



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors Livesley (Chair), Bartlett (Vice-Chair),
Sue Galloway, Horton, Macdonald, Reid, Simpson-Laing,
Sunderland and B Watson
- Date:** Thursday, 22 March 2007
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

**Site visits for this meeting will commence at 11.00 am on
Wednesday 21 March 2007 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 3 - 16)

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 15 February 2007 and 27 February 2007.

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. 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

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) **14 Copmanthorpe Lane, Bishopthorpe, York (06/00697/FUL)** (Pages 17 - 24)

Erection of detached dwelling. *[Bishopthorpe Ward]*

- b) **10 Hatters Close, Copmanthorpe, York (07/00162/FUL)** (Pages 25 - 32)

Two storey pitched roof side extension and single storey rear extension (resubmission). *[Rural West York Ward]*

- c) **42 Neville Terrace, York (06/02557/FUL)** (Pages 33 - 42)

Two storey pitched roof side extension and garage to rear, after demolition of outside WC. *[Guildhall Ward]*

- d) **49 Blossom Street, York (06/02811/FUL)** (Pages 43 - 48)

Variation of condition 2 of planning permission 98/01664/FUL to extend opening hours from 1130-2300 Monday-Sunday to 1130-2400 Monday-Sunday. *[Micklegate Ward]*

- e) **Acomb Hotel, Kingsway West, York (07/00191/FUL)** (Pages 49 - 56)

Single storey flat roof extension to the front to provide a licensed betting shop (use class A2) (resubmission). *[Westfield Ward]*

- f) **34 St Mary's, York (06/01703/FUL)** (Pages 57 - 86)

Erection of 7 no. apartments after demolition of the existing dwelling. *[Guildhall Ward]*

- g) **34 St Mary's, York (06/01704/CAC)** (Pages 87 - 92)

Demolition of a dwelling in the Conservation Area. *[Guildhall Ward]*

h) 1 Tudor Road, York (07/00256/FUL) (Pages 93 - 104)

Erection of 1 no. detached dwelling (resubmission). *[Westfield Ward]*

i) 46 Hobgate, York (07/00121/FUL) (Pages 105 - 114)

Erection of a new dwelling after demolition of the existing one. *[Holgate Ward]*

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

Democracy Officer

Name: Simon Copley

Contact Details:

- Telephone (01904) 551078
- Email – simon.copley@york.gov.uk

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

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

Contact details are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 21 March 2007****The bus will depart from Memorial Gardens at 11.00**

TIME (Approx)	SITE	ITEM
11.15	14 Copmanthorpe Lane, Bishopthorpe	a
11.50	1 Tudor Road	h
12.10	Acomb Hotel, Kingsway West	e
12.30	46 Hobgate	i
13:00	49 Blossom Street	d
13:20	34 St Mary's, York	f & g

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City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 FEBRUARY 2007
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

64. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
46 Station Road, Upper Poppleton, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Reid, Sunderland and B Watson
1 Poppleton Hall Gardens, Nether Poppleton, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Reid, Sunderland and B Watson
114 Bishopthorpe Road, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Reid, Sunderland and B Watson
Oakwood Farm, Northfield Lane, Upper Poppleton, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Reid, Sunderland and B Watson
22 Bewlay Street, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Reid, Sunderland and B Watson

65. DECLARATIONS OF INTEREST

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

Councillor Macdonald declared a personal prejudicial interest in agenda item 4a (46 Station Road, Upper Poppleton, York) as he knew the applicant, left the room and took no part in the discussion or decision thereon.

Councillor Sunderland declared a personal non-prejudicial interest in agenda item 4d (Bar 38, Coney Street, York) as an occasional customer of the premises.

66. MINUTES

RESOLVED: That the minutes of the meetings of the West and City Centre Area Planning Sub-Committee held on 18 January 2007 and 30 January 2007 be approved and signed by the Chair as a correct record.

67. 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.

68. 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.

68a 46 Station Road, Upper Poppleton, York (06/02701/FUL)

Members considered a full application, submitted by Mr Pietro Manfredi and Miss Sarah Lewis, for a one and two storey side extension and a single storey extension to the rear of the property.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, 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); and Poppleton Village Design Statement (2003).

68b 1 Poppleton Hall Gardens, Nether Poppleton, York (06/02221/FUL)

Members considered a full application, submitted by Chris Swift and Sonia Snowden, for a single storey extension to the north elevation, a pitched roof one and two storey extension to the south side elevation, and a pitched roof double garage at the front of the property (revised scheme).

The case officer reported that the application had been amended since submission and that the revised drawings were available to inspect. He also proposed some revised wording for condition 4.

Representations were received in support of the application, from the applicant's agent and architect.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amended condition:

- (i) Condition 4 – “Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows in addition to those shown on the approved plans shall at any time be inserted in the west facing elevation of the extension.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity and the character and appearance of the designated Conservation Area. As such the proposal complies with PPG15 and Policies H7, GP1 and HE2 of the City of York Development Control Draft Local Plan.

68c 26 Tadcaster Road, Dringhouses, York (06/02780/FULM)

Members considered a major full application, submitted by Pilcher Homes Ltd., for the erection of 3 no. three storey houses and a three storey block comprising nine flats and one house, with ancillary garage and cycling blocks, after demolition of the existing buildings.

The case officer reported that the Council's Network Management section had no objections to the application and outlined their comments. The inclusion of four additional highways conditions was recommended:

- HWAY10 (vehicular areas surfaced, details required)
- HWAY14 (access to be approved, details required)
- HWAY36 (servicing within site, details required)
- HWAY39 (off site highway works, details required)

Representations were received in objection to the application, from residents of Mayfield Grove and Tadcaster Road and on behalf of the Dringhouses & Woodthorpe Planning Panel. A diagram indicating potential traffic hazards on Tadcaster Road was circulated by the Planning Panel. Representations were also received in support of the application, from the applicant's agent, and information setting out proposed distances to neighbouring properties was circulated to Members. Written representations from Councillor Holvey, Dringhouses & Woodthorpe Ward Councillor, in objection to the application, had been circulated to Members and were read out by the case officer.

It was clarified that paragraph 1.4 of the report, which stated that the height of Villa A had been reduced by 0.5m to 11.1m, was incorrect and confirmed that neither the height or the footprint of the proposed development had been reduced since the previous application. Members reiterated their concerns that the scale, height, massing and design were inappropriate and would harm the appearance and character of the area, the setting of the Tadcaster Road Conservation Area, and the amenities of residents living close to the site.

Members noted that this application demonstrated that alternative access arrangements could be provided to those proposed in the previous application, although some Members still expressed some concerns relating to traffic movements on Tadcaster Road.

Members also expressed concerns, in terms of sustainability, regarding the demolition of the existing buildings on the site. They requested that the wording of condition 31 and the related informative needed to be amended to make specific reference to children's play space, and highlighted the need for the snicket between 9 and 11 Mayfield Grove to be gated. It was also suggested that access from the dwellings to the garden area should be through a strip of garden, rather than the hard surfaced garage area as currently proposed.

RESOLVED: That the application be refused.

REASON: In the opinion of the Local Planning Authority the proposed buildings, by virtue of their scale, height, massing and design are inappropriate in this area and would harm the appearance and character of the area, the setting of the Tadcaster Road Conservation Area, and the amenities of residents living close to the site. As such, the proposal is contrary to Policy E4 of the North Yorkshire County Structure Plan and Policies GP1 'Design', H4 'Housing Development in Existing Settlements', GP10 'Subdivision of Gardens and Infill Development' and HE2 'Development in Historic Locations' of the City of York Local Plan Deposit Draft.

68d Bar 38, Coney Street, York (06/02788/FUL)

Members considered a full application, submitted by Inventive Leisure, for the retention of an external seating area.

Representations were received in support of the application, from the applicant's agent.

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

REASON: In the opinion of the Local Planning Authority the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, crime and disorder and the character and appearance of the conservation area. As such the proposal complies with national planning policy guidance note PPS:6, policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE3 and S6 of the City of York Local Plan Deposit Draft.

68e 7 Hawkshead Close, York (06/02062/FUL)

Members considered a full application, submitted by Mr S O'Driscoll, for the erection of a pitched roof two storey detached dwelling on land at 7-9 Hawkshead Close (resubmission).

The case officer reported that 4 additional letters of objection had been received since the report had been published and outlined the concerns therein. He also clarified that condition 11 (HT1) would restrict the height of the development to 8.6m above the existing ground level.

Members requested the inclusion of a condition requiring approval of the method for laying the gravelled parking area and the type of gravel used, to ensure that it did not spill onto the highway.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following additional condition:

- (i) Condition – "Prior to the commencement of development, details of the construction method of the gravel driveway, including the size and type of gravel to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of good highway management."

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity, parking and the protection of a Silver Birch covered by a Tree Preservation Order. As such the proposal complies with PPG3 and Policies GP1, H4a, GP10, L1c and NE1 of the City of York Development Control Draft Local Plan.

68f 114 Bishopthorpe Road, York (06/02715/FUL)

Members considered a full application, submitted by Mr and Mrs Ferraioli, for change of use from a residential dwelling to a 6 bedroom guest house with owners' accommodation.

A plan of the R36 residents' parking zone was circulated to Members.

Representations were received in support of the application, from the applicant.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, the character of the area and highway safety. As such the proposal complies with Policy I13 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies V1 and V3 of the City of York Local Plan Deposit Draft.

68g Oakwood Farm, Northfield Lane, Upper Poppleton, York (06/02637/FUL)

Members considered a full application, submitted by D Lancaster Esq, for change of use to Class B1 (Business Use) and Class B8 (Storage and Distribution Use) (resubmission).

Officers confirmed that Rufforth with Knapton Parish Council had been consulted on the application and had no objections.

Representations were received in support of the application, from the applicant's agent.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with policies SP2, SP6, GB1, GB3 and GB11 of the City of York Local Plan Deposit Draft and also PPG2 and PPS7.

68h 22 Bewlay Street, York (06/01199/FUL)

Members considered a full application, submitted by Wills and Co. Development Ltd., for a rear dormer (reduction in size of existing unauthorised dormer).

The case officer reported that one further letter of objection had been received since the publication of the report and that a letter had also been received from the construction consultants acting on behalf of the applicant. A plan of the R6 residents' parking zone had been circulated to Members.

Representations were received in objection to the application, from a nearby resident, and in support of the application, from the applicant and the current tenant.

Members expressed concern regarding the impact of the dormer on the character and appearance of both the host dwelling and the immediate surrounding area.

RESOLVED: That the application be refused.

REASON: The proposed rear dormer by reason of its design, size, appearance and prominence would result in significant harm to the character and appearance of the host dwelling and the visual amenities of the immediate surrounding area, contrary to policies H7 and GP1 of the Development Control Local Plan Incorporating the 4th Set of Changes, the City Council's Supplementary Planning Guidance "Guide to Extensions and Alterations to Private Dwellinghouses" and national planning policy contained in Planning Policy Statement 1 "Delivering Sustainable Development."

COUNCILLOR D LIVESLEY

CHAIR

The meeting started at 3.00 pm and finished at 5.00 pm.

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	27 FEBRUARY 2007
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY, HORTON, MACDONALD, REID, SUNDERLAND AND B WATSON
APOLOGIES	COUNCILLOR SIMPSON-LAING

69. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
66 Allerton Drive, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Sunderland and B Watson
Dodsworth Hall, Millfield Lane, Nether Poppleton, York	As the application is recommended for approval and objections have been received	Councillors Livesley, Bartlett, Horton, Macdonald, Sunderland and B Watson

70. DECLARATIONS OF INTEREST

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

No interests were declared.

71. 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.

72. 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.

72a 66 Allerton Drive, York (07/00151/FUL)

Members considered a full application, submitted by Mrs S Jackson, for a two storey pitched roof side extension following demolition of the garage, a new sunroom to the rear and a porch at the front.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, 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".

72b 25 George Hudson Street, York (07/00042/FUL)

It was reported that the application, for the removal of condition 6 of planning permission 04/02949/FUL (formation of 5 retail units and 32 short stay car parking spaces) to allow unrestricted use of the new ground floor car parking spaces, had been withdrawn.

72c McMillans, 1 Rougier Street, York (07/00152/FUL)

Members considered a full application, submitted by McMillan (York) Ltd., for the variation of condition 3 of application 04/01534/FUL to extend the hours of use of the pavement cafe as an outside smoking area until 02:00 Sunday to Thursday and 03:00 on Fridays and Saturdays (existing hours 11:00 to 20:00 on all days).

The case officer reported that no responses to the consultation had been received from neighbouring residents. He explained that pavement cafes required a highways licence and that this proposal may not comply with requirements for a licence, so the Council's Network Management section had requested that the application be deferred. He also reported that the Police Architectural Liaison Officer had no objections to the application but had requested that the seating be permanent and secured.

Representations were received in objection to the application, from Councillor Merrett, Micklegate Ward Councillor.

Members expressed a number of concerns about the application, relating to noise and disturbance, crime and disorder, and conflict with other users of the public footpath.

RESOLVED: That the application be refused.

- REASON:
- (i) It is considered that the proposed extension of the hours of use of the pavement café would be detrimental to the amenity of nearby residents by significantly increasing the potential for noise and nuisance as a result of customers and other members of the public gathering outside the premises late at night. Thus the proposal would conflict with Policy S6 of the City of York Draft Local Plan, which states that planning permission for the extension, alteration or development of premises for A3 uses (food and drink) will only be permitted in York City Centre if no unacceptable impact on the amenities of surrounding occupiers would result from traffic, noise, smell or litter.
 - (ii) It is considered that the proposal would significantly increase the potential for crime and anti-social behaviour as a result of the location of the site within the City of York Council's Cumulative Impact Zone, so designated due to the cumulative effect of the concentration of late night drink led refreshment and entertainment premises on crime and/or public nuisance affecting residents, visitors and other businesses in the area.
 - (iii) It is considered that the proposed extension of the hours of use of the pavement café would result in an unacceptable conflict with other users of the public footpath, given the location of the site in an area with a large concentration of clubs, bars, takeaways and other late night uses.

72d Dodsworth Hall, Millfield Lane, Nether Poppleton, York (07/00088/FUL)

Members considered a full application, submitted by Honey Pots (Dodsworth Hall) Ltd., for a single storey rear extension and 4 no. Velux rooflights in the existing rear roof.

The case officer reported the details of an objection received from a neighbouring resident since the publication of the report.

Members requested the inclusion of an additional condition requiring a scheme to be agreed to accommodate and manage the dropping off and picking up of children, in the interests of highway safety and the free flow of traffic, and an informative asking that the Parish Council be consulted when the scheme was drawn up. They also requested an additional

condition requiring the railings at the rear of the property to be fixed and preventing a vehicle access being formed there, and an amendment to condition 3 to allow the rooflights to be opened for ventilation.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the following amended condition:

- (i) Condition 3 – “Notwithstanding the hereby approved details, the 4 rooflights in the rear roof slope of the property shall be glazed in obscure glass and their opening shall be restricted. The details regarding the restricted opening of these rooflights and their obscure glazing shall be submitted to the Council in writing prior to the development hereby permitted coming into use and shall thereafter be so retained.

Reason: To protect the residential amenity of surrounding neighbours.”

And the following additional conditions and informative:

- (i) Condition – “Prior to the hereby approved use first coming into operation, details shall be submitted to and approved in writing by the Council of surfacing provision for pedestrian access to and from Dodsworth Hall and also a scheme for the management of 'dropping off' and 'picking up' of children/employees/etc from the Hall. The approved schemes shall thereafter be so retained.

Reason: In the interests of highway safety and the free flow of traffic.”

- (ii) Condition – “The metal railings indicated to either side of the front of Dodsworth Hall (Drawing nr. 07:02:01 - Revision A) shall be permanently fixed. In addition no vehicular access shall be formed to allow vehicular movements to the rear of the Hall.

Reason: To prevent vehicular access to the side/rear of Dodsworth Hall which would have a detrimental impact upon adjacent neighbours amenity.”

- (iii) Informative – “You are advised to contact the Nether Poppleton Parish Council to discuss the conditioned scheme for the 'dropping off/picking up' of children/ employees/persons from the Dodsworth Hall. Concern was raised at the Council’s Planning Sub-Committee (27/2) that the character of the area would be detrimentally affected by such activities and measures taken to accommodate them.

The address for the Nether Poppleton Parish Clerk is:-

Mr B Mackman
Chawton Cottage
22a Long Ridge Lane
Nether Poppleton
York
YO26 6LX”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity of neighbouring dwellings and impact upon the area. As such the proposal complies with Policies CYGP1 and GP11 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY

CHAIR

The meeting started at 12.00 pm and finished at 1.45 pm.

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Bishopthorpe
Date: 22 March 2007 **Parish:** Bishopthorpe Parish Council

Reference: 06/00697/FUL
Application at: 14 Copmanthorpe Lane Bishopthorpe York YO23 2QR
For: Erection of detached dwelling
By: Mr And Mrs M Cross
Application Type: Full Application
Target Date: 9 August 2006

1.0 PROPOSAL

1.1 The application is for a detached dwelling to the rear of 14 Copmanthorpe Lane with vehicular access to Kirkwell.

1.2 The site is part of the rear garden of 14 Copmanthorpe Lane. The site is surrounded by dwellings: Kirkwell is a street of semi-detached and detached dwellings in quite close proximity to each other built in the late 1990s. The other dwellings surrounding the site are semi detached dwellings and one detached all built mid 20th Century.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Schools Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 07/07/2006

Site Notice - Expires 02/08/2006

Press Advert - N/A

Internal/External Consultations - Expires 07/07/2006

8 WEEK TARGET DATE 09/08/2006

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

ENVIRONMENTAL PROTECTION UNIT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

BISHOPTHORPE PARISH COUNCIL - Object

- Kirkwell has detached dwellings however this is unique to the surrounding streets
- Detrimental to the local character and amenity, gardens in the area are characterised by their length and the proposed dwelling would break this feature
- Minimum distance associated with privacy
- Issues of parking and traffic existing on Kirkwell

10 LETTERS OF OBJECTION

- Would exacerbate the problems of parking and access to Kirkwell
- Proximity to neighbouring dwellings
- Distance between windows of proposed dwelling and existing dwellings is under the minimum distance guidelines
- Is over development of the site which currently acts as a gap in a developed area, would result in overcrowding
- Concern about the disturbance construction would cause
- Impact on the environment of Kirkwell which is of a relatively high density
- The width of Kirkwell road is under the minimum highway standards
- No provision for turning vehicles within the site, would impinge on the driveway of 12 Kirkwell
- Would cause overlooking and a loss of privacy
- Its size and proximity to other dwellings would make the property overbearing
- Increase in density would be harmful to the character of the area
- Concern about the capability of the drainage system to accommodate another dwelling

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

05/02176/OUT - Outline application for erection of a single detached bungalow to the rear with access from Kirkwell - Withdrawn

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
3. Impact on road safety

4.4 ASSESSMENT

PLANNING POLICY

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

4.4.2 Policy H4a 'Housing Windfalls' of the City of York Development Control Local Plan states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.4.3 Policy GP10 'Subdivision of Gardens and Infill Development' of the City of York Development Control Local Plan states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.4 The proposed site is to the rear of 14 Copmanthorpe Lane, the plot measures 18m by 26m with a 5m by 8m chunk removed from the southwest corner of the plot. The dwelling is set back 4m from the boundary with Kirkwell, between 1.4m and 2m from the boundary with 2 New Lane and between 2.7m and 4m from the boundary with 1 New Lane. The proposed dwelling would be a dormer bungalow with vehicular access to Kirkwell. The dwelling would measure 15.5m in width including the attached garage and be 11.5m in breadth (at its widest point) the majority of the dwelling being 10m in breadth, and 6.6m in height to the roof ridge.

4.4.5 There is a spacious and semi-rural character within the surrounding area. Whilst it is considered that the site could accommodate a dwelling it is felt that the scale of the proposed is too large in terms of footprint and the appearance would be detrimental to the area: reducing the spacious character of the area; creating a built up cramped appearance within the site and in context with the surrounding buildings; and would appear as if the dwelling as been "shoehorned" into the site giving the overall appearance of overdevelopment. Therefore the large dormer bungalow design is not considered to be compatible with the neighbouring buildings and spaces.

IMPACT ON NEIGHBOURING PROPERTY

4.4.6 The impact of the proposed dormers in the elevation facing Kirkwell on the neighbouring properties on Kirkwell may potentially cause overlooking or the perception of overlooking leading to a loss of privacy. The dormer windows will be a distance of 17.5 metres from the dwellings on Kirkwell. The distance between the dwellings is borderline but the dormers could be considered to be overbearing by virtue of their proximity to the neighbouring properties. There would be no overlooking from Kirkwell to the principal rooms of the proposed dwelling due to screening from the hedge along the boundary.

4.4.7 The proposed dwelling is not considered to cause any loss of privacy or be overbearing to the neighbouring properties of 14 and 16 Copmanthorpe Lane due to distance and boundary treatment. The proposed dwelling would leave sufficient private amenity space for 14 Copmanthorpe Lane.

4.4.8 There would be no overlooking to the occupants of 1 New Lane although the occupants of the proposed bungalow may feel overlooked by the rear window of 1 New Lane. The proposed dwelling is not considered to have an overbearing or over dominant impact on the occupants of 1 New Lane, the proposed dwelling would be in close proximity however as the roof would be sloping away from 1 New Lane the impact would be reduced.

4.4.9 No.2 New Lane has extended to the rear and the windows of these extensions overlook the site. There are no windows in the proposed elevation facing these extensions apart from the conservatory at the end of the garage. Overlooking could be prevented by a condition on any planning permission for further planting along the boundary and/or obscure glazing in the conservatory elevation facing 2 New Lane. It could be argued that the impact on 2 New Lane specifically in the garden would be regarded as over dominant by virtue of the proximity of the of the proposed dwelling to the boundary however it is not considered that the loss of amenity is significant enough to warrant refusal.

IMPACT ON ROAD SAFETY

4.4.10 There have been a number of objections and all have expressed concern about the issue of traffic on Kirkwell and the problems with parking however Highways Network Management has raised no objections to the proposed plans.

5.0 CONCLUSION

5.1 The proposed dwelling by virtue of its scale, mass and design is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site, and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'. Refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The proposed dwelling by virtue of its scale, mass and design is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site, and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

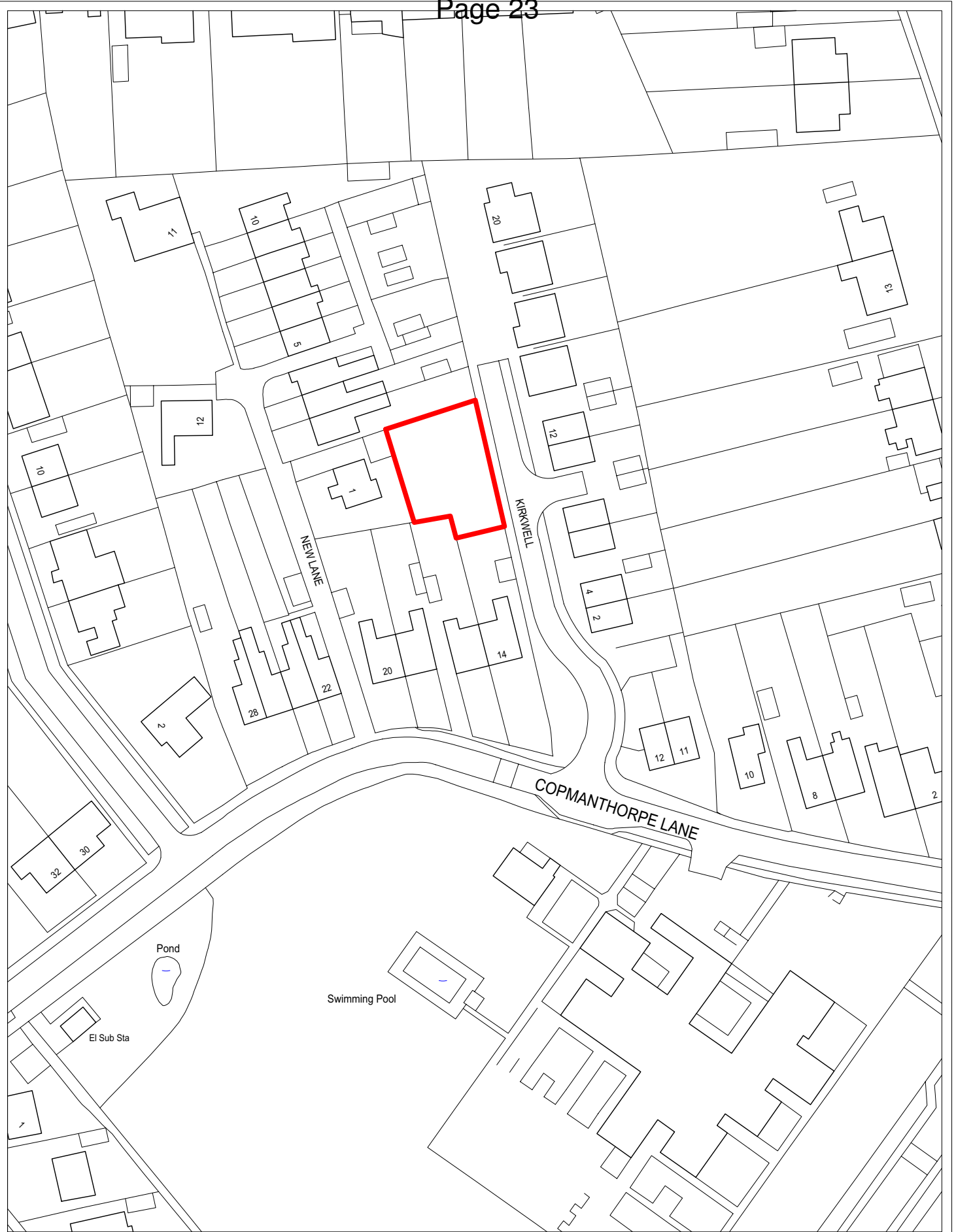
7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

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CITY OF
YORK
COUNCIL

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

Site Plan : 14 Copmanthorpe Lane Bishopthorpe - 06/00697/FUL

SCALE 1:1000

DRAWN BY JB

DATE 12/3/2007

Originating Group

Project

Drawing No.

Organisation

JUL3



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 22 March 2007 **Parish:** Copmanthorpe Parish
Council

Reference: 07/00162/FUL
Application at: 10 Hatters Close Copmanthorpe York YO23 3XQ
For: Two storey pitched roof side extension and single storey rear extension (resubmission)
By: Mr P Hagues
Application Type: Full Application
Target Date: 22 March 2007

1.0 PROPOSAL

1.1 The application is for a two storey pitched roof side extension and single storey rear extension. The application is a revision on the previously approved application - 06/02156/FUL (approved by West and Centre Sub Planning Committee - 21/12/2006)

1.2 The detached dwelling is set within a suburban street with regular uniform character and spacing. There are at least two other examples of two storey side extensions within the street and numerous others in the surrounding streets.

1.3 The application comes before committee because the applicant's partner works for the City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 16/02/2007

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - Expires 16/02/2007

8 WEEK TARGET DATE 22/03/2007

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections, as the proposed drive will be less than 6 metres a non-protruding garage door should be fitted

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

COPMANTHORPE PARISH COUNCIL - No comment

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

06/02156/FUL - Two storey pitched roof side extension and single storey rear extension - Approved at West and Centre Sub Planning Committee on 21/12/2006

4.2 ADDITIONAL PLANNING POLICY

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

Copmanthorpe Village Design Statement, 2003

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 Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open

spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy H7 'Residential Extensions' of the City of York Development Control Local Plan 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.

The Copmanthorpe Village Design Statement states in its design guidelines that extensions be set back from the plot boundaries and retain the right to light and privacy of the occupants of the neighbouring dwellings. The siting of proposed side extensions should avoid locations that link one house to its neighbour to create a terraced effect. The guidelines also state that proposed extensions should be set back and the height set down from the main building.

VISUAL IMPACT ON THE DWELLING AND THE AREA

The proposal is for a two storey side extension and a single storey extension to the rear of the side extension. Any potential terracing effect is reduced by the proposed side extension being set back 0.5 metres. The proposed side extension does have an element of subservience to the main dwelling despite the proposed side extension not being set down in height from the original roof ridge (there are similar examples in the surrounding area). The difference between this application and the previous approved application (06/02156/FUL) is the difference in the styles of the roof. The roof in this proposal is of a simpler design to the benefit of the appearance of the dwelling.

There are other examples within the street and in the surrounding streets of two storey side extensions. The dwellings within the street have a uniform appearance and whilst the side extensions do impact to an extent on the character of the street, it is considered that this is an established pattern of development in the area. The proposed side extension together with the number of side extensions in the street are not considered to cause undue harm to the street scene. The closure of the gaps between the dwellings whilst not maintaining the original character of the street is not deemed harmful enough to the visual amenity of the dwelling and character of the street to warrant refusal.

IMPACT ON NEIGHBOURING PROPERTY

The proposed side extension would not cause any further loss of privacy to occupants of surrounding dwellings. Neither would the proposed side extension cause any loss of light to the surrounding dwellings.

The proposed rear extension would extend 0.5 metres further than the existing garage, and is of the same proportions and same siting within the plot to what has been allowed to the rear of 9 Hatters Close. There will be overshadowing already

caused by the existing garage, the increase in height from the pitched roof is not considered to cause any further significant overshadowing to the ground floor principal rooms of 9 Hatters Close.

The proposed side extension allows two off road parking spaces one in the garage and one on the driveway and therefore fulfils the parking requirements of Highways Network Management.

5.0 CONCLUSION

5.1 The proposed two storey pitched roof side extension and single storey rear extension would comply with planning policy, and the visual and residential 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 06-024-012 Revision A, received 25 January 2007;

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

- 3 VISQ1

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) no 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.

- 5 Notwithstanding the approved plans a large scale drawing (1:20) showing the roof detail and guttering where it abuts the adjacent property (9 Hatters Close) including measured details of that property shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the approved drawing.

Reason: To ensure that the roof and gutter detail can be built as shown in the interest of the visual amenity of the area and the living conditions of the adjacent property.

**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" and Guidelines 2, 3 and 4 of the extension and infill development guidelines in the Copmanthorpe Village Design Statement (2003).

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

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CITY OF
YORK
COUNCIL

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

Site Plan : 10 Hatters Close Copmanthorpe - 07/00162/FUL

SCALE 1:1000

DRAWN BY JB

DATE 12/3/2007

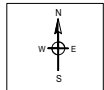
Originating Group

Project

Drawing No.

Organisation

JUL7



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 22 March 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02557/FUL
Application at: 42 Neville Terrace York YO31 8LN
For: Two storey pitched roof side extension and garage to rear after demolition of outside WC
By: Mr And Mrs Martin
Application Type: Full Application
Target Date: 15 January 2007

1.0 PROPOSAL

1.1 The application is for the following, a two-storey side extension that would be located in the gap between the side of 42 Neville Terrace and 76 Park Grove and a garage with a flat roof that would be attached to the kitchen which projects from the rear of the host dwelling. Associated with the proposed garage are alterations to the rear boundary treatment.

1.2 The application relates to an end terraced dwelling, where Neville Terrace meets Park Grove. Both streets are residential in character consisting of terraced dwellings. To the rear of the host is stable cottage, a residential conversion that is part single, part two storey.

1.3 The application was first brought before members at the request of Councillor J. M. Looker. It was deferred at the 30.1.07 committee. Officers were requested to obtain further information regarding sound insulation between the host property and 75 Park Grove.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Schools Park Grove Primary 0214

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objection to the proposal. Request that the existing crossover be reinstated to kerb.

Environmental Protection Unit (EPU) - Confirm that they are currently dealing with complaints of loud music coming from Stable Cottage. A warning letter was sent and EPU have not witnessed any further noise nuisance to date. A warning letter due to a complaint was also sent in 2004, after which, no further complaints were received until 2006. No complaints have been received regarding 42 Neville Terrace. A watching brief for contamination is also required and the hours of construction to be controlled.

3.2 External

Planning Panel - Object. Consider that the roller shutter doors will spoil the appearance of the street, and will also be noisy. It is suggested that the existing gateway is used for vehicle access into the site.

Publicity - Letters in objection to the application have been received from the owner and occupant of 76 Park Grove and the occupants of 45 and 47 Park grove. The reasons for objection are as follows,

- Increased noise levels in the area - 42 Neville Terrace and Stable Cottage are student occupied and have a history of causing noise nuisance
- Loss of owner occupied accommodation and increased number of students in the Groves area
- Inaccuracy of plans
- Dwelling would be a HMO, no planning application for a HMO has been submitted
- Lack of car parking
- Side extension would be out of keeping and detrimental to appearance of the area
- Side extension should not prevent access to maintain 76 Park Grove.

4.0 APPRAISAL

4.1 Key issues

- Design
- Residential amenity
- Other matters

Relevant policies of the City of York Draft Local Plan

4.2 GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

4.3 Policy H7 states that planning permission will be granted for house extensions where: the design and materials are sympathetic to the main dwelling and the locality of the development; the scale is appropriate; there is no adverse impact on residential amenity; proposals respect space between dwellings; and that the proposed development does not result in an unacceptable loss of private amenity space within the curtilage of the dwelling.

4.4 The proposed side extension would fill the gap between the host and 76 Park Grove. The extension would be setback 300mm from the front building line, 1.3m from the rear. The roof ridge would be set down around 1.7m from that of the host dwelling. The bricks and roof tiles would be to match those on the host; the shape, dimension and cill of the front windows would match the existing window at first floor level (above the bay window). The first floor window would also have a matching lintel. The proposed garage would be at the rear; it would extend from the existing kitchen and be against the side boundary with 40 Neville Terrace. The garage would end at the rear boundary, and be 3m wide maximum. It would have a roller shutter door and flat roof, concealed by a parapet wall, the top of which would be around 2.75m from ground level. Also associated are changes to the rear boundary treatment. The proposed appearance would be that of a 2.1m high brick wall, a gate for pedestrian access and a double garage with roller shutter doors.

Design

4.5 The proposed side extension would be a subordinate addition, setback from the front elevation and set down from the roof. Because of the setback from the front elevation and the size and position of the proposed extension, it would not be prominent when looking toward the site from either direction in the street. Although the two blocks of terraced dwellings to each side of the host are reasonably uniform in appearance, the block comprising of 2 to 30 Neville Terrace and surrounding streets such as Eldon Street consist of terraced dwellings with a subtle mix of building heights, brickwork and detailing. The variations contribute to the street scene. The detailing of the windows on the front elevation are considered to be an acceptable relation to the host dwelling. Overall it is considered that the proposed front elevation is of acceptable design.

4.6 At the rear the main visual change would relate to that at the boundary. The side extension would be inconspicuous from the public realm. The site is not within a conservation area and normally the Local Planning Authority would not control the choice of materials for garage doors. It is considered that roller shutter doors would have an acceptable visual impact provided they are coloured accordingly to blend into their surrounds. A colour can be agreed by condition. The elevation can be constructed from reclaimed brick to ensure the new areas of wall blend with those existing.

Residential amenity

4.7 The side extension because of its location and height would not cause unacceptable overshadowing over either 76 Park Grove or Stable cottage. The windows are positioned so as not to directly overlook into the windows of any surrounding dwellings.

4.8 The garage would not exceed the height of the existing boundary wall with 40 Neville Terrace. As such no overshadowing would occur over that dwelling. It is considered that there would be adequate outlook retained into the communal yard from Stable Cottage, despite the presence of the garage proposed. As the garage is single storey, there would be no unacceptable overshadowing of Stable Cottage.

Other matters

Highways

4.9 The application site is close to the city centre, transport links and local amenities. As such there is no requirement to provide additional off street parking, in accordance with Planning Policy Guidance Note 13: Transport, which seeks to reduce car dependence and improve linkages between housing, jobs, local services and local amenity. However, there is off street parking on site and on street parking is available to residents via a residents parking scheme which operates in the Groves. Importantly there is covered secure cycle storage proposed to encourage more sustainable transportation, in accordance with PPG13. Overall there is no objection to the application on highways grounds.

Noise

4.10 The plans have been appraised by the Council's Building Control Officers who confirm that the amount of sound insulation provided by the combination of the walls proposed and those existing at 75 Park Grove would exceed the standards required by Part E of the Building Regulations 2000 (Resistance to the passage of sound). The Environmental Protection Unit do not consider that a planning condition requiring sound insulation would be necessary as the proposed extension would be for domestic use. EPU recommend that any noise nuisance caused by the occupants is reported to EPU, as has been done previously when disturbance occurred at Stable Cottage. If a statutory nuisance occurs, they have powers to act accordingly. Refusal of the application on noise grounds could not be sustained, as there is no proposed development that would directly cause undue levels of noise that would harm the amenity of nearby residents.

Party wall issues

4.11 These are covered under the Party Wall Act; it is not for the Local Planning Authority to resolve such matters. The accuracy of the plans (depicting 76 Park Grove) is subjective. It is maintained that the proposed appearance can be adequately ascertained from the proposed plans.

Tenure of property / character of The Groves area

4.12 It is the owner's choice whom occupies the dwelling. The Local Planning Authority cannot control this in this instance. The loss of owner occupied accommodation and increased number of students in the Groves area is a wider issue that could be addressed through the Local Development Framework. However, it is not a material planning consideration in determining this application.

4.13 The agent has advised that the dwelling would accommodate no more than six persons living together, and after a site visit, officers consider that the use of 42 Neville Terrace is a dwellinghouse, falling under Class C3 of the Use Classes Order 2005.

5.0 CONCLUSION

5.1 It is considered that the proposed buildings would be of acceptable appearance and would not harm residents' amenity by virtue of overlooking or overdominance. Approval is recommended.

6.0 RECOMMENDATION: Approve

1 PLANS2

2 TIME2

3 The roof materials to be used externally shall match those of the existing building in colour, size, shape and texture and the window cills and lintels on the front elevation shall match those on the front of 42 Neville Terrace.

Reason: To achieve a visually acceptable form of development.

4 VISQ7

5 The part of the rear boundary wall which requires rebuilding shall be to match in all respects the remainder of the bricks on this elevation, with reclaimed bricks used where possible.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

6 Within one month of their installation the roller shutters and gate shall be painted in a colour and finish that shall be previously agreed in writing with the Local Planning Authority. The roller shutter and gate shall be maintained in accordance with the agreed details unless otherwise approved in writing with the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance to the development.

7 The garage hereby approved shall be used for domestic vehicles / cycles and storage only and shall not be converted or altered in any way without prior approval from the Local Planning Authority.

Reason; To ensure that adequate storage and secure cycle parking provision is retained in accordance with policies GP1 and T4 of the City of York Draft Local Plan.

8 HWAY29

9 Notwithstanding the approved plans the development shall not commence until the existing vehicular crossing outside the previous vehicle entrance has been removed by reinstating the kerb to match adjacent levels.

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

10 Any contamination 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 on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of any proposed underground services.

11 No work or ancillary operations during construction and demolition, including deliveries, shall take place on site except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

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

2. You are advised that should the application site be used as a house in multiple occupancy, this would require full planning permission.

3. 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".

- 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.

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

Contact details:

Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

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CITY OF
YORK
COUNCIL

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

Site Plan : 42 Neville Terrace - 06/02557/FUL

SCALE 1:1000

DRAWN BY JB

DATE 12/3/2007

Originating Group

Project

Drawing No.

Organisation

JUL5

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Micklegate
Date: 22 March 2007 **Parish:** Micklegate Planning Panel

Reference: 06/02811/FUL
Application at: 49 Blossom Street York YO24 1AZ
For: Variation of condition 2 of planning permission 98/01664/FUL to extend opening hours from 1130-2300 Mon-Sun to 1130-2400 Mon-Sun
By: Deniz Dogan
Application Type: Full Application
Target Date: 7 March 2007

1.0 PROPOSAL

1.1 The application is for planning permission to allow an existing fish and chip shop (hot food takeaway) to open an additional hour at night so it may trade until 24:00 (midnight) opposed to 23:00.

1.2 The application relates to premises in the Central Historic Core conservation area. It has the takeaway at ground floor level, there is residential above.

1.3 The application is brought to committee because a previous application to extend opening hours at the premises was refused at planning committee in 2006 (application 06/184/ful see 4.1).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
 Conservation Area Central Historic Core 0038
 City Boundary York City Boundary 0001
 DC Area Teams Central Area 0002

2.2 Policies:

CYS6 Control of food and drink (A3) uses
 CYHE3 Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation - No objection.

Highway Network Management - No objection.

Environmental Protection Unit - No objection.

3.2 External

Planning Panel - object - residents would be affected by late night nuisance.

Publicity - seven letters in objection have been received. The reasons in objection are as follows,

- proximity of the site to residential and the adverse effect suffered by nearby residents
- increase in noise and litter
- anti social behaviour / vandalism occurring in surrounding streets
- takeaways in this area of Blossom Street already open beyond permitted hours
- approving the application would encourage other premises to extend opening hours
- noise does not reduce after premises on Blossom Street have closed
- why do people need to eat fast food so late at night

Also been suggested that the takeaways contribute toward installing CCTV in the area.

4.0 APPRAISAL

Relevant planning history

4.1 Fryways fish and chip shop 49 Blossom Street

98/01644/ful - requires premises to cease trading at 23:00 hours each day.

06/00184/ful - refused permission to open until 03:00, which was upheld on appeal

4.2 Yorkcastle Takeaway 51 Blossom Street

97/02348/ful - permission granted at appeal for hot food takeaway, required to close at 23:30 Sundays, 24:00 on other days.

03/01304/ful - refused permission to open until 02:00 on Fridays and Saturdays.

06/02689/ful - refused permission to open until 01:45 on Fridays and Saturdays.

Relevant planning policy

4.3 Planning Policy Statement 6: Planning for Town Centres (2005) contains current government guidance on a range of development in town centres. Paragraphs 2.23 to 2.26 provide advice on managing the evening and night-time economy. Local Authorities are encouraged to develop policies which encourage a range of complimentary evening and night-time economy uses that appeal to a wide range of age and social groups. Key issues are the cumulative impact on the character and function of the centre, anti-social behaviour, crime and the amenities of nearby residents.

4.4 Policy HE3 of the City of York Draft Local Plan states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.5 Policy S6 of the City of York Draft Local Plan relates to the control of food and drink uses. The policy permits the extension of hours subject to no adverse impact on the amenity of surrounding occupiers. Opening hours are to be restricted where necessary to protect the amenity of surrounding occupiers.

Impact on the character and function of the area, which is a conservation area

4.6 No alterations are proposed that would affect the character and appearance of the conservation area.

Crime and disorder

4.7 Nearby residents are concerned that people using the host premises and those nearby can be unruly, this is clear from the objections listed in 3.2. This is largely because people frequent the premises, or pass through it late at night after the consumption of alcohol. Under the Licensing Act 2003, the premises are required to have a premises license, which attaches conditions in the interests of preventing crime and disorder; this extends to deterring litter creation. Any problems specific to the premises could be resolved through the licensing legislation. The premises license can subsequently be revoked if deemed necessary. As such there are no grounds for refusal of the application because of crime and disorder or litter generation. The use of CCTV has been discussed with Highway Network Management who advise that the costs involved would be excessive. It would be unreasonable to require CCTV given the nature of this proposal and the costs involved with CCTV.

Amenity

4.8 Immediately beyond the rear of the site are dwellinghouses; there are also flats above ground floor at the host and also at Nos. 51 and 53 Blossom Street. At present persons are unlikely to congregate in the immediate area after the closure of the late night uses; they are more likely to be either walking past the site (leaving the city centre) or across the road near the taxi rank. In previous applications relating to both the host site and No.51 the hours of operation have been controlled in the interests of residential amenity. Planning permission has not been granted to allow any premises to open after midnight. In dismissing a recent appeal at the host premises, the Inspector commented that 'noise levels in the surrounding area would be significantly quieter when activity associated with these hot food uses and the convenience store (Sainsbury's) ... reduces, particularly after midnight'.

4.9 This application would allow the host to open in line with the other takeaways in the vicinity. It could not be proven that customers of this premises would be any more likely to cause disturbance than patrons of other premises, which already open later. As there are other hot food takeaways in the city centre allowed to open beyond midnight it would be unlikely that people would go out of their way to frequent these premises, the fish and chip shop would thus only offer an alternative

to the existing takeaways and would not generate a significant amount of additional custom in the area. As such it is considered there would not be a significant affect on resident's amenity if the chip shop were permitted to open an extra hour.

Highways

4.10 The use is existing. The extension of hours does not give rise to any concerns regarding traffic or highway safety.

5.0 CONCLUSION

5.1 It is considered that the proposed extension of hours would have an acceptable impact in terms of crime and disorder and amenity. There would be a neutral affect on the conservation area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The opening hours of the premises shall be confined to the following hours:

11:30 to 24:00 (midnight) each day of the week

Reason: In the interests of the amenity of nearby occupants.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity, crime and disorder and the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies S6 and HE3 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323



CITY OF
YORK
COUNCIL

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

Site Plan : 49 Blossom Street - 06/02811/FUL

SCALE 1:1000

DRAWN BY JB

DATE 12/3/2007

Originating Group

Project

Drawing No.

Organisation

JUL6

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 22 March 2007 **Parish:** No Parish

Reference: 07/00191/FUL
Application at: Acomb Hotel Kingsway West York YO24 3BA
For: Single storey flat roof extension to front to provide licensed betting shop (use class A2)(re-submission)
By: Coral Estates Ltd
Application Type: Full Application
Target Date: 26 March 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a single storey flat roof extension to the front of the "Acomb Hotel" to provide licensed betting shop (use class A2) (re-submission). All materials used will match the existing where appropriate.

1.2 The application site currently comprises of a hard surfaced area for the parking of vehicles used by customers to the Acomb Hotel. Access to and the front gardens of Birch Copse are located beyond the southern boundary.

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

Relevant History

1.4 06/02297/FUL - Single Storey Flat Roof Extension to Front to Provide Licensed Betting Shop - Refused 18th December 2006.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 Environmental Protection Unit - No Objections (Informative Included)

3.2 Highway Network Management - No Objections. (Condition Included)

3.3 One letter of comment was received regarding the applicants' proposals. To mitigate parking problems the neighbour requested the following:-

"a white line across my driveway would be a great help"

4.0 APPRAISAL

4.1 Key Issues

- * Previous Reasons for Refusal
- * Visual Amenity
- * Highway Issues
- * Design
- * Residential Amenity

Previous Reasons for Refusal

4.2 Application 06/02297/FUL was refused for the following reasons.

"The proposed development by virtue of its prominent location, height and easterly projection to the back edge of the footway would be an unduly prominent feature in the street scene and would harm the existing visual amenity of the area and the character and appearance of the Acomb Hotel, contrary to Policy GP1 of the City of York Development Control Draft Local Plan"

4.3 The applicant has overcome the above "reasons for refusal" by addressing the following issues.

Visual Amenity

4.4 The proposed betting shop will form part of and run flush with the southern boundary wall, projecting 8.45 metres to within 5.3 metres of the adopted highway (the previous application bordered the footpath). The building will have a floor space measuring 106.89 metres sq.

4.5 A footpath serving No's 1 to 10 Birch Copse runs parallel with the aforementioned wall. The footpath in conjunction with the orientation of the proposal ensures the retention of existing visual and residential amenity, by not overshadowing or appearing overbearing.

4.6 Although the building projects forward of the "Birch Copse" building line, it is comparable with the main building line of Kingsway West and is not considered to be visually intrusive when viewed from a southerly or northerly direction.

Highway Issues

4.7 Highway Network Management have no objections to the proposals as the existing off street parking facilities are considered to be sufficient.

Design

4.8 In terms of design the applicant will incorporate and replicate the brickwork, artificial coloured stone coursing, windows, door features, concrete plinths and black rain water goods as well as door mould surrounds in order to retain the character and appearance of the original building and the visual amenity of the surrounding street scene.

Residential Amenity

4.9 The proposed betting office would be attached to the existing public house, there are a number of existing commercial uses located nearby but the surroundings are predominantly residential. The entrance of the betting office would be from the public house car park. It is considered that the proposed use would be unlikely to result in noise and disturbance over and above that existing in the area.

5.0 CONCLUSION

5.0 The applicants' proposals are considered to be acceptable in this instance and are in accordance with the provisions of policy GP1 of the Development Control Local Plan which expects that development proposals be of a scale and design that is compatible with neighbouring buildings, using appropriate materials and that residents living nearby are not unduly affected by noise and disturbance or dominated by overbearing structures.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

EV/COR/109/3B - Proposed Plans, Elevations and 3D Visualisations

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 VISQ8 Samples of materials to be submitted
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no additional doors, window or other opening additional to those

shown on the approved plans shall at any time be inserted into the external elevations of the property.

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

5 HWAY18 Cycle storage to be approved

6 The use hereby permitted shall be confined to the following hours:

Monday to Fridays	07.30 hrs to 22.30 hrs
Saturdays	07:30 hrs to 22:30 hrs
Sundays and Bank Holidays	07:30 hrs to 22:30 hrs

Reason: To protect the amenity of nearby occupants from noise.

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 visual and residential amenity. As such the proposal complies with Policies GP1 of the City of York Development Control Draft Local Plan.

2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

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

2. 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".

3. 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.

4. 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.

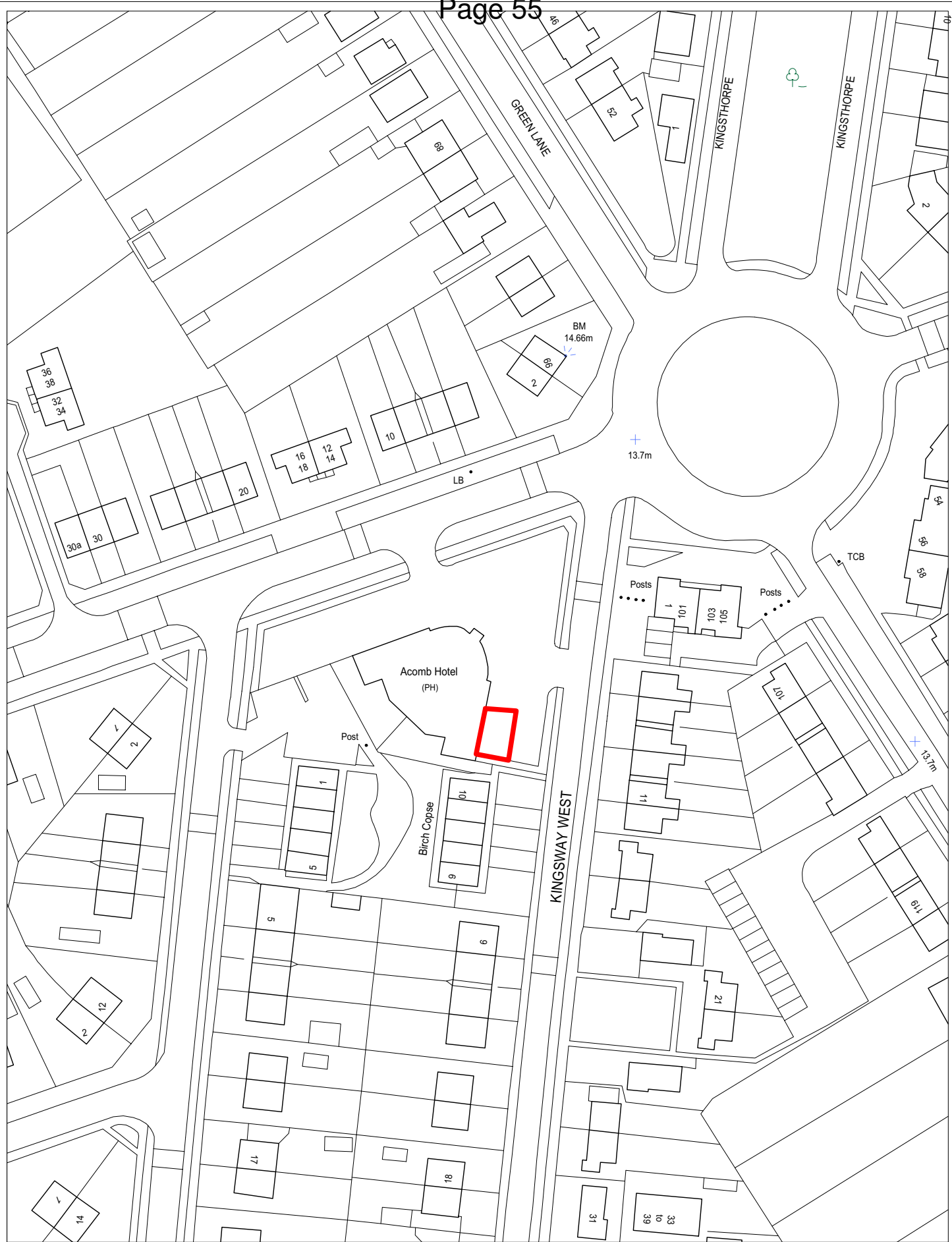
5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site

Contact details:

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

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Site Plan : Acomb Hotel Kingsway West - 07/00194/FUL



SCALE 1:1000

DRAWN BY JB

DATE 12/3/2007

Originating Group

Project

Drawing No.

Organisation

JUL4

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

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 22 March 2007 **Parish:** Guildhall Planning Panel

Reference: 06/01703/FUL
Application at: 34 St Marys York YO30 7DD
For: Erection of 7 no. apartments after demolition of existing dwelling
By: Hogg Builders (York)
Application Type: Full Application
Target Date: 9 November 2006

1.0 PROPOSAL

1.1 This application as originally submitted sought permission to redevelop 34 St Mary's, to provide 8 apartments following the demolition of the existing house and garage on the site. Also included is a car parking area at the rear, and a bin and cycle store. The accompanying application for Conservation Area Consent to demolish the existing house and garage is also on the Agenda before Members. Following discussions with officers revisions were made to this original scheme. The number of apartments was reduced by one, to 7 in total; with three of them being two bedroomed and the other four one bedroom. The rear car parking layout was also amended and reduced in size from 9 cars to 7; and the proposed apartment building was set back from the frontage of the site by a further 0.7 metre.

1.2 The recent planning history of this sensitive site, in the Central Historic Core Conservation Area, is very relevant to the current application. In July 2004, an application for 9 apartments (ref. 04/01465/FUL) was refused. In May 2005 an application for 11 apartments (amended to 9) was also refused (Ref 05/00409/FULM). The applications were the subject of an appeal, both of which were dismissed by the Inspector; as were the accompanying Conservation Area Consent applications to demolish the existing house and garage.

1.3 The Inspector's report examines the issues, which led to the dismissals; including the effect upon the character and appearance of the Conservation Area and of adjoining listed buildings, architectural design and impact upon the amenities of adjoining residents. In the current application, the applicant seeks to demonstrate that each of these issues have been resolved. This Agenda report will, therefore refer to the Inspector's findings for information and guidance as necessary. However, Members are advised that the current application is a new one, and should be considered upon its own merits.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP1

Design

CYGP9

Landscaping

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE11

Trees and landscape

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYED4

Developer contributions towards Educational facilities

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Management -

Comments on the original scheme: to highway objections in principle to the original or revised schemes, subject to standard conditions (as included in the

recommendation). However the application site should be removed from the Marygate residents' parking zone R12, which is heavily subscribed. Also it was noted that the new vehicle access, to the rear car parking area, would have a gradient of 1 in 9. This is steeper than the recommended maximum of 1 in 12, designed to facilitate access by the disabled. This has been corrected in the revised scheme.

3.2 Environmental Regulation -

In the original scheme, to overcome concerns about the impact of noise from the railway line upon future residents, the following measures were required to achieve a noise reduction of 47dB: either (i) by "13/12/13" Pilkington glazing in all habitable rooms facing the railway or (ii) by a combination of "10/12/16" glazing (less effective than the 13/12/13) and an acoustic barrier, of which full details would be needed. Conditions are needed regarding hours of construction, any possible contamination on the site, and an informative regarding demolition and construction methods.

Comments on revised scheme: similarly no objection. However noise protection for future residents, from the nearby railway line, should be achieved by meeting a set internal noise level of 45dBLA max and 30dBLA eq (23.00 - 07.00 hours) in bedrooms.

3.3 Urban Design and Conservation -

The Conservation Officer considers the modest early C20 house and garage to be an incongruous element in the street, in relation to the character and appearance of this part of the conservation area. The building's main contribution to the streetscene is in preserving the space between buildings, which has allowed the monkey puzzle tree to mature. The tree is a fitting and familiar landmark, providing visual relief and interest in the streetscene. St Mary's is a mid-Victorian street. It appears that the application site was left vacant until the existing house was built. Documentary evidence suggests it was previously used as tennis courts.

The principle of redevelopment on this previously developed site has been supported, provided the proposal is of greater merit than the existing buildings in preserving the character and appearance of the conservation area. The proposal is of a similar mass, scale and proportion to neighbouring properties. Similar materials and details are proposed. Although the proposal would not be representative of its era, of today, the traditional approach taken is valid in the circumstances.

Unlike previous schemes for the site, the proposal allows more space between neighbouring properties; permitting views through to the gardens and listed Bootham Terrace beyond. Support for the proposals depends upon safeguarding the monkey puzzle tree. The proposal retains the generous open area to the rear, though mostly for car parking, like the hotel next door. Unusually the entrance would be at the back of the property.

Parameters are tight; that is existing levels have been set to ensure the ridge height is below that of adjacent properties, and the basement lightwells are "pinched" in size to preserve the roots of the monkey puzzle tree.

Therefore, there is no scope for variation. To ensure the proposals would not harm the character and appearance of the conservation area, it is important that the

standard of details and workmanship match those of adjacent properties. Detailed conditions are suggested in achieving this end (and are included in the recommendation of this report).

Regarding the revised scheme, re-siting the building 0.7 metre further back and re-planning the external space have improved the setting of the tree, the relationship of the basement lightwell with the frontage and the use of space generally.

The rear elevation steps forward of its neighbours. Given the progression from No. 26 to No. 34, the extended length and area of gardens towards the north-west and the tree cover alongside the railway line, the impact on the conservation area would be negligible.

The two listed buildings have greater mass and more generous space about them. The effect on the setting of No. 35 would be negligible.

Regarding the revised scheme,

3.4 Archaeologist -

The area may contain deposits from the Roman period, or possibly earlier. By condition (ARCH2) an archaeological watching brief is required.

3.5 Landscape Architect -

The extent of development was marked out on the site, to ascertain whether adequate physical protection for the Monkey Puzzle tree would be feasible. It was concluded that, provided the earthworks for the lightwell retaining wall and final ground slope were carried out by hand, in accordance with the detailed method statement, there would be minimal risk to the tree. In the original scheme, it was thought preferable for the building to be pulled back a little, to give a more aesthetically and physically comfortable distance between the development and the tree. The new building would be wider than the existing house, thereby "enveloping" the tree, and higher, thereby accentuating the building's proximity to the tree. The tree canopy will broaden slightly with age. There may be conflict between residents (especially of the basement flats) and the proximity of the tree, regarding light levels and perceived safety concerns. Nonetheless this would not have warranted refusal of the original scheme, because of the proximity that already exists between the house and the tree.

The revised scheme's minor changes are an improvement. The rear landscape solution (around the car park) is better both aesthetically and practically, and good attention has been paid to detail. The extra set back eases the situation for protecting the Monkey Puzzle tree; and goes a little way to improving the visual comfort and compatibility between the proposed dwelling and the tree. A condition should be applied regarding the method statement for works in the vicinity of the tree.

3.6 Structures and Drainage -

No objections in principle. Full details of the drainage layout needed, prior to start on site. All surface water needs to be attenuated by a HydroBrake/storage system, as set out in the applicant's Flood Risk Assessment.

3.7 Lifelong Learning and Leisure -

Committed sums should be paid to the Council for off-site provision of amenity open space, play space and sports pitches.

3.8 Education Planning Officer -

No contribution required, because there are only 4 x 2 bedroom apartments in the scheme (reduced to 3 x 2 bedrooms in the revised scheme).

EXTERNAL

3.9 Conservation Areas Advisory Panel -

The panel have no objection to either the demolition or the new build but are concerned that the monkey puzzle tree is protected during the development.

3.10 Police Architectural Liaison Officer -

The proposed rear car park should be made more secure by lighting or CCTV and by a more secure boundary. The cycle store would have been preferable closer to the apartments. Basement and ground floor windows should have security fitted to "secured by design" standards. (These comments were made on the original scheme. Re-consultation on the revised scheme was not undertaken as no new issues for security were raised).

3.11 Environment Agency -

No objections in principle, subject to a condition limiting the surface water run-off from the site. Comments on the revised will be reported at the meeting.

3.12 Yorkshire Water -

No objections, subject to conditions for full details of foul and surface water drainage, regarding both the original and revised schemes.

3.13 Network Rail -

No objections in principle subject to (i) all surface and foul water discharge must be collected and diverted away from Network Rail property (ii) "failsafe" measures to avoid any plant or materials, used during construction, falling within 3.0 metres of the nearest rail, or overhead electrical equipment (iii) any ground works must not affect the integrity of rail property or structures (iv) security of the railway boundary to be maintained at all times, with any alterations to the property boundary being agreed beforehand (v) there should be no effect upon Network Rail's security fence. The developer is also advised to provide their own trespass proof fence next to Network Rail's boundary (vi) a method statement for any works, generally if within 10 metres of the railway boundary, must be agreed (vii) all buildings should be sited at least 2 metres from Network Rail's boundary (viii) adequate sound proofing should be provided for residents in the development. (These comments were made upon the original scheme. Re-consultation was not felt to be necessary upon the revised scheme as no new issues were raised).

3.14 Planning Panel -

No objections to the original or revised scheme.

3.15 St Mary's Conservation Group

A letter of objection to the original scheme was submitted by the Group, the main points of which are summarised below. The Group's comments upon the revised scheme maintained all the points raised in their original objection with some additional comments as summarised below. The group considers the 14 day re-consultation period for the revised scheme to be inadequate.

Background

- objectors living and working around St Mary's know the neighbourhood character. In contrast, all the applicant's approaches fail to understand the site, the street and conservation area setting, with poor, inaccurate presentations that continue to deceive.
- recent approvals in York show a weak grip upon Conservation Area control, for example the Abbot's Mews development.

Statutory Protection

- the street history and development, the site quality and "sense of place" and setting give substantial character which needs special consideration.
- the objectives of PPS1 and PPG3 must be balanced with PPG15. Proposals fail to comply with North Yorkshire Structure Plan and York Draft Local Plan policies neither preserving nor enhancing the character or appearance of the Conservation Area.

Central Historic Core Conservation Area : St Mary's

- St Mary's gives a special "sense of place". The south-west side presents a very different scale and variety of streetscape. No.34 St Mary's and the Chile Pine (Monkey Puzzle tree) contribute to the strong north-east open character. Historical research confirms the "intended" openness of the space at No.34, to which homes in St Mary's must have had shared access for nearly 80 years, until the existing house was built in 1931.
- the rear gardens of St Mary's adjacent to the rail line have a special character, with the railway acting as an "environmental artery" from the river, with trees, shrubs and wildlife in abundance.

Existing House

- the existing house is not "harmful". It is a good quality example of its period and respects the notional rear building line. The house is in good condition. No effort has been made to re-use it.

Chile Pine Tree (Monkey Puzzle Tree)

- the tree is "significant" and memorable within the streetscene. It contributes to the feeling of "open character" by day and night. Light filters "through" and around the branches.
- the proposed building will substantially block this "open characteristic", and sunlight and dapple lighting into the street, changing the sense of place. Vistas through the site are appreciated by passers-by and by at least 14 houses in part of St Mary's, Bootham Terrace and Bootham.
- the scale and volume of the proposed building means that the increased distance from the tree in the revised scheme is still inadequate. The tree's setting, "incident" effect, character and health will still be damaged. The extra shading of the building will be detrimental to the tree's health.

Openness

The site is a good example of:

- urban "place-making", which is about "creating incident". The proposal contravenes Policy GP1 (c), (e) and PPG15, because the sense of "open space" contributes to the quality of the local environment.
- Wandesford House on Bootham is an example of "incident" and "relief" along Bootham. Yet St Mary's is even more special "collectively" because of; orientation, the tree, light, vistas through to Bootham Terrace and wildlife.

The Proposals

- it is easy to destroy character, but very difficult to build it. Character developed slowly over 150 years would be instantly swept away.

Scheme Presentation

- drawings submitted are inaccurate and misleading, for example: no detailed building survey or condition report of the existing dwelling; no overlay comparison of the existing and proposed; inadequate and inaccurate survey of adjacent buildings; no contextual model or 3D presentations; Chile Pine Tree not shown accurately; no street parking, manoeuvring or site access information.

New Building Design

- flawed, pastiche "design by numbers" scheme - a reduced wallpaper facsimile of No.32, which fails the site and local environment; contrary to Policy HE2.
- the vertical proportions (four storey) are not consistent with this side of the street.
- no conservation area enhancement.
- setting of No.35, a "listed building", affected by new access and ramps, traffic movement, rear projection and scale of proposed building.
- isolated bin and cycle store is a nonsense, and affects tree root systems.
- rear projection harms the rear building line and natural "grain" of the street's buildings; combined with the height proposed, the new building will dominate the rear garden space, as seen from adjoining gardens in St Mary's and from Bootham Terrace. This is made worse in the revised scheme, with the additional 0.7 metre set back.
- dominant "building block" also in views along St Mary's, unrelated to the alignment, scale, proportion, grain and historic location of the area. Alignment is not consistent with the established building line.
- no front entrance from the street; ignoring the street importance and giving priority to the car user.
- the gaps and vistas, characterising this side of the street, will be lost; and the light into the street.
- Chile Pine tree will be overwhelmed.
- suggested building materials are vague and inappropriate.

Landscape

- landscape information in the submission has serious misleading implications for all protected trees, especially the Chile Pine.
- Guidelines of new B.S.5837:2005 are not satisfied.

Sustainability

- not a sustainable solution: embodied energy lost to demolition, to new building material manufacture and increased traffic pollution.
- contrary to Policy H5, no effort to retain the building in use, as a family house. Several properties in St Mary's recently converted from flats, back to single dwelling.
- over-development of the conservation area.

Drainage

- existing system is at full capacity. The proposed storage tank option is not an intelligent sustainable solution.
- sewer collapse occurred adjacent to No.1 in 2006, indicating that the whole street could be in a similar condition.

Highways and Parking

- increased traffic movement, contributing to existing parking and dangerous manoeuvring problems.
- the new highway crossover affects existing street parking allocation.
- existing access to Nos. 32 and 34 adjoin each other; their joint pavement crossing width serving as an important "mid-street turning point" for vehicles.
- new proposals cannot achieve minimum turning and manoeuvring requirements.
- rear parking proposed absorbs the existing garden and damages any preserved amenity.
- visitor parking is inadequate.

Property Damage

- risk of property damage during construction, notably to pavement cellars.
- new building will probably require a large foundation system, affecting adjacent properties and archaeology lower levels.
- dilapidations and condition report for all affected property should be paid for by the developer.

3.16 Neighbours

The main consultation period for the revised scheme expired on 9th February. The results of any remaining additional consultations will be reported at the meeting.

25 individual letters of objection were received to the original scheme, with a further 19 letters to date upon the revised scheme, in addition to the objections from the St Mary's Conservation Group. Objections are summarised below under each of the main reasons of concern arising. Most letters specify more than one reason for objecting. Because the revised scheme dealt only with specific parts of the scheme, it is still necessary to consider all objections, from both the original and revised stages. The objections to the revised scheme reiterate earlier objections, and there is generally no support for the revisions to the scheme.

(i) Too Many Flats/ Family Homes are needed.

13 of the letters received about the original scheme object to the proposal for more flats in the area. They say that family homes are needed, for which the existing house could be re-used.

- St Mary's cannot cope with more flats/bedsits.
- Family homes put life into a community.
- Trend to convert flats back to single dwellings in St Mary's and Bootham Terrace, and new family homes built in St Mary's Lane.
- Flats will increase pressure on over-loaded services, such as drainage, street car parking, road congestion, pollution.
- Area is short of stand-alone family homes; unfortunate to knock down such a house in good condition and with a notable character. It would make an ideal family home.
- Families unlikely to occupy flats - thus spurious argument about benefit of local schools being available.
- York becoming a City of apartments/flats.
- No effort made to continue present use/find suitable alternative.

(ii) Impact upon the Character of the Conservation Area and Street Character

17 of the letters originally received say that the loss of the existing openness of the site, and the form of development, will be detrimental and cause harm to the character of the Conservation Area and the established streetscene; whereas under conservation policies, that character should be enhanced; thus conflict with PPG15.

- any proposal should enhance the character of the Conservation Area and the street.
- siting and scale of the proposal will completely alter the character of this site.
- over-development of the Conservation Area.
- proposal takes away from rather than adds to the Conservation Area.
- the proposed building would clash with the surrounding architecture.
- the only open space left in a densely built up street. It is part of the street's character, providing: light into the street and dappled light as sun shines through the tree; vistas towards Bootham Terrace; a garden space and habitat; and trees. It is the space around AND over the existing house that contributes to the character of the Conservation Area, eg giving views of the tree belt in the rear garden, "...a unique and valuable element of the streetscene, in otherwise continuous built-up frontages when viewed laterally along the street. This visually important sense of open space contributes to the quality of the local environment...", as required in GP1.
- also the open aspect from Bootham Terrace will be lost.
- street will become dark wind tunnel of buildings.
- disagree that "inconsistency" of existing house in the streetscene justifies demolition: York has many examples of inconsistencies that are part of its character, eg Wandesford House, Bootham.
- the original layout and concept of the street will be lost forever.
- currently a breathing space from a wall of bricks: "Just as music has its being within silence, buildings have theirs within space."
- the street has enjoyed this mid-street "breathing place" for 150 years - No.34 was built in 1930 but was inconspicuous in scale and presence.
- existing garden is a good habitat for local wildlife: bats, owls, other birds and a fox have been seen.
- "not every remaining green corner should be crammed with buildings; Georgian and Victorian developers retained green squares as the living and breathing hearts of their ambitious building projects".

- the site has historical precedence as a "green" and open space. When the existing house was built, it was felt that a building matching its much larger neighbours would certainly not constitute an enhancement.
- further loss of any trees will jeopardise the Conservation Area.

(iii) Architectural Design and Siting of the Proposal

7 of the letters originally received object to the architectural design and siting of the building, with reference to the rear building line. Objectors say the architecture is a poor pastiche of neighbouring existing buildings.

- does not achieve the "special relationships between buildings, streets and open spaces" sought in Policy GP1; nor a "standard of design that will secure an attractive development and safeguard or enhance the environment".
- fails to meet Policy HE2, which states that designs should avoid superficial, confused or pale reflections of the existing built environment.
- rear elevation gives the appearance of a utilitarian industrial building or tenement block.
- proposal would clash with surrounding architecture.
- design attempts to reflect a neighbouring property (the Alhambra Court Hotel, No.32), but by squeezing four floors into a building of similar height, the proposal will look peculiar; with window lines being totally out of line. Four storeys not consistent with this side of the street.
- no attempt to preserve or enhance the street's period design.
- "design by numbers" - a reduced wallpaper facsimile of No.32, at odds with the street.
- superficial pastiche of surrounding buildings, trying to fill the space with as many flats as possible.
- no exemplars brought forward to demonstrate design expertise.

(iv) Rear Building Line

2 of the letters originally received object because the rear building line projects beyond that of the existing dwelling.

- in order to cram in eight apartments they have gone half a metre beyond the rear building line - a point specifically picked up by the Planning Inspector at appeal.
- a more restrained building line needs to relate to any increased scale and mass; affects neighbouring No.35 listed building.

(v) No Front Entrance

2 of the letters originally received object because the proposal would have no front entrance, from the street.

- ignores the street importance - a basic design principle; all access to the rear, giving priority to the car, confirming the developer's misunderstanding of the brief and priorities.
- in effect the building will be "back to front", with an adverse effect on the appearance of the street.

(vi) Setting and Stability of Adjoining Listed Building

3 of the original letters of objection refer to specific effects upon the setting of adjoining listed buildings, as well as the general comments made in (ii) above about the character of the Conservation Area.

- sloping (vehicle access) ramp less than two metres from listed building at No.35, gives concerns about short and long term effects; No.35 has a below ground basement.
- setting of No.35 affected by ramp/access projection and building scale.
- contravenes Policy HE2 regarding adjoining listed buildings and other important diverse townscape elements and views.

(vii) Monkey Puzzle Tree

8 of the letters originally received specify that there will be a risk to the future well-being of the Monkey Puzzle Tree on the street frontage.

- the spectacular Monkey Puzzle tree would undoubtedly be killed off by any major development, no matter how carefully site works are carried out.
- at more serious risk, in relation to new BS5837 legislation for tree protection.
- the submitted plans are misleading, with the tree appearing to change position, size and shape.

(viii) Car Parking and Traffic Conditions in St Mary's

14 of the letters originally received state that existing parking problems for residents in St Mary's would be exacerbated by the proposal.

- parking is at breaking point and a daily issue with not enough spaces to match the "payed for" residents' parking permits.
- despite the assumption that (recent) development at 25 St Mary's and the "regeneration" at 35 St Mary's are technically excluded from the residents' parking scheme, still potentially another 21 cars for visitors - where only 32 spaces in the road.
- inevitable increase in traffic would exacerbate a fairly desperate situation.
- street parking space will be lost due to proposed exit/entrance.
- knock-on effect in St Mary's Lane, as several residents of St Mary's park in St Mary's Lane; also delivery trucks deliver to the several small businesses in St Mary's from the Lane or block the carriageway in St Mary's, creating a hazard. Concern about emergency vehicle access into St Mary's Lane.

(ix) Drainage

11 of the letters originally received state that there are already drainage problems, without the additional pressure from new development.

- pressures are already at breaking point, upon already barely adequate Victorian drainage system.

- can sewers and drains cope with new flats at No.25 and the proposal - recent flooding of houses in St Mary's.
- number of households planned in this area is not sustainable.
- problems in St Mary's Lane, with overflowing at steps to car park whenever prolonged rain.

(x) Amenity of Adjoining Occupants

2 of the original letters of objection refer to the loss of amenity to adjoining occupants.

- No.32 St Mary's (Alhambra Court Hotel); the proposed four storey buildings height and size will take away natural light from six bedrooms (two private and four guest rooms), that would then have a direct outlook on to a sheer brick wall.
- No.35 St Mary's; the building will affect the level of daylight, sunlight and outlook currently enjoyed by the ground floor kitchen window overlooking 35 St Mary's.

(xi) Construction Works

12 of the letters originally received include objections about the detrimental effects of construction work upon conditions in the street and upon individual buildings.

- works would restrict residents access.
- York stone pavements already damaged regularly by builders and delivery vehicles, and road full of potholes and uneven surfaces.
- danger of damage to historic cellars under pavement, and the Victorian sewer; difficult for heavy vehicles to manoeuvre in this narrow street, without mounting the pavement.
- disruption to residents/businesses.
- parking of contractors vehicles will worsen existing problems in the street.

(xii) Accuracy of Submitted Plans

3 of the letters originally received say that the submitted plans are misleading and inaccurate.

- relationship of new building and Monkey Puzzle Tree inaccurate.
- existing and proposed drawings inaccurate, misleading, and wholly inadequate for a site of this sensitivity.
- essential details missing, eg drainage pipes.

(xiii) Other Objections

The following individual objections have also been received:

- 1 letter received states that there is no appropriate amenity space provision.
- 1 letter received, from the Alhambra Court Hotel, saying that the proposal would have a devastating effect upon business: many guests chose the hotel because of its quiet convenient location, but the hotel could no longer be advertised as offering

this. Passing trade would be non-existent. No-one wants to be on holiday next to a building site. (The hotel also referred to loss of light to private and guest bedrooms, as summarised in paragraph (x) above.)

- 1 letter received states that demolishing a well-built house would be a complete waste of world resources and most of the rubble would end up in landfill.

- 1 letter received considers that the design is not good, but the use of appropriate materials will help save it. The letter also says noise is a serious issue, as the new trains (2007) cause a great noise on the Scarborough run, which will be more problematic in summer. Thus it is considered that the noise surveys done in 2003, submitted with the application will be out of date. The writer of the letter is contacting the train operator to seek a speed restriction on this section of line to mitigate the noise.

The letter expresses disappointment that the Inspector's view on the rear development line has not been fully adhered to, but adds that the majority of the building does respect this. The success of the traditional design will be through the use of appropriate materials: bricks of traditional size, colour and joint thickness and finish; windows as traditional timber recessed sash, not top hung opening, with all timber painted white and not a self finish; rainwater goods cast-iron and painted; roofing of welsh slate, with lead dressings and real stone details; location of gas condensing boiler outlets to be agreed; landscaping completed as early as possible, and maintained for the maximum period allowable; protection and re-instatement of stone footpath and cast-iron railings; tree protection; protection of bird life during the nesting season; restricted construction hours and regulation of contractor's vehicles.

3.17 Council for British Archaeology -

The existing house makes a positive contribution to the Conservation Area. It is evidence for 20th Century domestic architecture. A case for demolition has not been made.

3.18 Site Notice (expired 25 October 2006) -

No comments received.

3.19 Press Advert (expired 18 October 2006) -

No comments received.

4.0 APPRAISAL

4.1 Key Issues

- A. Principle of Housing Development
- B. Design and Layout in relation to Conservation Area and setting of nearby Listed Buildings.
- C. Existing Trees and Garden
- D. Amenity of Neighbours
- E. Amenity of Future Residents
- F. Car Parking in St Mary's
- G. Drainage and Flood Risk

H. Contributions towards Education and Open Space Provision

I. Method of Construction

4.2 The relevant DRAFT LOCAL POLICIES are:-

POLICY GP1 - DESIGN - In relation to this application, this policy requires proposals to (i) respect or enhance the local environment (ii) be of a density, layout, scale, mass and design compatible with neighbouring buildings, spaces and the character of the area, using appropriate materials (iii) avoid the loss of open spaces, important gaps within development, vegetation and other features that contribute to the locality (iv) provide and protect private amenity space (v) ensure nearby residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

POLICY GP9 - LANDSCAPING - requires development proposals to incorporate suitable landscaping.

POLICY HE2 - DEVELOPMENT IN HISTORIC LOCATIONS - requires proposals in Conservation Areas to respect adjacent buildings, spaces, landmarks and settings, and have regard to local scale, proportion, detail and materials.

POLICY HE3 - CONSERVATION AREAS - within Conservation Areas, demolition of a building (whether listed or not) or external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

POLICY HE4 - LISTED BUILDINGS - development in the immediate vicinity of listed buildings should not have an adverse effect upon their character, appearance or setting.

POLICY HE11 - TREES AND LANDSCAPE - existing trees and landscape which are part of the setting of Conservation Areas or Listed Buildings should be retained, and provision made for planting within new development, where appropriate.

POLICY H4a - HOUSING WINDFALLS - proposals for residential development on land not allocated on the Proposals Map, will receive planning permission where (a) the site is within the urban area and is vacant, derelict or underused, or involves infilling, redevelopment or conversion (b) the site has good accessibility to jobs, shops and services by non-car modes (c) scale and density is appropriate to surrounding development.

POLICY H5a - RESIDENTIAL DENSITY - requires the scale and design of residential development to be compatible with the character of the surroundings, with no harm to local amenity. Residential development, depending upon the individual site and public transport accessibility, should aim to achieve a net residential density of 60 dwellings per hectare in the City Centre (for this purpose St Mary's is defined as part of the city centre).

POLICY ED4 - DEVELOPER CONTRIBUTIONS TOWARDS EDUCATION FACILITIES - proposals for new residential development should be assessed in relation to the approved Supplementary Planning Guidance; with a financial

contribution for additional school place provision secured by a Section 106 Agreement where necessary.

POLICY L1c - PROVISION OF OPEN SPACE - commuted payments will be required, where appropriate, for off-site open space provision, based upon local needs and facilities.

In addition, Government guidance is contained in PPS1 (Delivering Sustainable Development), PPG3 (housing) and PPG15 (Planning and the Historic Environment).

Relevant North Yorkshire County Structure Plan Policies are:

Policy H9 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 particularly in and around the historic core of the City of York, through permitting suitable new development and through conversion of suitable existing property and vacant upper floorspace'.

Policy E4 states that 'Buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection'.

THE APPLICATION SITE AND ITS SURROUNDINGS

4.3 St Mary's is part of the City Centre Conservation Area. The street was created in the late 19th century: a straight street lined by a formal terrace of houses on its south-east side; whilst the north-west side includes detached and semi-detached "pavilions" or "villas" and short terraces with gaps of varying size between them. The street is elegant and well ordered, with fine architectural and historic quality. The front and rear elevations of buildings follow a consistent building line. Several buildings are listed: Nos. 1-9 (consecutive), Nos. 35 (adjacent to the application site), 36 and 37. St Mary's has a strong identity of its own, set within the wider historic enclave bounded by Bootham, the City Walls and the Scarborough railway line. There are changes in ground level both along the street as it slopes down towards Marygate car park, and also with changes in ground level going back from the street, as at the application site. These are important in the way buildings relate to the street frontage, for example allowing semi-basements to be created.

4.4 When St Mary's was laid out, the application site at 34 St Mary's remained undeveloped, being originally a tennis court, until the 1930's, when the existing two-storey house and a garage were built, in a pleasant though suburban style of its time. With the striking monkey puzzle tree in its front garden, the house has become a familiar part of the streetscene. There is a large garden to the rear, with a lawn and several mature trees. The house is currently unoccupied.

ISSUE A. PRINCIPLE OF HOUSING REDEVELOPMENT

4.5 The existing house is in good condition. It could once again provide a viable family home, and continue as part of the streetscene and the local community. However it is in the heart of the inner-City, a single suburban style dwelling set amidst relatively high-density, urban housing. The submitted application makes it

necessary to consider the principle of redevelopment. The site could provide either a replacement or additional homes in this sustainable location; subject to the conservation, design and practical issues this raises. The Planning Inspector considered the existing site to be under-utilised in relation to the advice given in Planning Policy Guidance No. 3 (PPG3) for making the best use of urban land. The originally proposed scheme represents a density of 88 dwellings per hectare, exceeding the minimum of 60 dwellings per hectare stipulated in Policy H5a. Although St Mary's has some commercial uses, it possesses overall a strong residential character. Appropriate redevelopment would help to consolidate this.

4.6 Objectors consider that the existing house should be retained as a family home. Furthermore they object to the proposal for more flats in the area, saying it is family homes that are needed, and that St Mary's cannot cope with more flats or bedsits. Indeed they point to a trend to convert flats back into single dwellings in St Mary's and Bootham Terrace, and that no effort has been made to continue the present use of the site.

4.7 As Members appreciate, it is necessary to appraise the scheme as submitted. Officers believe, under current planning policies and advice, it is not possible to recommend refusal of the application on the principle of it being for apartments. It would be necessary to demonstrate that some material harm occurs from flats, as opposed to family homes; for example to the character of the conservation area, or by creating undue pressures upon the street, such as car parking or resident amenity. Officers did discuss the possibility of a smaller number of family units for the site with the applicant. However, the applicant wishes the current scheme to be considered, but did reduce the number of apartments from 8 to 7. During the appeals upon the previously refused schemes, the Planning Inspector did not cite apartments in themselves as a reason for dismissing the appeals.

ISSUE B. DESIGN AND LAYOUT IN RELATION TO THE CONSERVATION AREA AND SETTING OF NEARBY LISTED BUILDINGS

4.8 EXISTING CHARACTER. The existing character of the site and its contribution to the overall qualities of this part of the Conservation Area are crucial in this application. Many of the objectors to the scheme consider that the existing house should be retained. This is not just because it is a pleasing building that could still provide a home but also because, being relatively low and with a gap on each side, it creates a unique feeling of space. It offers a break in an otherwise strongly urban street, allowing views around and over the house, to and from Bootham Terrace; bringing a play of light and contrast into St Mary's. It is one of those inconsistencies that can be found in York, with an appeal of their own. Objectors believe this has become an essential and familiar part of St Mary's character, over the years; contributing to a special sense of place faithful to the historical precedent of the site being left as an open space. They say what exists does not harm the conservation area, whereas the proposal would cause harm. Officers appreciate these concerns, but have to consider (i) if the qualities of the house and the extent of space around it are sufficient to justify refusal of any redevelopment and (ii) if redevelopment can be contemplated, what form should it take, to contribute to the character of this part of the Conservation Area.

4.9 Officers agree that the existing house is pleasing and a well established part of the street scene. It can be accepted and could continue for what it is. However the house does not share the architectural qualities nor presence in the street, of its neighbours. Despite its appeal, it can be regarded as incongruous in this historic context. Whilst it does give a valuable sense of space, it does not fully retain the original historic spatial quality of this part of St Mary's. The Planning Inspector concluded that "the house does not make a positive contribution to the character or appearance of the conservation area.....and there is no presumption in favour of its retention". Redevelopment might mean losing the appeal of the present "inconsistency", but a building of appropriate form and design could contribute to the streetscene. It could create a more resolved and "completed" appearance by complementing its historic neighbours, whilst retaining something of the sense of space between buildings that characterises this side of St Mary's. Balancing this out, officers believe that the existing house and the space around, and over, it are not in themselves of sufficient quality to justify refusal of any redevelopment in principle. However it is essential that any replacement preserves or enhances the character of the Conservation Area, in accordance with PPG15.

4.10 THE PROPOSED SCHEME. The proposed building occupies approximately the same footprint as a line drawn around the extremities of the existing house and garage. However the rear of the building would be positioned 0.7 metres further back than the existing house, to give more space around the monkey puzzle tree, on the street frontage. The building would also be positioned midway between its neighbours (No. 32 and No. 35 respectively), leaving a 6 metre gap to either side. Officers believe these gaps will allow space to "flow" around the proposed building, into St Mary's, and retain significant views through to the gardens, trees and Bootham Terrace beyond, consistent with the character of this side of St. Mary's. The schemes dismissed at appeal filled more of the site frontage, leaving only 2.2 metres between the building and No.35, and had a larger footprint. The Planning Inspector commented that a degree of spaciousness should be retained, and that with the mass, width and design of the previous schemes, a cramped and incongruous appearance would result. Overall, the footprint of the currently proposed building is in scale with, indeed smaller, than that of traditional buildings on the north-west side of St Mary's.

4.11 The eaves and ridge height of the proposed building would be slightly lower than that of neighbouring buildings, as seen from both the front and rear elevations. Comparable heights in the refused schemes were, in contrast, somewhat higher, and contributed to the Inspector's concerns about the overall mass of the building. Officers consider that the massing of the current scheme, the space around it, and the set-back from the street frontage combine to make the building sit more comfortably within the streetscene.

4.12 ELEVATIONAL TREATMENT. The proposal takes a traditional architectural approach, reflecting the scale and detailing of neighbouring buildings; for example the splayed bay windows, string courses, and overhanging eaves. Being rooted in an earlier period, the architecture would not be representative of today. Objectors consider this to be a poor pastiche, a "wallpaper" representation of adjoining buildings. However, as the Conservation Officer says, officers believe on balance that the approach is valid in this case, because of St Mary's very consistent historic

character. Whilst there is a variation in style and detail, the street overall reflects a particular, and indeed very fine, period of architecture. The application is realistically the last opportunity for infill development in St Mary's. The key to this architectural approach being successful is to ensure that the detailing and materials are faithful and implemented skilfully. Conditions for large-scale details are essential if approval were to be granted.

4.13 The rear elevation is rather more simple, without the degree of modelling and variation found on the frontage. This is considered to be appropriate in principle. The rear elevations of adjoining buildings are three storey, whereas the proposal is for four storeys; although with "half-storey" windows on the top floor. Objectors say that this creates a cramped, cluttered appearance compared with the more vertical proportions of the traditional buildings, expressed from the elegance of historic room heights. The introduction of four floors, within a height of façade traditionally having three floors, was a concern to the Inspector in the refused schemes. However, the Inspector did refer specifically to the front elevation in that case, which did not have the traditional detailing and the same vertical proportions found in the current scheme's frontage.

4.14 Officers consider that the proposed rear elevation does strike a balance; accommodating the practicalities of lower, modern day room heights, in a restrained and still well-proportioned rear elevation. Again good detailing of the windows and brickwork is essential to carry this approach through. On the front elevation the issue of floor heights is not so apparent, because of there being a semi-basement, and because of the more modelled façade.

4.15 REAR PROJECTION OF BUILDING. The rear elevation of the original submission followed the line of the existing house. The revised scheme is set back by a further 0.7 metre. Objectors are concerned this will have a detrimental impact upon (i) the conservation area by increasing the dominance of the rear of the building, in relation to its rear garden setting and contravening the general line of development to the rear of St Mary's and (ii) upon the listed building at No.35, which is set back some 4.3 metres from the rear of the existing house. The rear building line along St Mary's was an issue of concern to the Planning Inspector in the previous schemes, who said that the rear elevations of buildings on this side of St Mary's broadly follow a similar line, with Nos 31-34 projecting furthest into the rear area. The appeal schemes were considerably more bulky in overall rear projection, compared with the current scheme.

4.16 Nos.26-32 St Mary's do exhibit some slight "stepping back" in relation to each other, as the rear gardens lengthen going towards the top of the street. Officers believe that the proposed extra rear projection of 0.7 metre is consistent with that pattern of development, and that it still leaves an acceptable relationship with the rear of No.35. The benefit of the set-back is to provide more space around the Monkey Puzzle tree on the street frontage. The Conservation Officer considers that the impact of the set-back on the Conservation Area would be negligible.

4.17 FRONT ENTRANCE. The pedestrian entrance to the scheme is at the rear, from the proposed car park. Objectors say that the lack of a front entrance neglects the importance of the street. The Conservation Officer comments that this

arrangement is unusual. It is preferable generally for schemes to have a front door to the street. However in this case, the lack of an entrance does reduce the amount of groundworks around the Monkey Puzzle tree and the front elevation is well proportioned in itself. On balance officers consider the arrangement to be acceptable in this case.

ISSUE C. EXISTING TREES and GARDEN

4.18 The monkey puzzle tree has become an established feature of the streetscene and indeed has come to mark and to characterise the site. The proposed building would not affect the tree's canopy. Some changes in ground level in the front garden are proposed, to create a ramp (between Nos. 34 and 35) to the rear car park. The ramp is clear of the tree's canopy. Submitted drawings indicate that proposed levels are set to safeguard the tree. Objectors are understandably very concerned about the well-being of the tree, because of the changed conditions around it from groundworks and the higher and larger building proposed.

4.19 The Council's landscape architect was satisfied that the original submission, subject to an agreed method statement, would enable the tree to be adequately protected in relation to building works. In addition it was thought that it would be preferable for the building to be pulled back a little, to give a more aesthetically pleasing and physically comfortable distance between the development and the tree. The 0.7 metre set-back in the revised scheme gives a clearance of approximately 3 metres between the outer edge of the canopy and the centre of the building. The landscape architect considers this an improvement, helping the protection of the tree and going a little way to improving the degree of visual comfort and compatibility between building and tree.

4.20 The existing garden at the rear of the house is a large lawn, with attractive mature trees near the rear boundary. A car park for 8 cars plus 1 visitor space was originally proposed, which would have enabled the remaining (approximately one third) of the lawn to be retained, with all the mature trees. The revised scheme, with 7 spaces and a more compact layout is an improvement, as noted by the landscape architect.

4.21 The loss of green space is a drawback in redeveloping the application site. However officers have to consider this in the context of the area. Some properties to either side also have rear car parking areas. Retaining the backcloth of the mature trees as proposed is important: to keep the characteristic landscaped setting along this section of the railway line; to maintain this element of the outlook from Bootham Terrace; and to contain the proposed car park visually. The Planning Inspector did not comment adversely about the principle of establishing a car park. Officers believe that if the proposed apartment scheme is acceptable in principle, the impact of car parking has been minimised as far as practicable. The option to reduce parking provision, and rely on public car parks is probably unrealistic.

ISSUE D. AMENITY OF NEIGHBOURS

4.22 Officers believe the following main issues need to be considered, as follows, and as identified by the Planning Inspector in the previous schemes.

4.23 EFFECT UPON RESIDENTS AT 35 ST MARY'S. This property has been converted into flats. Windows on the side elevation facing the application site include a kitchen, which is classed as a habitable room. The side wall of the earlier refused scheme would have been only 2.5 metres away from the window and stretched right across it, because the new building was nearer to the street frontage than the current scheme. The Planning Inspector concluded that the loss of daylight and sunlight to that window were unacceptable.

4.24 The proposal now before Members pulls the building further from the window (to a clearance of 6 metres). Also the frontage of the proposal in the revised scheme is set further back, so the new building would not "cover" the window. In effect this means that an outlook from the kitchen is maintained towards the street. The proposed building will reduce daylight and sunlight to the window to some degree, because the building would be higher than the existing house. However officers believe that adequate daylight and periods of sunlight will still reach the window, which faces south -west, and the set-back in the revised scheme gives some further improvement in these respects.

4.25 EFFECT UPON 32 ST MARY'S. This property is a hotel, separated from the application site by a driveway. Its side elevation includes windows serving both hotel and private bedrooms, and bathrooms. The proposed building would be 6 metres away from these windows. This relationship is similar to the earlier application. The Planning Inspector found this to be acceptable, with sufficient daylight still reaching the rooms. The side elevation of No. 32 faces north-east and does not in any case receive direct sunlight. The additional set back in the revised scheme also helps to improve slightly the light reaching these windows. The Hotel also objected because of the effect of construction works upon business. Conditions would be applied to limit the hours of site work, and a method statement for the construction.

4.26 EFFECT UPON THE REAR ELEVATION OF NEIGHBOURING PROPERTIES. The rear of the proposal is set somewhat further back, towards the railway line, than its neighbours. Officers believe this does not cause any loss of amenity to neighbours, either through loss of light or outlook. The earlier refused scheme did project further backwards still, but the Planning Inspector found it to be acceptable in this particular respect.

4.27 EFFECT UPON PROPERTIES OPPOSITE THE SITE, NOTABLY 10-16 (CONSECUTIVE) ST MARY'S. These properties, on the south-east side of the street, currently enjoy a more open outlook than most others in the street, because the existing house opposite them is relatively low, with space to either side. This also reduces the amount of overshadowing to Nos. 10-16, compared with other properties on the south-east side, when the sun drops behind the taller houses opposite.

4.28 Officers appreciate that residents, particularly in 10-16 St Mary's, have a benefit in this respect, that would be lessened to some degree by the proposal. The Planning Inspector considered this issue, but concluded that, "given the separation between buildings and their orientation, ...the sunlight penetration is likely to remain at a reasonable level".

4.29 The current scheme would leave a wider gap between the new building and No. 35 than the earlier scheme (6 metres compared with 2.5 metres) and be set back further from the street front. The gap to No. 32 would be the same, at 6 metres. Officers believe this will provide rather more sense of light, openness and better views through, either directly or obliquely, from 10-16 St Mary's than the earlier scheme.

4.30 PRIVACY. The only windows proposed to face neighbours to either side would be for bathrooms. Conditions would be attached for obscured glazing to these windows.

4.31 NOISE AND DISTURBANCE. The proposed rear car park would introduce noise from the manoeuvring of vehicles into the hitherto quiet garden area. However, some neighbouring properties have their own parking areas. The railway line is also a source of noise for all residents. In this context, officers believe the proposal is satisfactory. The Planning Inspector considered the car park would not be unduly harmful to amenity.

ISSUE E. AMENITY OF FUTURE RESIDENTS

4.32 The frontage of the proposal faces a relatively quiet residential cul-de-sac. However the rear elevation faces the railway line, the nearest line being approximately 32 metres away. Environmental Regulation originally specified a noise reduction of 47dB to be achieved, so that internal noise levels in the apartments would meet World Health Organisation guidelines. The noise level to be achieved has been revised, to set internal levels of no more than 45dBLA max and 30dBLA eq (23.00 - 07.00 hours) in bedrooms. This will take into account changes in operating noise from trains, as mentioned by in a contributor's letter.

4.33 The measures needed to achieve these levels and implications for the detailed design of the windows will be investigated and a further report made at the meeting.

4.34 Approximately one third of the rear garden will remain as amenity space for residents of the proposed apartments, with an improved layout in the revised scheme.

ISSUE F. ACCESS and PARKING

4.35 The revised scheme proposes 7 car and cycle parking spaces, one for each apartment. Visitor parking is not provided. The gradient of the vehicle access ramp to the car park has been lessened to 1 in 12 to meet Highway Regulation's requirements. The width of the access gates has also been reduced, to 3.2 metres, to lessen the impact of the new driveway upon the streetscene. Highway Regulation are satisfied with these arrangements, subject to conditions.

4.36 Objectors are very concerned about pressures for car parking in St Mary's, and the inconvenience, congestion and possible threat to the physical fabric of the street that this poses. Highway Regulation require an agreement with the applicant that the residents of and visitors to the proposed scheme will be excluded from the

ResPark zone R12, so that the zone will not be placed under further pressure. Officers appreciate that, even though the nearby Marygate car park has spare capacity, residents or visitors may still seek to park in the street at times. However this is not in itself sufficient reason for refusal. In this inner-city location it would not normally be required to increase on-site parking provision. This would in any case take up more of the rear garden, to an unacceptable degree.

4.37 A further report will be made at the meeting upon the detailed design and implications for car parking on the section of the street outside the application site.

4.38 The proposed driveway will introduce vehicle movements alongside No.35, which has a side kitchen window. Officers consider this is acceptable, bearing in mind the use of the room and the physical separation between the new building and No.35.

ISSUE G. DRAINAGE AND FLOOD RISK

4.39 Planning Policy Guidance Note No. 3. (PPG3 - "Housing") identifies flood risk as a material consideration in sites for new housing. In accordance with this and PPG25 ("Development and Flood Risk"), the applicant has consulted the Environment Agency and prepared an independent Flood Risk Assessment Report.

4.40 The application site is partially within Flood Zone 2. This zone is the Agency's best estimate of land that could flood under extreme conditions, with a 1000 to 1 chance of flooding. The Agency has no record of any past flooding on the site. The 1 in 100 year flood level for the area is 10.43m AOD. The Report says that water storage facilities are needed on site, to accommodate up to a 20% increase in rainfall due to climatic change. The car park is level and varies between 11.85m-12.3m AOD, and the report concludes that no emergency egress in times of flood would be needed.

4.41 The Report concludes that the development complies with PPG 25. The Council's Drainage Section raise no objections to the Report, subject to detailed conditions regarding the drainage layout.

4.42 Objectors raise concerns about the drainage system in St Mary's being unable to cope with any additional development. The proposal includes a Drainage Study, which recommends providing a storage area, of pipework, to prevent overloading of the public sewer network. Yorkshire Water are satisfied with the proposals in the original and revised scheme, subject to the details of the measures to ensure that water run-off does not exceed that of the existing use of the site. The Environment Agency were similarly satisfied with the original scheme, and their comments upon the revision will be available at the meeting.

ISSUE H. EDUCATION and OPEN SPACE PROVISION

4.43 Because there is no on-site open space, commuted sums are required for the provision off-site of amenity open space, play space and sports pitches. The contribution should be based on the "Harrogate" or latest York formula through a Section 106 Agreement. Further details will be given at the meeting.

4.44 No contribution is required in this case towards Education facilities.

ISSUE I. METHOD OF CONSTRUCTION

4.45 Several objectors are concerned about the effects of construction traffic and work generally upon the stability of adjoining properties, the street fabric and the amenities of residents. Network Rail also raise specific requirements in relation to the safety of the railway line. Being a cul-de-sac, provision will be needed for the turning of vehicles, without damaging pavements or any basements which extend underneath them.

4.46 St Mary's is a narrow street with restricted manoeuvring space and retains valuable historic stone paving, including large stone slabs. A condition is suggested, requiring a detailed method statement for construction works. A further report upon the details of this will be given at the meeting. A condition restricting working hours during demolition and construction work is also suggested.

5.0 CONCLUSION

5.1 The existing house at the application site and its associated garden, over an 80 year life, have become a familiar part of the streetscene, together with the monkey puzzle tree that has grown in the small front garden. Officers appreciate objectors concerns about the loss of a family home. Also the house, as an "exception to the rule" in relation to the architecture and townscape of the rest of the street, is an appealing incident in the streetscene. It allows a sense of openness and light into St Mary's and recalls the original use of the site as a completely open space. As objectors say it does not cause harm to the character of the Conservation Area and could continue in its present role.

5.2 However the site is a previously developed site in a sustainable location, and the subject of recent planning history. Potentially, redevelopment can provide a more sustainable use of the site and complement the streetscape, not with the same "incident" as existing, but in a more formal way of reflecting the massing and architecture of adjoining buildings. However it is essential that any scheme preserves or enhances the character of the Conservation Area and does not place undue pressure upon the amenities and surroundings of existing residents.

5.3 Previously refused schemes, dismissed at appeal, were an over-development of the site. The current scheme seeks to resolve the concerns raised in the Planning Inspector's report. The massing, scale, elevational design and space around the current proposal now achieve a more balanced scheme; that reflects the streetscape, retains a significant feeling of space between the scheme and neighbouring buildings, and allows protection of the monkey puzzle tree and mature trees in the rear garden.

5.4 If the scheme is approved, it is essential that high quality detailing and materials are used to ensure that the proposed traditional architectural treatment is successful.

It is accepted that a house and setting that is established and cherished would be lost. However, these qualities are not quite sufficient in themselves to sustain reasons for refusal for re-development in principle. The Planning Inspector said there is no presumption in favour of the house's retention. The proposal will bring about substantial change to the sensitive townscape in and around the site. However, on balance, officers are able to support the proposal, as preserving the character of the Conservation Area in the long run, albeit in a new and different way.

5.5 An update upon outstanding issues and further conditions as necessary will be given at the meeting. On this basis, officers believe the proposal complies with national guidance, notably PPS1, PPG3, PPG15 and PPG25; and with the relevant draft York Local Plan Policies GP1, GP9, HE2, HE3, HE11, H4A, H5A, ED4 and L1C, and with North Yorkshire County Structure Plan Policies H9 and E4.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 PLANS2

3 VISQ8

4 VISQ4

5 Large-scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development, and the works shall be carried out in accordance with the approved details.

- i. eaves and verge treatment
- ii. window details, including glazing bar sections
- iii. string courses
- iv. bay windows
- v. main door
- vi. entrance porch
- vii. rainwater goods

Reason: So that the Local Planning Authority may be satisfied with these details, in the interests of the appearance of the conservation area.

6 External service runs shall be avoided, with no flues, cabling or ductwork on the front façade of the proposed building.

Reason: To maintain the character and appearance of the conservation area.

7 VISQ10

8 ARCH2

9 LAND1

10 LAND2

11 LAND3

12 Adequate sound insulation shall be carried out, as identified below, to the satisfaction of the Local Planning Authority. Details of the measures to be taken shall be submitted to and agreed by the Local Planning Authority, prior to the commencement of works upon the site, and be fully implemented before any occupation of the building.

To achieve internal noise levels of 45dBLA max and 30dBLA eq (23.00 - 07.00hrs) in bedrooms, with World Health Organisation guidelines for noise levels in habitable rooms being met, for all living rooms and bedrooms on the rear elevation, facing the railway line.

Reason: To achieve an acceptable level of amenity for residents of the proposed scheme.

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

Reason: In the interests of the well-being of existing and future residents, in and adjoining the application site.

14 NOISE8

15 HWAY9

16 HWAY14

17 HWAY17

18 HWAY19

19 HWAY29

20 HWAY31

21 HWAY40

22 Prior to the commencement of any works upon the site, a detailed method of works statement identifying the programming and management of site

clearance, preparatory and construction works, and servicing of the site by construction traffic, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall specifically include how the site will be managed in relation to the safety and stability of the railway line to the rear of the application site, of adjoining properties and of properties opposite the appeal site. Development shall be carried out in accordance with this approved statement.

Reason: To protect the safety, amenities and structural integrity of adjoining properties and structures, and the safety and convenience of highway users.

23 DRAIN1

24 FLOOD1

25 HT1

26 Details of any underpinning or other works to the existing boundaries on the north-east and south-west side of the application site, shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of works upon the site.

Reason: To protect the stability and appearance of the curtilages of the site.

27 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved on 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 the provisions of Policy L1c of the City of York Draft Development Control Local Plan, incorporating the 4th set of changes (April 2005).

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 £4,444.

28 Prior to the commencement of works upon the site, details shall be submitted to and agreed in writing by the Local Planning Authority, for security measures upon the site, including lighting and measures to "secured by design" standards.

Reason: In the interests of the safety of future residents.

**7.0 INFORMATIVES:
Notes to Applicant**

1. INFORMATIVE:

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

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

2. INFORMATIVE

Upon commencement of development on the site, the applicant is requested to contact the Council's Network Management Section (1904 551450) in order that an amendment to the Residents Parking Scheme R12 can be implemented prior to the occupation of the development.

3. INFORMATIVE

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

(i) 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".

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

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

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

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

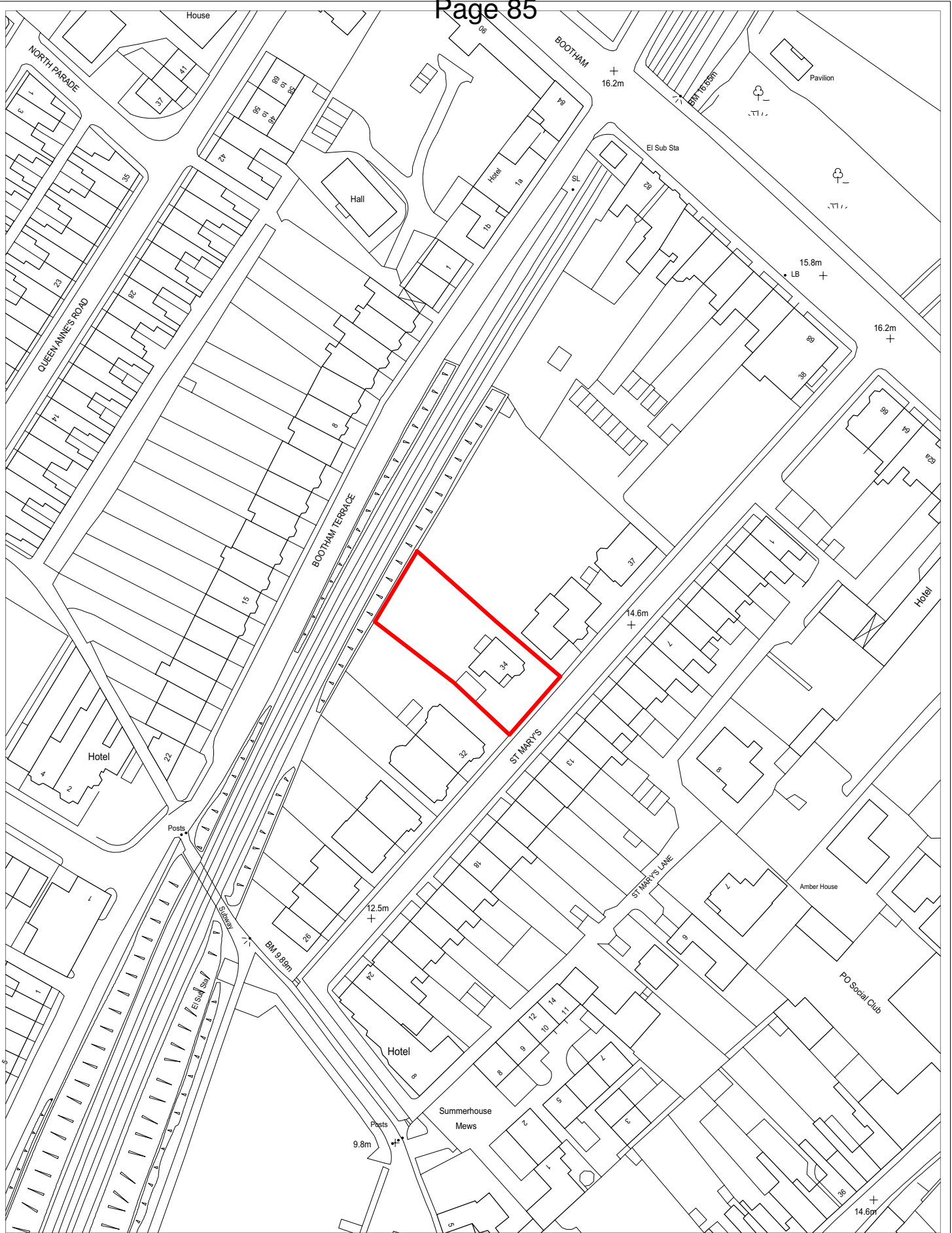
4. REASON FOR APPROVAL

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; in particular the character and appearance of the Conservation Area, the setting of adjoining listed buildings, and the amenities of adjoining occupants. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No. 3 Adopted 1995), and Policies CYGP1, CYGP9, CYHE2, CYHE3, CYHE11, CYH4A, CYH5A, CYED4, and CYL1C of the City of York Development Control Local Plan Deposit Draft, incorporating the 4th set of changes (April 2005).

Contact details:

Author: Chris Newsome Development Control Officer

Tel No: 01904 551673



CITY OF
YORK
COUNCIL

34 ST. MARY'S

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 8/3/2007
Drawing No.



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 22 March 2007 **Parish:** Guildhall Planning Panel

Reference: 06/01704/CAC
Application at: 34 St Marys York YO30 7DD
For: Demolition of dwelling in the Conservation Area
By: Hogg Builders
Application Type: Conservation Area Consent
Target Date: 25 September 2006

1.0 PROPOSAL

1.1 This application seeks Conservation Area Consent to demolish the existing house and garage at 34 St Mary's. The accompanying full application to redevelop the site, to build 7 apartments, is also on the Agenda before Members. As described in the report on the full application, the site was the subject of previous planning appeals.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 Urban Design and Conservation -

The site contains a modest house and garage dating from the early C20. They are an incongruous element in the street, which is otherwise composed of mid-Victorian buildings. The house and garage are not considered to be typical of the character and appearance of this part of the Conservation Area. Their contribution to the streetscene is in preserving the space between buildings, which has allowed the monkey puzzle tree to mature.

EXTERNAL

3.2 Planning Panel -

Object to the application, because the wholly negative report (submitted with the application) succeeds in showing that the existing building is dissimilar to others nearby. However the Panel is not persuaded that the building - which could be alternatively portrayed as a "charming anachronism" - deserves to be demolished for its own sake. Demolition should only be considered in the context of the new buildings proposed of which the Panel has not received sight (please note: this Conservation Area Consent application was received by the Panel in advance of the full application for redevelopment of the site. When the latter was received the Panel raised no objections to the redevelopment).

3.3 St Mary's Conservation Group - object to the application. The Group's comments are summarised in the accompanying report for the full application.

3.4 Neighbours (letters sent to near neighbours upon receipt of application; then also to people who objected to the previous refused scheme(s) or during the appeal procedure. Last overall expiry date 30 October).

Objectors to the full application also object to this Conservation Area Consent application. 25 letters were received originally, with a further 19 letters in association with the revised scheme. Objections are summarised in the full application report.

3.5 Site Notice (expired 13 September)

No comments received.

3.6 Press Advert (expired 13 September)

No comments received.

3.7 Conservation Areas Advisory Panel -

The Panel have no objection to either the demolition or the new build, but are concerned that the Monkey Puzzle tree is protected during the development.

4.0 APPRAISAL

4.1 Key Issues

- Effect upon the character and appearance of the Conservation Area, and the setting of adjoining Listed Buildings.

4.2 The relevant DRAFT LOCAL PLAN POLICIES are:-

POLICY HE3 - CONSERVATION AREAS - within Conservation Areas, demolition of a building (whether Listed or not) will only be permitted where there is no adverse effect on the character and appearance of the area.

POLICY HE4 - LISTED BUILDINGS - development in the immediate vicinity of listed buildings should not have an adverse effect upon their character, appearance or setting.

POLICY HE5 - DEMOLITION - where buildings make a positive contribution to the character and appearance of the Conservation Area, their demolition will not be permitted. Where, exceptionally, demolition is permitted, it will only be on condition that a contract for redevelopment has been agreed.

THE APPLICATION SITE AND ITS SURROUNDINGS

4.3 The application site and its surroundings are described in more detail in the accompanying "FUL" application. The house and garage at 34 St Mary's were built on the 1930's, in a pleasant suburban style of its time. The monkey puzzle tree in the front garden is a feature in the streetscene. The tree would be retained.

EFFECT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA, and the SETTING OF ADJOINING LISTED BUILDINGS

4.4 The existing house is pleasing and well-established and has become a familiar part of the streetscene. The house does have an appeal of its own, but does not share the architectural qualities of its neighbours. The Planning Inspector concluded that the house does not make a positive contribution to the character or appearance of the conservation area, and there was no presumption in favour of its retention.

4.5 Several objectors say that the space around the house has become a valued part of St Mary's character; offering contrast and relief in an otherwise built-up, strongly urban street. Officers believe, if redevelopment is to be considered, a sense of this space should be retained by leaving gaps on either side of any new building. The monkey puzzle tree should also be protected, as a feature in its own right.

4.6 Officers agree that the house does not harm the Conservation Area. However the existing house and space around, and over it, are not considered to be of sufficient quality to justify refusal of redevelopment in principle. This is subject to an appropriate replacement being achieved, that maintains and enhances the character of the Conservation Area.

5.0 CONCLUSION

5.1 Officers are able to support this application. It is appreciated that the existing house has become a familiar part of the streetscene. There is a charm about it being an exception to the character of the rest of St Mary's. The sense of space that the site also allows to enter into the street is valued. However, subject to a suitable redevelopment scheme being implemented, officers believe it is not possible to sustain a refusal of the demolition of the existing house and garage. The monkey puzzle tree will be retained.

5.2 A contract needs to be agreed for the redevelopment scheme prior to demolition. On this basis, officers believe that the proposal will not be detrimental to the character and appearance of the Conservation Area, nor to the setting of adjoining Listed Buildings. The proposal complies with Policies HE3, HE4 and HE5.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIMEL2
- 2 PLANS2
- 3 DEM1

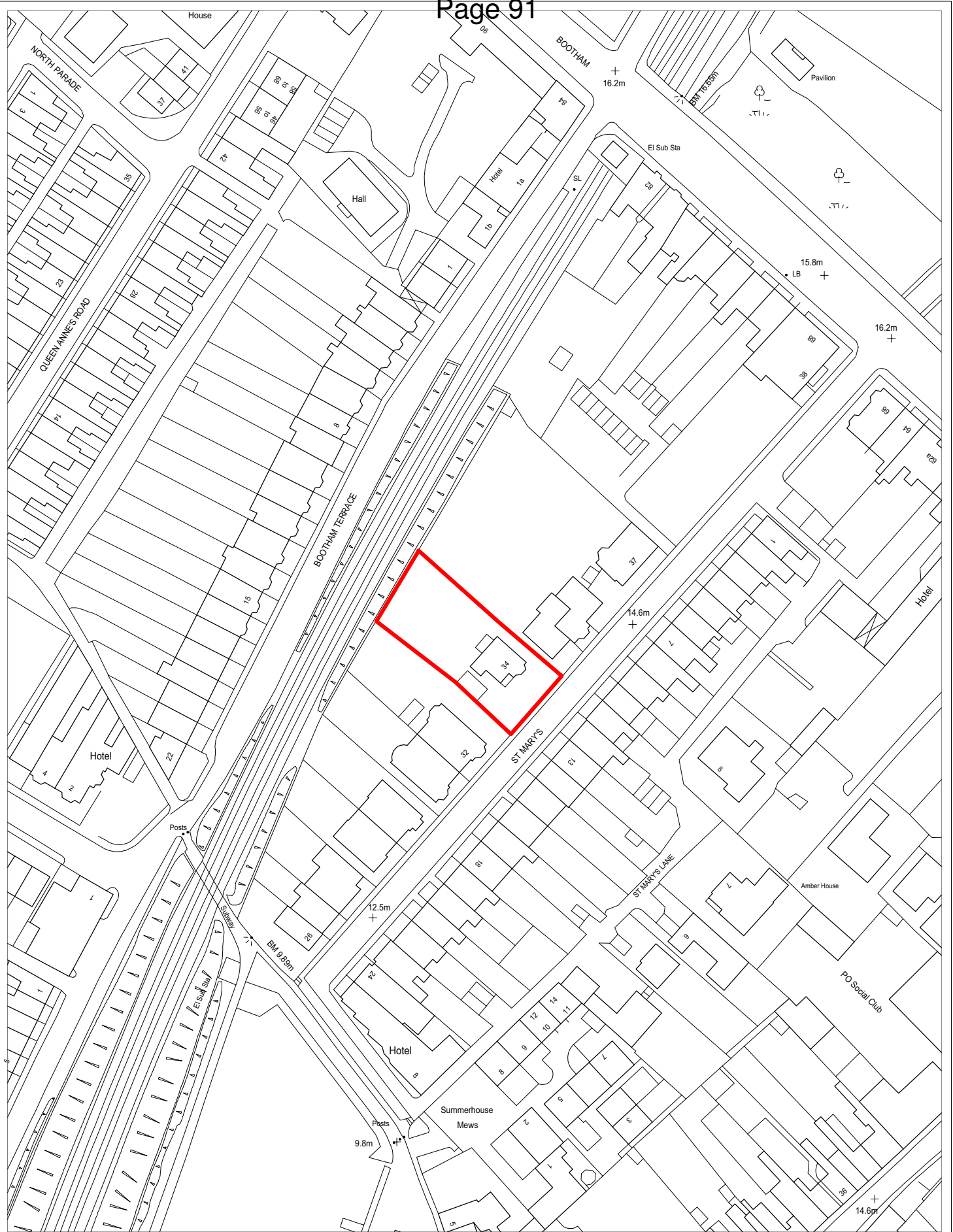
7.0 INFORMATIVES: Notes to Applicant

- 1. INFORMATIVE
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 character and appearance of the conservation area, and the setting of adjoining Listed Buildings. As such the proposal complies with Policy E4 of the North Yorkshire County Council Structure Plan (Alteration No. 3 Adopted 1995) and Policies CYHE3, CYHE4 and CYHE5 of the City of York Development Control Local Plan, incorporating the 4th set of changes (April 2005).

Contact details:

Author: Chris Newsome Development Control Officer
Tel No: 01904 551673



34 ST. MARY'S

SCALE 1:1250
 Originating Group

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 Project

DATE 8/3/2007
 Drawing No.



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

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 22 March 2007 **Parish:** No Parish

Reference: 07/00256/FUL
Application at: 1 Tudor Road York YO24 3AY
For: Erection of 1 no. detached dwelling (resubmission)
By: Mr J A Glavina
Application Type: Full Application
Target Date: 2 April 2007

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 2-bed detached dwelling to the (west) side of 1 Tudor Road. Access to the proposed development is shown via a new driveway adjacent no.1's. The proposal also includes provision for cycle storage but does not include detailed turning arrangements.

1.1.1 The proposed site is located within the side garden of 1 Tudor Road. This triangular shaped plot measures approximately 0.035 ha. The proposed dwelling is a detached, two storey house with a pitched roof. The principal windows are to the front elevation (northeast) and rear (southwest) elevation. The length of the proposed dwelling is 6.40 m at it's longest point and 4.50 m at it's shortest point, the width is 6.80 m, height to eaves level is 4.80 m and height to ridge level is 6.80 m.

1.2 SITE

1.2.1 1 Tudor Road is located adjacent the junction with Tudor Road and Stuart Road. This dwelling is semi-detached and adjoins 2 Stuart Road. Both these dwellings are built on a 45° splay so as to face both Tudor Road and Stuart Road. This property is 10.00 m in length x 7.50 m in width and is 2-storey's in height. The building appears to have been built in the 50's. It is proposed to erect the new dwelling approximately 1.50 m away from the nearest point (southwest elevation) of no.1.

1.2.1 The site (1 Tudor Road and plot for proposed dwelling) is triangular in shape and has a frontage of approximately 26.00 m (adjacent Tudor Road). This is 2 to 4 times greater than front boundaries of other residential dwellings within Tudor Road. The proposed plot is bounded by dwellings to all elevations. However neighbouring dwellings sited to the north are separated by Tudor Road and neighbours to the east are separated by Stuart Road.

1.3 COUNCILLOR REQUEST

1.3.1 The application is being presented to planning at the request of Councillor Simpson-Laing

1.4 HISTORY

1.4.1 06/01900/FUL – Erection of detached dwelling was refused on 10.10.2006 for the following grounds:-

- The scale and location of the proposed dwelling and resultant loss of garden space (of 1 Tudor Road) would detract from the visual appearance of the area and this prominent corner site. Also the proposed development would appear incongruous and contrived when compared to the existing scale, pattern and form of development within Tudor Road;
- The original proposed dwelling would have a detrimental impact upon the living conditions of adjacent neighbours due to its size, scale and position. Such a development would result in an un-neighbourly and overbearing feature which would also have an adverse impact upon the levels of light and privacy to their rear gardens. The proposal would also have a detrimental impact upon the amenity of 1 Tudor Road in terms of noise intrusion from the coming and going of vehicles to the front of the property; and
- No cycle provision was provided.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

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

3.1 INTERNAL

3.1.1 Highway Network Management

3.1.2 The Council's Highways Officer commented that, at present there are a number of outstanding highway issues regarding this application. These are:-

- The proposed new access would be too close to an existing oak tree (this issue is further addressed in comments from highways' arboricultural officer below);
- The design of the 2 driveways would create a small triangular piece of verge; The resultant triangular verge between the two driveways would be impracticable to maintain; and
- The footways to the rear of both properties are inadequate in width to allow convenient cycle access.

3.1.3 The highways officer therefore recommends that the application should be amended to include: -

- The access to the proposed new house being coincident with the existing access to 1 Tudor Rd and at a resultant minimum width of 4.5m;
- The street lamp should be either relocated or replaced (after consultation with street lighting engineer);
- The footways to the rear of both properties should be increased to a minimum of 1.20 m wide to allow cycle access to the rear sheds.

3.1.4 Finally the highways officer commented that whilst the above recommendations should result in the "dropped crossing" being a least 2.00 m further away from the tree, the method of construction and specification of the crossing will still need to be approved by the arboricultural officer. The Officer further highlighted that the applicant would have to pay the cost of the re-siting of the street lamp.

3.1.5 Highway Network Management Arboricultural officer

3.1.6 The Officer commented that there is a very large Oak tree within the highway verge adjacent no.1. The tree creates certain limitations with regards to the possible development of the site.

3.1.7 Firstly if a highway crossover is allowed, kerbing should be no closer than 2.00 m from the tree trunk. In addition no disturbance or excavations are acceptable within the range of the tree's canopy. It should also be borne in mind also that a new dwelling will require connection to utilities i.e. water, electricity, etc. The root zone of the tree should not be infringed at any time, especially for the connection ,of the dwelling, to utilities in the highway. Finally with regard to the highway crossover the officer recommends that a single shared crossover well away from the tree may be the best option.

3.1.8 Secondly the officer raises concerns regarding the existing oak tree bounding the site. He comments that the tree has an amenity value of around £15,000 using the Helliwell valuation system and if the tree were in private ownership it would be protected with a Tree Preservation Order. For planning purposes it must therefore be treated as a protected TPO tree.

3.1.9 Also whilst the tree is not fully grown it has the potential to reach over 20.00 m in height. The potential growth of the tree may have a significant impact upon the amenity of the proposed dwelling. It is the opinion of the highway arboricultural officer that future residents would claim the shade cast by the tree is unacceptable. The officer further states that ideally the nearest windows (of the proposed dwelling) should be at least 14.00 m from the tree trunk. The officer also added that it should be borne in mind the proposed dwelling is north facing (aspect) also. This would further exacerbate the impact of the tree upon the levels of light to the proposed dwelling. The officer concludes by stating that, in his opinion, the building will be set too close to the shadow of the oak tree.

3.1.10 Environmental Health Department

3.1.11 Environmental Protection Unit: made the following raised concerns with regards to this application. The first concern is the noise disturbance to local residents while the demolition, construction work and deliveries to and from the site if a successful application is made. They recommended a condition restricting the hours of construction should be attached, should the application be approved to address this concern.

3.1.12 Although the site is unlikely to be affected by land contamination, they also recommended a condition, which places a watching brief for the discovery of any unsuspected contamination be attached should the application be approved.

3.1.13 The EPU also recommended a condition, should the application be approved, concerning hours of operation, a noise and vibration assessment, scheme of mitigation measures for adjacent neighbours, contaminated materials and the standard demolition construction informative which encompasses noise and vibration control, operation of plant and machinery, control of pollution, minimise dust emissions and no bonfires on site.

3.2 EXTERNAL

3.2.1 Neighbours

3.2.2 No comments received as of 07 March 2007

3.2.3 York Consultancy (Engineers)

3.2.4 The consultancy commented that they have no objections to this proposal.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area;

- Impact on residential amenity; and
- Open space and education.

4.2 POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 PPS 3 - 'Housing' sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPG3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

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 Policy 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.

4.2.5 Policy 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.

4.2.6 Policy L1c requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of York. There are no other relevant statutory constraints i.e. Conservation Area, etc. Central Government guidance regarding new housing is contained within Planning Policy Guidance note 3: Housing, policies H4a and H5a of the Draft Local

Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPG3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 30 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location however whilst the principle of development is acceptable there are a number of concerns regarding this proposed development. Such concerns are the impact of the development on the visual amenity of the area and impact upon the amenity of adjacent residents. These issues are discussed below:-

4.4 IMPACT ON VISUAL AMENITY OF AREA

4.4.1 The existing property (no.1 Tudor Road) is a semi-detached 2-storey family dwelling with a relatively large side garden. As a consequence of the dwelling being sited on 45° splay to Tudor Road and Stuart Road it has a larger garden area than other dwellings which directly front onto Tudor Road. The emphasis of both PPG3 and local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings.

4.4.2 The proposal would result in an additional two storey building being built within the side garden of the existing property (1 Tudor Road), between this existing property and the boundary adjacent neighbouring dwellings. There would be a distance of only (approximately) 1.30m from the side elevation of 1 Tudor Road, there is an 9.70 m (approximately) separation distance from the adjacent dwelling to the west (3 Tudor Road). 2 Stuart Road (semi-detached dwelling adjoining 1 Tudor Road) is approximately 5.50 m away from the nearest point of the proposed dwelling and 4 Stuart Road to the rear (south) is approximately 13.00 m away. To accommodate the property would require the loss of a significant amount of spacing (separation Gap) between 1 Tudor Road and 3 Tudor Road. It is recognised that the applicant has taken on board concerns raised by the Council and has attempted to satisfy the first reason for refusal by reducing the size and height of the proposed dwelling. It is further recognised that the design of the dwelling is acceptable within this location. However the positioning the proposed dwelling is still an area of concern. Whilst the proposed dwelling doesn't protrude forward of the

existing building line created by no.1 and no.3 Tudor Road, there is still a small separation gap between the proposed dwelling and 1 Tudor Road.

- 4.4.3 The applicant also states that the garden space has now been divided and is clearly shown on the plan thus providing both properties with garden area for sitting out and enjoyment. Taking into account the plot is substantially smaller than other existing plots, it is still considered that this proposed relationship is out of character with the existing pattern of development within the street/area. Furthermore the garden arrangement is still awkward and would not provide adequate levels of private space for either dwelling. The garden space to the rear of no.1 would be blighted. The massing and overbearing presence of the proposed dwelling would be unacceptable and no.1's rear garden would be cast in shade for much of the day. The garden area for the proposed dwelling is principally to the front of the dwelling and therefore not private. The private rear garden space is extremely small and is also overlooked by 1 Tudor Road.
- 4.4.4 In order to provide a suitable setting for the dwelling, the size of the private garden amenity space should be in scale with the building it accommodates and should ideally be greater than the floorspace of the dwelling it supports. The proposal clearly fails in this respect. The development still gives the impression of having been squeezed into a small space within an area of more generously arranged properties. As a consequence the proposed dwelling still appears awkward and cramped in nature.
- 4.4.5 It is also considered that the proposed site layout is unachievable. Highways comment that the access pathways to the rear of no.1 and the proposed dwelling aren't wide enough. They recommend that the path widths should be increased to 1.20 m to allow ease of use for bicycles and pedestrians. However the impact of increasing the widths of the paths would either necessitate the proposed dwelling being further reduced in size or the building would have to be moved forward. If the proposed building footprint were moved forward, this would exacerbate the impact of the dwelling upon the setting of the area/street. Furthermore, if the dwelling were further reduced in size and scale, it could be argued that such a small scale dwelling would also appear out of character with the existing area.
- 4.4.6 As a consequence it is considered that whilst this current proposal is an improvement upon the previously refused scheme 'on balance' it is still inappropriate in terms of impact upon the character and appearance of the area.

4.5 IMPACT ON RESIDENTIAL AMENITY

- 4.5.1 The relationship with existing neighbouring dwellings in Tudor Road and Stuart Road still fails to satisfy the requirements of the local plan, inasmuch that the proposed dwelling would have a detrimental impact upon their amenity in terms of levels of light. It is considered that this scheme would appear incongruous and overbearing to the occupants of these dwellings. The proposed dwelling would have a detrimental impact upon the private rear

gardens of 1 Tudor Road and 2 Stuart Road and to a lesser extent 4 Stuart Road due to shading and loss of light and aspect.

4.5.2 It is also considered that the arrangement between the proposed dwelling and 1 Tudor Road creates an awkward relationship between each dwelling. The west boundary of no.1 directly abuts the proposed dwelling. Whilst not directly a material planning consideration, it is considered that such an arrangement would create problems in terms of maintenance to the new dwelling, if the ownership of the properties were ever split.

4.6 HIGHWAYS CONCERNS

4.6.1 The proposed access arrangement is unacceptable in its present form. Firstly there is a lamp post sited in between each proposed access. This is unacceptable in terms of allowing safe and easy traffic movements. The lamp post would need to be re-sited at the applicants expense. Secondly the proposed access arrangement creates a small triangular piece of verge which would be difficult to maintain. The Council's highways department recommend that a joint access is created instead which would prevent this happening.

4.7 IMPACT UPON EXISTING MATURE TREE

4.7.1 The access for the proposed dwelling is too close to the existing oak tree. The Council's Highway Network Management Arboricultural officer recommends that the access should be re-positioned further away from the oak tree. However if the access were moved, so as not to impact upon the oak tree, the driveway would most likely be positioned in a similar location to the original application. This was considered unacceptable due to impact upon the residential amenity of the no.1, in terms of noise intrusion from vehicular movements.

4.7.2 As a consequence the access is inappropriate in its current position due to the impact it would have upon the existing oak tree. However if it were moved to satisfy the arboricultural officers recommendation, then it would most likely be unacceptable in terms of impact upon 1 Tudor Road in terms of noise intrusion due to vehicular movements.

4.8 OPEN SPACE

4.8.1 Under Policy L1c there is an open space provision requirement for this site. If the scheme were acceptable in all other respects the provision of open space could be dealt with by condition.

5.0 CONCLUSION

5.1 The proposed building would, if built, appear as an incongruous, awkward addition that would create a cramped development within Tudor Road. It would therefore have a harmful effect on the character and amenity of the local environment and adjacent neighbours.

5.1.1 As a consequence the proposed detached two storey dwelling is considered to be unacceptable and is recommended for refusal, contrary to GP1, GP10, H4a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1 and PPS3.

6.0 RECOMMENDATION: Refuse

1 Out of character

It is considered that due to the scale and siting of the proposed dwelling and the resultant loss of garden space (of 1 Tudor Road) the proposed development, if approved, would lead to this prominent corner site appearing cramped and overdeveloped. The proposal would also appear incongruous and contrived when compared to the existing scale, pattern and form of development within Tudor Road and the surrounding streets. The erection of a new dwelling therefore constitutes an unacceptable form of development on this plot of land as it would have a harmful impact upon the character and visual amenity of the local environment and is therefore considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and policies GP1, GP10, H4a, L1c of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

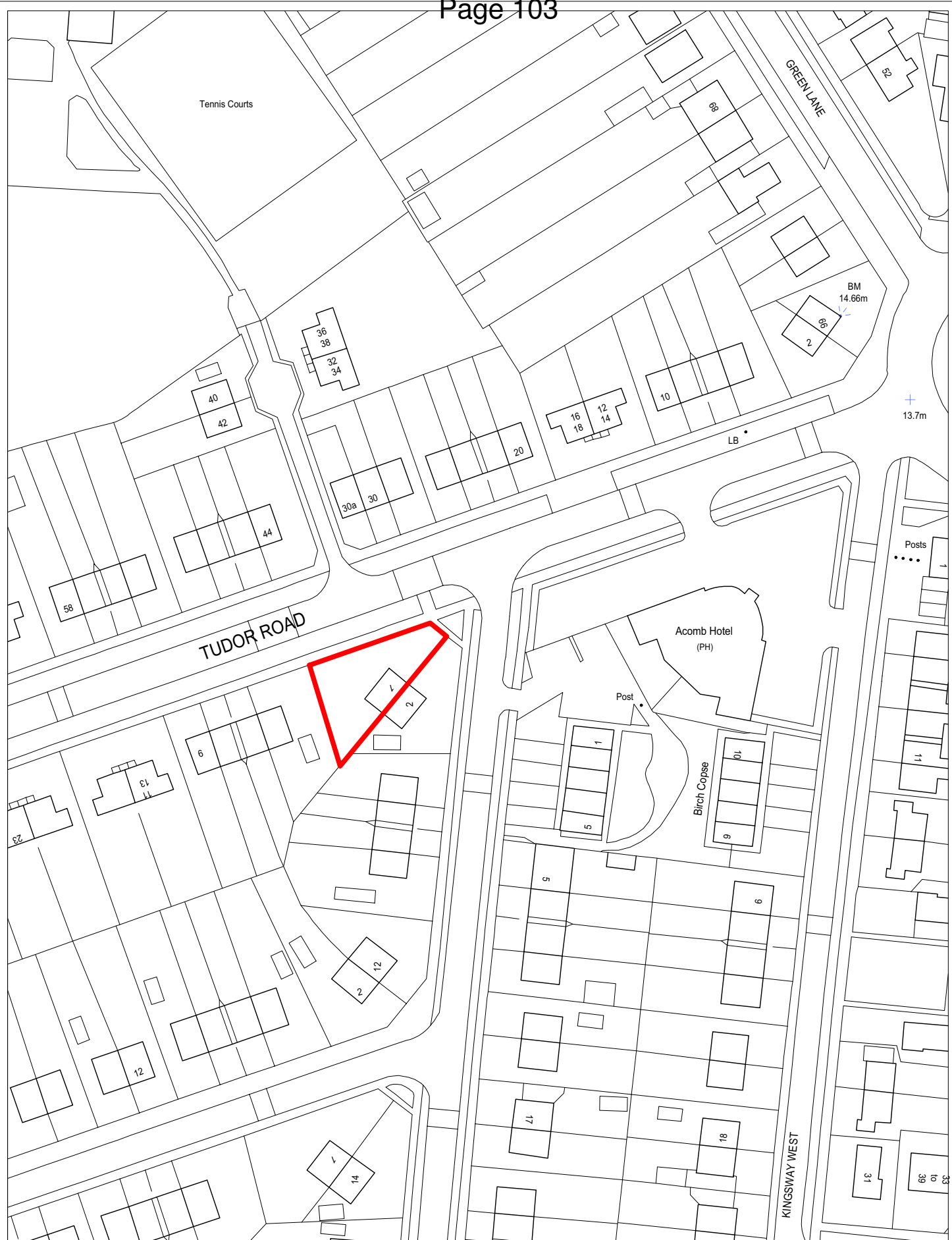
2 Detrimental impact upon neighbours amenity

The proposed house will be of such a size and scale as to impede upon the living conditions of adjacent neighbours due to the dominance of its occupation upon the site and proximity to the boundary with number 1 Tudor Road, 2 and 4 Stuart Road. Such a development would result in an un-neighbourly and overbearing feature which would also have an adverse impact upon the levels of light and privacy to their rear private gardens. Furthermore the proposed dwelling would further harm the residential amenity of the occupants of 1 Tudor Road by reason of additional noise and disturbance arising from the comings and goings of occupants and their cars if the scheme were amended to satisfy Highway requirements. As a consequence this proposal is considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and to policies GP1, GP10 and H4a of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

7.0 INFORMATIVES:

Contact details:

Author: Richard Beal Development Control Officer
Tel No: 01904 551610



CITY OF
YORK
COUNCIL

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

Site Plan : 07/00256/FUL - 1 Tudor Road

SCALE 1:1000

DRAWN BY JB

DATE 12/3/2007

Originating Group

Project

Drawing No.

Organisation

JUL1



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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Holgate
Date: 22 March 2007 **Parish:** No Parish

Reference: 07/00121/FUL
Application at: 46 Hobgate York YO24 4HH
For: Erection of new dwelling after demolition of existing
By: Ian And Mary Macbeth
Application Type: Full Application
Target Date: 16 March 2007

1.0 PROPOSAL

1.1 Hobgate is a well established attractive residential area located to the west of the city. The area is characterised by a mix of house types set in generous plots.

1.2 The applicant seeks planning approval to demolish the existing building on the site and to replace with a single two and half storey dwelling.

Relevant History

1.3 None

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4
Housing devp in existing settlements

CYGP10

Subdivision of gardens and infill devt

3.0 CONSULTATIONS

Internal

3.1 Highways - Car parking and cycle storage are provided in accordance with York City Council standards, and the dwelling will be served by an existing vehicle access. As the driveway will be less than 6 metres the garage should be fitted with non profiling doors.

3.2 Urban Design and Conservation - There are some good amenity trees in the rear garden of the property, which need not be affected by the demolition and construction of the new dwelling. Nonetheless it would be prudent to ensure that the operations do not impinge on the root protection area of the trees in the rear garden by e.g. manoeuvring vehicles and storage of materials, which could result in direct impact damage and compaction of soil.

3.3 Environmental Protection Unit - No objection

External

3.4 Neighbours - As a result of public consultation nine letters were received making the following comments;

Concerns that some of the trees would be removed/damage as a result of this application.

The new owners should be made aware that for any damage from the trees that they are liable.

The present property is made from stone and is in keeping with the area.

The new dwelling does not fit into the area, as it is large and three stories high

It would be a great shame to demolish the existing building.

The proposal may set a precedent that other houses may wish to demolish instead of renovating, destroying the existing character of the road.

The design and materials of the new building is out of keeping with the surrounding properties.

There would be a loss of outlook from the windows of 49 and 51 Hobgate directly opposite.

The building line would be moved forward and be in an over dominant position.

The area should be designated as a conservation area.

The north east corner of the proposed dwelling is sited some 4 - 5 meters further forward than the existing dwelling. This would result in the loss of amenity to the side/rear garden of 44 Hobgate.

The footprint is significantly larger than neighbouring properties, therefore detrimental to the street scene. These issues could be addressed if the property was set back to respect the existing building line.

The ridge height of the proposed dwelling is 2 to 3 metres higher than the neighbouring properties. The mass and scale is not compatible to policies GP1 (a) & (b).

There are windows on the second storey, which would overlook the bedroom window of the opposite property, these would invade privacy.

The proposal would result in a loss of space between houses.

The ridge height should be lowered.

There is a right of way that runs through the site.

4.0 APPRAISAL

KEY ISSUES

- planning policy
- impact on neighbours
- impact on character of area

PLANNING POLICY

4.1 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land and identifying suitable location for housing. PPS3 advises Planning Authorities to seek housing densities of a minimum of b 30 dwellings per hectare.

4.2 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.

4.3 Policy GP 10 'Sub division of gardens and infill development' of The City of York Local Plan Deposit Draft identifies that planning permission would only be granted for the sub division of existing garden areas would only be allowed if it would not be detrimental to the character and amenity of the local environment.

4.4 Policy H4, 'Housing windfalls' of The City of York Local Plan Deposit Draft identifies that permission would be granted in accordance with SP10 where the site is within an urban area and is vacant derelict or underused or involves filling, redevelopment or conversion of existing buildings. The site must also have good access to jobs, shops and services by non car modes. Any proposal must also be appropriate in terms of scale, density in relation to the surrounding area and would not have a detrimental impact on existing landscape features.

IMPACT ON NEIGHBOURS

4.5 The residents of 44 and 48 Hobgate and 51 and 49 Hobgate are considered to be the properties most affected by the proposal, the properties to the rear are over 35 metres away and would not be unduly affected by the proposal. One of the principal concerns of local residents is the raised ridge height and the implications this would have on overlooking and overshadowing neighbouring properties.

With regard to overlooking, the proposed orientation of the windows would mean that no additional overlooking would result should the application be approved, particularly with the properties opposite the site as there would be a distance over 21 metres maintained between windows serving habitable rooms. The shape of the site, opening up away from the highway also ensures that no overlooking would take place for the neighbouring properties of 44 and 48 Hobgate. The rear balcony and terrace have been a concern with regard to overlooking; this has been overcome by having privacy screens to prevent any overlooking upon neighbouring properties. Within the locality there are a variety of houses varying in size and massing, the proposal would be similar in height to other properties within the locality, although it is accepted that the proposed ridge height would be higher than the immediate adjoining properties 44 and 48 Hobgate by approximately 2 metres.

4.6 Concerns have been raised with regard to the accommodation in the roof space and particularly to the dormer window to the front elevation. It has been requested and agreed by the applicant that this dormer window be removed from the plans, and therefore would mitigate the issues raised by neighbouring residents opposite the site. A distance of over 20 metres would be maintained between the existing first floor windows of the properties opposite, 29 and 51 Hobgate, and the first floor windows of the application site. The loss of outlook would be minimal as a result of this application and would not be to the detriment of the residential properties within the locality.

IMPACT ON CHARACTER OF AREA

4.7 The area is not designated as a Conservation Area. Hobgate, and the streets linked to it, has a range of substantial detached and semi detached pre and post world war 2 housing. With a variety in house types, scales and design with varying ridge heights and dwelling types. The street has a very pleasant individual character and collectively forms a very attractive neighbourhood. The variety of house types adds to the mix of house designs and it part of the character of the area.

4.8 It has been contended by local residents that the loss of the existing building would be to the detriment of the street scene. The existing property is stone clad, and does not relate to any of the neighbouring properties in terms of design, and appearance and may be reasonably considered to not relate to other properties within the locality. It therefore may be reasonably considered that the loss of the dwelling would not materially affect the character and appearance of the street scene.

4.9 Issues relating to the re siting of the property in relation to neighbouring properties has also been raised by objectors. The application seeks to bring the footprint forward; this new location would be more in line to the neighbouring

properties of 44 and 48 Hobgate. Whilst it is accepted that the footprint has moved forward and is significantly larger than the existing dwelling the generous plot can comfortably accommodate a larger building, therefore may be considered acceptable. The gradual curved design also adds interest to the street scene and has been well designed for the site.

4.10 Conditions may be imposed to protect the trees on sites and the amenity of adjoining occupiers through condition, particularly during the construction phases.

4.11. Any issues regarding rights of way were not identified by the council, therefore may not be a material planning consideration with regard to this application

5.0 CONCLUSION

5.1 The erection a detached dwellings by virtue of the overall design and location represent little threat to the visual and residential amenity of the application site, those properties neighbouring and the surrounding street scene in general, meeting policies GP1. GP10 and H4 of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 Before the commencement of development including demolition building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees in the rear garden shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs.

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

3 VISQ8

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

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

Reason: In the interests of amenity

- 5 HWAY10 - Vehicular access surface
- 6 HWAY19 - Cycle parking to be laid out
- 7 HWAY30 - Non protruding garage doors
- 8 HWAY31 - No mud on highway during construction
- 9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.2 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.
- 10 PD5 - No openings on side elevations
11. Prior to work commencing on site detailed drawings showing the removal of the dormer window at in the roof space on the front elevation shall be submitted to and agreed in writing by the Local Planning Authority, and the plans implemented thereafter.
Reason: To preserve residential amenity of local residents.
12. Prior to work commencing on site details of the screening, including details of proposed materials shall be submitted to and approved in writing by the Local Planning Authority and implemented thereafter.
Reason: To protect residential amenity of adjoining residents.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the character and appearance of the locality and residential amenity. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION INFORMATIVE

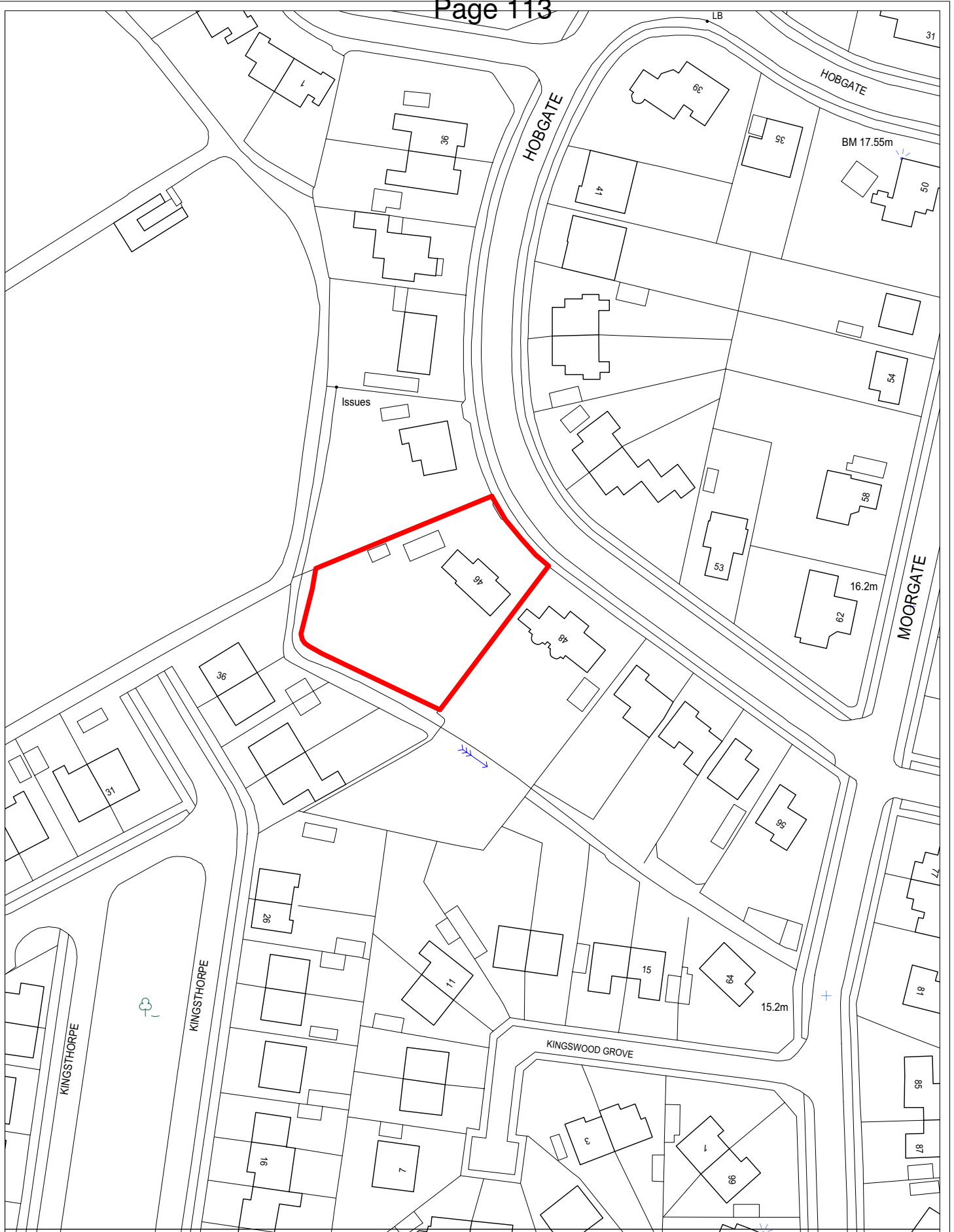
If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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, and would advise the following guidance, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

Contact details:

Author: Adrian Hill Development Control Officer
Tel No: 01904 551668

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

Site Plan 46 Hobgate - 07/00121/FUL

SCALE 1:1000

DRAWN BY JB

DATE 12/3/2007

Originating Group

Project

Drawing No.

Organisation

JUL2



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