

## Notice of meeting of

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

**To:** Councillors Watson (Chair), Funnell, Galvin, Gillies (Vice-Chair), Jeffries, Looker, Orrell, Reid and Semlyen

**Date:** Thursday, 14 June 2012

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00 am on Wednesday 13 June 2012 at Memorial Gardens.**

**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 5 - 14)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 19 April 2012.

**3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 13 June 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

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

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

- a) **34 Cranbrook Road, York, YO26 5JA (12/01424/FUL)**  
(Pages 15 - 20)

Single storey front and side extension [*Acomb Ward*]

- b) **9 Cranbrook Road, York, YO26 5JB (12/01836/FUL)**  
(Pages 21 - 26)

Two storey side, single storey rear extensions and porch to front  
[*Acomb Ward*]

- c) **34 St Marys, York, YO30 7DD (12/01006/FUL)** (Pages 27 - 36)

Alterations to garage to form room in roof [*Guildhall Ward*] [**Site Visit**]

- d) **Springfield Farm, Appleton Road, Bishopthorpe, York, YO23 2XA (12/01117/FUL)** (Pages 37 - 46)

Erection of 15 metre (to hub) high wind turbine (resubmission)  
[*Bishopthorpe Ward*] [**Site Visit**]

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

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

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

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

Contact details are set out above.

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### **Scrutiny Committees**

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

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

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

**SITE VISITS**

**Wednesday 13 June 2012**

**Members of the sub-committee meet at Memorial Gardens at 11.00**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
11.20	Springfield Farm, Fossfield Lane, Bishopthorpe	4d
12:00	34 St Marys	4c

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 APRIL 2012
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), GALVIN, GUNNELL, JEFFRIES, ORRELL, REID, SEMLYEN AND RICHES (AS A SUBSTITUTE FOR CLLR CRISP)
APOLOGIES	COUNCILLOR CRISP

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**53. INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Knavesmire Primary School, Trafalgar Street	Councillors Galvin, Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	To familiarise Members with the site.
Goddards, National Trust Regional Office, 27 Tadcaster Road, Dringhouses	Councillors Galvin, Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	At the request of Cllr Reid.
Playing Field, Millfield Lane, Nether Poppleton	Councillors Galvin, Gillies, Gunnell, Jeffries, Reid, Semlyen and Watson	As objections had been received and the officer recommendation was to approve.

**54. DECLARATIONS OF INTEREST**

At this point in the meeting, members were invited to declare any personal or prejudicial interests they might have in the business on the agenda.

Councillor Gillies declared a personal and prejudicial interest in plans item 5a (Playing Field, Millfield Lane, Nether Poppleton) as he had been working with the football club regarding the application and had a predetermined opinion regarding it. He

spoke from the floor as Ward Member in support of the application and then left the room for the debate and vote on this application.

Councillor Gillies and Orrell declared personal non prejudicial interests in plans item 5b (National Trust Regional Office, Goddards, 27 Tadcaster Road) as they are both members of the National Trust.

**55. EXCLUSION OF PRESS AND PUBLIC**

That members of the press and public be excluded from the meeting during consideration of Annex A to agenda item 7 (Enforcement Cases Update) (Minute 60 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

**56. MINUTES**

RESOLVED: That the minutes of the last meeting of the West and City Centre Area Planning Sub-Committee held on 15 March 2012 be approved and signed by the chair as a correct record.

**57. PUBLIC PARTICIPATION**

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

**58. 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.

**58a Playing Field, Millfield Lane, Nether Poppleton, York (12/00381/FUL)**

Members considered a full application by Mr Val Duggan for the removal of condition 15 (restricted to football use only) of application 09/00474/FUL for the erection of a club house with associated parking.

Officers advised the committee that Sport England had confirmed they had no objections to the application.

Representations were heard from Councillor Gillies, Ward Member for Rural West York Ward, in support of the application. He explained that Poppleton Junior Football Club (Poppleton Tigers) was a subsidiary of Poppleton Community Trust who manage The Poppleton Centre. While building work had been taking place at The Poppleton Centre, some classes had been rebooked at the football club house by people who had been unaware of the restrictions on the planning permission limiting use of the facilities to football use only. He informed Members that since then, the club had met with the trustees and had taken the decision to apply to vary the conditions to allow for extended community use. He stated that in response to the alleged problems regarding nearby residents being disturbed by noise from the venue on one occasion, the in- and out-entrances had been changed round so vehicles now exit the site further up Millfield Lane away from residential properties.

Officers advised that condition 1 should be amended to include the words “.... and community uses as generally listed....” so the club is not required to apply for a change each time a new class/group requests to hire the facilities.

Members agreed that this was a fantastic community asset and that they were happy with the proposed amendment to condition 1.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the amended condition and informative below:

Amended Condition 1

The proposed building shall be restricted to the use of football clubhouse and community uses as generally listed in the applicant's "Statement in support of Application" and repeated in informative 2 below and for no other purpose, including any other use falling within D2 of the Town and Country Planning (Use Classes) Order 1987, (or any provision equivalent to the Class in any Statutory Instrument revoking or re-enacting that Order with or without modification) unless a further change of use is granted planning permission by the Local Planning Authority.

Reason: To protect the openness of the greenbelt and to protect the residential amenity of the occupants of the nearby dwellings in accordance with policy GB3 and GP1 of the local plan.

Informative 2 – Approved “Community Uses”:

Pilates; Yoga; Cake decorating; Seminars and meetings (max 40 persons); Art classes; Weight watchers; Zumba; Dance classes; Chess and dominoes; Table tennis; Crochet and crafts; Children’s parties; Children’s fitness classes; Baby ballet and signing groups and other baby activities; Mums and toddlers; Afternoon tea dances; Beetle drives and Community Bingo.

REASON:

The proposal, subject to the conditions listed in the report and the amended condition (and informative) 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 building and the locality, impact on the openness of the greenbelt and highway safety. As such, the proposal complies with Policies GP1, GB1, and GB3 of the City of York Council Development Control Local Plan

(2005); and the National Planning Policy Framework (2012).

**58b National Trust Regional Office, Goddards, 27 Tadcaster Road Dringhouses, York (12/00939/FUL)**

Members considered a full application by Mrs Jenny Ludman for a part change of use from office (B1) to a visitor attraction.

Officers confirmed that neither the Dringhouses/Woodthorpe Planning Panel nor English Heritage had any objections to the application. They advised that Design and Heritage had asked for conditions to require details to be submitted of any proposed changes to signage and any changes to existing boundaries (especially in case of requirements from highways).

Officers requested that an informative be added to state that Listed building consent would be required if the area proposed for the tea room required alteration, including the addition of ventilation or service extract grills.

They also advised that with regard to vehicle access, the applicants would prefer not to alter the arrangement configuration as in their opinion this would harm the setting of the listed building. The applicants reported they have had had no traffic problems with the existing arrangement over the previous 20 years. Furthermore they did not think there would be a material increase in traffic movements as a consequence of proposals, as extra traffic would only be visitors by arrangement only. Officers suggested therefore that, if Members were in agreement, condition 5 could be deleted.

Members questioned whether traffic entering the site from the main road or traffic exiting the site would have right of way. They pointed out that if a car wanting to enter the site from Tadcaster Road had to first wait for a car leaving the site, this could lead to traffic delays on the main road. It was agreed that it would be beneficial to ask the applicant to erect a sign so that vehicles exiting the site are asked to give way to incoming vehicles.

Officers advised that condition 4 (travel plan) should be reworded to state that the traffic management measures for

guests should specify how it would be publicised that only a restricted number of guests may arrive by private car.

RESOLVED: That the application be approved subject to the conditions listed in the report, the amendment of condition 4 (travel plan) below and the amendment of condition 5 (below) removing the requirement to widen the entrance onto the road but including details of signage required.

Amended condition 4

A travel plan, developed and implemented in line with local and national guidelines (see Department for Transport good practice guidelines), shall be submitted and approved in writing by the Local Planning Authority prior to first opening of the facility hereby approved. The development shall thereafter operate in accordance with the aims, measures and outcomes of said Travel Plan. *In particular the travel plan shall include traffic management measures for guests (how it will be publicised that only a restricted number of guests may arrive by private car) and details of provision for covered and secure cycle parking.*

Reason: To encourage sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

Amended Condition 5

Large scale details, materials and the location of any proposed signage shall be submitted to and approved in writing by the Local Planning Authority prior to installation and the works shall be carried out in accordance with the approved details. *Signage shall be installed by the lay-by behind the gatehouse so that vehicles exiting the site are asked to give way to oncoming vehicles.*

Reason: In the interests of the appearance and setting of the listed building and road safety.

REASON: The proposal, subject to the conditions listed in the report and the amended conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the supply of office space within the city, impact on heritage assets, amenity and highway safety. As such the proposal complies with Policies GP1, HE3, HE4 and V1 of the City of York Development Control Local Plan.

**58c Knavesmire Primary School, Trafalgar Street, York, YO23 1HY (12/00399/GRG3)**

Members considered a General Regulations (Reg3) application from Ms Sarah Kingston for the erection of a school hall, first floor and two storey extension to the south wing to create extra classrooms, and single storey reception, cloakroom and toilet extensions.

Officers advised the committee that they had been advised by Councillor Merrett, Cabinet Member for City Strategy, that he supported the application in general. They also reported that Micklegate Planning Panel had responded to the consultation stating that while they were aware of the need to extend the school building to accommodate additional pupils, they would like to see measures taken to ensure that the impact of the traffic to and from the site is kept to a minimum. They acknowledged that the travel plan was intended to promote a further increase in walking or cycling to the school, but asked that the following measures be agreed.

- a firmer commitment to increasing the number of cycle racks for staff and pupils, to encourage greater use of cycles.
- the implementation of the full South Bank 20mph area to reinforce the perception that it is safe for children to walk and cycle to school.

- other improvements highlighted in the travel plan, such as the safe crossings at Bishopthorpe Road and Queen Victoria Street.

Representations were received from the Council's Policy Support Manager who explained to the Committee how the demand for primary school places in the Southbank area exceeded the number of places available at Knavesmire and Scarcroft primary schools, whose joint admission limits into reception totalled only 75. He explained that although the increase in demand had been accommodated through allocating places over the admission limit and through working with other schools, both schools had now run out of space and there was no space in other local schools, with the nearest with places available being Woodthorpe Primary, 2.5 miles away. He stated that the application would provide additional classrooms as well as a new school hall and enable the school to increase its capacity and enable the Council to achieve its mandate to meet its statutory duty to provide places across the city.

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

**REASON:** The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact, residential amenity, highway safety, biodiversity and heritage assets. As such the proposal complies with Policies ED1, GP1, HE10, NE1, NE6, NE7 of the City of York Development Control Local Plan.

## **59. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Consideration was given to a report, which was also being presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 28 March 2012. The report also provided a summary of the salient points from the appeals determined in that period together with a list of outstanding appeals as at 28 March 2012.



Officers reported that the number of appeals which had been allowed was well below the national average and that none of the appeals which had been allowed had been into relation to decisions made by the committee.

RESOLVED: That the report be noted.

REASON: To update Members on appeal decisions within the City of York Council area and inform them of the planning issues surrounding each case for future reference in determining planning applications.

**60. ENFORCEMENT CASES UPDATE**

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

RESOLVED: That the report be noted.

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

Councillor B Watson, Chair  
[The meeting started at 3.00 pm and finished at 4.30 pm].

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None

### 3.2 External

Acomb Planning Panel - No reply up to date of writing

Response to neighbour consultation letters which expired on 06.06.12. - None received up to date of writing

## 4.0 APPRAISAL

### KEY ISSUES

- Visual impact on the dwelling and surrounding area;
- Impact on neighbouring properties

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

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

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

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of

development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

## ASSESSMENT

### IMPACT UPON THE APPEARANCE OF THE DWELLING AND SURROUNDING AREA

4.5 The proposed addition will replace an existing car port structure to the side, and will project slightly to the front, to incorporate a porch area. This pair of dwellings are set slightly further back from the highway than those adjacent at Nos 30 and 36 Cranbrook Road, thus the small additional projection to the front is not considered to be unduly dominant. A mono-pitched roof is proposed, along with matching materials and four rooflights to the side elevation. The dwelling is well set-back from the highway to the front, by a good-sized garden and driveway. The dwelling is located at a bend in the road, thus the plot widens towards the rear, and the proposed side elevation of the extension will follow this line.

4.6 The proposed scale, mass and design are considered in keeping with the original dwelling; with sufficient car and cycle parking and amenity space still being available. Many dwellings within the street have side extensions in place; including that attached at No. 32 Cranbrook Road, thus this proposal is not considered to unbalance the pair.

4.7 Taking the above into account, it is not considered this proposal will harm the character or appearance of the dwelling, nor that of the surrounding area.

### IMPACT UPON NEIGHBOURING AMENITY

4.8 Taking into account the adequate separation distance to the common boundary with No. 32 Cranbrook Road, along with the modest rear projection and height proposed, it is not considered any loss of amenity to these residents will occur. The major neighbouring impact will be upon neighbours at No. 36 Cranbrook Road, due to the long length of extension sited along this common boundary. No principal windows are in place within the side elevation of this neighbouring dwelling, and this neighbouring driveway will provide some separation to the extension; also, the neighbouring detached shed, sited along the common boundary will provide some mitigation to the visual impact of the proposal. The rooflights proposed to the side are not considered to result in any undue loss of privacy; and overall no significant loss of amenity to these neighbours is considered to occur.

## 5.0 CONCLUSION

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

**6.0 RECOMMENDATION:** Householder Approval

- 1 TIME2 Development start within three years -
- 2 VISQ1 Matching materials -
- 3 PLANS1 Approved plans - 2012/3/01A received on 28.05.12.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

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

**Contact details:**

**Author:** Carolyn Howarth Development Management Assistant

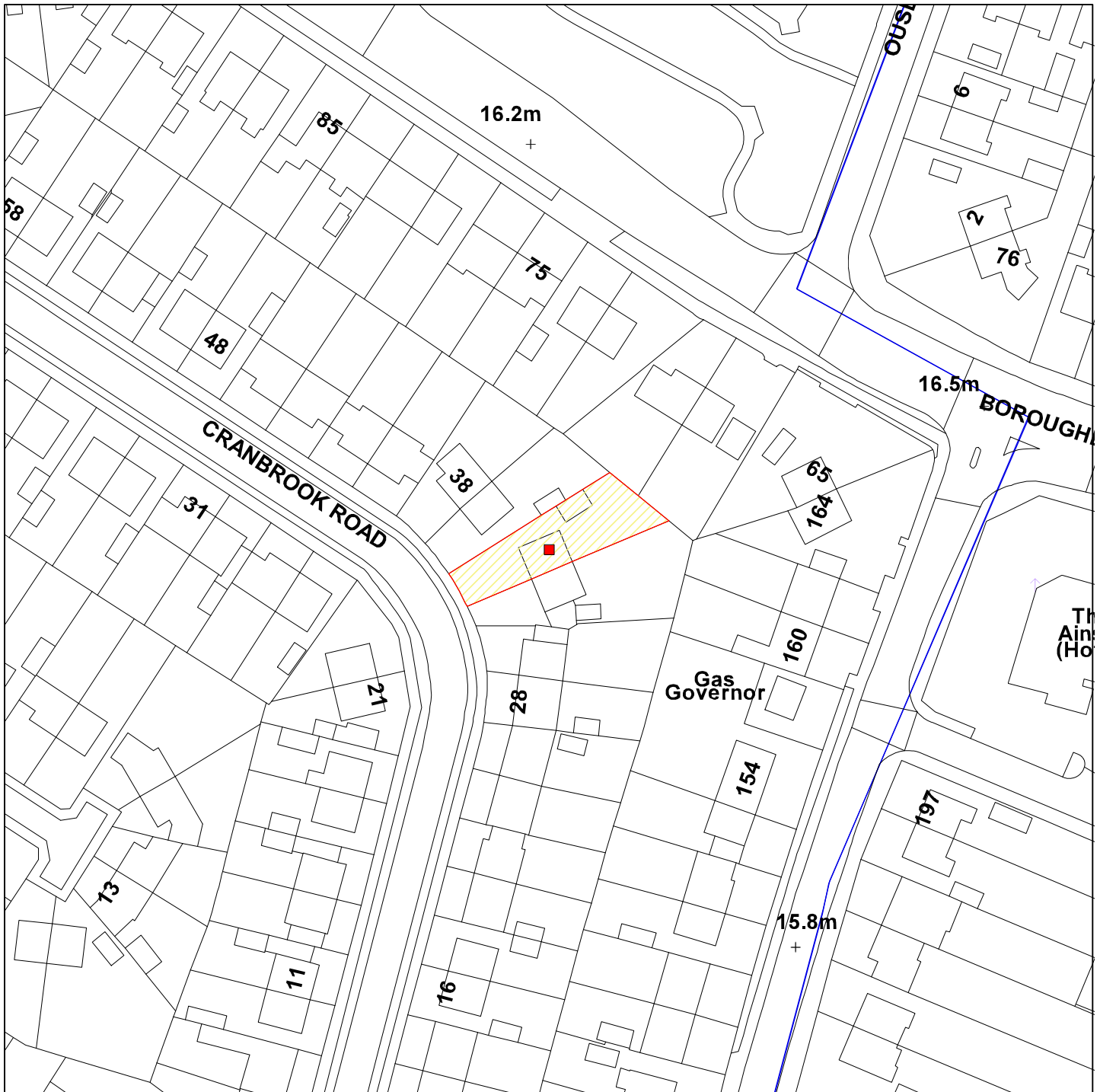
**Tel No:** 01904 552405

# 34 Cranbrook Road

12/01424/FUL



GIS by ESRI (UK)



Scale : 1:1000

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	01 June 2012
<b>SLA Number</b>	Not Set

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Acomb Planning Panel - No comments at time of writing (Expire 13th June)

Neighbours - No comments at time of writing (Expire 14th June)

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- Design
- Impact upon neighbours amenity
- Impact upon streetscene

4.2.1 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

4.2.2 The relevant City of York Council Local Plan Policies are H7 and GP1. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.2.3 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.

4.2.4 Advice contained within the National Planning Policy Framework, March 2012 states that 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

## **DESIGN**

4.3 The application site is a traditional semi-detached dwelling situated along Cranbrook Road. The scheme seeks permission for a two storey side extension.

This would project forward of the front elevation at ground floor and a canopy and porch created. It would be set back at first floor by approximately 600mm and a drop down in the ridge height is proposed. It would be constructed with a hipped roof to match the existing and would run flush with the rear elevation. A single storey rear extension is also proposed which would project out by 3m and extend along the whole width of the dwelling and across the rear of the two storey extension. It would be constructed with a mono pitched roof.

4.4 The extension appears acceptable in terms of its design. The two storey element has been inset slightly from the site boundary to prevent any overhang onto the neighbours land. Whilst design guide states that it would be preferable to have a wider gap to the boundary it would not be practical in this instance as it would result in an unusable internal space and a garage of smaller dimension than is required. The single storey extension sits comfortably and does not detract from the character of the host building.

#### IMPACT UPON NEIGHBOURING AMENITY

4.5 The neighbouring property at number 7 Cranbrook Road has an existing two storey flat roof side extension. This is setback slightly from the front elevation but does not project the whole depth of the dwelling at first floor, terminating approximately 3m from the rear elevation. The extension projects at ground floor level for a considerable distance along the site boundary and is constructed with a flat roof. The room at first floor is dual aspect with large windows to the front and rear elevations. As such the proposed extension would project past the rear of this first floor extension by approximately 3m presenting a blank wall to its rear window. There would be no impact upon the ground floor.

4.6 Whilst it is appreciated that the proposed extension would result in a tunnelling effect upon the neighbour's first floor extension it is considered that the impact would not be so detrimental as to warrant a refusal. The room is dual aspect and as such open views would be retained to the front of the extension. There would be no direct loss of light as the application site lies to the north of the neighbour and as such the neighbouring extension lies in the shadow of its host dwelling. There would be little impact upon the adjoining neighbour as a result of the single storey extension. A 1.8m fence is present to the shared boundary and the additional impact created by the extension would be minimal.

#### IMPACT UPON THE STREETSCENE

4.7 The proposed extension would not have a detrimental impact upon the streetscene. The set back and drop down in ridge height create a subservient extension which relates well to the character of the area. Whilst there are few two storey extension which abut neighbouring two storey extensions the space around these dwellings has been retained by the existence of the flat roof element.

## 5.0 CONCLUSION

5.1 It is considered that the proposed extension is acceptable. The design accords with policy and there would not be any detrimental impact upon neighbours amenity or the character of the area. Officers seek delegated authority to approve following the end of the consultation period (15 June 2012) .

## 6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

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

Drawing numbers RGCR/01, RGCR/02, RGCR/03, RGCR/04, RGCR/05 and RGCR/06 received 3rd May 2012

Email from Malcolm Scott received 30th May 2012

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

3 VISQ1 Matching materials -

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. Reason For Approval

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

### Contact details:

**Author:** Heather Fairy (Mon - Wed) Development Management Officer

**Tel No:** 01904 551352

# 9 Cranbrook Road

12/01836/FUL



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<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	01 June 2012
<b>SLA Number</b>	Not Set

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- Application No. 09/01535/FUL - Erection of garage (resubmission). Refused 24.09.09.
- Application No. 09/02052/NONMAT - Amendment to approved application 09/00552/FUL for a detached garage to raise eaves height, add a parapet gable and additional windows. Approved 10.12.09.
- Rear of 68 Bootham - Application No. 10/00016/OUT - Erection of 2 dwellings. Approved 22.07.2010

1.4 The application is brought to Committee for decision at the request of Councillor Gillies, to consider changes recent changes in planning policy and recent approval of development within the area.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Conservation Area GMS Constraints: Central Historic Core CONF  
City Boundary GMS Constraints: York City Boundary 0001  
DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYGP1Design

CYH7 Residential extensions

CYHE2 Development in historic locations

CYHE4 Listed Buildings

## **3.0 CONSULTATIONS**

INTERNAL

Design, Conservation and Sustainable Development



3.1 Object due to harm to the character and appearance of the conservation area; adverse affect on the garden setting of the adjacent listed building at 35 St Marys and unacceptable loss of amenity to residents at No. 35 St Marys

#### EXTERNAL

##### Conservation Area Advisory Panel

3.2 The panel do not support the addition of an extra storey onto the garage. The proposal does not maintain the existing symmetry or the views through to the trees towards the railway.

##### Guildhall Planning Panel

3.3 Object due to size and scale and possible future use as granny flat.

The applicant has responded to this comment from the Planning Panel stating that the proposed use for extra storage, which could be conditioned as required.

##### Publicity and Neighbour Notification

3.4 Seven letters received from neighbouring residents/owners; five in support of submission stating inter alia:

- The proposed garage will look more as an integral part of the dwelling;
- The garage will enhance the characteristic of the area;
- Recent approval for dwellings to the rear of 78/80 Bootham sets precedent for area

One letter received raising no objection; and one letter raising strong objection on the following grounds:

- Additional space not required for domestic use, but for a different use;
- Loss of outlook to residents at No. 35 St Marys;
- Detract from the setting of listed building at 35 St Marys and from historic open aspect of Conservation Area;
- High blank wall will add to overshadowing to rear garden at 35 St Marys
- Does not comply with local or national planning policies

The applicant has written in support of his application stating that:

- Raising of roof is modest and garage is sited well away from adjacent listed building;

- The site is large, with generous garden; the proposed development is modest with no impact on current footprint;
- Re impact on neighbours - development at closest point is 9 metres away; no significant effect on light to the rear accommodation of no 35.; remains almost entirely unaffected;
- Recent approvals in area amount to significant change in planning circumstances to warrant positive outcome; development remains subservient to principal dwelling.

## 4.0 APPRAISAL

### KEY ISSUES

- Visual impact on the dwelling and surrounding conservation area;
- Impact on adjacent listed building
- Impact on neighbouring amenity

### PLANNING POLICY

4.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF) MARCH 2012 Para 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". Paragraph 131 states inter alia; that when determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development make a positive contribution to local character and distinctiveness. Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

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

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

4.5 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYHE4 states inter alia that with regard to listed buildings, consent will only be granted for internal or external alterations on development in the immediate vicinity of a listed building where there is no adverse effect on the character, appearance or setting of the building

4.6 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYHE2 states inter alia 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 and materials. Proposals should maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

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

## ASSESSMENT

4.8 When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.9 The current submission is similar to application no. 09/01096/FUL, mentioned above, planning permission for which was refused due to impact on the character and appearance of the Conservation Area, the effect on the setting of the adjacent listed building and the impact on the living conditions of the adjacent occupiers at 35 St Mary`s. The subsequent resubmission (Ref: 09/01535/FUL) incorporated a slight reduction in height, but was also refused for the same reasons. Consideration

should now be given as to whether there has been any significant change to site circumstances or planning policy since these recent refusals.

4.10 The host dwelling and adjacent attached dwelling at No. 33 have now been completed, and are of high quality design and finish, enhancing the appearance of the surrounding conservation area; and also having been a winner for new residential development within the York Design Awards 2011. The existing garage sits comfortably within the site and within the adjacent site boundary wall with No. 35 St Marys. Ground levels fall away from the street, thus its appearance recedes from view, maintaining views through the rear garden and mature trees beyond. The houses on this side of the street have generous gardens which abut the tree lined boundary of the main railway line to the rear.

4.11 Although the existing garage is of significant length, the existing height is considered appropriate in relation to adjacent building and does still allow open views along the row and from the highway to the front. The garage was an exceptional introduction with the area, the impact on the characteristic openness to the rear and on views through being reduced by their low height in relation to the street; the gradual fall of gardens from north to south, and by the open separation between adjacent properties. The proposed increase in height, as previously considered, would be a significant solid interruption within the open landscape gardens, reducing their openness and the separation with the tree lined west boundary, causing harm to the character of the Conservation Area. It is also considered that the increased height and physical presence of the garage would harm the character of the garden setting of the adjacent Grade II Listed Building at no. 35 St Marys. The recently approved CYC emerging Central Historic Core Conservation Area Appraisal regards the unlisted buildings within the street as "buildings of merit"

4.12 The enlarged garage would be located to the southwest of the adjacent dwelling at no. 35 St Mary's. It is still considered to be the case that due to the increased height of the structure, residents at no. 35 would suffer loss of outlook, and additional overshadowing to the garden area, even taking into account the lower ground level of the garden at the host. The eaves height would be over 3 metres when measured from this neighbouring site, along the common boundary.

4.13 Although outline permission has recently been granted for the erection of two dwellings on land to the rear of 68-76 Bootham, with access from St Marys, it is considered that the context of this site is different to that of this current proposal, with the bulk of the development being away from the large open landscaped wedge formed by the rear gardens at St Marys. This site lies at the change in grain of between properties on Bootham and those on St Marys. The existing garages on this site having a negative impact on the character and appearance of the Conservation Area. The site is independent of the buildings around it and the development would not create overshadowing or coalescence of built forms. The

approved dwellings have a low ridge height and the courtyard setting preserves the openness onto the garden with No. 37, especially to the listed building itself. It is therefore, not considered, this recent consent would form a precedent.

## **5.0 CONCLUSION**

5.1 There has been no significant change in circumstances since the previous application(s) to warrant a different decision on this application. Although the advice in the now superseded Planning Policy Guidance Note 15 is differently expressed in the National Planning Policy Framework, the protection of heritage assets remains a high priority. It is considered that the proposed development would have an adverse effect on the character and appearance of this part of the conservation area, an adverse effect on the setting of the adjacent listed building, 35 St.Mary`s, and would result in unacceptable harm to the living conditions of the occupiers of that property.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Householder Refusal

1 The proposed garage due to its location, size and height, and considering the building line of the host dwelling, would significantly detract from the openness of the rear gardens/space behind the buildings on the northwest side of St Mary's. This open vista forms part of the historic character of the area and makes a positive contribution to both the character and appearance of the conservation area and the setting of no.35 St Mary's, which is a grade II listed building.

The proposal is therefore contrary to advice contained within the National Planning Policy Framework (paras. 56, 131 and 132) and also conflicts with policies GP1, HE2, HE4 and H7 of the City of York Development Control Local Plan.

2 The proposed garage building would have a detrimental impact on the living conditions of no.35 as it would be overbearing and overdominant, due to its location, size and height. As such the proposal is contrary to policies GP1 and H7 of the City of York Local Plan.

### **Contact details:**

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**Tel No:** 01904 552405

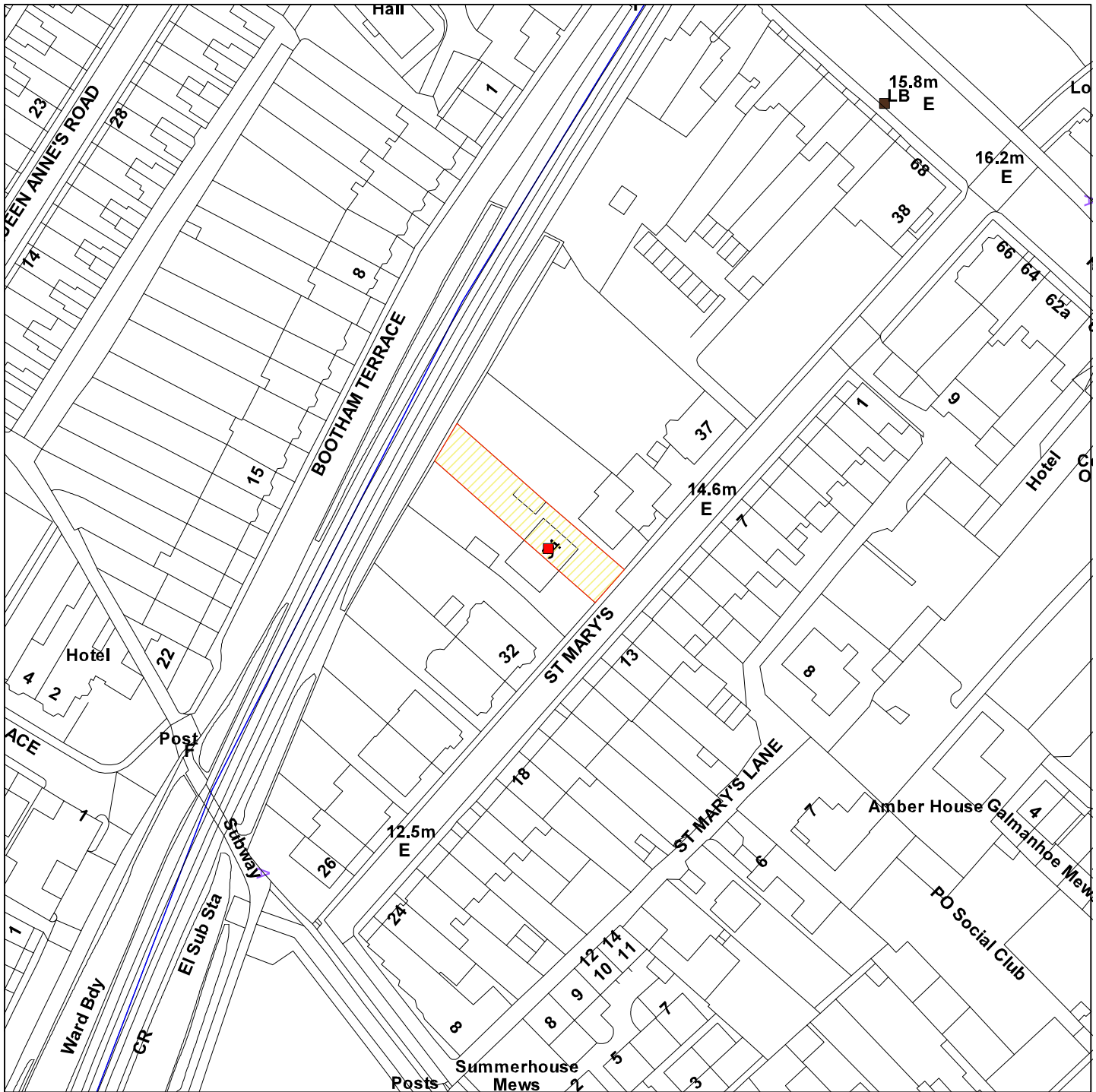
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# 34 St Marys

12/01006/FUL



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<b>Date</b>	01 June 2012
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 14 June 2012                      **Ward:** Bishopthorpe  
**Team:** Major and                              **Parish:** Acaster Malbis Parish  
Commercial Team                              Council

**Reference:** 12/01117/FUL  
**Application at:** Springfield Farm Appleton Road Bishopthorpe York YO23  
2XA  
**For:** Erection of 15 metre (to hub) high wind turbine  
(resubmission)  
**By:** Mr R J Edmondson  
**Application Type:** Full Application  
**Target Date:** 11 May 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application is for a wind turbine sited in the field to the rear of Springfield. The proposed Kingspan KW6 Turbine would be 15 metres in height to the hub with a horizontal axis rotor with a diameter of 5.6 metres. The overall height would be 17.8 metres in height. The tower would be galvanised steel finish and the hub and blades would be plastic, the plans state in either a black or white finish. The proposed turbine would be 210 metres from the closest dwelling on Temple Lane (134 Temple Lane) and 220 metres from the closest dwelling (excluding the applicants) on Foss Field Lane (Fossfield Farm).

1.2 The site is within the City of York Green Belt as identified in the Proposals Map of the City of York Development Control Local Plan

1.3 This is a resubmission of an application which was refused permission in October 2011 (ref: 11/02266/FUL) because no very special circumstances had been provided for the proposed turbine for it to overcome the presumption against inappropriate development within the greenbelt. Furthermore insufficient noise survey details were submitted.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:  
City Boundary GMS Constraints: York City Boundary 0001  
DC Area Teams GMS Constraints: West Area 0004

## 2.2 Policies:

CYGB1 Development within the Green Belt

CYGP1 Design

CYGP5 Renewable energy

CYSP2 The York Green Belt

CYSP3 Safeguarding the Historic Character and Setting of York

## 3.0 CONSULTATIONS

### INTERNAL

#### Environmental Protection Unit

3.1 The noise assessment carried out is based upon the proposed Kingspan KW6 turbine with a rotor diameter of 5.5m and a hub height of 9m. The noise assessment declared that this turbine has a declared apparent sound power level of 88.3dB(A). Predictions of the noise level at the nearest residential dwelling, not associated with the application, vary from 27.0dB(A) to 38.4dB(A) depending on the wind speed. In addition the manufacturer states that the turbine does not exhibit tonality in the sound it produces. Details of the existing noise levels in the area have been provided which show that noise levels in the area are of a similar level to the predicted noise levels. In addition information on the effect of increasing the hub height from 9m to 15m has also been provided, using the case of a different turbine for comparison, which indicated that there was minimal change with changes of no more than 1dB measured. As a result EPU does not object to the proposed application based on the Kingspan KW6 turbine being used on site.

#### Design, Conservation and Sustainable Development

3.2 Any comments will be reported verbally.

### EXTERNAL

#### Acaster Malbis Parish Council

3.3 Object. The application was previously refused as inappropriate in the Green Belt. The Parish Council is not aware of any change in circumstances which would change this position.

#### Publicity/Neighbour Notification

3.4 Seven objections have been received on the following grounds:

- Visual impact to the dwellings on Temple Lane

- Impact on value of property
- Photomontage is a misrepresentation
- May impact on birdlife
- Because a noise disturbance, used a different turbine and different height in the noise assessment
- Fails to provide 'very special circumstances' for development in the Green Belt
- Cumulative impact with the neighbouring turbine , appearance of a small wind farm filling the landscape between Acaster Malbis and Copmanthorpe
- Will be more noticeable than the existing turbine
- Too close to the properties on Temple Lane
- Concerned will set a precedent

## 4.0 APPRAISAL

### KEY ISSUES

1. Impact on the Green Belt
2. Impact on neighbouring property

### ASSESSMENT

### PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) contains a set of core land-use planning principles including that planning should always seek to secure high quality design and a good standard of amenity for all existing occupants of land and buildings; protect the Green Belt; and encourage the use of renewable resources (for example, the development of renewable energy). Part 9 of the NPPF 'Protecting Green Belt Land' states that inappropriate development is, by definition, harmful to the Green Belt. Further, when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

4.2 The application site is considered to be in the Green Belt as set out in Y1: York sub area policy of The Yorkshire and Humber Plan May 2008 (the Regional Spatial Strategy) which identifies the outer boundary of the York Green Belt about 6 miles from York City Centre. The inner boundary is to be defined through the LDF under RSS policy YH9: Green Belts.

4.3 The Development Control Local Plan policy SP2 'The York Green Belt' states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York. Policy SP3 'Safeguarding the Historic Character and Setting of York' states that high priority will be given to the protection of the historic character and setting of York.

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

4.5 Policy GP5 'Renewable Energy' states that the development of renewable energy will make a vital contribution to the reduction of carbon dioxide emissions, facilitating the delivery of the Government's commitment on climate change. Proposal for the development of renewable energy facilities will therefore be encouraged providing there is no significant adverse effect on the existing landscape, air quality, biodiversity, water resources, agricultural land or sites of archaeological or historic importance.

#### IMPACT ON THE GREEN BELT

4.6 The proposed KW6 Proven Turbine would be 15 metres in height to the hub height with a horizontal axis rotor with a diameter of 5.6 metres. The overall height would be 17.8 metres in height.

4.7 The development is considered to be inappropriate development in the Green Belt. In such cases the NPPF states that developers will need to 'demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'. The applicant states that 'The proposed project has been designed with the intention of generating zero-carbon electricity through the utilisation of wind as a renewable energy source. It is proposed that the electricity generated from the turbine will power the farm. Any excess capacity will be exported back to the national grid'. Reference within the NPPF to renewable energy projects is clear and it is considered that very special circumstances exist in this case by reason of the production of energy from renewable sources. Small-scale projects can provide a limited valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally.

4.8 The proposed KW6 Proven Turbine would be 15 metres in height to the hub height with a horizontal axis rotor with a diameter of 5.6 metres. The overall height would be 17.8 metres in height. If very special circumstances are considered to exist, development will only be allowed if the scale, location and design of such development would not detract from the open character of the greenbelt. The topography is particularly flat in this area and the proposed turbine would be prominent in this location, however the turbine is relatively small scale and its design limits its impact on the openness of the green belt.

4.9 In addition there has been a turbine erected in relatively close proximity at Park Farm, the applicant has provided a cumulative impact assessment. The assessment states that views of the turbine with that of the Park Farm turbine will always be viewed together given the short distance between the two sites. Typical views will include combined views of the turbines, particularly from nearby dwellings and settlements including the line of dwellings on Temple Lane. The potential impact will be reduced by their similarities in scale, presence of vertical elements within the landscape of similar scale including mature trees within the fields and to road side edges and being read in conjunction with the existing farm buildings. The report concludes the cumulative impacts of the two turbines will be of a "localised extent and have a negligible to slight adverse impact. This is due to the smaller scale and sensitive setting of the turbines within the landscape, near to the cluster of farm buildings and intervening screening by various natural and built landscape elements." Officers consider this to be a reasonable assessment on the impact on the landscape and Green Belt. While there will be a slight material impact on views and a lesser impact on openness, the impact is not considered to be unduly harmful. The proposal is considered to comply with policy GB1 and the guidance contained in the NPPF.

#### IMPACT ON NEIGHBOURING PROPERTY

4.10 The proposed turbine by virtue of its distance from the nearby dwelling is not considered to be unduly prominent or dominate the outlook from the nearby dwellings. The dwellings on Temple Lane would be at least 210 metres from the proposed turbine and by virtue of the significant distance the proposed turbine is not considered to impact negatively on the residential amenity of the occupants of these dwellings.

4.11 There is a significant distance between the wind turbine and the closest dwelling. Noise levels from turbines are generally low under most operating conditions. The submitted noise assessment states that this turbine has a declared apparent sound power level of 88.3dB(A). Predictions of the noise level at the nearest residential dwelling, not associated with the application, vary from 27.0dB(A) to 38.4dB(A) depending on the wind speed. In addition the manufacturer states that the turbine does not exhibit tonality in the sound it produces. Details of the existing noise levels in the area have been provided which show that noise levels in the area

are of a similar level to the predicted noise levels. In addition information on the effect of increasing the hub height from 9m to 15m has also been provided, using the case of a different turbine for comparison, which indicated that there was minimal change with changes of no more than 1dB measured. As a result it is considered that the wind turbine will not harm the living conditions of nearby residents, as such the proposal complies with policy GP1.

## OTHER ISSUES

4.12 Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off. However only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK. Flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore if the turbine has 5.5m diameter blades, the potential shadow flicker effect could be felt up to 55m from a turbine. The closest dwelling that would be within the 130 degrees of north of the turbine would be 230 metres away.

4.13 Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to mitigate the flashing by choice of blade colour and surface finish. This can be conditioned.

4.14 No species or habitats of special importance have been identified that require special protection measures. The issue of 'bird strike' has been raised but it is advised in "Planning for Renewable Energy- A Companion Guide to PPS22" that there is evidence to suggest that the risk of collision of birds with moving of the rotor blades is minimal for both migrating birds and for local habitats.

## 5.0 CONCLUSION

5.1 The proposed wind turbine is considered to be inappropriate development in the greenbelt. However the environmental benefits of the proposed scheme are considered to outweigh the harm to the greenbelt and as such the proposed wind turbine would comply with the National Planning Policy Framework. In addition the proposed wind turbine is not considered to unduly harm the residential amenity of the occupants of the nearby dwellings.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

Application Reference Number: 12/01117/FUL

Item No: 4d

Page 6 of 7

Drawing Number A001 received 15 March 2012  
Drawing Number KW6/15 received 15 March 2012;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority as the submitted Noise Performance Test is model specific and the erection of an alternative turbine may have different noise impacts which will need to be assessed by the local planning authority.

2 TIME2 Development start within three years -

3 The colour and finish of the turbine should be submitted to and approved in writing to the Local Planning Authority.

Reason: To achieve a visually acceptable form of development.

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

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

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality and the greenbelt. As such, the proposal complies with Policies GP1, GB1, and GP5 of the City of York Council Development Control Local Plan (2005); national planning guidance contained in the National Planning Policy Framework and "Planning for Renewable Energy - A Companion Guide to PPS22".

### **Contact details:**

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

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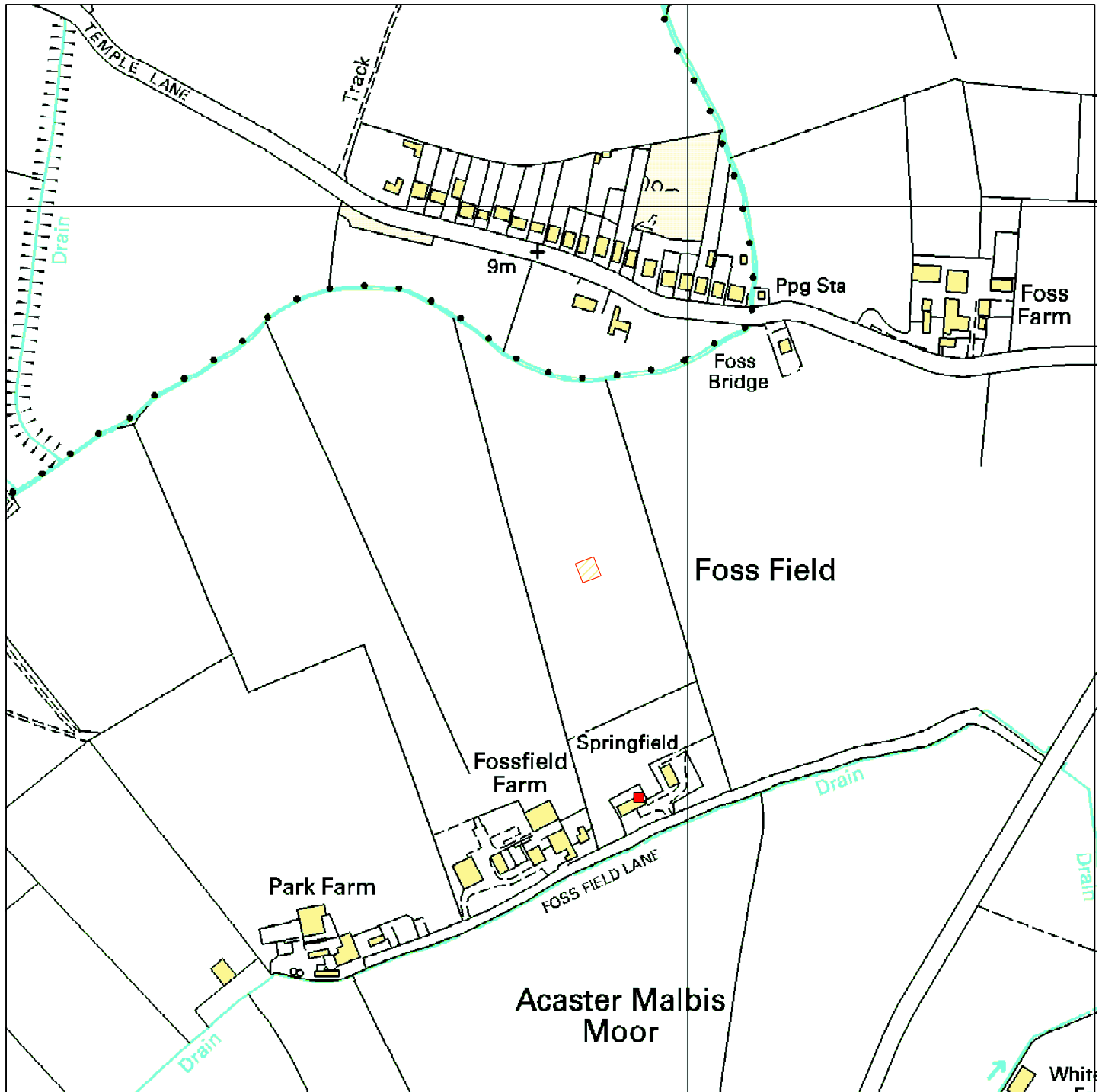


# Springfield Farm, Appleton Road, Bishopthorpe

12/01117/FUL



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