



## 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, 7 February 2008

**Time:** 2.00 pm

**Venue:** The Guildhall, York

### AGENDA

**Site Visits for this meeting will commence at 10.00am on Wednesday 6 February 2008 at Union Terrace Car Park.**

**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. 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 Wednesday 6 February 2008 at 5.00pm.

**3. Plans List**

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

- a) Glen Lodge, Sixth Avenue, York (07/02850/GRG3) (Pages 5 - 8)**  
Single storey detached store [*Heworth Ward*].

- b) **Stray Garth Community Home, 7-9 Stray** (Pages 9 - 21)  
**Garth, York YO31 1EL (07/02504/FUL)**  
Erection of 4 no. detached dwellings [*Heworth Without Ward*]  
**[Site Visit]**.
- c) **60 Meadlands, Osbaldwick, York YO31 0NS** (Pages 22 - 28)  
**(07/02863/FUL)**  
One and two storey pitched roof rear extension, single story extension to side and pitched roof dormers to front [*Osbaldwick Ward*]  
**[Site Visit]**.
- d) **Naburn C of E Primary School, Main Street,** (Pages 29 - 35)  
**Naburn, York YO19 4PN (07/02906/GRG3)**  
Single storey extension to rear following demolition of existing oil tank and shed [*Wheldrake Ward*]  
**[Site Visit]**.
- e) **Gateway to York Hotel, Hull Road, York YO41** (Pages 36 - 42)  
**5LD (07/02732/FULM)**  
Change of use from Hotel (Class C1) to care home for the elderly (Class C2) [*Derwent Ward*].
- f) **Rodgers Carpets, Julia Avenue, Huntington,** (Pages 43 - 50)  
**York YO32 9JR (07/02669/FULM)**  
Extension to warehouse (1008 sq.m) [*Huntington and New Earswick Ward*].

#### **4. Urgent Business**

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

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

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

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

Contact details set out above.

**EAST AREA PLANNING  
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 6 FEBRUARY 2008**

<b>TIME</b>	<b>SITE</b>	
10:00 am	Meet coach at Union Terrace Car Park.	
10:10 am	Stray Garth Community Home	(3b)
10:30 am	60 Meadlands, Osbaldwick	(3c)
11:00am	Naburn Primary School, Naburn	(3d)



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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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## **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

## **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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- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 7 February 2008  
**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 07/02850/GRG3  
**Application at:** Glen Lodge Sixth Avenue York  
**For:** Single storey detached store  
**By:** Mr Tom Shepherd  
**Application Type:** Full Application  
**Target Date:** 7 February 2008

### 1.0 PROPOSAL

1.1 This proposal relates to the proposed installation of a single storey, detached, secure store intended for use by residents at this sheltered housing unit for their mobility scooters. The application has been submitted as a result of the Fire Officer's recommendation that the corridor areas of the unit should be kept clear of electric buggies. The store is proposed to be covered in clear cladding with a dark blue frame. The shelter is 2.28m high, with a footprint of 26.5sq m. The shelter would be located within an existing enclosed courtyard which is used as a service yard and is securely enclosed with a 2m high timber fence. There already exists a dropped curb adjacent to a suitably sized gate in the fence.

1.2 There is no relevant planning history for this site.

1.3 This application is brought to Committee as it has been submitted by City of York Council, and three objections have been received.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Tang Hall Primary 0232

2.2 Policies:

CYGP1  
Design

CYC1  
Criteria for community facilities

### 3.0 CONSULTATIONS

INTERNAL



3.1 None

EXTERNAL

3.2 Heworth Planning Panel: No objections.

REPRESENTATIONS

3.3 Three letters of objection have been received from residents of Glen Lodge itself. Two main objections have been raised. The first that the money would be better spent on other facilities at the unit and the second that occupants requiring the use of mobility scooters would not be able to walk back to their flats after leaving scooters in this store, preferring to leave their scooters outside their own flats.

Case Officer: It should be noted that the application has been submitted to ensure that the internal corridors at the Housing Unit remain clear for fire safety reasons and as such it is not considered that the objections relate to material planning considerations.

#### **4.0 APPRAISAL**

4.1 Key Issues: Visual appearance of the proposed structure and impact on the surrounding area.

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

Policy C1: Planning applications for social, health, community and religious facilities will be granted permission provided that the proposed development is of a scale and design appropriate to the character and appearance of the locality; and it would meet a recognised need.

4.3 The store will appear lightweight as the external cladding will be clear uPVC, ensuring the interior will be naturally lit. The height of the store will not cause any overbearing impact on nearby residents and access to the store will be via a sliding gate in each end of the structure. The design of the structure is considered appropriate for its purpose and in keeping with the scale and character of the surrounding buildings.

4.4 The store is located a minimum of 2m away from the nearest part of the housing unit. Based on the modest nature of the proposal and the well screened nature of the site, the proposed store (intended to house mobility scooters) is considered acceptable.

## 5.0 CONCLUSION

5.1 Based on the above assessment of the application, it is 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:-

PS/A4/107359, RBS050131/GL/1;

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 character of the area and the amenity of nearby residents. As such the proposal complies with Policies GP1 and C1 of the City of York Development Control Local Plan.

### Contact details:

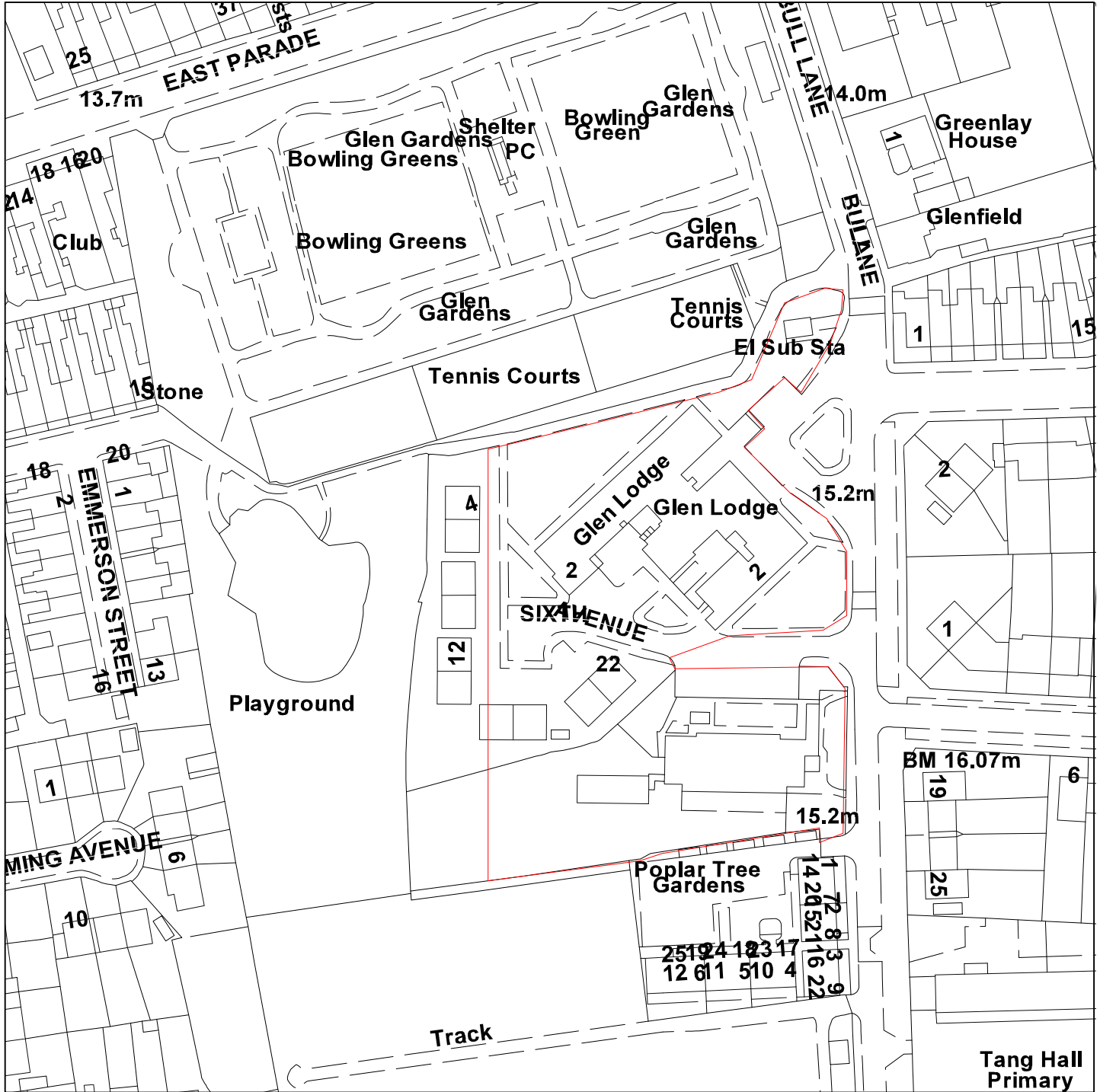
**Author:** Emma Militis Planning Officer  
**Tel No:** 01904 551493

# Glen Lodge, Sixth Avenue

07/02850/GRG3



GIS by ESRI (UK)



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 January 2008
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

<b>Committee:</b>	East Area	<b>Ward:</b>	Heworth Without
<b>Date:</b>	7 February 2008	<b>Parish:</b>	Heworth Without Parish Council

**Reference:** 07/02504/FUL  
**Application at:** Stray Garth Community Home 7 - 9 Stray Garth York YO31 1EL  
**For:** Erection of 4no. detached dwellings  
**By:** Lovel Cooper (South Yorkshire) Ltd  
**Application Type:** Full Application  
**Target Date:** 17 December 2007

**1.0 PROPOSAL**

1.1 The application site is a former care home at the end of Stray Garth. Stray Garth is located at a right angle to Elmfield Terrace and is effectively at the end of what is for motor vehicles a 300m cul-de-sac. The application site is within a generally residential area with a large pond located immediately to the north.

1.2 It is proposed to demolish the two-storey care home which contained 15 bedrooms and erect in its place four dwellings linked by single garages. The dwellings each contain 4 bedrooms and are proposed to be 3 storey with the top floor contained partly within the roofspace. The homes are orientated with the gable to the front and rear.

1.3 Amendments have been made to the scheme since it was originally submitted. These include moving the footprint of development to the west, reducing slightly the height of the dwellings located on either end of the development and introducing obscure glazing to the windows in the top floor of the front elevation of three of the dwellings.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYH4A  
Housing Windfalls

CYC1  
Criteria for community facilities

CYGP7  
Open Space

CYNE1  
Trees, woodlands, hedgerows

CYNE6  
Species protected by law

CYED4  
Developer contributions towards Educational facilities

CYT4  
Cycle parking standards

### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - the vehicle access to plot 4 would necessitate multi-shunting, however, this would have little or no impact on the public highway - no objections subject to conditions.

Countryside Officer - Evidence of bats has been found. It is not considered that this should stop re-development, however, conditions will be required relating to demolition and the provision for bats in the new development.

York Consultancy - The site is in a low flood risk area and should not suffer river flooding. No objections subject to conditions relating to drainage and the raising of levels.

Environmental Protection - No objections

#### 3.2 External

Planning Panel - No comments received.

#### Neighbours

Letters of objection have been received from the occupiers of 8 residential properties. These included properties in Stray Garth, Meadow Way and Elmfield Terrace. The following issues have been raised:

- the density is too high and the development too tall relative to surrounding two-storey houses.
- the development is forward of the building line.
- loss of light to surrounding homes and gardens.
- overlooking from the balconies and noise will travel across the pond.
- loss of trees unacceptable
- the windows are too large
- inadequate car parking for visitors.

- increased traffic noise and damage to walls through vehicles turning.
- poor vehicle access.
- the site should incorporate a turning area.
- inconvenience during construction.
- drainage has not been addressed.

#### 4.0 APPRAISAL

Application Number: 07/02504/FUL

Officer Report:

4.1 The principle of the proposal to re-develop this urban brownfield site for housing is in line with the general thrust of local and national planning policies. However, in assessing the acceptability of the proposal in detail it is important that the development does not conflict with issues of planning importance.

4.2 The key issues in assessing the proposal are considered to be:

The impact on the streetscene  
The impact on neighbours' living conditions  
Parking and access  
Amenity of proposed dwellings  
Tree issues and wildlife  
Loss of community facility

Impact on streetscene

4.3 Policy H4a of the Draft Local Plan requires development to be of an appropriate scale and density to surrounding development. Although the front elevation of the most westerly house will be located around 2 metres forward of the adjoining property on Stray Garth and the ridge would be around 1.4m higher it is not considered that the development would appear incongruous. This is because the street does not have a tightly defined building line and the development site appears slightly separate to the street due to the turning head of the cul-de-sac being outside the site and there being no houses facing the development site. There is a mix of roof heights and styles on Stray Garth.

4.4 The proposed properties can also be viewed from Meadow Way to the south. Although taller than the homes within this cul-de-sac, the scale of development is not considered unreasonable. The gap between the 4 proposed properties will reduce their bulk and allow views through to the vegetation behind. Their gable-fronted design relates to the projecting forward gables of the homes within the cul-de-sac.

4.5 The existing care home can be viewed from across the adjacent pond. The partial screen of trees will remain and it is considered that the form of development will be harmonious with the existing character of the pond edge which contains a mix of built development and landscaping.

4.6 The proposed density of the development is approximately 40 units to a hectare. Policy H5a of the Local Plan seeks densities of at least 40 units a hectare within the

urban area of York. Given that the homes contain 4 bedrooms it is considered that the scheme makes efficient use of land. For the reasons stated above it is not considered that the development would appear unacceptable in the local context. It is the case that the density is significantly higher than Meadow Way which adjoins the site to the south and east. However, it is not considered that this development should form a precedent for local development densities - the former sports field was developed in the early 1990's and has a density of around 11 dwellings a hectare.

#### Impact on Neighbours' living conditions

4.7 Policy GP1 seeks to ensure that neighbours living conditions are not unduly affected by development. There are three key neighbours affected by the proposal:

##### 15 Meadow Way

This is a large detached property. There is a double garage on the part of the house adjacent to the new dwelling. This property has a very open aspect in that the rear garden overlooks the pond. Initially there were concerns that the side elevation of the property would be too oppressive given that unlike the existing care home it would adjoin the garden boundary. In response the applicant has moved the development away from the boundary and reduced the height of the roof. It is not considered that the amended scheme would cause unacceptable harm to living conditions of number 15. The nearest opening is approximately 9 m from the boundary. This is dual aspect and as such has a good outlook and level of light. The next nearest habitable room window apart from this is approximately 18 metres from the side boundary of the garden. The garden is very broad and open and the quality of the external space would still be high in terms of light, outlook and openness. The new development incorporates balconies to the rear. Conditions will be included to limit overlooking of the garden.

##### 14 Meadow Way

The nearest elevation to the new development is a blank side gable. The property has a conservatory to the rear. There is already a degree of overlooking of the garden from the first floor of the existing care home. The development will be located slightly further to the south and west with the nearest house around 10 metres from the side boundary of the garden. Following negotiations the applicant has agreed to obscure glaze the second floor windows that overlook the rear garden and incorporate roof lights. This will reduce the degree of overlooking and allow the existing planting within the garden and along the along the boundary to provide privacy for significant parts of the garden.

There would be some additional overlooking of the conservatory, however, if screening were required for this small space it would be relatively easy to achieve. The development is to the north of the house and as such will have little impact on sunlight. It is also so oblique to the main windows of the house that it will have limited impact in respect to the privacy or outlook levels. Although the development is taller than the existing care home the gaps between the houses will help to reduce the bulk of the development and avoid it being unduly oppressive in terms of its impact on the relatively large garden.

## 5 Stray Garth

This is a two storey semi-detached house with a garage to the side adjacent to the proposed development. The house has no principal windows on the side elevation, although the side of the square bay rear window will look towards the application site.

There was some concern in respect to harm from overlooking of the garden from the adjoining proposed house. This has been reduced through the reduction in scale of the adjoining balcony and the removal of the Juliet balcony to the second floor. It is considered that through the use of an appropriate balcony screen the development would not cause undue harm in respect to privacy. In considering this, regard is given to the fact that much of the garden of number 5 can already be overlooked from the rear first floor windows of 3 Stray Garth.

## Parking and Access

4.8 The site is within an established residential area. Although located at the end of a long vehicular cul-de-sac there are pedestrian links to the south via a short section of illuminated footpath adjacent to the Stray.

4.9 Each house has a garage with a car parking space to the front. It is considered that this level of car parking and cycle parking provision meets appropriate standards. The manoeuvring for cars is relatively tight, however, it is not considered that this has any significant bearing on highway safety or neighbour amenity. It will be conditioned that the garages are not converted to living accommodation.

4.10 It is understood from neighbours that larger vehicles including refuse lorries exit the site by reversing along the cul-de-sac. It is not considered reasonable to introduce a large turning head within the site given that the site previously contained a use that had the potential to generate a similar level of movement of large vehicles and had a similar footprint. However, a condition will be included requiring the developer to submit a statement showing how construction will be managed.

## Amenity of proposed houses

4.11 The proposed houses are of a generous size and levels of light and outlook are reasonable. The rear gardens at around 80 sq m are relatively small for a four-bedroom property, however, they are considered capable of meeting the basic needs of the properties. It is the case that the overall development site is not deep and the approach taken is in line with the thrust of government guidance in that it helps to make more efficient use of the land.

4.12 The houses incorporate relatively large balconies on the first floor, this would seem a sensible approach given that it increases external space and creates an area that will be less impacted upon by the trees to the rear. The main outlook is across the lake, however, care will be taken to condition the provision and retention of privacy screens to avoid undue overlooking of gardens to the sides. It is the case that some other homes that back on to the pond have balconies at first floor level.

## Trees

4.13 The development is not appreciably closer to trees along the rear boundary than the existing building. The development will lead to the loss of some small trees



within the site, however, these would not be worthy of protection and do not serve a key function in the wider area. It will be conditioned that protective fencing is erected during construction to protect the mature trees on the bank of the pond which fringe the site.

#### Loss of community facility

4.14 Policy C3 of the Local Plan states that proposals for care homes will only be allowed where the proposal is appropriate to the scale and character of the locality and it can be demonstrated that the buildings are surplus to requirements. Issues regarding scale have been considered earlier. Correspondence has been received from the Primary Care Trust outlining that the increase in community based support has reduced the need for residential care for people with mental illness and that where appropriate patients have been transferred to accommodation at Acomb Garth. The building was placed on the Register of Surplus Public Sector Land and no other government bodies expressed an interest in acquiring the land and building.

#### S106 Contributions

4.15 In line with the Council's guidance on Open Space a contribution of £11,720 is required for providing children's equipped play space and outdoor sports facilities. Given the previous use as a care home with 15 bed spaces it is not considered that the proposal will put additional pressure on local areas of informal amenity open space and as such a contribution for this element should not be sought.

4.16 No education contribution is required. The site is below the threshold requiring an affordable housing contribution.

## **5.0 CONCLUSION**

5.1 The principle of re-using the site for residential development accords with planning policies on development contained in Planning Policy Statement 1.

5.2 The key issue of contention is considered to be the height and density of development. It is considered that issues relating to neighbour amenity have been satisfactorily addressed and can be adequately controlled by condition. The density level accords with the Council's targets - it is not considered that site specific circumstances, or the development history of the site justify a lower density. The proposed scheme is on average around 1 - 1.5 m taller than surrounding housing. This additional height is caused by the creation within each home of two bedrooms partly within the roof. It is not considered that the difference in building heights that results from this form of development is inappropriate within its context. This is because the surrounding area contains a mix of roof heights and styles and the relatively minor development would, from most locations, be viewed as a backdrop to existing housing. Government guidance in Planning Policy Statement 3 emphasises the importance of making efficient and effective use of land.

5.3 For the reasons outlined in this report it is recommended that the application be approved.

## **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:-

Plan 156/5/2 rev B received by the Local Planning Authority on 8 November 2008.  
Drawing LCH6 - PD - ELA rev C and LCH6 - PD - PLA rev B received by the Local Planning Authority on 4 December 2007.  
Drawing LCH6 - PD - EL rev E and LCH6 - PD - PL rev E received by the Local Planning Authority on 13 December 2007.  
Drawing LCH6 - PD - ELB rev A and LCH6 - PD-PLB rev A received by the Local Planning Authority on 21 December 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 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.

4 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.

5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.5 metres (plots 1 and 4) and 9.8m (plots 2 and 3), 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.

6 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 Prior to the development coming into use, the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

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

8 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

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

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

Reason: To prevent obstruction to other highway users.

10 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.

11 The parking, garaging and manoeuvring areas shown on the approved plans shall be retained and kept free of obstructions at all times so that they can be used for the primary purpose of parking motorised vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

12 The ground level of the site shall not be raised above the level of the adjacent

land.

Reason:

To prevent run-off from the site affecting nearby properties.

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

Reason: To avoid overloading the foul sewerage system.

14 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall 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.

15 Before the commencement of and during building operations, appropriate measures shall be taken to protect the existing trees along the northern boundary of the site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

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

Reason: In the interests of the 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.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority no openings shall be created in the external elevations of any of the properties other than those shown on the approved plans and no openings shall be altered in size or shape.

Reason: To protect neighbours' living conditions.

18 Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the second floor front elevation windows proposed in plots 2, 3 and 4 shall at all times be obscure glazed in a type of obscure glazing to be agreed in writing with the Local Planning Authority prior to occupation of the premises.

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

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the second floor front elevation windows proposed in plots 2, 3 and 4 shall at all times be fixed shut.

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

20 Notwithstanding the submitted plans, and prior to the commencement of the development, further details of the proposed balcony screens for plots 1-4 shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details before any property is occupied and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) shall not be altered or removed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of neighbours' privacy.

21 Prior to the commencement of any works on site a detailed method statement identifying the programming and management of construction works shall be submitted and approved in writing by the LPA.

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

22 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.	

23 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance habitat for a protected species in accordance with PPS9.

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

Reason: In order to comply with the provisions of Policy L1 of the City of York 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 £11,720.

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.

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

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of housing development on the site, the impact on the streetscene, the impact on the amenity and living conditions of adjacent occupiers, highway considerations and nature conservation. As such the proposal complies with Central Government Guidance, in particular PPS1: Delivering Sustainable Development, PPS 3: Housing, and Policies GP1, H4a, C1, GP7, NE1, NE6, ED4 and T4 of the City of York Draft Local Plan Incorporating the Fourth Set of Changes(April 2005).

2. It should be noted that a protected species licence will be required from Natural England in order to demolish the building.

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. (i) 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(ii) 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".

(iii) 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.

(iv) 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.

(v) 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.

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

**Contact details:**

**Author:** Neil Massey Development Control Officer (Wed/Thurs/Fri)

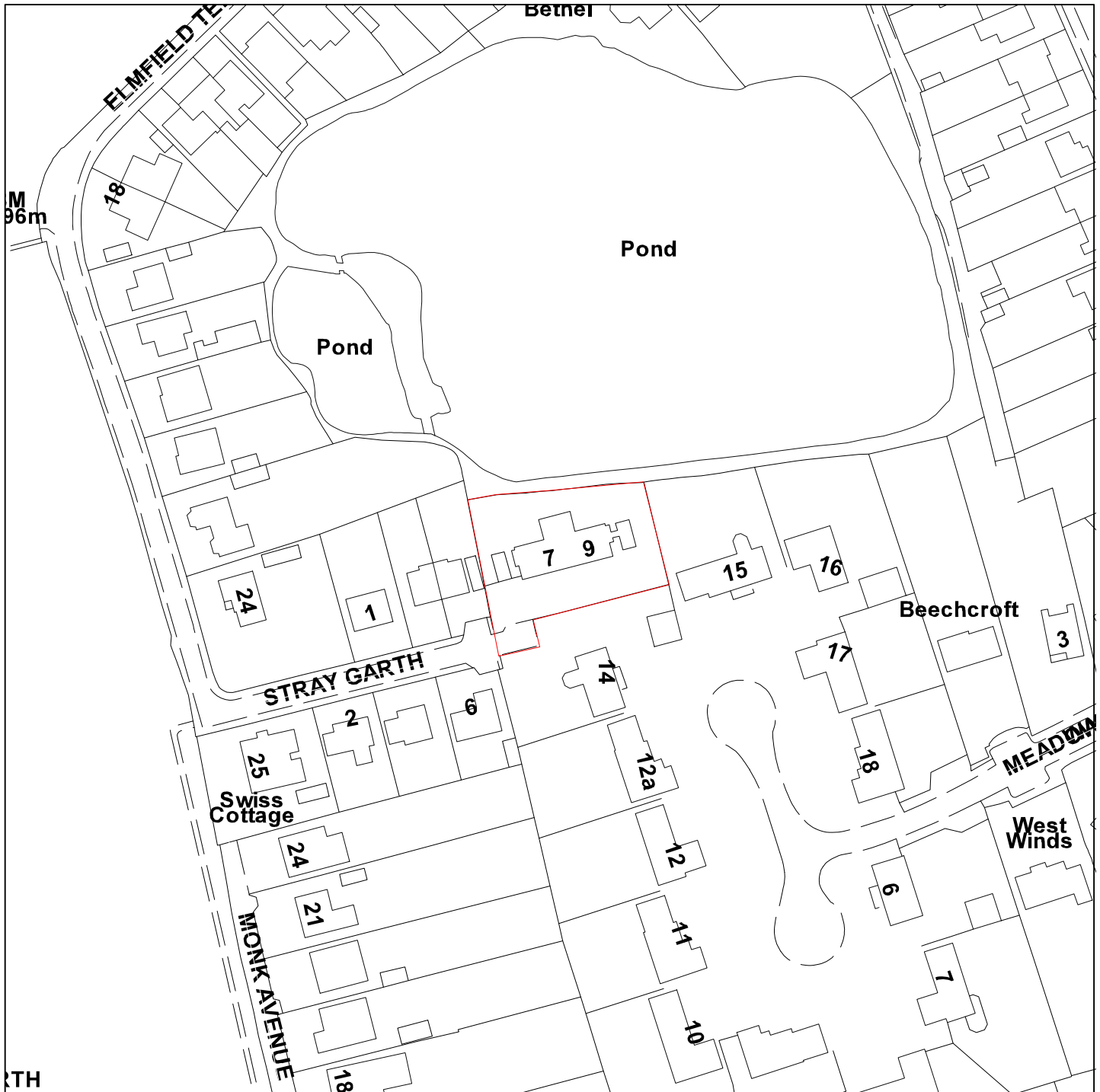
**Tel No:** 01904 551657

# Stray Garth Community Home, 7 - 9 Stray Garth

07/02504/FUL



GIS by ESRI (UK)



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 January 2008
<b>SLA Number</b>	Not set



**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Osbaldwick  
**Date:** 7 February 2008                              **Parish:** Osbaldwick Parish Council

**Reference:** 07/02863/FUL  
**Application at:** 60 Meadlands Osbaldwick York YO31 0NS  
**For:** One and two storey pitched roof rear extension, single storey extension to side and pitched roof dormers to front  
**By:** Mr And Mrs P Fort  
**Application Type:** Full Application  
**Target Date:** 31 January 2008

**1.0 PROPOSAL**

1.1 The application is for a one and two storey pitched roof rear extension, and a two storey side extension and two pitched roof dormers to the front roof slope.

1.2 The modestly designed detached dwelling is set within a suburban street of a spacious and open character. The street is made up of individually designed dwellings built in the 1960s and gives the street a distinctive character.

1.3 The application is called before committee at the request of Cllr. Jonathan Morley as the application would "have a major impact on the amenity of its neighbouring properties and is over development". As objections to the proposal have been received a site visit is required.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

**3.0 CONSULTATIONS**

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 10/01/2008  
Site Notice - N/A  
Press Advert - N/A

Internal/External Consultations - Expires 10/01/2008

8 WEEK TARGET DATE 31/01/2008

### 3.2 INTERNAL CONSULTATIONS

### 3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

#### 4 LETTERS OF OBJECTION

- Dwellings individually designed to give occupants space and light and views between dwellings
- The mass and scale of the extension would not be in keeping with the surrounding dwellings
- Proposed dormers are too large for the size of roof
- The proposed porch would be out of scale to the property
- The extension over the garage would block light and the outlook of the green belt from dwellings at the opposite side of the road
- Overdevelopment of the site
- It is proposed to lengthen the south elevation by 60% with a wall that is 56% higher than the existing rear wall. The construction of these walls would reduce light to the first floor gable end bedroom window in side elevation of 58 Meadlands facing 60 Meadlands leading to a loss light and outlook
- Increase floorspace by 160% resulting in a structure out of proportion, scale, and keeping with the other properties within the street.
- Concerns that there may be an increase in roof height
- Cause a loss of light and outlook to the first floor bedroom window, and two lounge windows in the side elevation of 62 Meadlands facing 60 Meadlands
- The proposed side elevation facing 62 Meadlands will have the appearance of a "warehouse wall"
- Would overwhelm the garden of 62 Meadlands, and would cause overshadowing by virtue of bulk, would impact significantly on the amenity of the garden
- No details of drainage, potential for possible ground water problems
- The construction would cause disturbance, noise, pollution and inconvenience

### 4.0 APPRAISAL

#### 4.1 RELEVANT SITE HISTORY

None

#### 4.2 ADDITIONAL PLANNING POLICY

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

#### 4.3 KEY ISSUES

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

## 4.4 ASSESSMENT

### PLANNING POLICY

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

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

4.4.3 The City of York Council's supplementary planning guidance - Guide to extensions and alterations to private dwelling houses, states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. As a general rule dormers should not extend across more than one third of the roof span and should not dominate the existing roof. Materials must also match the existing and be of a similar scale and proportion to the original dwelling. Dormer extensions should not be higher than the ridge of the roof of the original dwelling. Dormers that face to the front of the property towards a public highway road or footpath are not encouraged, unless they are small and in keeping with the style of the property. In most cases dormers should have pitched roofs, and be hipped or swept to match the style of the existing roof. In order to reduce the visual impact of two storey extensions the ridgeline should be lower than the original dwelling.

4.4.4 In order to reduce the visual impact of two storey extensions the ridgeline should be lower than the original dwelling. Side extensions should be sympathetically designed to appear subservient to the main dwelling. Their appearance will be improved if the extension is set back from the main dwelling. It is particularly important that the design of side extension takes account of the height of the new building in relation to the distance from neighbouring properties. When making a planning application it is important to consider the height and level of the site and the impact of a proposal on the internal and external spaces of neighbouring properties. A porch extension should be of a simple design and of a size which does not dominate the front elevation. The shape and materials should reflect the character of the main dwelling including the style of doors and windows.

## VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.5 The modestly designed detached dwelling is set within a suburban street of a spacious and open character. The street is made up of individually designed dwellings built in the 1960s that give the street a distinctive character. The dwelling is smaller in height and has a shallower roof pitch than the neighbouring dwellings. A mature beech hedge marks the boundary of the plot and the rear of the property has an outlook over the open countryside.

4.4.6 The proposal would remove the front projection from the front elevation and would add two pitched roof dormers to the front roof slope and a glazed porch (4.1 metres in height). The existing garage to the side would be removed and a two-storey side extension would be built set back 0.45 metres (the original garage was set back 1.65 metres). The two storey elements would be added to the back with a single storey sunroom in between them. The increase in the footprint of the resultant dwelling from the original is approximately 47.33%. The extension would provide a garage, utility room, kitchen, sunroom and dining room at ground floor with four bedrooms (two with en-suite facilities) and a bathroom at first floor.

4.4.7 The proposed rear two storey elements are not set down from the height of the original roof, and the eaves would be raised by 1.3 metres. The proposed rear extension would be 4.5 metres in depth. The pitch of the original rear roof slope would be altered from 38 degree slope to a 12.5 degree slope to create additional accommodation within the roof space. The alterations to the pitch of the rear roof slope would give the rear elevation a rather atypical appearance, however, it is still possible to use matching roof tiles, notwithstanding the shallowness roof pitch. The proposed two storey extensions together with the change in the pitch of the rear roof slope would not retain the original character of the dwelling. However whilst the design at the rear removes the original character from the dwelling, the rear extensions would be only seen obliquely from the road and therefore impact on the streetscene would be minimal.

4.4.8 The proposal would introduce an unusual glazed feature breaking through the eaves of the bungalow and incorporating a pitched roof. The proposed pitched roof dormer windows would be set down from the original roof ridge and appear small in scale when viewed in context with the front elevation. The proposed front elevation would have a plainer appearance following the removal of the single storey pitched roof protruding element. However, on balance it is considered that the proposed alterations, including the proposed dormer windows, would not result in unacceptable harm to the streetscene and are acceptable. The front elevation is partially screened by the existing beech hedge and there are other examples of larger dormers within the streetscene. The dwelling is smaller in height than those on either side.

4.4.9 The proposed rear extension would be visually bulky and would be prominent from neighbouring rear gardens by virtue of the depth and the breaking of the first storey building line to the rear of the dwellings. However it is considered that refusal could not be recommended for the reason of overdevelopment as the dwelling is set within a large plot and space is retained to each side. Views of the extension from the public realm would be limited.

## IMPACT ON NEIGHBOURING PROPERTY

4.4.10 The proposed extensions would be likely to result in some additional overshadowing and loss of light to 62 Meadlands by virtue of the orientation of the building together with the increased bulk adjacent to the shared boundary and the proposed two storey rear extension. The side elevation of 62 Meadlands has two secondary lounge windows and a first floor bedroom window in the gable end facing the proposed extension. However, any increase in overshadowing and loss of light is not considered to be unduly harmful in this instance, particularly bearing in mind that the affected windows are not of a primary nature (in the case of the living room) or do not serve principal rooms (in the case of the bedroom). Number 58 Meadlands has a garage between the proposed extension and the dwelling that would provide screening, together with the distance (approx 8 metres) it is considered that there would be no significant loss of amenity.

4.4.11 The side elevations of the resultant dwelling would be 11.9 metres in depth. The height and siting of these extensions would lead to a loss of outlook from the first floor bedroom window of 62 Meadlands and to a lesser extent 58 Meadlands. However as the existing view from these windows is of the gable end of 60 Meadlands and oblique views overlooking 60 Meadlands it is not considered that this would result in a significant loss of amenity.

4.4.12 The rear extensions would be visually bulky and prominent from the rear, particularly as they would break through the eaves at the rear of the dwelling. However, the bulk and mass of the extension is not considered to be overbearing to the occupants of 62 Meadlands as they have no primary windows in the elevation facing 60 Meadlands, and a single storey rear extension which would screen some of the impact. No. 60 Meadlands has a relatively large rear garden, and therefore the impact of the extensions on the amenity of the garden area would be limited. The proposed side elevation would be 11.9 metres in depth and the height of the proposed two storey rear extensions would be 5.8 metres in height, albeit with an eaves height of 3.7 metres. However the roof slopes away from the boundary reducing any overbearing impact that may otherwise result.

## 5.0 CONCLUSION

5.1 On balance, the design of the extension is considered to be satisfactory. The full impact of the rear extension is not visible from the public realm and is therefore not considered to adversely affect the streetscene. It is considered that the proposed alterations to the front elevation, including the proposed dormer windows, would not result in unacceptable harm to the streetscene, particularly bearing in mind the suburban character of the area. The proposed rear extension would be prominent from the rear gardens of the neighbouring dwellings but it is not considered to be unduly harmful to the amenity and living conditions of the occupants of these dwellings. Approval is recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing Number 07:21:PA1 received 6 November 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 VISQ1 Matching materials

4 VISQ8 Samples of exterior materials to be app

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

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

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

### 1. REASON FOR APPROVAL

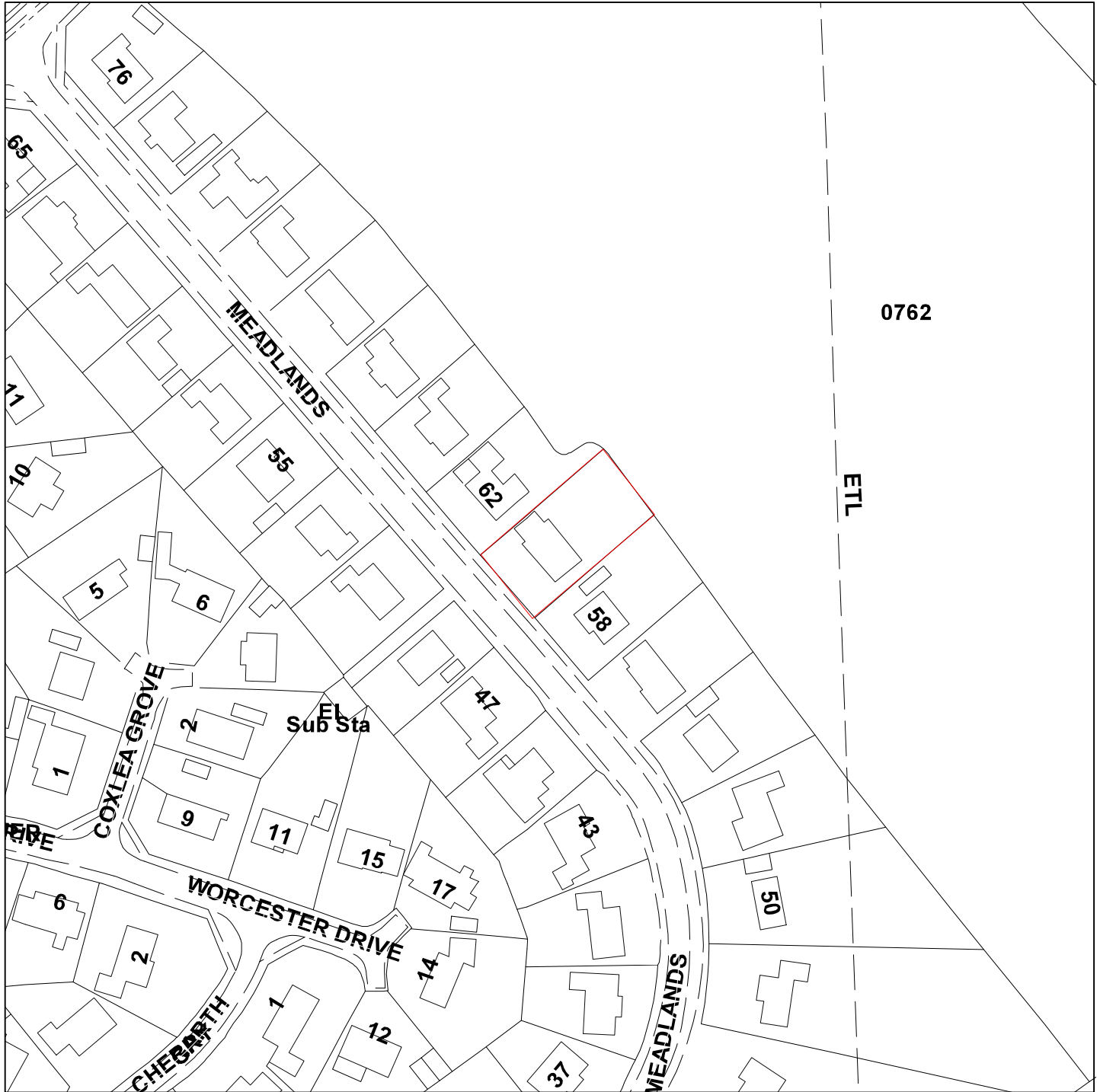
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity and living conditions of adjacent occupiers and the visual amenity of the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005).

### **Contact details:**

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

# 60 Meadlands, Osbaldwick

07/02863/FUL



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 January 2008
<b>SLA Number</b>	Not set

## COMMITTEE REPORT

**Committee:** East Area                                      **Ward:** Wheldrake  
**Date:** 7 February 2008                                      **Parish:** Naburn Parish Council

**Reference:** 07/02906/GRG3  
**Application at:** Naburn C Of E Primary School Main Street Naburn York YO19 4PN  
**For:** Single storey extension to rear following demolition of existing oil tank and shed  
**By:** City Of York Council  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 7 February 2008

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a flat roof single storey rear extension to provide a teaching resource centre and a hygiene suite at Naburn Primary School. The extension will replace an existing detached shed and oil tank

The school is set within the washed over Green Belt settlement of Naburn, and is a traditional Victorian village school set back from the public highway situated in a corner position between York Road and Front Street with a playground area to the front and side elevation.

1.2 The school is located within flood zone 2/3

1.4 Property History -  
7/S08/00085B/GRG - single storey side extension approved 1996.  
00/01337/GRG3 - conservatory approved 2000

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Naburn CE Primary 0209

2.2 Policies:

CYGB2

Development in settlements "Washed Over" by the Green Belt



CYGP1  
Design

CYED1  
Primary and Secondary Education

### **3.0 CONSULTATIONS**

#### 3.1 Internal

3.2 Naburn Parish Council - Object on the grounds -  
Application drawings are incorrect , they do not show the residential properties of Glebe House and Pleasant View.  
Several extensions have been added to a limited area of the original premises of the village school, all of which impact on its neighbours  
Loss of daylight to Glebe House.

3.2.1 The Environmental Protection Unit have no objections to this planning application, however it would be helpful to include the standard demolition and construction informative.

#### 3.2.2 Objections from residents

Glebe House - strong objections regarding the proposal being within close proximity of the residents sitting room window, with the existing school building obscuring the southern sky and creating deep shadows across the property, hence requiring the resident to use artificial lighting.  
The occupiers have stressed that a lot of time is spent in the sitting room because both are retired.  
Loss of outlook due to the height of the proposed building.

Pleasant View - These residents have expressed concerns that the extension will overwhelm the living area of their property.  
A large extension erected in 1997 caused both properties to lose a lot of natural light, hence the erection of a further extension will exacerbate the problem to unacceptable level.  
They understand the schools needs to expand resources to meet current needs, however, a new school would be more realistic to accommodate the large numbers rather than extending a small village school.

### **4.0 APPRAISAL**

4.1 Key issue(s):  
Design and visual impact on the Green Belt  
Residential amenity

4.2 Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York. The village of Naburn is a "washed over" Green Belt settlement.

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

4.4 Draft Local Plan Policy CYGB2 states that development in settlements washed over by the Green Belt, planning permission will only be granted for the erection of new buildings or the change of use redevelopment or extension of existing buildings will be permitted provided a) development to be located in built up area of the settlement b) the location, scale and design would be appropriate to form the character of the settlement and neighbouring properties c) the proposed development would constitute limited infilling and would not prejudice the openness or the purposes of the Green Belt.

4.5 Draft Local Plan Policy CYED1 states that extensions to primary and secondary education facilities will be granted permission provided that: a) it would meet a satisfied need; and b) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; and d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

4.6 Central Government advice contained within Planning Policy Guidance Note 2 'Green Belts' (PPG2) sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt.

4.7 Assessment -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. The proposal involves erecting a single storey extension in a modest area to the side/rear of the existing school building. The extension will have a total height of approx 3.1 metres and is of an irregular shape, closely following the alignment of the boundary with the adjacent residential properties. The maximum dimensions of the extension would be 12.7 metres in length x 4.7 metres in width. A minimum clearance of approximately 1.2 metres would remain between the extension and the site boundary. The extension would be of a flat roof design with windows proposed to both side and rear elevations along with a rear access door. The proposed external materials would consist of cedar boarding to the exterior walls and high performance built up roofing felt. The proposal would improve the facilities available to the school and would not result in any increase in staff or pupil numbers.

4.7 Impact on the Green Belt - The proposal is not visually prominent from the highway, the boundaries are well screened and the size and scale is not considered to be disproportionate to the existing school building. Thus the proposal is not considered to be inappropriate development that would harm the openness of the green belt.

#### 4.8 Neighbour / Parish Objections Letters:

Glebe House - The residents of Glebe House which is accessed off Front Street have made strong objections regarding the proposal being within close proximity of the residents sitting room window, with the existing school building obscuring the southern sky and creating deep shadows across the property, hence requiring the resident to use artificial lighting, the residents have stressed that a lot of time is spent in the sitting room because both are retired. The objection includes the loss of outlook due to the height of the proposed building which is an existing bin storage area.

Pleasant View - The residents of Pleasant View, which is accessed off Main Street and has a garden area abutting the rear boundary of the school. These residents have expressed concerns that the single storey will overwhelm the living area of their property. A large extension erected in 1997 caused both properties to lose a lot of natural light, hence the erection of a further extension will exacerbate the problem to unacceptable level. The occupiers of the property stress that they appreciate the schools needs to expand resources to meet current needs. However, the residents are of the opinion that a new school would be more realistic to accommodate the large numbers rather than existing a small village school.

Naburn Parish Council have objected on the grounds of loss of amenity for the residents of Glebe House making reference to the use of artificial light causing health problems. The parish are sympathetic to the need of the school. Several extensions to the school have already taken place in restricted areas and all have an impact on the neighbours.

4.9 RESIDENTIAL AMENITY: Both adjacent properties have been visited both internally and externally. The extension would be located in close proximity to both properties. These properties enjoy only limited sunlight at the present time due to the close position of the dwellings in relation to the existing school building. Both have windows facing the proposal, however the rear windows at Pleasant View are small in scale and the property incorporates an extension with large windows facing towards the garden area. The existing oil tank and shed stand approx 1 metre from the shared boundary and these would be removed as a result of the proposal. Although Glebe House has a window facing towards the extension, the outlook from this window is already severely curtailed by the presence of the existing school building, and the room concerned is a through room with a second source of natural light on the opposite elevation.

4.10 It is not considered that views of the sky from either property would be impaired by the proposal, as the extension would sit against, and be lower than, the existing school building. The extension would be erected in cedar boarding, which could be stained a light colour to reduce its visual impact, and indeed provide some relief and contrast to the dark coloured brickwork of the existing building, which has a

somewhat imposing and overbearing appearance when viewed from the adjacent properties. On balance, it is considered that the amenity and living conditions of the adjacent occupiers would not be made significantly worse as a result of the proposal, hence the application is recommended for approval.

## 5.0 CONCLUSION

The development will be effectively unseen from public areas and the design and materials are considered acceptable. It is not considered that the development would not give rise to any significant additional overshadowing and loss of light than already exists, and thus the application is recommended for approval.

## 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:-

Originally submitted drawings received on 11 December 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 VISQ8 Samples of exterior materials to be app

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

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

Reason: To protect the amenity of surrounding residents

## 7.0 INFORMATIVES: Notes to Applicant

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Green Belt, impact on adjacent

occupiers and the effect on the street scene. As such the proposal complies with Policies GP1,ED1 and GB4 of the City of York Local Plan Deposit Draft, and Central Government advice contained within Planning Policy Guidance Note 2 "Green Belts".

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 scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. 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.

**Contact details:**

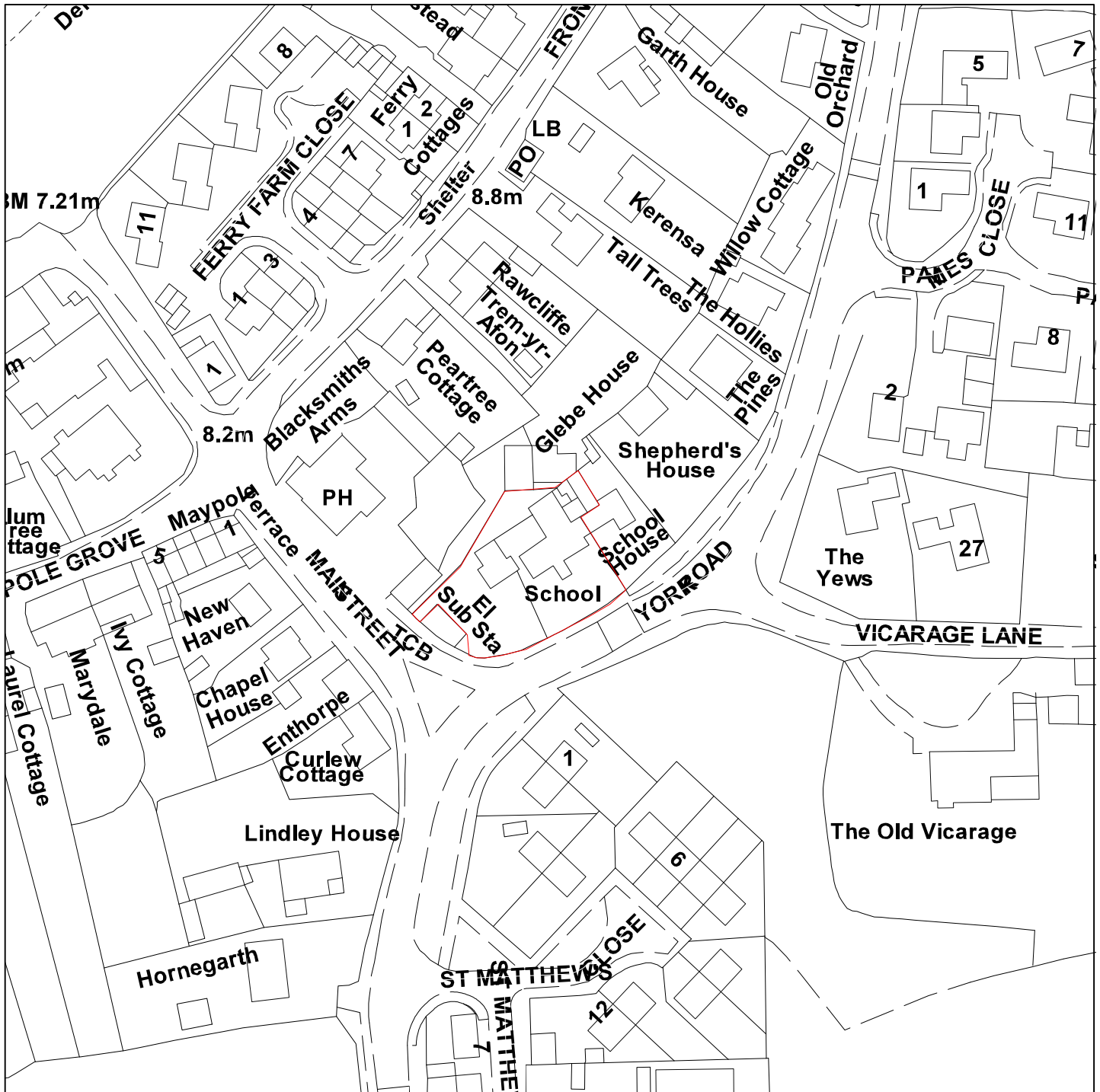
**Author:** Sharon Lickers Development Control Assistant  
**Tel No:** 01904 551359

# Naburn C of E Primary School, Main Street, Naburn

07/02906/GRG3



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 January 2008
<b>SLA Number</b>	Not set

## COMMITTEE REPORT

**Committee:** East Area                                      **Ward:** Derwent  
**Date:** 7 February 2008                                      **Parish:** Kexby Parish Council

**Reference:** 07/02732/FULM  
**Application at:** Gateway To York Hotel Hull Road Kexby York YO41 5LD  
**For:** Change of use from Hotel (Class C1) to care home for the elderly (Class C2)  
**By:** Colin Marsh  
**Application Type:** Full Application  
**Target Date:** 18 February 2008

### 1.0 PROPOSAL

1.1 This is an application for the change of use of the Gateway to York hotel, a use falling within Class C1 of the Town and Country Planning (Use Classes) Order 1987, to a Class C2 use (Residential Institutions). The application is specifically for a residential care home/nursing home for the elderly and the applicant has indicated in the planning statement supporting the application that a restriction to a nursing/residential home could be applied if necessary.

1.2 The hotel is located on the north side of the A1079 York to Hull road at Kexby, immediately adjacent to the west of Kexby Bridge and the River Derwent. The River Derwent marks the boundary between the City of York Council administrative area and the East Riding of Yorkshire.

1.3 The application site extends to the north of the hotel up to the river bank with an overall site area of 3.2 ha, predominantly in the form of a parkland type landscape containing a large pond. The hotel developed as an expansion of the Norseman restaurant in 1987 with additional extensions in 1989 and 1991. A further permission for an extension was granted in 1999 and renewed in 2004. This extension has not yet been built. The permission for the extension expires in June 2009.

1.4 The application is for a change of use only, with no alterations being proposed to the layout or external appearance of the buildings at this time. Internal alterations could be carried out without further planning permission being necessary should planning permission be granted. Any external alterations or alterations that materially affected the external appearance of the building would require a further planning application.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Stamford Bridge Viaduct, Kexby

2.2 Policies:

CYGB3

Reuse of buildings

CYH17

Residential institutions

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

Highways Network Management

The site is well served by a direct access onto the A1079 and has ample facilities for the parking and turning of vehicles associated with its present use as a hotel although cycle storage is not apparent.

It is considered that overall traffic visiting the site will be likely to reduce as a consequence of its change of use from a hotel to a care home and consequently there are no highway objections to this application.

City Development

This proposal will be keeping in use a building within the Green Belt. This will avoid the building becoming damaged/derelict and therefore in this respect it complies with advice in Planning Policy Guidance Note 2. The planning statement submitted with the application also highlights that it is in conformity with policy GB3 (a - f) as there are no substantial alterations being proposed to the existing building. However the City Development Officer raises concerns regarding the proximity of the proposed care home in relation to local services. The applicant needs to demonstrate there are appropriate local services within 800m of the site. The Economic Development unit should also be consulted regarding the level of employment a care home would provide and whether this is appropriate

Environmental Protection

No objections

#### **3.2 EXTERNAL**

Parish Council

Having reviewed the application we have no objections in principle to the proposed change of use to a residential care home for the elderly, however, in order to safeguard the impact on the local community and manage the interaction with the extremely busy road running past the application site, we would ask the council to consider the attachment of a planning condition restricting the use of the building to that proposed by the applicant.

We understand that Government circular 11/95 makes provision for such eventualities and if model condition 48 were to be appropriately amended ( to restrict use to a residential care home for the elderly) and attached to planning consent we would have no objection in principle to the proposed development. We understand



that the applicant has suggested that they would be happy with such a condition and as such see no reason why it should not be attached to planning consent.

### 3.3 Publicity

The application was advertised by means of a site notice displayed on the 27th November 2007. The notice expired on the 18th December 2007. Neighbour letters were also sent to the nearest residential properties. These notices expired on the 13 December 2007. No responses have been received. The application was advertised in The Press on the 28th November 2007.

## 4.0 APPRAISAL

### Site history

4.1 The original building has been extended by virtue of planning permissions granted in 1989 and 1991. A further extension was granted permission in 1999 and renewed in June 2004. This extension, which proposes additional bedrooms, conferencing/wedding facilities and an additional 21 car parking spaces, remains extant but has not yet been implemented.

4.2 The key issues raised by this proposal are:-

- Policy background
- Residential amenity
- Highway issues
- Restricting the use to care home only

### Policy background

4.3 The application relates to the change of use of an existing hotel, use class C1, to use as a care home for the elderly (class C2). The site is within an area of Green Belt. The North Yorkshire structure plan policy E8 defines the area of green belt around York.

4.4 Central government advice in Planning Policy Guidance 2 "Green Belts" (PPG2) is relevant to the proposal. This states the re-use of buildings inside a Green Belt is not inappropriate development providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it; strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing); the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and the form, bulk and general design of the buildings are in keeping with their surroundings

4.5 The advice in PPG2 is reflected in Policy GB3 of the City of York draft Local plan, although this policy also states that where the proposal involves a change of use to residential, planning permission will only be granted where buildings are within 800m of a defined settlement limit and it can be demonstrated that the building is unsuited to employment or recreational use or the building is of architectural or historic

importance and its reuse for residential purposes would be the only way to ensure its preservation as such.

4.6 The applicants' agent has confirmed that the proposed change of use can be accommodated within the existing building, the internal layout necessary for a care home being very similar to that of a hotel. It is therefore considered that the proposed use will comply with the requirements of PPG2 in that the proposal will not have a materially greater impact than the present use on the openness of green belt. The City Development Officer has expressed concern that the applicant has not demonstrated that the site is unsuited to employment or recreational use and that the building is not within 800 metres of a settlement limit, as referred to in Policy GB3 of the Draft Local Plan. In response to this, it is pointed out that the proposed use is not a pure residential use as such, but relates to a care home for the elderly, a use falling within Class C2 of the Use Classes Order. Residential uses fall within Class C3 thus the proximity of the site to existing settlements is not considered to be strictly relevant in this case. It is the case that care homes occupy a variety of locations and the proposal would add a further degree of choice in this respect. The care home would clearly provide a source of employment and levels of employment are likely to be comparable if not greater than for the existing hotel use. For these reasons it is considered that the proposal complies with the relevant parts of Policy GB3.

4.7 Other relevant policies within the Draft Local Plan include policy H17 which states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permissions for that use, would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport. There appears to be little support in national planning policy for the requirements of policy H17, there is merit in the view that care homes should be located close to local facilities and close to public transport. The main road outside the site provides access to public transport and this element of the policy is, therefore, addressed. Other local facilities (e.g. shops) are, however, not located in close proximity to the site.

4.8 Officers have examined appeal cases where this issue has been considered and it appears that there is little support for refusal on the basis of a lack of local facilities. In the main this is because the registering authority for care homes (The Commission for Social Care Inspection) considers this issue through the licensing process. Consideration of the issue through the planning process would, therefore, merely duplicate controls that already exist under licensing legislation. Furthermore paragraph 65 of circular 3/2005 states that in relation to care homes that have to be registered, registration can be refused on the grounds that the home would not provide adequate services or facilities reasonably required by residents or patients. Therefore, it is considered that the main impact that needs to be considered is the impact of the proposed use on amenity and the environment.

#### Residential Amenity

4.8 The nearest properties to the site are located on the western side of the site, separated from the site by a public footpath. It is likely that the proposed use would

be less intrusive than the existing and in terms of impact on the nearest residential properties the proposal is considered to be acceptable.

#### Highway issues

4.9 Highway Network Management consider that traffic levels are likely to reduce as a consequence of the development and therefore raise no objections to the development. The public footpath to the west of the site is not affected by the application.

#### Restricting the use to care home only

4.10 The applicant agent has indicated in the letter supporting the application that they are willing for the application to be restricted within Class C2 to a care home for the elderly. The Parish Council are raising no objections to the application subject to the application being restricted to a care home for the elderly. Other uses in class C2 are hospitals, residential education and training centres, and use for the provision of residential accommodation and care to people in need of care.

4.11 Circular 11/95 - "The Use of Conditions in Planning Permission" makes it clear that there is a presumption against conditions designed to restrict future changes of use which, by virtue of the Use Classes Order or the General Permitted Development Order, would not otherwise constitute development..... The Secretary of State will regard the imposition of such conditions as unreasonable unless there is clear evidence that in the particular circumstances the uses excluded could have serious adverse affects on the environment or on amenity not susceptible to other control. Paragraph 26 goes on to say that if exceptionally conditions restricting changes of use are justified they should be drafted so as to prohibit a change to a particular potentially unacceptable use or uses, rather than in terms, which require future approval of any change of use.

4.12 In officers view any use that provides care is likely to have similar impacts in terms of amenity and the environment and therefore to restrict the use to care for the elderly only or to restrict the use of the building to a hospital would not fall within the guidance within circular 3/2005. However Officers are concerned that the use of the site for a residential education or training centre may have different characteristics, may attract more traffic and visitors and the impact of this use on the openness of green belt and on the nearby residents would need to be considered on their own merits. It is therefore proposed to restrict the permission such that any future application for residential education or training centre would need a separate planning permission.

## **5.0 CONCLUSION**

5.1 The principle of change of use of the hotel to a care home is considered to be acceptable within this green belt location. The application is considered to be acceptable in terms of its impact on residential amenity and highway safety. A Condition is proposed to restrict the use of the site within the C2 use class to prevent the site being used as a residential education and training centre without further planning permission.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used as a care home or hospital only and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

Reason: The site is prominently located within greenbelt and in close proximity to existing residential properties. Any change of use to boarding school or training centre will need to be considered in terms of the impact of the development on the openness of green belt and impact on residential amenity.

**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 green belt, residential amenity and highway safety. As such the proposal complies with Policy GB3, of the City of York Local Plan Deposit Draft furthermore the proposal complies with the guidance set out in Planning Policy Guidance note 2 entitled 'Greenbelts' .

2. ALTERATIONS TO THE EXISTING BUILDING

It should be noted that any external alterations to the building would need planning permission where they materially affect the character or appearance of the building. This permission does not give any permission for physical alterations to the building that would normally need planning permission. You are advised to contact the planning section before proceeding with any alterations to the building to establish if further planning permission is required for the alterations proposed.

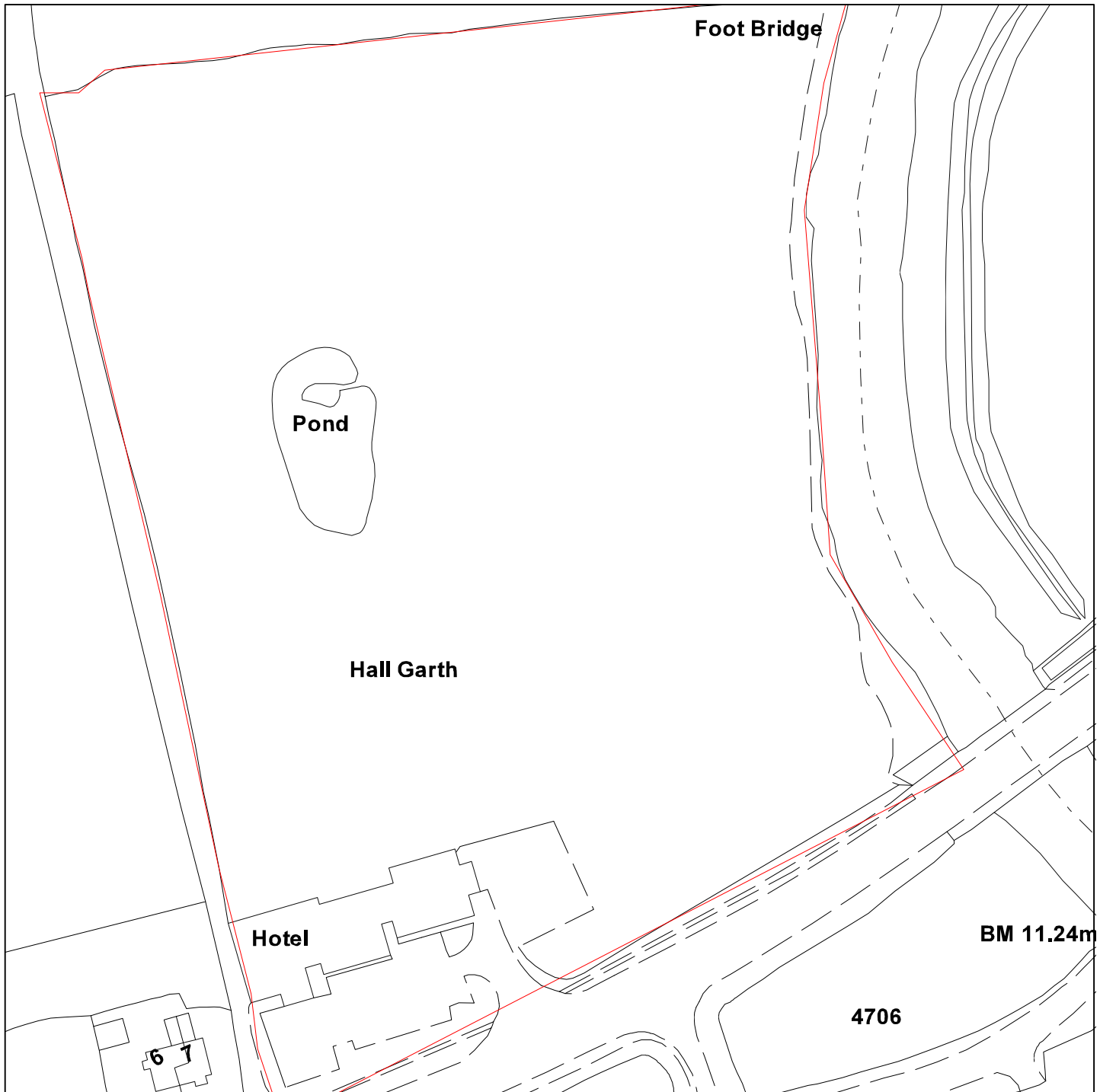
**Contact details:**

**Author:** Diane Cragg Development Control Officer (Mon/Tues)

**Tel No:** 01904 551657

# Gateway to York Hotel, Hull Road, Kexby

07/02732/FULM



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 January 2008
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 7 February 2008

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 07/02669/FULM  
**Application at:** Rodgers Carpets Julia Avenue Huntington York YO32 9JR  
**For:** Extension to warehouse (1008 sq.m)  
**By:** Rodgers Of York  
**Application Type:** Full Application  
**Target Date:** 11 February 2008

**1.0 PROPOSAL**

1.1 This full application relates to a site occupied by Rodgers of York Limited, which has its principal frontage to Jockey Lane but with vehicular access from Julia Avenue. To the south of the site lies a large open field and a derelict dwelling, identified within the City of York Draft Local Plan as part of the 13 ha Monks Cross South Premier Employment site. This site has the benefit of an outline planning permission, granted in 1998, to provide access, vehicle and cycle parking, park and ride facility, landscaping, and the erection of buildings for B1 and B2 use (98/02301/OUT). Subsequent reserved matters applications have been approved to erect office blocks on the site. To the north of the site, adjacent to the roundabout, there is a further retail unit containing a number of different outlets. To the west lie various business units.

**Proposal Description**

1.2 This application seeks planning consent to erect a warehouse extension in the south west corner of the site. The proposed extension would provide an additional floor space of 1008sq.m to the existing 1440sq.m building. The maximum dimensions of the extension are a footprint of 35.0m x 31.0m, eaves height of 8.2m and a ridge at 11.2m. The bulk of the existing warehouse measures 8.0m high.

1.3 The proposed external materials would be facing bricks for the lower 2.5m of the structure, with silver-coloured profiled metal sheeting for the walls and roof. Four roller-shutter loading doors are proposed on the north elevation, two emergency personnel doors on the southern elevation, whilst the western elevation would be blank. The site is enclosed by a 2.0m high steel palisade fence. In order to provide further security a pair of sliding gates has been proposed at the northern end of the service yard.

1.4 The building would be sited in an area currently used as a service yard. The existing service yard comprises a staff parking area (17 spaces), and a hardstanding. Customer car parking for 49 vehicles plus two disabled spaces is arranged around the north east side of the store. By virtue of this development staff parking spaces would be reduced to 12, although 14 cycle parking spaces would be provided. There is currently no formal provision for cycle parking within the site.

**RELEVANT PLANNING HISTORY**

1.5 3/66/649B/PA: Change of use and extension to warehouse with retailing facility to form carpet store. Permission was granted in 1987.

1.6 96/01906/OTH: Extension & Alteration To Retail Carpet Showroom. Permission was granted in 1986.

1.7 00/00773/FUL: Erection of single storey pitched roof extension to East elevation and external alterations including enclosure of existing covered walkways. Permission was granted on 17.5.2000.

1.8 03/00618/FUL: Erection of two storey showroom extension to North and East elevations. Permission was granted on 8.4.2003.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### 2.2 Policies:

CYS2

Out of centre retail warehouse criteria

CYGP1

Design

CYGP3

Planning against crime

CYGP17

Security shutters

CYSP8

Reducing dependence on the car

CYSP9

Action Areas

CYGP4

Environmental sustainability

CYT4

Cycle parking standards

CYE4

Employment devt on unallocated land

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Highway Network Management. Latest response received 22 January 2008. The following comments were made:

- on-site reversing manoeuvre of Heavy Goods Vehicles has been the normal practice since the stores opened in 1987 without, apparently, any incidents,
- although larger vehicles may now be used to serve the site, the frequencies of visits would be similar to the existing level,
- as such there are no highway objections subject to condition.

3.2 Environmental Protection Unit consulted. Response received 5 December 2007. The unit have no objections. Informative recommended to ensure the developers are aware of the legislation governing their activities.

#### EXTERNAL

3.3 Huntington Parish Council consulted. Response received 27 November 2007. The Council has no objections.

3.4 Neighbours consulted, press advertised and site notice posted. Expired 25 December 2007. One letter received confirming NYCOM Limited, the property to the north of the site has no objections to the scheme proposed.

### **4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Out of Centre Warehouse Development
- ii. Design, scale and External Appearance
- iii. Sustainability
- iv. Highway Safety

#### OUT OF CENTRE WAREHOUSE DEVELOPMENT

4.2 This application relates to a warehouse extension to form an area for storage purposes. Two additional staff would be employed by virtue of the development, hence a total of 22 staff would be employed on site. In accordance with policy E4 of the City of York Draft Local Plan there is no objection in principle to warehouse development which involves the extension of existing building within the built up area of the city. This is provided that the scale and design is appropriate to the locality.

4.3 The proposed structure would form an extension to an existing retail warehouse, although the plan submitted shows the area proposed would be used for storage purposes only. As the proposal would not result in an increase in net retail floorspace within the application site, it is not considered that the "sales of goods" restrictions set out in policy S2 of the City of York Draft Local Plan is relevant to the proposal.



Furthermore, given that the application relates to the provision of additional storage accommodation at an established use within the Monks Cross Business Park, it is not considered that a sequential assessment and a retail impact assessment is necessary in this instance. In order to ensure that the proposed extension would not be used for any purposes other than storage a planning condition to restrict the use of the scheme is recommended.

## DESIGN, SCALE AND EXTERNAL APPEARANCE

4.4 The design of the proposed extension, together with the choice of external materials proposed would be in keeping with the general appearance of the existing warehouse and the surrounding buildings. The size of the external roller shutter entrances and other external features would be in proportion with the proposed extension and the existing building on the site

4.5 The maximum height of the extension would exceed that of the existing warehouse by 3.0m. Nevertheless, having considered the height and the massing of the recently approved office buildings to the south of the application site, on balance it is unlikely that the proposed extension would be more dominant than adjacent buildings that have already been approved within the locality. Furthermore, the existing buildings to the north, east and west of the application site would provide a reasonable degree of screening from the surrounding area.

## SUSTAINABILITY

4.6 Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 states all development should have regard to the principles of sustainable development as outlined in this policy. In the case of this development, the site is easily accessible by public transport, with frequent bus services, namely routes 9 and 13 which serve Monks Cross Shopping Park. A total of 14 cycle storage spaces are to be provided. Subject to condition the number of storage spaces proposed is considered acceptable.

4.7 In accordance with criterion 'c' of policy GP4a, the proposal could help to maintain the economic prosperity of York by providing additional storage space for the business to continue expanding. The proposed expansion would create two additional jobs. The business generates 20 jobs at the present time, many of whom are for young people starting their career in the retail industry.

4.8 The proposal would relate harmoniously with the general design and appearance of the existing warehouse and buildings within the locality. As such the proposal would not harm the visual character and appearance of the area, an important factor for creating a sustainable community.

4.9 The applicant intends to award the contract for the construction to a local firm, which employs largely local labour. Materials will be locally sourced as far as it is practicable. Due to the nature of the scheme, it is unlikely that the proposal would result in an unacceptable level of air, water, noise and light pollution. The Council's Environmental Protection Unit have raised no objections to the proposal.

4.12 This application was received before the Interim Planning Statement on Sustainability was approved by the Planning Committee for development control purposes. As such the provisions of this document are not a material planning consideration in this instance.

#### HIGHWAY SAFETY

4.13 A large open area currently used as a service yard would be removed by virtue of the development. As such, it was originally thought that Heavy Goods Vehicles (HGV's) would need to do a right angled reversing manoeuvre at the main site entrance, within the sole entrance route and the customer parking area. Whilst this manoeuvre is unlikely to have any direct impact upon the public highway, such an arrangement has the potential to be hazardous within the confines of the main site entrance and public areas.

4.14 Further information has subsequently been submitted by the applicant's agent, which confirms that HGV's have been making the same manoeuvre as shown on the proposed site layout plan since the stores opened in 1987, without any incident. As such, the fact that the service yard would be removed does not in any way alter the current HGVs manoeuvring arrangement. Having taken the above into account, together with the consideration that the frequency of traffic movements involving HGV's would remain similar to the existing level, it is unlikely that the proposed extension would create conditions more hazardous than the existing arrangement. Highway Network Management have raised no objections to the proposal.

4.15 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan (2005). Hence, this application is recommended for approval.

#### 5.0 CONCLUSION

By virtue of the above this application is 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 and other submitted details:

CO.795.09-C, CO.795.AE01-A, CO.790.11, CO.795.AE02-A and CO.795.10 as received by the City of York Council on 12 November 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 extension hereby approved shall be used for storage and distribution purposes only (as defined in Class B8 of the Town and Country Planning (Use Classes) Order 1987) and solely in association with the existing business on the site, and for no other purpose.

Reason: The Local Planning Authority would wish to carefully examine any alternative use of the extension to assess whether the development would be acceptable in terms of planning policy, access and amenity in accordance with Planning Policy Statement no.1 "Delivering Sustainable Development", Planning Policy Statement no.6 "Planning for Town Centres" and Policies S2, and SP7a of the City of York Draft Local Plan 2005.

4 VISQ8 Samples of exterior materials to be app

5 Unless otherwise agreed in writing by the Local Planning Authority, 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 neighbouring occupants.

6 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 11.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

7 VISQ4 Boundary details to be supplied

8 HWAY18 Cycle parking details to be agreed

## **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 Out of Centre Warehouse Development, Design, Scale and External Appearance, Sustainability and Highway Safety. As such the proposal

complies with Planning Policy Statement no.1 "Delivering Sustainable Development" and Policies GP1, GP3, GP17, SP8, SP9, GP4A, T4, E4 and S2 of the City of York Local Plan Deposit Draft.

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.

3. 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:** Billy Wong Development Control Officer

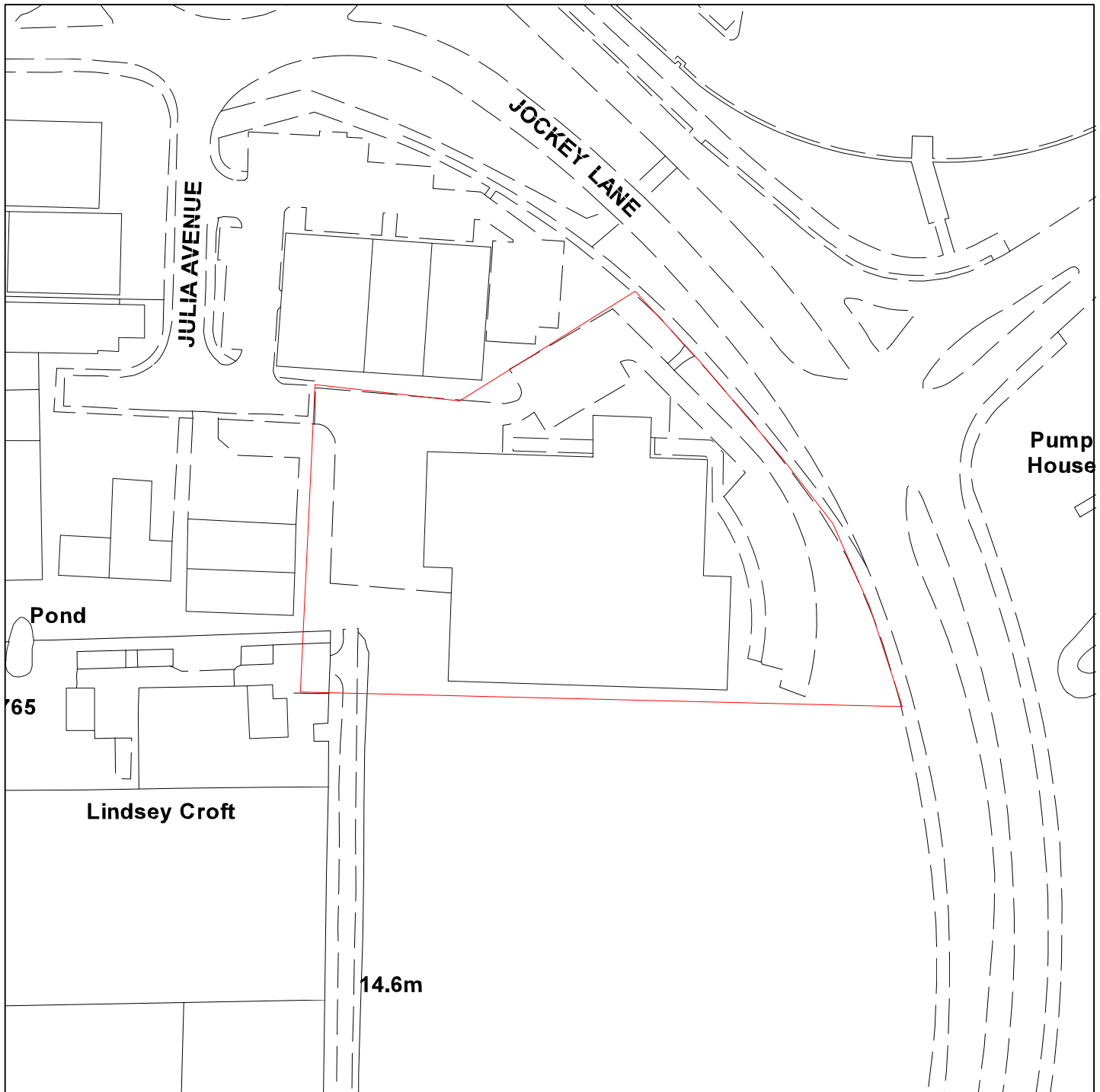
**Tel No:** 01904 552750

# Rodgers Carpetsl, Julia Avenue, Huntington

07/02669/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	28 January 2008
<b>SLA Number</b>	Not set