



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Horton, Galvin, Reid, Gillies, Gunnell, Jamieson-Ball and Sunderland
- Date:** Tuesday, 3 July 2007
- Time:** 12.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 12 noon on Monday 2nd July at 16 St Benedict Road, York

1. Declarations of Interest

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

2. Minutes (Pages 3 - 16)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Tuesday 22nd May 2007.

3. Public Participation

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

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

4. Plans List

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

a) 16 St Benedict Road, York (07/01237/FUL) (Pages 17 - 24)

Erection of 8no. two and three storey town houses and associated works (amendment to previously approved scheme) [*Micklegate Ward*]

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

Democracy Officer

Name: Tracy Wallis

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

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

Contact details are set out above.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Monday 2 July 2007****Members should meet at the site for this visit**

TIME (Approx)	SITE	ITEM
12:00	16/17 St Benedict Road, York	4a

City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	22 MAY 2007
PRESENT	COUNCILLORS SUE GALLOWAY, HORTON, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

89. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
BPM (McMillans, 1 Rougier Street, York)	Councillors B Watson, Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
46 Bishopfields Drive, York	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for refusal.
3 Cherry Grove, Upper Poppleton	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
Oakwood Farm, Upper Poppleton	Councillors Horton, Reid, Sunderland, Sue Galloway	As the applications are retrospective and recommended for approval.
9 Fellbrook Avenue, York	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
65 Green Lane, Acomb	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
Cherry Tree House, Askham Bryan	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
St Andrew's Hall, Bishopthorpe	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for refusal.

Builder's Yard, 2-24 Trafalgar Street	Councillors Horton, Reid, Sunderland, Sue Galloway	As the application is recommended for approval and objections have been received.
4 Ogleforth	Councillors Horton, Reid, Sunderland, Sue Galloway	As the applications have been recommended for approval and objections have been received.

90. DECLARATIONS OF INTEREST

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

Councillor Sue Galloway declared a personal and prejudicial Interest in Agenda Item 4e, as she knew the representor. She left the room and took no part in the debate.

91. MINUTES

RESOLVED: That the minutes from the meeting held on 19 April 2007 be approved and signed by the Chair as a correct record.

92. PUBLIC PARTICIPATION

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

93. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

93a McMillans, 1 Rougier Street, York (07/00690/FUL)

Members considered a full application submitted by McMillans (York) Ltd for the erection of a covered shelter to create an external smoking area on the existing rear flat roof.

Officers updated that a revised drawing had been submitted; this now included an internal lobby with a double door arrangement. It also specified the use of Rockwool R45 sound deadening material within the stud partitioning walls. These measures are intended to address the possibility of noise breakout from the shelter. Officers also drew Members attention to

Condition 3 in the report requiring the submission of a detailed noise management scheme, as recommended by the City of York Environmental Protection Unit.

Representations were received from the Applicant who stated that once the smoking ban came into force on July 1st 2007 there would be the problem of where smokers could go. The applicant said that having an external smoking area as part of the premises was the best way of controlling smokers.

Members asked the applicant whether he would be happy not to have tables and chairs in the area. He responded that there would have to be places to put ashtrays. The applicant was also asked how he would address any noise issues that may arise and he clarified that if there were any complaints regarding the premises then the licence could be reviewed and it was therefore in his interests to keep all areas of his premises under control.

Members asked the Environmental Protection Unit if they were satisfied that the noise from this area could be controlled and they said that the proposed construction was of good quality but numbers in the area should be limited.

Members felt that it was better that patrons used an external area within the premises to smoke rather than going onto the street as it meant that the applicant would be responsible for matters such as clearing litter and keeping noise levels to a minimum.

Members said that they would like to see the use of door staff or CCTV in the area, as well as the use of 'poser' tables and a limit on the number of people in the area at any one time.

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

- Notwithstanding the submitted details, no tables or chairs shall be provided within the smoking shelter hereby permitted. Details of any furniture which is to be provided within the shelter shall be first submitted and agreed in writing by the Local Planning Authority.

Reason: So as not to encourage the use of the shelter as an outside drinking area/beer garden.

INFORMATIVE: The "bus shelter" type seats around the perimeter of the shelter are considered to be acceptable. The provision of "poser tables" is also likely to be acceptable, however, details should first be submitted in accordance with the terms of this condition.

- Prior to the development hereby permitted being brought into use, a CCTV camera shall be installed in order to monitor activity within the smoking shelter. Details of the location of the camera, and any associated monitoring points, shall be submitted to and agreed in writing by the Local Planning Authority. Once installed, the camera and monitoring points shall be maintained in perpetuity and shall be operational at all times that the smoking shelter is available for use by the general public, unless any variations are first agreed in writing by the Local Planning Authority.

Reason: In the interests of reducing and controlling incidents of crime, disorder and anti-social behaviour that may occur within the smoking shelter.

- The number of persons within the shelter at any one time shall not exceed thirty (30).

Reason: In the interests of minimising the likelihood of noise nuisance, in order to protect residential amenity.

REASON: 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 character and appearance of the conservation area
- Impact on occupiers of neighbouring properties

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE2 and GP1 of the City of York Local Plan Deposit Draft.

93b Builders Yard Rear of 2 to 24 Trafalgar Street, York (07/00351/FUL)

Members considered a full application submitted by G H Developments for the proposed development of 4 one bedrooomed flats and one detached dwelling after demolition of a workshop.

Representations were received from a neighbour of the site and he spoke on behalf of himself and other local residents. He said that he had no objection to the development in principle but he was concerned about access to the site, the potential noise increase as there would be more vehicles accessing the area and the potential for over dominance of the proposed dwellings. He said that the proposed access was not wide enough for service vehicles and additional parking constraints would be needed. There would also be consequences relating to the drainage system.

Members raised concerns regarding the size of the units and felt that they were very small. They felt that the problems regarding access could be overcome and clarified with Officers that the access road would be reinstated following completion of the development as it was an adopted highway. Members asked that the setts on the existing road surface be retained and re-used where possible.

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

INFORMATIVE

With regards to the road surface, the existing setts should be retained and re-used where possible.

93c 4 Ogleforth, York (06/02042/FULM)

Members considered a major full application submitted by House and Son Ltd for the conversion, part demolition and extension of vacant warehousing and offices to form 12 apartments with associated parking.

Officers updated that a revised parking layout had been submitted which had addressed their concerns.

Representations were made by a local resident in objection to the demolition part of the application. He said that the building was an opportunity and not an obstacle and was the best example of its kind in the area.

Members raised concerns that the ground floor apartment would overlook an activity area used by children and Officers clarified that they had received a letter of objection from St. William's College sharing a similar concern and it was now proposed that the bedrooms would overlook the yard as the yard was used most during the day.

Members expressed concern about the demolition part of the application and requested that consideration be given to the retention and conversion of the building as part of the scheme. Alternatively, a full justification for the demolition of the building should be provided.

RESOLVED: That the application be deferred

REASON: To enable consideration to be given to the retention and conversion of the existing building on the Ogleforth frontage.

93d 4 Ogleforth, York (06/02052/LBC)

Members considered an application for listed building consent submitted by House and Son Ltd for conversion, part demolition and extension of vacant warehousing and offices to form 12 apartments.

RESOLVED: That the application be deferred.

REASON: To enable consideration to be given to the retention and conversion of the existing building on the Ogleforth frontage.

93e 46 Bishopfields Drive, York (07/00682/FUL)

Members considered a full application submitted by Mr Ian Anderson for the conversion of an existing three storey house to three apartments along with external alterations and use of the rear garden as three parking spaces.

Officers updated that they had received four representations since writing the committee report concerning the following planning issues:

1. The proposed rear car park would overly burden the existing access route through the archway, and massively increase vehicle movements over the public footpath endangering the safety of residents.
2. The proposed rear car parking would have an adverse impact on the visual amenity of the open space at the rear of the property that is used as a recreational area and would especially compromise the safety of children who use that area.
3. The alterations to the front of the building would particularly destroy the architectural and visual integrity of the main residential building in this development.

Representations were received from a local resident who said that the visual integrity of the building should be maintained. He also claimed that there would be an adverse impact and loss of environmental quality and safety for children using the amenity land to the rear.

Members raised concerns surrounding the loss of parking and family housing and stated that there had already been complaints regarding parking in this area. It was also noted by members that there did not appear to be any facilities for cycle parking or recycling and the development was therefore unsustainable.

Members agreed that the proposed changes would unbalance the area and the physical changes to the building would create disharmony in the area. It was important that some of the larger family houses were retained.

RESOLVED: That the application be refused.

REASON: The proposed removal of the garage door and introduction of a window to the main elevation of the townhouse would be at odds with the overall design of the terrace and harm its visually unified appearance and visual quality contrary to policy GP 1b) of the City of York Development Control Plan – Incorporating the Proposed 4th Set of Changes (2005) and Planning Policy Statement 1 that seeks to ensure good design

in developments that is appropriate to the character of the area. In addition, the creation of a car parking area for 3 cars from the rear garden would result in the loss of private amenity space that contributes to the quality of the environment and ensures that the private garden at the rear of No. 45 retains its privacy and level of enjoyment as a rear garden. It is anticipated that living conditions of the occupiers at this dwelling would be unreasonably affected by the increased activity and noise associated with its use as a car park, contrary to Sections c) and i) of the aforementioned Policy GP1 of the Local Plan.

93f 65 Green Lane, Acomb, York (07/00700/FUL)

Members considered a full application submitted by Penntons Developments Ltd for the demolition of 65 Green Lane and the erection of a replacement three storey dwelling; two storey extension to the detached building at 67 Green Lane to form a new house and the erection of two detached dwellings and 2 semi-detached dwellings and a private drive to the rear of 65, 67 and 69 Green Lane.

Representations were received from the Applicants who said that the parking issues surrounding this application had now been alleviated.

Members discussed the fact that Green Lane was comprised of a wide mix of architectural styles but expressed some concerns as to the design of the front of the proposed building and the number of properties involved.

RESOLVED: That the application be approved.

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to sustainability, highway safety and visual/residential amenity. As such the proposal complies with Policies GP1, GP10, H4A, L1C and GP4a of the City of York Development Control Draft Local Plan.

93g 9 Fellbrook Avenue, York (07/00452/FUL)

Members considered a full application submitted by Mrs T J Hegarty for a two storey side extension and one and two storey rear extension.

Representations were received from a local resident who said that she had lived nearby for 21 years. She said that the proposed extensions would cause a loss of amenity due to overshadowing and make certain rooms in her property dull and depressing. She also raised concerns regarding access to and general appearance of the proposed development.

Members asked Officers whether the proposed development would require the demolition of the present garage and they confirmed that it would. They

also enquired as to whether there were similar extensions to other properties in the area and the Officers said there were.

Members expressed their concern that there would be no rear access to the property other than through the house itself.

Councillor Watson proposed and Councillor Simpson - Laing seconded the proposal to refuse the application; on being put to the vote this motion was lost.

RESOLVED: That the application be approved.

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, and the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

93h St Andrews Hall, 40 Main Street, Bishopthorpe, York (07/00620/FUL)

Members considered a full application submitted by Bishopthorpe Parish Council for a two storey flat roof extension to the front of St Andrew's Hall to accommodate a new lift and stairs.

Representations were received in support of the application from the Chair of the Parish Council. He said that the Parish Council had all their meetings in the hall and access needed to be improved. He told the Sub-Committee that they needed to maintain the large hall for theatre productions and badminton and due to restrictions on the land they had decided on a small extension to the front of the building. He said that it was very important that there was suitable access for pushchairs and the disabled. It was also proposed to store the local history archive in the building.

Members expressed their support for the application and said that it was, in fact, a very modest extension that needed to be built to make the hall viable. Members said that they would much rather see the hall used by the local people than left empty.

RESOLVED: That the application be approved with the following conditions.

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

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

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

Drawing number 06:81:02 Rev A received on 13 March 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. The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

REASON:

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:

- community benefits arising from the proposal
- character and appearance of the conservation area
- impact upon residential amenity
- parking and highway safety

As such the proposal complies with Policies E4 and R9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP11, HE2, HE3 and C1 of the City of York Local Plan Deposit Draft.

93i 3 Cherry Grove, Upper Poppleton, York (07/00782/FUL)

Members considered a full application submitted by Mr McKay for a conservatory to the rear of 3 Cherry Grove, Upper Poppleton.

Officers updated that the Building Control Officer had given his opinion that the proposed conservatory would not have any additional impact on the existing flooding and waterlogging problems at neighbouring properties, as

their land is generally higher than that at the application site. It is proposed that the rainwater from the conservatory would be directed into one of the two existing soakaways within the garden of 3 Cherry Grove.

Officers updated that the wrong Parish Council comments had been on the Council's website. These were removed as soon as it had been noticed and it was noted that Upper Poppleton Parish Council had raised no objections to this application.

Representations were received from a local resident who said that there were significant problems with the soakaways and a lack of provision to deal with surface water on the property. She suggested that a relocation of the soakaways would be the best solution to the problem.

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

INFORMATIVE: Consideration could be given to the provision of a water butt in association with the proposal, in order to provide a sustainable method of surface water drainage and to assist in preventing the possibility of surface water run-off onto adjacent land.

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

93j Land and Buildings Lying to the North West of Moor Lane and Forming Part of Oakwood Farm, Northfield Lane, Upper Poppleton, York (07/00313/FUL)

Members considered a full application submitted by Mr D Lancaster for three polytunnels (retrospective).

Officers updated that paragraph 3.2.1 of the report should read Rufforth Parish Council and not Bishopthorpe Parish Council.

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

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with policies SP2, SP6, GB1, GP24a and GP1 of the City of York Local Plan Deposit Draft and also PPG2.

**93k Oakwood Farm, Northfield Lane, Upper Poppleton, York
(07/00314/FUL)**

Members considered a full application submitted by Mr D Lancaster for the erection of a fence to the field boundary (retrospective).

Officers updated that paragraph 3.2.1 of the report should read Rufforth Parish Council and not Bishopthorpe Parish Council. Officers suggested temporary approval of the application for three years.

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

REASON: That the proposal, subject to the conditions in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the green belt. As such the proposal complies with the policies SP2, SP6, GB1 and GP1 of the City of York Local Plan Deposit Draft and also PPG2.

**93l Cherry Tree House, 68 Main Street, Askham Bryan, York
(07/00663/FUL)**

Members considered a full application submitted by Mr and Mrs R Urwin for the erection of a new detached dwelling after demolition of an existing dwelling.

Officers updated that the height in condition ten of the report should read 8.1 metres.

Representations were received from a local resident in objection to the application. They raised concerns about increased noise and disturbance during building works and said that demolition and deliveries of materials would be very disruptive to the village. He also raised concerns regarding access to the site as it was through a narrow lane.

Representations were received from the applicant who said that it would be a good family home with fantastic landscaped gardens. He claimed that the development was unlikely to have any adverse impact on the area and stated that he had worked with his neighbours to try and solve any problems and queries that they had.

Members asked Officers what the length of the garden was and they responded that it was 125metres including the tennis court.

Members expressed the view that the new building would be hidden from the main street. They accepted that there would be some noise and disruption during building but no more so than on other developments.

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

- The existing row of Sycamore trees adjacent the southern boundary between no. 68 and no.70 Main Street, Askham Bryan, shall not, except with the prior written approval of the Local Planning Authority be removed or reduced in height below 3.00 m measured from the ground level. Furthermore these trees shall not be wilfully damaged, up-rooted, pruned or destroyed without prior written consent of the Local Planning Authority. Should these trees fail to survive the demolition of the existing dwelling and the construction of its replacement they should be replaced within (12 months) of their failure by the planting of such live specimens in such number as may be approved in writing by the Local Planning Authority.

Reason: In order to preserve the existing landscaping on the site and in the interests of neighbour amenity

REASON: That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with policies GB2, GP1, HE3, HE5 and H4 of the City of York Development Control Draft Local Plan, Policy E8 of the North Yorkshire County Structure Plan, the Askham Bryan Village Design Statement national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development", Planning Policy Statement 3 "Housing" and Planning Policy Guidance Note 2 "Green Belts".

93m Cherry Tree House, 68 Main Street, Askham Bryan, York (07/00669/CAC)

Members considered an application submitted by Mr and Mrs R Urwin for the demolition of an existing dwelling and garage/workshop in a Conservation Area.

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

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to character and appearance of the conservation area.

As such the proposal complies with Policies HE3 and HE5 of the City of York Local Plan Deposit Draft.

COUNCILLOR D HORTON
CHAIR

The meeting started at 3.00 pm and finished at 5.30 pm.

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COMMITTEE REPORT

Committee: West/Centre Area
Date: 3 July 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/01237/FUL
Application at: York Promenade Working Mans Club And Institute 16 St
 Benedict Road York YO23 1YA
For: Erection of 8no. two and three storey town houses and
 associated works (amendment to previously approved scheme
 07/00436/FUL)
By: Moorside Developments Ltd
Application Type: Full Application
Target Date: 16 July 2007

1.0 PROPOSAL

1.1 The application is a resubmission of 07/00436/FUL, which was approved by members at committee on 20 April 2007. The revised scheme proposes the same amount and size of dwellings, 8 houses, two 2-bed and six 3/4-bed.

1.2 The revised scheme proposes integral garages at the four central houses, the rooms lost at ground floor level being accommodated instead in the roofspace, and also the two end units now have a larger second bedroom in the roofspace, the small first floor room being instead proposed as a study. As a consequence of this the roof has changed, the ridge on the two end houses is 500mm higher, a mansard type roof is no longer featured in the scheme and the ridge of the four central houses is up by 1m. Because the four central houses would have a garage, they no longer have cycle stores in the rear yard, but they have small (1m by 2m) single storey rear extensions. In accordance with concerns raised by councillors previously, dwarf brick walls have replaced the soft planting between houses at the front.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP1

Design

CYGP4A
Sustainability

CYH4A
Housing Windfalls

CYH5
Residential densities over 25 per ha

CYL1C
Provision of New Open Space in Development

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - ask that the conditions they recommended on the previous application be repeated. The recommended conditions were as follows,

HWAY 10 - vehicular areas surfaced and drained prior to occupation.

HWAY 13 - access onto road to be provided.

HWAY 17 - redundant crossing to be removed and kerb reinstated.

HWAY 19 - car and cycle parking laid out prior to occupation.

HWAY 25 - pedestrian visibility splays - 2m by 2m.

HWAY 31 - no mud on highway during construction.

HWAY 38 - off site highway works, relocation of existing speed bump details to be agreed.

Also informatives (including removal from respark) listed in section 7 of this report.

3.2 Lifelong Learning and Culture - Amount and size of housing is as previous so request that the same contribution toward open space is made - £10,771.

3.3 Drainage - No response to date - No objection when previous application approved.

3.4 Environmental Protection Unit - No response to date.

3.5 Design, Conservation and Sustainable Development - No response to date. Previously an archaeological watching brief was a condition because the site is within an area of archaeological importance.

3.6 Safer York Partnership (Police Architectural liaison Officer (ALO)) - No response to date. Comments made on previous application were taken into account;

previously the rear boundary treatment was amended. In this application garages have been proposed on some of the dwellings, these are preferred by the ALO as they offer secure storage space.

3.7 Education Officer - In last application a contribution towards primary and secondary education was requested - £35,859 (£10,164 per primary space, £15,531 per secondary place). The fees per space increased in March 2007 (previous application was submitted in February) to £10,648 per primary space, £16,270 per secondary space. As such the contribution this time would be higher - £37,566.

External

3.8 Planning Panel - No objection.

3.9 The application was publicised by site notice and letters of neighbour notification. The deadline for comments is 2 July 2007. No written representations have been made to date.

4.0 APPRAISAL

Key issues

4.1 As the principle of the scheme has been agreed and there have been no changes in policy since, the main consideration is whether the revised scheme is of acceptable appearance and whether there would be an adverse effect on the amenity of nearby occupants or highway safety.

Relevant policy

4.2 The main policies to consider are GP1, GP4a, H4 and H5. GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. GP4a states all proposals should have regard to the principles of sustainable development. H4a states that proposals for vacant land will be approved where the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features. H5a states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity.

Appearance

4.3 The change in appearance mainly consists of the increased roof height and the introduction of garages and bay windows on the front elevation. The extra height to a certain extent is mitigated at the front by the bay windows that break up the vertical appearance of the elevation. The height of the development is comparable with the

block of housing beyond the garages to the west. In comparison to what was previously approved, officers consider that the resubmitted scheme, with a higher roof, would not have a significant effect on the appearance of the area.

4.4 The proposed garage doors within the front elevation would not be prominent in the street scene. The bay windows again have a similar effect in distracting the eye from the four garages and only half of the houses would have the garages.

Residential amenity

4.5 There is a separation distance of 23m and 25m respectively to the nearest elevations of the two/ three-storey buildings (which include residential accommodation above ground floor level) that front Bishopthorpe Road and the three storey housing unit to the west. It is considered that although the building would be prominent, the additional height in relation to that approved previously would not have a significant effect on outlook and nor would it be overbearing over the residential units that surround.

4.6 In the interests of public safety it can again be a condition that street lighting around the site is provided by the developer.

Sustainability

4.7 The application as submitted is not supported with a sustainability statement and previously it was advised that the developer would be unwilling to pay for a BREEAM assessment, given that building regulations require a similar standard of sustainable housing. However, in addition to a requirement to comply with building regulations, the proposed development benefits (in terms of sustainability) from its design, which offers some energy and materials savings, by proposing terraced properties that are more efficient than semi detached properties. Also the location itself is sustainable in that it is located within walking distance of jobs, services, amenities and public transport facilities.

Contributions

4.8 As per the previous approval, if permission were to be granted, contributions toward off site open space and education would be required. The contribution is as previous and has been agreed by the applicant (tbc).

Highways

4.9 There are no significant alterations from the previously approved scheme, which did not give rise to any highway safety concerns. Highway Network Management have raised no objections to the scheme and provided the recommended conditions are attached and complied with, the impact on highway safety would be acceptable.

5.0 CONCLUSION

5.1 The proposed development is considered to be acceptable in terms of design and highway safety and there would be no undue effect on the amenity of surrounding occupants.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved Plans
- 2 TIME2 Devt to start within 3 years
- 3 VISQ8 Materials to be submitted
- 4 HWAY10 Vehicle areas surfaced before occupation
- 5 HWAY13 Access onto road provided
- 6 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

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

- 7 HWAY19 Car and cycle parking laid out prior to occupation
- 8 HWAY25 2m x 2m ped. visibility splays
- 9 HWAY31 No mud on highway
- 10 HWAY38 Relocation of existing speed bump to be agreed
- 11 Prior to commencement of the development details of security lighting to be installed to the rear of the development, and thereafter maintained, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the security of the residents of the development.

- 12 HT1 11m
- 13 S106OS Open space contribution required
- 14 S106E Education contribution required
- 15 ARCH2 Arch watching brief required

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity, design and highway safety. As such the proposal complies with Policy H6 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP4a, H4a, H5a, C3, L1c and ED4 of the City of York Local Plan Deposit Draft.

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

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

3. You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

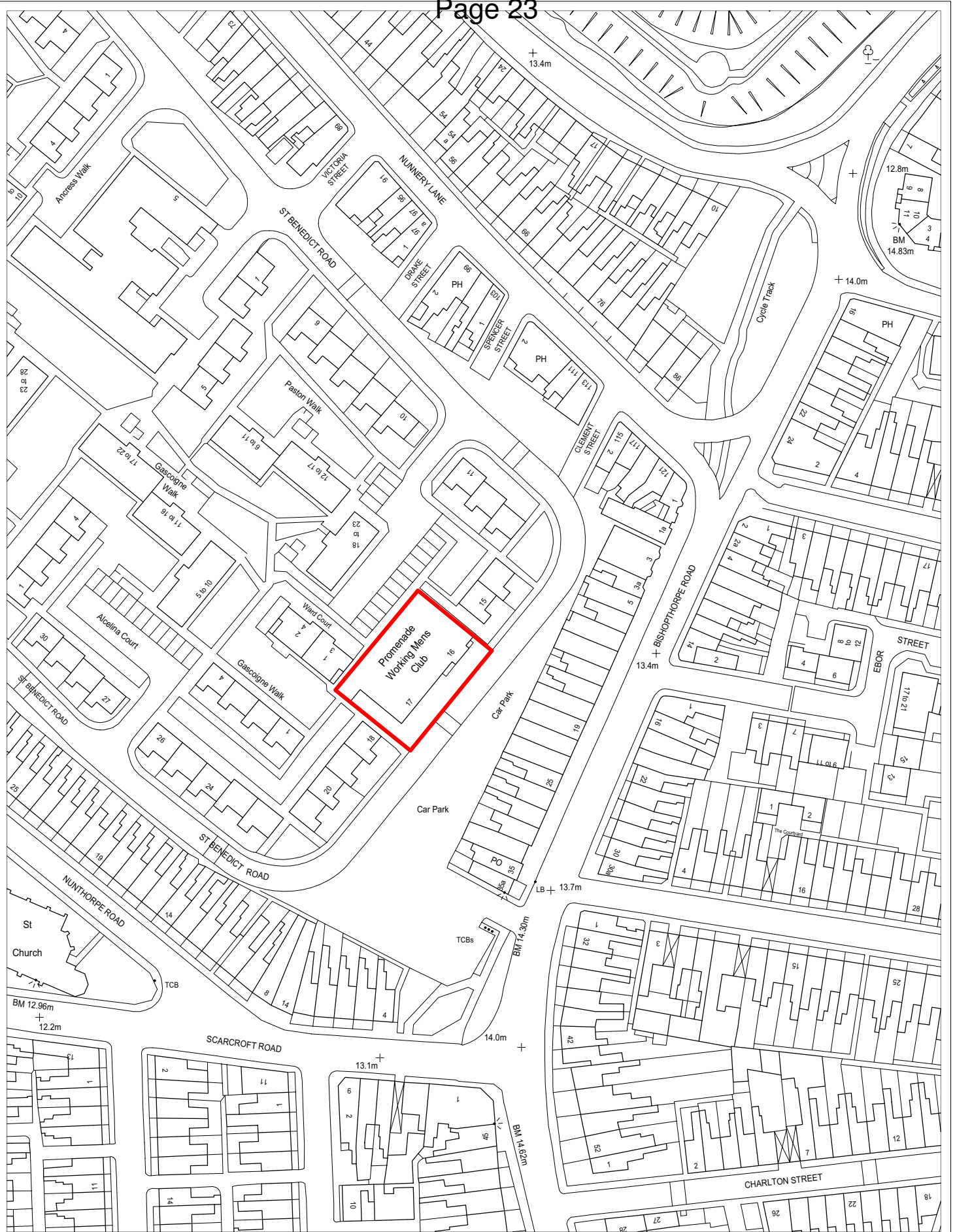
4. The applicant is asked to note that the development/property (as proposed), is considered not to be eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984.

Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450) in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

5. The applicant's attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com

Contact details:

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



CITY OF
YORK
COUNCIL

PROMENADE WMC - 07/01237/FUL

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 21/6/2007
Drawing No.



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