



Notice of meeting of

East Area Planning Sub-Committee

To: Councillors Moore (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, Hyman, King, Taylor, Vassie and Wiseman

Date: Thursday, 25 October 2007

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

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

2. Minutes (Pages 4 - 15)

To approve and sign the minutes of the meeting of the Sub-Committee held on 13 September 2007.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is 24 October 2007 at 5.00pm.

4. Plans List

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

- a) **14 Dodsworth Avenue York YO31 8TY** (Pages 16 - 23)
(07/01342/FUL)

Erection of bungalow with room in roof on land adjacent to 1 Irwin Avenue and 14 Dodsworth Avenue

- b) **Rose Cottage Sutton Road Wigginton York** (Pages 24 - 28)
YO32 2RB (07/01224/FUL)

Conversion of existing pole barn to store room and construction of new workshop (216sqm) to rear)

- c) **Greystones Farm Towthorpe Moor Lane** (Pages 29 - 36)
Strensall York YO32 9ST (07/00618/FUL)

Installation of ground based lighting to serve the golf driving range

- d) **4 Pasture Farm Close York YO10 4PZ** (Pages 37 - 49)
(06/02767/FUL)

Erection of 1 new dwelling after demolition of existing bungalow (resubmission)

- e) **4 Pasture Farm Close York YO10 4PZ** (Pages 50 - 54)
(07/00593/CAC)

Demolition of existing bungalow in the Conservation Area

- f) **4 Conway Close York YO30 5WF** (Pages 55 - 59)
(07/02068/FUL)

Single storey pitched roof side and rear extension

- g) **Derwent County Junior And Infant School** (Pages 60 - 67)
Osbalwick Lane York YO10 3AU
(07/01774/GRG3)

Erection of new changing block, floodlit multi use games area, a natural turf football pitch and widening of footpath

5. **Urgent Business**

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

Democracy Officer:

Name: Tracy Wallis

Contact Details:

- Telephone – (01904) 552062
- E-mail – tracy.wallis@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting. Contact details are set out above.

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

East Area Planning Sub Committee

25th October 2007

Site Visits

Wednesday 24th October 2007

10:00 AM Meet coach at Union Terrace Car Park

10:20 AM Pasture Farm Close, Fulford (4d & 4e)

11:00 AM Derwent County Junior School, Osbaldwick Lane (4g)

11:45 AM 14 Dodsworth Avenue, Heworth (4a)

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Scrutiny Committees

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

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

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City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	13 SEPTEMBER 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN, DOUGLAS, FIRTH, FUNNELL, HYMAN, KING, VASSIE (EXCEPT ITEMS 4B & 4G) AND WISEMAN
APOLOGIES	COUNCILLOR TAYLOR

33. INSPECTION OF SITE

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
20 Byron Drive, York	Cllrs Douglas, Hyman and Moore	To familiarise Members with the site and its relationship to the neighbouring property.

34. 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 Moore stood down from the Committee for agenda item 4d (Land lying to the South of Centurion Office Park, Tribune Way, York) under the provisions of the Planning Code of Good Practice and spoke from the floor as a Ward Councillor and did not take place in the discussion or decision thereon. Councillor Cregan chaired this item.

35. MINUTES

RESOLVED: That the minutes of meetings of the Sub-Committee held on 9 and 30 August 2007 be approved as a correct record and signed by the Chair.

36. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

37. 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.

37a. 20 Byron Drive, York (07/01433/FUL)

Members considered a full application, submitted Mr N Winn, for a single storey pitched roof side and rear extension after demolition of garage.

Officer updated that an email had been received from a neighbouring objector who was unable to attend the meeting but who had requested deferment of the application to a later meeting. They also updated that the application should read "demolition of car port" rather than "garage" in the details on page 28 of the report. The Chair confirmed that the objector had been able to make his views known at the site visit, the previous day. Members therefore confirmed that they would not be requesting that the application should be deferred.

The Chair stated that the footing works already undertaken had been observed at the site meeting it appeared to cover a large percentage of the rear garden.

Representations from the applicant's agent were made in support of the application. He stated that the applicant proposed to demolish his carport and carry out any related works to his neighbour's adjoining car port, and he felt that the scale of the extension was in keeping with the area. The extension was a similar width to that at No 18 Byron Drive and it was felt that this would not result in any loss of light to the neighbour's kitchen. He stated that the applicant was a joiner who would be using the garage to store tools and materials.

Members stated that this extension would be approximately 4.5m longer than the extension at No 18 Byron Drive and that this had caused some concern at the site visit. It had been felt that the amenity of the neighbour would be affected owing to the dominant effect of the expanse of brick wall.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed extension would result in an unacceptable impact on the amenity and living conditions of the occupiers of the adjacent dwelling (22 Byron Drive) by virtue of its size, scale, massing and proximity to the boundary and the loss of light and outlook that would result.

37b. PC World, Unit 18, Monks Cross Shopping Park, Monks Cross Drive, Huntingdon (07/01498/FULM)

Members considered a major full application, submitted by Monks Cross Shopping Park Trust, for external alterations to, and construction of first floor within units 18 and 19.

Members questioned whether the parallel application under consideration to vary a condition of the outline planning consent to allow the sale of an extended range of goods would set a precedent and affect the viability of the city centre. Officers confirmed that each application would be considered on its merits.

Some concerns were expressed regarding the increased traffic levels that this development may generate.

RESOLVED: That the application be approved, subject to the conditions outlined 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:

- the impact on the viability and vitality of the city centre retail function;
- the impact on the surrounding highway network and highway safety;
- visual amenity;
- the fallback position available to the applicant.

As such the proposal complies with Policies GP1, S2, SP6, SP7a, SP7b and SP8 of the City of York Local Plan Deposit Draft.

37c. Site at the Junction of Jockey Lane/Kathryn Avenue, Huntington (07/00843/FULM)

Members considered a major full application, submitted by Aldi Stores Ltd, for the erection of food store with associated car parking, access and landscaping (resubmission of 06/02293/FULM).

Copies of the addendum to the planning and retail statement, that was submitted as part of the application, had been circulated to Members.

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

Members expressed concern that the site had not been satisfactorily marketed to test whether there was a demand for an employment use there. Councillor Hyman proposed, and Councillor Funnell seconded, a motion to refuse the application for this reason. On being put to the vote, the motion was lost.

Members also expressed some concerns relating to the lighting scheme, the provision of a trolley park and car parking, and agreed to add planning conditions to the application to control these issues.

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

- (i) "Prior to the commencement of development details of the car park lighting, including the position and height of the lighting columns and the illumination level of the lights, shall be submitted to and approved in writing by

the Local Planning Authority. The lights shall be installed and operated in accordance with the approved plans.

Reason: In order to reduce light pollution.”

- (ii) “Prior to the commencement of development details of the car park layout, including disabled and parent parking bays, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: To create good accessibility by minimising the distance between the store entrance and the car parking bays.”

- (iii) “Prior to the commencement of development details of the car park based trolley bays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: To minimise the distance between the parking bays and the trolley drop off point, therefore allowing ease of use for people with disabilities.”

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 the impact on the street scene and retail planning issues. As such the proposal complies with Policies GP1, GP3, SP7a, E3b, T4 and T7c of the City of York Draft Local Plan.

37d. Land Lying to the South of Centurion Office Park, Tribune Way, York (07/01337/OUTM)

Members considered a major outline application, submitted by Keyland Gregory Ltd, for outline application for the erection of a care home (C2 use).

A copy of the case officer’s update, including a revised recommendation of approval with conditions, and a letter from a potential occupier of the site were circulated to Members.

Representations were received in support of the application, from the applicant’s agent, and from Cllr Moore, one of the Ward Councillors.

Members expressed concern that the development would provide a poor quality living environment and an unsatisfactory outlook for residents of the care home, and that access was through a business park, which would deter residents from accessing local services and facilities.

RESOLVED: That the application be refused.

REASON: It is considered that the location of the proposed care home, namely within an established business park, would provide a poor quality living environment and an unsatisfactory outlook of a business/industrial nature for residents of the care home. Access to and from the residential unit is through a business park consisting of B1 and B8 uses which would act as a perceived barrier for residents to access local services and facilities. The proposal is therefore considered contrary to Policies GP1 and H17 of the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statement 1 "Delivering Sustainable Development".

37e. Unit 34, Kettlestring Lane, York (07/01526/FULM)

Members considered a full application, submitted by MKM Building Supplies Ltd, for the change of use from Class B1 (light industrial) to Builders Merchant (sui generis).

The case officer reported comments that had been received from the Council's Landscape Architect and the City Development section.

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

Members agreed that an informative requesting a lighting scheme that was both energy efficient and that minimised light pollution should be included.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the addition of the following informative:

- (i) Informative - Regarding Condition 6 of this planning approval it is highlighted that the Council wishes to see a lighting scheme which is both energy efficient and minimises light pollution. This should be in the form of motion sensorised lighting rather than permanent illuminance.

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 the impact on the character and operation of the area. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

37f. The Villa, Main Street, Elvington (07/01806/FUL)

Members considered a full application, submitted by P Gill, for the erection of 1 no. dormer bungalow with attached garage to the rear.

A copy of the case officer's update was circulated, setting out the Landscape Architect's comments and a letter of objection from a neighbour, with attached photographs of the site.

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

Members proposed to approve the application and the case officer therefore outlined details of conditions and informatives that it was recommended to attach to any approval.

RESOLVED: That the application be approved, subject to the following conditions and informatives:

- 1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Plans and elevations AA/Helvington/001, 02 and 03 received by the Local Planning Authority on 27 July 2007 and cross section AAHelvington /05 received by the Local Planning Authority on 16 August 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.

- 3 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.8 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.

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

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

Reason: So as to achieve a visually cohesive appearance.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be carried out to the dwelling house and within its curtilage without the prior written consent of the Local Planning Authority.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows, doors or other openings shall be inserted within the external elevations, or the roof of the approved development other than those shown on the approved plans.

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the window in the side elevation of the garage shall at all times shall be obscure glazed in a type of obscure glazing to be agreed in writing with the Local Planning Authority prior to occupation of the extension.

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

- 8 The development shall be constructed in accordance with at a minimum Code 1 star of the Codes for Sustainable Homes assessment system.

Reason: To ensure that the proposal complies with the criteria of policy GP4a.

- 9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs that exist around the site (including proposals for their retention/protection) along with new vegetation that will be planted. The plan should include the

location of the proposed house and all access routes and turning areas. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

- 10 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

- 11 No part of the site shall come into use until turning areas have been provided for both the proposed new dwelling and the existing dwelling in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

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

- 12 Any gates shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing the public highway, in the interests of road safety.

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

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

- 14 The driveway shall be constructed at a minimum width of 3.7m and with a minimum height clearance of 4.5m throughout its length.

Reason: To ensure that the dwelling is accessible by emergency vehicles (fire tenders).

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

Reason: In the interests of highway safety.

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

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

- 17 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18.00 Monday to Friday, 9.00 to 13.00 Saturday and no workings on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

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

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE 1:

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 £2,154.

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

INFORMATIVE 2:

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 remediation scheme 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 to any planning approval, 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.

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 the impact on the local environment and neighbours' privacy, outlook and light. As such the proposal complies with Policy GP1, GP10, NE1, H4a and GP4a of the City of York Local Plan Deposit Draft.

37g. 47 Usher Lane, Haxby, York (07/01762/FUL)

Members considered a full application, submitted by Mr and Mrs D Jenkinson, for a single storey pitched roof rear extension.

Photographs of the site were displayed at the meeting, showing some work had already been undertaken on site.

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, the proposed first floor extension would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

38. CLIFTON HOSPITAL: OUTSTANDING SECTION 106 IN RELATION TO MANAGEMENT OF THE LANDSCAPE

Members received a report which detailed progress made on the outstanding Section 106 agreement in relation to Clifton Hospital.

The Countryside Officer provided a verbal update on the report at the meeting.

RESOLVED: (i) That the progress made with regard to the completion of the Section 106 Agreement and the ongoing work still required in order to achieve a satisfactory conclusion to this long standing case, hopefully in 2008, be noted;

(ii) That a follow up report be brought back to the Sub-Committee in January 2008.

REASON: To update Members on progress with the Section 106 Agreement conditioned as part of the planning application for the Clifton Hospital site.

R MOORE

Chair

The meeting started at 2.00 pm and finished at 5.05 pm.

CYGP10

Subdivision of gardens and infill devt

CYNE1

Trees, woodlands, hedgerows

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. The new access is a sufficient distance from the Dodsworth Ave/Irwin Ave junction and visibility is within guidelines. Car and cycle parking are in accordance with council standards.

Environmental Protection Unit - No objections.

3.2 External

Heworth Planning Panel - No objections.

Public Consultation - The consultation period expired on 3 July 2007. Three objections have been received from local residents. They are concerned that the small scale and bungalow style are inappropriate and out of keeping with character of the street scene which is dominated by 2-storey houses. In addition, Cllr Potter has passed on to officers local residents' concern that the style of the building is inappropriate and out of character with the area.

4.0 APPRAISAL

4.1 Key Issues

Principle of housing development

Visual appearance

Sustainability

Neighbour amenity

Open space

Highway issues

Drainage

4.2 The Application Site

Corner plot of approximately 280sqm comprising land formerly part of the two adjacent gardens.

4.4 Principle of Housing Development

The site is unallocated, previously-developed land in a sustainable location with good access to shops and public transport. Its use for housing is acceptable.

4.3 Visual Appearance

The visual appearance of the dwelling is the main issue of the application. Irwin Avenue and the adjacent section of Dodsworth Avenue are characterised by traditional, 2-storey, semi-detached houses. Objectors consider that if a dwelling

were to be built on the site it should reflect the character of the adjacent 2-storey semis. Whilst Irwin Avenue and much of Dodsworth Avenue are characterised by traditional 2-storey houses there are other built forms in the immediate area. The South-east corner of the adjacent junction is occupied by an electrical substation which, whilst smaller than the bungalow, is similar in style. The buildings facing the site on the west side of Dodsworth Avenue comprise 2-storey housing blocks (Langley House) with slab levels over 3m below street level. As a result these blocks appear low in relation to the dwellings in Irwin Avenue and on the east side of Dodsworth Avenue. South of Langley House are modern 2-storey houses (Beverley Gardens) with a single-storey garage block adjacent to the public highway. So whilst the area to the east and north of the site is characterised by traditional 2-storey semis, to the west and south the built form is much more varied and generally smaller in scale. All of the main buildings in the vicinity of the site are made of brick and have pitched roofs, as would the proposed bungalow. The site is not in a conservation area and the adjacent houses are not listed.

In summary, a range of dwelling types could be suitable for the site, including the proposed bungalow.

Details of the garden/cycle store have not been included with the application. Submission of details should be made a condition of approval.

4.4 Sustainability

The application does not include a sustainability statement. Prior to development the developer should submit a sustainable design and construction statement showing that the development would achieve an Ecohomes 'Very Good' rating or the equivalent standard under the Code for Sustainable Homes.

4.4 Neighbour Amenity

The bungalow would cause no overlooking or other material impact on neighbouring occupiers.

4.8 Public Open Space.

A developer contribution of £360 would be required for the provision of public open space in accordance with policy L1 of the local plan.

Highway Issues

The new access is a sufficient distance from the Dodsworth Ave/Irwin Ave junction and visibility is within guidelines. Car and cycle parking are in accordance with council standards.

4.9 Drainage

The site is not in a flood zone but drainage details should be submitted for approval.

5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable. A developer contribution of £360 would be required for the provision of public open space

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ8 Samples of exterior materials to be app

3 The development hereby permitted shall be carried out only in accordance with the approved plans numbered YO7/4384/03B and /04b 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.

4 HWAY19 Car and cycle parking laid out

5 HWAY31 No mud on highway during construction

6 DRAIN1 Drainage details to be agreed

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5.8 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.

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

Reason: In the interests of visual amenity and so that the Local Planning Authority

may be satisfied with the overall appearance and the variety, suitability and disposition of species within the site.

9 At the earliest available opportunity, and in any event prior to completion of the development, the developer shall submit a completed Sustainable Design and Construction statement for the development. The developer shall aim to achieve an Ecohomes 'Very Good' rating or the equivalent standard under the Code for Sustainable Homes and if this is not achieved the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development and protection of the environment.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £360.

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

11 Notwithstanding the approved plans no development shall take place until details (including location, dimensions and materials) of the garden/cycle store and a refuse/recycling enclosure have been submitted to and approved in writing by the local planning authority. The enclosures shall be provided in accordance with the approved details before the dwelling hereby approved, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

12 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: To protect the amenity of local residents

**7.0 INFORMATIVES:
Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to housing density, sustainability, visual impact, open space, neighbour amenity and highway issues. The application therefore complies with policies GP1, GP4a, H4a, H5a, T4, and L1c.

2. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. 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 remediation scheme 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.

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

(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.

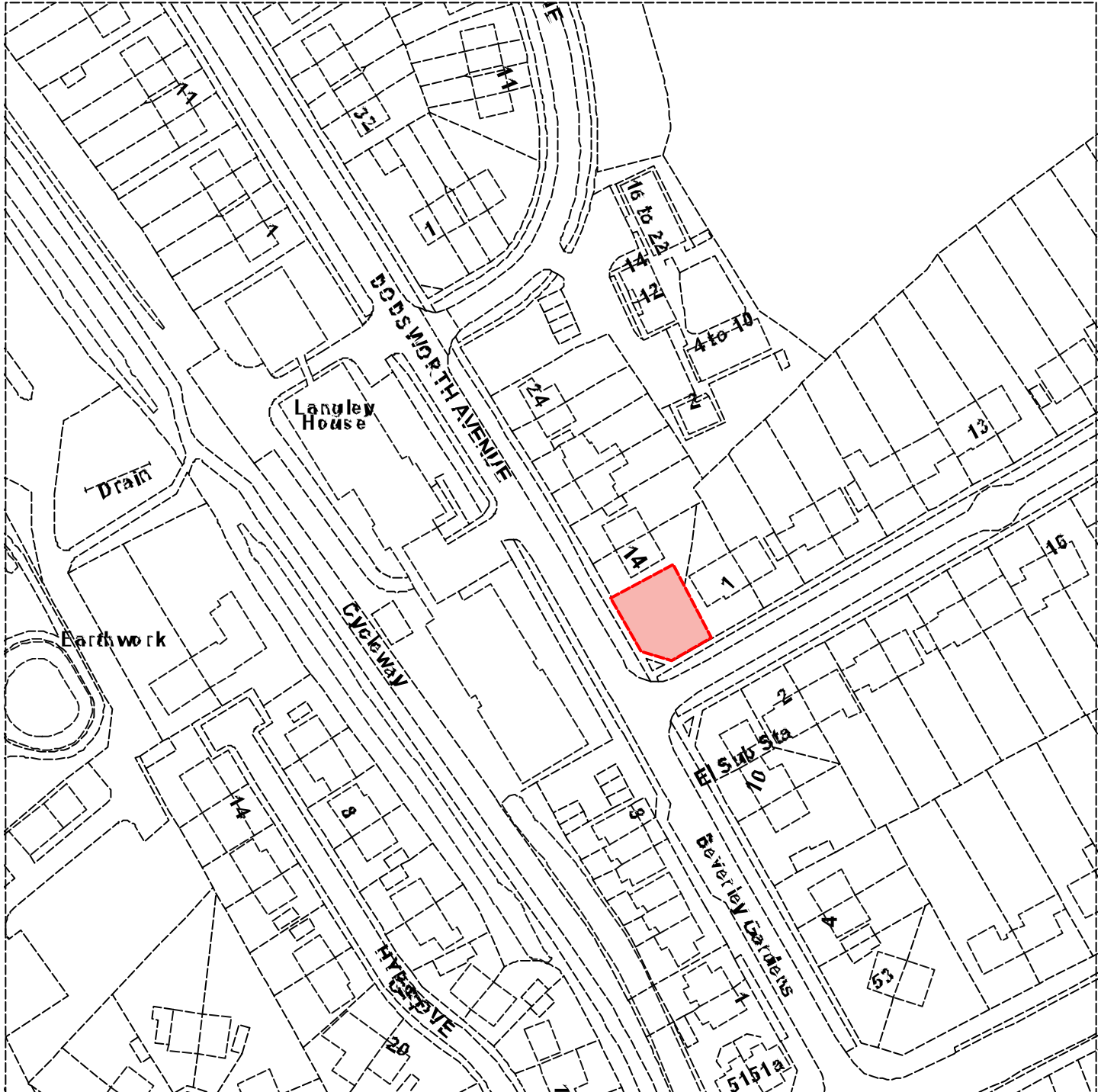
Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

14 Dodsworth Avenue

07/01342/FUL



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	28 September 2007
SLA Number	Not Set

CYGB11

Employment devt outside settlement limits

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The existing access is substandard. Nevertheless, the proposed use is likely to develop very low traffic volumes, ie of the same order as might be expected of its present/previous use as a farm access. No objections subject to conditions being attached, mainly to improve the existing access.

Environment, Conservation, Sustainable Development (Countryside) - There are no protected species issues to be considered.

3.2 External

Wigginton Parish Council- No objections.

Public Consultation - The consultation period expired on 17 August 2007. No response.

4.0 APPRAISAL

4.1 Key Issues

Impact on the openness of the green belt

Visual appearance

Highway issues

Neighbour amenity.

4.2 The Application Site

Group of former farm buildings including farmhouse, pole barn and other agricultural-type outbuildings. The house has a dedicated access from Sutton Road. The outbuildings have a separate, wider access from Sutton Road. The whole of the site lies in the green belt, outside development limits. Whilst the area includes a range of uses it is predominantly agricultural and largely open.

4.3 Impact on the Openness of the Green Belt

The main issue is the impact on the green belt. The existing pole barn is irregular in shape and largely enclosed. Whilst it would be reclad its dimensions and overall size would remain the same. Policy GB3 allows the reuse of buildings in the green belt where certain criteria are met. The reuse of the pole barn and the attendant works comply with all of the criteria in policy GB3.

The proposed workshop building would be 18m long, 12m wide and 5.6m high. Its footprint would be 216sqm, compared to the pole barns footprint of 104sqm. The workshop would be a significant addition to the volume of buildings on the site. Moreover, it would be located to the east of the pole barn, ie wholly beyond the group of existing buildings. Whilst the new workshop would not be visible from the public highway it would be easily visible from the north, south and east. It would, due to its size, design and appearance significantly detract from the open character of the green belt.

Policy GB1 states that new development in the green belt will only be permitted where, inter alia, it would not detract from the open character of the green belt. Furthermore policies GB1 and GB11 preclude development in the green belt of new commercial buildings such as this.

4.4 Visual appearance

The design and materials of the converted pole barn and the new workshop would be typical of new commercial/agricultural buildings in the countryside. The proposed colour is olive green which would be acceptable.

4.5 Highway Issues

The impact on the highway network is likely to be minor.

Neighbour Amenity

The amenity of local residents and other occupiers would not be affected.

5.0 CONCLUSION

5.1 The proposed new workshop would significantly detract from the open character of the green belt contrary to PPG2 and policies GB1 and GB11 of the City of York Local Plan Deposit Draft.

6.0 RECOMMENDATION: Refuse

1 In the opinion of the Local Planning Authority the proposed new workshop would constitute inappropriate development within the Green Belt and, due to its size, scale, design and prominent location, would adversely affect the openness of the Green Belt, contrary to Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and policies GB1 and GB11 of the City of York Local Plan Deposit Draft, which state as follows:

Policy GB1

"Within the Green Belt, planning permission for development will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York;

AND it is for one of the following purposes:

agriculture and forestry; or

essential facilities for outdoor sport and outdoor recreation; or
cemeteries; or
limited extension, alteration or replacement of existing dwellings; or
limited infilling in existing settlements; or
limited affordable housing for proven local needs; or
limited infilling or redevelopment of existing major developed sites; or
minerals extraction, provided high environmental standards are attainable; or
highways works or other essential engineering operations including waste disposal;
or
park and ride facilities; or
reuse of existing buildings.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply."

Policy GB11

"Planning permission will only be granted for new industrial and business development outside defined settlement limits in the Green Belt and open countryside where:

- a) it involves the re-use or adaptation of an existing building or is for a small scale extension to an existing building; and
- b) it provides a direct benefit to the rural economy and the local residential workforce."

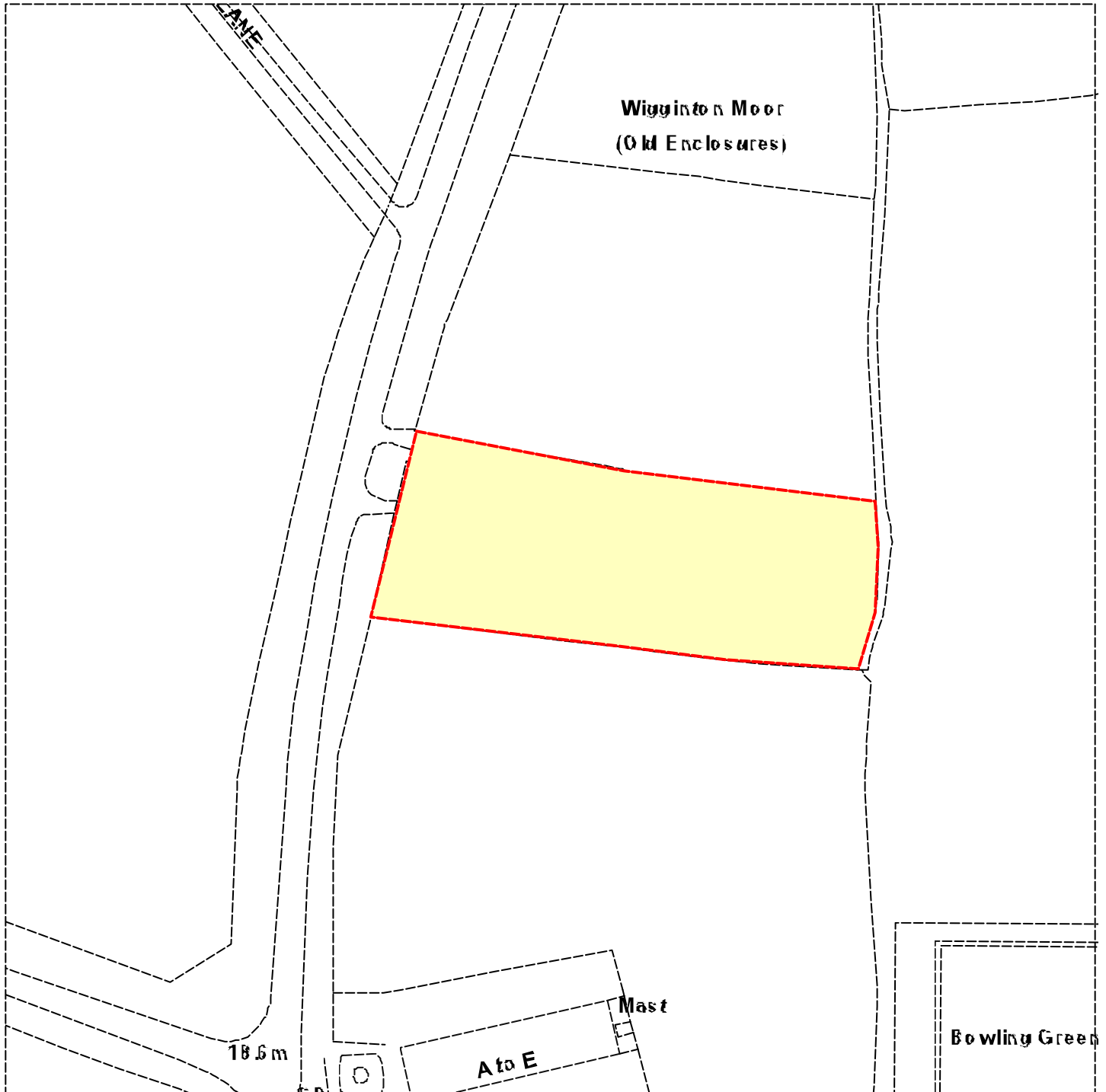
7.0 INFORMATIVES:

Contact details:

Author: Kevin O'Connell Development Control Officer
Tel No: 01904 552830

Rose Cottage Sutton Road Wigginton

07/01224/FUL



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	28 September 2007
SLA Number	Not Set

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGB1
Development within the Green Belt

CYGB13
Sports facilities outside settlements

CYL3
Criteria for golf course/driving ranges

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 Internal

Countryside Officer - No objection.

Landscape Architect - No objection.

Environmental Protection Unit - No objections, however an hours of operation condition should be applied in order to protect the amenity of local residents.

Lighting Engineer - Pollution should be minimal with the green planting to the rear. Meter readings should be taken following installation to ensure the illuminance levels are the same as submitted on the plans.

3.2 External

Earswick Parish Council - No objections.

Public - Fourteen letters of support and a petition signed by 1092 people was submitted with the application. In addition to this six letters of support were received as part of the consultation process. The consultation support letters made the following points:

- this was a great addition to York and its surrounding activity sites, a great fun service to the local community is being hindered because of a very few flag wavers;
- this sort of facility should be supported in York;
- it is very convenient to be able to practice during the evening as many people are not able to do so during the day;
- the driving range provides a much needed facility for golfers old and new within the York area;
- the facility has high quality tuition which is available on site;
- a large volume of business at the range occurs in the early evening when most people have finished work, it seems doubtful whether this excellent golfing centre would be able to cover costs and remain open without being able to trade during these hours;
- ground based lighting has been used successfully at other golf ranges;
- the range offers an excellent opportunity for young people to take up the game under excellent tuition;
- the owners appear to have taken all possible steps to mitigate any problems from lighting;
- the facility is located between REME which is floodlit all night and the CoYC's own refuse tip, there does not appear to be any strong justification to object to this application.

Neighbours - Correspondence received from both Dam Hill Farm and Stockton Hermitage which raised concerns regarding the proposal. The following comments were made:

- the proposal should not be allowed to permit the extent of light pollution created in this rural environment by the horrendous lighting system previously utilised at the golf driving range;
- Dam Hill Farm is located immediately in line with the golf range and receives the full impact of any light pollution;
- the building housing the golf driving range are at a height that creates more than a sufficient light intrusion already;
- due to the volume of traffic on Malton Road it is imperative that no distraction to motorists be presented from any lighting permitted;
- only the minimum of lighting should be permitted and this should be located so as to reduce light intrusion;
- tree planting should be conditioned in order to sufficiently screen any light intrusion;
- the lights should be shielded on the sides nearest the wood to prevent the woods being lit up when the lights are on;
- the plans do not show the angle the lights would shine up into the sky, one of the major unpleasant features of the previous scheme;
- 49 golf balls were collected from the woods in one day, the proposed screening would not protect this from happening in any way;
- Golf balls are often hit from the left of the driving range and balls often head into the wood which could harm someone;
- the proposal appears to be contrary to recently introduced wildlife legislation.

Foss Internal Drainage Board - No objections.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Green Belt
- Impact on Neighbouring Amenity
- Impact on the Adjacent Woodland

4.2 Relevant Local Plan Policies:

- Policy L3 (Golf courses and driving ranges) of the Local Plan states that driving range developments will only be permitted where they would not be visually intrusive due to floodlighting.
- Policy GB1 (Development within the Green Belt) planning permission for essential facilities for outdoor sport would only be granted where the scale, location and design of such development would not detract from the open character of the Green Belt and that it does not conflict with the purposes of including land within the Green Belt (preserve the setting and historic character of York, check unrestricted sprawl, safeguard the countryside from further encroachment, prevent settlements from merging into one another, and to assist urban regeneration by encouraging the recycling of derelict or other urban land).
- Policy GB13 (Sports facilities outside settlement limits) states that development of essential ancillary facilities for outdoor sport will only be permitted if the facilities are essential to support the outdoor provision and the facilities are kept to a scale consistent with the requirements of the outdoor recreational activity.
- Policy GP4a (Sustainability) states that development should minimise light pollution and conserve and enhance natural areas and landscape features.
- Policy GP1 states that proposal should respect or enhance the local environment with outdoor lighting schemes being energy efficient and providing the minimum lighting level required, taking into account any adverse impact on the character of the area and night sky illumination and ecological systems.

4.3 The previous retrospective lighting scheme planning application was for four 1000 W and three 250 W floodlights. These were located on the top of the golf ball hitting area and the whole driving range was illuminated from this one point. This application seeks permission for nine 400 W lights which are located at ground based level. These lights are spread throughout the range and angled horizontally with the light fanning out and illuminating a section of the range.

4.4 Visual Impact on the Green Belt - The application site is in a relatively remote part of Strensall off Towthorpe Moor Lane. Therefore, any significant lighting scheme is going to be visible from surrounding areas. Lighting is an essential facility in order for a golf driving range to operate during hours of darkness. The primary considerations are whether the lighting would harm the open character of the Green Belt, conflict with the purposes of including land within the Green Belt, and the lights are of an appropriate scale and type for this location. It is considered that in itself the lighting would not significantly harm the open character of the Green Belt. The lighting would be partially screened from the A64 by the proposed new landscaping and Dam Hill Wood. The applicants have also displayed a willingness to erect a 2 m high solid fence to the front of the proposed landscaping strip in order to reduce light spillage whilst the trees are maturing. There are a number of structures between Towthorpe Moor Lane and the driving range which would block out a significant

amount of the light emitted from the proposed lighting scheme. These are the two areas of public access most susceptible to seeing the proposed lighting. The lights are low level and are designed to not cause significant light pollution. The lights would emit light in an upward direction to an extent, this is required to see the flight of the ball as it is in the air. However, if it is accepted that a golf driving range is suitable in this location and that lighting is required in order for it to operate as expected then it appears that the proposed scheme has made all reasonable efforts to minimise the impact on the open character of the area. On balance it is considered that the lighting is reasonable and sufficient care has been taken with the design to ensure that it would not conflict with the purposes of including land within the Green Belt.

4.5 Impact on Neighbouring Amenity - Based on the information submitted and the correspondence from the lighting engineer it would appear that the lighting units would not spread significant amounts of light outside of the driving range area due to the design of the lights and the tree planting. The nearest residential dwelling are located at Dam Hill Farm and Stockton Hermitage which are over 500 m from the end of the driving range. Again it is acknowledged that the lights may be visible in the distance, but it does not follow that the level of light to be emitted would significantly harm the living conditions of these properties. The lights are designed to illuminate a small section of the driving range each, they are not designed to spread light far and wide unlike the floodlights that were in place previously. The lights would only be used during the hours of darkness, therefore for several months of the year they are unlikely to be used at all. The application form states that the lights would be turned off by 9 pm on a weekday and by 6 pm on a weekend. The Environmental Protection Unit raised no objections to this application.

4.6 Impact on the Adjacent Woodland - The golf driving range is located close to a woodland which supports a number of species of animals including some rarer varieties. The owner of this woodland has raised a number of concerns regarding the impact lighting would have. As part of the previous application a response was received from English Nature in regard to this. They stated that they had no objection to the proposal in relation to species protected by law. They went on to say, 'bats are known to roost in the adjacent woodland and floodlighting can disrupt the 24-hour pattern of light and dark and can affect the natural behaviour of bats. Floodlights should be turned off at bat emergence time and during peak bat activity times. Therefore if the application is approved a condition should be used to ensure the lights are turned off after 8.30 pm between the months of May and September.' Likewise the Countryside Officer for the City of York Council stated 'it is considered that there is no legal wildlife legislation that would justify its refusal. Whilst legislation does cover disturbance to protected species it would be difficult to prove that lighting that is upwards of half a mile away would cause any possible roost decline / disappearance. Also, as the lights are only substantially used in the winter when bats are hibernating there is even less likelihood of this being justified. With regard to other wildlife matters, whilst lighting can affect them, the effect seems to be relatively limited, even badgers can become very used to lighting... lighting times could be conditioned to ensure that lighting is turned off at a suitable time.' The Council is keen to preserve the natural habitat around York, however based on this information and after the submission of a significantly more considered proposal than the original floodlight scheme it is not thought that a refusal on these grounds could

be sustained. A condition restricting light operating hours could be attached to any approval.

5.0 CONCLUSION

5.1 It is considered that the proposed lighting would not cause significant harm to the Green Belt, the amenity of neighbouring properties or the adjacent woodland habitat, subject to appropriate conditions. The application is therefore recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number C29/01/01 and luminance map UKS3613/1 received by The CoYC on 16/03/07

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

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

3 The driving range lighting hereby permitted shall not operate between 2030 hours and 0800 hours on any day.

Reason: To protect the amenity of local residents and to ensure that wildlife activity is not significantly disturbed within the adjacent woodland.

4 The scheme of landscaping and tree planting shown on Drawing no. C29/01/01 received by the Local Planning Authority on 16 March 2007 shall be carried out in its entirety prior to the first use of the lighting hereby approved. The landscaping and tree planting shall be adequately maintained whilst the lighting remains operational, and during that period all losses shall be made good as and when necessary.

Reason: To protect the amenity of local residents and to reduce light spillage outside of the application site and further into the Green Belt.

5 Prior to the first use of the lighting hereby approved, a 2 m high fence of a design and appearance to be agreed in writing with the Local Planning Authority, shall be erected between the ground based lighting and the scheme of landscaping. The fence shall be of solid construction so as to not allow light to pass through it and

shall span the entire width of the driving range.

Reason: To protect the amenity of local residents and to reduce light spillage outside of the application site and further into the Green Belt.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

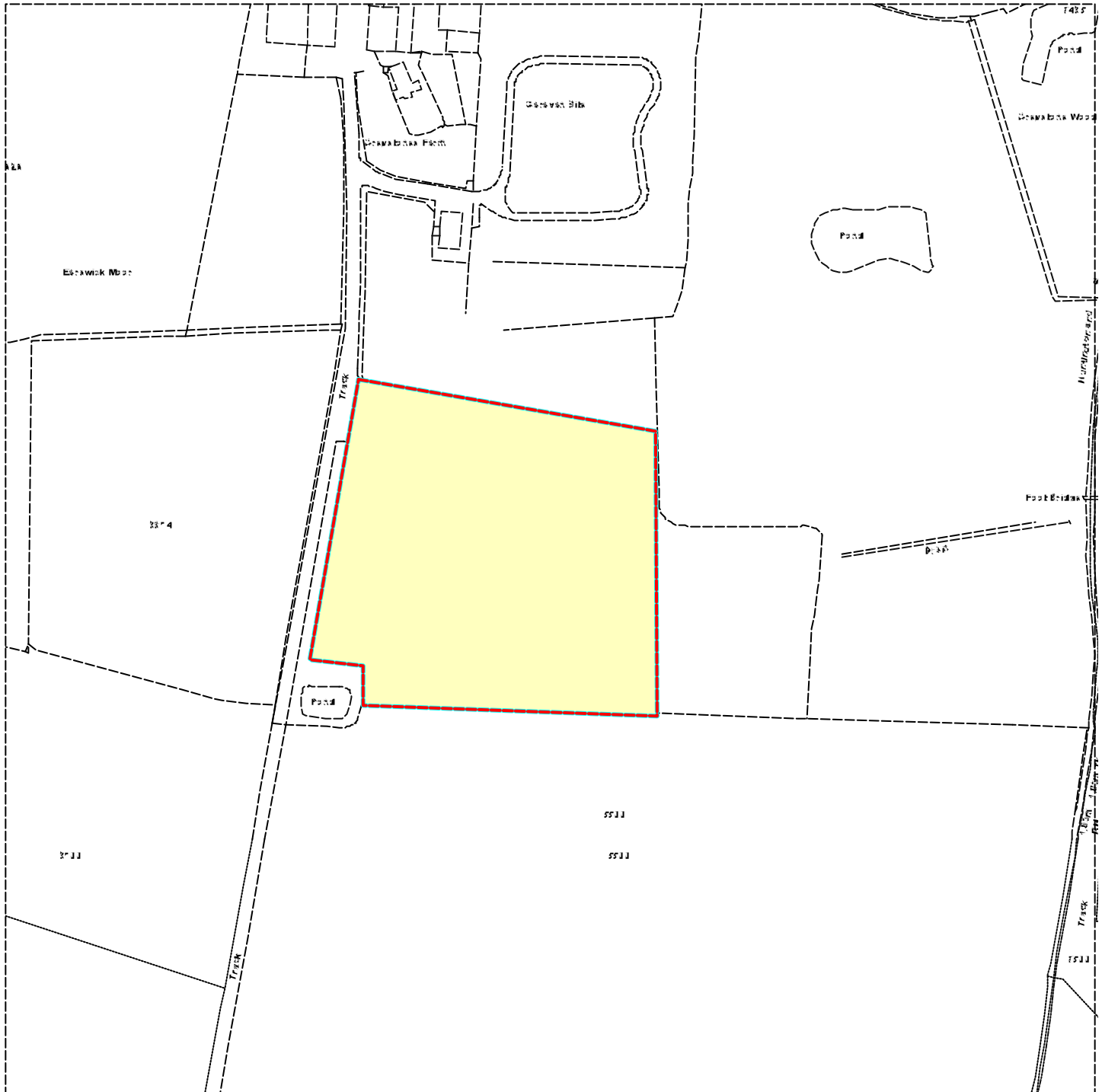
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Green Belt and the amenities of local residential properties. As such the proposal complies with Policies GP1, GB1, GB13, and L3 of the City of York Draft Local Plan.

Contact details:

Author: Michael Jones Development Control Officer
Tel No: 01904 551325

Greystones Farm Strensall

07/00618/FUL



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	28 September 2007
SLA Number	Not Set

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford 0041

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP1
Design

CYH4A
Housing Windfalls

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.

No objections. The dwelling will be served by an existing vehicle access and car parking and cycle storage are provided within the site.

3.3 Design, Conservation and Sustainable Development.

The property is situated in the Fulford Conservation Area. The proposals include the demolition of a single storey bungalow situated at the north western corner of the cul de sac, Pasture Farm Close. To the east of the bungalow lies a two storey residential

property divided into flats. To the south lies a detached bungalow. The existing properties on Pasture Lane Close adjacent to the development site appear to date from the 1970's. To the north of the development site lies a public footpath and beyond, a substantial detached house within mature gardens.

The proposed two storey house is of a significantly larger scale than the existing bungalow. The proposed house is set back within the plot towards the northern boundary. This should minimise the impact of the proposed house on the amenity of the neighbouring property at no. 3 Pasture Farm Close. The house is within close proximity of the footpath to the north. There is no fenestration proposed to the northern elevation, other than a bathroom window. Had initial concerns over the balance and size of the house and the position of the garage to the front of the front elevation affecting the outlook from the front windows.

Various amendments have subsequently been made and final plans submitted towards the end of July and the amendments appear to be an improvement on the lean to option for the garage and complement the design of the house. Due to the position of the proposed house in the corner of the Close, the design is unlikely to be detrimental to the character and appearance of the conservation area or views through to the open land behind. The design takes account of the constraints of the site and is generally acceptable.

3.4 Sustainability Officer.

The details of the application offer no information relating to sustainable design and construction of the proposal and do not include a sustainability statement in accordance with policy GP4a of the Local Plan.

The demolition of a serviceable dwelling and replacing it with a larger one on the same site is not sustainable in terms of its use of resources (building materials etc). However the new development will be subject to the 2006 Building Regulations so, if approved, the new property will be substantially more energy efficient than the existing. So in the long term the carbon footprint of the new dwelling may be less than the existing (no figures are offered by the applicant).

In light of the draft nature of the current SPG Sustainable Design & Construction requesting further details, in the form of a sustainability statement and the meeting of the 5% renewable energy requirements may be seen to be unreasonable. However the current Building regulations does not include water conservation or space for recycling and these could be incorporated into the proposal with little or no additional cost to the applicant. Therefore suggest that a condition or an informative could be usefully employed if the application were approved.

Details of the water efficiency measure to be taken at the proposal to be submitted for approval to the Local Planning Authority. Measures should include:

- Dual flush WCs (4/6) litre
- Showers with nominal flow rates less than 9 litres/minute
- Flow restricted spray taps
- Water meter installed
- Water butt installed

To assist occupiers to recycle details of measures to be taken on the development to be submitted for approval by the Local Planning prior to the commencement of work. These measures should include:

- Adequate provision for the storage of 2 180 litre wheeled bins, recycling box and two bags.
- Provision of a compost bin with instructions.

3.4 Landscape Architect

The proposed development brings the property close to the existing hedge which bounds the public right of way between Fulford Ings and St. Oswalds Court. This hedge must be retained in the interests of public amenity along the path. It consists predominantly of holly and elder which are both robust species. I am not sure in whose ownership the hedge is, as it appears to be located on the outside of fencing along the northern boundary of the site. Nonetheless, a condition should be included to ensure the protection and retention of the hedge.

3.5 EXTERNAL

3.6 Fulford Parish Council

Initially objected to the proposals on the grounds of impact on the Conservation Area, neighbours, views over the adjacent Fulford Ings and domination of the adjacent Public Right of Way. Also considered that because of its particular orientation in relation to the adjoining driveways, access seems unsuitable for increased vehicular use.

The existing bungalow does not appear to be in poor condition and we feel that the demolition of a perfectly serviceable and appropriate building in this conservation area is unjustified.

Detailed comments of the final revised plans as follows:

- unattractive gable end of the building is still proposed in close proximity (less than 2 metres) from the adjacent public footpath leading to the Ings. Height and mass will negatively impact upon this footpath and will appear dominant and overpowering in such a sensitive and semi-rural location. The construction of the foundations may impact severely on the health of nearby trees and the hedge that defines this footpath.
- will adversely affect views of the pleasant views of the rural landscape (Fulford Ings) beyond the site. Views into the Conservation area from the Ings will also be adversely affected. This setting is mentioned in the Conservation Area description for Fulford. These buildings appear particularly prominent when viewed from the low-lying Ings.

3.7 Neighbours / 3rd Party Objections.

A total of 10 letters of objection have been received, including 4 from the occupiers of no. 3 Pasture Farm Close. These make the following observations.

From no. 3 Pasture Farm Close.

- i) The proposed replacement house would neither benefit the character nor the appearance of Pasture Farm Close. It would appear over-dominant and out of

character compared to the existing bungalow and the view over the fields from the hammerhead of the car park would be obliterated whereas at present it has uninterrupted views.

ii) No improvement on the previous application. Losing one bedroom makes no difference.

iii) Proposed house is too close to the boundary, blocking out light into lounge and bathroom. Existing privacy will cease, rear garden will be overlooked by the proposed new house.

iv) Pasture Farm Close is not just another cul-de-sac, but a very special one, backing onto fields. Ambience of the Close will be disrupted by the consequences of allowing a large family home which will generate extra traffic and have parking implications. Will not comply with Conservation policy.

v) Existing bungalow sits comfortably in its corner and will be replaced with an over-dominant building which will not enhance the Conservation area. Existing bungalow is well constructed and suitable for the site so should not be demolished.

vi) No other build would be acceptable in an area where conservation and preservation are highly regarded.

vii) Stands as a small community which would be adversely affected by the removal of this unit.

viii) Site and building contributes to the social and architectural history of Fulford.

-ix) With normal refurbishment it would create a lovely home for years to come.

x) No exceptional reasons for demolition have been put forward. If this bungalow requires remedial work and new bathroom and kitchen then the whole of Pasture Farm Close needs demolishing. Most houses of this age require some upgrading, at moderate expense. New bathrooms and kitchen units nor major roof repairs do not constitute a reason to demolish. Waste of energy and resources at a time when we are all being told to save energy. City of York Council should be looking to cut carbon emissions.

xi) Sets a precedent for other serviceable bungalows to be demolished.

xii) Contrary to Policies HE3 and HE5 of the draft local plan.

xiii) Only development that may be suitable is a single storey bungalow to match existing.

xiv) The size of the garden is totally irrelevant to the question of demolition.

xv) Applicant has failed to address the following considerations:

xvi) The cost of repairing and maintaining the building in relation to its importance and the value derived from its continued use; the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site.

xvii) Waste of energy to demolish and rebuild.

From 22 St. Oswalds Court.

i) New house will dominate view from lounge.

ii) Presently have a nice view through to Fulford Ings and when bought this property one of the major considerations was the surrounding area offered little scope for change.

iii) Proposed house is considerably higher than the existing bungalow and if now further over and therefore will dominate the view from main lounge window.

iv) Concerned that the proposal is to demolish a perfectly serviceable bungalow that fits in with surroundings. Is a profit making exercise which has little regard for local residents or their quality of life.

From 5 Pasture Farm Close.

- i) New house will overlook rear of this property. Not currently overlooked.
- ii) Vehicular access is already limited. The increase in traffic from a four bedroom house would present more difficulties for residents.
- iii) Pasture Farm Close is a small cul-de-sac which cannot accommodate any increased building.

From 6 Pasture Farm Close.

- i) No clear indication as to whether it is intended to remove the dividing wall between no.6 and no.4. Would prefer it to remain as it affords privacy.

From Cllr Aspden.

- i) Planned house is too big within the site and will block light to neighbours and reduce the quality of life and cannot be classed as a modest building. Plans for a new bungalow would at least be more acceptable.
- ii) The new build will not enhance the Conservation area or Pasture Farm Close.
- iii) Waster of resources to demolish a perfectly good bungalow, only to replace it.
- iv) Sets a precedent for other areas within the Fulford Conservation Area to demolish and rebuild bigger properties.

4.0 APPRAISAL

4.1 KEY ISSUES

- Design and impact on the Conservation Area.
- Impact on neighbour amenity

Design and impact on the Conservation Area.

4.2 The site lies within the Fulford Conservation area. National Guidance is contained in PPG15 (Planning and the Historic Environment) and local plan policy reflects this advice. New development in Conservation areas should be considered against the provisions of Policy HE2 of the Draft Local Plan which states that new development must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Policy HE3 says that development of the type proposed here will only be permitted where there is no adverse effect on the character and appearance of the area.

4.3 The site in question stands on the western boundary of the Fulford Conservation Area and in the north west corner of Pasture Farm Close. This cul-de-sac is a mixture of bungalows and two storey buildings of both houses and flats. They appear

to date to approx. the 1970's and as buildings are pleasant but not architecturally inspiring. Its contribution to the Conservation Area is more in the wider context of its setting on the edge of the urban area and as part of the village setting against the Fulford Ings to the west. Therefore, this setting and the impact the development has upon this is an important issue here.

4.4 In terms of the existing type of development on Pasture Farm Close, there is no defined set pattern or type of building. Although the existing building on the site in question is a bungalow and no's 1 and 3 are also bungalows, no. 2 is a house and no's 5-8 are two storey flats. The recent development of flats on St. Oswalds Court are also two storey, as is 122 Fulford Road to the north of the application site. Therefore officers raise no objection to the principle of a two storey development on this site providing its design and setting are deemed to be appropriate.

Design

4.5 The plot in question is substantial in size and easily accommodates the size of dwelling proposed. It is not considered to constitute an overdevelopment of the plot. The design is quite traditional in its approach and following several revisions is now considered to be well balanced with the house stepping down from north to south. It is not considered to look out of place when considered against other two storey development around it, notably the flats to the east and the two storey house at no.2. Officers consider the size and design of the house preserves the character and appearance of the built form of this part of the Fulford Conservation Area.

Setting

4.6 The other principle issue with regard to the harming of the Conservation Area is the impact it has on views through to the Fulford Ings to the west and the relationship this has with the urban fringe of Fulford. From Pasture Farm Close, the site itself is in the far north western corner of the Close and therefore the main two storey element of the new house is more visually related to views from St. Oswalds Court. On the southern border of the plot, the house shows a single storey garage and the views and glimpses over and to the side of this are similar to that associated with the existing bungalow. The distance from the side boundary with no.3 to the nearest two storey element of the new house is approx. 6.7 metres. The footprint of the existing bungalow does not currently allow views through to the Ings from Pasture Farm Close, instead restricting views to glimpses of the trees and open sky. At this point of the site (southern boundary), the view and setting of the site from Pasture Farm Close will not be significantly harmed and will not differ significantly from existing.

4.7 It is acknowledged that introducing a two storey house may reduce the views of some of the trees in the Ings to some extent, particularly from St. Oswalds Court but the issue is whether the harm this causes is sufficient to justify refusing the application on the grounds of harming the Conservation Area. The house will be seen beyond the access road serving St. Oswalds Court and will appear as a new structure behind the existing rear wall. There is a public footpath off St. Oswalds Court leading down towards the Ings and the new house will project to between 1.8 and 2 metres of this footpath. The existing distance between the footpath and building is just under 10 metres with a single storey roof. Officers therefore consider this to be the main issue here as clearly this relationship will change. The current view does imply the link between the built form and the open land to the rear and

views of the trees on the lngs are visible, albeit in many cases only the tops of them. However the application site is slightly lower than the St.Oswalds Court road as the land falls away from east to west and this will reduce the visual impact to some extent. The gap between the new house and the side of no.122 Fulford Road (on the other side of the footpath) will be approx. 15 metres and the hedge that defines the side of the public footpath will remain. Whilst it is acknowledged that some of the views to the trees and open land will be reduced, the question is whether the extent of this reduction and the change in the character of this area preserves the character of the Conservation Area at this point. Officers consider that it does.

Neighbour Amenity.

4.8 Concern has been expressed by neighbours to the development re the impact on their privacy and general amenity. Officers do not consider there to be any impact on St. Oswalds Court residents as distances and orientation are such that there is no overlooking of any private areas or rooms.

4.9 The greatest impact will be on neighbours in Pasture Farm Close. The owners of no. 3 have raised many concerns with the development and the impact it will have on their outlook, privacy, levels of light and the imposing nature of the development. On this, the new house will not project beyond either the front or rear line of their property except for a 2.5 metre two storey rear projection. This projection will stand approx. 17 metres away from no.3 on a side to side orientation. This represents ample distance and will not be harmful to them. As for the remainder of the house, the design has been amended to maintain a similar initial relationship between the two properties as is in evidence now. The single storey garage is now shown presented to the boundary with no.3 and the height of this is 4.8 metres which is similar to that of the existing bungalow. The distance from the shared side boundary to the nearest two storey elevation is 6 metres, rising to 8.7 metres to the side windows. There are 4 windows on the side (northern) elevation of no.3 facing the application site, two of which are secondary lounge windows (main lounge window is on the rear elevation), a bathroom window and a secondary bedroom window to a front facing bedroom. None of these windows are considered to be principal windows.

4.10 Furthermore, No. 3 is due south of the application site and the levels of natural sunlight into these rooms is currently almost non-existent except at the very end of a summers day. The position of the new house will not affect this and will have no impact on the levels of sunlight the house and garden at no.3 would expect to receive now. In this regard therefore, officers do not consider the new dwelling to have any impact on the levels of sunlight inside or outside no.3. Given the distances and amended design, neither do officers consider it to be an overly dominating and imposing structure which will materially harm their outlook or the standard of living they can reasonably expect to enjoy in a residential area. There is already a two storey house on the other side of no. 3 which is due south of them.

4.11 No's 5-8 Pasture Farm Close stand to the east of the application site and are two storey flats. They have a modest sized rear garden / yard. The distance to the shared boundary is 9 metres and between the buildings approx. 17 metres on a front to rear orientation. There is a single storey garage adjacent to the boundary with no.5 and 6 which screens any views of the rear yard from ground floor windows. It is

likely that there will be some views from first floor bedrooms over the top of this garage towards the far side of no.5's garden but this will not be unreasonable in a residential area and no worse than the overlooking from adjacent first floor windows at flats 7 and 8. Given the distance between the properties and the position of the garage on the shared boundary, officers do not consider the reasonable amenity of these neighbours to be affected by the development. No other properties on Pasture Farm Close are considered to be affected by the development.

4.12 There is sufficient space on site for all bins and recycling boxes/bags to be accommodated. The requirement for the developer to achieve an BREEAM Ecohomes "Very Good" rating for the development is not relevant here because the BREEAM Ecohomes ratings and assessment only applies on applications of 4 houses or more . However, a condition is recommended requiring the submission of a sustainability statement prior to commencement, and an informative has been added incorporating the measures recommended by the Sustainability Officer.

4.13 Some concern has been expressed about access and parking. The development utilises the existing entrance and is appropriate for a single dwelling. There is ample parking in the site for several cars. Any extra traffic over existing levels will be negligible.

4.14 The site is in Flood zone 3. However the level of the site rises up from the adjacent Ings and is much higher than the level of the river or nearby Germany Beck. An occupied single storey property already stands on the sites and therefore replacing it with a two storey house offers a greater level of protection for the occupiers in case of a flood as they can move to a higher level. No objections are, therefore, raised on the grounds of flood risk.

5.0 CONCLUSION

5.1 The design of the house is now considered to be much better balanced and of a traditional design which preserves the built character of the Conservation area. Views of the trees and open sky of the Ings land behind will be reduced but officers do not consider this to be of sufficient harm to affect the setting of the Conservation area.

5.2 The size, design, appearance or orientation of the house is not considered to harm the living conditions and amenity of neighbours.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no:

- Planning/SL/27/07/07 - Site layout
- Planning P/E/S/ 27/07/07 - Plans, elevation and section.

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

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

- 3 VISQ8 Samples of exterior materials to be app
- 4 HWAY10 Vehicular areas surfaced, details reqd
- 5 HWAY19 Car and cycle parking laid out
- 6 All windows and doors shall be of timber construction.

Reason. In the interests of good design in the Conservation Area.

7 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

8 The existing hedge along the northern boundary of the site shall be protected throughout the development operations and retained in perpetuity thereafter at a height of no less than 1.8 metre, unless otherwise agreed in writing by the Local Planning Authority. Any losses to this hedge or trees shall be replaced and made good in conjunction with details and within a timescale to be agreed in writing by the Local Planning Authority.

Reason: To maintain existing levels of screening and amenity from the public right of way.

9 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

10 Prior to the commencement of the development, the developer shall submit a sustainable design and construction statement for the written approval of the Local Planning Authority. The statement shall include details of measures to be incorporated into the proposal to ensure a sustainable form of development on the site.

Reason: In the interests of promoting sustainable development and the protection of

the environment.

INFORMATIVE: Details could include:

Details of the water efficiency measures to be incorporated into the proposal to be submitted for approval to the Local Planning Authority. Measures should include:

- Dual flush WCs (4/6) litre
- Showers with nominal flow rates less than 9 litres/minute
- Flow restricted spray taps
- Water meter installed
- Water butt installed

To assist occupiers to recycle details of measures to be taken on the development to be submitted for approval by the Local Planning prior to the commencement of work. These measures should include:

- Adequate provision for the storage of 2 180 litre wheeled bins, recycling box and two bags.
- Provision of a compost bin with instructions.

11 NOISE7 Restricted hours of construction

12 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.4 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.

13 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which demolition, construction and deliveries to and from the site will be permitted.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

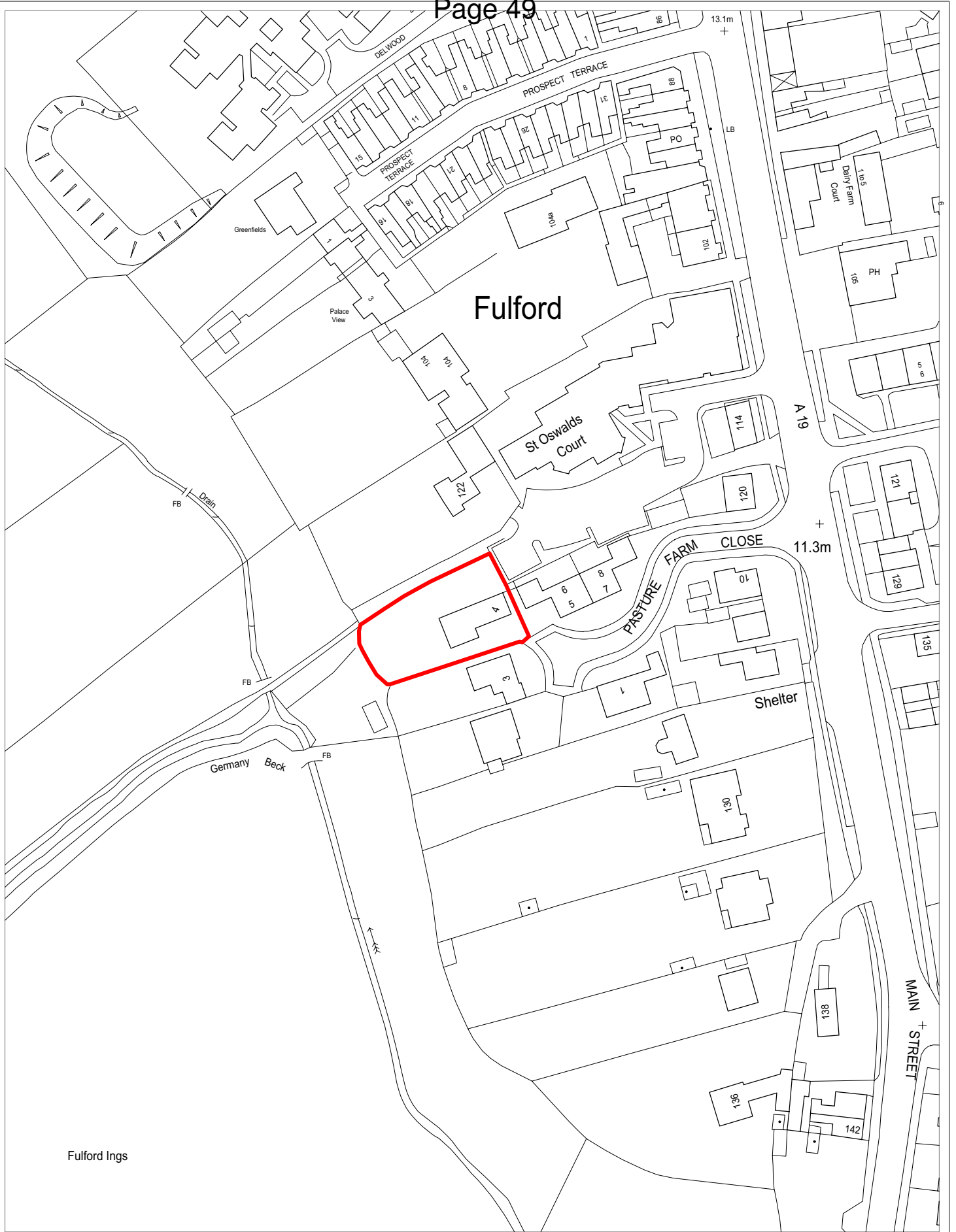
7.0 INFORMATIVES: Notes to Applicant

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 the impact of the new house on the character of the Conservation Area and the impact on the amenity of neighbours. As such the proposal complies with Policies HE2, HE3, GP1 and H4a of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405



CITY OF
YORK
COUNCIL

4 PASTURE FARM CLOSE, FULFORD - 06/2767/FUL

SCALE 1:1250

DRAWN BY PSL

DATE 3/9/2007

Originating Group

Project

Drawing No.

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 551550

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City of York Council LA 1000 20818

This property is situated in Fulford Conservation Area no.30.

The modern bungalow at 4 Pasture Farm Close is situated in a cul de sac together with a number of modern single and two storey residential properties. The proposed demolition of the existing bungalow, requires to be considered in conjunction with the planning application for a replacement two storey house within the plot.

It is considered that the replacement of the modern bungalow with a well designed, two storey house of traditional character and finishes is unlikely to be detrimental to the special character and interest of the conservation area in this location.

3.3 EXTERNAL

3.4 Fulford Parish Council

Object to this application. Have stated previously that the Parish Council do not find sufficient reason for the demolition of this bungalow which was built only 35 years ago.

The reasons given in justification by the applicant indicate that it requires new bathrooms and kitchen units plus repairs to the roof. These are normal maintenance and refurbishment tasks which most householders are required to undertake during the lifetime of their homes and it is highly unusual for owners to want to demolish their houses when repairs are necessary.

The applicant also states that the garden is too large for the size of the property and consequently, it has been difficult to sell: this argument does not constitute a basis for demolition and it is our view that a large garden is a positive feature.

We therefore hope that this application will be refused and that this relatively recent and appropriate building in the conservation area will be retained.

3.5 Neighbour and Third Party comments.

4 letters (2 by the same person) received making the following observations.

- i) Existing bungalow is well constructed and suitable for the site so should not be demolished.
- ii) No other build would be acceptable in an area where conservation and preservation are highly regarded.
- iii) Stands as a small community which would be adversely affected by their removal of this unit.
- iv) Site and building contributes to the social and architectural history of Fulford.
- v) Bricks used to build the bungalow originated from Wrays brickyard on Huntington Road which was the last brickyard in York to cease trading so to demolish no.4 would be to lose another example of quality brick manufacturing from York.
- vi) With normal refurbishment it would create a lovely home for years to come.
- vii) No exceptional reasons for demolition have been put forward. If this bungalow requires remedial work and new bathroom and kitchen then the whole of Pasture Farm Close needs demolishing. Most houses of this age require some upgrading, at moderate expense. New bathrooms and kitchen units nor major roof repairs do not constitute a reason to demolish.
- viii) The size of the garden is totally irrelevant to the question of demolition.

ix) Applicant has failed to address the following considerations:

The cost of repairing and maintaining the building in relation to its importance and the value derived from its continued use; the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site.

x) The proposed replacement house would neither benefit the character nor the appearance of Pasture Farm Close. It would appear over-dominant compared to the existing bungalow and the view over the fields from the hammerhead of the car park would be obliterated whereas at present it has uninterrupted views.

xi) Waste of energy to demolish and rebuild.

4.0 APPRAISAL

4.1 Key Issues

- architectural quality of building
- impact on character and appearance of the conservation area

4.2 The application relates to the demolition of a bungalow. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE5 of the City of York Deposit Draft Local Plan states that conservation area consent will not be granted for the demolition of buildings which positively contribute to the character or appearance of conservation areas. Where demolition or partial demolition is permitted, Policy HE5 requires that no demolition takes place until a building contract for the carrying out of works of redevelopment has been made, and planning permission for those works has been granted.

4.3 Central Government advice in relation to demolition within conservation areas is contained within Planning Policy Guidance Note 15 (PPG15) - "Planning and the Historic Environment". In exercising conservation area controls, Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question. Account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and the wider effects of demolition on the surroundings and on the conservation area as a whole.

4.4 PPG15 states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be considered against the same broad criteria to demolish listed buildings. Where a building makes little or no contribution, full information about what is proposed for the site after demolition should be provided. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

4.5 The existing building on the site is a pleasant, if somewhat architecturally uninspiring building. It reflects the style of the road it is part of and is not out of place

in this setting. In terms of its contribution to the Conservation Area however, the building itself is relatively modern and as a design, does not in itself contribute to the character of the area to such a degree that it should be retained at all costs. If a redevelopment proposal is considered to be preserve the character of the conservation area then no objections are raised by officers to the loss of this bungalow.

4.6 In this particular case, it is considered that the proposed redevelopment proposals for the site, as set out in the relevant item on this agenda, are acceptable and no objections are therefore raised to the demolition of the existing building. However, it is considered that the imposition of the standard condition requiring a contract for the redevelopment of the site to be made prior to the demolition of the existing building is justified in this instance. This will ensure that the existing bungalow cannot be demolished and the site simply left empty and derelict.

5.0 CONCLUSION

5.1 The redevelopment proposals for the site are considered to be acceptable and it preserves the character of the Conservation area.. As such, the granting of conservation area consent is considered to be acceptable, and not in conflict with Policy E4 of the Approved North Yorkshire Structure Plan or Policy HE5 of the Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIMEL2 | Development start within 3 yrs (LBC/CAC) |
| 2 | DEM1 | No demolition before rebuilding contract |

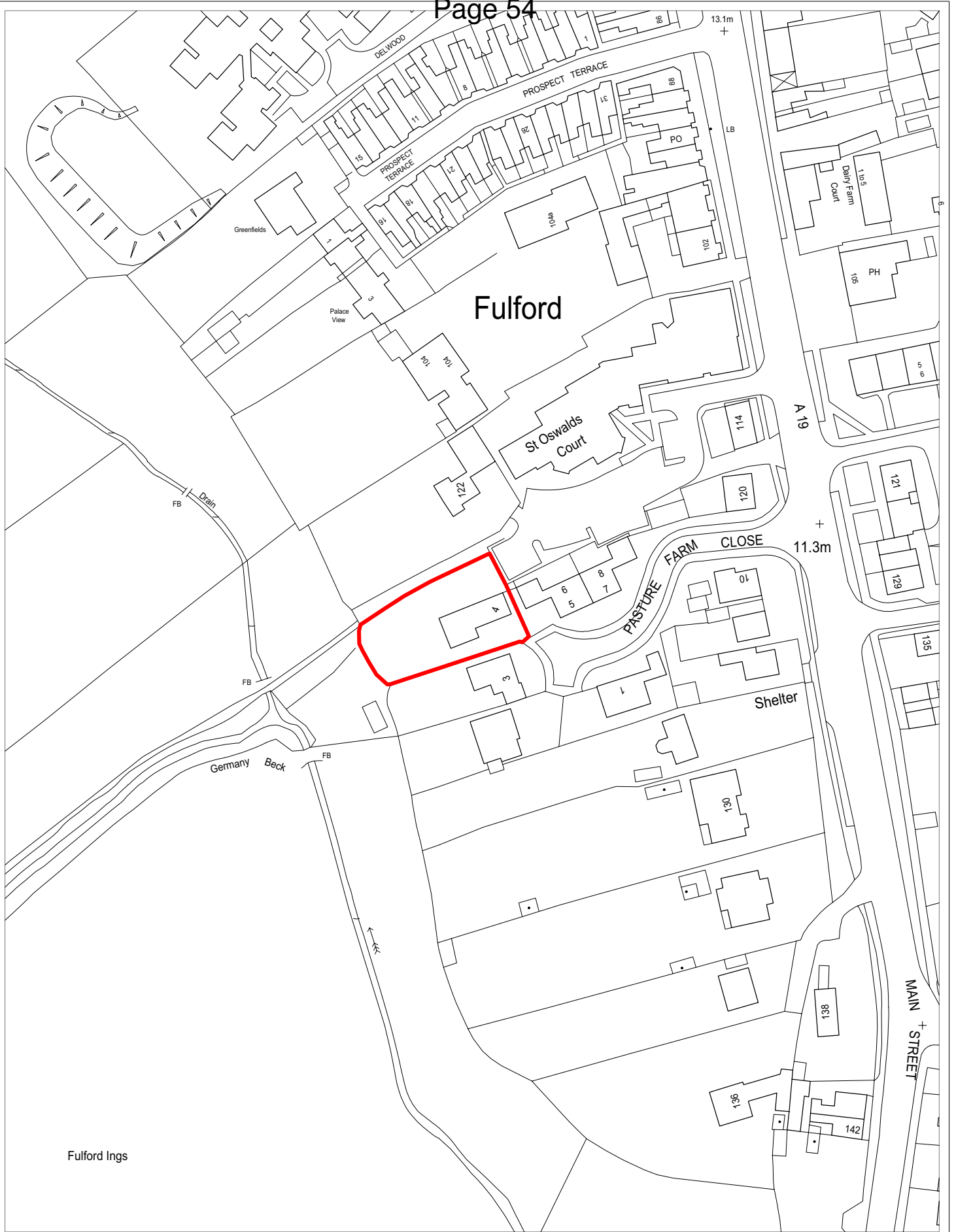
7.0 INFORMATIVES: Notes to Applicant

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 architectural quality of building and the impact on 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 Policy HE5 of the City of York Local Plan Deposit Draft.

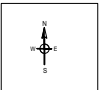
Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405



4 PASTURE FARM CLOSE, FULFORD - 07/00593

SCALE 1:1250 DRAWN BY PSL DATE 3/9/2007
 Originating Group Project Drawing No.



9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 551550

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City of York Council LA 1000 20818

Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal - None

3.2 External

3.2.1 Rawcliffe Parish Council - No Objections

3.2.2 Comments From Neighbours - None

4.0 APPRAISAL

4.1 Key Issue(s): Effect Upon Neighbours And The Street Scene

4.2 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area.

4.3 The Application Site - The application site is a modern semi - detached dwelling within an area of similar modern properties. The property has an attached integral garage and is positioned within an ample sized rear garden .The extension will a have a total projection of approx 2.3 metres on the boundary adjacent to (No 6) and will expand across the full width of both existing dwelling and the attached garage in order to provide additional living space. New windows will be added in similar positions to the existing rear elevation, with the addition of a patio door.

4.4 The design and scale is appropriate to the main dwelling and it is not considered that the proposal will result in overdevelopment of the site or reduce the outside amenity within the curtilage to an unacceptable degree.

4.5 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings

4.6 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy

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

4.8 Effect upon the Street Scene - The proposed development would be in keeping with the character, design and external appearance of the existing property and the surrounding area. The building material to be used would match the existing property and would not affect the visual amenity of the surrounding area.

4.8 Effect upon the Neighbours - Consideration has been given to the possibility of the loss of light for the neighbours at (No 6). Having regard to the relatively modest projection of the extension, it is considered that the proposal is satisfactory and would not impact significantly on light into the adjacent windows. There is adequate fencing, which provides sufficient boundary treatment, and although the properties to the side and rear are within close proximity, there would be no significant loss of privacy to adjacent occupiers.

5.0 CONCLUSION

The development will be effectively unseen from public areas and the design and materials are considered acceptable. The rear garden is well screened and it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents as a result of unreasonable overshadowing or loss of light.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

Proposed floor plans and elevations, Drawing No NEI/AP/001

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.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

with particular reference to the effect on the streetscene and the impact on the amenity and living conditions of adjacent residents. As such the proposal complies with Policies H7 and GP1 of the City of York Deposit Draft Local Plan.

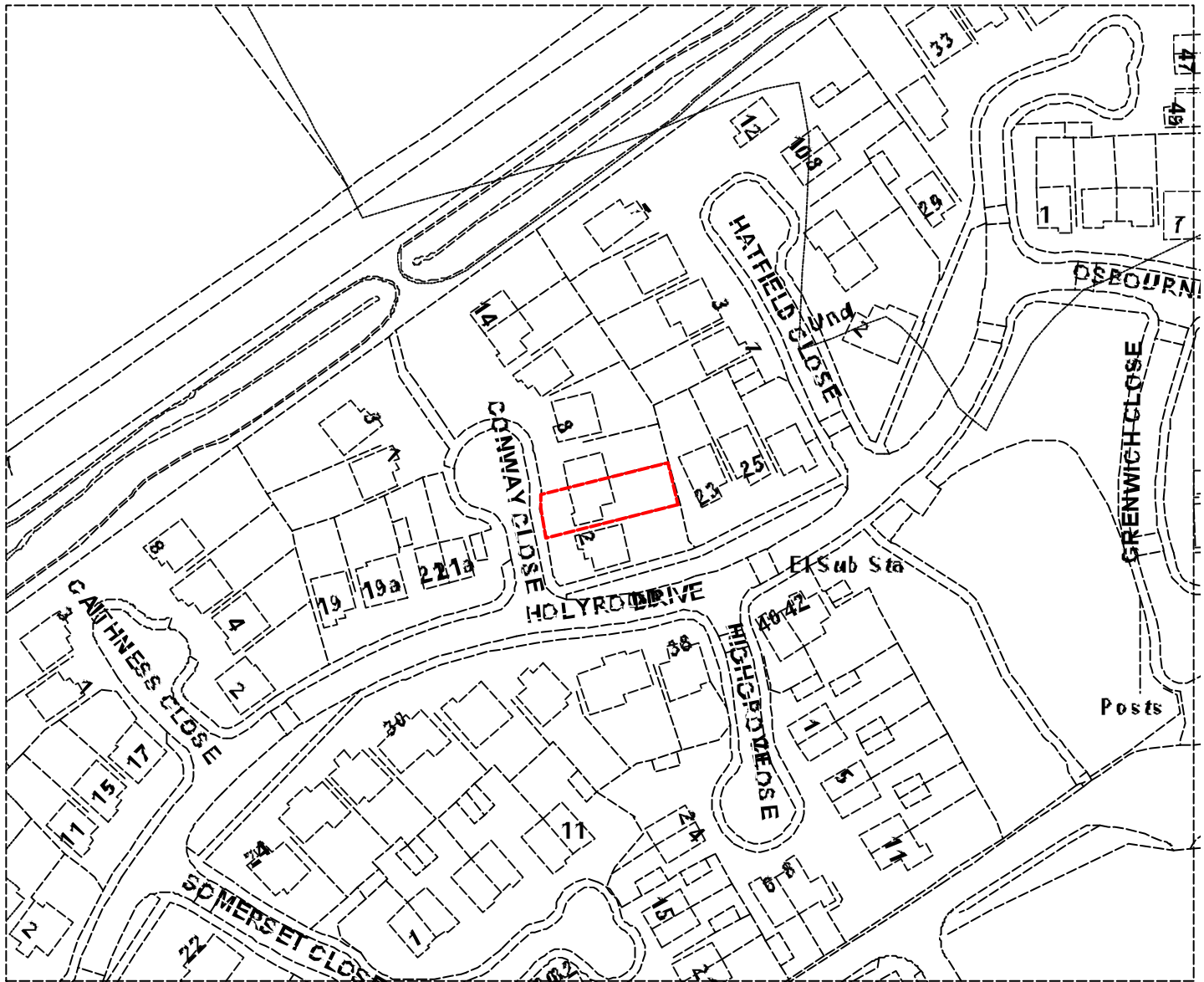
Contact details:

Author: Sharon Lickers Development Control Assistant

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4 Conway Close

07/02068/FUL



Legend



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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	12 October 2007
SLA Number	Not Set

1.5 A committee site visit is to take place because objections have been received and the application is recommended for approval.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Derwent Infant 0191

Schools Derwent Junior 0192

Schools Osbaldwick Primary 0212

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management

The widening of the footpath will involve works being carried out under the Highways Act 1980

Archaeology

The site lies within an area, which a recent desk based assessment has suggested has significant archaeological potential. Two conditions are requested one to allow an archaeological watching brief and a condition requiring submission of a method statement for the soil stripping operations

Landscape Architect

The removal of the trees to enable the MUGA was agreed in principal with the outline application (ref: 05/00620/GRG3). With regard to the loss of trees within the existing playing fields, the Landscape Architect strongly suggest that replacement trees are included in the scheme under a landscape condition that specifies trees shall be replaced on at least a one for one basis regardless of their existing size.

Some of these should be between the proposed sports pitch and the outline housing site to the north and existing housing to the south. Others should be within the perimeter of the school grounds.

Environmental Protection

The lighting columns are of a height that means that the illuminance levels are negligible at the nearest residential properties, but of a sufficient level on the playing surface of the MUGA to enable sports to take place in the winter months when darkness falls early. However it is recommended that there is a curfew time on the floodlights to correspond with the proposed hours of use of the MUGA and improved football pitch ie: 9pm Monday to Saturdays and 5pm on Sundays. In addition a condition should be attached to ensure that the lighting is installed in accordance with the proposed scheme submitted.

Regarding possible noise nuisance. There is a confusing variety of types of fencing and proposals re:locations on the drawings. It is likely that noise will be generated during the playing of ball games on the improved football pitch, mainly from players and spectators shouting but also from the kicking of footballs. In addition the playing of basketball, netball and tennis on the MUGA will similarly generate noise from players and spectators but also whenever balls hit the scoring area. The MUGA will be closely overlooked by housing on the south side. The improved football pitch is directly between existing housing (to the north and south) and adjacent to existing housing to the west. It is likely therefore that the amenity of local residents will be affected by noise from both the MUGA and the improved football pitch, particularly when residents want to use their gardens. It is recommended that a condition is attached to require that acoustic fencing is erected along the length of the southern boundary, the boundary with the public footpath and the northern boundary of the improved football field. The reason for asking for an acoustic boundary along the northern boundary is to protect the amenity of existing housing on Osbaldwick Lane, although there is the potential for housing to the northern boundary, even closer than Osbaldwick Lane.

3.2 External

Parish Council

The Parish Council supports the application but would like to see conditions attached to the planning application requiring the floodlighting to be extinguished at 21:00hrs and to require a security fence around the entire site to provide security and privacy for all neighbouring properties

Sport England

Sport England has considered this application in the light of its playing fields policy because the site constitutes a playing field as defined in the 1996 Statutory Instrument 1817. This proposal provides for the sports facilities that were agreed under the outline planning permission for this site and the residential development site adjacent furthermore a community agreement has been submitted with the application. The playing fields proposed are considered to be of equivalent or better quality than exist and Sport England are therefore not raising any objections to the development.

One letter of concern has been received covering the following points:-

- concerned about the noise level and light pollution caused by the proposed floodlit multi- use games area which is 20 metres from the writers property
- however in favour of any improvement in facilities for young people
- noise levels have increased in the play ground recently

3.3 Publicity

The application has been advertised by means of a site notice that expired on the 21st September 2007. Adjacent residents have also been notified. The site has been advertised in the local press, the notice does not expire until the 31st October 2007.

4.0 APPRAISAL

4.1 The principle of the development of this site has been established by virtue of the outline planning permission granted in September 2005. The positioning of the football pitch, MUGA and changing rooms were shown on an illustrative plan accompanying the outline scheme. The positioning of the development on this reserved matters application has not changed.

4.2 Policy GP1 of the draft City of York Local Plan is relevant to the consideration of the application. Policy GP1 of the Local Plan Deposit Draft states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. Proposals will also be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 The key issues relevant to the consideration of this reserved matters application are:-

- The impact of the development on neighbouring properties
- Parking and vehicular and pedestrian access arrangements

Impact on Neighbouring Properties

4.4 There is a mix of house types surrounding this site. On the rear (southern) boundary of the site there are single, two storey dwellings and flats. To the west is further two storey development separated from the site by an existing public footpath, which is to be widened to 3 metres as part of the scheme, and to the north-west is the site approved for new housing under the outline planning permission.

4.5 The proposed MUGA is set 20 metres from the nearest residential properties. It will be surrounded by a fence 3 metres high (5 metres at the ends). The proposed lighting columns are 12 metres high and each has 8no. low glare floodlights. The application includes light spillage patterns that show light spillage being negligible at the boundary of the site. The Environmental Health Officer is satisfied that the positioning of the lighting columns will not impact on the amenity of adjacent residents subject to a condition that the MUGA is not used after 21:00hours Monday to Saturday and after 17:00hours on Sunday.

4.6 The proposed football pitch is surrounded on two sides by existing residential development and by the approved housing scheme on the third side. Despite the proximity to residential properties with conditions ensuring appropriate acoustic fencing and an hours of use condition restricting use to 21:00hours the details of the scheme are considered to be acceptable.

4.7 The siting of the changing block is set against existing school buildings. The boundary of the new housing site is to the rear of the block however the access to the building is adjacent to the school and it is considered that the activities associated with the comings and goings to the changing block will not be detrimental to adjacent residents.

4.8 In general terms the site has had a very low recreational usage level in the past. The introduction of significant sporting activities in to the area will mean a change in environment for adjacent residents. However having regard to the outline planning permission it is considered that with conditions restricting the detail of the development and hours of use conditions the application is supportable.

Parking and Vehicular and Pedestrian Access Arrangements

4.9 Pedestrian access is to be improved to the site by the widening of the existing pedestrian access on the western side of the site. Part of the widening scheme is included within this application part will be submitted with the housing scheme. The conditions attached to the outline planning permission require that the path be widened before any dwellings on the housing part of the site are occupied.

4.10 Vehicular access is via the school entrance, parking arrangements are to be improved but these will need to form a separate application as the area to the front of the school did not form part of the outline planning permission. In any case Highways Network Management did not object to the outline scheme concluding that the public traffic to the sports facilities could be accommodated within the school grounds and therefore there is no basis to object to the proposal on highway grounds at this stage.

5.0 CONCLUSION

5.1 The principle of this development has been established by virtue of the outline planning permission granted in March 2005. The outline application showed the position of the MUGA and the football pitch and indicated that lighting would be used for the MUGA facility. The details submitted reflect that approved in outline.

5.2 The Environmental Health Officer is satisfied that subject to conditions requiring hours conditions and acoustic fencing the development can be implemented without a detrimental impact on existing residential properties or those to be constructed on the new housing development adjacent to the site.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no.9470 (9) 02 dated 19th July 2007
Drawing no. 9470 (2)11B dated 3rd July 2007
Drawing no. 9470(2)12B dated 5th July 2007
Drawing no. 9470(2)13A dated 13th July 2007
Drawing no. 9470(2)10B dated 3rd July 2007

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 The opening hours of the multi use games area and the football pitch shall be confined to the following hours and the area shall be kept locked at all other times:

Monday to Friday	08.00 to 21.00 hours
Saturday	09.00 to 21.00 hours
Sundays & Bank Holidays	10.00 to 17.00 hours

Reason: To protect the amenity of nearby residents.

4 Details of an acoustic barrier of at least 1.8 metres in height, from the ground, and located throughout the entire length of the southern boundary of the improved football pitch, the MUGA area and the school football pitch, the northern and western boundaries of the improved football pitch, with residential dwellings, shall be submitted to and approved by the Local Planning Authority in writing, and fully implemented before the development first operates. The details shall include the position, length, height, materials and thickness of the barriers, together with their acoustic specification. Once installed, the barrier shall be fully maintained thereafter.

Reason: To protect the amenity of nearby residents.

5 The floodlighting shall be installed in accordance with the scheme submitted and approved by the local planning authority and once installed shall be fully maintained thereafter.

reason: to protect the amenity of nearby residents.

6 When needed during hours of darkness, the floodlighting shall operate only

until 21:00Hours on Mondays to Saturdays and until 17:00 hours on Sundays.

Reason: To protect the amenity of nearby residents.

7 No development shall take place at the site until the community use agreement submitted with the application has been entered in to by the applicants and the School Governing Body. The proposed use shall be carried out in accordance with the Community Use Agreement and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the facilities are available for public use

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

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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

2. ARCHAEOLOGY

Condition 4 of the outline planning permission requires a programme of archaeological works to be agreed with the Local Planning Authority. These works shall include a method statement detailing a methodology for soil stripping operations which will allow the identification of archaeological features.

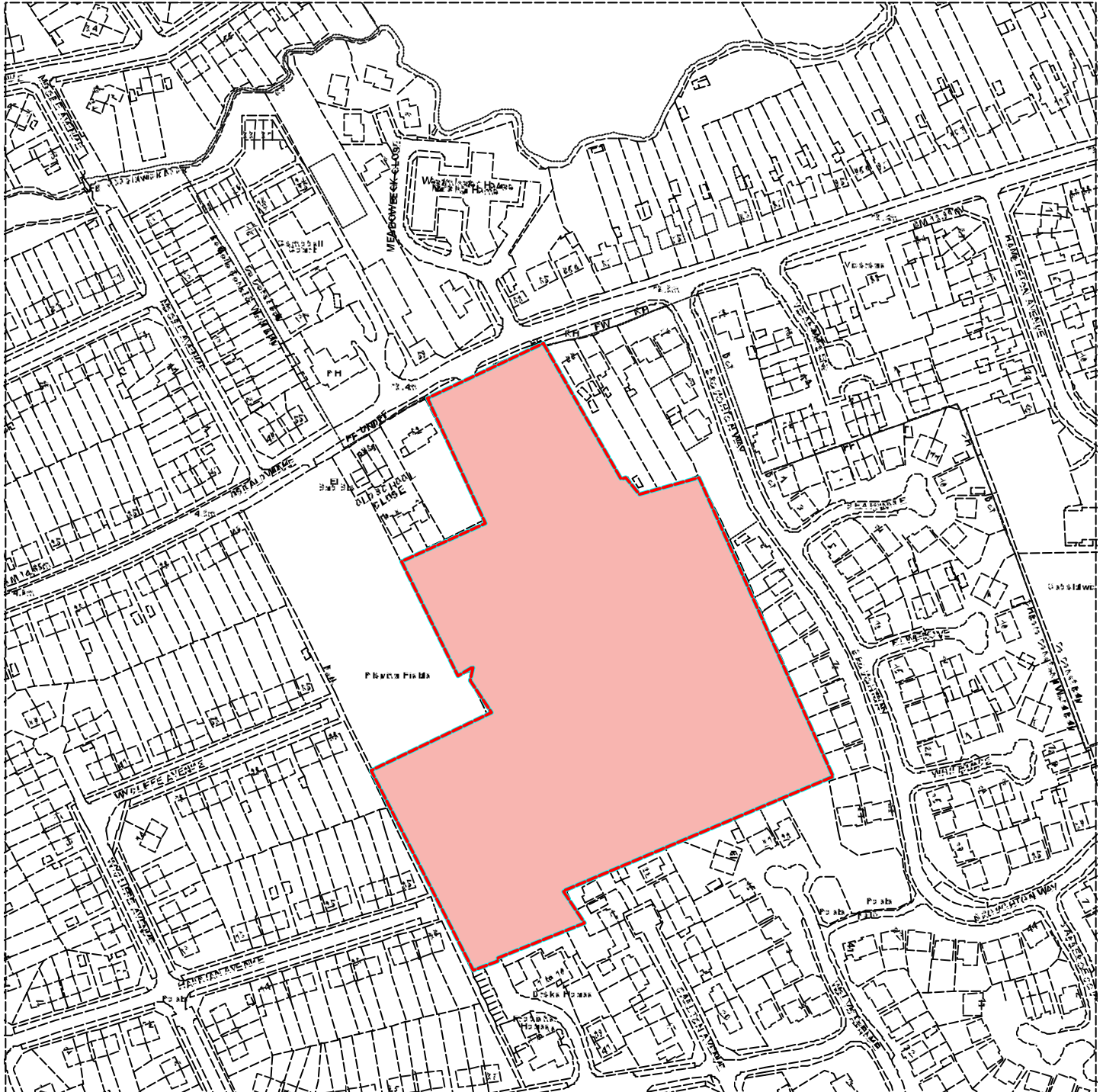
Contact details:

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Tel No: 01904 551657

Derwent County Junior and Infant School

07/01774/GRG3



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	28 September 2007
SLA Number	Not Set