

Notice of public meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors Watson (Chair), Funnell, Galvin, Gillies (Vice-Chair), Jeffries, Looker, Orrell, Reid and Semlyen
- Date:** Thursday, 13 September 2012
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 12 September 2012 at Memorial Gardens.

1. Declarations of Interest

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

2. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 12 September**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

3. **Plans List** (Pages 3 - 4)

To determine the following planning applications related to the West and City Centre Area.

a) **Vudu Lounge, 39 Swinegate, York, YO1 8AZ (12/01223/FUL)** (Pages 5 - 14)

Change of use of upper floors of Nos. 37 and 39 from mixed use restaurant and drinking establishment (Use classes A3/A4), to drinking establishment (Use class A4) (retrospective).

[Guildhall Ward] **[Site Visit]**

b) **11 Runswick Avenue, York, YO26 5PP (12/02643/FUL)** (Pages 15 - 20)

Conservatory to rear. *[Acomb Ward]*

c) **18 The Horseshoe, York, YO24 1LX (12/02150/FUL)** (Pages 21 - 32)

Replacement dwelling with detached summerhouse to rear.

[Dringhouses and Woodthorpe Ward] **[Site Visit]**

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
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(If contacting us by e-mail, please send to both democracy officers named above)

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 12 September 2012****Members of the sub-committee meet at Memorial Gardens at
11.00am**

TIME (Approx)	SITE	ITEM
11.10	18 The Horseshoe	3c
11.50	39 Swinegate	3a

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COMMITTEE REPORT

Date: 4 September 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/01223/FUL
Application at: Vudu Lounge, 39 Swinegate York YO1 8AZ
For: Change of use of upper floors of Nos. 37 and 39 from mixed use restaurant and drinking establishment (Use classes A3/A4), to drinking establishment (Use class A4) (retrospective)
By: Mrs Pavlou
Application Type: Full Application
Target Date: 11 July 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application is presented to the West and Centre Planning Sub- Committee at the request of Cllr. Brian Watson. It is one of three recent planning applications related to drinking establishments in the Swinegate area which cumulatively could impact on the character of the area. The applications are located at Mr Chippy, No 37 Swinegate; Bora Bora, 5 Back Swinegate Court, and Lucia's, 9-13 Back Swinegate Court.

PROPOSAL

1.2 The application seeks retrospective planning permission for the change of use of the upper floors of Nos. 37 and 39 Swinegate (Vudu Lounge) from a mixed use restaurant and drinking establishment (Use Classes A3/A4) to a drinking establishment (Use Class A4) only. Permission is also sought for extended operating hours until 0400 hours, Monday- Sunday which would tie in with the opening hours granted under the Licensing Act 2003. The property is not listed but is situated within the Central Historic Core Conservation Area.

EXISTING OPERATING HOURS APPROVED BY PLANNING PERMISSION

1.3 Planning permission was granted by Members in 2006 (LPA Ref. No. 05/02066/FUL), and the approved hours under the planning permission are;

0100 (Monday-Friday)
0300 (Saturday and Sunday)

EXISTING LICENSING HOURS

1.4 The permitted opening hours for the premises are 0800-0430 (following day). This was granted on 6.12.2005 with a DPS variation on 15.12.2010.

EXISTING INTERNAL CHANGES

1.5 The ground floor of No. 39 is now rented to My Chippy and is used in association with the fish and chip shop. The previous kitchen within the Vudu Lounge has been converted to a VIP bar. The glazing at the Vudu Lounge has been upgraded to acoustic glazing to provide better sound attenuation.

JUSTIFICATION

1.6 The applicant has advised in supporting information that the restaurant element of the 2005 approved use was uneconomical and the bar business was in demand. The bar trade business has flourished and now employs 6 full- time and numerous part- time staff.

RELEVANT PLANNING HISTORY

1.7 05/02066/FUL Change of use from ground floor shop (A1 use) at 39 Swinegate and the upper floors of Nos. 37 and 39 to mixed A3/A4 use, and alterations to the front entrance at 37-39 Swinegate (Retrospective). PER 06.01.2006.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYGP1

Design

CYS6

Control of food and drink (A3) uses

CYS7

Evening entertainment including A3/D2

CYHE3

Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 ENVIRONMENTAL PROTECTION UNIT- No objections subject to a temporary consent with conditions

3.2 EXTERNAL

SAFER YORK PARTNERSHIPS- No objections to Designing Out Crime

GUILDHALL PLANNING PANEL- Objects to the proposal as the application contains little information and would result in the proliferation of late night drinking establishments and the increase in noise and anti-social behaviour with associated disturbance to local residents.

3 Letters of objection have been received from permanent residents in neighbouring properties that raise the following planning issues-

- Excessive noise and disturbance from use of emergency door in Three Cranes Lane producing noise, chatter, smoking area
- Nuisance in Three Cranes Lane every night- bin noise, used as a toilet, local fights, damage to property
- Operating as full blown nightclub contrary to approved use and approved hours of operation; should operate as a Members club with swipe card as approved in planning permission; passageway should be gated; CCTV should be used; the building should be total soundproofed; there should be no bin use between 2400-0800 next day; and there should be an agreed dispersal policy between club and residents.
- Operating hours detrimental to living conditions and would like action taken by Council
- Complaints made about use to other Council departments

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of Use/ Vitality and viability of the city centre
- Impact on the character and appearance of the conservation area

- Impact on the amenity of the occupiers of properties in the area
- Crime and Disorder

PLANNING POLICY

4.2 National Guidance - The National Planning Policy Framework has a stated presumption in favour of sustainable development. Relevant specific policy topics include ensuring the vitality of town centres, conserving and enhancing the historic environment, and encouraging good design.

Local Plan Policy:

4.3 The relevant development plan is the City of York Council Development Control Local Plan (2005). The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. The relevant planning policies are:

Policy S6 relates to the control of food and drink uses. The policy permits the extension of food and drink premises within York City Centre subject to there being no adverse impact on amenity of surrounding occupiers. Policy S6 recommends that opening hours are restricted, where necessary, to protect the amenity of surrounding occupiers. The Fourth Set of Changes to the Local Plan requires security issues to be addressed where the consumption of alcohol is involved.

Policy S7 seeks to promote the introduction of new evening entertainment uses provided there is no adverse impact on the vitality and viability of the city centre and no adverse impact on residential amenity.

Policy HE3 states that within conservation areas, proposals for changes of use will only be permitted where there is no adverse effect on the character or appearance of the area.

Policy GP1 states that the amenity of new developments/uses must be assessed in the planning application process.

Licensing Policy:

4.4 The Council's Statement of Licensing policy sets out the procedure for determining license applications, including mediation between applicants and persons making representations. Hearings take place when representations are unresolved and particular consideration is given to location and impact of licensed activity, type of use and numbers likely to attend, proposed hours of operation, available public transport, car and cycle parking, scope for mitigating any impact and how often the activity occurs.

4.5 The key difference between planning policy and licensing policy is that under licensing legislation there is the power to revoke consents if problems arise at a property. The Council's Licensing policy specifically states that 'The Licensing Authority may review premises licenses when representations are received from a responsible authority (such as the police or fire authority), or interested party (such as local residents), to indicate that problems associated with crime and disorder, public safety, public nuisance or protection of children from harm are occurring'. However, due to the permanent nature of a planning permission, proposals need to consider both the wider implications of any approved use and its extension of hours, and the potential for harm as well as any known problems specific to the site.

ASSESSMENT

Land Use:

4.6 In principle, drinking establishments are supported by Policies S6 and S7 of the Local Plan and guidance within the NPPF which seek to promote a vibrant local economy whilst protecting local distinctiveness, provided there is no harm to retail vitality, the living conditions of nearby residents, and public safety. The operation of the Vudu Lounge as a drinking establishment until 0400, daily, would be reasonably compatible the neighbouring predominantly restaurant /retail/ public house uses if appropriately controlled to ensure that nearby residential amenity is not unduly affected. These issues are assessed below in more detail.

4.7 Swinegate is not a primary shopping street and as such, is a street where non-retail uses and other commercial uses, including drinking establishments, are appropriate according to planning policy provided the impact on vitality and viability of the area is acceptable. The Vudu Lounge is a drinking establishment that is easily accessible and does not have a material effect on the vitality and viability of this part of the city centre.

Impact on the character and appearance of the conservation area:-

4.8 Swinegate forms part of the historic core of the city centre and is a popular cut-through route for pedestrians in the city centre. The area provides for largely leisure uses, with some retail use, and some residential properties within nearby courtyards and management flats for local businesses. There are a number of restaurants, public houses and a take-away restaurant that are open in the evening, but generally the general Swinegate area is a pleasant and safe environment to visit in the evening.

4.9 At the August West/ Centre Sub-Committee, Members restricted the operating hours of the drinking establishments at Lucia's and Bora Bora to 2400hours. Both businesses have external drinking areas and are situated within the confined

courtyard at Back Swinegate. The Vudu is in a more open location on Swinegate, reasonably distant from Back Swinegate, and would not add to the noise/disturbance in the area of Back Swinegate. Within Swinegate, the nearest late night drinking establishments at the Biltmore and Oscars operate until 02300. Whilst it is acknowledged that the late evening character of the conservation area is affected by the activity associated by late night drink uses, there is not an overconcentration of such uses within Swinegate that detrimentally affect its mixed city centre character. The impact of the late operating hours of the Vudu Lounge can be absorbed in Swinegate without undermining the balance of uses and activities that define the character of this part of the conservation area. The appearance of the conservation area is not affected by the use as it is physically contained within the upper floors of the building. There would be no conflict with Policy HE3 of the Local Plan.

Impact on the amenity of the occupiers of properties in the area:-

4.10 The application seeks permission to extend the opening hours of the Vudu Lounge until 0400 daily. Considerable concern has been expressed by the residents that occupy the management flats in the Three Cranes Public House and the Roman Baths Public House at the rear of the application site. The Vudu Lounge has been operating as an unrestricted nightclub open until 0400 daily since approximately 2009. Its late night activity and break-out noise has had a considerable impact on neighbouring residents beyond its approved use as a Members restaurant/ bar with a controlled entry system. - particularly in the early hours of the morning when the area would have been quiet.

4.11. NOISE BREAK- OUT- In relation to break-out noise, the applicant has submitted a Noise Impact Assessment Report (by Dragonfly Acoustics, dated 8th August 2012) assessing the construction of the building, establishing where there are acoustic weaknesses in the building envelope, and proposing measures that could be taken to further sound insulate the premises. In advance of the report the applicant has recently fitted acoustic glazing to all external windows. The noise assessment concluded that most of the noise was escaping from the floor/ceiling area that forms the archway access to the rear yard of the Roman Baths. This concurs with the noise complaints received by the Environmental Protection Unit in relation to late night bass beat emanating from the Vudu Lounge, and music heard by investigating officers. It is recommended that sound insulation measures be concentrated in this area and if works are undertaken to further sound proof the premises, it is considered that the Vudu Lounge could operate in a manner that will not affect the occupants of nearby dwellings.

4.12 Whilst it is highly likely that the measures if implemented could resolve the issue of noise break-out, it is possible that noise escaping from the roof or the windows could still give rise to problems. If planning permission is granted, it is recommended that Members should consider a temporary consent which would enable the efficiency of the measures to be properly assessed (i.e. regular visits to

the area by the noise patrol), and further measures could then requested if it is found to be necessary.

4.13 NOISE/ DISTURBANCE- The application site is within the city centre where late night uses are to be expected, and a certain level of noise from persons in the street at night and anti-social behaviour can be expected which cannot be attributed to any single premises. The closest residential properties are at the rear of the property and are affected by the use of the access from the building to Three Cranes Lane and the use of the lane by the public. If planning permission is granted, it would be prudent to have a management plan that manages the use of this access, which include the prevention of bottle/ glass noise at unsocial hours.

Crime and Disorder:

4.14 Matters of crime and disorder/security are predominantly dealt with through the licensing legislation. The Premises has a current license which has been endorsed by North Yorkshire Police.

5.0 CONCLUSION

5.1 It is considered that Swinegate could absorb the existing use without detracting from the character, and the vitality and viability of Swinegate. The use is reasonably compatible with the neighbouring predominantly restaurant /retail/ public house uses. If appropriately controlled, neighbouring residential amenity would not be unduly affected. The use accords with Policies GP1, HE3, S6 and S7 of the Local Plan and guidance within the NPPF that seeks to promote a vibrant local economy whilst protecting the local distinctiveness that contributes to the character and appearance of the conservation area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 This use hereby approved shall cease by 13.9.2013 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the living conditions of neighbouring residents by monitoring the effect of the implemented noise management scheme.

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

Plans and other submitted details received on 2 April 2012

Application Reference Number: 12/01223/FUL

Item No: 3a

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

3 Within 1 month of the date of this permission, a noise management scheme shall be submitted to the Local Planning Authority for written approval. The requirements contained in the approved noise management scheme shall be fully implemented within 1 month of its approval. The noise management scheme shall include as a minimum, sound insulation measures proposed within the acoustic report by Dragonfly dated 8th August 2012. It shall also address the use of the access from the building to Three Cranes Lane.

Reason: For the protection of the amenity of local residents from noise.

4 The use shall only be open to customers between the hours of 1000 and 0400 hours next day, each day of the week

Reason: In the interests of the amenity of the occupiers of nearby properties and the character of the area.

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 vitality and viability of the city centre; the character and appearance of the Central Historic Core Conservation Area; and the amenity of surrounding residents. As such the proposal complies with Policies GP1, S6, S7 and HE3 of the City of York Development Control Local Plan (2005) and national planning guidance contained in the National Planning Policy Framework.

Contact details:

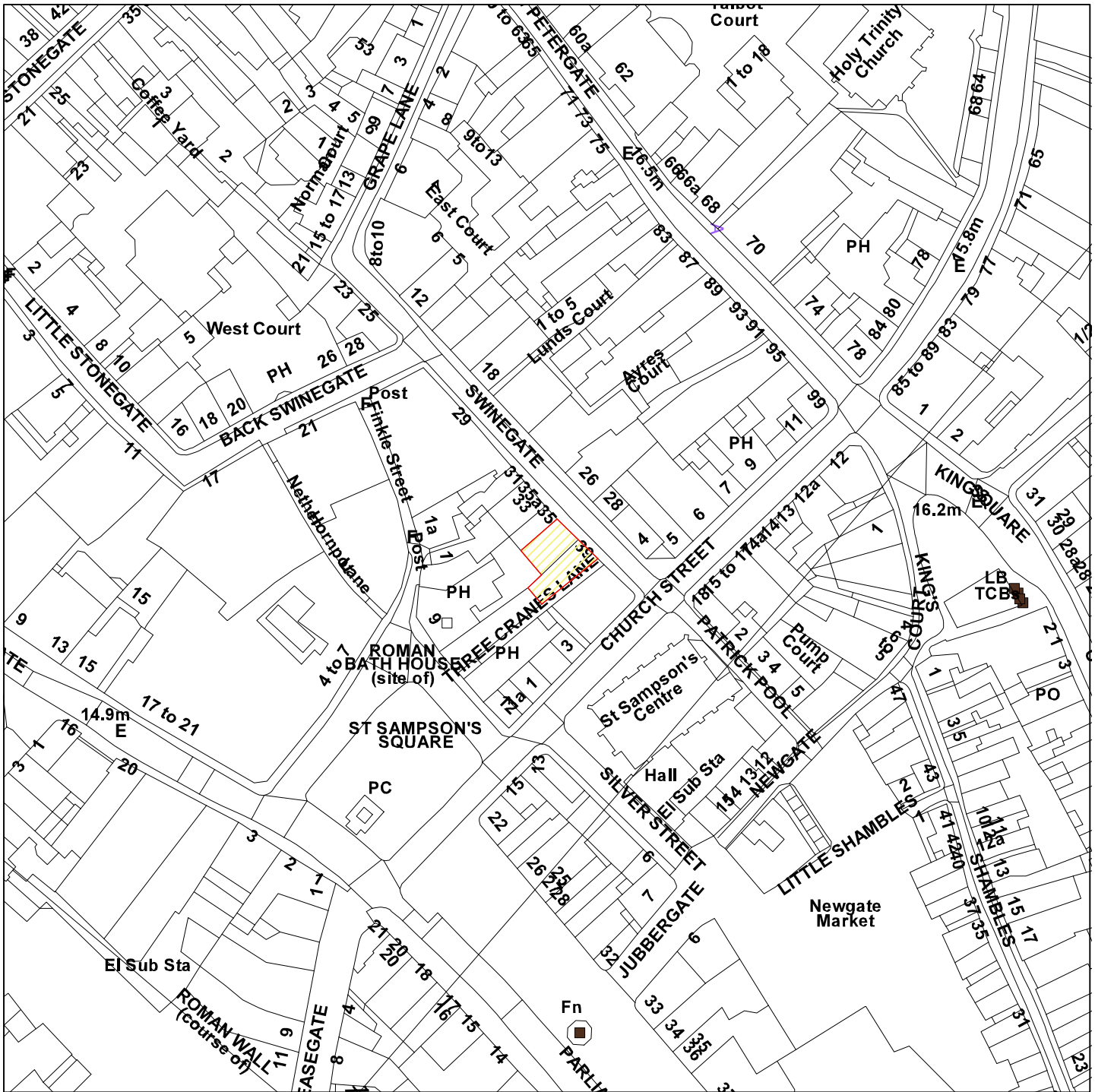
Author: Fiona Mackay Development Management Officer (Wed - Fri)
Tel No: 01904 552407

12/01223/FUL

Mr Chippy, 37 Swinegate



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 September 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 13 September 2012 **Ward:** Acomb
Team: Householder and **Parish:** Acomb Planning Panel
Small Scale Team

Reference: 12/02643/FUL
Application at: 11 Runswick Avenue York YO26 5PP
For: Conservatory to rear
By: Mr John Gaughan
Application Type: Full Application
Target Date: 27 September 2012
Recommendation: Householder Approval

1.0 PROPOSAL

- 1.1 This application seeks permission for the erection of a pitched roof rear conservatory; proposed of brick construction with upvc frame above and glazed roof.
- 1.2 This chalet style dwelling is sited within a residential area made up of similar styled dwellings and is not within a Conservation Area.
- 1.3 The application has been referred to Committee for a decision as the applicant is an employee of City of York Council.
- 1.4 Relevant planning history.

Application No. 7/07/2513C/PA - Construction of two bungalows. Approved 13.07.1992

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1
Design

CYH7

Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

Acomb Planning Panel - No reply received up to date of writing

Response to neighbour consultation letters which expired on 04.09.12. - No reply received up to date of writing

4.0 APPRAISAL

KEY ISSUES

4.1 Visual impact on the dwelling and surrounding area;

4.2 Impact on neighbouring properties

4.3 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance is that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

4.4 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 GOYH

4.5 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.

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

4.7 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

ASSESSMENT

4.8 The proposed conservatory will be sited to the rear thus will not be open to public view. It would be a relatively modest structure, projecting approx. 3.5 metres to the rear, approx. 2.3 metres to the eaves and approx. 3.2 metres to the ridge. A matching brick to the original dwelling is proposed, along with matching fenestration. Sufficient amenity space will be retained within the rear garden. Taking the above into account, it is not considered the conservatory would harm the character or appearance of the dwelling or that of the surrounding area.

4.9 The boundary fencing in place at the host and high mature shrubbery along the common boundaries with 19 Beckfield Lane and 19 Runswick Avenue will avoid any loss of amenity to these neighbouring residents. The major neighbouring impact will be upon those adjacent residents at No. 9 Runswick Avenue. Some loss of outlook may occur, as a result of the additional brickwork along the common side boundary. However taking into account the relatively modest height proposed, along with translucent nature of the roof, this is not considered to be overly detrimental. No significant loss of privacy or overshadowing is considered to occur.

5.0 CONCLUSION

5.1 It is considered that the proposal will not harm the living conditions of nearby neighbours or the appearance of the dwelling within the surrounding area. Approval is recommended

6.0 RECOMMENDATION: Householder Approval

- 1 TIME2 Development start within three years -
- 2 VISQ1 Matching materials -
- 3 PLANS1 Approved plans - Drawing no. 205/DH/JAG - 01 received on 01.08.2012

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 residential amenity of neighbours and the impact upon 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)

Contact details:

Author: Carolyn Howarth Development Management Assistant

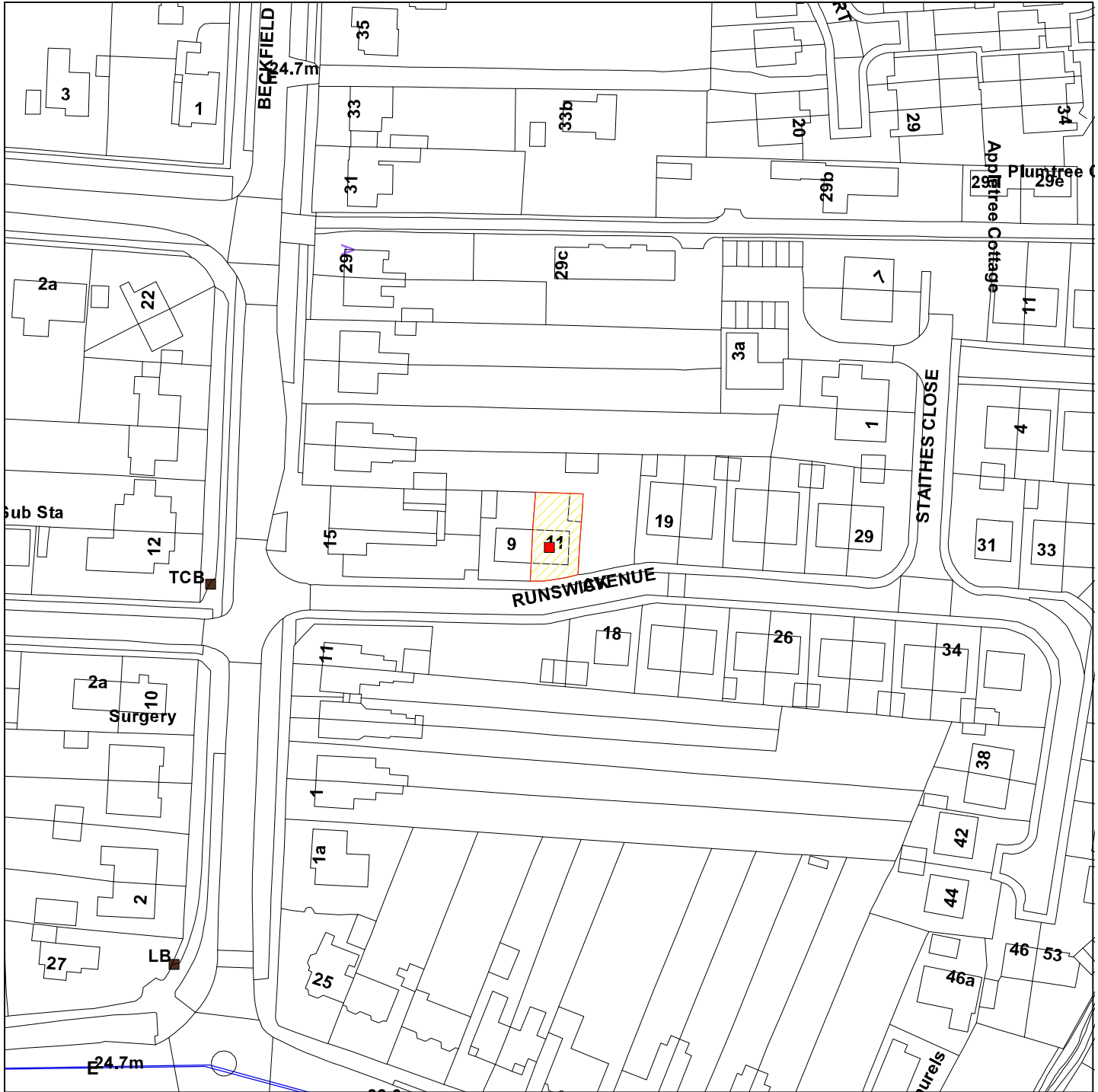
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12/02643/FUL

11 Runswick Avenue



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 September 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 13 September 2012 **Ward:** Dringhouses And Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 12/02150/FUL
Application at: 18 The Horseshoe York YO24 1LX
For: Replacement dwelling with detached summerhouse to rear
By: Mr and Mrs Griffiths
Application Type: Full Application
Target Date: 7 August 2012
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site is 18 The Horseshoe. The plot is presently occupied by a 2-storey detached building with accommodation in the roof-space (with rear dormer). There is also a detached garage to the side of the house and small outbuildings at the far end of the garden. The main house dates from the early C20, it is of red brick with a pantile roof, although the lower half of the elevation is rendered. The building is not listed and is not in a conservation area.

1.2 The Horseshoe contains semi and detached houses. The earlier houses in the street are in the Arts and Crafts style and are set in spacious surroundings and the street is lined with trees. The houses are predominantly red brick with pantile roofs. However, no. 20 immediately adjacent has been constructed in a lighter, buff brick and has a slate roof. This building was given planning permission in 2006.

PROPOSALS

1.3 Planning permission is sought for the erection of a replacement house on the site. The plans have been revised since the original submission. The proposed house has been reduced in scale and would be two-storey with single storey elements to each side. The materials and detailing are proposed to reflect the prevailing style within the street. The house would have a part 2-storey, part 1.5-storey wing that would extend from the rear of the house on the eastern side of the plot (i.e. nearest the side boundary shared with no.16). The application also proposes a summer house that would replace an existing outbuilding at the end of the garden. The building would be approx 2.8 m high and around 6m by 5m in area.

1.4 The application is brought to Committee for determination at the request of Councillors Reid and Hodgson, to ensure that any proposed development is sympathetic to the locality and does not constitute over-development the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

Countryside Officer

3.1 A bat survey is not required at this site. However as bats are known to commute and forage nearby it is recommended that bat friendly habitat features are provided in the development, such as bat boxes or bat bricks.

Flood Risk Management Team

3.2 Advise insufficient information has been provided to determine the potential impact the proposals may have on the existing drainage systems. Further details have been requested that can be dealt with through a condition.

Network Rail

3.3 No objection. Recommend that the new house be provided with soundproofing to avoid noise disturbance due to the proximity of the railway.

Dringhouses and Woodthorpe Planning Panel

3.4 No objection. Recommended that the original proposals be revised so the building would be more in character with the area. It was also considered there is inadequate parking for a 7-bed dwelling. It is asked that the house be set further back so there can be more car parking spaces and less visual intrusion over neighbours.

Publicity

3.5 There were objections from 9 interested parties to the original scheme. Objections were as follows -

- The existing house is one of the most valued houses in the street. Its demolition is objected to. The scale and design of the proposed dwelling is entirely unsuited to the very special nature of the Horseshoe. The street contains one of the most important clusters of Arts and Crafts houses in York, including one by Walter Brierley - York's only twentieth-century architect to enjoy a European reputation.
- The proposed building due to its materials, especially the use of stone and slate would be out of character with the street.
- Other replacement dwellings have eroded the character of the street.
- The Horseshoe should be included on the 'Local List' so that it can be given protection from such inappropriate applications and remain a part of York's heritage.
- The form and size of the rear extension would be alien to the character of the area.
- Loss of space between dwellings which is characteristic of the street.
- Loss of outlook from no.20 as there would be views of the rear outshot.
- Side windows to bedrooms will lead to overlooking.
- The summer house would lead to overlooking, looking back towards the main houses.
- The additional access point into the plot will lead to a loss of amenity and will necessitate the removal of a street light, which may have effect on the current street lighting standards.
- Demolition and re-build would be an un-sustainable approach.

3.6 Neighbours were notified of the revised plans on 24.7.2012. Further comments were received on behalf of the occupants of 20 The Horseshoe that the alterations did not address their objections.

4.0 APPRAISAL

4.1 KEY ISSUES

Visual impact
Residential amenity
Highway Network Management
Site Drainage

VISUAL IMPACT

4.2 The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development and is indivisible from good planning. Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit

- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

4.3 Draft Local Plan Policy GP1 (Design) expects development proposals 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.

4.4 The original scheme has been amended in order to address concerns that it would constitute over-development of the plot that would detract from the open character of this part of the street, and that certain elements of the detailing and materials proposed would not be characteristic of the street which is dominated by brick buildings in the Arts and Crafts style.

4.5 The revised scheme maintains a reasonable amount of openness as the massing has been reduced on each side of the house. Although there would remain a 2-storey element only approx 2.5m from the side boundary with no.16, openness would be retained due to the lower ridge, as the extension would be setback from the front building line and as there are single storey garages to this side of no.16. The existing and proposed street scene drawing (D381/6F) demonstrates the extent to which the open character would be retained. It is not considered that the proposal would result in over-development of the plot.

4.6 The materials and detailing to the building have been revised in order to maintain the traditional character of the street. The building would now consist of red brick, a pantile roof and timber framed leaded windows. Within the street scene the building would appear in character due to the massing and shape of the building (the asymmetrical design is characteristic of arts and crafts houses), the materials, and the architectural detailing such as the ornate chimneys with brick detailing, and the brick window cills and lintels.

4.7 A condition is deemed necessary to secure a reasonable amount of soft landscaping to the front of the house. Overall, it is considered that the building would be an appropriate addition to the street scene and complies with the National Planning Policy Framework requirements as set out in paragraph 4.2 above. At the rear the windows would be contemporary and the rear wing would extend around 12m from the main rear building line. However, these elements would not be prominent from the public realm and are deemed to be acceptable in terms of design.

RESIDENTIAL AMENITY

4.8 One of the core planning principles within the National Planning Policy Framework is that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1 requires that developments ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.9 OVERLOOKING - A condition is proposed to ensure that at first floor level windows in the side elevation are obscure glazed. Planning permission would be required to add any new windows at this level, unless they are obscure glazed and non opening below 1.7m above floor level. On the first floor of the rear wing only roof-lights are proposed on the side elevation, and these would be at least 17m from the rear garden of no.20. There would be a window in the gable end at first floor level. However even in a low density area such as the Horseshoe it is typical that first windows can offer views into neighbouring gardens. In this case the window would be around 4m from the side boundary and there is mature vegetation along the boundary. Overall it is not considered that any overlooking would be unduly harmful to amenity.

4.10 OVER-SHADOWING / OVER-DOMINANCE - The rear wing would be around 2.8m from the side boundary with no.16 and the building would be around 3.6m to eaves height. Previously the garage was in this location, although the proposed development would extend around 6m further from the main house. The house at No.16 is around 8m from the side boundary at the rear and has a generous garden that increases in width further from the house. Due to the degree of separation, it is not considered that the rear wing would lead to a loss of light or outlook from windows of the main house. Due to the size of the garden at no.16, the presence of vegetation, and because of the scale of the proposed building, it is not considered that the dwelling would appear unduly over-bearing or over-dominant. As a result of the distance of the rear wing from no.20, it would not have an undue impact over that dwelling or its garden. Due to the scale and location of the remainder of the house it would have no undue impact on its neighbours.

4.11 SUMMERHOUSE - The structure would be at the end of the garden and ancillary to the main house. Its scale, comparable to that of the garden, is considered to be acceptable. The building would be single storey and would therefore not result in overlooking. A structure of comparable height, and with a larger footprint, would fall within permitted development rights. As such, officers have no objections to this element of the proposal.

4.12 AMENITY OF FUTURE OCCUPANTS - Noise insulation in the new dwelling would be improved over the existing dwelling as a consequence of using double

glazing at the rear. The applicants already occupy the existing house on site and there would be no loss of amenity in relation to the existing noise levels.

HIGHWAY NETWORK MANAGEMENT

4.13 Three off-street parking spaces would be provided, which is adequate for a single dwelling. To insist upon additional car parking and encourage further car ownership would be unsustainable and contrary to the aspirations of national and local planning policy. Consent would be required under the Highways Act for works to the highway and the applicants will be informed of such. There are no objections to the scheme on highway safety grounds.

SITE DRAINAGE

4.14 The National Planning Policy Framework requires that developments are safe from flood risk and do not increase flood risk elsewhere. York's Strategic Flood Risk Assessment sets a target that surface water run-off is reduced by 30%. At the very least it is essential that surface water run-off is not increased.

4.15 The proposed development would not have a material impact in comparison to the existing development on site. A condition is required to secure the drainage information requested by the Flood Risk Team.

SUSTAINABILITY

4.16 The revised Interim Planning Statement on Sustainable Design and Construction does not incorporate any requirements in relation to single dwellings.

5.0 CONCLUSION

5.1 The house it is proposed to demolish is not a designated heritage asset. The main planning consideration is, therefore, whether the proposed replacement would have an acceptable visual impact on the area, and whether a reasonable level of amenity would be retained for surrounding occupants. The amended scheme is deemed to be of appropriate design. It would be an acceptable addition to the street scene that would not have an unacceptable impact on residential amenity. The development does not raise any concern with regards flood risk or highway safety. Approval is recommended.

COMMITTEE TO VISIT

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:-

Site Plan - D381/7G

Floor plans - D381/5G

Elevations - D381 3J and 6F

Summerhouse - D381/8B

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

3 Materials

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.

A sample panel of the brickwork shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So as to achieve a visually cohesive appearance that fits with the prevailing character of the street.

4 Large scale details (at 1:10 or 1:20) of the items listed below shall be submitted to and 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 windows and doors, in context and including section drawings, on the front elevation of the building.
- b) The full height window and balcony on the rear elevation (to show window and balcony set within the reveal).
- c) Eaves/verge of roof

Reason: In the interests of the character and appearance of the area.

5 The first floor windows in the side elevations of the proposed dwelling shown on the approved plans shall be obscure glazed to a minimum level of Pilkington Glass Level 3 (or the equivalent standard) and once installed shall be thus maintained at all times.

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

properties.

6 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 proposed garage shall not be externally altered or converted to living accommodation.

Reason: To ensure that there is adequate cycle parking/storage space at the property and any proposals to increase living accommodation can be assessed on their merits.

7 Bat boxes shall be installed on the buildings hereby approved, in accordance with the approved plans, at the time of construction (2 boxes, 1 on the main house, 1 on the summerhouse).

Reason: To retain and enhance natural habitats and biodiversity in accordance with policy NE7 of the Local Plan and paragraph 109 of the National Planning Policy Framework.

8 Site Drainage

Prior to construction of the development hereby approved the following drainage details shall be approved in writing by the Local Planning Authority and the development shall be carried out accordingly.

a) Calculations and invert levels to ordnance datum of the existing and proposed surface water system. Reason: To enable the impact of the proposals on the downstream watercourse to be assessed.

b) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

c) Peak run-off from the development shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Details shall include storage volume calculations, using computer modelling, must 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 must 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. If existing connected impermeable areas are not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

d) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

Reason: To reduce flood risk elsewhere in accordance with City of York Councils Strategic Flood Risk Assessment and paragraph 103 of the National Planning Policy Framework.

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, the impact on the streetscene, flood risk and highway safety. As such the proposal complies with Policy GP1 of the City of York Development Control Local Plan.

2. INFORMATIVE:

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

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

3. INFORMATIVE:

The developer's attention is 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 adhered to, 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 despatch 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.

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(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

Contact details:

Author: Jonathan Kenyon Development Management Officer

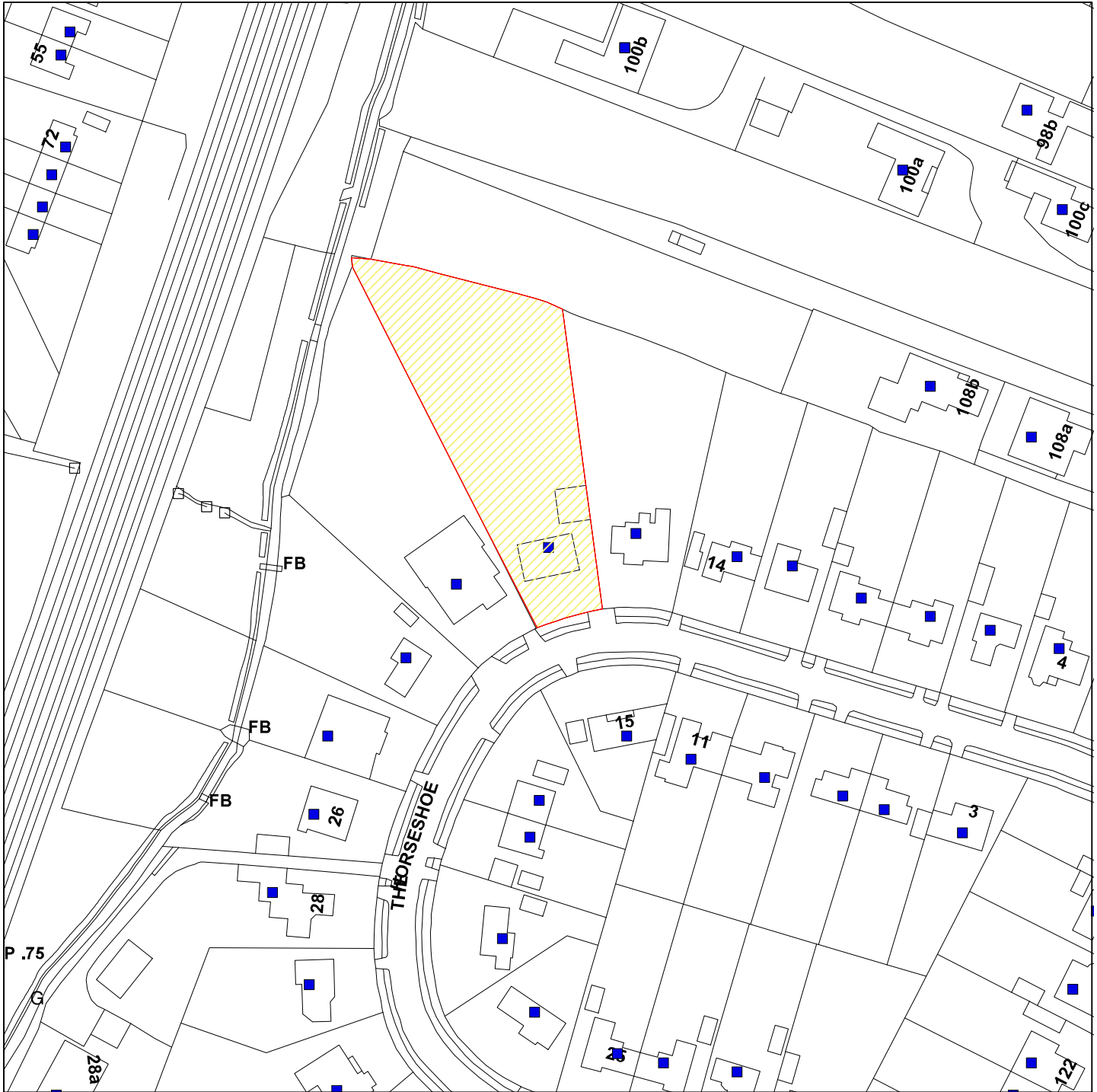
Tel No: 01904 551323

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18 The Horseshoe



GIS by ESRI (UK)



Scale : 1:1250

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Department	Planning and Sustainable Development
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