



## Notice of meeting of

### **West & City Centre Area Planning Sub-Committee**

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

**Date:** Thursday, 20 July 2006

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

#### **1. Declarations of Interest**

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

#### **2. Minutes**

(Pages 3 -  
14)

To approve and sign the minutes of the West & City Centre Area Planning Sub-Committee meeting held on Thursday 22 June.

#### **3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 19 July at 5.00pm.

#### **4. Plans List**

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

- a) **9 Slingsby Grove (06/00623/FUL)** (Pages 15 - 24)
- b) **32a Copmanthorpe Lane, Bishopthorpe (06/00565/FUL)** (Pages 25 - 32)
- c) **3 Blake Street (05/02569/FUL)** (Pages 33 - 44)
- d) **3 Blake Street (05/02271/LBC)** (Pages 45 - 52)
- e) **Croft Farm, Main Street, Hessay (06/00810/FUL)** (Pages 53 - 60)
- f) **2 Church Street, Copmanthorpe (06/00981/FUL)** (Pages 61 - 66)
- g) **6 Church Street, Copmanthorpe (06/01050/OUT)** (Pages 67 - 72)
- h) **146 Foxwood Lane (06/00944/FUL)** (Pages 73 - 78)

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

#### Democracy Officer

Name: Rebecca Jarvis

Contact Details:

- Telephone (01904) 551027
- Email – Rebecca.Jarvis@york.gov.uk

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

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

This page is intentionally left blank

**WEST AND CITY CENTRE PLANNING SUB COMMITTEE****Thursday 20 July 2006****Index to items**

<b>SITE</b>	<b>ITEM</b>	<b>VISIT</b>
<b>9 Slingsby Grove</b>	<b>4A</b>	<b>V</b>
<b>32a Copmanthorpe Lane, Bishopthorpe</b>	<b>4B</b>	
<b>3 Blake Street (Planning Application)</b>	<b>4C</b>	<b>V</b>
<b>3 Blake Street (Listed Building Consent)</b>	<b>4D</b>	<b>V</b>
<b>Croft Farm, Main Street, Hessay</b>	<b>4E</b>	<b>V</b>
<b>2 Church Street, Copmanthorpe</b>	<b>4F</b>	<b>V</b>
<b>6 Church Street, Copmanthorpe</b>	<b>4G</b>	<b>V</b>
<b>146 Foxwood Lane</b>	<b>4H</b>	<b>V</b>

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

**Wednesday 19 July 2006**

**Coach departs Memorial Gardens at 11:00hrs**

<b>TIME (Approx.)</b>	<b>SITE</b>	<b>ITEM NO.</b>
11.10	9 Slingsby Grove	4A
11.40	146 Foxwood Lane	4H
12.10	2 Church Street, Copmanthorpe	4F
12.10	6 Church Street, Copmanthorpe	4G
12.40	Croft Farm, Main Street, Hessay	4E
13.00	3 Blake Street	4C & 4D

City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 JUNE 2006
PRESENT	COUNCILLORS BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, LIVESLEY (CHAIR), MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

## 1. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attending
49 East Mount Road	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
9 Slingsby Grove	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
York Marine Services, Ferry Lane, Bishopthorpe	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
32 A Copmanthorpe Lane	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
First Farm, Main Street, Askham Richard	At the request of Cllr Hopton.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
48 Wetherby Road, Acomb	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
14-18 Agar Street	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.
Car Park adjacent Woolpack, The Stonebow	In order for members to familiarise themselves with the site.	Livesley, Macdonald, Horton, Reid, S Galloway, Sunderland, and Bartlett.

## 2. DECLARATIONS OF INTEREST

The Chair invited Members to declare at this point any personal or prejudicial interests which they had in any of the business on the agenda.

In the interests of transparency Cllr Simpson Laing requested that it was recorded that she is a customer of Nexus in relation to Plans Item 4 (b) Nexus, 25 George Hudson Street although it was neither a personal nor prejudicial interest.

### **3. MINUTES**

**RESOLVED:** That, the minutes of the Planning and Transport (City Centre) Sub-committee meeting on 4 May 2006 be approved and signed by the Chair as a correct record with the removal of “as a ward member” from the second sentence of minute 84c - Pitcher and Piano Bar, Coney Street, York;

and

That, the minutes of the Planning and Transport (West Area) Sub-committee be approved and signed by Chair as a correct record with the following amendments made;

That Cllr Horton be shown as present at the meeting and removed from apologies,

That the word ‘two’ be replaced with the word ‘three’ at minute 78 – Vote of thanks to Chair,

insertion at minute 82b – 32 Skiddaw, York YO24 2SZ;

**‘REASON:** Members found that the applicant has not proven that on the balance of probabilities the oak has been the cause of subsidence damage.’

### **4. PUBLIC PARTICIPATION**

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

### **5. 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.

#### **5.a 10 Wattlers Close, Copmanthorpe (06/00671/FUL)**



Members considered an application for a one and two storey pitched roof side extension submitted by P and H Scurry.

Officers updated the committee that the word “not” had been omitted in paragraph 1.2 of the report and the final sentence should read, “The applicants do not want to proceed with the change and the application comes before committee for decision on the original submitted plans (received 29 March 2006)”.

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

**REASON:** As the application complies with planning policy and the amenity requirements of the area and would not harm highway safety.

#### **5.b Nexus, 25 George Hudson Street (06/00174/FUL)**

Members considered a full application for the conversion of a former food store to nightclub with internal and external alterations to frontage, submitted by McMillan York Ltd.

A document ‘Nexus – A first class leisure venue for a first class city’ was tabled at the committee.

Officers advised that if Members were minded to approve the application then it would need to be subject to a satisfactory Section 106 agreement to cover the outstanding CCTV and bus service issues.

Mr Clark, a neighbour addressed the committee and raised concerns about the negative impact of this development on the residents of Tanner Row and challenged why a nightclub of the proposed scale was needed in the City Centre.

Mr Wright, addressed the committee on behalf of the applicant and explained that discussions were still needed between the stakeholders in respect of the night bus service. Further, the applicant was happy to comply with the CCTV requirements but was awaiting a clarification on cost. Mr Wright described the concept of having a ticket entrance fee and that customers would spend much longer in the club than currently.

Cllr Merrett, Ward Member for Micklegate, addressed the committee and raised significant concerns about the negative impact that the proposal would have on the Micklegate area. His concerns included potential increases in anti-social behaviour and crime. He was concerned that the committee heeded the strong objections from residents and the police and underlined that there were 50 residents living only 200 yards from the location. Reference was made to a noise survey that had been conducted in the area and the view was expressed that this club would only increase that problem. He emphasised the need for full CCTV coverage and satisfactory resolution to the extension of the night time bus service.

The meeting was adjourned for 10 minutes whilst advice was sought as to whether members of the West and City Centre Areas Planning Sub-Committee who were also members of the Licensing Act 2003 Sub Committee Hearings asked for clarification about their role in determining the planning application and then any future licensing applications. Advice was provided that as long as Members were able to clearly distinguish the separate issues of licensing considerations and planning considerations then Members would be able to act on both. However, the members concerned then stated that as there was substantial overlap between planning and licensing considerations in the report and also in the issues raised by speakers they were going to determine the planning application and would not determine any future licensing applications.

Cllr Horton moved and Cllr B Watson seconded, refusal on this application on the grounds of “public order and safety, crime and disorder and impact on residential amenity” and on being put to the vote the motion was declared lost.

**RESOLVED:** That the application be approved in line with the conditions and informatives outlined in the report with the exception of conditions 5 and 8 and subject to a satisfactory Section 106 agreement for the CCTV and night bus service.

**REASON:** As it is considered that there are no fundamental land use objections and that the impact resulting from the significant increase in the capacity of the premises would be significantly offset by the proposed change in the mode of operation of the premises.

### **5.c 49A East Mount Road (06/00793/FUL)**

Members considered an application for conversion and alterations to storage building to form 5 no. flats and the erection of new two storey attached dwelling following demolition of existing lean-to store and erection of single storey cycle and bin storage, submitted by Park Ridge Ltd.

Officers updated the committee that a revised drawing had been submitted which addressed design issues in relation to windows and entrance door detail and also answered the highway concerns. The scheme would be excluded from the Residents Parking Scheme. Officers also reported the views of the Micklegate Planning Panel which were concerned that the quality of the development did not enhance the conservation area and also raised concerns over parking.

Mr Green addressed the committee on behalf of residents of East Mount Road. Concerns included the view that this scheme was overdevelopment of the site as an existing lean-to would become a 2 storey building. The design was felt to be out of keeping with the rest of the street with particular reference to the building line of this scheme and the fore-courted nature of the rest of the street.

Ms Potter, the owner of East Mount House, addressed the committee, with specific concerns about the detrimental impact of the height of the new 2 storey property and the overbearing impact and loss of light. Mr Proctor, a local resident addressed the committee with concerns about the density of the development and the impact on parking spaces and the overall negative impact of the development on the conservation area.

Members discussed the application and some felt there had not been enough significant improvements since the refusal of the last scheme.

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

**REASON:** On the grounds of overdevelopment, design and impact on the character and appearance of the conservation area which is contrary to Policy HE3 and GP1 and the impact on living conditions of 50 East Mount Road in terms of loss of light and the overbearing impact are contrary to GP1 and H4A also policy E4 of the Approved North Yorkshire Structure Plan and Policy HE2 of the Draft Local Plan.

#### **5.d 9 Slingsby Grove (06/00623/FUL)**

Members considered an application for the erection of a single dwelling submitted by Mr Travis.

Officers advised that their recommendation was now altered to request a deferral on this item as the neighbours had not been notified of the site visit or committee meeting in respect of this item.

**RESOLVED:** That the decision on this item be deferred.

**REASON:** In order to ensure that appropriate notification be given to all parties.

#### **5.e York Marine Services Ltd, Ferry Lane, Bishopthorpe (06/00590/FUL)**

Members considered an application for the erection of 15 no. lodge style, static caravans, including landscaping, environmental improvements and the creation of a new marina, submitted by Mr David Smith and Mr Glyn Aucott. The application also involved the use of the spoil from the excavation of the marina to raise the level of the site.

Officers updated the committee that a further letter had been received from York Marine Services outlining that the application formed part of a survival plan needed because of flooding on the site. In addition, a letter from the Environment Agency was reported to the committee, which indicated that

their original objection was withdrawn subject to a range of conditions on any approval. Further, Officers advised that should Members refuse the application, policy V5 be added to the reasons for refusal.

Mr Dale, a neighbour speaking in objection to the application, addressed the committee and raised concerns about the loss of open space for villagers to enjoy, the negative impact on rare and endangered species which currently had recovery time over the winter when the site was less well used. He also expressed concerns about the impact of raising the ground level of the site both in terms of forcing flood water elsewhere and also in terms of a detrimental visual intrusion by raising the static caravans.

Mr Smith, the Managing Director of York Marine Services Ltd addressed the committee and explained that the application was a result of huge flood impact on the site and argued that the development should be considered as a special case for development in the green belt.

Mr Mellors, addressed the committee on behalf of the Bishopthorpe Parish Council and emphasized that although improvements were needed on the site he urged the committee to consider the impact on the green belt and on the conservation area. He expressed the view that more detail of the development was needed at this stage, he raised concerns about the style of chalets being out of place with other housing in the area and also concerns about waste disposal. He expressed the view that survival of a business was not a planning consideration.

Members established from the applicant that a site investigation would be carried out with an analysis of excavation works to ensure that the spoil would be suitable to raise the ground level on the site. Members discussed the need for more detail on the technical considerations in relation to the application. Members clarified the situation in relation to the footpath and ownership of the land and established that although the application would involve a diversion of the path there was no intention to reduce its use. Members queried the intended depth of the marina and also discussed the impact of the chalets and the marina in the greenbelt and in a conservation area.

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

**RESOLVED:** As the proposed use of land for the siting of 15 lodge style static caravans is considered to be inappropriate development in the Green Belt and by virtue of its overall design, appearance and prominent location within the designated Green Belt, would harm the open character and appearance of the Green Belt, contrary to the PPG2 guidance, Structure Plan Policy R10 and Policy GB1, V5 of the City of York Development Control Local Plan.

**5.f 32A Copmanthorpe Lane, Bishopthorpe (06/00565/FUL)**

Members considered an application for the erection of a first floor pitched roof extension to create a two storey dwelling house, single storey side extension and front porch (resubmission) submitted by Mr and Mrs Burlison.

Officers advised that their recommendation was now altered to request a deferral on this item as an amendment had been submitted by the applicant that could potentially overcome the problems with the scheme. Officers wanted further time to consult with neighbours.

**RESOLVED:** That decision on the application be deferred.

**REASON:** In order to allow further consultation to take place.

**5.g First Farm, Main Street, Askham Richard (06/00626/FUL)**

Members considered a full application for a conversion of existing outbuilding to 1no. building, submitted by Mr and Mrs Bertram.

Mr Kendall, the agent for the applicant, addressed the committee and spoke in support of the item.

Cllr Macdonald moved a motion to approve this application subject to windows of the design on the 2004 drawings and the replacement of the existing white plastic gutters being replaced.

**RESOLVED:** That the application be delegated to Officers for approval in line with the conditions and informatives attached to the previous approval where appropriate and subject to the satisfactory receipt of an amended plan showing the reinstatement of first floor windows and the additional condition that the existing white plastic rainwater goods be replaced in black painted metal.

**REASON:** By virtue of the fact that there would be no harmful overlooking from the additional window bearing in mind the previous approval for the conversion of this property to residential use.

**5.h 48 Wetherby Road (06/00222/FUL)**

Members considered a full application for the erection of a detached dwelling and garage to the rear of 48 Wetherby Road, submitted by Mr K Webb.

Officers updated the committee that the following additional condition was recommended should Members approve the application;

“The existing hedge on the eastern boundary of the site shall not be removed or reduced in height, until the boundary details required of Condition 6 have been approved in writing by the Local Planning authority.

The hedgerow as agreed to be retained, shall therefore be maintained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the Interests of the visual amenities of the area and the occupiers of neighbouring properties.”

Ms Davies, a neighbour to the site, addressed the committee and raised concerns about loss of privacy in rear gardens, the height of the western wall at the boundary, no space for scaffolding, loss of trees, including a maple and 100 ft of mature hedge and fear of increased risk of crime. Mr Shore addressed the committee with concerns about the visual impact of the proposal, loss of privacy and increase of noise. Mr Smalley addressed the committee with concerns that the design was out of character with the area as there was no other rear developments, loss of the use of his garden and specific concerns about the manoeuvre to get a car onto and out of the site and the practicalities of having locked gates.

Mr Barnes, the agent for the applicant addressed the committee and answered some of the concerns raised. He emphasised the separation distances from the proposed dwelling to other properties and confirmed that the hawthorne hedge along the boundary would be kept.

Members had concerns about the height of the scheme and the siting of the building on the plot and the consequent impact on neighbouring properties.

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

**RESOLVED:** By virtue of the width of the plot, the height of the proposal and the proximity of adjacent houses would result in harm for the living conditions of the occupiers of 50 Wetherby Road also 18 and 20 Ridgeway and the overbearing impact and loss of privacy is contrary to GP1 and H4A.

#### **5.i 28 Garnet Terrace (05/02754/FUL)**

Members considered a full application for the conversion of an existing dwelling into 2.no self-contained flats, demolition of detached store and the provision of detached cycle store, submitted by Mr K Webb.

Officers updated the committee with the response from the Environment Agency indicating that their previous objection had been withdrawn and

that the detail of Condition 2 be amended to refer to plan KW/2A received on 17/05/2006.

Mr Laverack, agent for the applicant addressed the committee in support of the application.

Members discussed the subdivision of terraced houses into flats and asked for clarification on the need to raise the floor height in response to the Environment Agency request.

**RESOLVED:** That the application be approved in line with the recommendations and informatives outlined in the report but with the exception that the floor level not be raised 400mm but be left at its current height.

**REASON:** As, on balance, it is considered that the proposal would not harm the locality and that the permission has been conditioned to ensure that the living conditions of the adjacent and future users would not be materially harmed.

#### **5.j Cafe Nero, 16 Davygate (06/01099/FUL)**

Members considered a full application for the use of public highway for outside seating in connection with the Café use of 16 Davygate, submitted by Nero Holdings.

Officers updated the committee that the location site for the application was on the New Street Frontage to the property and not the Davygate and that the type of furniture to be used if approval be granted, would need to be approved in writing by the Local Planning Authority. Environmental Protection Unit reiterated that the hours of use should be 10.30 am – 4.00pm (Monday – Saturday) and 12.00pm – 4.00 pm (Sunday and Bank Holiday).

Members raised concerns about the distance between this proposed area and the other outdoor areas further along New Street and the lack of consultation with disabled groups. Members expressed concern about the size of the area requested as it appeared to small to accommodate furniture and also had concerns about the camber of the footway.

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

**REASON:** The proposed development, by virtue of the proposed number of tables and chairs on New Street would be detrimental to highway safety. The proposed development is therefore unacceptable and is refused in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states that local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.

**5.k Car Park Adjacent Woolpack House, The Stonebow  
(05/02677/FUL)**

Members considered a full application for the erection of 4 new residential town houses submitted by Tropicwatch Ltd.

Officers updated the committee that the following additional condition should be added:

Notwithstanding the information on the approved plans, the height of the development shall not exceed 12.5 metres, as measured from the existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

Ms Ward, a neighbour, addressed the committee and raised concerns about the height of the development and the significant overlooking particularly from the balconies.

Mr Reeves, the agent for the applicant, addressed the committee in support of the item.

**RESOLVED:** That the application be approved subject to the conditions and informatives listed in the report with condition 15 and reason 3 of condition 16 removed and condition 10 amended to replace “should date” with “dating”.

**REASON:** The proposal is considered to result in an enhancement to the character and appearance of the conservation area and is acceptable in terms of its design, massing and height.

**5.l Land Lying To The Rear Of 14 to 18 Agar Street (06/00795/FUL)**

Members considered a full application for the erection of 7 no. town houses with associated access road, car parking and cycle storage, submitted by Mack and Lawler Builders Ltd.

Officers updated Members that additional highway conditions would need to be added to any approval and these are listed below;



1 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 the approved plans.

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

2 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.

3 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

4 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

5 The dwellings hereby approved shall not be occupied until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

A Traffic Regulation Order, to ensure that waiting restrictions are in place along the site access road prior to the occupation of the dwellings.

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

INFORMATIVE - Because of the central location of the site, the access road is likely to be immediately subject to commuter parking unless waiting restrictions are introduced at the start of occupation. The Traffic Regulation

Order would ensure that yellow lines are in place prior to occupation of any of the properties. All associated costs would be met by the developer.

6 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

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

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

That sites other than Glen Gardens be investigated for investment of the developer financial contributions.

**REASON:** The proposal is considered to be a satisfactory use of this city centre site for the provision of family size housing in a sustainable location.

Cllr David Livesley

Chair of West and City Planning Sub Committee  
The meeting started at 3.00 pm and finished at 9.00 pm.

**COMMITTEE REPORT**

<b>Team:</b>	West Area	<b>Ward:</b>	Dringhouses And Woodthorpe
<b>Date:</b>	20 July 2006	<b>Parish:</b>	Dringhouses/Woodthorpe Planning Panel

<b>Reference:</b>	06/00623/FUL
<b>Application at:</b>	9 Slingsby Grove York YO24 1LS
<b>For:</b>	Erection of detached dwelling
<b>By:</b>	Mr N Travis
<b>Application Type:</b>	Full Application
<b>Target Date:</b>	19 May 2006

**1.0 PROPOSAL**

1.1 The applicant seeks planning approval to erect a detached dwelling.

1.2 The application relates to the side garden of No.9, Slingsby Grove; a semi detached brick built property. The current garden contains a large hipped roofed double garage, which can be accessed using the existing driveway. Mature privet hedging encloses the garden to the front and side. A large brick wall approx. 2.7 metres in height forms the southern boundary and forms the shared boundary with a neighbouring bungalows No's. 94a and 94, Tadcaster Road.

1.3 Consideration of this application was deferred at the 22 June 2006 sub-committee to enable additional notification letters to be sent to objectors.

**RELEVANT PLANNING HISTORY**

1.4 No.7/13/6748/PA - Use of land for the erection of one dwelling on existing garden (submitted in accordance with Article 5 (2) of the Town and Country Planning General Development Order 1977, as an "outline application" at 11, Slingsby Grove - Refused 10th April 1989 due to overdevelopment of the site and lack of amenity space.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1  
Design

CYH4A  
Housing Windfalls

CYL1C

Provision of New Open Space in Development

CYGP10

Subdivision of gardens and infill devt

### **3.0 CONSULTATIONS**

Internal

3.1 Environmental Protection Unit - No Objections

3.2 Highway Network Management - No Objections - Further Details Required

3.3 Lifelong Leisure and Learning - No Objections

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

a) amenity open space - which would be used to improve a local site such as the Knavesmire, Hob Moor, Mayfield or Chapmans Ponds

b) play space - which would be used to improve a local site such as Nelsons Lane or Leaside

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

External

3.4 Dringhouses/Woodthorpe Planning Panel - Comments

- \* General appearance acceptable
- \* Consider the inclusion of a chimney to be appropriate

3.5 Nine letters of objection have been received from the residents of a neighbouring property. The letters raises the following concerns:

- \* Increased congestion
- \* Sewage and Servicing problems
- \* Devaluation of Property and Subsequent Compensation
- \* Overlooking/Privacy
- \* Loss of Light
- \* Affordable Housing Provision
- \* Pollution

3.6 Amended plans showing a 1.0 metre (approx) reduction in the proposed roof height have been submitted by the applicant. Following re-notification, three further letters of objection have been received making the following points:

- \* Reduction in height does not overcome previously stated objections.

### **4.0 APPRAISAL**

PLANNING POLICY

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

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

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

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

## ASSESSMENT

4.5 The applicant has clearly stated that all materials used will match the existing where appropriate, ensuring continuity, whilst also setting a desirable precedent for all future development. In terms of design the external features of the dwelling replicates the frontages of neighbouring properties and incorporates many of the features which characterise this diverse street scene. The side and rear garden areas are also compatible to those associated with neighbouring properties, in particular the properties located to the side and rear.

4.6 Concerns have been raised regarding the first floor rear windows impact upon neighbouring amenity; in particular the potential loss of privacy. Although the first floor windows will be located in close proximity to the rear boundary wall and the bungalow beyond, the impact in terms of amenity loss is considered to be minimal. The rear boundary wall measures approx. 2.7 metres in height with the No.94a, Tadcaster Road, located approx 3.0 metres beyond; the close proximity of the bungalow to this high wall, in conjunction with existing planting and the angles of vision afforded from the proposed first floor windows mitigates direct overlooking into the rear/side garden and kitchen window of the aforementioned dwelling. Views into No.94 are mitigated by the height of an existing garage and the distances involved.

4.7 The proposed dwelling by virtue of its location and orientation (north of the adjoining bungalow) will represent little threat to amenity in terms of overshadowing. Furthermore the original drawings have been amended to reduce the proposed ridgeline by 1 metre. Although some loss of light may occur during the late evening to the side of No.7, Slingsby Grove, the overall impact is considered negligible in this instance.

4.8 The loss of existing garaging has been replaced by the inclusion of parking provision for at least two vehicles to the side of the proposed and existing properties. The parking

provision will enable the future occupiers of the properties to park off the main highway at all times and will not compound any perceived congestion. Cycle storage has also been provided to the rear, potentially reducing the need for vehicle usage and promoting sustainable living.

4.9 The applicant is only proposing to build one property, therefore the "affordable housing" policy is not relevant in this instance.

4.10 The "devaluation of property" is not a material planning consideration and can not be considered as part of this application.

## 5.0 CONCLUSION

The proposed detached dwelling by virtue of its overall design and locality, represents little threat to the visual and residential amenity of neighbouring property or the surrounding street scene in general, meeting policies GP1 and GP10 of the City of York Development Control Draft Local Plan.

## 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 New Dwelling SG01 Rev B  
Proposed New Dwelling SG02 Rev B  
  
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 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.  
  
Reason: To protect the health of the occupants.
- 4 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.  
  
Reason: To protect the amenity of local residents during the construction of the development.
- 5 VISQ7 Sample panel ext materials to be approv

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

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

- 7 HWAY19 Car and cycle parking laid out

- 8 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 9 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 to H of Schedule 2 Part 1 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 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.

- 10 The boundary walls enclosing the rear (southern) boundary of the site shall not be lowered or breached without the prior written consent of the Local Planning Authority.

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

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

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

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £1,809.

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.

- 12 Prior to the commencement of any works, details shall be submitted showing the arrangements for cycle storage, including means of enclosure in respect of the proposed development at 9, Slingsby Grove and the existing property. All works are to be approved in writing by the Local Planning Authority.

Reason: To promote the use of cycles

- 13 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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

### 1. Demolition and Construction - Informative

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

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

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

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

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

5. There shall be no bonfires on the site.

### 2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policy GP1, GP10, H4A and L1c of the City of York Local Development Control Draft Local Plan.



**Contact details:**

**Author:** Richard Mowat Development Control Officer

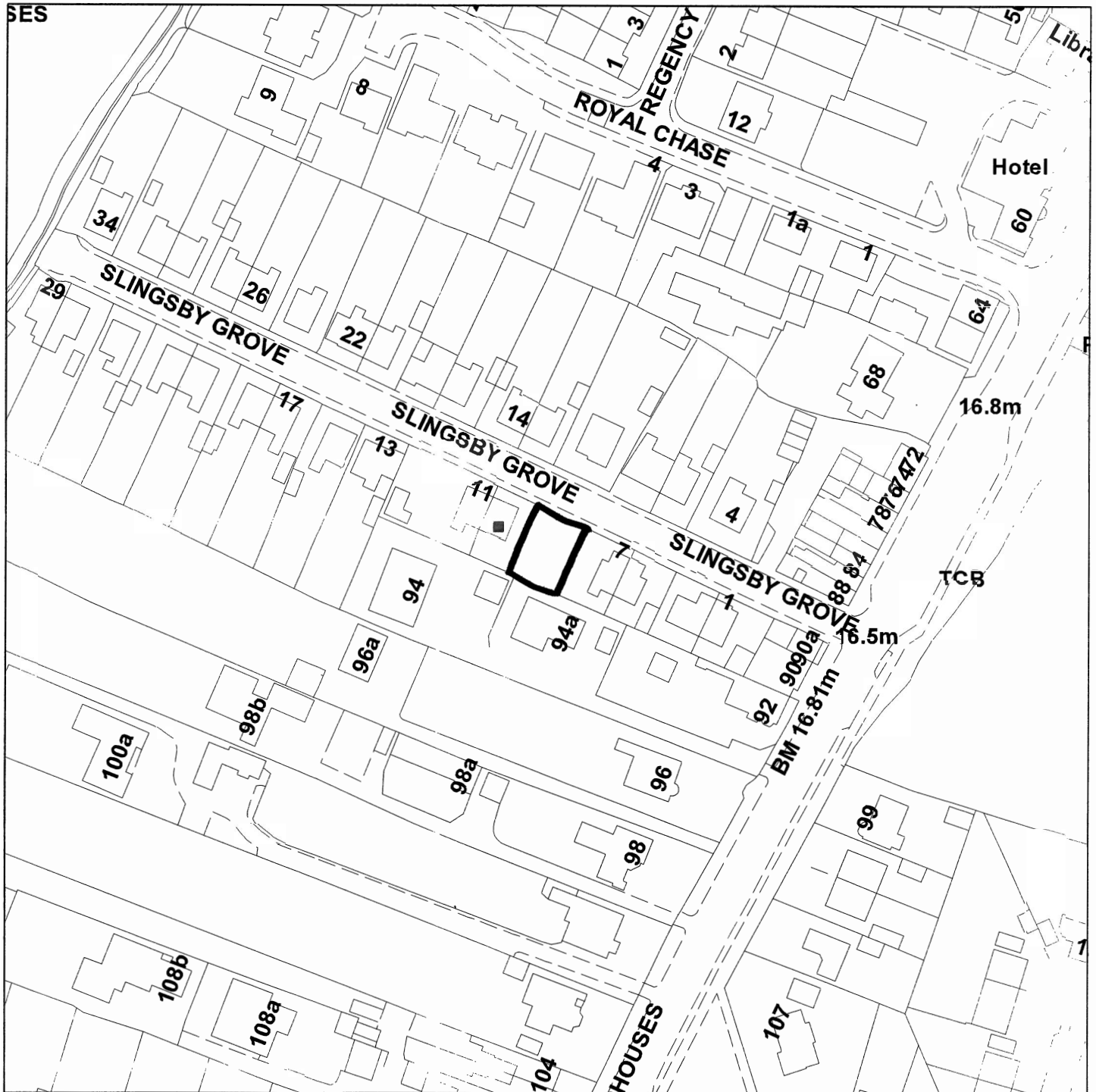
**Tel No:** 01904 551416

This page is intentionally left blank

# 9 Slingsby Grove



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York
<b>Department</b>	DEDS
<b>Comments</b>	
<b>Date</b>	05 July 2006
<b>SLA Number</b>	Not Set

This page is intentionally left blank



### 3.0 CONSULTATIONS

#### 3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 12/07/2006  
Site Notice - N/A  
Press Advert - N/A  
Internal/External Consultations - Expires 12/07/2006

8 WEEK TARGET DATE 12/05/2006

#### 3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

CONSERVATION (Countryside Officer) - Effectively this means building a new house on the site of the old and will affect the whole roof. There are no records for this property although there are some for the village. Would like a conditions to be applied requiring the roof be removed manually so that a bat check can be carried out and also to incorporate suitable bat features into the design.

#### 3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

BISHOPTHORPE PARISH COUNCIL - Object

- Resubmission has changed little from the original application
- The change to the appearance is insufficient to over ride the reason in paragraph 2 of the decision
- The building is set back from the street building line and will have a strong shadowing effect to the rear of No. 32
- Supports the representations made by the owners of No. 32

#### 2 LETTERS OF OBJECTION

- Reason for refusal of the last application have not been addressed
- 32A set back at the rear of the adjacent properties by 5.5 metres
- Additional storey would have an overbearing impact on the rear of the adjacent properties and their gardens but all of the four dwellings due to scale, height, high gable ends and painted render finish
- Prominent from Temple Road and Maclagen Road
- Unsuitable and unsympathetic for the site, surrounding properties and general location
- Direct impact on light to Nos 32 and 34
- Unsuitable for the foundation of a four bedroomed house
- Render finish out of character with the locality

Neighbours and the Parish Council have been notified of the revised drawings.

### 4.0 APPRAISAL

#### 4.1 RELEVANT SITE HISTORY

05/02764/ FUL - Single storey side extension and porch, and construction of first floor over entire ground floor to create a two storey house - Refused

1) The proposed additional storey would be harmful to the character of the street and locality due to its design, scale and height, and would have an overbearing impact upon the adjacent property at 34 Copmanthorpe Lane

2) The proposed external render finish of the existing dwelling and additional storey would be out of character within the locality being unsympathetic to external appearance of the surrounding dwellings

#### 4.2 ADDITIONAL PLANNING POLICY

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

#### 4.3 KEY ISSUES

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

#### 4.4 ASSESSMENT

##### PLANNING POLICY

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

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

##### VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.3 The previous application proposed the construction of a first floor over entire the ground floor and the garage creating a two storey dwelling to the boundary and was considered not to be in keeping with the character of the street where dwellings are set back from the boundary. The application has removed the first floor extension above the garage and therefore reducing some of the prominent impact on the street scene and the overbearing impact on 34 Copmanthorpe Lane.

4.4.4 The existing dwelling is set back from the well defined building line within Copmanthorpe Lane. The proposed dwelling has a less cramped appearance than the previous application due to the removal of the first floor above the garage. A two storey dwelling on this site would be in keeping with the character of the locality. The existing bungalow looks out of character with the surrounding properties due to its design, height etc but mainly the white bricks used.

4.4.5 The amended plans submitted before the last committee show the ground floor with brick slips covering the existing brick frontage and the first floor to be brick, both to match the red brick used in neighbouring dwellings. The new external finish is considered to deal with

the previous reason for refusal and the brick external finish is considered to be appropriate to the area.

#### IMPACT ON NEIGHBOURING PROPERTY

4.4.6 There would be no overlooking caused by the proposed extension the window in the side elevation is a bathroom window and could be conditioned to be obscure glazing.

4.4.7 The dwelling is along a northeast southwest axis and set back from the rear building line by around 5 metres which may cause an issue of loss of light and overshadowing. The additional storey may create a loss of light to the extension of 32 Copmanthorpe Lane there may be a loss of light to a lesser extent to 34 Copmanthorpe Lane. The proposed height of the dwelling would be 8.5 metres to the ridge height, and 5.2 metres to the eave height. The height of the existing dwelling at the ridge height is 5.8 metres and 2.4 metres to the eave height.

4.4.8 It is not considered that the proposed side extension would have an overbearing impact on the occupants of specifically 32 Copmanthorpe Lane and to a lesser extent 34 Copmanthorpe Lane that would not be harmful enough to warrant refusal.

#### 5.0 CONCLUSION

5.1 The proposed erection of a first floor pitched roof extension to create a two storey dwelling house, and a single storey side extension forming garage and front porch would comply with planning policy, and the amenity requirements of the area. Approval is recommended.

#### 6.0 RECOMMENDATION: Approve

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

Drawing Number 004 received 19 June 2006  
Drawing Number 101 Revision C received 19 June 2006;

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

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

- 2 TIME2 Development start within three years
- 3 VISQ8 Samples of exterior materials to be app

- 4 Notwithstanding the submitted plans the ground and first floor window on the side elevation facing no. 32 Copmanthorpe lane shall be glazed with obscured glass and shall be maintained with obscured glass thereafter.

Reason: to protect the privacy of the neighbour.



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

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

- 6 When removing the roof, the tiles should be removed by hand so that they can be checked to ensure that no bats are present. The timing of this operation should be notified to the Council in advance. A protocol for dealing with bats, should they be discovered, should be provided to the Council prior to any work commencing.

Reason: This is a precautionary measure in the interests of nature conservation to ensure that a protected species is not inadvertently harmed.

- 7 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 building design to accommodate bats. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

Reason: To enhance the biodiversity and wildlife interest 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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

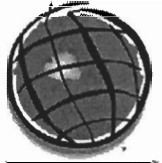
#### **Contact details:**

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

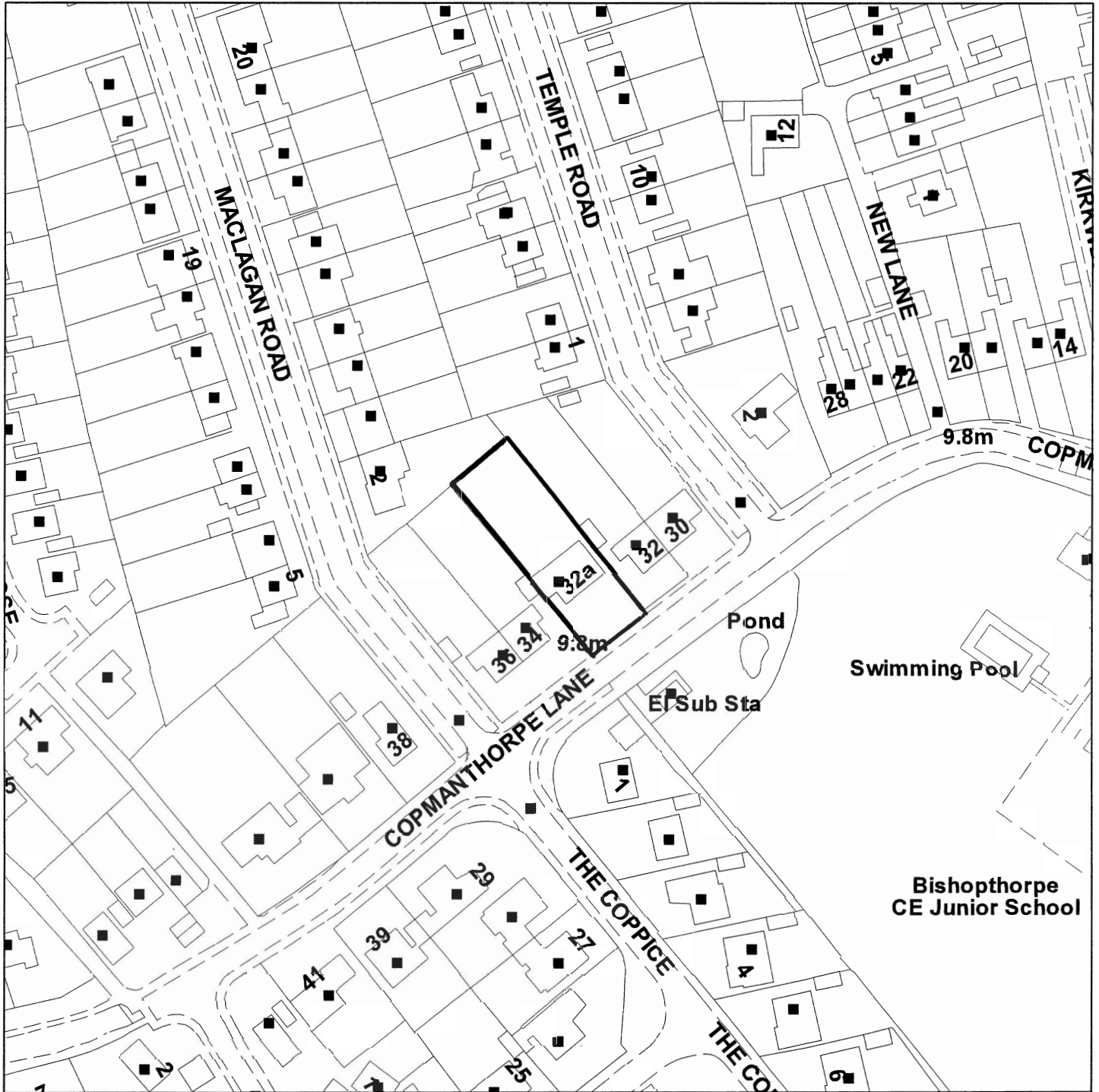
This page is intentionally left blank

# 32a Copmanthorpe Lane

06/00565/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	
<b>Date</b>	07 June 2006
<b>SLA Number</b>	

This page is intentionally left blank

**COMMITTEE REPORT**

**Team:** Central Area  
**Date:** 20 July 2006

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 05/02569/FUL  
**Application at:** 3 Blake Street York YO1 8QJ  
**For:** Conversion and external alterations of two storey storage building and construction of new third storey to form two dwellings to the rear of 3-5 Blake Street  
**By:** The Helmsley Group  
**Application Type:** Full Application  
**Target Date:** 24 January 2006

**1.0 PROPOSAL**

1.1 The proposed development forms the third and final phase of a three phased scheme that includes the change of use of the premises at Nos.3-5 Blake Street to provide 2 ground floor retail units, the conversion of the upper floors of the main building to 2 No. apartments, the demolition of the rear 20th century buildings and the redevelopment of this area to provide 2 further dwellings. Phase 1 for the demolition of the rear outbuildings and the conversion of the ground floor to two retail units was approved by officers under the scheme of delegation on 26 January 2006. Phase 2 to restore the first floor to 2 apartments was approved by Members at the Central Planning Sub-committee on 11 April 2006. A companion application for Listed Building consent follows on the agenda and the historical context of the development is more fully considered within this application.

1.2 This application is for the conversion of an existing 1960's two storey modern brick storage building at the rear of No. 3-5 Blake Street into two houses, including the provision of a new third storey to its flat roof area and insulated cladding to the facades. It is intended to use a mixture of limestone cladding, timber boarding, ribbed metal to match the adjacent property ), and render to the side elevations.

1.3 The originally submitted scheme proposed a third storey to the rear outbuilding, with a flattish roof form. It was considered that this bulky form would be alien to conservation area and over-dominant in the immediate area, given the proximity alongside and above surrounding developments. A revised scheme "breaking down" the roof form did not overcome all these objections and was subsequently revised again. It is now proposed that roof profile be changed to a mansard profile springing from the level of the current parapet wall.

1.4 The site is accessed by pedestrians from an existing passageway from Blake Street, and by vehicles and pedestrians from Duncombe Place. Both entrances would be secure and not open to the public. The yard area would provide a shared garden area for the dwellings, 5 parking spaces, 1 garage, and bin storage and cycle parking areas for the approved 2 apartments and the proposed 2 dwellings.

1.5 The site is situated within the Central Historic Core Conservation Area.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

Listed Building - Grade II

2.2 Policies:

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

CYHE4  
Listed Buildings

CYH4  
Housing devp in existing settlements

CYT4  
Cycle parking standards

CYHE10  
Archaeology

CYL1C  
Provision of New Open Space in Development

CYH9  
loss of dwellings or housing land

**3.0 CONSULTATIONS**

INTERNAL

3.1 Urban Design and Conservation-

The introduction of two town houses into the mixed-use scheme of retail and apartments is welcome, Concern was initially expressed about-

i) Massing and expression of the 2 townhouses, unsympathetic roof form given variety and texture of surrounding developments

- ii) Verges and eaves details too crude for this largely domestic environment
- iii) Proposed large bay window and terrace uncharacteristic of domestic buildings in the conservation area and too big.
- iv) Proposed materials should be more modest and simple in expression.

The scheme has been significantly amended following consultations between the conservation officer, planning officer, and the agents. The amended proposals aim to address the above issues, maintain the architectural quality of the previous scheme, improve the quality and visual appearance of an ugly former industrial building, and to improve the conditions for the neighbours whilst retaining important architectural features.

Ecology Officer- No comments

Archaeological Officer-Watching brief required on all ground works

### 3.2 Highway Network Management-

Recommend that the provision of car parking be reduced to 4 spaces to improve manoeuvrability and widen each space to 3m. Cycle storage should be secure and in a locked covered storage area, and proposed open sided shelter is not acceptable.

### 3.3 Lifelong Learning and Culture-

A financial contribution is required towards the provision of off-site open space facilities as a result of the proposed development.

### 3.4 Environmental Protection Unit-

Do not object to the proposal but express concern about noise disturbance to local residents from construction noise, noise from Blake Street and possible contamination of the land. If planning approval is granted then planning conditions are recommended to cover these issues.

## EXTERNAL

### 3.5 Guildhall Planning Panel-

No objections and no additional observations following reconsultation

English Heritage- Do not wish to offer comments on the reconsulted details and advise that the application be determined in accordance with national and policy guidance, and on the basis of the LPA's specialist conservation advice.

3.6 Police Liaison Officer- No comments to make regarding crime prevention and 'designing out crime'

3.7 Representations have been received from the adjacent Masonic Lodge; the owners of two properties on Stone gate Court that would be affected by the proposals on its southern boundary, and one member of the public raising the following planning issues-

-Concern there would be some adverse impact on the adjacent Grade II Listed Building, Buncombe Place Masonic Hall- harm to fabric, structure, and limitations on access to 3 sides of the property to maintain property.

-Proposed walls, railings, gates would be unnecessarily intrusive in the rear yard

-Use of oak beneath the stairs in the passage from Blake Street is otiose; render would be more appropriate

- Vehicular access from Buncombe Place should not compromise either gate
- Houses 1 and 2 are too busy and a plainer building with more brick would be better.
- Sedum roof may be viable but will it create bloom on nearby surfaces
- Increased mass by creating the third floor would result in an over-dominant impact affecting adjacent residential patio areas.
- Noise pollution from construction noise

## 4.0 APPRAISAL

### 4.1 Key Issues

- Land use
- Visual impact/ Impact on the character and amenity of the listed building and conservation area.
- Impact on the living conditions and amenity of the occupiers of the surrounding development
- Highway safety
- Open Space

## POLICY GUIDANCE

### 4.2 Additional Planning Policy

Policy E4, North Yorkshire County Structure Plan- Protection of Historic Buildings and Areas  
Policy H9, North Yorkshire County Structure Plan- Suitable Conversion to residential use  
Planning Policy guidance Note No. 3 " Housing "  
Planning Policy Guidance Note No. 13 " Transport "  
Planning Policy Guidance Note No. 15 " Planning and the Historic Environment "

4.3 Policy E4 of the Approved North Yorkshire Structure Plan (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection. The City of York Deposit Draft Local Plan has been amended by a Fourth Set of Changes, approved for development control purposes on 13 April 2005. Policy HE2 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.4 Policy H9 of the Approved North Yorkshire Structure Plan states that "provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and in particular in and around the historic core of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace".

4.5 Policy H4a of the Draft Local Plan states that planning permission will be granted for new residential development where the site is within the urban area and it involves infilling, redevelopment or conversion of existing buildings, where the site has good accessibility to jobs, shops and services by non-car modes of transport, and subject to the development being of an appropriate scale and density to the surrounding development.

## LAND USE



4.6 The principle of the conversion of the former storage building to residential use would not conflict with Policy H9 of the Approved North Yorkshire Structure Plan, which is the statutory development plan for the area, or Policy H4a of the Draft Local Plan, which generally encourage the conversion of existing buildings to residential use within the urban area, and in particular in and around the centre of York. The site occupies a highly sustainable location close to the centre of York with easy access to services, facilities and jobs, and the proposal would make maximum use of the building through the addition to the roof space to provide more living accommodation

4.7 Central Government advice in Planning Policy Guidance Note 3 ("Housing")(PPG3) and Planning Policy Guidance Note 13 ("Transport") (PPG13), both of which advise that residential development be concentrated in sustainable locations where the number and length of car journeys can be minimised, also offer a degree of support to the proposal. In particular, paragraph 41 of PPG3 notes that the conversion of buildings formerly in other uses can provide an important source of additional housing, particularly in town centres and advocates that planning authorities adopt positive policies to bring vacant commercial buildings into residential use and promote such conversions, by adopting a flexible approach to densities, car parking, amenity space and overlooking. The application site is readily accessible on foot to all city centre facilities and amenities and its use for residential purposes is considered to be consistent with the advice in PPG3 and PPG13.

## VISUAL AND HISTORIC IMPACT

4.7 A historical analysis of the wider area of the application site demonstrates that the former close-knit, tight grain layout changed significantly by the 19th century when Little Blake Street was widened to improve the vista towards the Minster creating Duncombe Place and by extensive demolition to the north and east allowing for the redevelopment of the Victorian/ Edwardian institutional buildings i.e. the probate Registry office and later Gray's Dispensary. It would appear that the rear of Nos. 3 & 5 Blake Street enjoyed a large garden space until the mid -20th century when the rear extension of No. 5 was altered and extended in a rudimentary manner to form the existing two storey flat roofed workshop space. At the same time the open area was covered over with asbestos sheeting on a large steel framed roof. The removal of these later industrial type structures to reopen the inner block area will be of immense benefit to the amenity of the surrounding listed buildings and this has been granted planning permission( Ref. 05/0227/ FUL). The creation of the small garden area and car parking area would also be re-open and enhance the quality of this rear area. The disposition of access and entry points would also encourage movements directly through the existing passageway off Blake Street and the formation of the new link between the yard and the passageway to Blake Street would only alter an area which has already been altered detrimentally in the past. The massing of the proposed structure would not be visible from the Georgian frontage to Blake Street and would be in character with the adjacent residential development at Stonegate Court. The amended plans propose a more domestic proportion to windows and balconies. Similarly, the roof form has been altered from an extensive sedum flattish, boxy roof to more domestic proportions. The use of materials has also been of some debate, in particular the use of limestone cladding, which is usually reserved for more public buildings, and representations have suggested that brick would be more appropriate in this context. As there is limestone in the area and brick is not traditionally used for cladding, it is considered that limestone cladding would be acceptable. The aim is not to overcomplicate the appearance of this simple building. It is concluded that the proposals would fit the historic grain of the area, would be appropriate in scale to surrounding development, and would not be harmful to the special amenity and historic interests in this part of the conservation area and the adjacent listed buildings.

## IMPACT ON SURROUNDING PROPERTIES

4.5 The main concerns relate to the overall massing and expression of the two town houses and their resultant impact on the neighbouring residential property. There are two first floor properties on Stonegate Court that would be affected by the proposal. These properties face northwest and have patio areas that abut the joint boundary. They are single aspect dwellings and the large patio windows to the living area are approximately 7 metres from the existing building to be converted. The galleried bedroom is lit by light from the patio window and a skylight. The design of these dwellings incorporates a large overhang of the eaves that limits views upwards and outwards. The building to be converted is separated from these properties by the existing 2metre passageway.

4.6 In adding a third floor to the proposed townhouses, the initially submitted schemes showed the parapet wall being increased by a full storey only 7 metres from the dwelling and 2.5 metres from the patio. The outlook from the two properties would be severely compromised by this unneighbourly addition. The final revised scheme attempts to improve the situation from the neighbours' properties by retaining the existing parapet height and introducing a mansard behind it. The agent has carried out daylight/ sunlight investigations to assess the impact of the roof on the properties on Stonegate Court and an abutting first floor balcony to the west. These demonstrate that there would be no material loss of daylight to neighbouring windows and properties. The amended design would maintain much of the openness and sky view that is currently available, and that the view from the inside of the dwellings would increase as occupants move towards the patio windows. The final plans that remove the proposed third storey by building onto the height of the parapet wall would overcome the concerns about an overbearing impact, dominance and harm to the living conditions of these neighbouring properties. On balance, it is considered that the level of impact of the proposed roof on the living conditions inside the neighbouring properties would be acceptable. If Members were minded to approve the application for residential development, a condition to ensure no further windows would be added to this elevation would be required to avoid overlooking to these nearby properties. The revised proposal would have the advantage of potentially improving the level of brightness on the patio areas as the finish of the parapet in a light coloured render could improve the level of brightness on the patio through reflected light.

4.7 There would be no harmful overlooking from scheme's proposed first floor balcony and roof terrace to the surrounding properties due to distance, orientation and design. The communal garden area would not be compromised by these first floor features. The formation of two dwellings from this building has been designed to respect the living and working conditions of the neighbouring properties, and accords with Policy GP1 of the draft Local Plan.

#### CAR PARKING/CYCLE PARKING

4.9 The agents have been approached to reduce the level of parking thereby increasing manoeuvrability from parking spaces. However, the applicants wish to retain the proposed level of parking that would allow for an element of visitor parking. Cycle parking provision would be secure as it is intended that both entrances would be locked.

#### OPEN SPACE

4.10 Policy L1c of the Draft Local Plan requires all residential developments to make provision for the open space requirements of future occupiers. The policy states that for developments of less than 10 dwellings, a commuted sum payment is required towards off-site provision of open space. This amount (£1630 ) could be secured by condition.

## 5.0 CONCLUSION

5.1 It is concluded that the proposal in its revised form would be sensitive to the site constraints of this tight urban setting in an important historic location. It would allow this structure to be adapted for the 21st century use, and residential use would be compatible with surrounding land uses. On balance it is considered that the compromise of a mansard roof allows the creation of an additional floor without detrimentally harming the neighbours' enjoyment of their patios or harmfully reducing the existing level of light within the dwellings on Stonegate.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. (00)9, received 29.11.2005

Drawing No. (00)10, Revision B, received 13.6.2006

Drawing No. (00)11, Revision B, received 13.6.2006

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

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

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

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

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

Reason: To protect the amenity of the occupants.

- 5 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside the site boundary and within habitable rooms within the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (LA<sub>max</sub>) and averagesound levels (LA<sub>eq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents and occupants of the development during operation of any noise emitting machinery, plant or equipment.

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

Reason: To protect the health of the occupants.

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

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

**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 £1630.

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.

- 8 ARCH2 Watching brief required
- 9 Notwithstanding the provisions of the Town and Country Planning ( General Permitted development ) Order 1995 ( or any order revoking or re-enacting that Order ) no further windows shall be inserted in any elevation of the development hereby approved , without the prior written approval of the Local Planning Authority.

Reason: In the interests of privacy and residential amenity.

- 10 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-E; of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the conservation area, 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.

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

### 1. 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:

- principle of residential conversion/loss of storage building
- effect on character and appearance of the conservation area
- effect on neighbouring properties
- crime and security
- acceptability of proposed parking arrangements

As such the proposal complies with Policies E4 and H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE2, H4a, H12, E3b, GP3 and L1c of the City of York Local Plan Deposit Draft, and national policy guidance as contained in Planning Policy Guidance Notes No. 3 " Housing, " No. 13 " Transport," and No. 15 " Planning and the Historic Environment. ".

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

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

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

3 The best practicable means, as defined by Section 72 of the Control of

Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

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

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

6 There shall be no bonfires on the site.

**Contact details:**

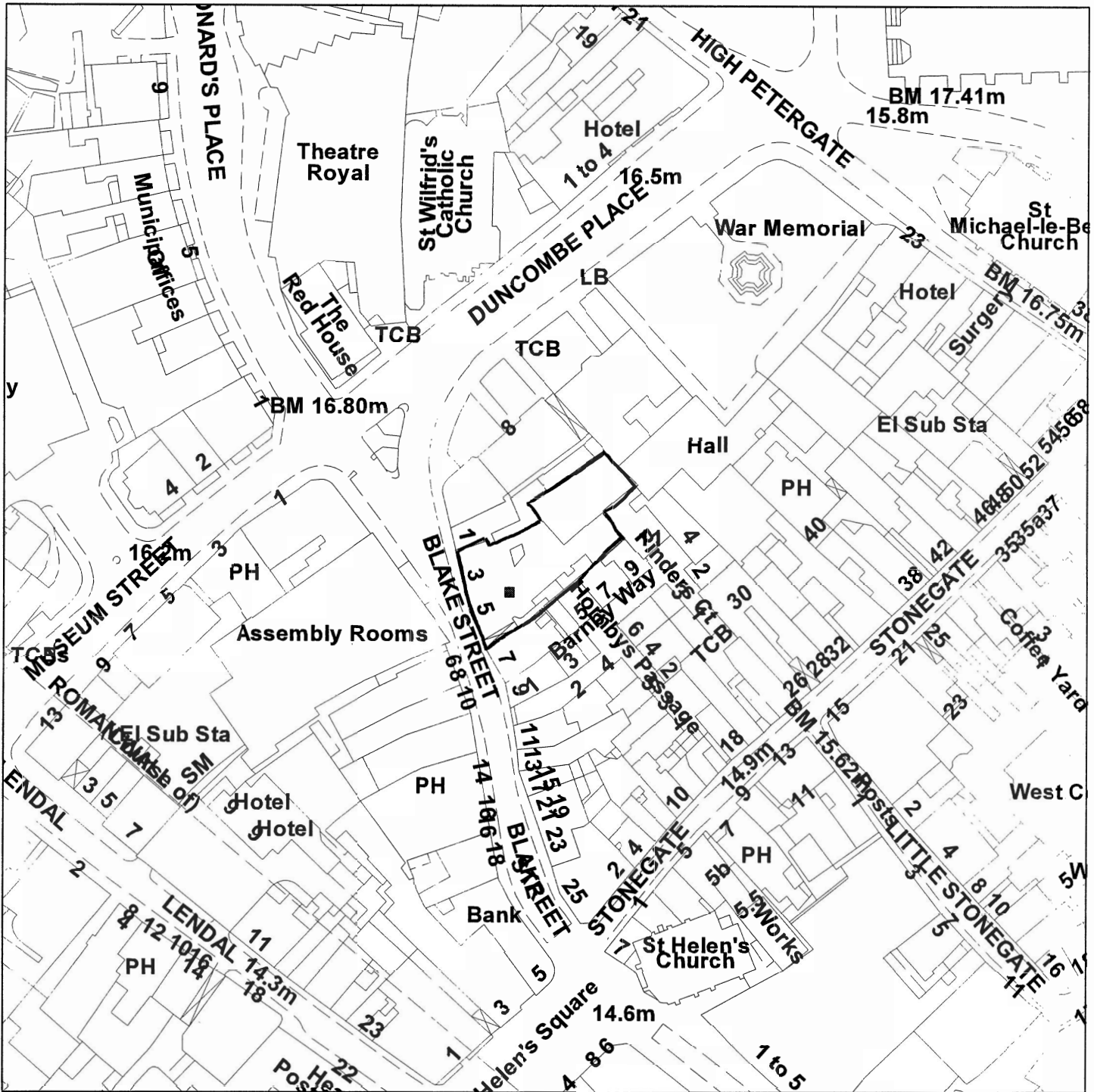
**Author:** Fiona Mackay Development Control Officer (Tues - Fri)

**Tel No:** 01904 552407

# 3-5 Blake Street



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	CYC
<b>Department</b>	DEds
<b>Comments</b>	
<b>Date</b>	05 July 2006
<b>SLA Number</b>	

This page is intentionally left blank



**COMMITTEE REPORT**

**Team:** Central Area  
**Date:**

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 05/02271/LBC  
**Application at:** 3 Blake Street York YO1 8QJ  
**For:** Internal and external alterations to demolish existing single storey structures and alteration of existing shopfront at No. 5 Blake Street.  
**By:** The Helmsley Group  
**Application Type:** Listed Building Consent  
**Target Date:** 19 December 2005

**1.0 PROPOSAL**

1.1 This application relates to the premises that comprise 3-5 Blake Street , formerly House and Son. It forms Phase 1 of a change of use of the premises to provide 2 ground floor retail units, the conversion of the upper floors of the main building to 2 No. dwellings, and the redevelopment of the rear to provide 2 further dwellings. This application relates specifically to the demolition works and the works to the main building. These works would include-

- Demolition of existing asbestos roof and structure to rear including blockwork walls and flat roofs
- Removal of external stairs and W.C.
- Removal and replacement of the shopfront at No 5
- Part removal and replacement of No 5 floor areas

The agent has provided the following information-

- The demolition works will remove insensitive 20th century additions to the rear and side elevations. The existing Georgian and remodelled 19th century elevations will be revealed together with the re-insertion of French doors at ground floor.
- The alterations to the shopfront and floors of No. 5 need general upgrading to current accessibility and building standards i.e. damp proofing.
- The alterations to the first floors and the blocking up of openings are due to fire, sound and structure requirements to provide separation of retail and residential use.

1.2 The site and buildings are grade II listed and are included in the same description as no.1 Blake Street. The Listed Building application is accompanied by an assessment of the historical development of the building and an assessment of the proposals.

1.3 The areas to the front of Blake Street and their respective entrances would be used to provide 2 No. retail units of varying size. The rear staircase, hall and landing would be separated from the retail units and would serve one of the two first floor flats which would be accessed via the existing side alley and a new opening within the link area between the timber framed buildings and the 20thC buildings to allow use of the rear entrance formed in the Georgian period. The late 20th C stair to the flank of the building would be replaced in a similar format in a contemporary style to a higher standard and slightly revised format to prevent the need for interior alterations forming the second apartment. The area that would result from the cleared buildings would eventually form a rear yard area for use as car parking, communal garden and bins/ cycle storage.

1.4 Amended plans have been received that reduce the scope of the demolitions and works to relate specifically to the conversion of the frontage to 2 dwellings and 2 retail units, the shopfront details drawing has been withdrawn for further negotiation, and further amended plans have been received that now retain the existing shopfront with its entrance tiling detail, with a reduced scale entrance lobby. A re-consultation exercise has been undertaken following receipt of the first set of amended plans.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

### 2.2 Policies:

CYHE3  
Conservation Areas

CYHE4  
Listed Buildings

CYGP1  
Design

CYGP16  
Shopfronts

## **3.0 CONSULTATIONS**

### 3.1 PUBLICITY DATES/ PERIODS

Neighbour Notification- Expires 10.1.2006, following reconsultation with neighbours

Site Notice- Expires 23.11.2005

Press Advert- Expires 23.1..2005

8 WEEK TARGET DATE 19.12.2005

### 3.2 INTERNAL CONSULTATIONS

UDC- No objections

### 3.3 EXTERNAL CONSULTATIONS/ REPRESENTATIONS

Guildhall Planning Panel- Object as the Panel's opinion is that this application should not be approved until proposals have been made for the retail and residential redevelopment as indicated on the drawings. Following a reconsultation, the Planning Panel have no objection to the revised plans.

CAAP- This item has been to the CAAP Panel in December and January and the following comments were received-

No objections to the demolition but request a recording condition, the clock to be retained. Following a presentation by the agent, the agents were asked to consider altering the ground floor windows to better relate to the historic windows above and retain the entrance tiles.

4 representations have been received at the time of writing raising the following issues-

- concerned that the absence of detail of later submissions as they might impact on the first phase
- would have been more satisfactory to include No. 1, that forms part of the building as a whole
- impact on walls at the rear of the site
- application should be considered at committee
- adverse impact on the quality of the street scape
- lower sash windows of No. 3 should be re-instated
- piebald appearance of upper part of the facade at No. 3 could be treated with a surface treatment to improve its appearance
- replacement shopfront has less character than the proposed shopfront. Splay should be retained as it assists accessibility.
- shop blind and fittings have been omitted from the drawings, should be retained as their traditional pattern is pleasing and balance the blinds further down the street
- the stallriser at No. 5 would be best made similar to No.1, this would help to define No. 3
- concern there would be some adverse impact on the adjacent Grade II Listed Building, Duncombe Place Masonic Hall- harm to fabric, structure, limitations on access to 3 sides of the property to maintain property.

## 4.0 APPRAISAL

### 4.1 RELEVANT SITE HISTORY

See file.

Companion application for planning permission.

### 4.2 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan

PPS 1 " Delivering Sustainable Development "

PPG15 " Planning and the Historic Environment "

### 4.3 KEY ISSUES

1. Impact on the visual amenity and historic character of the listed building

#### 4.4 ASSESSMENT

1. The building is currently Grade II Listed, containing substantial evidence of 5 centuries of building. Except for the 19th century wall enclosing the staircase yard, the proposed demolition works relate to mid 20th century industrial type structures. The LPA's Historic Buildings Officer raises no objections to their removal, subject to conditions that would ensure that ground floor openings required for subsequent phases of development on the site are not carried out at this stage. This would then require the blocking up of openings following demolition. These openings would occur in the late 19th/ 20th century extension and would be acceptable. Further details of the proposed archway would be required. The main area of concern, also raised in representation letters, has related to the alterations to the shopfront. The present shopfront has a deep inset entrance with attractive tiling, and the agents would like to narrow this entrance to aid security. Following concerns about the design of the shopfront, the final revised plans propose to retain the original shopfront, the clock, the canopy, lessen the depth of the entrance. The originally submitted proposals were considered to flatten the facade making the shop look "ordinary." Whilst it would be ideal if the ground floor windows are altered to relate better to the historic windows above, as they exist at present, it is considered that it would be unreasonable to refuse the application on the basis that this alteration has not been included in the proposal.

#### 5.0 CONCLUSION

5.1 It is considered that the final revised scheme would comply with planning policy, and approval of Listed Building consent should be granted.

#### 6.0 RECOMMENDATION: Approve

- 1 TIMEL2 Development start within 3 yrs (LBC/CAC)
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing No. 3658 (0-) 01, Received 24.10.2005  
Drawing No. 3658 (00) 04 D, Received 12.1.2006  
Drawing No. 3658 (00) 06 B, Received 19.12.2005  
Drawing No. 3658 (00) 07 B, Received 19.12.2005

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

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

- 3 Prior to the commencement of the development hereby approved, a schedule for the making good to walls, floors etc where demolition takes place, shall be agreed on site with the Local Planning Authority, and thereafter submitted for the written approval of the Local Planning Authority and implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the Listed Building.

- 4 Prior to the commencement of the development hereby approved, a photographic record of the structures to be removed shall be taken by the applicant and submitted to the Local Planning Authority to be placed on the related application file.

Reason: In the interests of the retaining a historic record of the former structures on the site.

- 5 The measures for blocking the doorway to the rear of retail unit 1, as illustrated on Drawing No. (30) 01, shall be fully reversible.

Reason: In the interests of the visual amenity of the Listed Building

- 6 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used with regards to blocked openings, and straight -through joints to be maintained, shall be approved in writing by the Local Planning Authority prior to the commencement of building works. Thereafter, the development shall be completed in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

- 7 In relation to the external works hereby approved, large scale details 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.

1. open arched passageway
2. treatment of soffits
3. ground coverings
4. alterations to the shopfront.

Reason: So that the Local Planning Authority may be satisfied with these details.

- 8 Prior to the commencement of the works hereby approved, measures for the protection of existing buildings and walls must be submitted for the written approval of the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in view of their visual and historic importance.

- 9 Notwithstanding any submitted details, large scale details 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.

-The junction between the existing beams and the new infill panels at 1st floor level above Retail unit 1

Reason: So that the Local Planning Authority may be satisfied with these details.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. 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 visual amenity and character of the listed building. As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE4 and GP1 of the City of York Draft Local Plan- Incorporating the Proposed 4th Set of Changes Deposit Draft; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Guidance Note No. 15 " Planning and the Historic Environment."

**Contact details:**

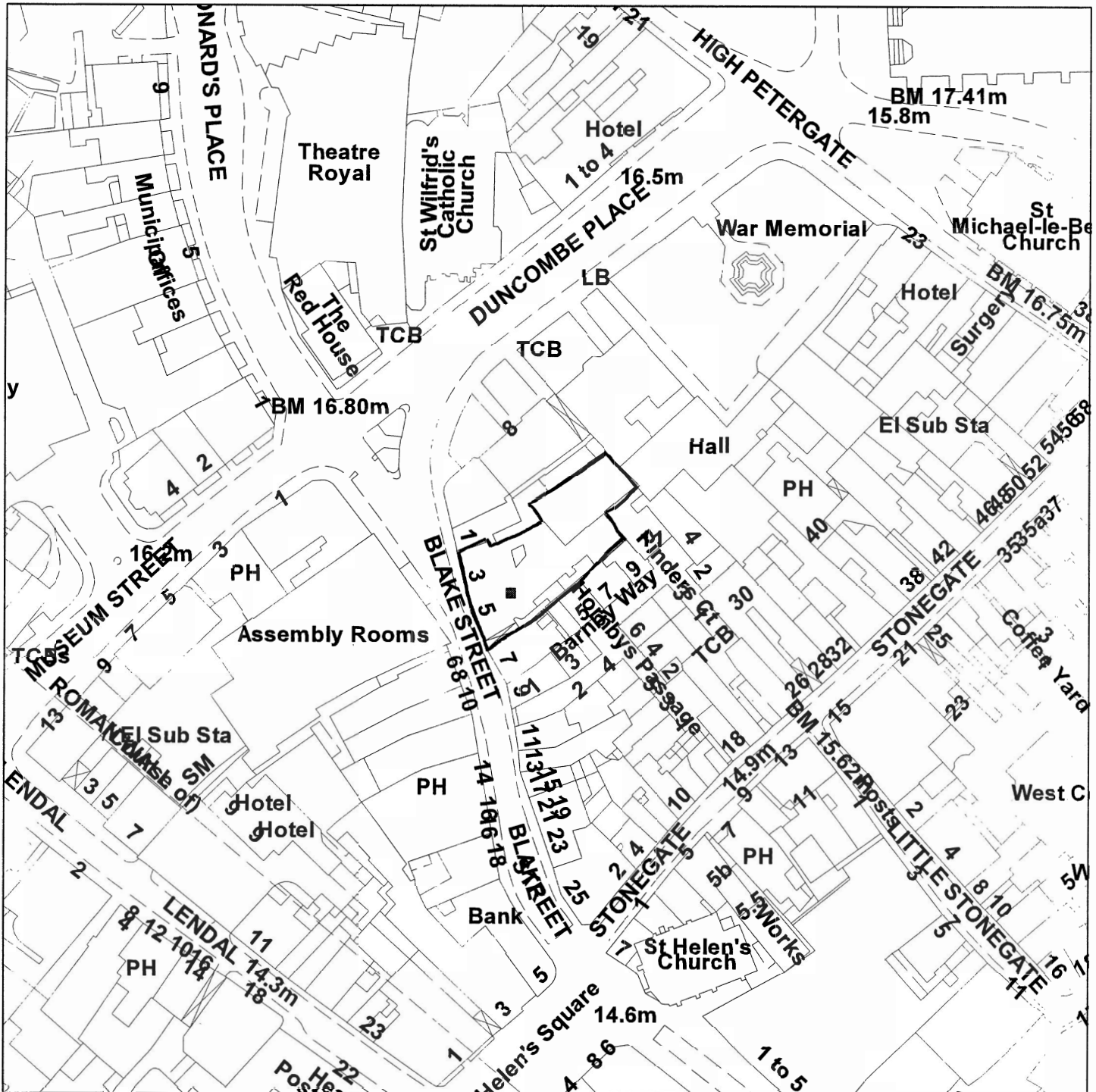
**Author:** Fiona Mackay Development Control Officer (Tues - Fri)

**Tel No:** 01904 552407

# 3-5 Blake Street



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	CYC
<b>Department</b>	DEds
<b>Comments</b>	
<b>Date</b>	05 July 2006
<b>SLA Number</b>	

This page is intentionally left blank



**COMMITTEE REPORT**

**Team:** West Area  
**Date:** 20 July 2006

**Ward:** Rural West York  
**Parish:** Hessay Parish Council

**Reference:** 06/00810/FUL  
**Application at:** Croft Farm Main Street Hessay York YO26 8JR  
**For:** Conversion of barn to 1 no. dwelling and the erection of a garage and car port.  
**By:** Mrs J Sanderson  
**Application Type:** Full Application  
**Target Date:** 7 June 2006

**1.0 PROPOSAL**

1.1 The applicant seeks planning approval to convert and existing barn into 1 no. dwelling. All materials used will match the existing where appropriate.

1.2 The application relates to a two storey/part single storey farm building. The buildings are constructed from red brick with pantiles and blue slate tiles forming the various roof structures. The property is "washed over" designated Green Belt and within the defined settlement limit. The northern elevation of the building forms an enclosed courtyard currently owned by "Croft House". The site can be accessed using a narrow track screened by substantial tree and hedge planting. Mature trees also exist within the proposed curtilage to the south of the building.

1.3 The indicative red line boundary projects beyond the defined settlement limits of the village, running adjacent to an existing field boundary.

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

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Air safeguarding Air Field safeguarding 0175

2.2 Policies:

CYGB2  
 Development in settlements "Washed Over" by the Green Belt

CYGP1  
 Design

CYNE7

Habitat protection and creation

CYH4A

Housing Windfalls

CYL1C

Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

Environmental Protection Unit - No Objections.

Highway Network Management - No Objections.

Hessay Parish Council - No Objections.

Urban Design and Conservation 06.06.2006 (Bat Survey) - No Objections - Conditions Required in respect of bat habitats.

### **4.0 APPRAISAL**

Relevant Policies

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

4.2 Planning Policy Guidance Note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York and Policy E9 states that planning permission will only normally be granted for the change of use or redevelopment of existing buildings in connection with agriculture, outdoor sport, cemeteries or large institutions and 'other uses appropriate in a rural area'. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Local Plan Deposit Draft (CYLPDD) and this site clearly falls within the Green Belt.

4.3 Policy GB2 'Development in Settlements Washed Over' by the Green Belt states that within the defined settlement limits of villages in the Green Belt, planning permission for the erection of new buildings or the change of use, redevelopment or extension of existing buildings will be permitted provided:

- \* The proposed development would be located within the built-up area of the settlement; and
- \* The location, scale and design of the proposed development would be appropriate to the form and character of the settlement and neighbouring property; and

\* The proposed development would constitute limited infilling and would not prejudice the openness or the purposes of the Green Belt.

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

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

4.6 NE7 - Habitat Protection and Creation: development proposals will be required to retain important natural habitats and, where possible include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new development measures to encourage the establishment of new habitats should be included as part of the overall scheme.

## APPRAISAL

4.7 The sub division of "Croft Farm" has rendered the existing farm buildings obsolete, as the existing level of dereliction clearly shows. The proposed conversion will secure, reinstate and adapt many of the original features, whilst also retaining the character, appearance and form of these agricultural buildings.

4.8 No additional windows are proposed within the northern elevation of the building, securing the residential amenity of the original farm house.

4.9 The proposed garage and car port will be set away from the main dwelling, but within the "defined settlement limit". The garage/car port will back onto an existing farm track. which forms the eastern boundary and will be screened by a number of woodland trees. Access to the site already exists from Main Street, running adjacent to the existing farm buildings.

4.10 Consultations with the Countryside Officer have resulted in the submission of a full bat survey. As there is sufficient doubt as to the possibility of a small roost, relevant conditions have been included to mitigate any potential impact.

## 5.0 CONCLUSION

5.1 The proposed conversion and erection of a garage/carport is considered to conserve and enhance the character and appearance of this agricultural building, representing little threat to the visual and residential amenity of neighbouring properties or the "washed over" Green Belt, meeting PPG2 guidance and policies GP1, GB2, and NE7 of the City of York Development Control Draft Local Plan.

## 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:-

05.1255.3.A - Ground Floor Plan and Site Plan as Proposed  
05.1255.4.A - First Floor Plan as Proposed  
05.1255.5.A - Elevations as Proposed  
05.1255.6 - Car Port and Store  
05.1255.7 - Site Plan

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

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

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

Reason: As our in-house research has shown no obvious potential source of contamination at the site, the watching brief is recommended.

- 4 No development shall take place until full details of a bat contingency working plan have been submitted to and approved by the Council. This plan will need to include timing of work, details of how work is to be implemented to avoid disturbance to potential roost areas and submission of a survey carried out not more than 1 month prior to works commencing or, in the case of work being carried out in winter, in September. This is to confirm the absence of bats. Confirmation of the results must be sent to the Council prior to demolition. In the event that bats are discovered, no work shall take place until advice has been sought from English Nature with regard to their exclusion and mitigation measures have been submitted to and approved by the Council and a Defra licence approved.

Reason: To protect a European protected species.

- 5 No development shall take place until details have been submitted to and approved in writing by the Council of measures to be provided within the design of the refurbished buildings to accommodate bats. The measures shall be incorporated in accordance with the approved details and shall be retained fit for purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the habitat for bats in a Green Belt/countryside setting.

- 6 VISQ1 Matching materials
- 7 VISQ6 Infill brickwork to match

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

writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with Policy L4C of the City of York Draft Local Plan

Informative

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £1,809.

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

- 9      HWAY12      Initial 10m surfaced, details reqd
- 10     HWAY19      Car and cycle parking laid out
- 11     Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the proposed windows and window detailing 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.

- 12     All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. Demolition and Construction - Informative

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

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

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

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

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

5. There shall be no bonfires on the site.

Any deviation from the above conditions shall be approved beforehand by the Environmental Protection Unit by ringing 01904 551572

## 2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity and the "washed over" Green Belt. As such the proposal comply with PPG2 "Green Belts" and policies GP1, GB2, NE7 of the City of York Development Control Draft .

3. The public footpath running through the site (Hessay nos 2) shall not be obstructed nor its surfacing damaged as a consequence of the development.

### Contact details:

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



This page is intentionally left blank



**COMMITTEE REPORT**

**Team:** West Area  
**Date:** 20 July 2006

**Ward:** Rural West York  
**Parish:** Copmanthorpe Parish Council

**Reference:** 06/00981/FUL  
**Application at:** 2 Church Street Copmanthorpe York YO23 3SF  
**For:** Erection of 1 no. detached two storey dwelling to front of 2-5 Church Street  
**By:** H Richardson  
**Application Type:** Full Application  
**Target Date:** 29 June 2006

**1.0 PROPOSAL**

1.1 The applicant seeks planning approval to erect 1 no. detached two storey dwelling to the front of 2-5 Church Street.

1.2 The application relates to a slightly elevated site within the Copmanthorpe Conservation Area. The site is enclosed by a stone wall approx. 1.0 metre in height and contains a number of shrubs and trees. The site can be accessed from Church Street using a shared driveway.

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

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Copmanthorpe 0016

2.2 Policies:

CYGP10  
 Subdivision of gardens and infill devt

CYH4A  
 Housing Windfalls

CYHE2  
 Development in historic locations

CYGP1  
 Design

**3.0 CONSULTATIONS**

### 3.1 INTERNAL

Highway Network Management - No Objections - Conditions Required.

Environmental Protection Unit - No Objections - Conditions/Informative Required.

Urban Design and Conservation Section (Archaeology) - No Objections - Condition Requested

Urban Design and Conservation Section (Conservation Officer) - Objections

- \* Destroys the contribution that the cottages and their gardens make to the character of the Conservation Area.
- \* Loss of open space and the overcrowded aspect set a poor precedent.
- \* Does not preserve or enhance the quality of the area.
- \* Poor design .

### 3.2 EXTERNAL

Conservation Areas Advisory Panel - Objections.

- \* Contrary to Local Plan Policy GP10 and has not taken the Village Design Statement into consideration.

Copmanthorpe Parish Council - Objections

- \* The building will sit ill at ease with the cottages to the rear
- \* Location
- \* Increased Traffic Movements

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

- \* Parking
- \* Impact upon Conservation Area

## 4.0 APPRAISAL

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

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

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

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

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

4.5 North Yorkshire County Structure Plan E4: buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection.

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

## APPRAISAL

4.7 Church Street is at the heart of the Copmanthorpe Conservation Area and the village. It is a very mixed street in conservation area terms, where poor modern development (such as the convenience store) mixes with historic buildings of some quality (Church of St Giles Grade II). 2 to 5 Church Street are in the latter category. A row of cottages built in local materials to a simple design; they present a traditional appearance that is slightly unusual in a streetscape of detached buildings. Of particular note are the long front gardens, another unusual survival. These give a setting to the cottages whilst providing an attractive green open space at the centre of the village. The front boundary wall is built in local limestone, a feature more typical of villages nearer to Tadcaster. The cottages are in the process of being sensitively renovated, which enhances their amenity value.

4.8 Any building on this site will destroy the contribution that the cottages and their gardens make to the character of the conservation area. The loss of open space will set a poor precedent producing an overcrowded aspect to the area, which is at odds with rural character. Any development on this site would be unable to preserve or enhance the quality of the area, by virtue of the sites historic and visual quality.

4.9 The overall design of the house is a poorly proportioned and observed pastiche of local rural architecture set within a suburban garden setting. In fact the design and layout highlights how contrived this plot is. Taken in isolation the design of the building will also fail to preserve the character of the conservation area.

## 5.0 CONCLUSION

5.1 The proposed 1 no. detached two storey dwelling is considered to be unacceptable and is recommended for refusal, contrary to GP1, GP10 and HE2 of the City of York Development Control Draft Local Plan, Policy E4 of the North Yorkshire County Structure Plan and the Copmanthorpe Village Design Statement.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Refuse

- 1 The proposed detached two storey dwelling by virtue of its design, size, layout, siting, visual prominence and loss of garden area which positively contributes to the character area is considered harmful to the character and appearance of the designated Conservation Area, contrary to policies HE2, GP10 and GP1 of the City of York Development Control Draft Local Plan, North Yorkshire County Structure Plan Policy E4 and the Copmanthorpe Village Design Statement.

**7.0 INFORMATIVES:**

**Contact details:**

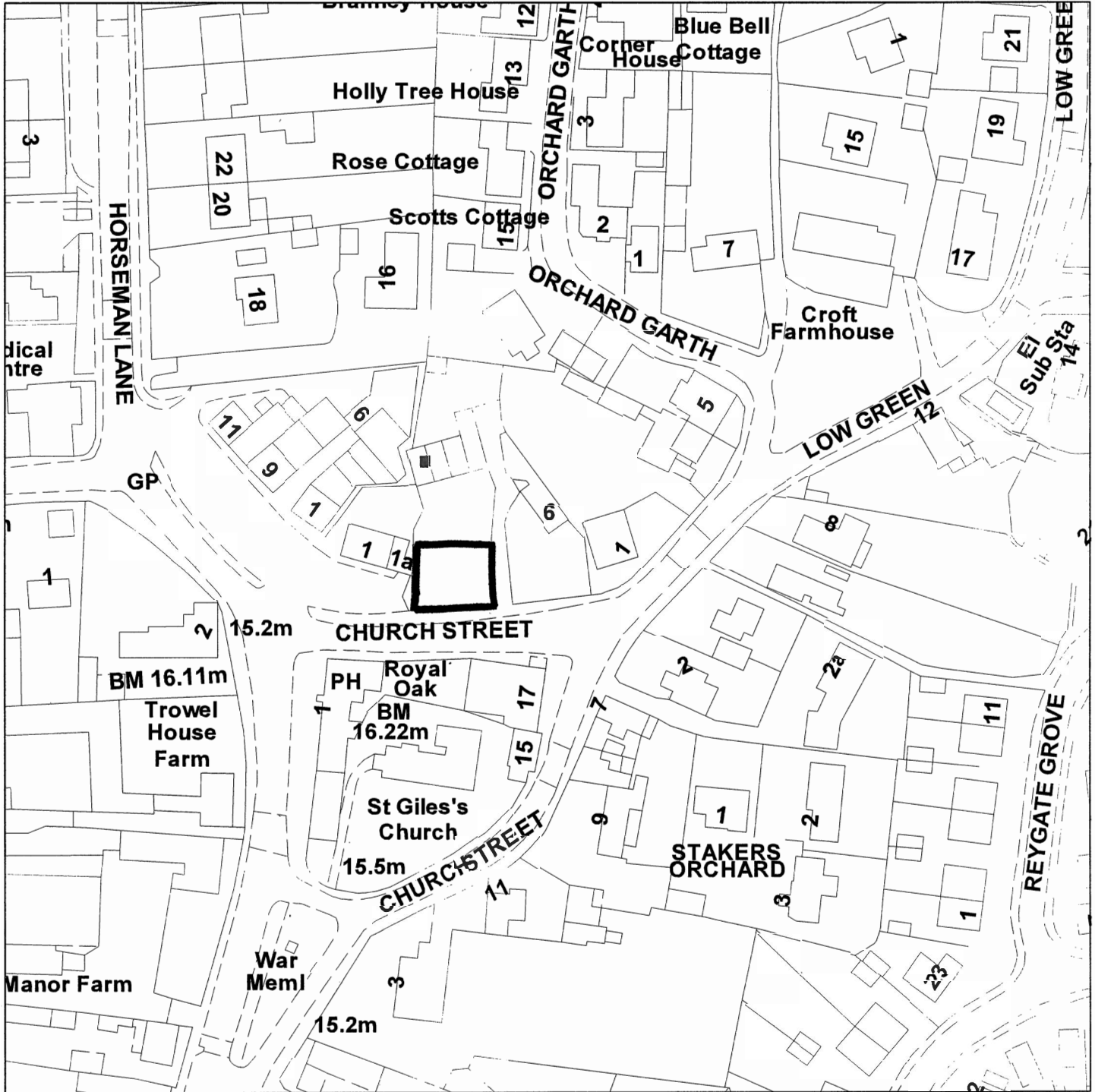
**Author:** Richard Mowat Development Control Officer

**Tel No:** 01904 551416

# 2-5 Church Street, Copmanthorpe



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York
<b>Department</b>	DEDS
<b>Comments</b>	
<b>Date</b>	05 July 2006
<b>SLA Number</b>	Not Set

This page is intentionally left blank



### 3.1 INTERNAL

Highway Network Management - No Objections - Conditions Required.

Environmental Protection Unit - No Objections - Conditions/Informative Required.

Urban Design and Conservation Section (Archaeology) - No Objections - Condition Requested

Urban Design and Conservation Section (Conservation Officer) - Objections

- \* the building produces a cramped and contrived appearance
- \* contrary to the traditional layout of the Conservation Area.
- \* disrupts a good grouping of traditional properties.
- \* Poor design.
- \* Loss of open space will set a poor precedent producing an overcrowded aspect to the area.

### 3.2 EXTERNAL

Copmanthorpe Parish Council - Objections

- \* Loss of green space contrary to the VDS
- \* Location in the conservation area
- \* Increased Traffic Movements in a very congested part of the village
- \* Overdevelopment of the site.

One letter of objection has been received regarding the applicants' proposals. The letter raise the following concerns:

- \* Parking
- \* Impact upon Conservation Area

## 4.0 APPRAISAL

### PLANNING POLICY

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

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



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

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

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

4.5 North Yorkshire County Structure Plan E4: buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection.

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

#### APPRAISAL

4.7 The proposed subdivision of the existing garden and proposed infilling of the garden plot produces a cramped and contrived appearance. This is contrary to the traditional layout of the conservation area where garden space, either to the front or rear is generous. The infilling of this plot will disrupt a good grouping of traditional properties and result in the loss of garden space.

4.8 The design of the house is suburban in character and lacks the quality of design seen in the older properties within the conservation area.

4.9 The loss of open space will set a poor precedent producing an overcrowded aspect to the area, which is at odds with its rural character. Development of this nature, on a site within the designated Conservation Area cannot preserve or enhance the quality of the area, for the above reasons. Also the poor design quality of the building will also fail to preserve the character and appearance of the Conservation area.

#### 5.0 CONCLUSION

5.1 The proposed 1 no. detached two storey dwelling is considered to be unacceptable and is recommended for refusal, contrary to GP1, GP10 and HE2 of the City of York Development Control Draft Local Plan, Policy E4 of the North Yorkshire County Structure Plan and the Copmanthorpe Village Design Statement.

#### COMMITTEE TO VISIT

#### 6.0 RECOMMENDATION: Refuse

- 1 The proposed detached two storey dwelling by virtue of its design, size, layout, siting and loss of garden area is considered harmful to the character and appearance of the designated Conservation Area, contrary to policies HE2, GP10 and GP1 of the

City of York Development Control Draft Local Plan, North Yorkshire County Structure Plan Policy E4 and the Copmanthorpe Village Design Statement.

**7.0 INFORMATIVES:**

**Contact details:**

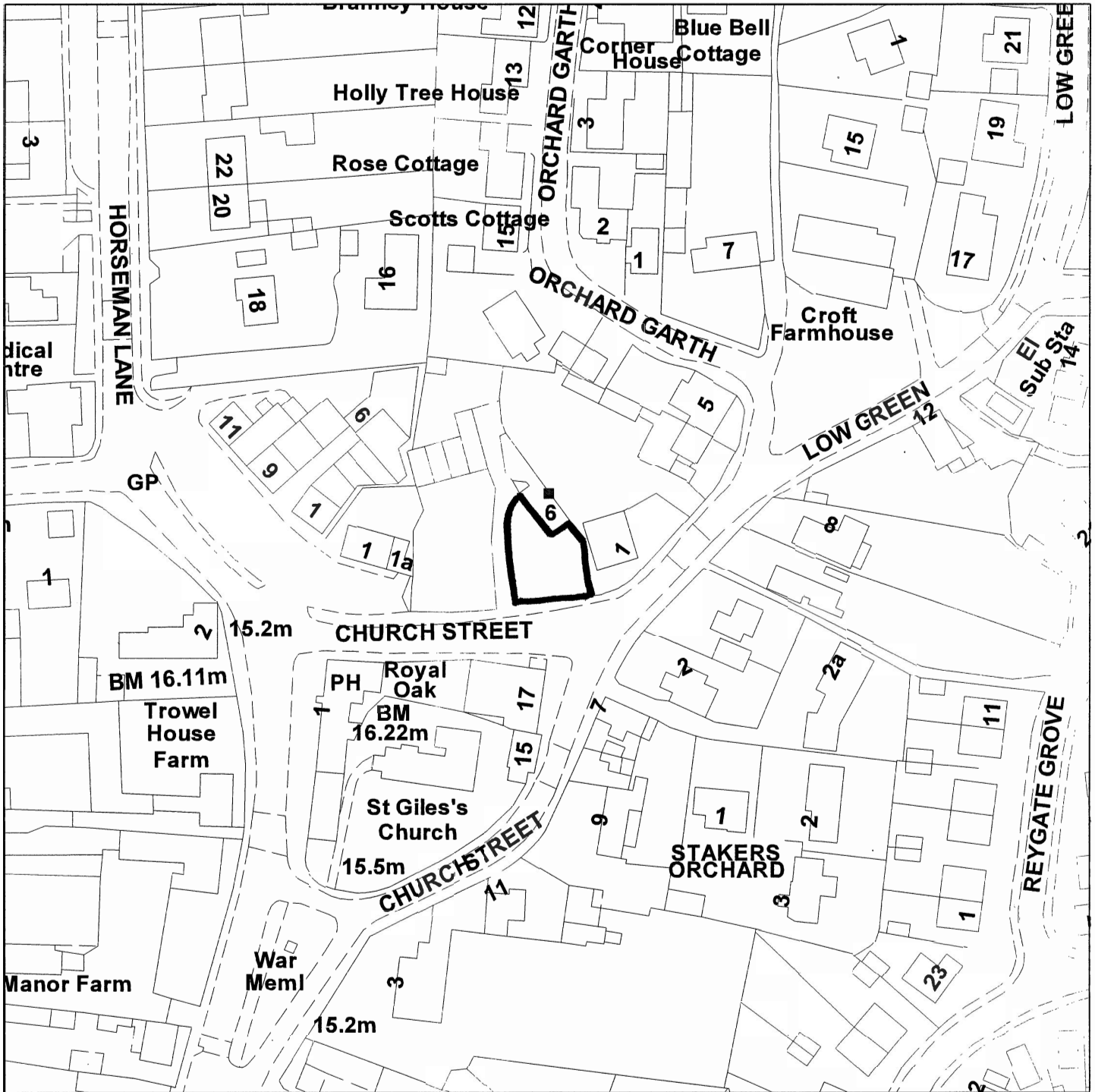
**Author:** Richard Mowat Development Control Officer

**Tel No:** 01904 551416

# 6 Church Street, Copmanthorpe



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York
<b>Department</b>	DEDS
<b>Comments</b>	
<b>Date</b>	05 July 2006
<b>SLA Number</b>	Not Set

This page is intentionally left blank

**COMMITTEE REPORT**

**Team:** West Area  
**Date:** 20 July 2006

**Ward:** Westfield  
**Parish:** No Parish

**Reference:** 06/00944/FUL  
**Application at:** 146 Foxwood Lane York YO24 3LT  
**For:** Single storey flat-roofed extension to rear  
**By:** Mick Calam  
**Application Type:** Full Application  
**Target Date:** 23 June 2006

**1.0 PROPOSAL**

1.1 The application is for a flat roofed extension to the rear.

1.2 The dwelling is a terraced bungalow with another bungalow attached to the east and a two storey dwelling to the west. 146 Foxwood Lane has had a previous extension in the form of an attached flat roofed garage from the rear of the dwelling to the rear boundary effectively splitting the rear garden into two separate sections. The bungalow is set back from the rear building line of the adjoining dwellings. There are examples of flat roofed extensions in the surrounding dwellings.

1.3 This application comes before committee at the request of Cllr Stephen Galloway.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Air safeguarding Air Field safeguarding 0175

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 31/05/2006  
Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 31/05/2006

8 WEEK TARGET DATE 23/06 /2006

### 3.2 INTERNAL CONSULTATIONS

### 3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

#### 2 LETTERS OF OBJECTION

- Property would be suitable for multiple occupation, there is problems with the parking in the area, the alterations would aggravate the problems.
- Object to the conversion of the garage and the scale of the redevelopment.

### 4.0 APPRAISAL

#### 4.1 RELEVANT SITE HISTORY

7/12/5485/PA - Garage at rear - Approved

#### 4.2 ADDITIONAL PLANNING POLICY

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

#### 4.3 KEY ISSUES

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

#### 4.4 ASSESSMENT

#### PLANNING POLICY

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

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

#### VISUAL IMPACT ON THE DWELLING AND THE AREA

The proposed extension would be from the rear of the original dwelling to the rear building line a depth of 1.5 metres. The other part of the extension would bring part of the garage extension in line with the garage wall; an extension of 1 metre.

The proposed flat roofed extension will align with the rear building line of the adjoining dwellings and is not considered to be harmful to the character of the area, there are many other flat roof extensions in the area. It would be difficult to request a pitched roof on the extension as the previous extension allowed had a flat roof and the precedent is already set with other extensions in the area. The rear boundary treatment of a tall hedge means that the rear extension would not be seen from the street to the rear. There is no substantial boundary treatment with the neighbouring properties however the proposed rear extension would not be considered to be visually intrusive.

#### IMPACT ON NEIGHBOURING PROPERTY

The alterations to the garage including the large window in the west elevation overlooking 144 Foxwood Lane, the blocking up of the garage door, the moving of the door on the east elevation and the conversion of the garage to a kitchen can be undertaken as permitted development which is a material consideration when making a decision on the proposed rear extension.

The boundary treatment to the neighbouring properties consists of a 1 metre fence on both sides and occupants of 144, 146 and 148 Foxwood Lane have little privacy in their garden. The proposed extension would not cause any further loss of privacy to the occupants of the neighbouring properties than existing. The rear extension is not considered to have an overbearing impact or lead to any loss of light.

#### 5.0 CONCLUSION

5.1 The proposed single storey flat roofed extension to the rear would comply with planning policy, and would not harm residential amenity. Approval is recommended.

#### COMMITTEE TO VISIT

#### 6.0 RECOMMENDATION: Approve

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

Drawing Number Calam/2006/02 received 28 April 2006;

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

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

- 2 TIME2 Development start within three years
- 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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

**Contact details:**

**Author:** Victoria Bell Development Control Officer

**Tel No:** 01904 551347

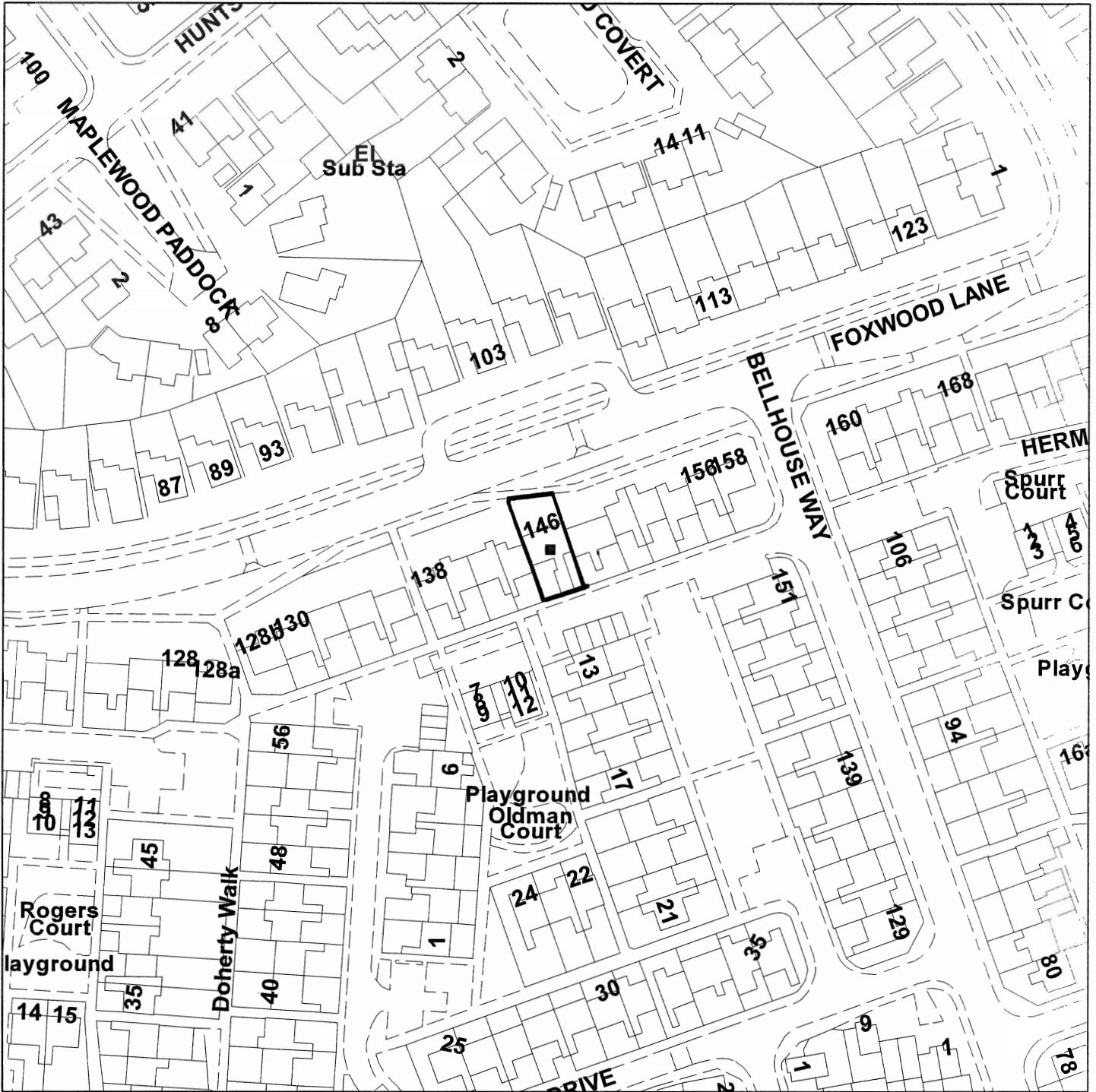


# 146 Foxwood Lane

06/00944/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York Council
<b>Department</b>	Development Control
<b>Comments</b>	
<b>Date</b>	03 July 2006
<b>SLA Number</b>	

This page is intentionally left blank