (Pages 24 - 39)

This full application seeks planning permission to erect a single storey restaurant on land within the Vue Cinema car park at Clifton Moor.

This application has been brought before East Area Planning Sub-Committee at the request of Councillor Wiseman on the grounds of loss of car parking and impact on the character of the area. A site visit was carried out before the August Planning Committee, from which the application was deferred for further consultation to be carried out. [Skelton, Rawcliffe and Clifton Without] **[Site Visit]**

b) **The Laurels, Brecks Lane, Strensall, York. YO32 5UZ (11/00676/FUL)** (Pages 40 - 59)

This full application is for the erection of 8 two storey dwellings with gardens and new access to Brecks Lane, following the demolition of an existing bungalow.

Councillor Doughty has requested the application be considered by the Committee on the grounds of the objections raised by the Parish Council and the nearby residents. [Strensall] **[Site Visit]**

c) **168 New Lane, Huntington, York YO32 9ND (11/01503/FUL)** (Pages 60 - 66)

This full application is for single and two storey side extensions with a porch to the front of the property at 168 New Lane.

The application is being brought to committee as the applicant is an employee of City of York Council. [Huntington/New Earswick] **[Site Visit]**

- d) **279 Huntington Road, York YO30 9BR** (Pages 67 - 88)  
**(11/01652/FUL)**

This full application proposes to demolish 279 Huntington Road and to erect five, three-bedroom, two-storey terraced dwellings. [Huntington/New Earswick] **[Site Visit]**

- e) **34 Eastward Avenue, York YO10 4LZ** (Pages 89 - 94)  
**(11/02045/FUL)**

This full application relates to an amendment to a previously approved scheme for a two storey rear extension with balcony, two storey extension to front incorporating porch, alterations to roof, with gates, brick piers, wall and railings to front (amended scheme to incorporate enlargement of front porch to include additional window) to a property at 34 Eastward Avenue.

The application is brought to the East Area Sub-Committee for a decision as the previous application was also determined by the Committee. [Fulford] **[Site Visit]**

- f) **9 Langsett Grove, York YO30 4DE** (Pages 95 - 99)  
**(11/01708/FUL)**

This full application is for a two storey side extension and conservatory to the rear.

The application is brought to Committee as the applicants' partner is employed by the Council. [Skelton, Rawcliffe and Clifton Without]

- g) **Bonneycroft, 22 Princess Road,** (Pages 100 - 119)  
**Strensall, York YO32 5UD**

This application seeks major outline consent for a residential development of 10 dwellings with all matters reserved except access and layout. [Strensall] **[Site Visit]**

- h) **10 Larchfield, York YO31 1JS** (Pages 120 - 124)  
**(11/01928/FUL)**

This full application is for a single storey rear extension on the rear elevation of a semi-detached dormer bungalow, in order to form a new bedroom.

The application is brought to the East Area Planning Sub-Committee as the applicant is employed by the City of York Council as a teacher. [Heworth Without]

- i) **87 Newland Park Drive, York YO10 3HR** (Pages 125 - 131)  
**(11/01957/FUL) WITHDRAWN**

This full application is for a first floor side extension and a single storey rear extension at 87 Newland Park Drive. [Hull Road] **[Site Visit]**

**\*Please note that this application has now been withdrawn by the applicant prior to the meeting, and as such will not be considered by the Committee\***

- j) **89 Newland Park Drive, York. YO10 3HR** (Pages 132 - 138)  
**(11/01548/FUL) WITHDRAWN**

This full application is for a first floor side extension and single storey rear extension at 89 Newland Park Drive.

This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and concerns from Councillor Barnes. [Hull Road] **[Site Visit]**

**\*Please note that this application has now been withdrawn by the applicant prior to the meeting and as such will not be considered by the Committee.\***

**k) 111 Newland Park Drive, York. YO10 3HR (Pages 139 - 145)  
(11/01937/FUL)**

This full application is for a two storey side extension and single storey rear extension at 111 Newland Park Drive.

This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and concerns from Councillor Barnes. [Hull Road] **[Site Visit]**

**l) 41 Lea Way, Huntington, York YO32 9PE (Pages 146 - 150)  
(11/02134/FUL)**

This full application asks for planning permission to erect a flat roof attached garage on the side drive of the host dwelling, designed with a UPVC door on the front and window on the rear elevation.

The application has been brought to the East Area Planning Sub - Committee because the applicant's spouse is an employee of City of York Council. [Huntington/New Earswick] **[Site Visit]**

**m) Kent Street Coach Park, Kent Street, York (Pages 151 - 168)  
(11/01627/OUTM)**

This outline major application is for the erection of a fire station with training tower and associated facilities following the demolition of a disused toilet block. [Fishergate] **[Site Visit]**

**5. Appeals Performance and Decision (Pages 169 - 186)  
Summaries**

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30th June 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 30<sup>th</sup> August 2011 is also included.

## 6. Urgent Business

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

## 7.

### Democracy Officer:

Name- Judith Cumming

Telephone – 01904 551078

E-mail- [judith.cumming@york.gov.uk](mailto:judith.cumming@york.gov.uk)

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

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

Contact details set out above.

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### **Further information about what's being discussed at this meeting**

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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### **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session (CMDS)) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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**EAST AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 7 September 2011****Members of the Sub Committee to meet at Union Terrace Car Park  
at 10:00**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:10	279 Huntington Road	4d)
10:40	168 New Lane	4c)
11:05	Bonneycroft, Strensall	4g)
11:35	The Laurels, Brecks Lane, Strensall	4b)
12:10	34 Eastward Avenue	4e)
12:30	87 Newland Park Drive	4i)
12:35	89 Newland Park Drive	4j)
12:45	111 Newland Park Drive	4k)
13:05	Kent Street Former Coach Park	4m)

City of York Council

Committee Minutes

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 11 AUGUST 2011

PRESENT COUNCILLORS WISEMAN (CHAIR), DOUGLAS (VICE-CHAIR) (EXCEPT MINUTE ITEMS 14G-L), KING, FITZPATRICK, FUNNELL, MCILVEEN, WATSON, FIRTH AND WARTERS

APOLOGIES COUNCILLOR HYMAN

<b>Site</b>	<b>Attended by</b>	<b>Reason for Visit</b>
The Pupil Support Centre, Danesgate, Fulford Cross, York. YO10 4PB	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site and because the application had been called in.
Site to the East of Vue Cinema, Stirling Road, York.	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	To familiarise members with the site and because the application had been called in.
Vue Cinema, Stirling Road, York. YO30 4XY	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	To familiarise members with the site and because the application had been called in.
62 Brockfield Park Drive, Huntington, York. YO31 9ER	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	Due to the volume of interest from local residents and because the previous application on this site was also determined by the Committee.
Former Piggeries, Rear of Willow Court, Main Street, Holtby, York.	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	To establish the potential impact that a new housing scheme would have on the Green Belt and also to consider

		the sustainability of the site for residential development.
6 Dairy Farm Court, Main Street, Fulford, York. YO10 4PN	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in, due to limit space and overdevelopment of the site.
7 Dairy Farm Court, Main Street, Fulford, York. YO10 4PN	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	For the same reasons as the application at 6 Dairy Farm Court
14 New Walk Terrace, York. YO10 4BG	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	As it had been called in by a Ward Member, to enable discussion to take place on the wider context for the installation of solar panels in the City's conservation areas.
14 New Walk Terrace, York. YO10 4BG	Cllrs Douglas, Fitzpatrick, McIlveen, Warters, Watson and Wiseman.	For the same reasons listed above.

## 11. DECLARATIONS OF INTEREST

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

Councillor McIlveen declared a personal non prejudicial interest in Agenda Item 4g) Fantasy World, as a member of York Residential Landlords Association.

No other interests were declared.

**12. MINUTES**

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 7 July 2011 be approved and signed by the Chair as a correct record.

**13. PUBLIC PARTICIPATION**

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

**14. 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.

**14a The Pupil Support Centre, Danesgate, Fulford Cross, York. YO10 4PB (11/01071/GRG3)**

Members considered an application by Adults, Children and Education (City of York Council) for the siting of a temporary mobile classroom unit at the Pupil Support Centre at Fulford Cross School.

Officers confirmed that if Members were minded to approve the application, that planning permission would be granted for a temporary period of three years.

Representations in support of the application were received from the Headteacher of the Support Centre. She informed Members about the aim of the Centre, which was to provide a safe and protective environment for children with behavioural problems. The Headteacher acknowledged that although the likelihood of large scale investment in the construction of new classrooms was slim in the current economic climate, the needs of the children taught at the Centre still needed to be met.

Representations were received from the Ward Member, Councillor D'Agorne. He explained his reasons for calling in the application for consideration by the Committee and stated that he agreed with the Headteacher, in respect of the need for a safe and protective environment for the children taught at the Unit. He referred to the different location of the classroom under consideration in comparison to the previous application. He also informed the Committee that he had witnessed work being undertaken on the proposed site before the consultation period on the application had finished. Finally he felt that parking problems could arise due to the location of the temporary classroom.

Members considered that although temporary buildings, were not an ideal solution, a three year consent would provide an opportunity for alternative funding to be sourced, to allow for a more permanent structure to be considered.

Some Members echoed Councillor D'Agorne's concerns about an increase in parking, particularly on residential streets next to the Unit. The Headteacher responded that no complaints about parking had been received from nearby residents. Other Members suggested that when the classroom is removed from the site, that it be taken down in sections so as not to damage the trees on the site.

RESOLVED: That the application be approved.

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

- Need for the temporary unit
- Siting
- Highways, Access and Parking
- Sustainability
- Drainage

As such the proposal complies with Policies GP23, ED1 and GP1 of the City of York Development Control Local Plan.

INFORMATIVE: The applicant is reminded that a number of trees to the west and south of the site are protected by Tree Preservation Orders. In this

respect, particular attention is drawn to conditions 2 and 3 of this planning permission. It is also important that when the unit is removed from the site, it is done so in such a way that avoids damage to the protected trees adjacent to the site.

**14b Site to the East of Vue Cinema, Stirling Road, York. (11/00620/OUT)**

Members considered an outline application from Derby Property Investments Ltd for a 70 bed hotel (use class C1) on the eastern edge of the Vue Cinema car park at Clifton Moor.

Officers clarified to Members that there would be 35 spaces for use by hotel guests on a shared car park. The hotel would be sited on land that was currently used for 79 car parking spaces, and the site would not be fenced off from neighbouring buildings.

Representations in support were received from the applicant's agent. He considered that the hotel could contribute to meeting the needs of accommodation for tourists and business people. He added that analysis of the loss of parking related both to the application under consideration, and the restaurant application which had been withdrawn before the meeting. He felt that the business would be sustainable, as hotel users often decided on their mode of travel before choosing the location of their accommodation.

Representations in objection were received from a member of Rawcliffe Parish Council. He questioned why the traffic survey had been carried out between 8.00 am and 9.00 am and 4.30 pm and 5.30 pm in the month of November, as he felt that these were not the times at which the heaviest traffic flows occurred. He also questioned why the report had stated that trees would have to be removed when there were no existing trees on site. Finally, he felt that the application was contrary to the policies of the Draft Local Plan and should be refused.

Some Members expressed concerns at the loss of car parking spaces, particularly as the existing car park was at present extremely busy. They felt that this would lead to a greater number cars parking on adjacent roads.

Other Members disagreed and felt that the existing car park was often empty and that another hotel in York should be welcomed.

However, as Members felt that the location of the hotel would be unsuitable and that there would be a large loss of parking on the existing site, they agreed with the Officer's recommendation for refusal.

RESOLVED: That the application be refused.

REASON: The application site is defined as being out of the centre which should only be considered appropriate if no suitable sites are available within the city or district centres or on the edge of the centre. It had not been adequately demonstrated that the proposed site is sequentially preferable. Alternative sequentially preferable sites have not been robustly considered. In addition, the applicants have failed to demonstrate that the current under supply of hotel accommodation would not be sufficiently met by existing planning permissions which are in place within the city centre and edge of centre and economically important sustainable mixed use development sites. It has not been demonstrated that the proposal would not impact adversely on the city centre and edge of centre through reducing the likelihood of existing permissions within more sustainable locations being implemented. Therefore, the proposal is considered unsustainable and contrary to the aims and objectives of national planning advice contained within Planning Policy Statement 4 "Planning for Sustainable Economic Growth" and Policies SP6 and SP7a of the City of York Draft Local Plan.

**14c Vue Cinema Stirling Road York YO30 4XY (11/00516/FUL)**

This application was deferred to be considered at the next scheduled meeting in September. This was due to the consultation process for the application not being carried out in accordance with Council policy.

**14d 62 Brockfield Park Drive, Huntington, York. YO31 9ER  
(11/01473/FUL)**

Members considered a full application from Mr Imam Harman for a change of use from a shop (Class A1) to a hot food takeaway (Class A5) at 62 Brockfield Park Drive.

Officers informed Members about the history of the application, and reported that although the Committee had originally refused a previous application at the same site, a revised application had now been submitted following an appeal decision by the Planning Inspectorate. Officers considered that all of the relevant concerns in relation to odours and noise had now been addressed. The application was brought to Committee for a decision as the previous application had also been determined by the Committee, and due to the level of local interest.

Representations were received from a local resident in objection. She gave a number of reasons in objection to the application including;

- That the repositioning of the flue to below ridge height of the roof would emit smells towards neighbouring properties.
- That daily food preparation would block drains with grease.
- That the glass recycling facility for the takeaway would be noisy.
- That the illuminated signage for the takeaway would cause light pollution.

Representations in support were received from the applicant's agent. He accepted that the extraction fans might make noise, but reported that the noise assessment that had been carried out, was deemed acceptable by Officers. He stated that he considered that the problems that the Planning Inspectorate had identified originally had now been overcome.

Representations were received from the Ward Member, Councillor Runciman. She voiced a number of concerns which included; the possible increase in Anti Social Behaviour, the increase in noise that could be caused by car doors slamming when customers collected takeaway orders and noise and smells particularly during the cleaning up time after closing hours.



In response to a question from a Member on which areas of the original application were deemed unacceptable by the Planning Inspectorate, Officers reported that these related solely to the design and location of the flue extraction system, which had since been amended.

Some Members considered that the application should be refused due to the noise that could be emitted from delivery vehicles, inadequate waste disposal provision and insufficient space at the front of the building for parking.

In response to a suggestion from a Member that deliveries should be restricted, other Members considered that such a service would create less traffic congestion and noise than if individual customers arrived by car to pick up food orders. They added that they wished the opening hours to be from 11.00-22.00 and that a condition requiring grease traps to be fitted be added to any approval, in order to minimise the possibility of drains becoming blocked.

**RESOLVED:** That the application be approved subject to the conditions listed in the Officer's report and the following additional condition;

6. Details shall be submitted to and approved in writing by the Local Planning Authority of grease and fat interceptors which shall be installed on all drains. The grease and fat interceptors shall be installed and fully operational prior to the first use of the hot food takeaway and thereafter maintained.

**Reason:** To ensure the proper treatment of cooking fats to prevent any adverse impact on the surrounding drainage network.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to;

- the impact of the amenities of local residents through noise, odour and litter;
- visual impact on the character and appearance of the area
- traffic and car parking; and
- anti-social behaviour

As such the proposal complies with Policies S6 and GP1 of the City of York Development Control Local Plan.

**14e Former Piggeries, Rear Of Willow Court, Main Street, Holtby, York. (11/00585/FUL)**

Members considered a full application from Mr C England for the erection of four dwellings with associated garages and access following the demolition of existing farm buildings.

In their update to Members, Officers gave a brief summary of the history of planning applications on the site under consideration. They stated that since the Officer's report had been written, further investigations had been carried out in relation to the proposed footpath from the site into the village, and how it would link up with other improvement works proposed by CYC. The applicant had indicated that he was prepared to fund the cost of the works. It was noted that further work had also taken place in relation to the existence of Great Crested Newts adjacent to the site, and that the open space offered by the applicant would need to be maintained as a nature reserve rather than as general amenity land. It was reported that the applicant was happy for the land to be used as a nature reserve to provide a habitat for the newts, if the application was approved.

Officers reported that a condition could be added to planning permission for a detailed management plan and that a licence would need to be acquired from Natural England before any construction commenced on the site.

In response to Members' queries about a previous application on the same site, Officers reported that the current proposal included fewer houses, and that the houses would be significantly higher than the tallest barn on the site.

Representations in objection to the application were received from a local resident. He felt that national planning advice in PPG2 relating to the Green Belt, had not been followed, in that it stated in paragraph 2.6 that development should not be allowed merely because a site has become derelict.

Representations in support of the application were received from another local resident. He considered that the proposed development was appropriate because the agricultural buildings on the site would be difficult to convert into open market residential units. He felt that these buildings were dangerous to children and were home to rats. He also felt by allowing development to take place, those properties which were located next to the site but away from the village, would feel more integrated into the village.

Representations in support were received from the applicant. He told Members that since 2005, decisions had been taken that housing was the only viable development on the site. He felt that the application should be approved, because it would provide work for those in the demolition and construction industry.

In response to a question from Members as to why the applicant wanted to develop the site, the applicant responded that the business for intensive livestock farming was not sustainable without a large amount of arable land available.

Representations were received from a member of Holtby Parish Council. He stated that the majority of residents were in support of the proposal and supported the provision of a footpath from the site into the village.

During their discussion Members commented on the height of the proposed buildings, but felt that four dwellings would be more preferable than the previous application for eight properties. It was also considered that although the dwellings might intrude into the Green Belt, they would not restrict views for other residents in the village.

Officers advised Members that if they were minded to approve the application, it would need to be referred to Government Office in order for them to determine whether the application should be "called in" for a decision by a Government Inspector, as approval of the application would be contrary to Green Belt policy.

Members suggested that a number of conditions be added to planning permission, if the application was approved, including;

- Standard “time” and “plans” conditions
- The removal of permitted development rights in order to control future extensions to the dwellings
- Materials to be agreed
- A maximum height for the dwellings
- Creation and future management of the Great Crested Newt habitat
- Highway conditions relating to surfacing details, access details, car and cycle parking, turning areas, no mud on the highway during construction, and a dilapidation survey.
- Drainage details to be agreed
- Ground contamination remediation strategy
- Conditions as recommended by the Internal Drainage Board and Yorkshire Water in relation to foul and surface water disposal
- Code for Sustainable Homes Level 3 to be achieved
- 5% of total energy requirements to be provided from on site renewable sources

In addition, that a Section 106 Agreement be entered into relating to the following:

- Financial contribution of £180,000 towards footpath and junction improvements
- An affordable housing contribution of £46,282. 50
- Transfer of land to the Parish Council including future maintenance requirements and funding arrangements
- Public open space contribution of £13,008

RESOLVED: That the application be referred to Government Office with an indication that Members are minded to approve the application subject to the conditions and undertakings referred to above.

REASON: Members consider that there are very special circumstances that outweigh any harm to the Green Belt that may otherwise arise.

**14f 19 Bramley Garth, York. YO31 0NQ (11/00927/FUL)**

Members considered a full application from Mrs Susan Hodgson for a replacement conservatory roof and rear wall at 19 Bramley Garth.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the living conditions of neighbours and flood risk. As such, the proposal complies with Policies GP1, GP15a and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

**14g Fantasy World, 25 Main Street, Fulford, York. YO10 4PJ (11/00523/FUL)**

Members considered a full application from Mr Justin Heaven for the conversion of a shop to 9 bedroom house in multiple occupation at Fantasy World, 25 Main Street, Fulford.

Representations in support were received from the applicant. He outlined his reasons for applying for permission to change the use from a shop to a 9 bedroomed house, and why he felt that Members should approve the application. The reasons were as follows;

- The desire to keep the property in the ownership of the applicant's family rather than sell it.
- That a House in Multiple Occupation(HMO) could allow for the applicant to continue to live in the building, whilst renting out other rooms.
- That parking demand for a retail building was greater than that of than the proposed use of the building.
- That the installation of new glazing would decrease the noise level that could be faced by prospective residents.

- That the continued use of the premises as a shop would not be commercially viable, particularly given the loss of businesses in the vicinity.

Representations were received from a representative of Fulford Parish Council. They objected to the application due to; the loss of a longstanding business, the loss of off street parking which might lead to further on street parking, the impact on the Conservation Area of two HMOs in the vicinity and the narrow access to the property.

Further representations were also received from the Ward Member, Councillor Aspden. He stated that the community regretted the loss of business from Fulford, and considered that the proposed use would cause parking problems. He questioned why only two parking spaces had been proposed for nine residents, and questioned the safety of a doorway opening on to a narrow access point.

During their discussion Members noted that there were significant parking issues that needed to be addressed and that they were concerned that the narrow access would restrict the passage of emergency vehicles into the building.

Officers commented that in their view the proposed use was unlikely to generate significant parking problems over and above the existing retail use, and pointed out that the site was on a bus route with good cycling access to other parts of the city. They added that the access to the rear of the site was 2.2 metres wide, which was deemed as adequate under highway guidelines.

Some Members felt that the application should be refused due to unsafe access, inadequate parking provision and a concentration of HMOs in the area.

**RESOLVED:** That the application be refused.

**REASON:** (i) It is considered that the proposal incorporates insufficient off street parking to cater for the proposed use, resulting in the likelihood of vehicles being parked on the highway to the detriment of the free flow of traffic and highway safety, in conflict with Policy H8

("Conversions") of the City of York Draft Local Plan.

- (ii) It is considered that the width of the vehicular access to the site is insufficient to safely accommodate the intensification of use which would be likely to result from the proposal, particularly in association with the use of the adjacent property as a House in Multiple Occupation, resulting in conflict between pedestrians and vehicles attempting to enter and leave the application site.
- (iii) It is considered that the cumulative impact of the proposal, taken together with the existing House in Multiple Occupation (HMO) at 23 Main Street, would result in an overintensification of HMO's in the area to the detriment of the character of the area and the amenity of adjacent occupiers as a result of increased levels of activity, noise and disturbance. Thus the proposal would conflict with Policy H8 ("Conversions") of the City of York Draft Local Plan

**14h 25 Derwent Road, York. YO10 4HQ (11/01547/FUL)**

Members considered a full application from Mr Andy Wilcox for a two storey extension.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity and the impact on the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001).

**14i 6 Dairy Farm Court, Main Street, Fulford, York. YO10 4PN  
(11/00993/FUL)**

Members considered a full application from Mr Derek Binns for a single storey side extension (revised scheme) at 6 Dairy Farm Court.

In their update to Members, Officers confirmed that the tree which would be removed did not form part of an approved landscaping scheme and was not deemed worthy of a Tree Preservation Order. Officers confirmed the view of a number of appeal decisions, which had concluded that if a development was not visible to the public, it was considered to be less likely to detrimentally affect the visual amenity of the Conservation Area.

Representations in objection were received from a representative of Fulford Parish. He considered that the application was overdevelopment of a restricted area. He added that there was a lack of amenity space, as the proposed extension would leave a very small amount of garden space. He disagreed with the Officer's comment that the extension would not affect the Conservation Area simply because it was not visible, because he considered that the effects should take into account the impact on the Conservation Area as a whole.

Representations were received from the Ward Member Councillor Aspden. He pointed out that Officers had recently refused an application on the site under delegated powers because it was felt to be overdevelopment on a restrictive site, and that it would have an oppressive nature on adjacent properties. He echoed the comments of the Parish Council in their concern of a lack of amenity space and also added that there was currently limited parking.

Members asked how the application under consideration differed to the one that was refused previously.

Officers responded that the previous application was for a two storey extension with a larger footprint, and that the remaining amenity space at the front of the property was considered to be sufficient.



RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to occupants of the neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the character or appearance of the Conservation Area. As such, the proposal complies with policies H7, GP1 and HE3 of the City of York Draft Local Plan and with the Council's Supplementary Planning Guidance to "Guide to extensions and alterations to private dwelling houses".

**14j 7 Dairy Farm Court, Main Street, Fulford, York. YO10 4PN (11/00925/FUL)**

Members considered a full application from Mr Derek Binns for a single storey side extension at 7 Dairy Farm Court.

This application was considered at the same time as the application at 6 Dairy Farm Court. All details of any discussion that took place on this item are listed under the previous minute item.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to occupants of the neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the character or appearance of the Conservation Area. As such, the proposal complies with policies H7, GP1 and HE3 of the City of York Draft Local Plan and with the Council's Supplementary Planning Guidance to "Guide to extensions and alterations to private dwelling houses".

**14k 14 New Walk Terrace, York. YO10 4BG (11/01296/FUL)**

Members considered a full application from Mr and Mrs Scott for the installation of solar panels on the rear roof slope of 14 New Walk Terrace.

In their update to Members, Officers referred to the statutory duty of the Council to have special regard to the desirability of preserving the (listed) building or its setting and any features of special architectural or historic interest which it possesses. They also referred to national planning advice which stated that where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against the harm to the significance of the heritage asset. In other words, a balancing exercise needed to be carried out. Officers also informed Members that a reference in their report which related to the applicant making a formal approach to the Civic Trust needed to be amended to an “informal approach.”

Officers were asked if there were any other roofs with solar panels in the vicinity and how solar panels differed from rooflights. They responded that there were no roofs with solar panels in the area and that the panels had a shinier surface than rooflights.

Representations were received in support from the applicant. He did not believe that the proposal would harm the Conservation Area. He believed that velux windows did a greater amount of damage to the fabric of a listed building than the installation of solar panels on the roof. Finally he stated that the only prominent view of the solar panels would be from the rear of the property.

Representations in support were received from the Ward Member, Councillor Taylor. He considered that in general there was insufficient policy guidance in relation to the use of new technologies in cases such as this. He also stated that he felt the roof slope of the property was not prominent, and that the visual intrusion was very small when compared with other alterations and extensions in the vicinity. He added that the applicants were happy for conditions to be added to planning permission, and that they would be happy for their scheme to be used as a pilot for others.

Members asked the applicant if the solar panels could be removed and asked in what situation they could be removed. The applicant responded that the panels could be removed as they were clipped together, on a lightweight frame and were not permanently attached to the roof. In addition, the applicant stated that if a subsequent owner wished to remove them or they became degraded, they could be removed.

In response to a question from Members, Officers explained that the recommendation for refusal had been influenced by comments received from the Council's Conservation Team, as the panels would cover a significant area of the roof and would be harmful to the appearance of the building. Officers also commented that if the application was approved it would be difficult for other similar applications to be refused, due to the property forming part of a longer terrace of listed buildings and because a precedent would have been set.

Members considered that a Council policy needed to be formulated on the issue of renewable energy sources in Conservation Areas as other similar applications could be considered by the Committee in the future. Some Members considered that the application could be deferred to be considered at a later date, following the formulation of a policy. Other Members felt that they did not believe the application to be detrimental to the area, as the panels might not necessarily be a permanent structure, and that there was a need to keep up with current progress in new technologies.

RESOLVED: That the application be approved with the following conditions;

- (i) The development shall be begun no later than the expiration of 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.

- (ii) The development hereby permitted shall be carried out in accordance with the following plans and other submitted details;

Submitted drawings and supporting information received 23.05.11.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the following conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the Conservation Area. As such the proposal complies with Policies GP1 and HE3 of the City of York Development Control Local Plan.

**14I 14 New Walk Terrace, York. YO10 4BG (11/01298/LBC)**

Members considered a listed building consent application from Mr and Mrs Scott for the installation of solar panels on the rear roof slope of 14 New Walk Terrace.

This application was considered at the same time as the full application at the same address. All details of any discussion that took place on this item are listed under the previous minute item.

RESOLVED: That the application be approved with the following conditions;

- (iii) The development shall be begun no later than the expiration of 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.

- (iv) The development hereby permitted shall be carried out in accordance with the following plans and other submitted details;

Submitted drawings and supporting information received 23.05.11.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the following conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the Conservation Area. As such the proposal complies with Policies GP1 and HE3 of the City of York Development Control Local Plan.

Cllr S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 5.10 pm].

## COMMITTEE REPORT

**Date:** 8 September 2011      **Ward:** Skelton, Rawcliffe, Clifton Without  
**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 11/00516/FUL  
**Application at:** Vue Cinema Stirling Road York YO30 4XY  
**For:** Erection of single storey restaurant (use class A3)  
**By:** Derby Property Investments Ltd  
**Application Type:** Full Application  
**Target Date:** 23 May 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks planning permission to erect a restaurant on land within the Vue Cinema car park at Clifton Moor. The proposed height of the restaurant is 5.1m to the eaves and 8.1m to the ridge. A flat roof entrance block would be 7.5m in height. The footprint of the proposed restaurant is 372 sq m with a modest outdoor seating area to the front. The proposed building would be constructed predominantly of red brickwork with roof tiles.

1.2 The application site is unallocated 'white land' on the Local Plan Proposals Map. The proposal would result in the loss of 47 car parking spaces to the west of the existing Chiquito's restaurant. The existing car park is shared with Vue Cinema, Frankie and Benny's and Chiquito's restaurants, as well as the Flying Legend pub.

1.3 The nearest residential dwellings are on the opposite side of Clifton Moor Gate, approximately 90m to the west. Other than the residential dwellings to the west, the area is generally characterised by retail and leisure facilities with business and industrial units to the south.

1.4 This application has been brought before East Area Planning Sub-Committee at the request of Cllr. Wiseman on the grounds of loss of car parking and impact on the character of the area. A site visit was carried out before the August Planning Committee, from which the application was deferred for further consultation to be carried out.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

### 2.2 Policies:

CYSP6

Location strategy

CYSP7A

The sequential approach to development

CYGP1

Design

CYGP4A

Sustainability

CYT4

Cycle parking standards

CYT7C

Access to Public Transport

CYS6

Control of food and drink (A3) uses

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Integrated Strategy - Information submitted by the applicants states that the proposed restaurant would be ancillary to existing uses at Clifton Moor. The unit would serve the catchment area of Clifton Moor and the applicants therefore argue that there are no sequentially preferable sites in the city or district centres. The proposed restaurant would serve the needs of existing visitors to the retail, leisure

and business parks. Impact information which was subsequently submitted indicates that the proposal would not draw trade away from the city or district centres and would compete with existing restaurant uses at Clifton Moor. Therefore, there are no objections to the proposed development.

3.2 Drainage - The site is in Flood Zone 1 and should not suffer from river flooding. However, insufficient information has been submitted to determine the potential impacts the proposals may have on existing drainage systems. A condition could be added to any approval to ensure drainage details are agreed prior to development commencing.

3.3 Environmental Protection Unit - No objections to the application. Conditions should be added to any approval regarding kitchen extraction systems and the installation of plant and machinery to ensure that odours and noise do not harm neighbouring amenity. A Phase 1 contamination report has been submitted which is sufficient in this case. A condition should be added to any approval that any contamination found shall be cleaned up.

3.4 Highway Network Management - The application is supported by a Transport Statement which included a parking accumulation survey. The parking accumulation survey has demonstrated that the parking demand on an evening currently peaks at approximately 77% of total capacity. The development proposals (restaurant & hotel combined) will result in the loss of 104 spaces.

The parking demand associated with the proposed development (hotel and restaurant application) has then been added to the reduced size car park. This results in a peak accumulation of 94% of capacity.

Officers consider that this represents a very robust assessment and in reality is unlikely to occur as the parking demands for each proposed use have been considered individually. Given the nature/mix of uses in the locality experience demonstrates that the majority of trips will be linked trips (hotel/restaurant, cinema/restaurant) and as such the demand for parking will actually be lower than considered. The approach taken to the assessment therefore has an element of double counting in terms of car parking demand. Officers are therefore satisfied that adequate parking stock will remain in the car park following the implementation of the developments. The Transport Statement also looked at the level of traffic that could be generated by the proposed development. Any increase in flows will be negligible and as discussed above a number of trips to the site will be linked trips which will further reduce the level of traffic generated by the development. The adjacent highway has been demonstrated to operate satisfactorily with development traffic added.

Conditions are recommended to be added to any approval regarding a travel plan, method of works statement, and cycle parking.



## EXTERNAL

3.5 Clifton Without Parish Council - Only support the proposals if there is no reduction to the on-site car parking levels and there is no impact on the original landscaping scheme.

3.6 Police Architectural Liaison Officer - The applicants have not demonstrated within the application how the potential for crime has been addressed. However, given that the restaurant would require a license to sell alcohol or open after 23:00 hours any potential issues would be dealt with as part of that process. Therefore there are no 'designing out crime concerns' at this stage.

3.7 Third Parties - Two letters of objection received from local residents. The following comments were made:

- The application would result in the loss of thirty car parking spaces;
- The application contains a number of misstatements, supplies contradictory data and contains incorrect information;
- Some of the routes through the car park are substandard due to poor sight lines and there are no footpaths within the car park, encouraging more cars to use this site would create a serious pedestrian/vehicular conflict;
- The proposed signage is so large as to be out of character with others in the area and the Design and Access Statement makes reference to awnings but these are not shown on the submitted plans;
- The bin storage and servicing area is to the west of the restaurant which is closest to residential dwellings with no sound buffer (Please note that this has been amended on the revised plans so that the service yard is now to the east of the proposed building);
- The proposed building would result in the loss of five existing disabled standard car parking spaces with only four to be created and these are located further from the existing Chiquito's restaurant than existing bays;
- If the proposal is not expected to generate new business but simply dilute the custom of existing businesses, would the creation of new jobs be offset by the loss of jobs in neighbouring establishments\_;
- The applicants claim that the proposal cannot create solar gain due to the orientation of the building on an east-west axis, however in the statement for the proposed hotel (ref no. 11/00620/OUTM) they state that solar gain is not possible because the proposed building is on a north-south axis, surely both of these statements cannot be true?;
- The applicants state there are no trees on the site but then on the elevational plans show a tree;
- The applicants state that the site is sustainable because it is close to the Park and Ride, in fact it is one mile away by road;
- The applicants state that the building would be similar in scale to those neighbouring it, however in fact the building is taller and would block the view of other restaurants from Clifton Moorgate;

- The economic benefit of the proposal is unclear and the building itself contains no sustainable features;
- It has been known for some time who the end user of this restaurant would be but the applicants are holding back this information;
- The site is already so popular that during busy times cars park on Stirling Road, the Transport Statement is flawed as the study was not undertaken during school holidays or when a very popular film was showing;
- The applicants claim that the local road network is able to operate well within capacity with the additional trips from the site, however it is widely known that the A1237 from Shipton Road to Wigginton Road is overloaded and congested for extensive parts of the day;
- Concerns about additional noise from loud music, car doors banging, singing, and people shouting;
- Concerns about bright lights from illuminated signage;
- The proposal will generate extra traffic while reducing the level of car parking, this may lead to people parking on residential streets in the area;
- Concerns about rowdiness and disorder after hours with two drinking establishments so close together;
- Concerns that bins will attract rats and foxes.

#### **4.0 APPRAISAL**

##### 4.1 The key issues are:

- The principle of development;
- Residential amenity;
- Visual impact;
- Highways and car parking;
- Sustainability;
- Drainage;
- Contaminated land.

#### **PRINCIPLE OF DEVELOPMENT**

4.2 Policy SP6 'Location Strategy' of the City of York Development Control Local Plan states that development will be concentrated on brownfield land within the built up urban area of the city. Policy SP7a 'The Sequential Approach to Development' states that new development must be highly accessible by non-car modes of transport and that a sequential approach will be used for assessing planning applications. Whilst the proposal is below the 400 sq m threshold outlined in this policy, national advice in Planning Policy Statement 4 'Planning for Sustainable Economic Growth' (PPS4) advises that a sequential approach can be used in assessing typically town centre uses (for example a restaurant) when proposed outside of an existing centre. PPS4 seeks to direct economic development towards city centres where possible.

4.3 An important consideration is the ministerial statement issued on the 23rd March 2011, which states that planning has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The statement says that appropriate weight should be given to the need to support economic recovery and that applications that secure sustainable growth are treated favourably (consistent with advice in PPS4).

4.4 The applicants state that the proposed restaurant is an ancillary use to existing facilities in the area. This is backed up by stating that the proposal would only represent a 0.5% increase in existing retail and leisure floor space at Clifton Moor. It is stated that the restaurant would not be a destination in itself, but would compliment the existing retail and leisure services on offer at Clifton Moor. It is claimed that the restaurant would offer variety of choice. Therefore, the applicants believe that the majority of customers would be undertaking linked trips. It is therefore concluded that the proposal is merely ancillary to existing uses and the catchment area for the proposed restaurant is Clifton Moor itself. This leads to the conclusion that there are no sequentially preferable sites in an existing centre i.e. a new restaurant in the city centre would not the serve the need of users of the leisure and retail park, which is the aim of the applicants.

4.5 Although the applicants claim that the majority of customers would be existing users of the leisure and retail facilities, it is reasonable to assume that the restaurant has the potential to attract a number of customers whose only intention is to visit the restaurant. The location is easier to access than the city centre from some areas of the city. For this reason, the applicants were requested to carry out an 'impact test' so that analysis could be made regarding the potential impact the proposal may have on existing restaurants in the city centre.

4.6 The applicants predict that the proposed unit would turnover approximately £0.72m per year. In the highly unlikely event that all of this trade was pulled from the city centre this would represent less than 2% draw from the income of existing city centre restaurants. Whilst making predictions regarding future usage of a restaurant is problematic, it is highly likely that a number of restaurant users will be existing users of the retail, business, and leisure park at Clifton Moor and therefore in reality, the proposed restaurant would draw far less than 2% of the city centre trade. It is not considered, therefore, that the proposal would have a significant impact on the vitality and viability of the city centre. A similar conclusion was drawn when approving the Chiquito's restaurant application 08/00347/FUL. Therefore it is not considered that the proposal conflicts with the aims and objectives of PPS4 or local planning policies.

## RESIDENTIAL AMENITY

4.7 The nearest residential dwellings to the proposed restaurant are on the opposite side of Clifton Moorgate approximately 90m away. On either side of Clifton Moorgate there is green landscaping which restricts views from these houses into the site. It is not considered that the proposed restaurant would have any significant impact on visual amenity at this distance. The proposed restaurant has been orientated so that the service yard is to the east of the building, away from the nearest residential units. It is not considered that the activity generally associated with a restaurant of this size would harm neighbouring amenity through noise or disturbance given the separation distance and the fact that a busy road sits between the two uses. A licence has been granted for the premise to sell alcohol and operate between 10:00 and 00:30 hours every day, with the outside area to close by 22:00. No hours of operation conditions are recommended to be included on any planning permission as it is considered that the licensing regime is the most suitable legislation to control hours of use and protect amenity as it allows much greater flexibility in terms of responding to issues which may arise.

## VISUAL IMPACT

4.8 The application site is within a car park which serves restaurants and a cinema. The proposed restaurant is set back around 65m from Stirling Road and 45m from Clifton Moorgate. The building would sit at the end of a row of three restaurants, with Chiquito's and Frankie and Benny's sitting between the proposal and Vue Cinema. To the north west of the proposed restaurant is the Flying Legends pub. The area generally has the appearance of a typical out of town leisure and retail park set within substantial car parks. The buildings within the area are typically of brick or rendered walls with clay coloured roof tiles.

4.9 The proposed development is similar in design to the recently constructed Chiquito's restaurant. The height of the proposed restaurant is 5.1m to the eaves and 8.1m to the ridge. A flat roof entrance block sits at 7.5m in height. The footprint of the proposed restaurant is 372 sq m. The proposed building would be constructed predominantly of red brickwork with roof tiles. The entrance block would be rendered and painted, windows would be aluminium framed. The materials to be used can be controlled via condition to ensure they are suitable and fit in with the character of the area. In order to give some context to the proposed restaurant, it is worth noting that the recently approved and constructed Chiquito's restaurant is 360 sq m in size, has an eaves and ridge height of 5m and 7.1m respectively. Chiquito's has a rendered entrance block which sits at the same height as the ridge of the main restaurant. Whilst the proposed restaurant has a marginally larger footprint and is 1m greater in height to the ridge, it is considered that it would appear generally in keeping with the surrounding area. The building is well set back from the roadside and is seen within the context of the much larger cinema building and offices located to the south.

## HIGHWAYS AND CAR PARKING

4.10 The proposed development would bring an additional facility into the area and therefore has the potential to increase the number of users of the retail and leisure park. Whilst the site is close to a residential area and can also be accessed by a regular bus service which stops at Tesco's opposite, it is accepted that a number of visitors to the restaurant may arrive by private car. The application site is close to the outer ring road which is very congested at certain times of the day. Given the very modest scale of development proposed in relation to those in the immediately surrounding area and the fact that a number of visitors will be making linked trips and would be using another facility in the area anyway, it is not considered reasonable to object to the proposal in terms of its potential impact on the local highway network. The proposal represents a 0.5% increase in the retail and leisure floor space of Clifton Moor, therefore it is considered that the increase in flows would be negligible in relation to all trips to the Clifton Moor area.

4.11 Each application should be assessed on its own merits. However, it has to be noted that this application was submitted at the same time as an outline planning application for the erection of a 70 bed hotel on the eastern side of the car park. Both applications would result in a decrease in the number of car parking spaces available whilst also potentially increasing the demand for car parking spaces. The proposed restaurant would result in the loss of 47 car parking spaces.

4.12 The submitted 'Transport Statement' shows that at present, only approximately 77% of the car park is used at peak times. As a result of the proposed hotel and restaurant development, the peak capacity of the car park would reach 94%. This figure accounts for not only the reduction in car parking spaces but also the anticipated additional demand for spaces as a result of the proposed developments. The figure of 94% peak usage has been determined based on users attending the various facilities individually with no linked trips, therefore it is considered to be a robust calculation by Officers as in reality linked trips will make up a significant number of users of the restaurant. Officers are therefore satisfied that adequate parking provision will remain in the car park following the implementation of the developments.

4.13 Concerns have been raised by a local resident that cars already park on Stirling Road during busy times and that the decrease in car parking spaces combined with an increase in users of the site would make this situation worse and potentially create a road safety issue and hinder the free flow of traffic. It is not disputed that people already park on Stirling Road rather than use the car park, however there is no evidence to suggest that this is because the car park is full. Stirling Road does not contain parking restrictions and users may have simply decided to park on the road rather than use the car park. If car parking on this stretch of road increased to the point that it created significant highway problems,

then the Council has the power through Traffic Regulation Orders to apply waiting restrictions which would eliminate this problem if it occurred in the future.

4.14 There is good public transport access through a regular bus service which stops nearby. A very regular bus service runs from the nearby Tesco store to Osbaldwick via the city centre and a number of other residential areas. The bus service is at a frequency of two buses per hour later in the evening with the last bus leaving at 11pm. The site is also reasonably well served by a number of local cycle tracks both on and off-road. A condition is recommended to be added to any approval ensuring that cycle parking is provided which complies with local standards in terms of both numbers of spaces and their quality. The provision of cycle parking and the closeness of a regular bus service means that users of the site have a sustainable transport choice.

## SUSTAINABILITY

4.15 The application site is considered to be in a sustainable location because it is within the built up urban area of the city. A Sustainability Statement was submitted with the application in line with Local Plan Policy GP4a. The statement covers economic sustainability in terms of job creation. The report also states that the development aims to reduce resource usage and pollution whilst maximising recycling. The proposed development is considered to be a 'small scale commercial development' in relation to the Council's Interim Planning Statement on Sustainable Design and Construction as it is under 500 sq m. For developments within this category, no BREEAM assessment is required. However the development is expected to generate 5% of its expected energy demand through on-site renewable energy. The applicants do not state a commitment to providing 5% of energy demand through on-site generation as they state that no end user is in place and therefore the expected energy usages of future tenants as well as the internal fit-out specifications are not known. It is the Officer's opinion that it is technically feasible to generate 5% of expected energy demand on site and therefore a condition is recommended to be added to any permission to ensure that this is achieved in line with local planning guidance. This condition will allow details of the renewable energy generation to be agreed prior to first occupation once an end user is known and their individual requirements can be taken into account.

## DRAINAGE

4.16 The application site is already completely impermeable consisting of hard standing. The proposal would not increase the level of impermeable area on the site. Whilst the applicants have not submitted detailed drainage plans, it is considered reasonable to conclude that the proposal would have no impact on flood risk elsewhere. The site itself is in Flood Zone 1 and is therefore at low risk from flooding.

## CONTAMINATED LAND

4.17 A desktop contamination report was submitted by the applicants and assessed by the Council's Senior Contaminated Land Officer. The site was previously used as part of a military airfield, so land contamination could be present on the site. The desktop study is considered to be sufficient at this stage but should planning permission be granted, a condition should be added to any approval regarding an investigation and risk assessment being carried out into land contamination at this site. Should any contamination be found then a remediation scheme would need to be submitted for approval and subsequently implemented.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development complies with relevant local and national planning policies and is therefore recommended for approval subject to the conditions outlined below.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Proposed Site Plan 09.026 16 C

Proposed Elevations 09.026 14 G

Proposed Floor Plan 09.026 15 F

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of development details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved information.

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

5 The development shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason; To ensure the development complies with advice contained in PPG13 'Transport' and in Policy T20 of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

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

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

7 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site preparation and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site



- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

The development shall be carried out in complete accordance with the approved details.

Reason; To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

8 The kitchen extraction system to be used must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenity of occupiers of nearby premises by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to and approved in writing by Local Planning Authority. The equipment shall be installed in complete accordance with the approved details and shall be fully operational prior to the first use of the restaurant and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby occupiers of premises.

9 Prior to the first use of the restaurant hereby approved, details of all machinery, plant and equipment to be installed in the proposed premises, which is audible outside the site boundary shall be submitted to and approved in writing by the local planning authority. These details shall include maximum (LA<sub>max(f)</sub>) and average (LA<sub>eq</sub>) sound levels (A weighted), and octave band noise levels they produce. All such approved machinery, plant and equipment shall be installed and used in complete accordance with the approved details. The machinery, plant and equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby occupiers of premises.

10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates

on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out

remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 5% of its total predicted energy requirements from on-site renewable energy sources. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development, and the site thereafter shall be maintained to the required level of energy generation.

Reason: In the interests of sustainable development.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

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

- The principle of development;
- Residential amenity;
- Visual impact;
- Highways and car parking;
- Sustainability;
- Drainage; and
- Contaminated land

As such the proposal complies with national planning advice contained within Planning Policy Statement 4 "Planning for Sustainable Economic Growth" and Policies SP6, SP7a, GP1, GP4a, T4, T7c, and S6 of the City of York Development Control Local Plan.

**Contact details:**

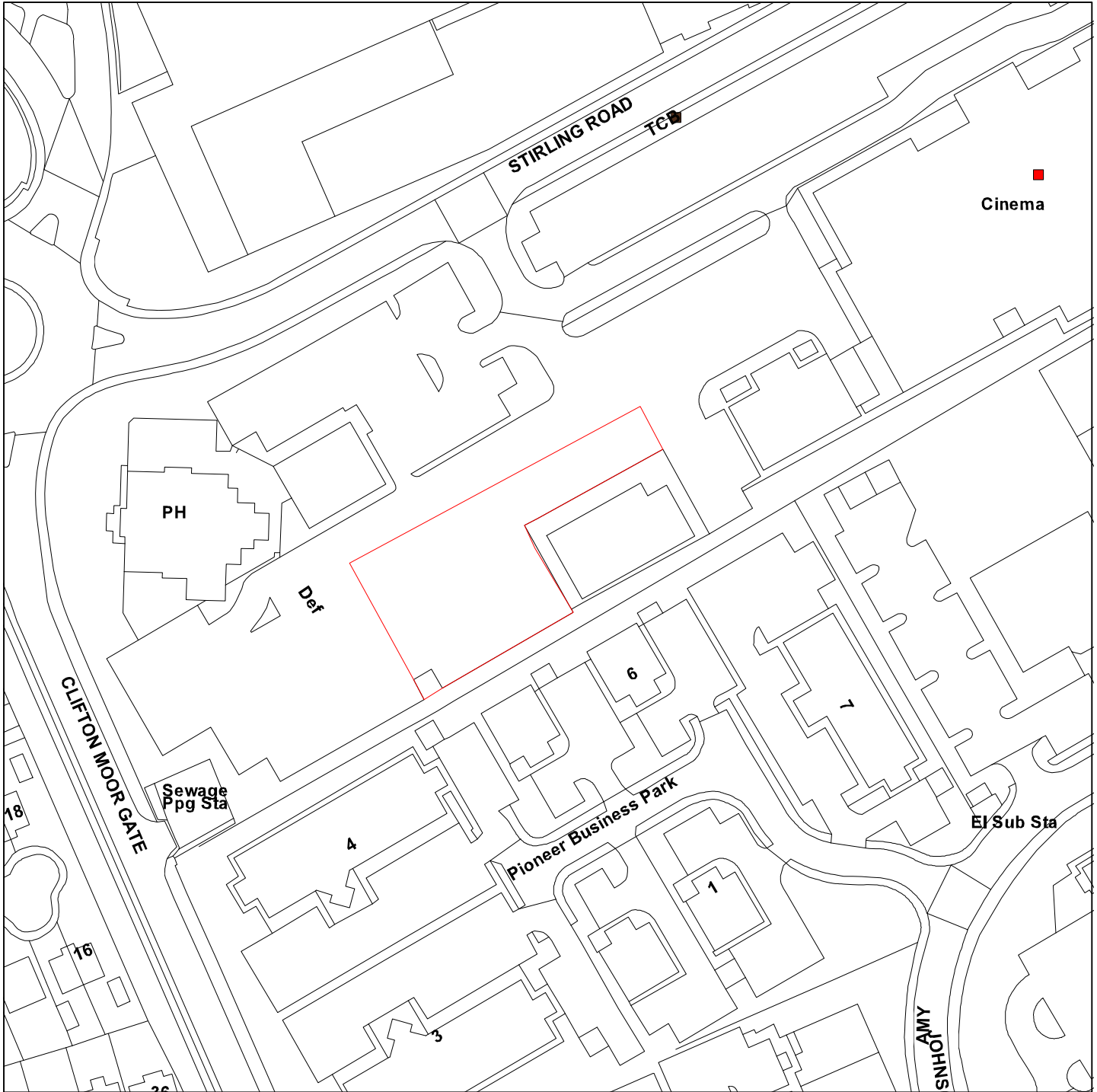
**Author:** Michael Jones Development Management Officer  
**Tel No:** 01904 551339

# Vue Cinema Stirling Road

Ref: 11/00516/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 8 September 2011      **Ward:** Strensall  
**Team:** Major and Commercial Team      **Parish:** Strensall With Towthorpe Parish Council

**Reference:** 11/00676/FUL  
**Application at:** The Laurels Brecks Lane Strensall York YO32 5UZ  
**For:** Erection of 8no. two storey dwellinghouses and associated garages with new access to Brecks Lane following demolition of existing dwelling  
**By:** Mr D Gath  
**Application Type:** Full Application  
**Target Date:** 1 June 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application is for the erection of 8 two storey dwellings with gardens, following the demolition of the existing bungalow. The proposed dwellings vary in the scale of accommodation: The two proposed dwellings fronting onto Brecks Lane would have four bedrooms each. There would be a lane from Brecks Lane to the other proposed 6 dwellings. Plots 3, 4, 7 and 8 would provide three bedroomed accommodations each. 2 bedroomed dwellings would be provided on Plots 5 and 6. The proposed properties dwellings are formed into pairs of semi-detached dwellings. Each dwelling would have off street parking. Units 1, 2 and 6 would have a single garage

1.2 The existing large bungalow is set within a large plot, with a large number of out buildings and garages, and is viewed in the context of a mixture of style of dwellings on Brecks Lane. In the past 20 years there has been large scale housing development to the east of The Laurels and to a wider extent to the north and north west. The Laurels is set on a through road and there is the York to Scarborough railway line to the south of Brecks Lane.

1.3 Revised plans were submitted showing further drainage details. The parking provision had been reduced to Units 1,2,4, 6, and 8, the garage had been removed from 4, 6 and 8 and the garages had been moved on Units 1 and 2 to provide larger rear gardens. The proposed materials for the driveways to Units 1 and 2 have been altered to setts. The parking spaces for Unit 5 have been altered to provide more landscaping. In addition alterations have been made to the west elevation of Plot 2 to provide visual interest rather than a blank elevation. The roof of the dwelling on Plot 2 has been altered so the gable is on a south west/ north east axis

1.4 The site is within the Strensall development envelope. The Strensall Railway Buildings Conservation Area ends at the Junction of Brecks Lane and Park Gate. The land to the north is defined as open space in the Proposals Maps of the City of York Development Control Local Plan.

1.5 Cllr Doughty has requested the application come before Committee on the grounds of the objections raised by the Parish Council and the nearby residents.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP4A  
Sustainability

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CGP15A  
Development and Flood Risk

CYH4A  
Housing Windfalls

CYED4  
Developer contributions towards Educational facilities

CYL1C  
Provision of New Open Space in Development

### 3.0 CONSULTATIONS

#### INTERNAL CONSULTATIONS

3.1 Highway Network Management - No objections:-  
Request 8 standard highway Conditions and an Informative

3.2 Structures And Drainage - No objections

3.3 Environmental Protection Unit - No objections

- The facade of the proposed development facing onto Brecks Lane is within close proximity to a railway line. There are two proposed dwellings within this development that will look directly onto the railway line, these two properties will experience noise associated with the railway line should approval be given to this application. The submitted acoustic report outlined that the railway line and noise associated with it is the dominant noise source for the area. The report also recommends acoustic development to ensure that this noise does not affect the amenity of the proposed occupants. It also recommends that a condition be placed onto the permission to ensure that the developers adhere to the recommendations of the report. EPU records show the proposed development lies within a former landfill site. Due to the sensitive end-use of this development EPU request contaminated land conditions

3.4 Lifelong Learning And Leisure - No objections

Communities and Culture comments - as there is no on-site open space commuted sums should be paid to the Council based on the net gain in bedrooms for (a) amenity open space - which would be used to improve the local open space within the Parish (b) play space - which would be used to improve the local play provision within the Parish (c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is based on the latest York formula through a Section 106 Agreement.

3.5 Adults, Children and Education

- A contribution of £17,559 would be required for this development, to fund 1 additional place at the local secondary school (Huntington).  
- Expect pupil roll figure for Robert Wilkinson primary school to be approx 549 after the September intake, so there would be potentially be surplus spaces at the school. The figure does not include possible migration by pupils into and out of the school.  
- The local secondary school (Huntington) is full to capacity; the school has 1192 on roll and a capacity of 1195 (not including the sixth form). There also a number of other developments in the Huntington catchment area which expect to yield additional secondary school places.



## EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.6 Yorkshire Water - No objections based on Drawing Number 1482/PL/01/B

3.7 Foss Internal Drainage Board - Would like conditions for: surface water drainage works; feasibility of sustainable urban drainage systems; permission is sought from water company regarding the discharge of surface water to sewer. Would like an informative regarding the Land Drainage Act, and any potential outfall to a watercourse.

3.8 Police Architectural Liaison Officer - No objections

3.9 Strensall Parish Council - Object to original application (No comments have been received regarding the revised proposal)

- This development contravenes GP1 and GP10 as it is considered there will be a considerable loss of amenity to neighbouring properties

- There is no detailed drainage report for attenuation of surface water drainage in accordance with PPS25

- There has been no survey of the contaminated land to the rear as was required for application 10/01839 for the adjacent site of 1 Brickyard Cottages or for 10/02854 for 2 Redmayne Square which is also adjacent to the contaminated land. The requirements of PPS 23 must be taken into consideration.

- The access road is inadequate in size and appears to be a shared private drive which means that refuse and recycling will be on the roadside causing obstruction to pedestrians. There are no turning areas within the site for vehicles which will inevitably result in conflicting reversing movements.

- There are no footpaths shown on the plans to any properties at the rear of the site. Highways should be consulted in regard to the egress of motor vehicles from the properties fronting Brecks Lane.

- In accordance with GP24a have concerns regarding the capacity of the primary and secondary schools, medical services and other amenities in the village when recently approved applications and others under construction within Strensall are taken into account with the proposed development. Under Construction - 34 Westpit Lane (07/01747/FUL), 5 Northfields x 3 (10/01784), 31 Southfields Road (06/00591/REM). Built and now sold (36 The Village x 3). Approved but not yet built – Ox Carr Lane (10/01553/FUL), Sevenoaks (10/02606/FUL), 1 Brickyard Cottages (10/01839/FUL, 2 Redmayne Square (10/02854/FUL), Helmsdale (10/02147/FUL), The Grange Towthorpe (10/02764/FUL), Golden Grove Cottage (10/02335/FUL), 28 West End (08/01309/FUL)

3.10 4 Letters of Objection (to revised scheme)

- Revised proposal show a cramped development

- Will be overbearing

- Cause overshadowing

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- Cause a loss of privacy and overlooking
- Loss of outlook
- Amenity will be affected during the construction of the proposed dwellings
- Construction traffic will cause a safety issue to those using the pavement on Brecks Lane
- The proposed development will cause the dwellings on Littlethorpe Close to be less secure
- The variety of birdlife in the gardens of Littlethorpe Close will be lost due to the construction
- No bat survey been undertaken
- The primary school is oversubscribed and a further 8 family dwellings may worsen the situation
- The contamination report mentioned the possibility of further contamination. CYC should provide evidence that occupants of neighbouring dwellings will not be affected
- Loss of a family size dwelling with secure garden
- Result in a loss of value to neighbouring properties
- Existing traffic congestion issue on Brecks Lane, the proposed development will worsen the situation
- There is existing problems with the drainage and a further 8 dwellings will exacerbate the problem
- Revised plans do not alter initial objections to the proposed scheme

3.11 21 Letters of objection to the original scheme (including 5 letters from one objector, and 3 letters from another objector)

- Concerned regarding the increase in traffic to Brecks lane which suffers from existing congestion issues. Existing parking problems on Brecks Lane and the bus stop on Park Gate exacerbates the problems. Potential for 16 additional vehicles to the existing traffic issues
- The primary school is at full capacity and further children could not be accommodated at the school and potential for the same at secondary school
- Local amenities are inadequate to support further development
- The proposed dwellings are substantial in height, would cause a sense of enclosure, would be overbearing and would result in a loss of outlook, and light
- Proposal would appear cramped and overdeveloped
- Cause overlooking and a loss of privacy
- No daylight and sunlight assessment been submitted
- Concerned that construction would cause a loss of biodiversity in the area
- The site is not underused and provides a purpose as a family home
- There would be three additional exits onto Brecks Lane, cause safety issue to the users of the pavement
- Noise and Vibration test states that Brecks Lane is a no-through road, this is not the case. The assessment should have been carried out over a few days rather than one to gain a fuller picture

- Do not want the height of the boundary wall to be increased in height, concerned regarding who would have the maintenance of the boundary wall
- Not in keeping with the pattern of development
- Would de-value surrounding properties
- Concerned some of the dwellings may be let as affordable housing
- Construction would cause disturbance
- Existing drainage problems
- Policy GP24a, there is 6ha of reserved land to the north, under current guidelines for urban density there should potentially be 180 dwellings on the site the access route would be Brecks Lane should be taken into consideration
- The potential future development of a railway station to the front of the existing property would be impacted upon by the proposed development
- Proposed development would be 2 to 3 times the density of the surrounding development. Would cause a built up development at odds with the surrounding
- challenge the validity of the contamination report, the bore holes are not in areas where foundations will be constructed
- Concerned that there is not sufficient soft landscaping
- No bat survey been undertaken?
- Existing problems with water pressure in the area
- Adjacent to a conservation area
- Garden development should be assessed against PPS3
- Has the potential to be sold as a dwelling
- Traffic survey should include the impact of the additional traffic on the Brecks Lane development, survey was undertaken before the builders yard came into use
- Proposed development may cause further traffic congestions which prevents the development of the reserved land
- Concerned that the proposed development will lead to further development in the area
- What provision has been made for surface water?
- The planning application process is being manipulated to minimise the objection period

## **4.0 APPRAISAL**

### **4.1 Key Issues:-**

- Visual impact on the area
- Impact on neighbouring property
- Contamination
- Noise
- Highways
- Drainage
- Open Space and Education Contribution

## **PLANNING POLICY**

4.2 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.3 PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

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

4.5 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.6 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the Government Office of Yorkshire and Humber (GOYH).

## VISUAL IMPACT ON THE AREA

4.7 Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 of the Draft Local Plan states that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment.

4.8 The surrounding dwellings are predominately 3 to 4 bedrooled dwellings. The existing character of the area is detached and semi-detached dwellings and the proposed development is considered to accord with the existing development pattern. The design of the proposed dwellings is simple and relatively modest, and is not considered to be out of keeping with the surroundings

4.9 The density of the development of the site is approx. 40 dwellings per hectare. Whilst it appears to be slightly denser than the neighbouring Littlethorpe Close, recent changes to PPS3 have removed the blanket minimum density requirement of 30 dwellings per hectare. Instead, it is for the planning authority to determine appropriate densities for particular sites and to set out a range of densities for the plan area. The Local Plan sets out three such levels for its plan area, with development aiming to achieve a density greater than 60 dwellings per hectare in the city centre, 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere in York (Policy H5a). The requirement for this site would be a density greater than 40 dwellings per hectare; the proposed density of the site is not considered to be out of keeping with the surrounding character and pattern of development and as such is considered to be acceptable.

4.10 The proposed dwellings fronting onto Brecks Lane would be no further forward than the existing 12 to 18 Brecks Lane. The proposed dwellings would be 8.15 metres in height slightly taller than the neighbouring 12 and 14 Brecks Lane (approx 7.8 metres), although further along Brecks Lane there are dwellings of a slightly taller height (approx 8.3 metres). In addition the gable roofs of the proposed dwellings slope away from the Brecks Lane. The neighbouring dwelling to the south west – Brickyard House, Brecks Lane is approx 7.9 metres in height (measurement taken from applicant's topographic survey). Units 3, 4, 7, and 8 would be 8.85 metres in height and Units 5 and 6 would be 8.3 metres in height. The variation in height within the development is not considered to cause harm to visual amenity and character of the area and is not considered to negatively impact the Brecks Lane streetscene, nor make it unduly prominent in the surrounding area. The dwelling

heights vary within Littlethorpe Close (although the maximum height is approx 8.3 metres). The dwellings in this part of Brecks Lane also vary in height although the scale is modest. By virtue of the variety of designs and heights in Brecks Lane and the surrounding the proposed dwellings are not considered to be unduly prominent or cause undue harm to the visual amenity of the streetscene.

#### IMPACT ON NEIGHBOURING PROPERTY

4.11 The distance between the dwelling on Plot 1 and the closest dwelling (12 Brecks Lane) would be 8.7 metres (side elevation to side elevation) not including garages. The side elevation of No. 12 has a first floor landing window (secondary room). The proximity of the proposed dwelling to 12 Brecks Lane is not considered to cause a loss of residential amenity to the occupants of the 12 Brecks Lane by virtue of the siting of the dwelling.

4.12 The distance between Plots 5, 6, 7, and 8, and 1, 3, and 5 Littlethorpe Close to the east would be over 21 metres. Apart from the distance between 3 Littlethorpe Close and the dwelling on Plot 7, the distance would 20.3 metres. However this would be at a slightly oblique view and the parking spaces for Plots 6 and 7 and the garage for 7 would be directly to the rear of 3 Littlethorpe Close. All the primary rooms in the proposed dwellings would be on the ground floor; this seems to be the case for the dwellings on Littlethorpe Close as well. There is an existing 1.8 - 2 metre high brick wall along this boundary. It is not clear from the plans if this is being retained, although further details can be sought via a condition. Boundary treatment of a similar nature to the existing would provide screening for the existing dwellings and the proposed dwellings. By virtue of the distance the proposed dwellings are unlikely to cause an undue loss of light and privacy, or be overbearing.

4.13 The dwelling on Plot 5 would be built close to the rear boundary shared with 15 Littlethorpe Close. The side elevation would face No. 15 and the distance between the dwellings would be 14 metres. There are no windows proposed in the side elevation of Dwelling 5. By virtue of the siting, (not directly in the view of the primary rooms), the distance is considered to be acceptable and not result in an undue loss of amenity. Whilst it would create a degree of enclosure and some overshadowing it is not considered to result in a significant loss of residential amenity to warrant refusal on this basis.

4.14 The front of the dwellings proposed on Plots 3 and 4 would face the rear elevation of Brickyard House. The distance between them would be 25.5 metres which is considered to be sufficient to remove any impact to the residential amenity of the occupants of this dwelling. In addition a 2 metre high wall would be built along the boundary creating privacy and screening.

4.15 The proposed development would alter the outlook to the dwellings on Littlethorpe Close. However it is not considered to result in its or unacceptable

reduction. The proposed dwellings, by virtue of their distance to the neighbouring dwellings, would not result in an undue loss of light, overshadowing, or a sense of enclosure to the neighbouring dwellings.

## CONTAMINATION

4.16 The Environmental Protection Unit have concerns regarding contamination of the site as the proposed development lies within a former landfill site, EPU require additional information over the contamination report submitted. They have requested that this information and remediation of the site to be sought via condition.

## NOISE

4.17 The Environmental Protection Unit have concerns regarding the amenity of the future occupants of Plots 1 and 2 from the noise created by the railway to the south of the site. The proposed dwellings are no closer than surrounding dwellings to the railway line, and any future occupiers would be aware of the railway line. However it is considered reasonable to condition sound attenuation measures for these two dwellings to mitigate against any noise impact.

## HIGHWAYS ISSUES

4.18 Units 1 and 2 front onto Brecks Lane and have direct vehicular and pedestrian access to Brecks Lane, access to Units 3 to 8 would be from a private lane running close to the boundary with Brickyard Cottage. There have been objections from neighbours regarding the additional car journeys generated by the development potentially increasing congestion in the area, and creating a danger to pedestrians. Officers consider that the proposed access accords with council standards in terms of width and visibility and is appropriate for its expected usage. The traffic generated by a net increase of 7 dwellings would have a minimal impact on the surrounding highway network. Parking provision and turning for vehicles would be in accordance with council standards. External cycle storage is to be provided for the dwellings without garages.

## DRAINAGE

4.19 Objections have been raised from the occupants of neighbouring dwellings regarding the drainage of the site. Structures and Drainage have no objections. Yorkshire Water has removed their initial concerns as the revised plans show separate systems of drainage.

## SUSTAINABILITY

4.20 The site is within easy access of existing facilities in the area, including a primary school, shops, and health services. The site is also close to a regular bus route to York City Centre.

4.21 The plans have stated that the dwelling will be built to Level 3 of Code for Sustainable Homes and it is considered that it would be prudent to secure this by condition. In line with CYC Interim Planning Statement 'Sustainable Design and Construction' for developments of 5 dwellings and above 10% of energy will be expected to be produced on site, it is considered that this can be sought via a condition.

## OPEN SPACE AND EDUCATION CONTRIBUTION

4.22 It is recommended that a condition be attached that requires alternative provision for open space or a commuted sum to be paid in lieu of such provision in line with Policy L1c. The applicant has indicated agreement to provision off-site, likely to be via a S106 payment of £13,196.

4.23 In accordance with Policy ED4 and the CYC supplementary planning guidance 'Developer Contributions to Educational Facilities' the Council is seeking an educational contribution of £17,559 for the provision of one additional space at Huntington Secondary School. It is considered that the contribution could be secured via a condition.

## 5.0 CONCLUSION

5.1 For the above reasons the proposed residential development of 8 dwellings is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings. The proposed development is considered to be in keeping with the character and surrounding pattern of development, and would not be unduly prominent within the streetscene of Brecks Lane. The proposal is considered to comply with local and national policy. Approval is recommended subject to the following conditions.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

Drawing Number 1482/PL/01/B received 13 July 2011



Drawing Number 1482/M'ham/01B received 24 August 2011

Drawing Number 1482/Bedale/01/B received 24 August 2011

Drawing Number 1482/Hepton/01 received 4 April 2011

Drawing Number 1482/Spode/01 received 4 April 2011

Drawing Number 1482/P7G/01 received 30 June 2011;

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

2 TIME2 Development start within three years -

3 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 L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

#### 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 £13,196.

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.

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

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

the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £17,559. 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 The development hereby approved shall be constructed to at least Level 3 of the Code for Sustainable Homes (CSH). A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve level 3 of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

6 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 10 per cent of the development's predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

7 VISQ8 Samples of exterior materials to be app -

8 VISQ7 Sample panel ext materials to be approv -

9 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

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A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 The building envelope of all buildings with a facade onto Brecks Lane 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 use hereby approved is constructed.

Reason: To Protect the amenity of the residents of the proposed development

12 HWAY9 Vehicle areas surfaced -

13 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/footway to match adjacent levels.

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

14 HWAY19 Car and cycle parking laid out -

15 HWAY21 Internal turning areas to be provided -

16 HWAY25 Pedestrian visibility splays protected -

17 HWAY40 Dilapidation survey -

18 VISQ4 Boundary details to be supplied -

19 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) following the completion of the development hereby approved, no further extensions or curtilage buildings of the type described in Classes A and B of Schedule 2 Part 1 of that Order shall be carried out to the dwelling without the prior planning permission of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

20 PD5 No openings in side elevation -

21 Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of the system of street lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP10, H4a, ED4 and L1c of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 3 "Housing".

#### 2. HIGHWAYS 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

#### 3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over,

or accessing land which is not within your ownership).

#### 4. ENVIRONMENTAL PROTECTION UNIT 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, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

#### 5. YORKSHIRE WATER INFORMATIVE

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0845 120 84 82, Fax 01274 303 047) at

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the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

## 6. STATUTORY UNDERTAKERS

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.

### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

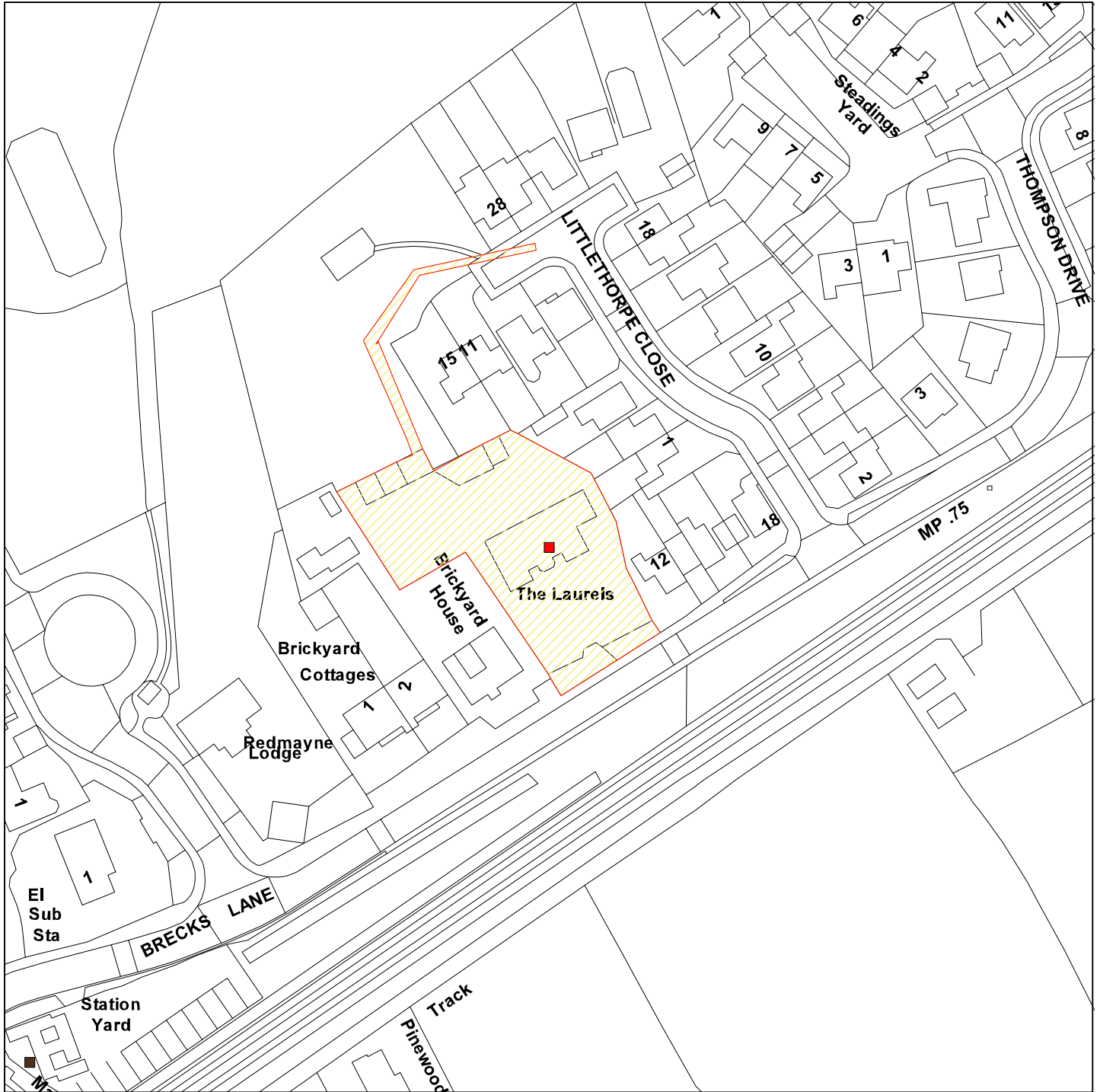


# Brecks lane Strensall

Ref: 11/00676/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 8 September 2011      **Ward:** Huntington/New Earswick  
**Team:** Householder and Small Scale Team      **Parish:** Huntington Parish Council

**Reference:** 11/01503/FUL  
**Application at:** 168 New Lane Huntington York YO32 9ND  
**For:** Single and two storey side extensions and porch to front  
**By:** Mr Mick Wood  
**Application Type:** Full Application  
**Target Date:** 1 August 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application property is a detached two-storey dwelling located on the corner of New Lane and Brockfield Park Drive. The elevations of the garden facing Brockfield Park Drive and New Lane are surrounded by a hedgerow that is approximately 2.5m high.

1.2 It is proposed to erect a two-storey side extension to the south elevation (fronting Brockfield Park Drive) and a single storey extension to the north elevation . A porch and canopy is also proposed to the front elevation (facing New Lane).

1.3 Following the submission of the plans amendments were made to the scheme to site the single storey elements slightly further from the boundary with 166 New Lane.

1.4 There is a mature oak tree located in the north-east corner of the garden. This is protected by a preservation order.

1.5 The application is being brought to committee as the applicant is an employee of City of York Council.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

## 2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

## 3.0 CONSULTATIONS

### 3.1 Internal

None

### 3.2 External

Parish Council - Object: The size, mass and scale in relation to the original property constitute over-development. Loss of amenity to 166 New Lane. The development is out of character with the surrounding area.

Neighbours occupying 166 New Lane object, stating:-

- It is so close to the boundary that it will lead to the severe loss of light and outlook to the kitchen and dining room.

-The size if the development will appear incongruous.

-The proposal could lead to the house being used for multiple occupancy and will detract from property values.

The objector also states that the boundary hedge does not extend along his boundary as shown on the plans and that he otherwise has a good relationship with the applicant.

## 4.0 APPRAISAL

4.1 The key issues in assessing the proposals are:

-The Impact on the streetscene

-The Impact on neighbours' living conditions

-The impact on a protected tree.

4.2 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of

the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.3 Local Plan Policy GP1 'Design' 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, spaces and vegetation. 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.

4.4 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

#### THE IMPACT ON THE STREETSCENE

4.5 The two-storey extension proposed to the south is in line with the building line set by the front of adjoining properties on Brockfield Park Drive. The design of the extension is harmonious with the design of the original house. The garden space that would remain around the extension will ensure that the site does not appear over-developed. The two storey extension links in with a single storey canopy and porch proposed for the front elevation. The porch and canopy are modest in scale and would have little impact on the appearance of the area.

4.6 The extension to the north is single storey. It is set back from the road and subservient to the main house. It will not have a significant impact on the streetscene.

#### IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.7 There is adequate separation to properties across Brockfield Park Drive. The main neighbours affected are 59 Brockfield Park Drive and 166 New Lane.

4.8 59 Brockfield Park Drive is a bungalow. It has only non habitable windows on the east elevation. The rear section of the extension will largely be screened from number 59 by the garage of number 59.

4.9 166 New Lane is also a bungalow. On the south elevation of the bungalow there is a kitchen window and dining room window facing the proposed single storey extension. These windows are located only around 1m from the side garden boundary with the application property.

4.10 It is unusual to have main windows located in such close proximity to a garden boundary. It will inevitably be the case that the proposed extension will impact on

the outlook from the side windows of 166 and the level of light entering them and in most circumstances would be deemed unacceptable. However, in assessing the proposal it is necessary to consider what development the occupier of 168 New Lane could reasonably erect within close proximity to the windows without needing planning permission. There is already a boundary fence approximately 1.8m high around 1m from the side windows that limits the outlook from the rooms. Under the current planning regulations it would normally be possible to erect a detached building such as a shed or garage immediately on the garden boundary providing they did not exceed 2.5m in height. A building between 2.5 - 4m in height would need to be erected at least two metres from the boundary.

4.1 The applicant has had some regard to the light and outlook needs of number 166 and has set the dining room extension 2.1 metres from the boundary fence and located the proposed pitched roof garage 0.9m from the boundary. The footprint of the new pitched roof garage is similar to that of the existing flat roofed garage.

4.12 On balance it is considered, taking account of the applicant's permitted development rights, that the proposal is acceptable. Whilst accommodating his own needs, some regard has been given to the impact on the neighbouring property's windows. To a degree the scheme is beneficial in that, the applicant is agreeable to a condition that removes the ability of the applicant and future occupiers to erect any permanent structures above 1.8m in height between the site of the extensions and the neighbouring windows without requiring planning permission. This will help to ensure that the occupier of 166 New Lane retains a moderate outlook from the side windows that are located so close to the boundary with the application property.

## IMPACT ON PROTECTED TREE

4.13 There is adequate separation between the site of the proposed extension and the protected tree to avoid harm to the roots or canopy. The applicant has also indicated that the site can be accessed by construction workers without causing harm to the roots. A condition has been included to protect the mature tree during development.

## 5.0 CONCLUSION

5.1 It is not considered that the proposed extensions will have a harmful impact on the streetscene or the protected tree within the garden.

5.2 It is the case that the extensions are within close proximity to two side windows in 166 New Lane. The affected windows are located unusually so close to the rear/side garden of the application property and under permitted development legislation single storey detached outbuildings could be erected by the applicant directly in front of the openings without the need to apply for planning permission.

5.3 The proposed extensions have been pulled a little way off the boundary to mitigate the impact and are single storey in height. The garage is a similar distance from the boundary as the existing garage and the dining room is around 3 metres from the kitchen window. Although they will impact negatively on light and outlook, it is not considered the impact is unduly harmful taking account of the impact that alternative development could have on the neighbours' living conditions and the unusual relationship between the applicant property and number 166.

5.4 On balance it is considered that the proposal is acceptable and is recommended for approval.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority, prior to the completion of the extensions approved by this consent no new outbuildings or other development shall be erected between the application property and 166 New Lane, and following the completion of the extensions approved by this consent no other extensions, outbuildings or other structures exceeding 1.8m in height shall be erected or located within the property cartilage between the application property and 166 New Lane.

Reason: In order to safeguard the rights of control of the Local Planning Authority in the interests of the amenity of the occupants adjacent property.

4 Prior to the commencement of development a construction method statement shall be submitted to and agreed in writing with the Local Planning Authority showing temporary protection to trees in accordance with British Standard BS5837. This shall include protecting fencing around the protected tree, an area marked and used for the storage of materials and details of vehicle movement. The works shall be undertaken in accordance with the approved method statement.

Reason: To ensure that the works do not conflict with the wellbeing of the nearby Beech tree.

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

Drawing MWNL/04/B and MWNL/06/B received by the Local Planning Authority on 11 August 2011.

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:**

### **Contact details:**

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

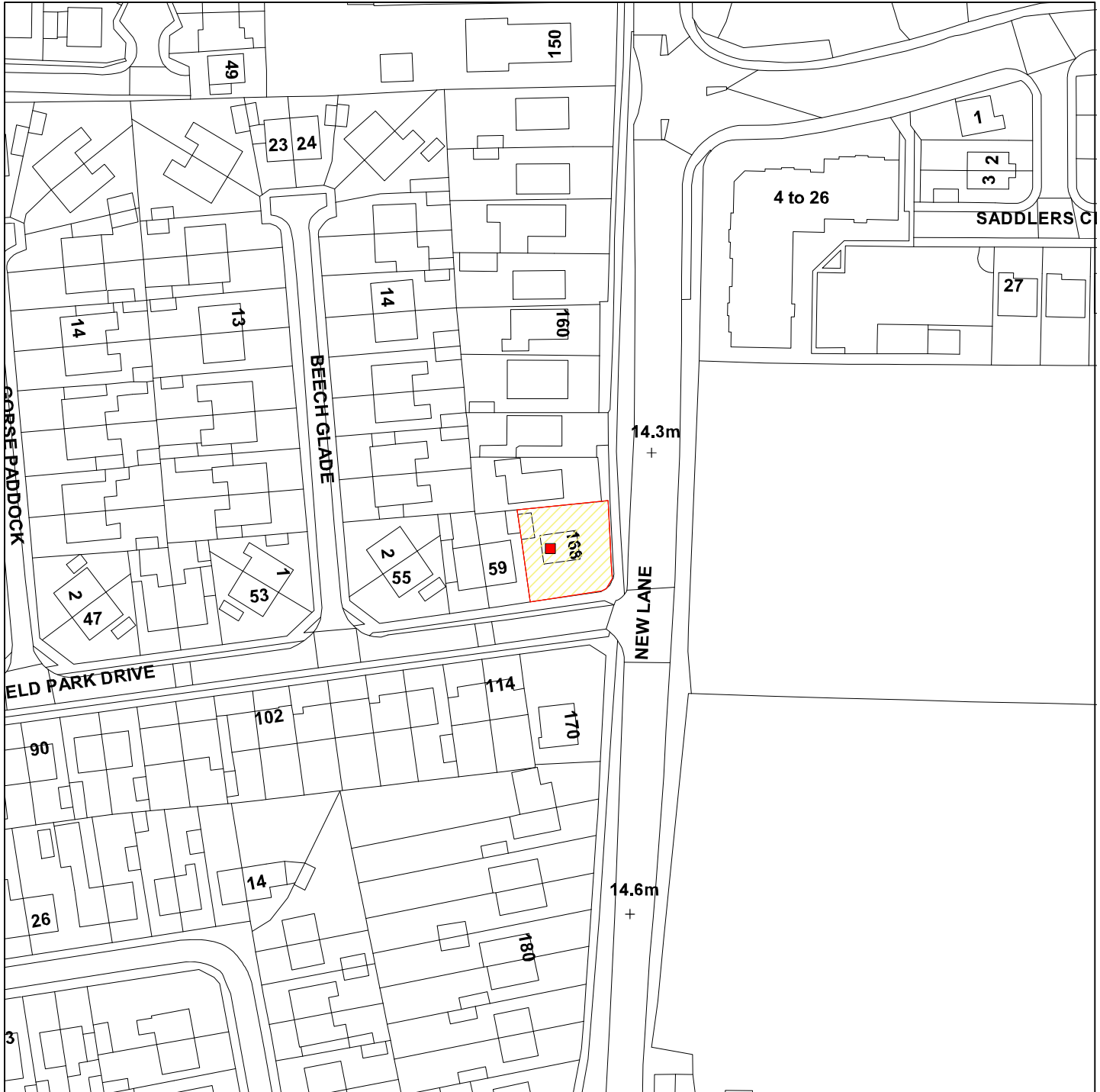
**Tel No:** 01904 551352

# 168 New Lane

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Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

**Date:** 8 September 2011      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 11/01652/FUL  
**Application at:** 279 Huntington Road York YO31 9BR  
**For:** Erection of 5no. terraced dwellings with associated access following demolition of 279 Huntington Road (resubmission)  
**By:** Mr and Mrs G Cammidge  
**Application Type:** Full Application  
**Target Date:** 17 August 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full planning application to demolish 279 Huntington Road and to erect five, three-bedroom, two-storey terraced dwellings. The terrace is proposed to run parallel to the river. The properties are of a traditional pitched-roof construction and incorporate living accommodation within the roof space.

1.2 The application site comprises 279 Huntington Road and the rear element of what it appears would have been the gardens of 277 and 279a Huntington Road. The site is bounded to the west by the river Foss. To the south is part of the rear garden of 275 and to the north part of the rear garden of 281 Huntington Road.

1.3 The part of the site where the houses and gardens are proposed is rectangular in area. The site would be linked to Huntington Road by a new private access road. The access strip to the site is approximately 8.2 metres wide.

1.4 Although the proposals are to develop the site with 5 houses the net gain in dwellings is 4 given that it includes the demolition of 279 Huntington Road. The dwelling is being demolished in an attempt to create an adequate access into the site.

**PLANNING HISTORY**

1.5 In 2001 a planning application (01/00533/FUL) to erect 3 large detached dwellings with associated double garages on a site that had the same boundary was refused by committee on the grounds of overdevelopment and because it was considered that the replacement of a house with an access road would detract from the visual amenity of the area. A subsequent appeal was dismissed. The Inspector raised particular concerns in respect to the impact of the access road on the security

and amenity of adjoining neighbours and felt that the scheme was a 'contrived' overdevelopment which did not make the best use of land to the rear of Huntington Road. She also raised concerns in respect to the position of the bin store.

1.6 In 2007 two planning applications were submitted to develop the current application site coupled with the adjoining land to the rear of 281, 283 and 285 Huntington Road (07/0962 and 07/02588). The schemes were for 9 and 10 houses respectively and included an adopted road access to Huntington Road. Both were withdrawn. Officers had raised several planning concerns including overdevelopment, the impact on trees, the impact on the setting of the river and the impact on the amenity of adjacent occupiers.

1.7 In November 2008 the Committee approved a subsequent application (08/00814/FUL) for 5 dwellings. The site area of this scheme differed from the current application in that it also incorporated land that is now part of the rear garden of number 281. This land is in separate ownership from the land subject to the current application. The proposal included a terrace of 4 properties and a large detached house rather than the 5 terraced properties proposed in this latest application. Planning permission 08/00814/FUL is due to expire on 6 November 2011.

1.8 In April 2011 the Committee considered a proposal (10/00942/FUL) for a scheme that was very similar to the current planning application. It differed from the current scheme largely in that it was of a flat roofed contemporary design and a mix of two and three storey development. The footprint of the scheme, number of houses, access arrangements, garden layout out and so forth were the same as the current application. It was recommended for approval by officers but refused by Members for the following reason:

“The application site consists of a well established residential garden forming a valuable green space within the local area. Residential gardens no longer fall within the definition of previously developed land as defined by Planning Policy Statement 3 "Housing" (Revised June 2010), and are therefore no longer considered as a priority for development. It is considered that the development of the site would result in an unacceptable loss of a residential garden ("garden grabbing"), which would be detrimental to the character of the immediate residential environment, contrary to Policies GP1 and GP10 of the City of York Draft Local Plan.”

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

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2.2 Policies:

CYGP1  
Design

CYGP4  
Environmental sustainability

CYGP7  
Open Space

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYGP15  
Protection from flooding

CYNE2  
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

**3.0 CONSULTATIONS**

INTERNAL

3.1 Highway Network Management - No objections subject to conditions relating to the design of the junction and highway widths.

3.2 Design, Conservation and Sustainable Development (DCSD) Countryside Officer - No objections subject to provision for measures to encourage wildlife within the new development.

3.3 DCSD Landscape Architect - No objections.

3.4 DCSD Archaeologist - Watching brief required.

3.5 Environmental Protection Unit - No objections subject to conditions.

3.6 York Consultancy (Drainage) - No objections subject to conditions.

3.7 Lifelong Learning and Leisure – Contribution required towards open space improvements.

### 3.2 EXTERNAL

Parish Council - None received.

Neighbours - Representations have been received from 4 neighbours.

The following is a summary of the comments made:

- \* The previous scheme was refused by committee because of concerns in respect to 'garden grabbing'. This applies to the revised application.
- \* The site is still a garden and is integral to the character of the area.
- \* The current pitched roof scheme is taller than the previous approved and refused schemes.
- \* The proposal will destroy wildlife habitats.
- \* There are highway safety concerns in respect to another access on a busy and narrow section of Huntington Road. There are many existing accesses in close proximity and hazards such as bus stops, a cycle lane and parked cars. The traffic situation has become worse in recent years and several major schemes could be proposed in the Monks Cross area.
- \* The new access will make it hazardous to enter and exit nearby driveways.
- \* The access and refuse collection arrangements will create noise and nuisance to neighbouring houses and gardens.
- \* The access will create security concerns.
- \* The proposal will harm neighbours privacy.
- \* There is insufficient car parking proposed.
- \* The electric gates could be difficult to maintain. There will be increased noise and pollution from their use.

- \* Query whether large lorries can turn within the site.
- \* Construction work will create nuisance and possible damage/subsidence to neighbouring land.
- \* There is a covenant on the land that states that terraced houses can not be erected.
- \* Concerns that boundary of 277 Huntington Road is not accurately shown.
- \* It is wasteful to demolish 279 Huntington Road.

Foss Internal Drainage Board - No objections providing conditions/informatives relating to the rate of surface water discharge, development adjacent to the river and floor levels.

Environment Agency - No objections in principle subject to conditions on surface water and finished floor levels.

Police Crime Prevention Design Advisor - Satisfied that the proposal would provide a safe and secure environment for future residents.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 The previous scheme was refused at committee in April 2011. The only significant difference between the current application and that which was refused at committee in April for 'garden grabbing' is that the external appearance of the houses have been changed from a contemporary style to a traditional one. For completeness however, all of the key issues listed below are addressed in the appraisal.

- development on garden land
- impact on living conditions of adjacent occupiers
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage
- contamination
- wildlife and landscaping
- development potential of adjoining land
- security

4.2 Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the sub-division of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development.

4.3 Relevant national guidance includes PPS1: Delivering Sustainable Development and PPS3: Housing. As the site is within Flood zone 2/3 the guidance within PPS25: Development and Flood Risk is also relevant

4.4 Since the previous planning permission PPS3 (Housing) has been updated. In June 2010 two main amendments were made:

- a. The definition of brownfield land was re-classified to exclude gardens.
- b. The minimum density target of 30 units per hectare for residential development was removed.

#### DEVELOPMENT ON GARDEN LAND

4.5 In June 2010, Central Government re-issued Planning Policy Statement 3 (Housing). A prominent change in the document was the removal of domestic gardens from the classification of previously developed land (brownfield sites). The Minister of State, The Rt Hon Greg Clark MP issued a statement that this was being done to stop local authorities feeling forced to grant planning permission for unwanted development on garden land – simply to maintain the brownfield target.

4.6 In the officer's committee report relating to the approval of the 2008 scheme for 5 houses, it was stated that 'proposals to make more efficient use of brownfield sites for residential development are in accordance with the general thrust of central government guidance'. It is not considered however, that this statement implied that normal planning criteria should not be used to assess the proposal. If undue harm is caused to issues of concern, planning applications should be refused. None of the three previous planning applications to develop land to the rear of 279 Huntington Road were approved. A large number of schemes to develop gardens for housing elsewhere in York have been refused in recent years and most decisions have been upheld at appeal. Recently York has had a target of developing 65% of new dwellings on previously developed land. The figure achieved has normally been in the region of 90%. The actual proportion of the 90% that has been made up of back garden development is proportionally very small.

4.7 Whilst the land to the rear of 279 could be viewed as still being garden, there is a live consent for housing on the site - this expires on 6 November 2011, such that it can also be considered as development land. The land is split in two separate ownerships and it may be the case that the current approval will not be implemented. The current planning application is understood to be being put forward as it only requires development to take place on land within a single ownership.

4.8 Within York there have been two recent appeal decisions relating to housing development on garden land. An appeal issued on 5 August 2011 dismissed an application for housing development on the back garden at 2 Wheatlands Grove, Acomb (10/01986). The Inspector felt it would harm the appearance of the area. In respect to revisions to PPS3 he stated that the change 'has removed gardens from the definition of previously developed land. Although this does not rule out garden development, full regard must be given to the amenity value of the site and the quality of the local environment'. In an appeal at 16 Medway Avenue, Nether Poppleton (10/02129) which related to minor revisions to a previously approved scheme for a new dwelling the Inspector stated that 'the Parish Council objects to the development on the grounds that it is 'garden grabbing' but as the existing permission could be implemented (and the land developed) objection to this basis can carry little weight'.

4.9 It is the officer's viewpoint that because there is a live consent on the application site, less weight can be attached to the impact of the change in classification of garden land when assessing the current application. Irrespective of this, however, it is still necessary to assess fully whether the proposal meets normal planning criteria. Even though gardens were classified as previously developed land prior to June 2010, it was stated in Annex B (PPS3 2006) that 'there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed'.

## IMPACT ON LIVING CONDITIONS

4.10 The separation to the rear of properties on Huntington Road (approximately 13m to the rear garden boundary and 33m to the rear of houses) remains as with the approved scheme. This is considered acceptable. The second floor of the latest scheme is proposed within the roofspace. As rooflights are used to naturally light the roofspace there will not be any additional overlooking in comparison to the approved scheme. The ridge height of houses in the current application are a little higher than the previous schemes as pitched roofs are used rather than flat roofs, however, given the separation distances set out above and because the site slopes towards the river it is not considered that undue harm will be caused to the reasonable living conditions of occupiers of homes fronting Huntington Road.

4.11 The access drive is the same as previously approved with a secure vehicular entrance and suitable provision for bin storage at the properties. This was

undertaken to address the concerns of the planning inspector in respect of the previous appeal decision.

4.12 It is likely that the level of vehicle movement would be less than for the previously approved scheme. The current scheme includes five 3-bed properties. The approved scheme was for 5 four-bedroom properties (a total of twenty bedrooms)

#### IMPACT ON VISUAL AMENITY

4.13 The site including the access road is around 0.14 hectares, giving a density of 35 units per hectare. The density figure is below the 40 dwellings per hectare target set out in the Local Plan, however, given the riverside setting close to existing gardens this density is considered to be acceptable. The existing planning permission for 5 houses covers a site area of 0.20 hectares giving a density figure of 30 units per hectare.

4.14 The external appearance of the proposed housing differs from the scheme that was approved (08/00814) and that which was recently refused (10/0942). As stated previously, the reasons for refusing the planning application in April of this year related to 'garden grabbing' and did not relate to the architectural merits of the application. It is understood that the applicant felt that Members might prefer a more traditionally designed scheme. Accordingly, a conventional pitched roof brick terrace is proposed in the same location as the contemporary scheme that was refused.

4.15 It could be argued that the contemporary flat roofed proposal with the generous use of timber cladding would have created a more interesting scheme that would harmonize with the riverside and landscaped setting. However, it is the case that pitched roof traditional dwellings are characteristic of the area and the height of the properties and their distance (16m) from the river Foss accords with relatively recent infill development located in the vicinity.

#### QUALITY OF ACCOMMODATION

4.16 It is considered that the proposed dwellings have a good standard of amenity with attractive views across the river. The garden sizes of some of the properties are relatively modest at around 7 metres long, but equate to the approved scheme that included larger dwellings. Because of the openness of the site the properties have good 'visual access' to surrounding land. Small storage buildings are indicated within the rear garden.



## PARKING AND HIGHWAY SAFETY

4.17 Highways officers have no objections to the scheme. 12 parking spaces are proposed to serve the 5 dwellings and their visitors. Cycle storage is included.

## SUSTAINABILITY

4.18 Policy GP4a of the Draft Local Plan requires the submission of a sustainability statement to demonstrate how the proposal addresses the criteria set out within the policy. The current application accords with this criteria as did the previous scheme. The achievement of Code for Sustainable Homes Level 3 "star" and 5 % renewable energy are covered by condition.

## DRAINAGE

4.19 The proposed rear gardens are within flood zone 3. Given that the ground levels rise up from the river the houses themselves would be within flood zone 2. In accordance with the Council's Strategic Flood Risk assessment the applicant has included calculations to assess flood risk to and as a consequence of the proposed development. These have been assessed by internal and external consultees and are considered acceptable.

## CONTAMINATION

4.20 The Council's Environmental Protection Officer is satisfied that any issues that might arise in respect to any contamination that might exist on the site can be addressed by condition.

## WILDLIFE AND LANDSCAPING

4.21 The application site has been surveyed by the Council's countryside officer and has relatively limited value for wildlife. However, given the potential importance of the riverbank as wildlife habitat it will be conditioned that further details are submitted in respect to its treatment and maintenance. A condition has been included requiring features suitable for bat roosts and controlling the timescale for the demolition of outbuildings.

## DEVELOPMENT POTENTIAL OF ADJOINING LAND

4.22 The land that was to the rear of 281 Huntington Road is no longer part of the application site. It is understood that this land has been sold to the occupier of 281 Huntington Road. The owner has stated that he now has no plans to develop it. The current planning application is not reliant on this land. Should any proposal be put forward in the future to develop land to the rear of 281 it should be determined

on its merits. It has been conditioned that a new boundary is erected between the application site and the side garden boundary of number 281.

## SECURITY

4.23 Although not given as a reason for refusal of the 2001 application, the Inspector expressed concerns about the implications of the development on the security of people walking to the development and also the impact of opening up the garden boundary of the two adjoining houses to the access road. To try to overcome these concerns the applicant has retained proposals for gates to the front of the access road. It is intended that the vehicular access gate be operated by remote control. It is considered that these arrangements would create the impression that the road is private and deter strangers from entering.

## SECTION 106 CONTRIBUTIONS

4.24 Play/Open space - The development will result in a net gain of 4 dwellings. The floor plan for three of the five dwellings states that the roof space is a study and that only two rooms in the houses are bedrooms. However, as the room in the roof spaces could quite reasonably be used as a bedroom, for the purposes of assessing financial contributions they are all considered three-bedroom.

4.25 On sites of less than 10 dwellings a commuted sum will be required towards off site provision. Using the Councils guidance on commuted sums for open space that was updated in 2011 a total contribution of £8,016 would be required for the provision/improvement of children's equipped play space, informal amenity space and outdoor sports facilities.

4.26 Education - No contribution required.

4.27 Affordable Housing - The site area and number of homes is below the threshold for which affordable housing is sought.

## 5.0 CONCLUSION

5.1 The current planning application and that which was previously refused do not vary in form from the scheme approved in 2008 to such a degree as to raise significant concerns in respect to local and national planning advice and policies.

5.2 Garden land is no longer classified as previously developed land, however this does not mean that new development is unacceptable on gardens, providing it meets established criteria in respect to the impact on neighbours' living conditions, quality of design and other material considerations. In addition there is an extant permission for development on the site. It is considered that the original gardens on this section of Huntington Road were exceptionally long, and that subject to the

suggested conditions development can be accommodated on this site without causing undue harm to the living conditions of nearby residents. The proposed form of development relates well to other nearby developments to the rear of Huntington Road in recent years, and would provide new accommodation in a location close to a range of facilities and services.

5.3 It is the officer view that that for the reasons set out in this report the application should be approved.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

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

Proposed plans and elevations 10:03:03 Rev K received by the Local Planning Authority on 21 June 2011.

Proposed longitudinal sections 10:03:04 Rev E received by the Local Planning Authority on 21 June 2011.

Proposed site plan 10:03:02 K Rev K received by the Local Planning Authority on 21 June 2011.

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the hardsurfacing of the site shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

5 Notwithstanding the details shown on the approved drawings details of all means of enclosure to the site boundaries including adjacent to 281 Huntington Road shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities and security of the area.

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

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

7 Details of the proposed entrance gates shown on drawing 10:03:02 rev K dated 08/01/10 shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall be erected in accordance with the agreed details prior to the occupation of the dwellings and the gates shall be maintained in a fully efficient working order unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to provide a secure environment for future occupiers and occupiers of adjacent dwellings.

8 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway

and minimise flood risk.

9 No development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter. The rate of discharge shall not exceed that of a "greenfield site", i.e. 1.4 lit/sec/ha.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

10 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

Reason: In the interests of highway safety.

12 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

13 Vehicular access to the site shall at all times have a minimum width of 3.7m with a height clearance of 4.5m. Details of the design of this access, together with associated sightlines and street lighting, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that there is access for emergency vehicles.

14 Notwithstanding the approved details, prior to the occupation of the accommodation further details of the proposed refuse collection point shall be submitted to and agreed in writing with the Local Planning Authority. The collection point shall be implemented in accordance with the plans prior to the occupation of

the accommodation and maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity and living conditions of adjacent occupiers

15 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

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

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

Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows".

Reason: To avoid increasing the risk of flooding

17 Finished floor levels shall be set no lower than 11.40 AOD.

Reason: To protect the dwellings from potential flood flow routes through the site

18 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: -

Prior to site clearance, site preparation, installation of utilities, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the 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 landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

19 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings to accommodate bats. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for bats.

INFORMATIVE: Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes. etc.

20 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

21 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 5% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

22 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.



c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

24 NOISE7 Restricted hours of construction -

25 Any piling operations shall be carried out using the quietest practicable method available. Local residents should be notified of the dates, times, likely duration and works to be undertaken. Details of the piling method chosen must be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out.

Reason: To protect the amenity of nearby residents.

26 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 L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £8,016

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.

27 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the method of working and restoration and maintenance of the river edge has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board.

Reason: To safeguard the water environment.

28 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A - F (extensions, boundaries etc) of Schedule 2 Part 1 and Class A of Part 2 (boundaries) of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents and the setting of the river the Local Planning Authority considers that it should exercise control over any future extensions or alterations and boundary fences which, without this condition, may have been carried out as "permitted development" under the above

classes of the Town and Country Planning (General Permitted Development) Order 1995.

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

### 1. REASON FOR APPROVAL

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

- impact on living conditions of adjacent occupiers
- impact on streetscene
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage and flood risk
- wildlife and landscaping
- development potential of adjoining land
- security

As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP10, GP15a, NE2, NE1, NE7, H4a, H5a of the City of York Local Plan Deposit Draft.

### 2. DEMOLITION AND CONSTRUCTION

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- (i) The work shall be carried out in such a manner so as to comply with the  
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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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site.

### 3. HIGHWAYS

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

### 4. BATS

If bats are discovered in the course of the work, then work should cease and Natural England consulted before continuing. It is recommended that the existing outbuildings be demolished at a time that minimises conflict with wildlife.

### 5. PERMITTED DEVELOPMENT

Future occupiers should be made aware that because of the sensitivity of the site permitted development rights to erect extensions, dormer windows, outbuildings, new openings, fencing/walls etc have been removed and as such planning permission will always be required for such developments. All occupiers are recommended to check with the Local Planning Authority prior to undertaking any alterations or extensions.

## 6. FOSS INTERNAL DRAINAGE BOARD/ENVIRONMENT AGENCY

A strip of land 9 metres wide adjacent to the top of both banks of all watercourses shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority and Environment Agency in consultation with the Internal Drainage Board. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

The proposed development is within the Board's area and is adjacent to the River Foss, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act 1991. However, the responsibility for maintenance of the watercourse and banks rests ultimately with the riparian owner.

Under the terms of the Land Drainage Act 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of any watercourse.

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act 1991 and should be constructed to the satisfaction of the Board.

### **Contact details:**

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

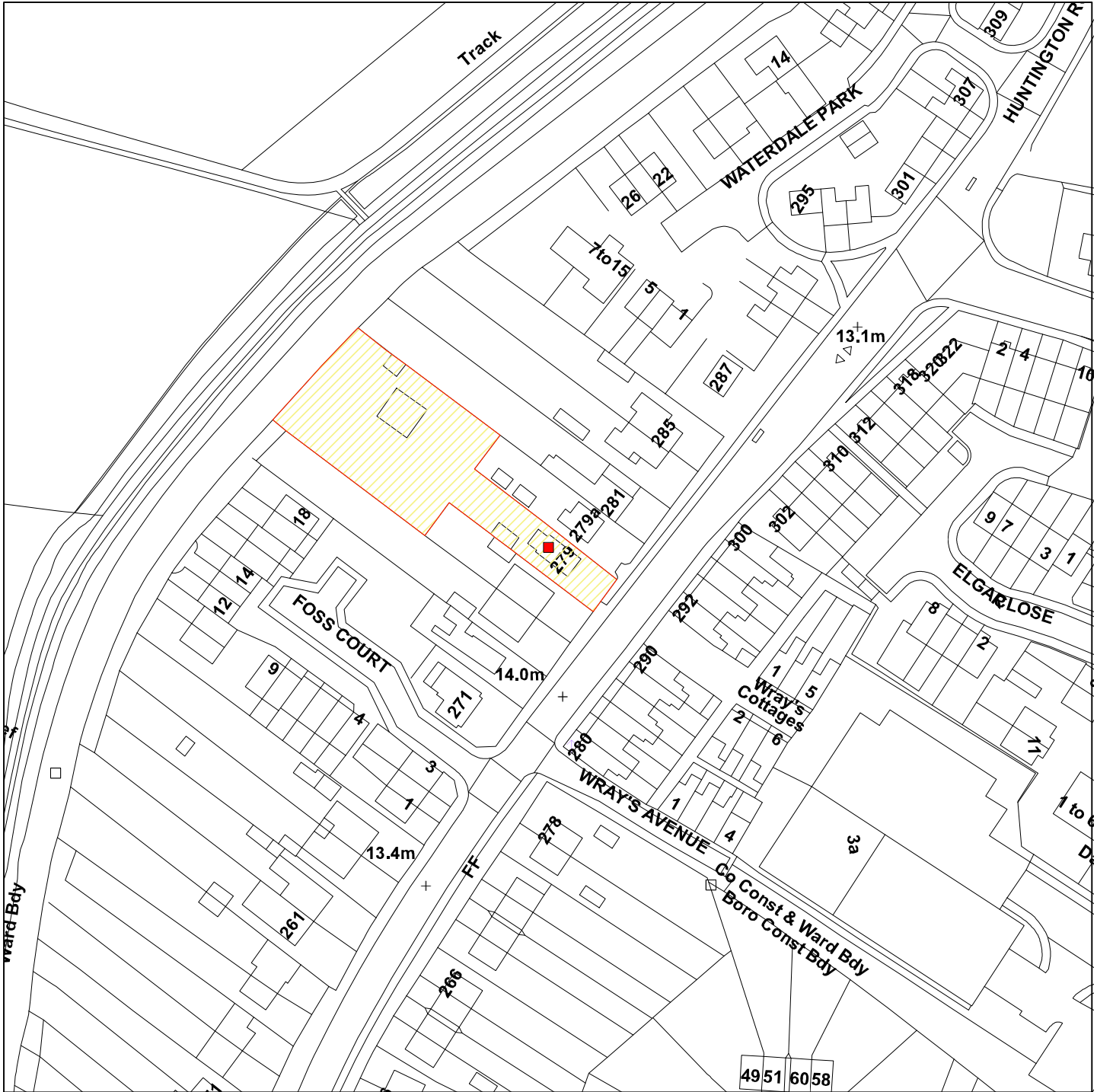
**Tel No:** 01904 551352

# 279 Huntington Road

Ref: 11/01652/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 8 September 2011      **Ward:** Fulford  
**Team:** Householder and **Parish:** Fulford Parish Council  
Small Scale Team

**Reference:** 11/02045/FUL  
**Application at:** 34 Eastward Avenue York YO10 4LZ  
**For:** Two storey rear extension with balcony, two storey extension to front incorporating porch, alterations to roof, with gates, brick piers, wall and railings to front (amended scheme to incorporate enlargement of front porch to include additional window)  
**By:** Mr Ahmed Karbani  
**Application Type:** Full Application  
**Target Date:** 22 September 2011  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application relates to an amendment to a previously approved scheme to carry out alterations and extensions to a semi-detached property. The property is of traditional design within a street of similar properties and has square projecting bay windows at both ground and first floor. In September 2010 planning permission was refused for a number of alterations and extensions to the property, including a two storey rear extension, a two storey extension to the front including a porch, alterations to the roof, with gates, brick piers, wall and railings to the front boundary. The reasons for refusal related to the visual impact of the proposed gates, walls and railings on the property and wider streetscene, and the effect of the two storey rear extension on the amenity of the adjacent occupiers. The visual impact of the proposed porch did not form part of the Council's reasons for refusal. A subsequent appeal to the Secretary of State was allowed (9 February 2011).

1.2 The porch that formed part of the approved scheme would have incorporated a maximum projection of 1.5 metres with a width of approximately 2.2 metres. The projection beyond the existing bay window would have been approximately 0.9 metres. It is now proposed to increase the forward projection of the porch by an additional 0.5 metres (this has been reduced by 0.2 metres in comparison to the original submission), giving a maximum projection of 2.0 metres, approximately 1.4 metres beyond the bay window. The additional length of porch would incorporate a flat roof, projecting beyond the pitch of the approved scheme. It is also proposed to carry out minor alterations to the approved door and window arrangements on the front elevation of the porch. The remaining elements of the application that were allowed on appeal are unchanged.

1.3 In support of the application, the applicant states that the enlargement of the porch is required in order to overcome drainage issues and also to allow mobility scooter to be stored in the porch area.

1.4 The application is brought to the East Area Sub-Committee for a decision as the previous application was also determined by the Committee.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: Fulford 0246

2.2 Policies:

CYH7  
Residential extensions

CYGP1  
Design

## **3.0 CONSULTATIONS**

3.1 Internal

None

3.2 External

Parish Council - Comments awaited

Highways - No objections

Police Architectural Liaison Officer - No objections

Neighbours - One letter received which expresses concern at the length of time the work has been ongoing, and the adverse visual effect of such structures on the street.



## 4.0 APPRAISAL

### 4.1 KEY ISSUES:

- visual impact on the appearance of the property and wider streetscene.

### POLICY CONTEXT:

4.2 Relevant Central Government planning policy is contained in Planning Policy Statement 1: Delivering Sustainable Development. This encourages good design and social inclusion. Paragraph 34 of PPS1 states that design which is inappropriate in its context or fails to take the opportunity of improving the character and quality of an area should not be accepted. It stresses the need of taking into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability and income.

4.3 Policies GP1 and H7 of the City of York Draft Development Control Local Plan (incorporating fourth set of changes) and advice in the Council's Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 are material to the consideration of the application.

4.4 Policy GP1 sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to: respect or enhance the local environment; 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; and, ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Policy H7 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.

4.6 In relation to porches, the Council's Supplementary Planning Guidance states that a porch extension should be of a simple design and of a size which does not dominate the front elevation. The shape and materials should reflect the character of the main building, including the style of doors and windows. A pitched roof to the porch should be used.

### VISUAL IMPACT

4.7 The site lies on the south side of a straight road that is characterised mainly by semi-detached houses. Whilst the design and external appearance of houses differ, there is a strong building line at the front and a regular rhythm and spacing of

properties along the street. There are examples of the addition of porches and canopies above the original front entrance doors, though these are of limited projection. It is considered that with a projection of 2.0 metres as proposed, the porch would appear incongruous and unduly dominant in a very regular building line. Given the lack of front porches within the street of a similar scale, it would also be uncharacteristic of the street in general. Furthermore, the limited depth of the front garden would only serve to increase the degree of prominence in the streetscene.

4.8 An earlier application for alterations and extensions to the property, which was refused in November 2008, included a porch with a similar projection to that now proposed, albeit with an entirely flat roof design. One of the reasons for refusal stated "The front porch, by virtue of its flat roof design and 2 metre forward projection would appear unduly prominent along this row of properties in Eastward Avenue". That decision was not challenged on appeal, although subsequent discussions with officers indicated that a maximum projection of 1.2 metres would perhaps be acceptable as a maximum amount. The subsequent decision to allow a projection of 1.5 metres, therefore, represented a compromise between that which was considered acceptable and the originally submitted 2.0 metre projection.

4.9 The reasons given by the applicant for wishing to increase the size of the porch are to overcome drainage difficulties (it is understood that the front wall of the porch as originally approved would be directly over the line of a drain) and in order to accommodate a mobility scooter. Whilst being sympathetic to the applicant's needs, it is considered that alternative solutions such as re-routing the drain, and perhaps accommodating the mobility scooter in an alternative location within the extended property, should be explored more thoroughly. Clearly, any harm to the streetscene is likely to be long term, and may set a precedent for similar proposals within the street, causing further cumulative harm. Given that the 2.0 metre projection now proposed formed part of an earlier reason for refusal, officers are maintaining a consistent approach in recommending refusal on this occasion, although clearly the circumstances of the applicant, both personal and from a practical point of view, need to be taken into account in reaching a decision.

## **5.0 CONCLUSION**

5.1 Officers recommend refusal of the application due to the adverse impact of the enlarged front porch on the streetscene.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Refuse

1 It is considered that the additional forward extension of the front porch would appear as an unduly prominent, incongruous and uncharacteristic addition which would be harmful to the appearance of the property and wider streetscene. Thus it is considered that the proposal would conflict with national planning advice in relation to design contained within Planning Policy Statement 1 "Delivering Sustainable Development", Policies GP1 and H7 of the City of York Development Control Local Plan (Fourth Set of Changes - April 2005) and the Council's Supplementary Planning Guidance " Guide to Alterations and Extensions to Private Dwelling Houses" (March 2001).

**Contact details:**

**Author:** Simon Glazier Householder and Small Scale Team Leader

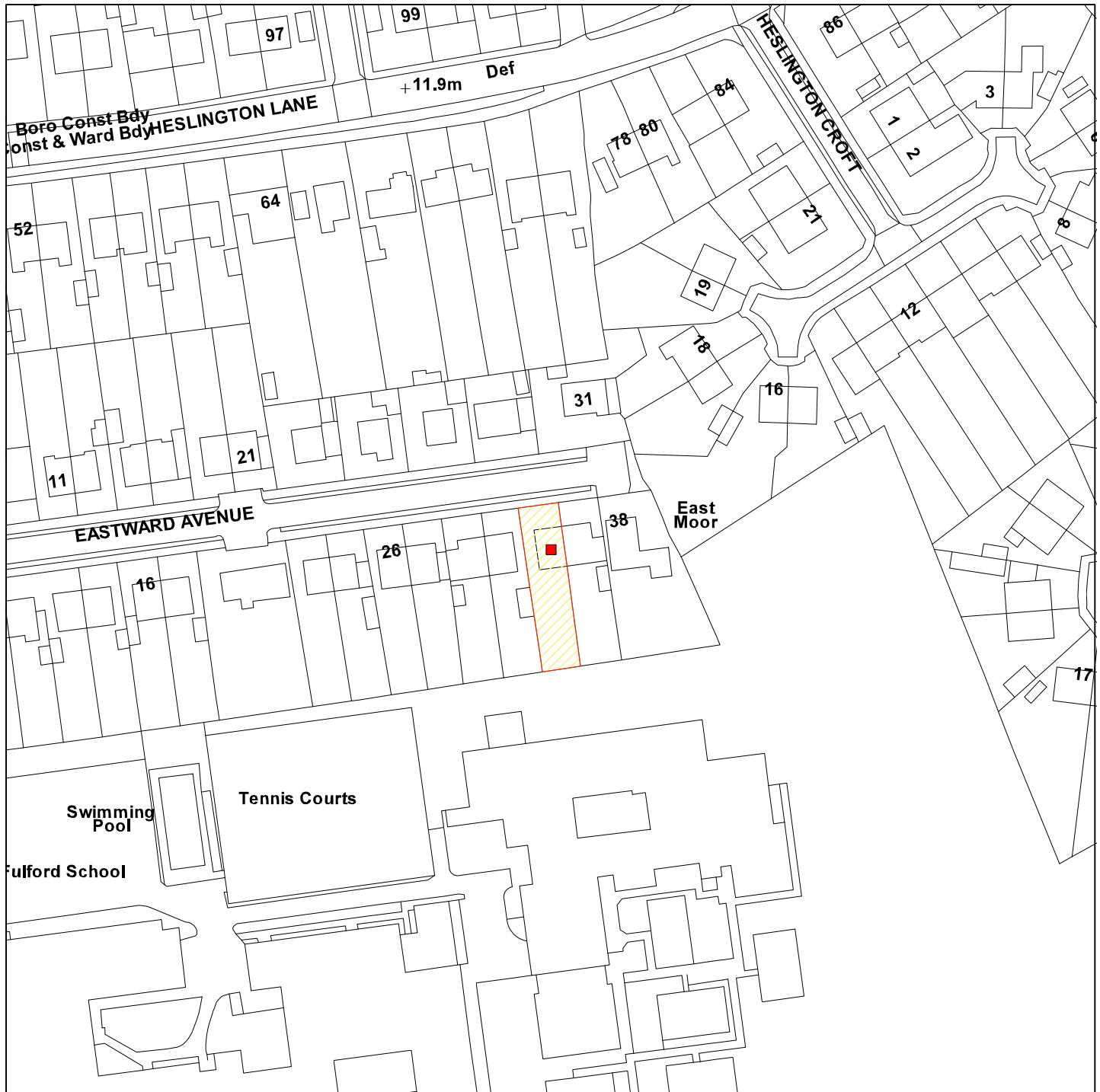
**Tel No:** 01904 551322

# 34 Eastward Avenue

Ref: 11/02045/FUL



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Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 8 September 2011      **Ward:** Skelton, Rawcliffe, Clifton Without  
**Team:** Householder and Small Scale Team      **Parish:** Rawcliffe Parish Council

**Reference:** 11/01708/FUL  
**Application at:** 9 Langsett Grove York YO30 4DE  
**For:** Two storey side extension and conservatory to rear  
**By:** Mr Martin Stoner  
**Application Type:** Full Application  
**Target Date:** 21 September 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application property is a semi-detached house located within a cul-de-sac in Rawcliffe. The property has a large triangular shaped rear garden.

1.2 It is proposed to erect a 5 metre long conservatory to the rear elevation of the house and erect a two-storey extension to the side elevation. The end part of the conservatory is tapered away from the common boundary. The two-storey extension is set back 1.8m behind the front elevation of the house. It is 3.2m wide at the front and 4.3m wide at the rear.

1.3 A drive leading to the garage at the rear of the property will remain.

1.4 The application is brought to Committee as the applicants' partner is employed by the Council.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYH7  
Residential extensions

CYGP1

Design

### **3.0 CONSULTATIONS**

#### 3.1 Internal

None

#### 3.2 External

Parish - No objections.

Neighbours - No replies received.

### **4.0 APPRAISAL**

#### 4.1 The key issues in assessing the proposal are:

- The impact on the streetscene.
- The impact on the amenity and living conditions of neighbours.

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

4.3 Local Plan Policy GP1 'Design' 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, spaces and vegetation. 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.

4.4 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

#### **IMPACT ON THE STREETSCENE**

4.5 The conservatory would be at the rear of the property and would not be prominent from the street.

4.6 The design of the proposed two-storey extension relates satisfactorily to the main house. The extension is set down and set back to ensure that the form of the original house is retained. The rear element of the extension is relatively wide in relation to the original house, however, it is not considered that this is harmful to the streetscene, given that it is set back 3.5 metres from the front elevation and a gap of approximately 3m would remain to the side garden boundary.

## IMPACT ON THE AMENITY AND LIVING CONDITIONS OF NEIGHBOURS

4.7 There is adequate separation to gardens and properties to the front and rear.

4.8 In assessing the acceptability of the conservatory the key consideration is the impact on the attached property (number 7). This house has a kitchen-diner on the ground floor (the internal layout is a mirror image of the existing application property). Although low in height, the conservatory is relatively long. However, it is not considered that the impact would be unduly harmful. The conservatory is at a slight angle (14 degrees) away from the nearest windows and the rear section tapers away from the property.

4.9 To protect privacy in the garden of number 7 it is recommended that the two glazing panels on the side elevation of the conservatory facing number 7 are obscurely glazed.

4.10 The two storey side extension will have the greatest impact on numbers 11 and 15 Langsett Grove. It is considered that the extension is sufficiently oblique to the main openings of these properties to avoid undue harm. There will be no significant additional overlooking given the proposed side elevation of the extension is blank.

## 5.0 CONCLUSION

5.1 For the reasons set out in this report, it is recommended that the application is approved.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The materials to be used externally for the two storey side extension hereby approved shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

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

Drawings No. 02 received by the Local Planning Authority on 29 June 2011.

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the two windows in the side elevation of the conservatory that face towards the rear garden of 7 Langsett Grove shall be obscurely glazed to a minimum standard equivalent of Pilkington Glass level 3, and shall be thus maintained.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene and the effect on the amenity and living conditions of neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

#### **Contact details:**

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**Tel No:** 01904 551352

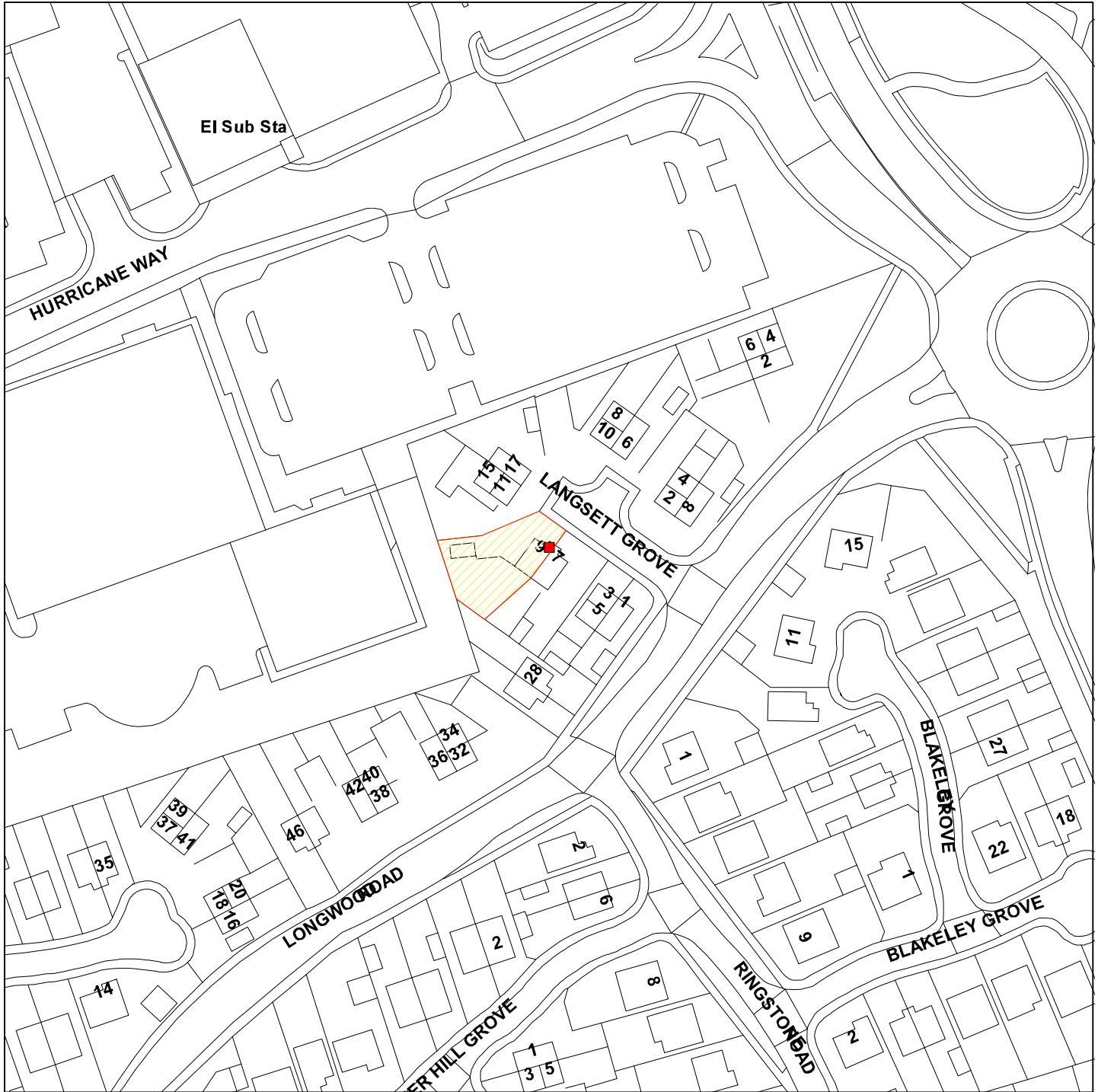


# 9 Langsett Grove

Ref: 11/01708/FUL



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Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 8 September 2011      **Ward:** Strensall  
**Team:** Major                      and **Parish:** Strensall With Towthorpe  
                Commercial Team                      Parish Council

**Reference:** 11/01831/OUTM  
**Application at:** Bonneycroft 22 Princess Road Strensall York YO32 5UD  
**For:** Residential development of 10 dwellings (amended scheme)  
**By:** C/o Agent  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 10 October 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks outline consent for the erection of 10 dwellings with all matters reserved except access and layout. Plots 1-7 would be detached. They would be two storeys high but their maximum heights (5.4m to the eaves and 8m to the ridge) would allow some accommodation to be provided in the roof space. All would have either single or double garages. Plots 8-10 would form a terrace at the front of the site, parallel to Princess Road. It would be three storeys high, up to 6.5m to the eaves and 9.2m to the ridge. Each of the terraced houses would have two parking spaces. All of the proposed dwellings would be for sale on the open market. Access would be via the existing access from Princess Road. A dilapidated bungalow on the site would be demolished.

### PLANNING HISTORY

1.2 In 2005 planning permission was sought for the erection of four dwellings on the site (05/00677/OUT). The application was withdrawn so was never determined. In 2009 an application was refused for a 60-bed care home (09/01176/OUT). The reason for refusal was that, in essence, the size of the care home would adversely affect the amenity of adjacent residents and the character and appearance of the area. The subsequent appeal was dismissed. In March this year planning permission was sought for the erection of 14 dwellings on the site. Officers recommended refusal due, in essence, to overdevelopment resulting in unacceptable impact on the character of the area, protected trees and the amenity of adjacent residents. The application was withdrawn prior to determination.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Strensall Village CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP4A  
Sustainability

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CGP15A  
Development and Flood Risk

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYNE1  
Trees, woodlands, hedgerows

CYHE2  
Development in historic locations

CYL1C  
Provision of New Open Space in Development

CYED4  
Developer contributions towards Educational facilities

CYT4  
Cycle parking standards

### 3.0 CONSULTATIONS

#### 3.1 INTERNAL

Highway Network Management - No objections subject to standard conditions being imposed.

Design, Conservation and Sustainable Development (Conservation) - The retention of the mature trees and grass verge at the front of the site is essential to the preservation of the existing character and landscape setting of the conservation area. The siting and orientation of the house at plot 1 respect the pattern of existing built form and are unlikely to detract from the character and appearance of the conservation area. The proposed group of three storey terraced dwellings, which the design and access statement describes as 'double fronted', appear to face west with the rear elevation facing Princess Road. The principal elevation of these houses should face east to respect the existing character of dwelling houses in Princess Road.

The scale and mass of the proposed 3-storey terrace appear visually dominant and detract from the setting of the conservation area. The terrace should appear subservient to the existing group of nineteenth century terraced houses at 19-25 Princess Road, which contribute to the distinct suburban character of Princess Road/Moor Lane as defined in the Strensall Conservation Area Appraisal. The scale and mass of the proposed terrace should be reduced to respect the scale, proportion, height and massing of the existing built form in Princess Road and Moor Lane.

Design, Conservation and Sustainable Development (Landscape) – The various revisions have improved the relationship between the development and existing trees. Although not ideal, the latest scheme appears to be acceptable.

Design, Conservation and Sustainable Development (Countryside) – No objections. Attach conditions relating to biodiversity enhancement of the site and the bird nesting season.

York Natural Environment Panel - Overdevelopment that would have an adverse affect on the setting of the adjacent Conservation Area. The number of houses should be reduced. A small number of prestige houses (e.g. 4) would maintain the character of the surrounding area. The separation distance shown on the revised proposals has lessened the impact on trees but is still not sufficient to ensure the trees' long term retention.

Structures and Drainage - No objection. Add a standard condition requiring submission of drainage details.

Adults, Children and Education - a financial contribution of £35,117 would be required towards education. It would be used to cover the cost of two places at Huntington Secondary School. The local primary school currently has enough places to cover the pupils expected as a result of the development.

Environmental Protection Unit - No objections. Following guidelines in PPG24 sound insulation should be provided to protect occupiers against road and rail noise. This should be made a condition of approval.

### 3.2 EXTERNAL

Strensall with Towthorpe Parish Council - Objection on the following grounds: (a) Whilst there is insufficient detail in the application, indications are that the streetscape will be adversely affected by the terrace of three storey properties at the front boundary; (b) The massing and size of the proposed dwellings are not consistent with the requirements of PPS3 in relation to neighbouring properties and the apparent design of the proposed dwellings does not integrate and compliment the surrounding area; (c) The application contravenes GP1 and GP10 in scale and mass and the loss of amenity to adjacent properties; (d) The Parish Council supports the comments of the CYC Landscape Architect for the previous application for 14 houses (10/00606/FUL); (e) The Parish Council would request that all properties are confined to a maximum of two storeys.

CAAP - No objection in principle. It is important to protect the boundary of the site, particularly the trees. The site would benefit from more greenery as the proposal is too urban for a village location. The 2.5 storey dwellings should be reduced to 2 storeys. More garages should be included.

Police Architectural Liaison - The indicative site layout appears to show good levels of natural surveillance whilst still creating defensible space for occupiers. The development would provide residents with a safe, non-threatening environment in which to live.

Foss Internal Drainage Board (IDB) - Surface water is to be discharged to an existing sewer. This sewer, which is under the control of Yorkshire Water, is now classed as a foul sewer. Surface water discharges to this sewer so Yorkshire Water has approved a discharge rate of 4.00lit/sec. Subsequent discussions with City of York Council have resulted in this rate being reduced to 1.40lit/sec. The Board supports the position taken by the council. Any approval should include a condition requiring drainage details including attenuation to be submitted for approval.

Network Rail - No objection to the principle of the development subject to certain detailed requirements being met to protect Network Rail property and the safe operation of the railway.

English Heritage - No comments.

Council for the Protection of Rural England - The massing and dominance of the 2.5-storey buildings conflict with adjacent long-established bungalows and the nearby conservation area. Proximity to the level crossing and in particular possible obstruction of warning lights for the crossing gates is also a major concern. [Officers' response: The proposal would not obstruct the safety warning lights]. The application should be refused.

Public Consultation - The consultation period expired on 5 August 2011. 16 objections have been received raising the following planning issues:

- Too many dwellings
- Out of keeping with the character of the street scene
- The scale of the terrace is out of keeping with the conservation area
- The terrace should be replaced with one, smaller dwelling
- The 2.5-storey houses should be 1-1.5-storeys high
- The houses should be no higher than 2 storeys
- All of the houses should be bungalows
- The terraced houses are back to front
- Overbearing
- Loss of privacy
- Loss of sunlight/daylight
- Loss of habitats
- Loss of trees
- Loss of tree/shrub screening along railway boundary
- View from Moor Lane would be imposing
- Insufficient separation from existing houses
- Dangerous access
- If approved permitted development rights should be removed

## **4.0 APPRAISAL**

### THE APPLICATION SITE

4.1 The site (0.51ha) is the curtilage of a derelict bungalow in a predominantly residential area. The site lies within the settlement limits of Strensall village and abuts (but lies outside) Strensall Conservation Area. The site is neglected and overgrown. It is occupied by a number of mature trees protected by a preservation order (TPO CYC 53). Immediately to the south is the York to Scarborough railway line. To the east, north and west are one and two storey suburban houses. Along the eastern boundary is the public highway at Princess Road.

## POLICY CONTEXT

4.2 Local Plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.3 GP4a - All proposals should have regard to the principles of sustainable development.

4.4 GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.5 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

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

4.7 H5a - the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. Development densities should aim to achieve, 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.

4.8 NE1- Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value, will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.9 HE2 - Within or adjoining conservation areas and in locations that affect the setting of listed buildings, scheduled monuments or archaeological remains, development proposals must respect adjacent buildings open spaces, landmarks, and settings and have regard to local scale, proportion, design and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landscapes and other townscape elements that contribute to the character or appearance of the area.

4.10 L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

4.11 ED4 - Any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

4.12 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

#### 4.13 KEY ISSUES

- Principle of Development for Housing
- Density of Development
- Impact on the Street Scene and Conservation Area
- Protected Trees
- Neighbour Amenity
- Sustainability
- Access and Highway Safety
- Ecology and Bio-diversity
- Drainage
- Affordable Housing
- Public Open Space
- Education
- Archaeology

#### PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.14 The site is in a sustainable location with good access to shops, public transport and local services. The site was considered during the Strategic Housing Land Availability Assessment (part of the LDF evidence base) and has been identified as a possible housing site. The inclusion of sites within this study does not imply that the council would consider planning applications favourably. Although the SHLAA will inform housing allocations it will not determine the allocation of land for housing development. Nevertheless officers accept that the application site is suitable for housing.

4.15 In June 2010 Planning Policy Statement 3 (PPS3) was revised to exclude private residential gardens from the definition of previously-developed (brownfield) land. The purpose of the change is to prevent local planning authorities feeling obliged to grant planning permission for otherwise unwanted development on



garden land ("garden grabbing"), simply to maintain targets for building on previously developed land. However, the removal of residential gardens from the definition of previously-developed land has not introduced a general presumption against the development of gardens; it merely removes this as a positive factor in determining such applications. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. In this particular case, the removal of the site from the definition of previously developed land does not change officers' opinion that the principle of the use of the site for housing is acceptable. In making planning decisions, local authorities are still expected to seek to secure the efficient use of land, whilst focussing new residential development on sites in sustainable locations, and there are no specific policies in the draft local plan that protect sites such as this from development.

## DENSITY OF DEVELOPMENT

4.16 Until PPS3 was revised it included a national indicative minimum density for new housing of 30dph. This has now been removed. Notwithstanding that there is now no national minimum density, PPS1 (Delivering Sustainable Development) and PPS3 still expect planning authorities to set their housing policies to achieve the efficient use of land. Policy H5a accords with this guidance by requiring housing schemes in the York urban area (including Wigginton) to aim to achieve a residential density of 40dph. Nevertheless, this is subject to the scheme being compatible with the surrounding area and not harming local amenity. The current proposal has a density of 20dph which is well below the density specified in policy H5a. In this case the density is high enough to satisfy PPS1 and PPS3 bearing in mind the constraints imposed by the presence of protected trees.

## IMPACT ON THE STREET SCENE AND CONSERVATION AREA

4.17 The previous (withdrawn) application was for 14 dwellings, which gave the development a cramped appearance. The current proposal, for 10 dwellings, gives the development a much more open character, more in keeping with the prevailing character of the area.

4.18 Princess Road is characterised by suburban residential dwellings. The existing built form comprises of modern detached houses, including bungalows and two storey houses; a small group of late nineteenth century 2.5-storey terraced houses and two pairs of early twentieth century 2.5-storey semi detached houses. The scale of the proposed houses and its impact on the character of the area is the main concern of local residents. Whilst the details of the proposed dwellings are not part of this application the applicant has confirmed their maximum heights. Houses 1-7 would be no higher than 5.4m to the eaves and 8m to the ridge. These maximum heights are typical of 2-storey houses and could be made a condition of planning permission. The applicant has stated that the houses may have rooms in

the roof space. This does not necessarily increase the heights of buildings. Regardless of whether or not there would be rooms in the roof space the developer would not be able to exceed any maximum heights specified in a planning condition.

4.19 Whilst the design and access statement describes the terraced houses (plots 8-10) as double-fronted they appear to face west. The private amenity space for each of these houses appears to face east, towards the public highway at Princess Road. Details of the houses have not been submitted because the design is a reserved matter for approval at a later date. If planning permission were granted care should be taken at the detailed design stage to ensure that the principal elevation is clearly towards Princess Road and respects the existing character of the street scene and the conservation area.

4.20 Of the various building types in Princess Road/Moor Lane it is the 2.5-storey houses (mentioned above) that particularly contribute to the distinctive suburban character of the conservation area. There is broad concern that the scale of the proposed 3-storey terrace (plots 8-10) at the front of the site would be out of keeping with the nineteenth century houses at 19-25 Princess Road. The proposed 3-storey terrace would be no higher than 6.5m to the eaves and 9.2m to the ridge. These heights would match the heights of the 2.5-storey houses at 19-25 Princess Road (made possible by the fact that current floor to ceiling heights are generally less than for older houses). This could be made a condition of approval. The new terrace would be over 70m from 19-25 Princess Road, would be set well back from the public highway and would be partially screened by trees. Furthermore, careful detailed design at the reserved matters stage could help to reduce the apparent height of the terrace and ensure that it is in keeping with the character of the conservation area. Officers therefore consider that the proposed height of the terrace is acceptable.

## IMPACT ON TREES

4.21 A number of trees subject to TPO have been removed, with consent, in previous years due to their very poor condition. It is important that the remaining better quality trees are retained in a sustainable location. The current scheme reduces the number of houses from 14 to 10, which allows greater compatibility between the houses and some of the trees, but there are still unresolved concerns.

4.22 The mature Birch in the centre of the site presently warrants its TPO by way of its public amenity value. It has a limited life expectancy, but at the current time there are no reasons why it should be felled other than to facilitate development of the site. The removal of the Birch would be acceptable if the development provided sufficient space for a similar mature replacement tree to be accommodated in a location where it would benefit the amenity of either Princess Road or the internal street, without causing conflict with development's occupiers.

4.23 Unit 1 would result in the removal of a Spruce tree, which is visible from Princess Road. Its removal may have been acceptable if there were scope to replant something similar within the site, but this does not appear to be the case.

4.24 The reduction in the number of dwellings (from the withdrawn scheme) is much improved at the south west end of the site. There is no longer any hard standing within the root protection area of the existing trees, in particular a large Oak. Unit 6 is compatible with the retention of the trees, and includes a usable garden area directly to the rear of the house.

4.25 Unit 7 would result in the removal of a young mature Oak T11, which still has some significant growing to do. The loss is acceptable because it would allow the larger adjacent tree (T11) to develop its natural shape unhindered. The latest proposals have re-orientated Unit 7 to reduce the impact on T11. The impact is now acceptable.

4.26 Under the latest revision the 3-storey terrace would be no closer to the trees than the previous care home proposal. Officers consider this to be the minimum separation distance to adequately protect the trees.

4.27 In summary, this is a much improved scheme. The impact on the protected trees is acceptable subject to adequate protection of retained trees suitable replacement of those trees to be lost.

## NEIGHBOUR AMENITY

4.28 The site abuts residential dwellings to the north and west. Those to the north are bungalows. The houses at plots 2, 3 and 4 would be 8-9m from the site boundary and approximately 25m from the bungalows at nos.1 and 3 Orchard Way. These separation distances are sufficient to avoid significant overlooking, particularly as there is partial screening along the boundary. The separation distance, together with a condition limiting the building height, would prevent overbearing. Additional screening could be provided as part of the development's landscaping scheme. The gable end of the house at plot 1 would be 5m from the boundary with the adjacent house (Greystones). Overlooking would be avoided by a condition prevent the inclusion of first-floor windows in the elevation facing the boundary.

4.29 The dwellings to the west of the site (Glebe Close) are mainly 2-storey houses. The proposed house at plot 5 would be 7m from the boundary with no.8 Glebe Close but the angle would be oblique and would not cause significant overlooking or overbearing. Impacts would be further mitigated by existing screening along the boundary. No other residential dwellings would be significantly affected, including the bungalows on the east side of Princess Road.

## SUSTAINABILITY

4.30 The site is in a sustainable location within the settlement limits of Strensall and within walking distance (approximately 350m) of the centre of the village. If planning permission were to be granted a condition should be attached requiring the development to achieve Code for Sustainable Homes Level 3 and to provide 10% of its energy demand from sustainable sources. These requirements are in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction.

## ACCESS AND HIGHWAY SAFETY

4.31 The internal road would be a shared surface, 6.5m wide. The developers are intending that this road be formally adopted by the highway authority. Two off-street car parking spaces are shown for each property which accords with council standards. There is no policy requirement for these spaces to be garages.

4.32 There is currently no public footway on the northern side of Princess Road in the vicinity of the site. Some form of facility for pedestrians is likely to be required to assist crossing Princess Road in the area of the access road. This could be agreed at the time of the reserved matters application. Adequate access could be provided for refuse vehicles.

4.33 The development is likely to generate approximately 6 car movements during the a.m. and p.m. peak hours. These movements are capable of being handled by the existing highway network. The increase in vehicle movements is unlikely to have a material impact on highway safety – including the use of the railway crossing.

4.34 The council's highways officers have no objection to the principle of the site being redeveloped for housing, nor to the location of the access. If planning permission were to be granted details of the access, pedestrian footways, turning space, parking layout and cycle storage should be made conditions of approval. Network Rail has no objection to application or the location of the access.

## ECOLOGY AND BIO-DIVERSITY

4.35 The overgrown site provides good habitat, particularly for nesting birds. If planning permission were to be granted any clearance of vegetation as a consequence of the development should be carried out outside of the bird nesting season (1st March to 31st August inclusive). This should be made a condition of approval.

4.36 There are excellent foraging and roosting opportunities for bats in the Strensall area and some within the site itself, particularly to the front (east) of the site. If planning permission were to be granted provision should be made within the

buildings to accommodate bats and to further increase the wildlife value of the area. This should be made a condition of approval. Suitable measures could include the use of bat bricks, tiles or bat boxes which could be easily incorporated into the designs of the new building.

## ARCHAEOLOGY

4.37 The site is on the periphery of a medieval village, close to the manor house and the church. The area has not been the subject of any significant recent archaeological investigations. Historic environment records indicate that there is potentially a widespread and well-developed late prehistoric and Romano-British landscape in this area. It is probable that features relating to this landscape would be preserved within the application site. If planning permission were to be granted a detailed archaeological watching brief should be carried out on all groundworks associated with the development. This should be made a condition of approval.

## DRAINAGE

4.38 The site is in flood zone 1 and should not suffer from river flooding. The application includes a drainage statement which states that surface water discharge would be restricted 70% of the existing discharge. This accords with PPS25 and the council's standards (in agreement with the Environment Agency and Foss IDB). As this is an outline application the applicant is not expected, at this stage, to design the drainage works for the development. Nevertheless, the applicant is required to demonstrate that the required drainage works are capable of being provided. The applicant has demonstrated this to the satisfaction of the Council. If planning permission were to be granted a condition should be attached requiring drainage details to be submitted for approval.

4.39 Residents are concerned that existing sewerage problems in the area would increase if the application were allowed. Sewerage problems are generally caused by the inadequacy of combined sewers to cope with heavy rainfall. As a consequence the rainfall in the sewers overflows, bringing with it the foul water. This tendency would be reduced by the council's requirement that the surface water run-off be attenuated to 70% of existing.

## AFFORDABLE HOUSING

4.40 For the purposes of assessing the need for affordable housing the council treats Strensall as being within the urban area of York. Within the urban area developments of 15 dwellings or more are expected to provide a proportion of affordable housing. In the case of Bonneycroft, the Council does not consider that the site can accommodate 15 dwellings or more, therefore there is no requirement for redevelopment of the site to include affordable housing. Nor is there a

requirement for the developer to make a financial contribution towards affordable housing off-site.

## **PUBLIC OPEN SPACE**

4.41 The development would require a financial contribution for the provision of public open space in accordance with policy L1 of the local plan. The size of the contribution for the ten dwellings would depend on the number of bedrooms. It would be secured by a section 106 agreement. As a guide the contribution for a development of seven 3-bedroom houses and three 4-bedroom houses would be £22,536. The applicant has agreed to make a financial contribution and is in the process of preparing a unilateral agreement. Members will be updated at the meeting.

## **EDUCATION**

4.42 The development would also require a financial contribution towards the provision of education in accordance with policy ED4 of the local plan. In this case the amount of the contribution would be £35,117, which would be secured by a section 106 agreement. The applicant has agreed to make the contribution and is in the process of preparing a unilateral agreement. Members will be updated at the meeting.

## **5.0 CONCLUSION**

5.1 This amended application would it is considered be in keeping with the character of the area and would not have a significant impact on adjacent residents, protected trees or the conservation area. The developer would be required to contribute £35,117 towards education and approximately £22,000 (depending on the number of bedrooms) towards provision of open space. The application provides additional housing and accords with relevant national and local plan policies.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 The application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

Details to be submitted: appearance, landscaping and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

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

3 Any reserved matters application for landscaping shall include the species, density (spacing), stock size, and position of trees, shrubs and other plants; and seeding mix, sowing rate and mowing regimes where applicable. The scheme shall include replacement tree planting such that for each tree proposed for removal a new one shall be planted on site.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

4 Any reserved matters application for landscaping shall ensure that the following specification can be achieved. A fence in accordance with BS 5837 shall be erected around all trees shown to be retained so as to create exclusion zones. The exclusion zone shall be adhered to at all times during site clearance, site preparation, installation of utilities, and all development operations. 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. Within the exclusion zones there shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or pipe runs for services or drains et al. The fencing shall remain secured in position throughout the development process including the implementation of landscape works. In support of this, any reserved matters application shall include a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings. This statement shall include details and a plan of protective fencing, phasing of works, type of construction machinery/vehicles to be used, arrangements for loading/off-loading, parking arrangements for site vehicles and storage of materials, location of site compound/offices and marketing cabin where applicable.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

5 The development hereby permitted shall be carried out in accordance with the approved site layout drawing 1011-02C received on 24 August 2011

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

6 The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, in consultation with the internal drainage board, and carried out in accordance with these approved details. In accordance with PPS25 and in agreement with the Environment Agency / City of York Council, peak run-off from Brownfield developments shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk)

7 The site shall be developed with separate systems of drainage for foul and surface water.

Reason : In the interest of satisfactory and sustainable drainage.

8 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

9 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the



development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space in accordance with the council's advice note Commuted Sums for Open Space in New Developments - A Guide for Developers. The obligation should provide for a financial contribution, the size of which would depend on the number of bedrooms of the dwelling approved under the reserved matters. As a guide, the financial contribution for a development comprising seven 3-bedroom houses and three 4-bedroom houses would be £22,536. No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed. You are reminded of the local planning authority's enforcement powers in this regard.

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

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

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

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £35,117. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005. No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

12 The development hereby permitted shall not commence until full details of the proposed vehicular access, adoptable road layout, parking arrangements, manoeuvring and turning space and cycle storage facilities have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason: To ensure appropriate on-site vehicle parking facilities, access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development

13 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded during the construction programme.

14 Notwithstanding the information contained on the approved plans, the heights above ordnance datum of the approved development shall not exceed the following:

Plots 1-7: 5.4m to the eaves and 8m to the ridge  
Plots 8-10: 6.5m to the eaves and 9.2m to the ridge  
Garages: 3m to the eaves and 5.8m to the ridge

Before any works commence on the site, a means of identifying ordnance datum on the site shall be agreed in writing, and any works required on site to identify that 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 ensure that the approved development does not have an adverse impact on the character of the surrounding area.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening shall at any time be inserted in the northern elevation of the property at Unit 1 hereby approved.

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

16 No building work shall take place until details of boundary treatment have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the submitted details.

Reason: To eliminate doubt as to the extent of the site and in the interests of public safety and visual amenity.

17 NOISE7 Restricted hours of construction -

18 No development shall take place until details (including location, dimensions and materials) of refuse/recycling enclosure(s) for the proposed development on the site have been submitted to and approved in writing by the local planning authority. The enclosure(s) shall be provided in accordance with the approved details before the development is occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

19 No clearance of vegetation shall be carried out on site between the 1st of March and 31st of August inclusive in any year.

Reason: To protect nesting birds.

20 No development shall take place until details have been submitted to and approved by the Council as to how habitats and species known to use the site are to be taken into account within the proposed new building and associated landscaping, and should include measures to offset the loss of habitat. The work shall be completed in accordance with the approved details.

Reason - To take account of and enhance the habitat for declining species (for example bats and birds such as swifts, swallows etc.).

21 A scheme of sound insulation must be submitted and approved in writing by the local planning authority before construction commences. This should show that external noise can be controlled to the following:

- less than 35dB(A) 16 hour Leq in living rooms during the day time (07:00-23:00).
- less than 30dB(A) 8 hour leq in bedrooms during the night time (23:00 to 07:00)

Reason; To protect the amenity of the occupiers of the proposed dwellings.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- The Principle of Development for Housing
- Impact on Protected Trees
- Access and Highway Safety
- Density of Development
- Design and Street Scene
- Neighbour Amenity
- Flood Risk and Drainage
- Bio-Diversity
- Sustainability
- Public Open Space

As such the proposal complies with policies GP1, GP4a, GP15a, H4a, H5a, NE1 and L1c of the City of York Local Plan Deposit Draft.

#### **Contact details:**

**Author:** Kevin O'Connell Development Management Officer

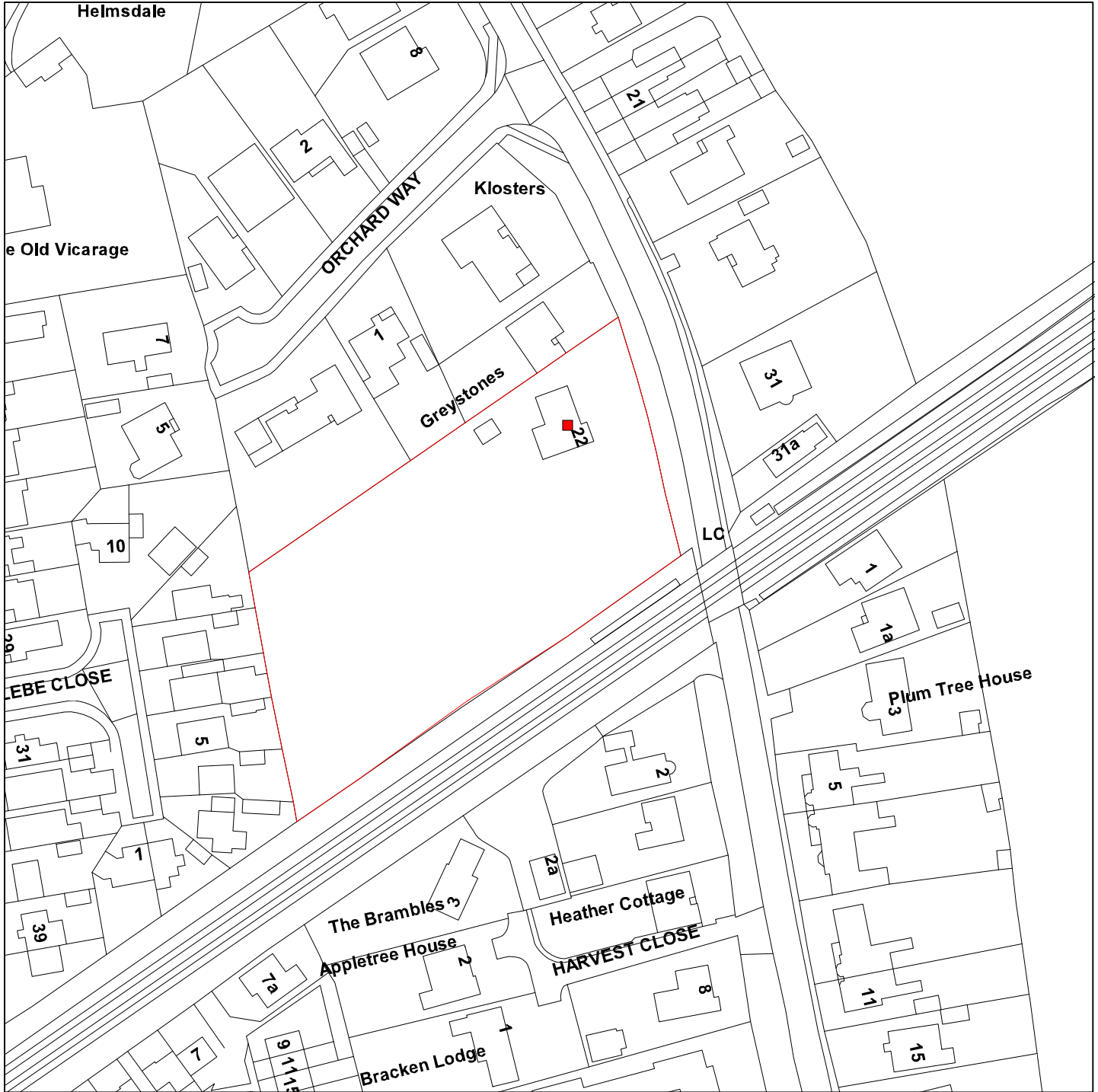
**Tel No:** 01904 552830

# Bonneycroft Strensall

Ref: 11/01831/OUTM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 8 September 2011  
**Team:** Householder and Small Scale Team  
**Ward:** Heworth Without  
**Parish:** Heworth Without Parish Council

**Reference:** 11/01928/FUL  
**Application at:** 10 Larchfield York YO31 1JS  
**For:** Single storey rear extension  
**By:** Ms Claire Wilson  
**Application Type:** Full Application  
**Target Date:** 7 September 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 It is proposed to erect a single storey extension on the rear elevation of a semi-detached dormer bungalow, in order to form a new bedroom. The extension would have dimensions of 3.2 metres in length by 3.0 metres in width, and would incorporate a flat roof with a maximum height of 2.4 metres. In order to accommodate the extension, the existing detached garage would be cut back by 700mm. The property is located within an established residential area in Heworth Without, and is not within a Conservation Area.

### SITE HISTORY

1.2 Previous applications as follows:-

00/01074/FUL - Erection of two storey flat roof rear extension and flat roof dormers to front and rear - Refused 19.06.2000

00/01926/FUL - Erection of flat roof front and rear dormer extension and conservatory to rear - Approved 13.09.2000

1.3 The application is brought to the East Area Planning sub-Committee for a decision as the applicant is employed by the City of York Council as a teacher.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

Application Reference Number: 11/01928/FUL

Item No: 4h

Page 1 of 4

CYGP1  
Design

CYH7  
Residential extensions

### **3.0 CONSULTATIONS**

#### 3.1 Internal

None

#### 3.2 External

Heworth Without Parish Council - No objections

Neighbours - No replies received

### **4.0 APPRAISAL**

#### 4.1 Key Issues:-

- impact on streetscene
- impact on residential amenity

### **THE RELEVANT POLICIES AND GUIDANCE**

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 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.

4.4 Draft Local Plan Policy CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements 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; and (iii) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 The Council's Supplementary Planning Guidance "Guide to Extensions and Alterations to Private Dwelling Houses" states that generally roofs that reflect the pitch and style of the existing roof are encouraged. Generally this will be in the form of a pitched roof that will match the main property. Generally, flat roofs are not appropriate on most extensions. There may be cases where the style of a building suggests that a flat roof would be the best option in terms of design, where a flat roof overcomes potential problems with overshadowing, or where it is not practicable to construct a pitched roof.

#### IMPACT ON THE STREETSCENE

4.5 Although the Council's Supplementary Planning Guidance discourages the use of flat roofs, in this case the extension would be located at the rear of the property and would not be readily visible from public viewpoints. The external walls would be constructed of brickwork to match the existing dwelling. Thus the proposal would only have a minimal impact on the streetscene. In addition, the use of a pitched roof would be difficult to incorporate into the design given that the property has a large box dormer located within the rear roof slope, immediately above the proposed extension. It is also noted that at 3.2 metres, the length of the extension is only marginally above the permitted development tolerances, and that a flat roof extension with a projection of 3.0 metres could be erected without the need for planning permission. For these reasons it is considered that the proposed extension is acceptable in terms of its design and appearance.

#### IMPACT ON RESIDENTIAL AMENITY

4.6 The adjacent property at no. 12 Larchfield would be separated from the extension by its driveway and garage and also by the driveway and garage serving the application property. The extension would also be largely hidden from view by the detached garage at the rear of no. 12. The extension would be screened from the adjoined semi-detached dwelling (no. 8 Larchfield) by a conservatory on the rear elevation of the application property, which is adjacent to the shared boundary and which has a similar projection to the proposed extension. There is ample separation from the properties at the rear of the site. As the proposed extension is single storey and is located away from shared boundaries, it would be unlikely to result in any significant overshadowing, loss of light, overlooking or loss of privacy. Thus it is considered that the proposed extension would have a minimal impact on the amenity and living conditions of adjacent occupiers.

4.7 Access and parking arrangements would remain unchanged.



## 5.0 CONCLUSION

5.1 The proposal is considered to be satisfactory.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - As proposed drawings received on 11.07.2011
- 3 VISQ1 Matching materials -

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the streetscene. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

### Contact details:

**Author:** Simon Glazier Householder and Small Scale Team Leader

**Tel No:** 01904 551322

# 10 Larchfield

Ref: 11/01928/FUL



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set



## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

### 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## **3.0 CONSULTATIONS**

### 3.1 Internal:

None

### 3.2 External:

3.3 Hull Road Planning Panel - No objections.

3.4 Neighbour responses received from: 85, 86 ,88,and 90and Newland Park Drive  
Objections relate to:

- Property to be occupied by students exceeding 6 people.
- Rubbish/Noise.
- Loss of car parking spaces.

Occupiers of 85 Newlands Park Drive have made additional comments regarding the single storey extension:

## **4.0 APPRAISAL**

### 4.1 Key Issues:-

- Impact on street scene
- Impact on neighbours.

## THE RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

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

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) 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; (c) 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; (e) 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 (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two - storey side extensions should be set down from the original roof line and set back behind the building line. Furthermore the scale of the new extension should not dominate the original building resulting in a 'terracing effect' by closing the gap between the application property and neighbouring property.

## VISUAL AMENITY

4.6 In terms of visual amenity the revised drawings submitted show that the proposed extension would now be appropriately designed with a set down from the host roof and a set back from the front wall, which provides a visual break in the development in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. The extension would occupy the full width of the driveway up to the site boundary, adjacent to 85 Newland Park Drive. This dwelling has an attached garage situated in juxtaposition to the host garage. It is considered that the space above the adjacent garage, and the variation in building line, would reduce the impression of terracing and that in street scene terms the proposal is acceptable. The applicant intends to use materials that match the existing dwelling.

4.7 The single storey extension at the rear would be sited on part of an existing single storey mono –pitched roof not exceeding approximately 3.0 metres. The additional extension would incorporate a hipped roof sloping away from the shared boundary and full glazed door on to the rear garden, projecting an additional distance of approx 3.0 metres from the existing rear wall, with a total height of 3.5 metres reducing to 2.5 metres at the eaves. The scale, massing and design of the extension are considered to be satisfactory.

#### RESIDENTIAL AMENITY

4.8 The proposed first floor extension would abut the boundary of the adjacent dwelling at no 85 Newland Park Drive. However this property has a pitched roof garage on the side elevation, so separating the main house from the site of the extension. To the rear the land slopes down towards the gardens of Thief Lane and therefore the property is higher than those on Thief Lane. However, the application site has an ample sized garden providing good separation from these properties and therefore the extension would not significantly harm the outlook or create an over bearing, dominant impact for the residents on the shared boundary. Notwithstanding this there are already existing rear windows overlooking these properties and gardens so overlooking and privacy issues will be no more harmful than the existing arrangement.

4.9 The single storey extension would contain full height openings overlooking the rear garden, screened by the existing 1.8 metre boundary fence adjacent to the dwelling at 85 Newland Park Drive. It would not would result in an unduly oppressive and overbearing impact on the occupiers of the adjacent property or result in an additional increase of over shadowing and loss of daylight over and above the existing situation. The dwellings to the rear on Thief Lane are separated by larger than average gardens separated by extensive boundary treatment.

#### THIRD PARTY COMMENTS

4.10 Occupation by Students - Consultation responses from the surrounding residents mainly relate to the extension resulting in the provision of additional bedrooms to the property and occupation by students. However provided that facilities within the property such as kitchens and bathrooms are shared, and the property is occupied as a single dwelling by no more than six people, then there would be no material change of use for which planning permission would be required. The layout of the extended property incorporates six bedrooms with communal kitchen and living areas, with two bathrooms. The application before the Council is not for a conversion of the dwelling to self contained student flats; it is for an extension to a residential dwelling and has to be considered on that basis. Should the property be occupied by more than six people, either now or in the future, then the property would be likely to fall outside the "Class C4" use class for

which planning permission would be required. It is considered that this matter can be addressed by means of an informative on the decision notice.

4.11 Loss of parking: Local residents have raised concerns regarding concerns of loss of parking. However, there are no car parking restrictions on Newland Park Drive and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass.

4.12 Rubbish/Noise: Issues relating to noise, untidy land, rubbish and late night noise from students could be dealt with under separate legislation such as the Environmental Protection Unit.

4.13 Occupiers of 85 Newlands Park Drive have made additional comments regarding the single storey extension relating to loss of light/ bulky appearance. It is appreciated that the extension at approximately 6.0 metres would be long, however it is not considered that the proposal would create any additional loss of light than that of the existing conservatory situated on the side boundary. Also taking into consideration the northern orientation of conservatory the separation distances, achieved within the site together with the existing boundary treatment, it is felt that the proposal would not cause any significant detriment to the residential amenity of neighbouring property.

## **5.0 CONCLUSION**

The design and materials are considered acceptable therefore the proposal is unlikely to detract from the character and appearance of the residential area. The neighbouring gardens are well screened and it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents. Approval is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Revised plans dated 15.08.11 (drwg no H005/01&03)
- 3 VISQ1 Matching materials

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

#### 2. INFORMATIVE:

It should be noted that the occupation of the property by up to six individuals living together as a single household would currently not require planning permission, as at the date of this permission. However, should the property be occupied by more than six people, either now or in the future (whether as a result of this development or not), then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. In those circumstances further advice should be sought from the Local Planning Authority.

#### 3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

#### Contact details:

**Author:** Sharon Jackson Development Management Assistant

**Tel No:** 01904 551359

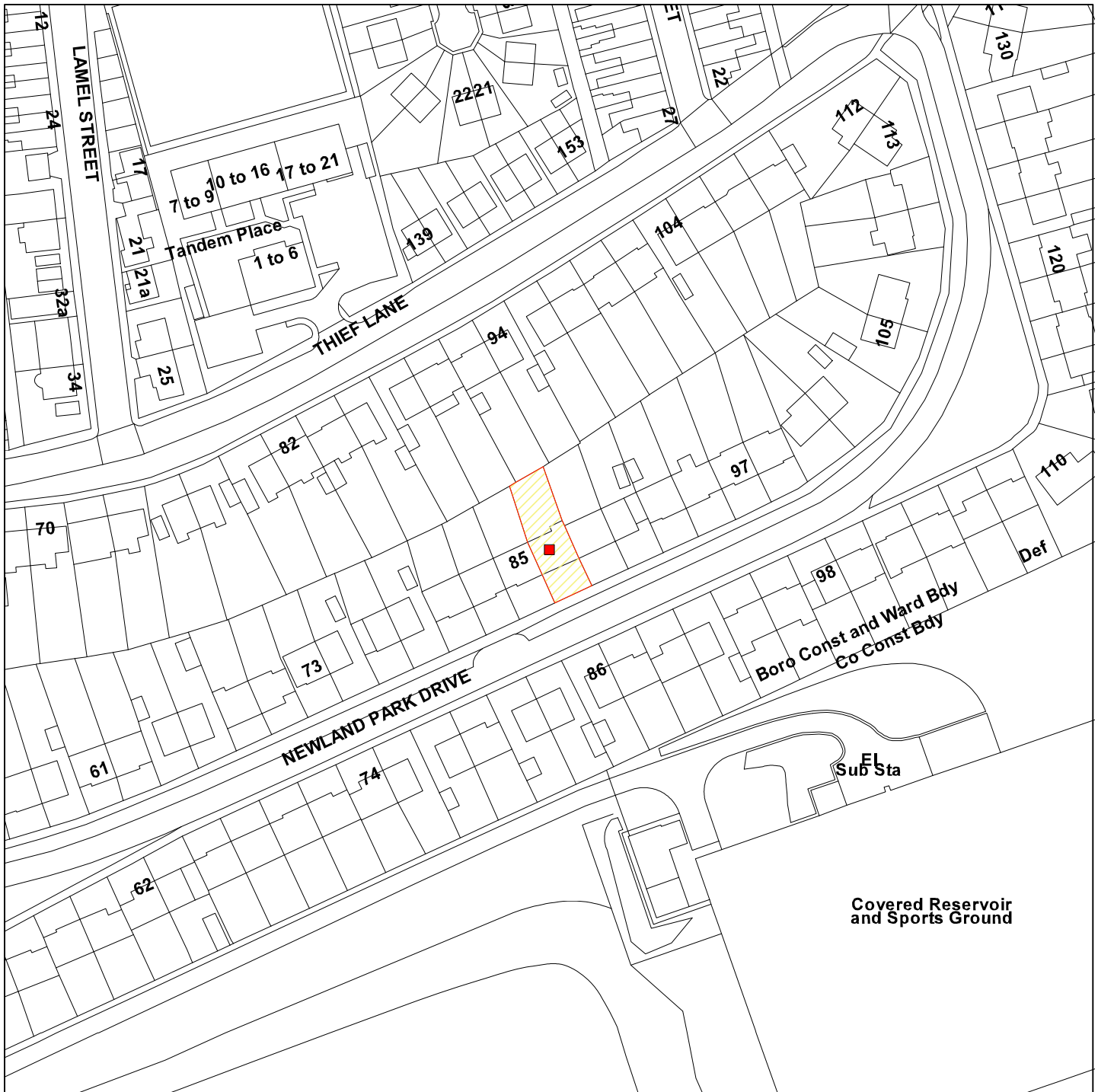


# 87 Newland Park Drive

Ref: 11/01957/FUL



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Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 8 September 2011      **Ward:** Hull Road  
**Team:** Householder and Small Scale Team      **Parish:** Hull Road Planning Panel

**Reference:** 11/01548/FUL  
**Application at:** 89 Newland Park Drive York YO10 3HR  
**For:** First floor side and single storey rear extension  
**By:** Mr Mark Harris  
**Application Type:** Full Application  
**Target Date:** 14 September 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### THE SITE

1.1 The application site consists of a traditional semi - detached hipped roof dwelling set back from the public highway and positioned within an area of similar property types. The front elevation of the dwelling incorporates projecting bay windows at both ground and first floor levels. The property hosts an integral garage which projects a modest distance beyond the rear elevation. The rear garden is of an ample size enclosed by a mixture of hedging and panelled fencing.

#### THE PROPOSAL

1.2 This application seeks planning permission to extend the dwelling at first floor level above the existing attached garage to a depth of approximately 7.5 metres. The application includes revised plans on officers' request, which have altered the design to incorporate a set down from the main ridge of approximately 400mm and a set back from the principal elevation by approximately 1.1 metres measured from the bay windows. In addition, the proposal seeks retrospective planning permission for a single storey extension across the rear elevation. It would project 2.7 m outwards from the rear of the house at one end, reducing to approximately 2.0 metres on the shared boundary.

#### PROPERTY HISTORY

1.3 Conversion of garage into habitable living space (QUERY/07/00965) - no planning permission required.

1.4 This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and concerns by Councillor Barnes on the following issues.

- combined negative impact of development at the same time within a small area, e.g. noise
- over-development of houses that are already housing a large number of students
- erosion of quality of life for neighbouring houses
- terracing of houses which is out of character with the rest of the street
- destruction of views and aesthetics for neighbours.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

### 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## **3.0 CONSULTATIONS**

Internal:

3.1 None

External:

3.2 Hull Road Planning Panel - No objections.

3.3 Neighbour responses from: 86,88,89 Newland Park Drive Objections relate to: -

- Property to be occupied by students exceeding 6 people
- Rubbish/Noise
- Loss of car parking spaces
- Loss of view.
- Loss of privacy
- Extensions on Newland Park Drive causing drainage and sewer problems

## 4.0 APPRAISAL

### 4.1 Key Issues:-

- Impact on street scene-
- Impact on neighbours.

## THE RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

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

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) 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; (c) 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; (e) 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 (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two - storey side extensions should be set down from the original roof line and set back behind the building line. Furthermore the scale of the new extension should not dominate the original building resulting in a 'terracing effect' by closing the gap between the application property and neighbouring property.

## VISUAL AMENITY

4.6 In terms of visual amenity the revised drawings submitted show that the proposed extension would now be appropriately designed with a set down from the host roof and a set back from the front wall, which provides a visual break in the

development in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. The extension would occupy the full width of the driveway up to the site boundary, adjacent to 91 Newland Park Drive. This dwelling has an attached garage situated in juxtaposition to the host garage. It is considered that the space above the adjacent garage, and the variation in building line, would reduce the impression of terracing and that in street scene terms the proposal is acceptable. The applicant intends to use materials that match the existing dwelling.

4.7 The proposed single storey extension would not be visible within the public realm.

## RESIDENTIAL AMENITY

4.8 The proposed first floor extension would abut the boundary of the adjacent dwelling at no 91 Newland Park Drive, however this property hosts a pitched roof garage on the side elevation separating the proposed extension from the main house of no 91. To the rear the land slopes down towards the gardens of Thief Lane and therefore the property is higher than those on Thief Lane. However, the application site has an ample sized garden providing good separation from these properties and therefore the extension would not significantly harm the outlook or create an over bearing, dominant impact for the residents on the shared boundary. Notwithstanding this there are already existing rear windows overlooking these properties and gardens so overlooking and privacy issues will be no more harmful than the existing arrangement.

4.8 The single storey rear extension would incorporate a mono -pitched roof reducing to approx 2.3 metres in height, and would be an adequate distance from the property at 87 Newland Park Drive from which it would be separated by a 1.8m boundary fence. Furthermore by virtue of the size, the single storey extension in isolation could be erected under permitted development, thus no planning permission would be required. It is not considered that the proposed development would have an unduly detrimental impact on the amenity of neighbouring properties.

## THIRD PARTY COMMENTS

4.10 Occupation by Students - Consultation responses from the surrounding residents mainly relate to the extension resulting in the provision of additional bedrooms to the property and occupation by students. However provided that facilities within the property such as kitchens and bathrooms are shared, and the property is occupied as a single dwelling by no more than six people, then there would be no material change of use for which planning permission would be required. The layout of the extended property incorporates six bedrooms with communal kitchen and living areas, with two bathrooms. The application before the Council is not for a conversion of the dwelling to self contained student flats; it is for an extension to a residential dwelling and has to be considered on that basis.

Should the property be occupied by more than six people, either now or in the future, then the property would be likely to fall outside the "Class C4" use class for which planning permission would be required. It is considered that this matter can be addressed by means of an informative on the decision notice.

4.11 Loss of parking: Local residents have raised concerns regarding concerns of loss of parking. However, there are no car parking restrictions on Newland Park Drive and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass.

4.12 Rubbish/Noise: Issues relating to noise, untidy land, rubbish and late night noise from students could be dealt with under separate legislation such as the Environmental Protection Unit.

4. 13 Extensions causing drainage/ sewer problems: There is no specific evidence that the proposed development would exacerbate drainage problems this situation. Drainage connections are a matter that would be dealt with under the Building regulations.

4.14 Loss of view: In terms of views into the surrounding neighbourhood, whilst it is agreed the extension would alter the views and street pattern it is however, considered that the extension reflects the design of the host dwelling maintaining the character of the existing area, thus the refusal of planning permission could not be justified

4.15 Loss of privacy/ overlooking: In terms of overlooking and loss of privacy the windows proposed would be located to the front and rear on the two storey extension, and as such would not create any additional overlooking over and above the present situation. The dwellings to the rear on Thief Lane are separated by longer than average gardens separated by extensive boundary treatment.

## **5.0 CONCLUSION**

5.1 The design and materials are considered acceptable therefore the proposal is unlikely to detract from the character and appearance of the residential area. Approval is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Revised plans dated 15.08.11 (drwg no H005/01&03

3 VISQ1 Matching materials

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

#### 2. INFORMATIVE:

It should be noted that the occupation of the property by up to six individuals living together as a single household would currently not require planning permission, as at the date of this permission. However, should the property be occupied by more than six people, either now or in the future (whether as a result of this development or not), then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. In those circumstances further advice should be sought from the Local Planning Authority.

#### 3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

#### Contact details:

**Author:** Sharon Jackson Development Management Assistant

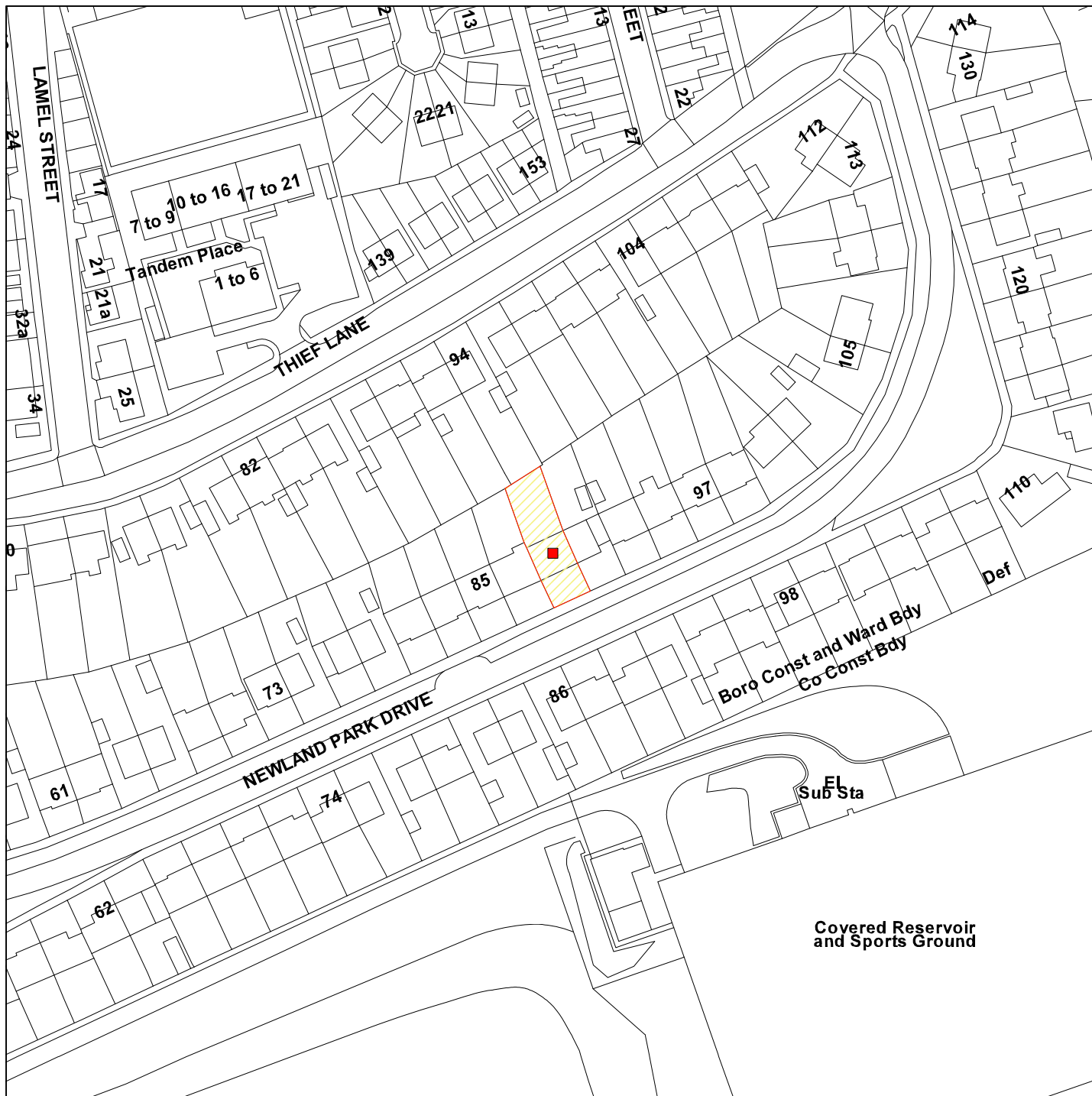
**Tel No:** 01904 551359

# 89 Newland Park Drive

Ref: 11/01548/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

**Date:** 8 September 2011      **Ward:** Hull Road  
**Team:** Householder and      **Parish:** Hull Road Planning  
Small Scale Team                      Panel

**Reference:** 11/01937/FUL  
**Application at:** 111 Newland Park Drive York YO10 3HR  
**For:** Two storey side extension and single storey rear extension  
**By:** Mr Colin Packer  
**Application Type:** Full Application  
**Target Date:** 8 September 2011  
**Recommendation:** Approve

**1.0 PROPOSAL****THE SITE**

1.1 The application site consists of a traditional semi - detached hipped roof dwelling set back from the public highway and positioned within an area of similar property types. The front elevation of the dwelling incorporates projecting bay windows at both ground and first floor levels. An existing attached garage would be demolished if the development proceeds. The rear garden is of an ample size enclosed by mature hedging exceeding 2 metres in height on the rear boundary. Along with 1.0 metres fencing on both side shared boundary, incorporating some established planting.

**THE PROPOSAL**

1.21.2 This application seeks planning permission to erect a two-storey side extension set down by approx 300mm from the existing ridge and set back from the principal elevation incorporating a forward projection at ground floor level for the purpose of a cycle and storage space. The side elevation will consist of a solid brick wall at two-storey height along the full length of the property, incorporating two windows positioned at ground and first floor level serving a utility room and secondary bedroom window. The rear elevation would provide an additional depth of approx 4.0 metres incorporating patio doors into the rear garden. An additional off street parking space would be provided incorporating a widened drive and extended dropped kerb.

1.3 No relevant Property History.

1.4 This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and concerns by Councillor Barnes on the following issues.

Application Reference Number: 11/01937/FUL

Item No: 4k

- combined negative impact of development at the same time within a small area, eg noise
- over-development of houses that are already housing a large number of students
- erosion of quality of life for neighbouring houses
- terracing of houses which is out of character with the rest of the street
- destruction of views and aesthetics for neighbours.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

### 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## **3.0 CONSULTATIONS**

Internal:

3.1 None

External:

3.2 Hull Road Planning Panel - No objections.

3.3 Neighbour responses from: A. Allanson -no address provided -email only and 110 Thief Lane. Objections relate to:

- Property to be occupied by students eroding the balance between student lets and private dwellings.
- Noise from the students
- Noise during construction.

## 4.0 APPRAISAL

### 4.1 Key issues:-

- Impact on amenity of neighbours
- Impact on street scene

## THE RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 DRAFT LOCAL PLAN POLICY CYH7 - "Residential Extensions" 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.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements 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.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two - storey side extensions should be set down from the original roof line and set back behind the building line

### 4.6 VISUAL AMENITY

The proposed extension would be set down from the main ridge, with the first floor element set back from the front wall, and would thus appear subservient in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. The design of the extension would incorporate a hipped roof, which matches the existing dwelling and would slope away from the shared boundary, reducing its massing and dominance. The applicant intends to use

materials that match the existing dwelling; therefore it is considered that the proposal would not harm the character and appearance of the street scene. The forward projection for the purpose of cycle and bin storage has been reduced in length in line with the bay window, thus incorporates a balanced design within the street scene. In terms of off street parking the single driveway would be extended to a double comprising of a distance in the region of 5.5 metres in depth to the highway. In addition the existing dropped kerb would be extended to accommodate this situation.

4.7 The extension would incorporate a hipped roof sloping away from the shared boundary, projecting a distance of approx 4.0 metres from the existing rear wall, with a total height of 4.0 metres reducing to 3.8 metres at the eaves. The extension would be set off the boundary, therefore the scale, massing and design of the extension are considered to be satisfactory.

#### 4.8 RESIDENTIAL AMENITY

The proposed extension would be located at an angle to the closest neighbour at 113 Newland Park Drive, who has a two storey side extension set away from the shared boundary separated from the application site by low level planting. In terms of loss of light it is not considered that the proposal would have any significant additional impact on the amount of sunlight entering the adjacent property, which is located to the north west. However, this property is exposed to the application site and potential loss of privacy by virtue of the existing modest boundary treatment. The applicant intends to erect a new 1.8metre high fence during construction to resolve any privacy issues resulting in the proposed development. This can be conditioned. No principal rooms or garden areas would be materially affected.

4.9 The single storey extension would contain 1x windows approx 2.9 metres from the shared boundary with the property at 109 Newland Park Drive, separated by a 1.8 metres wooden, incorporating an acceptable distance from the single storey extension. On this basis it is concluded that the adjacent neighbours on both shared boundaries would not be significantly over shadowed particularly taking into account the orientation of the properties concerned. In terms of overlooking and loss of privacy the windows proposed would be located to the front and rear on the two storey extension, as such would not create any additional overlooking than the present situation.

#### THIRD PARTY COMMENTS:

4.10 Occupation by Students - Consultation responses from the surrounding residents mainly relate to the extension resulting in the provision of additional bedrooms to the property and occupation by students. However provided that facilities within the property such as kitchens and bathrooms are shared, and the property is occupied as a single dwelling by no more than six people, then there

would be no material change of use for which planning permission would be required. The layout of the extended property incorporates six bedrooms with communal kitchen and living areas, with two bathrooms. The application before the Council is not for a conversion of the dwelling to self contained student flats; it is for an extension to a residential dwelling and has to be considered on that basis. Should the property be occupied by more than six people, either now or in the future, then the property would be likely to fall outside the "Class C4" use class for which planning permission would be required. It is considered that this matter can be addressed by means of an informative on the decision notice.

4.11 Other issues relating to late night noise from students and noise during construction are not material to this application however , could be dealt with under separate legislation such as the Environmental Protection Unit.

## **5.0 CONCLUSION**

5.1 The design and materials are considered acceptable therefore the proposal would not detract from the character and appearance of the residential area. Subject to satisfactory screening, it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents. The proposal would, therefore, comply with national planning advice in relation to design contained within Planning Policy Statement 1 ("Delivering Sustainable Development"), Policies GP1 (a and b) and H7 (a, b and e) of the City of York Draft Local Plan (April 2005), and with the Councils Supplementary Planning Guidance "A Guide to Extensions and Alterations to Private Dwelling Houses" (March 2001).

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Drwg No 111/NEW/002

3 VISQ1 Matching materials -

4 Prior to the occupation of the extension hereby approved, screen fencing of a height of 1.8 metres shall be erected along the section of the side boundary located between the proposed single storey extension and 113 Newland Park Drive.

Reason: To protect the privacy of the occupiers of the neighbouring property.

5 HWAY19 Car and cycle parking laid out -

## **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 amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

2. 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:

#### **Contact details:**

**Author:** Sharon Jackson Development Management Assistant

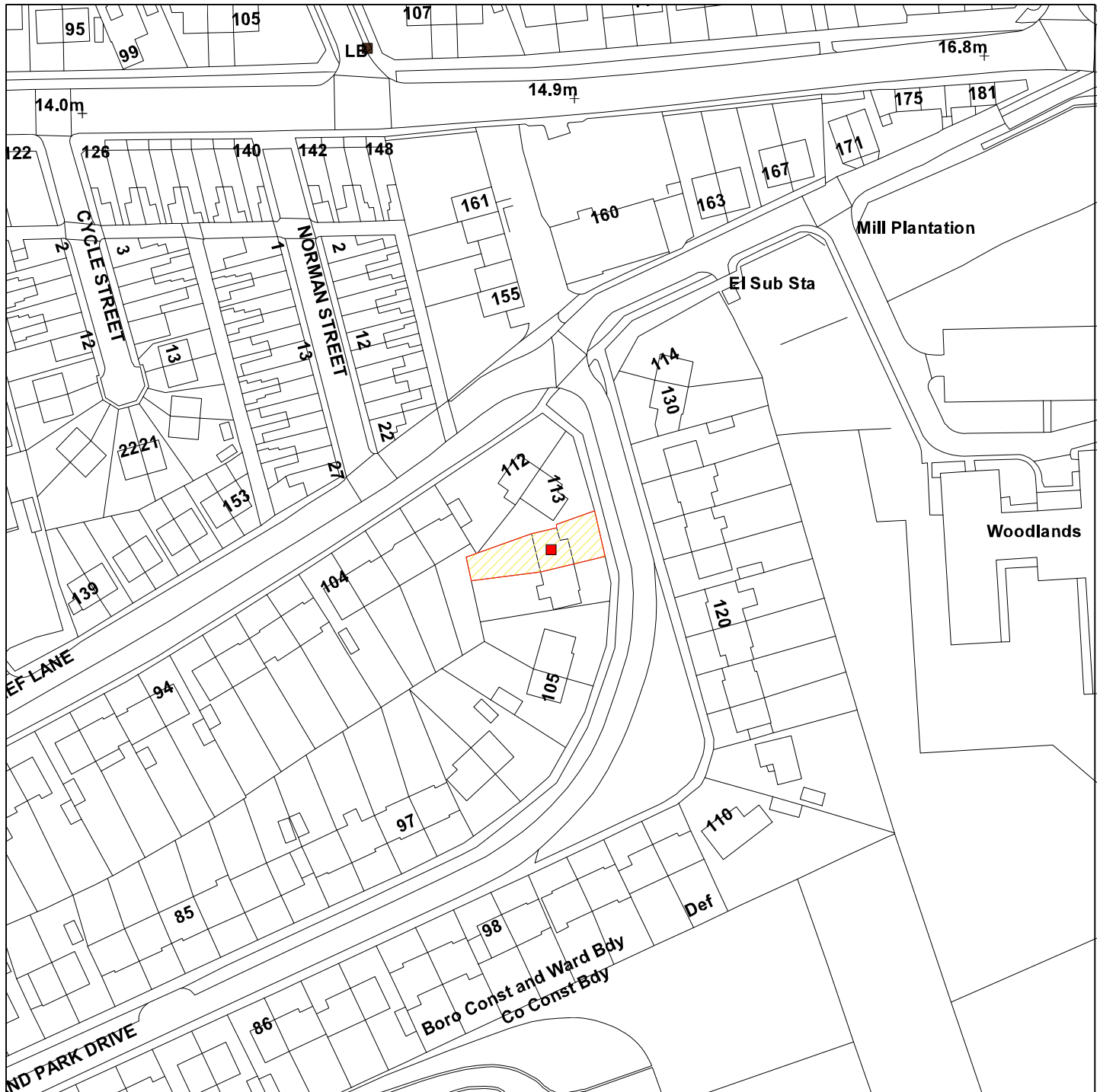
**Tel No:** 01904 551359

# 111 Newland Park Drive

Ref: 11/01937/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 8 September 2011      **Ward:** Huntington/New Earswick  
**Team:** Householder and Small Scale Team      **Parish:** Huntington Parish Council

**Reference:** 11/02134/FUL  
**Application at:** 41 Lea Way Huntington York YO32 9PE  
**For:** Garage to side  
**By:** Mr Russ Broadbent  
**Application Type:** Full Application  
**Target Date:** 30 September 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### THE SITE

1.1 The application site is a semi- detached single storey dwelling, comprising of garden areas on both front and rear elevation along with a shared side driveway and garden shed on the side boundary, enclosed by double gates. The property has been extended at the rear by a flat roof dormer window on the roof slope.

#### THE PROPOSAL

1.2 Planning permission is sought to erect a flat roof attached garage on the side drive of the host dwelling, designed with a UPVC door on the front and window on the rear elevation. The total height would not exceed approximately 2.8 metres by approximately 2.1 metres in width, set back from set back from the public highway by approx 15.5 metres. The length of the garage would be in the region of approximately 10.1, projecting from the side of the dwelling into an ample sized enclosed rear garden.

#### PLANNING HISTORY

1.3 Householder enquiries QUERY/07/00702 & QUERY/10/00683 for Erection of a single storey rear extension and flat roof dormer window. No planning permission was required.

1.4 The application is to be considered at the East Area Planning Sub - Committee because the applicant's spouse is an employee of the Council.



## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

### 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 None

### EXTERNAL

3.2 Huntington Parish Council - no objections

3.3 Neighbour Response - consultation expired 30.8.11 - no comments received.

## **4.0 APPRAISAL**

### 4.1 Key issue(s)

- Impact on amenity of neighbours
- Impact on street scene

### RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 DRAFT LOCAL PLAN POLICY CYH7 - "Residential Extensions" 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.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements 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.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that garages should reflect the style and design of the existing property.

#### DESIGN/VISUAL AMENITY

4.6 The proposed attached garage would occupy an area between the existing dwelling and the side garden boundary. The highest point of the proposal would not exceed approx 2.6 metres incorporating a flat roof. Although visually prominent on the approach, its set back from the existing front wall would assist in maintaining the building line along the street. The design and scale is appropriate to the main dwelling, and being set within an ample sized garden to accommodate the proposed length it would remain subservient to the original dwelling and would not constitute overdevelopment of the site. Thus is considered to comply with Policies GP1 and H7 of the City of York Draft Local Plan

#### RESIDENTIAL AMENITY

4.7 The closest neighbour on the shared boundary at 39 Lea Way would be separated from the application site by a 1.8 metre high fence located in north east facing rear gardens. The main body of the extension would be situated adjacent to the neighbour's detached garage on the boundary positioned to the northwest of the proposal. Because of the position of the application site, the proposal will not appear overbearing. As such the proposed garage would have little or no adverse effect on the adjacent residential property. The attached dwelling at 43 Lea Way is of a sufficient distance from the development.

## 5.0 CONCLUSION

5.1 The garage will be visible from public areas; however the proposal would not detract unduly from the character and appearance of the area. It is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents. Approval is recommended.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Drwg No 048\_AP(0) 005 \_006
- 3 VISQ1 Matching materials -

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity and living conditions of the nearby neighbours and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

### Contact details:

**Author:** Sharon Jackson Development Management Assistant

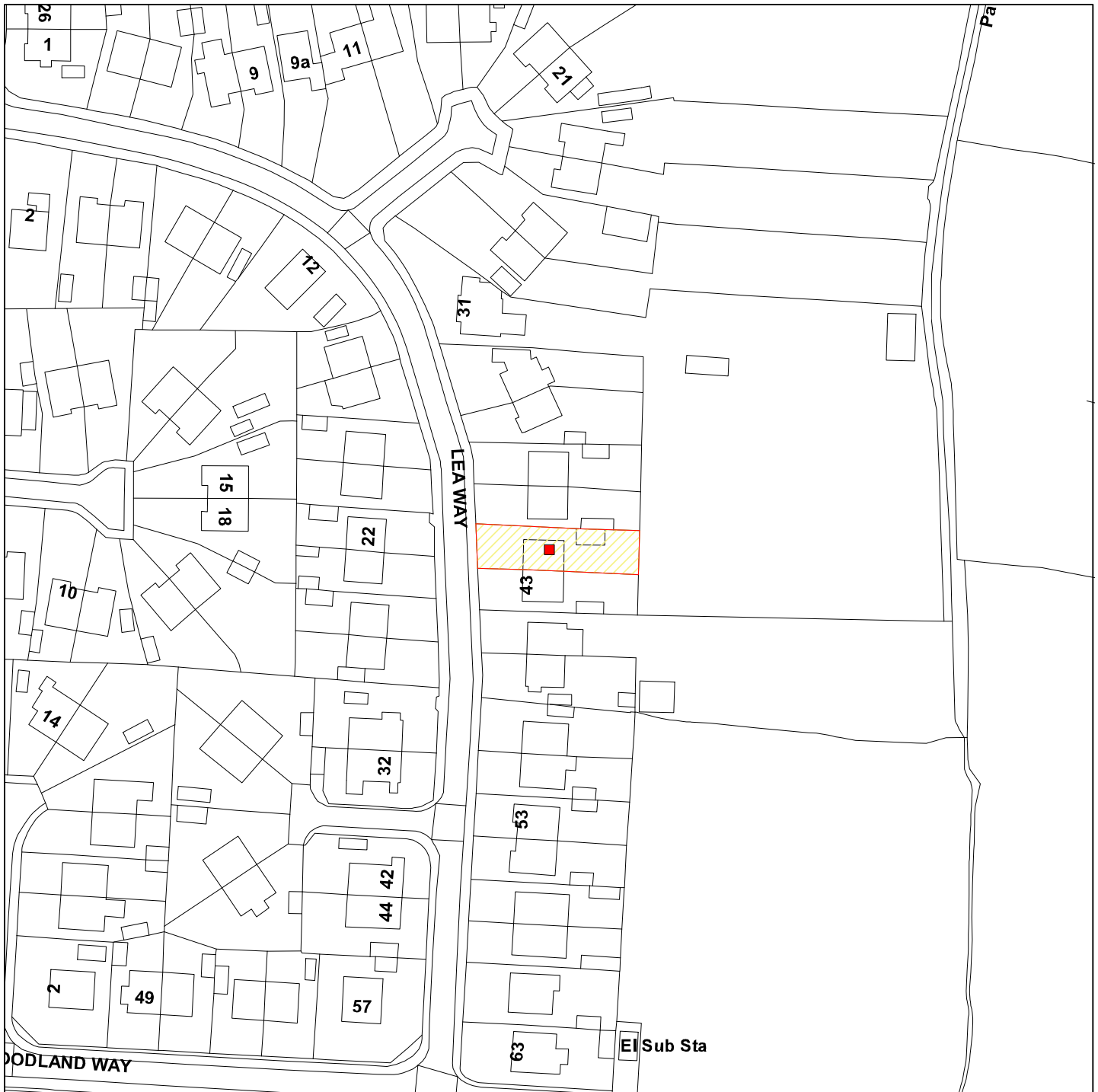
**Tel No:** 01904 551359

# 41 Lea Way

Ref: 11/02134/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 8 September 2011      **Ward:** Fishergate  
**Team:** Major and                      **Parish:** Fishergate Planning  
Commercial Team                      Panel

**Reference:** 11/01627/OUTM  
**Application at:** Kent Street Coach Park Kent Street York  
**For:** Erection of fire station with training tower and associated  
facilities following demolition of disused toilet block  
**By:** North Yorkshire Fire And Rescue Service  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 23 September 2011  
**Recommendation:** Approve

**1.0 PROPOSAL****APPLICATION SITE**

1.1 The application relates to the former Kent Street car and coach park which is located opposite the rear of the Barbican. The application site also includes a former public toilet block and there is a footpath which leads to the end of Escrick Street/Fishergate School car park along the east side of the site. The coach park and the w/c facilities are no longer in use. The footpath is presently closed (locked by the school). The site is within the City Centre Area of Archaeological Importance.

1.2 Surrounding the site there is a multi-level car park to the east which shares a vehicle access with the application site, Barbican Court, a 3-storey residential building to the west, and a single storey warehouse building and 3-storey houses/flats along Escrick Street to the south.

**SITE HISTORY**

1.3 There have been two unimplemented planning permissions for the site:

- Outline Planning Permission was granted for a community swimming pool in 2004 (03/04082/GRG4), as part of the overall redevelopment of the Barbican site. The associated legal agreement required the developers to make a financial contribution towards the provision of coach parking, and an alternative location in the city was to be provided by the Council. The pool was not developed and instead money was secured to contribute to equivalent leisure facilities in the city.

- Planning permission was granted in 2008 (08/00871/FULM) for a hotel building that would be 4-storey to the front and 2-storey at the south end.

## PROPOSAL

1.4 This application is for outline planning permission for a fire station, to replace the facility presently at Clifford Street. The proposed access and scale of the building(s) are detailed in the application. The specific layout, appearance and landscaping of the site and building design would be submitted at a later date as reserved matters application(s).

1.5 The proposed main building would be 2-storey, with a single storey aspect to the east side which would house the fire engines/tenders. The area to the east of the site would continue to provide access to the adjacent car park, and allow fire tenders to enter the fire station and leave site in a forward gear. Car parking would be situated toward the west side of the site and there would be a training yard/facility at the south end of the site, east of the adjacent warehouse building. The training facility would include a drill tower and a single storey building that would be used for storage.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: Fishergate Primary 0197

Schools GMS Constraints: St. George's RC Primary 0225

### 2.2 Policies:

CYGP1  
Design

CYNE1  
Trees, woodlands, hedgerows

CYHE10  
Archaeology

CYGP4  
Environmental sustainability

CYT4

Cycle parking standards

CYGP6

Contaminated land

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Design Conservation and Sustainable Development Archaeology - No objection. Recommend conditions to deal with archaeological issues as the site lies in the Area of Archaeological Importance and is a site of archaeological interest. The main significance of the archaeology of the site is of Roman date, which is covered by a significant depth of later, less significant, agricultural deposits.

3.2 The applicant is exploring foundation methods that will limit the impact of the development so that it affects the less significant agricultural deposits. This degree of impact can be dealt with through an archaeological watching brief. However, some disturbance to the Roman deposits may be caused through the drill tower foundations, drainage, and sewage and water attenuation storage tanks. It is also possible that a piled foundation system may have to be used and that this will have an impact on the significant Roman deposits. An archaeological excavation will be required where it is likely that the Roman features and deposits will be disturbed or destroyed.

3.3 Drainage Engineers - The following information will be required to assess flood risk to adjacent properties and surface water run-off:-

- Details of the proposed surfacing and a topographical survey to show the development would not be raised above the level of the adjacent land.

- Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available. In agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate. The final method for achieving the reduction in surface water run-off needs to be agreed.

3.4 Environmental Protection Unit - Officers have commented on the noise associated with the operations onsite and land contamination. Conditions have been suggested to mitigate the impact of the development.

3.5 In terms of noise generating activities proposed:-

- Routine testing: No objection provided the testing is conditioned to take place indoors with doors and windows shut.

- Training: Sound predictions show noise levels will exceed the current background noise levels at the properties to the south on Escrick Street, with levels being up to 12dB higher than background during the daytime and 16dB higher during the evening. Whilst it is understood there is no amenity area at the rear of the properties (the area is used for parking) officers have concerns that the elevated level could affect amenity inside the dwellings. The predicted noise levels are based upon an average over a one hour period, whereas the noisy aspects of the training last up to 15 minutes. By revising the submitted levels to calculate noise levels for that 15 minute period, results show that facade levels on Escrick Street are as high as 63dB(A) at second floor level where background noise levels are normally 45dB(A), an increase of 18dB. With a rear window open internal noise levels could exceed 48dB(A) for the 15 minute period of training. Officers consider the impact on residents would not be unacceptable, provided the hours of training are restricted.

- Specialised Training: In the evening noise levels would be excessive. Since these events are only anticipated on taking place one a month for a period of 15 minutes officers are content that the noise levels will not cause loss of amenity provided the specialised training is restricted to the hours of 08:00 to 18:00 on Monday to Friday with no more than one training session each month.

3.6 Contamination - The ground investigation report submitted with this application reviews desktop information and site investigation data from 2007. The 2007 investigation revealed elevated levels of lead, benzo(a)pyrene and carbon dioxide gas. Contaminant levels (particularly ground gases) may have changed since 2007, so officers recommend that additional site investigation work is undertaken. Work can be secured as conditions of approval but would need to occur prior to development.

3.7 Highway Network Management - no objection. Kent Street is already subject to no waiting restrictions and these would be supplemented by Keep Clear markings over the frontage forecourt to facilitate emergency call-outs. An existing bus stop will need to be relocated further east along Kent Street as part of the development and the costs are to be borne by the developer. Such matters as signing, refuse storage, footway works and access construction will be discussed and agreed at the Reserved Matters stage.

## EXTERNAL

3.8 York Civic Trust - Asks for more information of the appliances and drill tower to assess the impact on the flats in Escrick Street.



3.9 Prior to submission of the application a community engagement event was held at Fishergate Primary School. The comments at the event were as follows:

- Recognition of need for the facility.
- Suggestions that the children of Fishergate School be involved with the archaeology.
- Concern with noise due to fire tenders leaving the site.

3.10 The deadline for comments to the Local Planning Authority was 3.8.2011. The application was publicised by Press and site notices, and neighbour notification letters. No written representations have been made.

## **4.0 APPRAISAL**

### **4.1 Key Issues:-**

- Principle of the proposed development
- Impact on the amenity of surrounding occupants
- Design
- Sustainable construction
- Drainage
- Highway network management
- Archaeology

### **PRINCIPLE OF THE PROPOSED DEVELOPMENT**

4.2 Policy T12 of the Local Plan states planning permission will not be granted for development, which would result in the loss of existing off street coach and lorry parking without the provision of suitable alternative sites.

4.3 The site is within the city centre as defined in the Local Plan, but is not allocated for any specific use class. It was last used as a coach park and accommodates a public w/c but these are redundant. Alternative coach parking has been provided at the St Georges Field car park. Overall there is no conflict with planning policy with regards the proposed development in principle.

### **IMPACT ON THE AMENITY OF SURROUNDING OCCUPANTS**

4.4 Policy GP1 of the Local Plan seeks to protect residential amenity through ensuring development has no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.5 National policy regarding noise disturbance is established in PPG24: Planning and Noise. PPG24 recommends acceptable noise levels for residential uses. During the daytime (07:00 to 23:00) reasonable noise levels within living rooms are

between 30 - 40 dB. PPG24 advises it is important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Local planning authorities (LPA's) should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations. PPG24 adds that much of the development which is necessary for the construction of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, LPA's must ensure that development does not cause an unacceptable degree of disturbance. The world health organization (WHO) advises that noise above 55dB is likely to cause 'serious annoyance'.

4.6 The proposed use would involve daily testing of equipment and training activities, similar to what presently occurs at Acomb Fire Station. The applicants advise that noise associated with these events would be as follows:

- Equipment testing at the beginning of each shift (at 06:00 and 18:00). The testing can occur indoors and would thus not be audible at the nearest residential properties.

- Basic training. Can be up to an hour in duration and occur 3-5 times a week. Predominantly training occurs in the morning although 20% of sessions occur in the evening shift (no later than 21:30). The training involves use of the water pumps, for no more than 15 minutes. Noise levels during this period would exceed 55dB (although by no more than 2dB) outside the upper floor level of the flats on Escrick Street.

- Specialised training. These activities occur up to 16 times per year. They require a generator to power cutting equipment and fans, which would last for 15 minutes. Noise levels at Escrick Street and at Kent Street (the latter where residential units have been granted planning permission) would exceed 55dB during the 15 minute period. 62dB outside the upper floor level of the flats on Kent Street would be the highest noise level.

4.7 The training which would occur on site would generate noise in excess of the existing ambient noise levels and cause some disturbance. The noise levels given are external. To ascertain the internal level the envelope of a building, which will provide an amount of noise reduction, needs to be considered, in particular in this case as the surrounding residential buildings are flats without private gardens. When windows are open internal noise levels will be around 13dB lower than external levels. Closed windows with single glazing can reduce noise levels by around 28dB.

4.8 If windows were open internal noise levels would exceed 40dB, which PPG24 advises is an unreasonable noise level, at Kent Street and Escrick Street during the training sessions (for the 15 minute periods when specialist equipment is

charged/used). With windows closed internal noise levels would be under 40dB at all sensitive locations.

4.9 In summary the disturbance as a consequence of staff training would only occur for 15 minute periods and on no more than 5 occasions each week. This can be secured through a condition, including controlling the times to within the timeframe of 07:00 to 21:30 for basic training and between 09:00 and 18:00 weekdays for specialist training. On this basis it is deemed the amount of disturbance would not be unacceptable.

4.10 The use of sirens and subsequent disturbance was raised at pre- application stage at the community meeting. To ascertain the impact on the locality, vehicle routes have been estimated using previous call history recording. The majority of turnouts will be in the city centre, or areas of York that are accessed via the city centre. The Fulford (i.e. toward Fishergate) route only provides access to a limited area of York and Selby. York appliances are only required to attend Selby on rare occasions, as Selby has its own Fire Station. The overall anticipated number of turnouts is around 5 calls per day, 4 between 07:00 - 22:00 and 1 between 22:00 - 07:00. The fire service anticipates sirens are unlikely to be used after 22:00 due to the relatively low traffic flows on Kent Street and Fawcett Street. In addition the Road Traffic Act and guidance issued under the Highway Code restricts the use of audible warning devices between the hours of 23:30 and 07:00 except for the most deserving of circumstances, such as preventing an accident. Sirens are used at driver discretion. They do tend to be used at junctions, where they offer greater warning than lights. It is likely the use of sirens will only be necessary when fire tenders reach either Fishergate or the inner ring road, routes which are already used by fire tenders responding to calls from the Clifford Street site.

4.11 In conclusion, the proposed use is the type which PPG24 recognises as essential infrastructure, which can generate a degree of disturbance. However officers consider that noise from sirens on fire tenders would not be materially different from the existing situation, and the impact on surrounding occupants would not be unacceptable.

## DESIGN

4.12 Policy GP1 of the Local Plan refers to design, for all types of development. GP1 states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage

4.13 Apart from the proposed vehicle access points and the footprint and height of the proposed buildings the application is in outline form only; the detailed design of the buildings and landscaping of the site are elements of the overall scheme which would be submitted as reserved matters. It is though a requirement that the outline application includes indicative details of the site layout.

4.14 Two access points are proposed. An access at the east side would be used by fire tenders entering the fire station and vehicles accessing the adjacent Q car park. Fire engines would leave the site directly, so there would be no conflict with traffic using the car park. On the opposite side of the proposed fire station building there would be a second access to the site car park.

4.15 The proposed building would be T-shaped, part single storey on its east side where fire tenders would be stored, 2-storey on the west side of the building. The training yard is shown at the south end of the site. This would include a 13.2m high drill tower and a single storey building to store equipment. The training area would be 24m by 14m in area.

4.16 The plans have been revised so one of the mature trees onsite (to the east of the existing toilet block) will be retained and the front building line has been dragged back slightly, so the building would be at least 3m from the footpath. As such the building line would follow that of the car park building, which although staggered, is consistently setback from the footpath. The main building would be of appropriate massing, the mix of 1 and 2 storey providing a transition between the car park building to the east and Barbican Court to the west (which is 3-storey). The building would be around 18.5m from the elevation of Barbican Court which overlooks the site. As such the proposed building would not be overbearing and would not lead to a loss of light. The drill tower would be located behind the building; it would be no more than 13.2m tall and around 4 sq m. In comparison the ridge level of Barbican Court is 9m. Public views from Kent Street and Fenwick Street would be distant, the tower being around 50m away and partially screened by intervening buildings. The tower would not appear unduly prominent due to its scale/bulk and location and the presence of surrounding buildings.

4.17 It is envisaged bins will be stored behind the proposed building. Details of the location and design of any enclosure, to control appearance, can be secured by condition.

## SUSTAINABLE CONSTRUCTION

4.18 It is a requirement of policy GP4a of the Local Plan that a sustainability statement accompanies applications. The proposed development should meet the requirements of the council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. For developments such as this the

documents asks that proposals achieve at least a BREEAM very good rating, and that at least 10% of on-site energy demand is provided by on site renewable sources.

4.19 A BREEAM bespoke assessment would apply to the proposed building. A very good rating can still be achieved and this can be secured as a condition of approval. It is expected that the 10% on-site renewable energy expectation will be achieved through adding panels to the roof of the building. The requirement can be secured through a condition.

## DRAINAGE

4.20 Policy GP15a asks that development does not increase flood risk elsewhere. This can be achieved by not increasing surface water run-off, which is a requirement of York's Strategic Flood Risk Assessment, which goes further than GP15a and asks that developments reduce flood risk. The site is not in an area where the risk of flooding is high.

4.21 Flood risk can be reduced through controlling surface water run-off. A reduction in surface water run-off (70% of the existing rate is desirable) can be achieved by installation of an underground storage tank. The design/location of the storage tank would need to be agreed due to the presence of archaeological remains over 1.5m below the surface. However this is achievable and a suitable condition can secure preservation of archaeology. Sustainable drainage can also be incorporated through additional soft landscaping (to the front of the main building and where it is proposed to retain one of the aforementioned trees), and permeable paving can be introduced.

## HIGHWAY IMPACT

4.22 T4 - requires cycle parking to be provided in all new developments in accordance with local plan standards. Staff cycle parking is expected to be covered and secure.

4.23 The access and egress arrangements for fire tenders necessitates the relocation of the bus stop on Kent Street. There is alternative space to accommodate the stop elsewhere on Kent Street. The applicants would fund the change. The access would not compromise the access arrangements for the Q car park. Overall the scheme would not have an adverse effect on highway safety.

4.24 The access and egress arrangements for fire tenders negates the relocation of the bus stop on Kent Street. There is alternative space to accommodate the stop elsewhere on Kent Street. The applicants would fund the change. The access would not compromise the access arrangements for the Q car park. Overall the scheme would not have an adverse effect on highway safety.

## ARCHAEOLOGY

4.25 Policy HE10 of the Local Plan requires development which involves the disturbance of existing ground levels within the area of archaeological importance to be subject to a field evaluation to assess the extent and importance of any remains and requires applicants to demonstrate that less than 5% of any deposits would be disturbed or destroyed. Also where physical preservation in situ is not possible, provision must be made for a professional excavation and recording of the archaeology in accordance with an agreed scheme.

4.26 A watching brief and scheme of investigation will be secured as a condition of outline consent. Investigations carried out to date show historic remains at and below 11.8 AOD. As such ground works which go further than 1.5m underground will affect archaeological remains. A condition is proposed which requires a method for excavation of disturbed archaeology at and below 11.8 AOD, this would allow the scheme to comply with policy HE10.

## 5.0 CONCLUSION

5.1 The proposed development would be of acceptable appearance (based on the proposed massing and indicative layout) and the site would operate in accordance with the council's sustainable design and construction targets. The buildings themselves would not harm the amenity of surrounding occupants and it is deemed that noise as a consequence of the nature of the proposed use would not be unacceptable. Through conditions archaeology can be protected and any increase in flood risk avoided. Overall the scheme is deemed to be compliant with policy and it is recommended outline planning permission be granted.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 Application for approval of the reserved matters (appearance, landscaping and layout) shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

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

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

AL 0 002 F site parameters plan

AL 0 003D site layout

Scott Wilson drawing D128581 SK 01C access arrangement

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

3 The development hereby approved shall achieve at least a BREEAM rating of very good or equivalent.

Prior to occupation of the building hereby approved a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building shall be submitted to the Local Planning Authority, followed by a BREEAM Post Construction review. All assessments shall confirm the minimum 'Very Good' rating, or equivalent, be agreed to in writing by the Local Planning Authority and the development implemented accordingly.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

4 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide at least 10% of the predicted energy requirements from on-site renewable resources. The development shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

5 Staff training and equipment testing

The routing (daily) testing of equipment shall take place within the building hereby approved with windows and doors closed.

Training activities

The routing training shall occur in accordance with the acoustic briefing note dated 18.8.2011 (specifically pumps used for no more than 15 minutes in each training session) and shall not occur after 22:00 hours each day of the week.

The specialised training shall occur no more than on one occasion each calendar month and only between the hours of 09:00 and 18:00 Mondays to Fridays. The

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training activities shall occur in accordance with the acoustic briefing note dated 18.8.2011 (specifically pressure fan, cutting equipment and generator used for no more than 15 minutes in each training session).

Reason: In the interests of the amenity of surrounding occupants, in particular residents of the dwellings on Escrick Street.

6 The trees shown as retained on drawing AL(0)002F (Site parameters plan) shall be protected to British Standard: Trees in relation to Construction (B.S. 5837 2005).

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and finalised construction details for the any walls and paving shall also be included. The development shall be implemented in accordance with the approved statement.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area.

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. The details shall include the following:

- Existing and proposed ground levels and drainage routes.
- Peak surface water run-off from the development attenuated to 70% of the existing rate, in accordance with a scheme to reduce run-off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run-off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

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Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

8 Archaeological scheme of investigation

No development shall commence until a written Archaeological Scheme of Investigation which will set out (a) areas where an archaeological excavation will take place (b) areas where an archaeological watching brief will take place and (c) a methods statement for the excavation, watching brief, post-excavation analysis, publication and archive deposition, and community access and involvement has been approved in writing by the Local Planning Authority. The scheme will commence in accordance with the approved details thereafter.

Prior to first use of the development hereby approved a publication report on the archaeological project and details of where the report will be published shall be approved in writing by the Local Planning Authority.

Reason: As the site is of archaeological interest and contains significant heritage assets, and as the results of the archaeological project must be published to secure public benefit from the project.

9 No development shall commence until the applicant has (a) submitted a method statement detailing all sub-surface disturbances and which where practical limits the impact of these elements to 11.8mAOD or higher within the redline boundary of the site, and (b) a methodology for the archaeological excavation of deposits which will be disturbed below 11.8mAOD where (a) above is impractical. Such details shall be submitted to and approved in writing by the Local Planning Authority and the works carried out accordingly.

Reason: The site lies within an Area of Archaeological Importance and this development will have an effect on nationally important archaeological deposits which are preserved within the site

10 VISQ8 Samples of exterior materials to be app -

11 VISQ7 Sample panel ext materials to be approv -

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted (to include replacement tree planting for the trees to be removed), trees to be retained, all surfacing materials and location/design of the bin store. This scheme shall be implemented within a period of six months of the

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

Reason: In the interests of visual amenity and compensate for the loss of trees on the site, in accordance with policies GP1 and NE1 of the Local Plan.

13 Prior to the development commencing details of secure cycle storage/parking facilities (including means of enclosure for staff spaces) shall be approved in writing by the Local Planning Authority. The cycle stores shall be at least 1.8 metres by 1 metre and there shall be at least 12 spaces provided.

The building shall not be brought into use until the cycle parking has been provided in accordance with the approved details, and these areas shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan.

14 Details of the items listed below shall be approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

a) All external lighting, to include location, design and lightspill (lux levels) of lighting.

b) All boundary treatment (to be specified as new or retention of existing).

Reason: In the interests of visual and residential amenity

15 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be approved in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings produced. The written report

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shall be approved in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of

commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 16 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the contamination condition, and where remediation is necessary a remediation scheme must be prepared and approved in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing of the Local Planning Authority in accordance with the contamination condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 The development hereby permitted shall not come into use 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 the approved plans, or arrangements entered into which ensure the same.

- Relocation of existing bus stop on Kent Street

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

## **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 development in principle, the impact on the amenity of surrounding occupants, the impact on the appearance of the area, flood risk, highway safety and archaeology.

As such the proposal complies with Policies GP1, GP4, GP6, NE1, HE10, and T4 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

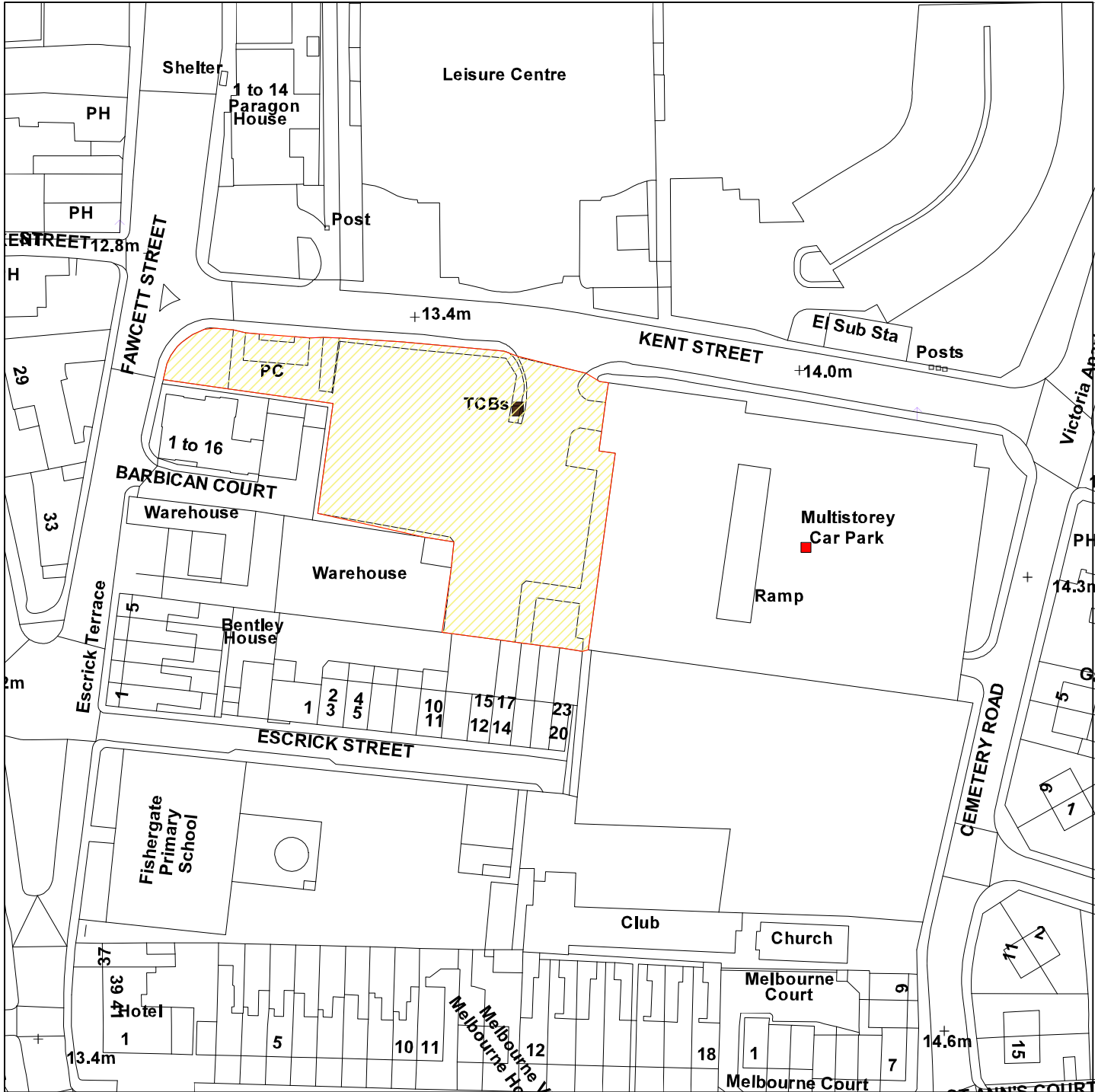
**Tel No:** 01904 551323

# Kent Street Former Coach Park

Ref: 11/01627/OUTM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	30 August 2011
<b>SLA Number</b>	Not Set



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<b>East Area Planning Sub Committee</b>	8 <sup>th</sup> September 2011
<b>West and City Centre Area Planning Sub Committee</b>	15 <sup>th</sup> September 2011
<b>Planning Committee</b>	22 <sup>nd</sup> September 2011

## **Appeals Performance and Decision Summaries**

### **Summary**

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30th June 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 30<sup>th</sup> August 2011 is also included.

### **Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total for the 3 and 12 month periods to 30th June .

**Fig 1: Appeals Decided by the Planning Inspectorate  
For 3 months and Year to 30<sup>th</sup> June 2011**

	3 Months			12 Months		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	3	2	5	10	6	16
Part Allowed	0	0	0	1	3	4
Dismissed	5	5	10	20	20	40
Total Decided	8	7	15	31	29	60
<b>% Allowed</b>	<b>37.5</b>	<b>28.57</b>	<b>33.33</b>	<b>32.26</b>	<b>20.68</b>	<b>26.67</b>
% Part Allowed	0	0	0	3.22	10.34	6.67
Withdrawn	1	0	1	1	0	1

### Analysis

- 4 The table shows that for the 3 months to 30<sup>th</sup> June 2011, a total of 15 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 5 were allowed. At 33.33%, this rate of appeals allowed is at the national average, and higher than the 21.05%, for the previously reported 3 month period.
- 5 For the 12 months up to 30<sup>th</sup> June 2011, CYC performance was 26.67% allowed, again higher than the previously reported 12 month period of 23.33% but still below the national average.
- 6 The summaries of appeals determined in the 3 months to 30<sup>th</sup> June 2011 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 6 of the appeals determined related to applications refused by Committee:-



**Figure 2: Applications Refused by Committee**

Reference	Site	Proposal	Outcome	Officer Rec.
10/01871/FUL	62 Brockfield Park Drive	Shop (A1) to takeaway (A5)	Dismissed	Approve
10/01688/ADV	1 Peckitt Street	Lettering Sign	Dismissed	Refuse
10/01689/LBC	1 Peckitt Street	Lettering Sign	Dismissed	Refuse
10/02096/FULM	156B Haxby Road	Residential development	Allowed with costs	Approve
10/02529/FUL	124 Heslington Lane	Extensions to bungalow	Dismissed	Approve
10/01521/FUL	24 Hull Rd.	Dwelling (C3) to offices (C2)	Allowed	Approve

- 7 The list of current appeals is attached at Annex B. There are 12 appeals lodged with the Planning Inspectorate, 5 in the East Sub Committee area and 7 in West and City Centre Sub Committee area. 11 are proposed to be dealt with by the Written Representation process (W) and 1 (North Selby Mine Enforcement Notice Appeal) by Public Inquiry (P) .

### **Consultation**

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

### **Corporate Objectives**

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

### **Implications**

- 10 Financial – There are no financial implications directly arising from the report.

- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

**Risk Management**

- 14 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

**Recommendation**

- 15 That Members note the content of this report.

**Contact Details**

**Author:**

Jonathan Carr,  
Head of Development  
Management,  
Directorate of City Strategy

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Planning &  
Sustainable Development, Directorate of  
City Strategy

01904 551303

**Report  
Approved**



**Date** 30<sup>th</sup> August  
2011

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

**For further information please contact the author of the report**

**Annexes**

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> April and 30<sup>th</sup> June 2011**

**Annex B – Outstanding Appeals to 30<sup>th</sup> August 2011**

**Appeal Summaries for Cases Determined 01/04/2011 to 30/06/2011**

**Application No:** 10/00586/FUL  
**Appeal by:** Mr And Mrs J Peel  
**Proposal:** Change of use of buildings/land for travelling showpeople's site for one family  
**Address:** The Stables Elvington Lane Elvington York

**Decision Level:** DEL

**Outcome:** DISMIS

Summary of Decision  
Against the proposal: The use would be inappropriate development in the green belt, would erode openness and would conflict with the purposes of the green belt. Also it would have a modest harmful effect on the character and appearance of the locality.  
In favour of the proposal: There is a clear need for showmens plots in the York area. No sites have been identified to date and it is likely to be at least two years before suitable alternative sites will be identified as part of the LDF. The appellants have special health and educational needs and are currently living in unsatisfactory circumstances in the car park of a social club. The proposal would not be unacceptably harmful to the living conditions of neighbours.  
On balance the substantial harm to the objectives of the green belt is not outweighed by the other considerations, which do not amount to very special circumstances. Nevertheless, given the current lack of sites and the potential for sites to be allocated as part of the LDF, a temporary (5-year) permission, personal to the appellants, is acceptable. The case is so finely balanced so that only the second application, which has slightly less harm to the green belt than the first application, is allowed.  
Kevin O'Connell 29/6/11

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**Application No:** 10/01521/FUL  
**Appeal by:** Mr Robert MacMahon  
**Proposal:** Change of use from dwelling (use class C3) to offices (use class A2), alterations to access  
**Address:** 24 Hull Road York YO10 3JG

**Decision Level:** CMV

**Outcome:** ALLOW

The application was for the change of use of a three bedroomed semi-detached dwelling to a Letting Office. The site is between a petrol filling station and car wash and the dairy site which has recently gained planning permission for student accommodation. To the rear of the site is Devon Place which is a street of semi-detached dwellings. Opposite the site on Hull Road is a parade of shops and takeaway units. The application was recommended for approval by Officers; however the application was overturned at Committee. The grounds for refusal were the loss of a family sized dwelling on the existing and future housing stock and as such was contrary to Policy H9 and the Strategic Housing Market Assessment (SHMA) 2007. The appeal was allowed. The Inspector noted that in the 2010 Annual Monitoring Report that the majority of completions were for 1 - 2 bedroomed properties, and as such clearly falls short of the targets of the SHMA. However the Inspector stated that the SHMA was a strategic document and does not deal specifically with the loss of a single dwelling. Given the small scale nature of the development the Inspector considered that the loss of a dwelling did not materially harm the objective of Policy H9, as the Policy takes into account individual site circumstances and the character of uses in the surrounding area. The Inspector considered that the dwelling would have limited appeal as a family residence, and noted that the dwelling has been marketed for 6 months with little interest. The Inspector did not consider there would be any traffic or parking issues caused by the proposed letting office. At the committee meeting the appellant had tried to alter the application by removing the hours of use/operation they requested in their application, this had also been requested during the appeal. The Inspector restricted the hours of use of the site as to those requested by the Council to safeguard the amenity of the surrounding residents.

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**Application No:** 10/01688/ADV  
**Appeal by:** Mr Gordon Gildener  
**Proposal:** Display of 1no. lettering sign  
**Address:** Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF  
**Decision Level:** CMV  
**Outcome:** DISMIS

The application sought to display an individual lettering sign measuring 1200mm high and 2500mm wide with a depth of 25mm which would project 50mm from the face of the building. The sign would have read "Richardson Gildener Solicitors", constructed in MDF with 24ct gold leaf applied to the faces and returns of the lettering. It would have been in the centre of the two buildings on a prominent corner at first floor level. The application was refused as it was felt that the proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. The scale and location of the signage would detract from the domestic, residential character of the listed buildings which would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance. The Inspector stated The proposed advertisement is restrained and modest, but it would be located on the corner of the building and would be in a prominent position. It would, most importantly, be above the projecting sill band where only two small security alarm boxes intrude upon the otherwise original frontages of the building. This virtually original appearance of the building, irrespective of its use, was he concluded worthy of preservation.

---

**Application No:** 10/01689/LBC  
**Appeal by:** Mr Gordon Gildener  
**Proposal:** Display of 1no. lettering sign  
**Address:** Bailey And Gildeners Solicitors 1 Peckitt Street York YO1 9SF  
**Decision Level:** CMV  
**Outcome:** DISMIS

The application sought to display an individual lettering sign measuring 1200mm high and 2500mm wide with a depth of 25mm which would project 50mm from the face of the building. The sign would have read "Richardson Gildener Solicitors", constructed in MDF with 24ct gold leaf applied to the faces and returns of the lettering. It would have been in the centre of the two buildings on a prominent corner at first floor level. The application was refused as it was felt that the proposed high-level signage would be intrusive in views, particularly of the Clifford's Tower and the associated monument. The scale and location of the signage would detract from the domestic, residential character of the listed buildings which would change the character of the area and detract from the historic quality of the setting of designated assets of the highest significance. The Inspector stated The proposed advertisement is restrained and modest, but it would be located on the corner of the building and would be in a prominent position. It would, most importantly, be above the projecting sill band where only two small security alarm boxes intrude upon the otherwise original frontages of the building. This virtually original appearance of the building, irrespective of its use, was he concluded worthy of preservation.

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**Application No:** 10/01871/FUL  
**Appeal by:** Mr I Harman  
**Proposal:** Change of use from retail (use class A1) to hot food takeaway (use class A5) and provision of external extract flue  
**Address:** 62 Brockfield Park Drive Huntington York YO31 9ER

**Decision Level:** CMV

**Outcome:** DISMIS

The appeal was against the refusal of a take away. The application had been supported by officers and overturned by committee. The reason for refusal related to the detrimental impact on the amenities of surrounding residents by virtue of an accumulation of noise, traffic, litter, odour, and anti-social behaviour which would detract from the quiet enjoyment and amenity of their homes. This was considered contrary to policy S6. The Inspector accepted that many of the movements associated with a take away would be similar to other shop uses the differences being the opening hours (to 22:00) and the cooking smells. In terms of noise and disturbance as a result of the opening hours the Inspector considered that as PPS24 refers to 23:00 as the time people will normally be asleep, noise should have died down by this time. In terms of odour the Inspector considered that for the residential amenity of adjacent occupiers it is vital that odours from food preparation and cooking would be adequately treated. The Inspector concluded that the ventilation report supporting the application included significant caveats about both suggested methods of control, based on the unknown nature of the proposed catering equipment, the type of building and the potentially prohibitive cost. The degree of uncertainty did not provide confidence that a satisfactory solution could be achieved which could also be properly maintained at reasonable cost. The Inspector considered that the final design of extraction equipment would have a significant bearing on the external appearance of the premises. Furthermore the Inspector said although not a reason for refusal of the application, the Council's statement raises concerns about the appearance of the proposed flue. I agree that the flue, which would be on prominent view, would be an unattractive addition to the street scene. The appeal was dismissed.

---

**Application No:** 10/01961/FUL  
**Appeal by:** Mr S Thomas  
**Proposal:** Change of use of land for siting of 23 No. static caravans  
**Address:** Home Lea Elvington Lane Elvington York YO41 4AX

**Decision Level:** DEL

**Outcome:** DISMIS

The site consists of a long sinuous plot leading back from the B1228 Elvington Lane north of Elvington Airfield within the Green Belt. It has previously been used as a touring caravan site for up to 20 caravans. The appellant sought planning permission for change of use to a static caravan site holding 23 timber built chalets with associated facilities. The application was refused on the grounds of impact upon the open character of the Green Belt, failure to secure the Green Belt purpose of preventing urban coalescence and failure to supply sufficient information in respect of surface water drainage. The inspector took the view that the proposal as a matter of fact and degree was of a different order to the previous use and would have a significant urbanising impact upon Green Belt. In his opinion by virtue of its failure to address the Green Belt purpose of preventing urban coalescence and its severe impact upon the openness of the Green Belt it would by definition be inappropriate. The appeal was dismissed.

---

**Application No:** 10/02082/FUL  
**Appeal by:** Mr And Mrs J Peel  
**Proposal:** Change of use of buildings/land to travelling showperson's site for one family (resubmission)  
**Address:** The Stables Elvington Lane Elvington York

**Decision Level:** DEL

**Outcome:** ALLOW

Summary of Decision: Against the proposal: The use would be inappropriate development in the green belt, would erode openness and would conflict with the purposes of the green belt. Also it would have a modest harmful effect on the character and appearance of the locality. In favour of the proposal: There is a clear need for showmens plots in the York area. No sites have been identified to date and it is likely to be at least two years before suitable alternative sites will be identified as part of the LDF. The appellants have special health and educational needs and are currently living in unsatisfactory circumstances in the car park of a social club. The proposal would not be unacceptably harmful to the living conditions of neighbours. On balance the substantial harm to the objectives of the green belt is not outweighed by the other considerations, which do not amount to very special circumstances. Nevertheless, given the current lack of sites and the potential for sites to be allocated as part of the LDF, a temporary (5-year) permission, personal to the appellants, is acceptable. The case is so finely balanced so that only the second application, which has slightly less harm to the green belt than the first application, is allowed. Kevin O'Connell 29/6/11

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**Application No:** 10/02096/FULM  
**Appeal by:** Yorkshire Housing Limited  
**Proposal:** Residential development consisting of 7no. two storey dwellings and 6no. apartments in a three storey building on site of former Co-operative Dairy (resubmission)  
**Address:** Axcent Ltd 156B Haxby Road York YO31 8JN

**Decision Level:** COMM

**Outcome:** ALLOW

The application was refused by sub-committee on 6 January 2011 on grounds of highway safety and overdevelopment detrimental to the visual amenity of the area. The application had been recommended for approval by officers. The Inspector took the view that the width of the access road would be sufficient to allow two cars to pass and would be significantly wider than the effective width of White Cross Road. While the footway would be less than 2m wide and the Inspector agreed that there may be some difficulty passing a wheelchair or a buggy, he opined that given the likely volume and speed of traffic, significant safety problems would be unlikely to arise. He accepted that the loss of parking bays would exacerbate parking problems to some degree and that the access to the site for larger vehicles would be somewhat difficult, however he considered that this situation would exist for most uses of the site and considered that if re-used for commercial purposes this would be likely to attract many more large vehicles to the site than the appeal scheme. He recognised that the scheme would add to vehicle numbers in White Cross Rd but concluded that the traffic generated would be barely noticeable. In terms of the character and appearance of the area the Inspector noted that whilst there would be built form close to the boundaries of the site, that is already the case with the existing building, moreover the appeal scheme would give a wide open aspect between the site and the cycle path, which would give the locale a much more open and attractive character. The Inspector agreed that a significant amount of space to the front of the dwellings would be taken up by hard surfacing and parking but balanced this against an overall improvement to the appearance of the area. The appeal was allowed and a partial award of costs was made against the LPA, the Inspector considering that the LPA acted unreasonably in refusing the scheme on visual amenity grounds.

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**Application No:** 10/02129/FUL  
**Appeal by:** Mr A Connolly  
**Proposal:** New dwelling with garage to rear with access from Millfield Lane. (Ridge line amendment and rooflights added from approval 10/01072/FUL)  
**Address:** 16 Midway Avenue Nether Poppleton York YO26 6NT

**Decision Level:** DEL

**Outcome:** DISMIS

Appeal dismissed. A single storey house had been permitted in the garden. The appeal was against a revised application to add a hipped gable roof, with higher ridge height at one end, to allow stairs into the roofspace. Inspector agreed that this would lead to an awkward looking roof that would be more prominent. In comparison to the approved scheme this development would have a detrimental impact on the appearance of the area.

---

**Application No:** 10/02344/FUL  
**Appeal by:** Woodliffe  
**Proposal:** Two storey side extension  
**Address:** Woodstead 7 Hull Road Kexby York YO41 5LA

**Decision Level:** DEL

**Outcome:** DISMIS

This application sought permission for the erection of a two-storey side extension to provide additional living space, with an additional footprint of approx. 38%. Permission had been given for a smaller two-storey extension which has now lapsed, which had an additional footprint of approx 28%, revisions were sought to reduce the size to that previously approved, but were not received. The inspector agreed that insufficient justification was received to outweigh the harm to the openness of the green belt and that the addition was not considered to be small in scale.

---

**Application No:** 10/02529/FUL  
**Appeal by:** Mr Haydn Kelly  
**Proposal:** Hipped gable to both sides with dormers to front and rear  
**Address:** 124 Heslington Lane York YO10 4ND

**Decision Level:** CMV  
**Outcome:** DISMIS

The extensions to this bungalow were refused as it was considered that the design and massing of the resultant building would have a discordant appearance that would not be sympathetic or appropriate to that of neighbouring buildings. It was felt it would be incongruous in the street scene when viewed in conjunction with the surrounding properties that have a planned layout and appearance and would not therefore respect the local environment. As such, it would have had an adverse affect on the visual amenity of the area,The Inspector agreed, stating it would change the appearance " from that of a pleasant, unobtrusive bungalow to a rather assertive and bulky dwelling that would undermine the character of the nearby bungalows and sit incongruously between them and the larger properties to the south-west." hw went on to say the harmonious grouping ( of bungalows) would be significantly disrupted and the street scene would be unacceptably harmed.

---

**Application No:** 10/02611/FUL  
**Appeal by:** Mr Alan Burn  
**Proposal:** Two storey and single storey rear extension  
**Address:** 2 Rawcliffe Grove York YO30 6NR

**Decision Level:** DEL  
**Outcome:** APPWDN

The rear extension to the dwelling was refused on the grounds that it would be out of character with the property and detract form the character and appearance of the Clifton Conservation Area. The Inspectorate after having initially registered the appeal, declined to accept it since a design and access statement had not been submitted with the a planning application. Such statements are statutorily required for developments within conservation areas. A subsequent application for reduced scheme has been approved.

---

**Application No:** 10/02632/FUL  
**Appeal by:** Mrs Harriett Boyes  
**Proposal:** Enlargement of front lightwell, new steps and entrance door (resubmission)  
**Address:** 81 Union Terrace York YO31 7ES

**Decision Level:** DEL

**Outcome:** DISMIS

The application sought permission for an enlarged lightwell within the front garden area of 81 Union Terrace which serves the basement area. French doors were also proposed to replace the existing window. The lightwell would project out into the garden area and would be angled to splay out from the front elevation exposing the walls to the basement level. In dismissing the appeal the Inspector stated that he found the shape of the proposed lightwell to be entirely at odds with the formal and regular detailing and character of the period properties. It would also be entirely out of keeping with the uniform appearance of the other lightwells in this group and it would detract from the design and appearance of this dwelling and its immediate neighbours. It would fail to preserve or enhance the character or appearance of the conservation area. It would therefore conflict with the objectives of PPS5.

---

**Application No:** 10/02675/ADV  
**Appeal by:** Punch Taverns  
**Proposal:** Display of non-illuminated fascia sign and externally illuminated hanging sign (resubmission)  
**Address:** Royal Oak Inn 18 Goodramgate York YO1 7LG

**Decision Level:** DEL

**Outcome:** ALLOW

This application was approved with a condition that required the proposed modern hanging sign to be replaced with a traditional, timber, moulded lipped hanging sign finished in a matt paint as agreed in writing with the agent. The condition required the applicant to replace or remove the existing modern sign within 2 months from the date of the decision - but the wrong year ( 2010) was inserted in the condition!! The applicant, Punch Taverns, appealed against the condition. The Inspector was satisfied from submitted documentation that the wording of the condition should have been January 2011 and not January 2010. He concurred with the Council's view that sign had an overly shiny appearance that betrayed its non-traditional materials which were not sympathetic to its listed status within the conservation area. It was considered that the condition in dispute was necessary to ensure a less strident sign effect, the Inspector upheld the requirements of the local planning authority by ALLOWING the appeal with the disputed condition amended to the correct date of the documentation setting out the details of the sign to be erected with a two month period of compliance. The sign has now been removed from site.

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**Application No:** 10/02676/LBC  
**Appeal by:** Punch Taverns  
**Proposal:** Display of non-illuminated fascia and externally-illuminated hanging signs (resubmission)  
**Address:** Royal Oak Inn 18 Goodramgate York YO1 7LG

**Decision Level:** DEL

**Outcome:** ALLOW

This application was approved with a condition that required the proposed modern hanging sign to be replaced with a traditional, timber, moulded lipped hanging sign finished in a matt paint as agreed in writing with the agent. The condition required the applicant to replace or remove the existing modern sign within 2 months from the date of the decision - but the wrong year ( 2010) was inserted in the condition!! The applicant, Punch Taverns, appealed against the condition. The Inspector was satisfied from submitted documentation that the wording of the condition should have been January 2011 and not January 2010. He concurred with the Council's view that sign had an overly shiny appearance that betrayed its non-traditional materials which were not sympathetic to its listed status within the conservation area. It was considered that the condition in dispute was necessary to ensure a less strident sign effect, the Inspector upheld the requirements of the local planning authority by ALLOWING the appeal with the disputed condition amended to the correct date of the documentation setting out the details of the sign to be erected with a two month period of compliance. The sign has now been removed from site.

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**Application No:** 10/02763/ADV  
**Appeal by:** Mr Stephen Walton  
**Proposal:** Retention of non illuminated fascia sign and illuminated projecting sign  
**Address:** 22 Gillygate York YO31 7EQ

**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to the erection of a non-illuminated fascia sign and an internally illuminated projecting green cross at Cohen's Chemist 22 Gillygate. Both signs were erected prior to Consent being sought. It was felt that the projecting sign fell within Class 5 to Schedule 3 of 2007 Town and Country Planning (Control of Advertisements) Regulations and that it could therefore be displayed with Deemed Consent. Express Advertisement Consent was refused in respect of the fascia sign on the grounds that as it was more than double the size of the existing fascia sign and its neighbours it was causing significant harm to the visual amenity of the local street scene by virtue of its scale, design and material. The appellant argued by contrast that it was subservient to its neighbours and that it closely reflected the wider rhythm of the street scene by virtue of its design and material. The Inspector took a directly contrary view suggesting that the sign was brash, intrusive and incongruous within the street scene and out-of-scale and over dominant when viewed against the building itself. Not surprisingly the appeal was dismissed.

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<b>Decision Level:</b>	<b>Outcome:</b>
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

## Outstanding appeals

<b>Ward: Acomb</b>							<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	<b>Officer:</b>	
04/05/2011	11/00030/REF	APP/C2741/A/11/2152248/NWF	W	Land Adjacent 106 Albion Avenue York	Alterations, extension and part demolition of existing building to create a single storey dwelling	Matthew Parkinson	
<b>Ward: Derwent</b>							<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	<b>Officer:</b>	
20/07/2010	10/00032/FUL	APP/C2741/A/10/2131700/NWF	W	OS Field 0553 Elvington Lane Dunnington York	Erection of stable block (retrospective)	Hannah Blackburn	
<b>Ward: Huntington/New Earswick</b>							<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	<b>Officer:</b>	
21/06/2011	11/00029/REF	APP/C2741/A/11/2155384/NWF	W	279 Huntington Road York YO31 9BR	Erection of 5no. terraced dwellings with associated access following demolition of 279 Huntington Road	Gareth Arnold	
<b>Ward: Haxby And Wigginton</b>							<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	<b>Officer:</b>	
12/05/2011	11/00022/REF	APP/C2741/A/11/2151972	W	Somerfield Haxby Shopping Centre The Village Haxby	External alterations including relocation of rear store entrance, roof plant area with timber screen, canopy to loading bay, 2 no. trolley shelters, ATM to front, rooflights to the front elevation, and external staircase to flat roof at the rear of the building.	Victoria Bell	
<b>Ward: Micklegate</b>							<b>Total number of appeals: 6</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	<b>Officer:</b>	
15/06/2011	11/00027/REFL	APP/C2741/E/11/2154655/NWF	W	4 Scarcroft Lane York YO23 1AD	Retrospective application for amendments to single storey extension granted under application 06/00690/LBC and internal alterations.	Jonathan Kenyon	
15/06/2011	11/00028/REF	APP/C2741/A/11/2154651	W	4 Scarcroft Lane York YO23 1AD	Retrospective application for amendments to single storey extension granted under application 06/00552/FUL	Jonathan Kenyon	

02/08/2011	11/00032/REF	APP/C2741/E/11/2157470	W	18 Bridge Street York YO1 6DA	Awnings to the front and side elevations	Fiona Mackay
02/08/2011	11/00033/REF	APP/C2741/A/11/2157461	W	18 Bridge Street York YO1 6DA	Awnings to the front and side elevations	Fiona Mackay
02/08/2011	11/00034/REF	APP/C2741/E/11/2157475	W	18 Bridge Street York YO1 6DA	Installation of new french windows to riverside elevation	Rachel Tyas
02/08/2011	11/00035/REF	APP/C2741/A/11/2157473	W	18 Bridge Street York YO1 6DA	Installation of new french windows to riverside elevation	Rachel Tyas

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**Ward: Strensall** **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:
06/07/2011	11/00031/REF	APP/C2741/A/11/2156273/NWF	W	Green Acres Sheriff Hutton Road Strensall York YO32	Siting of 4 cabins for use as holiday lets with associated access and hard surfacing	Michael Jones

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**Ward: Wheldrake** **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	Officer:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against	Matthew Parkinson

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**Total number of appeals: 12**

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