



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, 13 December 2007

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00am on Wednesday 12 December 2007 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. Minutes

(Pages 4 - 21)

To approve and sign the minutes of the meetings of the Sub-Committee held on 8 November and 22 November 2007.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 12 December at 5 pm.

4. Plans List

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

- a) **Novotel, Fewster Way, York YO10 4AD** (Pages 22 - 36)
(07/02408/FULM)
Alterations and extensions to existing hotel and replacement of existing bedroom windows [*Fishergate Ward*] **[Site Visit]**.
- b) **Cherry Lodge, 38 Burton Stone Lane, York** (Pages 37 - 43)
YO30 6BU (07/01723/FUL)
Change of use to house in multiple occupation (HMO) [*Clifton Ward*] **[Site Visit]**.
- c) **30 Carlton Avenue, York YO10 3JZ** (Pages 44 - 49)
(07/01323/FUL)
Two storey pitched roof side and rear extension and change of use to 2 no. x 2 bedroom flats [*Hull Road Ward*] **[Site Visit]**.
- d) **20 Byron Drive, York YO30 5SN** (Pages 50 - 54)
(07/02419/FUL)
Single storey pitched roof side and rear extension after demolition of garage (resubmission) [*Skelton, Rawcliffe, Clifton Without Ward*].
- e) **52 Naburn Lane, Fulford, York YO19 4RL** (Pages 55 - 58)
(07/02459/FUL)
Conservatory to rear of property [*Fulford Ward*].
- f) **St Olaves School, Queen Annes Road, York** (Pages 59 - 66)
YO30 7AA (07/01775/FUL)
Erection of footbridge over existing public footpath on land adjacent to St Olave's Prep School (resubmission) [*Clifton Ward*] **[Site Visit]**.
- g) **63 Willow Glade, Huntington, York YO32 9NJ** (Pages 67 - 73)
(07/02453/FUL)
Variation of condition 4 of consent ref: 03/03705/FUL to allow annex and curtilage to be occupied independently of 63 Willow Glade (retrospective) (resubmission) [*Huntington and New Earswick Ward*] **[Site Visit]**.

5. Urgent Business

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

Democracy Officer:

Name: Simon Copley

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

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

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

Contact details set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 12 DECEMBER 2007**

TIME	SITE	
10:00 AM	Meet coach at Union Terrace Car Park.	
10:15 AM	St Olaves Footbridge, Clifton.	(4f)
10:45 AM	Cherry Lodge, 38 Burton Stone Lane, Clifton.	(4b)
11:30 AM	63 Willow Glade, Huntington.	(4g)
12:00	30 Carlton Avenue, Hull Road.	(4c)
12:30 PM	Novotel, Fewster Way, Fishergate.	(4a)

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- 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);
- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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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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City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	8 NOVEMBER 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, HYMAN, KING, TAYLOR, VASSIE AND WISEMAN

55. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
OS Field 3000 Lords Moor Lane Strensall	Councillors Moore, Hyman, Douglas, Wiseman, Funnell and Vassie	To familiarise Members with the site.
OS Field 2000 Lords Moor Lane Strensall	Councillors Moore, Hyman, Douglas, Wiseman, Funnell and Vassie	To familiarise Members with the site.
Car Park South of Hurricane Way	Councillors Moore, Hyman, Douglas, Wiseman, Funnell and Vassie	As the application is recommended for approval and objections have been received.
74-80 Shipton Road	Councillors Moore, Hyman, Douglas, Wiseman, Funnell and Vassie	As the application is recommended for approval and objections have been received.
Yeoman's Yard, Little Hallfield Road	Councillors Moore, Hyman, Douglas, Wiseman, Funnell and Vassie	As the application is recommended for approval and objections have been received.

56. 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 Wiseman stood down from the Committee for Plans Item 4a (OS Field 3000) and Plans Item 4b (OS Field 2000) under the provisions of the Planning Code of Good Practice and spoke from the floor as a Ward Councillor, after which she left the room and took no part in the debate thereon.

Councillor Hyman declared a personal prejudicial interest in Plans Item 4d (Yeoman's Yard, Little Hallfield Road) as the architect for this application was currently doing some work for him.

Councillor Moore declared a personal non-prejudicial interest in Plans Item 4e (Car Park lying to the South of Hurricane Way) as he was Chair of Rawcliffe Parish Council.

Councillor Hyman declared a personal prejudicial interest in Plans Item 4g (Elliot's Hotel, 2 Sycamore Place) as the architect for this application was currently doing some work for him.

Councillor Moore declared a personal non-prejudicial interest in Plans Item 4h (Plot E, Airfield Business Park, Elvington), as he knew one of the Trustees.

Councillor Wiseman declared a personal non-prejudicial interest in Plans Item 4h (Plot E, Airfield Business Park, Elvington), as she knew the Chairman of the Board of Trustees.

Councillor Funnell declared a personal prejudicial interest in Plans Item 4i (Rose Cottage, Sutton Road) as she had had previous dealings with the designer.

Councillor Firth declared a personal interest in Plans Item 4i (Rose Cottage, Sutton Road) as he was the Chair of Wigginton Parish Council. He stated that he had no prior knowledge of this item.

57. MINUTES

RESOLVED: That the minutes of the Sub-Committee held on 11 October 2007 be approved as a correct record and signed by the Chair

58. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

59. 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.

59a. OS Field 3000 Lords Moor Lane Strensall York (07/01942/FULM)

Members considered a major full application, submitted by Mr Nigel Pain, for the erection of an organic free range egg unit (1061sqm).

Officers updated that they had received a Vehicle Swept Paths Analysis from the agent showing a 7.5 tonne vehicle and a 15 tonne vehicle accessing the site. The following updates were also reported:

- The landowner will carry out an egg collection twice a week in a 3.5 tonne transit type vehicle.
- The area of land beside the signal box can be utilised to prevent dangerous reversing manoeuvres onto Lords Moor Lane
- Visibility from the track to Lords Moor Lane is good and traffic approaching the site will travel slowly to negotiate both the level crossing and the tight bend in The Village.
- There have been no recorded accidents at the junction.
- The Applicant is willing to accept a condition restricting site access with vehicles larger than 15 tonnes.

The Council's Highways Authority did not feel that the above overcame their concerns and they expressed the view that this application should be recommended for refusal.

The Council's drainage engineering consultancy made the following comments:

- The development is in low risk Flood Zone 1 and should not suffer from river flooding.
- However, drainage in the area is suspected to be poor, with standing water being witnessed on the site by local residents.
- As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate soakaways assessment and should be carried out in winter to prove that the ground has sufficient capacity to accept surface water discharge and to prevent flooding of the surrounding land and the site itself.

Representations were received, in objection, from a local resident who circulated photographs indicating maintenance vehicles that had been left in the lane. He stated that these vehicles would have an impact on access to the lane and the proposed development. The lane is gated and there is a £1000 fine (imposed by Network Rail) if the gate is left open; the gate will impact on access and egress to and from the lane. He also raised concerns regarding the sustainability of the proposed development, Network Rail's requirements regarding fencing, the Foss Drainage Board's comments and the supply and disposal of sewage.

Representations were received from the Applicant's agent who said that this would be a small poultry farm. He felt that the reason for refusal was unsustainable.

Representations, in objection, were received from Strensall and Towthorpe Parish Council who made the following points:

- There is a lack of drainage and the water table in this area is very high
- A potential increase in noise
- A potential increase in vermin, including foxes, which will have a knock on effect on the local wildlife
- Access is by a narrow track which is the property of Network Rail

- Access is next to a level crossing and there are already hazards to traffic at this point

Representations were received, in objection, from the Ward Councillor who spoke on behalf of local residents. She raised concerns regarding access and egress, the increase in the number of vehicles in the area, health and safety, fencing and drainage.

The Countryside Officer reported that this site had not formally been designated as a Site of Importance for Nature Conservation (SINC) and there was very little information to say what kind of effect chickens would have on the grassland but from the information he had there was nothing to say that the impact would be significant.

Members discussed the impact that drainage would have on the area, the access and egress of heavy goods vehicles from the track (which had been designed as a maintenance track) and the proximity of the access and egress to the level crossing. They also raised concerns regarding the sustainability of the business.

RESOLVED: That the application be refused.

REASON: The proposed use would generate higher levels of traffic than the existing use with the potential to grow. The access is immediately adjacent to a level crossing and is of restricted width. The limited width cannot be improved due to boundary features/land ownership and will make access for, in particular, heavy goods vehicles difficult. The restrictive width will increase the likelihood of such vehicles having to undertake multi point (shunt) manoeuvres on Lords Moor Lane in the vicinity of the controlled level crossing to gain access. Such manoeuvres would be detrimental to both the safety of highway users and the safe operation of the level crossing.

The restrictive width of the access reduces vehicle flow to one-way and as such would be unable to accommodate opposing vehicles. This situation would result in vehicles having to reverse out onto the public highway in the vicinity of said level crossing, to the detriment of safety of highway users and the safe operation of the level crossing.

59b. OS Field 2000 Lords Moor Lane Strensall York (07/01943/FUL)

Members considered a full application, submitted by Mr N Pain, for the siting of a mobile home as a temporary agricultural dwelling.

Representations were received, in objection, from Strensall and Towthorpe Parish Council who stated that the existing activities on this site were already subject to enforcement action.

Representations, in objection, were also received from the Ward Councillor on behalf of local residents who said that if the application were to be refused then enforcement action to remove the dwelling should be instigated immediately.

Members requested that enforcement action to remove the dwelling be undertaken immediately.

RESOLVED: That the application be refused.

REASON: The refusal of planning permission for application ref: 07/01942/FUL for an organic free range egg unit on the adjacent land would result in there being no agricultural justification for the siting of a temporary dwelling on the site. Thus the proposal would constitute inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and with the provisions of Policy GB7 of the City of York Draft Local Plan, which states, inter alia, that new agricultural or forestry dwellings outside defined settlement limits in the Green Belt or open countryside will only be permitted where it can be demonstrated that the new accommodation is essential to the functioning of a well established holding.

59c. Wickes Building Supplies Ltd Lysander Close York YO30 4XB (07/02225/FULM)

Members considered a major full application submitted by York College for a change of use and alterations (including mezzanine) of former Wickes warehouse (A1 Use) to a construction centre for training purposes (D1 use) in connection with York College.

Officers updated the final sentence of paragraph 1.4 of the report should read as follows:

'It is proposed to provide 5 vehicle parking spaces for visitors with disabled badges and 20 cycle spaces.'

It was also reported that no objections had been received for the Parish Council.

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

REASON: That the proposal, subject to the conditions outlined in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to loss of an existing retail use, sustainability, highway safety and environmental protection. As such the proposal

complies with Policies GP4a, T4 and GP11 of the City of York Local Plan Deposit Draft.

59d. Yeomans Yard Little Hallfield Road York YO31 7XQ (07/01959/OUTM)

Members considered a major outline application, submitted by Mr R Yeomans, for the erection of 10 two and three storey dwellings with accommodation in the roof (layout, scale and access).

The Officer updated that the car park area benefited from natural surveillance and was gated to the rear.

Representations, in support, were received from the Applicant's agent who said that the retention of this site for employment purposes could not be sustained.

Some Members felt that the loss of industrial land was regrettable. It was requested that the Applicant be asked to achieve a minimum of Ecohomes 'Very Good' or the equivalent standard under the Code of Sustainable Homes.

RESOLVED:

That the application be approved subject to the conditions outlined in the report and the following amended and additional conditions.

- Amended condition 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.

- Additional condition

Prior to the commencement of the development, details of all security gates providing access to the rear of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in complete accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of security and the prevention of crime.

INFORMATIVE: The Police Architectural Liaison Officer advises that the gates should ideally be metal and allow views through (e.g. railings) in order to create a degree of natural surveillance.

REASON: That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of employment land, housing density, highway issues, impact on residents' living conditions, and visual amenity. As such the proposal complies with Policies GP1, H4a, H5a, T4, E3b and L1C of the City of York Draft Local Plan.

59e. Car Park South of Hurricane Way York (07/01937/FUL)

Members considered a full application, submitted by LTGP Limited Partnership for the erection of a single storey restaurant (Class A3) with associated parking and refuse store.

The Officer updated that the Environmental Protection Officer had no objections to the proposed scheme. There would be an additional condition regarding lighting, and amendment to condition 3 (following comments from the City of York Police Architectural Liaison Officer) and six more highway conditions to add if Members were minded to approve the application. A letter from the City of York Police Architectural Liaison Officer was circulated by the Officer at the meeting which made the following points:

- No objections to the application
- Asks for confirmation that the restaurant will close at 10pm Monday to Friday and Sundays and 11pm on Saturday only
- Supports the requirement for an appropriate CCTV system
- That the building and parking areas should comply with the principles of Secure by Design

Representations were received, in objection, from a local resident who raised concerns about the following:

- The proposed site for a restaurant was too close to local residences
- Existing roads were not adequate enough to carry the extra traffic the restaurant would create
- There were empty units available on this site
- There were already 6 food outlets on Clifton Moor

- There would be noise from extraction fans and customers and staff leaving the premises
- There has been anti-social behaviour in this area in the past
- Lighting will disturb local residents
- The proposed waste store is too close to residences

Representations, in support, were received from the Applicant's agent who said the proposed restaurant would provide a complementary service use to the existing retail and leisure development at Clifton Moor. City of York Council's Highway Officers were satisfied with the expected traffic generation contained within the submitted Transport Assessment and considered that there would be no material impact on the highway network. She also stated that the Environmental Protection Unit had no objections to the proposed development. The Applicant's agent felt that the design of the building could be accommodated on the site without detracting from the visual amenity of the area.

Representations, in objection, were received from Rawcliffe Parish Council who said that the proposed development would be out of keeping with the surrounding units. The restaurant would back onto residential properties and the residents would be disturbed by diners leaving the premises, the clearing up process (including the emptying of bottles into bottle banks) and delivery vehicles. The car park in this area was often full and no overflow car park had been planned.

Members discussed the following points in relation to the application:

- The roofline of the existing building at Clifton Moor
- Designated parking spaces for staff
- The proposed building would take up current car parking spaces
- Noise and its effect on local residents
- Traffic issues
- Location of the refuse store
- Impact on local residents
- Previous anti-social behaviour in the area

Councillor Cregan requested that his vote against refusal of the application be recorded in the minutes.

RESOLVED: That the application be refused.

REASON: It is considered that the proposal would constitute an unneighbourly form of development resulting in loss of amenity to the occupiers of adjacent residential properties by virtue of its proximity to those properties, the location of the refuse store and delivery area and the additional activity that would be likely to be generated late into the evening.

59f. 74-80 Shipton Road Clifton York YO30 5RQ (07/01853/FUL)

Members considered a full application, submitted by York Housing Association, for the conversion of 74-80 Shipton Road into 8 self-contained flats including a support worker's office.

Officers updated that an additional condition regarding the boundary hedge would be included if Members were minded to approve the application.

Representations were received from the Applicant who said that the proposed development was intended to provide accommodation for people who needed support.

Members expressed the view that they wished to encourage this kind of scheme.

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

- 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.

INFORMATIVE: This condition could be complied with by an extension of the hedge in front of the length of fencing at the rear of 76 Shipton Road.

- Prior to the occupation of the building, arrangements that have first been agreed in writing with the Local Planning Authority shall be put in place for a 24 hour contact telephone number to be made available to local residents, to enable the operator of the site to be contacted.

Reason: In order to facilitate the proper management of the site

REASON: That the proposal, subject to the conditions outlined in the report and the additional conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of conversion to flats, visual appearance, occupier amenity, neighbour amenity, public safety, provision of open space and highway issues. As such the application accords with policies GP1, H8 and L1c of the City of York Local Plan Deposit Draft.

59g. Elliots Hotel 2 Sycamore Place York YO30 7DW (07/00846/FUL)

Members considered a full application, submitted by Mr & Mrs P Brown for the conversion of Elliot's Hotel to 9 flats and bedsits and the erection of two townhouses (resubmission).

Officers updated that a further two letters of objection had been received which made the following comments:

- The height and position of the new buildings will result in a loss of light to surrounding properties
- There will be a loss of sunlight in neighbouring gardens
- Neighbouring properties will be overshadowed
- A possible increase in vermin in the refuse storage area
- Parking issues

A copy of an Appeal Decision dated 18th June 2007 was circulated at the meeting for information.

Representations were received from the Applicant's agent who stated that they already had planning permission for the same volume of building.

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

- Amended Condition 5

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

- eaves details
- typical window reveal detail showing lintel and cill
- section through abutment with the existing perimeter wall
- all new external windows and doors including lintel and reveal details
- all new openings / gates into the wall opening out onto Back Lane.

Reason: So that the Local Planning Authority may be satisfied with these details.

- Additional Condition

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

proposal to ensure a sustainable form of development on the site.

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

INFORMATIVE: Details could include:

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

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

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

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

REASON: That the proposal, subject to the conditions outlined in the report and the above amended and additional conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to good design and the impact on the Conservation area and street scene. As such the proposal complies with Policies HE3, HE4, GP10, H4a and H8 of the City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

59h. Plot E Airfield Business Park Whitley Road Elvington York (07/01606/FULM)

Members considered a major full application, submitted by W M Birch and Sons Ltd, for the erection of 5 industrial units incorporating one single storey unit block and one four unit block with car parking/servicing courtyard and associated landscaping.

Officers updated that there was protected Ash tree on the site and there had been objections from the landscape architect regarding possible damage to this tree. A further eleven letters of objection had been received including one from the Yorkshire Tourist Board which commented on the following aspects of the proposed development:

- Concerns had not been adequately addressed from the last time the application was considered

- Noise from vehicles and the industrial units would destroy the atmosphere of the museum
- The setting of the museum will be destroyed
- The overall scheme has a significant, negative impact, on the memorial aspect of the museum.

Representations were received, in objection, from the Director of the Air Museum who had concerns regarding the impact the proposed buildings and associated vehicles would have on the museum and the memorial. He believed that the entire proposed development detracted from and undermined a significant national memorial. He also felt that the comments made at a previous planning meeting, regarding Unit 5, had not been sufficiently addressed.

Representations were received from Councillor R Watson, by letter circulated at the meeting, that commented on the overshadowing of the museum entrance, the memorial will be overshadowed and noise from vehicles will be overly intrusive and unfitting.

Representations were received from the Applicant who said that concerted efforts had been made to tackle the points raised previously.

Members voiced concerns regarding the relationship between the units and the memorial and felt that the proposed development compromised the memorial and failed to respect the context of its surroundings.

RESOLVED: That the application be refused.

REASON: The development will affect the overall setting to the entrance to the Yorkshire Air Museum by virtue of the size and position of the proposed units. In particular Unit 5 will hinder views of the Air Museum and its entrance from Elvington Lane and Halifax Way which will detract from the setting and open context within which the Air Museum entrance and its buildings currently stand which in turn will harm the enjoyment that visitors currently derive from the attraction. This is considered contrary to Policy GP1, in particular parts b and e of the City of York draft local plan incorporating the 4th set of changes approved April 2005.

The position of Unit 1 will affect the setting of the War Memorial within the grounds of the Yorkshire Air Museum. This is by virtue of the height and massing of the building which will dominate the views of the area behind the memorial and consequently will be disrespectful to, and impact on the amenity and enjoyment of, those visiting and paying their respects at the memorial.

The position and size of Unit 5 will be significantly detrimental to the amenity value and natural form of the protected ash tree and which in turn may also

harm its long term health and vitality. This is contrary to Policy NE1 of the City of York draft local plan incorporating the 4th set of changes approved April 2005.

59i. Rose Cottage Sutton Road Wigginton York YO32 2RB (07/01224/FUL)

Members considered a full application, submitted by Martin and Karen Halliwell, for the conversion of an existing pole barn to a store room and the construction of a new workshop (216sqm) to the rear.

Representations were received from the Applicant who said that the company had been established since 2001. He felt that if he were forced to relocate outside of York he would have to build up his business again.

Officers asked the Applicant the nature of his business and he responded that it was high pressure water cutting and was therefore classed as an engineering firm.

Some Members felt that this kind of development was not suitable for the green belt in any circumstances and others felt that there were exceptional circumstances in this instance and it was a laudable use of vacant buildings.

Councillor Hyman requested that the minutes record his vote as being against approval of the application.

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. 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.

3. This permission shall operate for the benefit of Martin and Karen Halliwell only and the use of the

new workshop hereby approved shall be terminated at such time as Martin and Karen Halliwell cease to occupy the premises.

Reason: In view of the personal circumstances of the applicant, and to enable a viable light engineering business to be established on the site.

4. Prior to the development hereby permitted being brought into use, the existing access serving the site shall be reconstructed with 7.5 m radius kerbs to give a minimum access width of 6m and that part of the access extending 20m from the carriageway shall be constructed to the satisfaction of the Local Planning Authority and in accordance with City of York Highway Authority standard detail STD.1.

Reason: To ensure a satisfactory means of access to the site for all classes of users of the site and in the interests of highway safety.

5. Prior to the commencement of the development hereby permitted the surface water drainage ditch at the access to the site shall be piped-in to the specification of the drainage authority and the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory arrangement of surface water and highway drainage in the interests of the amenity of the area and to ensure the structure can satisfactorily bear the traffic loads associated with the proposed use.

6. Any gates shall be erected a minimum distance of 20 metres back from the carriageway of the existing highway and shall open into the site.

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

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

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

8. The building shall not be occupied until the areas shown on the approved plans for parking and

manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9. 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.

10. Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

REASON:

That the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- visual appearance
- highway issues
- neighbour amenity
- the personal circumstances of the applicant

As such the proposal complies with Policies GP1, GB1, GB3 and GB11 of the City of York Local Plan Deposit Draft.

INFORMATIVE:

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

59j. 28 Crossways York YO10 5JQ (07/02260/FUL)

Members considered a full application, submitted by Mrs S Pearce, for a two storey pitched roof side extension and a single storey pitched roof rear extension.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed extension would result in an unacceptable impact on the amenity and living conditions of the occupiers of the adjacent dwelling (26 Crossways) by virtue of its size, scale, massing and proximity to the boundary, its unduly oppressive and overbearing impact and the loss of light and outlook that would result. As such it is considered that the proposal conflicts with the provisions of Policies H7 and GP1 of the City of York Draft Local Plan.

CLLR R MOORE

Chair

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

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	22 NOVEMBER 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), FIRTH, FUNNELL, KING, MORLEY (AS SUBSTITUTE FOR HYMAN), VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS DOUGLAS, HYMAN AND TAYLOR

60. INSPECTION OF SITES

No sites were inspected before the meeting.

61. DECLARATIONS OF INTEREST

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

No interests were declared.

62. MINUTES

RESOLVED: That the minutes of the Sub-Committee held on 25 October 2007 be approved as a correct record and signed by the Chair.

63. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

64. 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.

64a. 1A The Old Village, Huntington, York (07/02366/FUL)

Members considered a full application, submitted by Mr & Mrs K Hyman, for a two storey pitched roof side extension and first floor extension to the rear.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours' living conditions and the character and appearance of the conservation area. As such the proposal complies with Policy H7, HE3 and HE4 of the City of York Local Plan Deposit Draft.

R MOORE
Chair

The meeting started at 2.00 pm and finished at 2.04 pm.

COMMITTEE REPORT

Committee: East Area **Ward:** Fishergate
Date: 13 December 2007 **Parish:** Fishergate Planning Panel

Reference: 07/02408/FULM
Application at: Novotel Fewster Way York YO10 4AD
For: Alterations and extensions to existing hotel and replacement of existing bedroom windows
By: The Accor Group
Application Type: Major Full Application (13 weeks)
Target Date: 8 January 2008

1.0 PROPOSAL

1.1 The application site is located within the City of York City Centre inset boundary. It is adjacent to Central Historic Core Conservation Area to the north and New Walk/Terry Avenue Conservation Area to the west. The site is within Flood Zone 2 as defined by the Environment Agency. It is also within Area of Archaeological Importance (AAI).

1.2 River Foss lies to the west of the site. On the opposite side of the River Foss further to the west lies a public footway, which extends from St. George's field, across the Foss, to Fishergate via Blue Bridge Lane. William Court lies to the south of the site, Browney Croft to the north, and Fewster Way to the east. The application site is given as 0.84 hectare.

1.3 A committee visit will take place at the request of Councillor D'Agorne.

Proposal Description:

1.4 This application seeks planning consent to extend the existing hotel, which has 124 bedrooms, in order to create 48 additional bedrooms. Permission has also been sought for the following works:

- i. Replacement of windows to existing bedroom facilities,
- ii. Single storey 8.7m x 8.0m restaurant extension to the west,
- iii. Installation of entrance canopy,
- iv. Construction of mini-roundabout with benches, water features and flag poles within, and
- v. provision of covered cycle parking.

1.5 The revised plans received 26 November 2007 show the proposed extension would be a 64.5m x 19.0m (max) structure; with an eaves height of 10.5m and a ridge height of 14.5m. It would be a 2 storey high structure supported by 4.0m high columns. The purpose of the supporting columns is to create an area for loading, vehicle access and parking of vehicles. The existing hotel contains five storeys with an overall height of 21.0m. It is a concrete framed structure with brickwork panels to external facades. The proposed extension would be attached to the southern end of

the existing hotel and would run horizontally and in parallel with a row of buildings along 19-25 William Court, leaving a gap of 22.0m in between.

1.6 The revised drawings also show the following changes:

- i. the existing access gate to the east of the service yard has been retained,
- ii. the width of the southern access gate has been reduced to 3.0m from 5.0m (as shown on previous drawings),
- iii. the external fire escape stairs (as shown on previous drawings) have been incorporated into the extension,
- iv. the design and elevation treatments of the extension have been amended,
- v. the overall length of the extension has been increased by 4.0m to 64.5m, and
- vi. the first and second floor bedroom windows in the south elevation have been redesigned by introducing 'Brise Soleil' units,

1.7 Access to the site is via Fishergate, which links Paragon Street and Fawcett Street to form a one way gyratory. By virtue of building on an area of land currently used for car parking and servicing, the scheme would result in a reduction of car parking from 140 spaces to 94 spaces, although cycle storage spaces would increase from 8 to 18.

1.8 The service yard to the south of the application site is currently enclosed by a 1600mm high brick wall. It contains:

- i. a temporary building,
- ii. a meter room,
- iii. 2no. steel containers,
- iv. 1no. air handling unit for air conditioning,
- v. 10no. refuse bins (size approx 200 litres household wheelie bin),
- vi. 1no. 2.0m x 2.2m refuse skip, and
- vii. access to the plant room, and
- viii. a roller shutter door to accept deliveries.

1.9 The proposed service yard is in the same location, but enclosing a larger area by virtue of the proposed extension above. The new service yard would contain the followings:

- i. a meter room,
- ii. 2no. steel containers,
- iii. 1no. air handling unit for air conditioning,
- iv. 2no. refuse bins (size approx 1100 litres),
- v. 2no. recycling bins size approx 360 litres,
- vi. access to the plant room, and
- vii. a roller shutter door to accept deliveries.

Relevant Planning History:

1.10 7/05/764H/PA: Outline application for use of land for the erection of 210 bedroomed hotel with mixed residential (houses/flats) and public house all with ancillary car parking. Planning permission was granted on 22nd November 1984.

1.11 7/05/764L/PA: Erection of 120 bedroomed hotel (details as reserved for approval in the outline planning permission granted on the 22nd November 1984). Planning permission was granted on 24th July 1986.

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 East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Multiple (Spatial)

2.2 Policies:

CYSP3

Safeguarding the Historic Character and Setting of York

CYSP8

Reducing dependence on the car

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP4B

Air Quality

CYGP9

Landscaping

CYGP11

Accessibility

CYGP15

Protection from flooding

CYNE8

Green corridors

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYHE2

Development in historic locations

CYHE10

Archaeology

CYT4

Cycle parking standards

CYT7C

Access to Public Transport

CYT12

Coach and Lorry parking

CYT13A

Travel Plans and Contributions

CYV1

Criteria for visitor related devt

CYV3

Criteria for hotels and guest houses

CYV4

Allocation of hotel sites

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours consulted, site notice posted, and press advertised. Consultation expired 19 November 2007. 23 letters of objection received raising the following concerns:

- the proposal is obtrusive in its height and closeness to residential buildings,
- the proposal would have significant visual impact when viewed from residential properties along William Court,
- the noise created by the proposed 24 hours operation should be controlled,
- the proposal would affect the views of residential properties along William Court and Fishergate,
- the proposal would lead to significant loss of privacy,
- the triangular bay windows (as appear on the original drawings) would not address the concern regarding the loss of privacy,
- the proposal would significantly reduce natural light entering into the habitable rooms and garden areas along William Court,

- the height of the second floor windows enables the occupants to look down into the rooms and garden areas,
- the size of the development should be reduced,
- new structure may be required for smokers. This may bring the noise and smoke even nearer to the properties along William Court.
- Noise and traffic increase as the result of delivery is a concern,
- increased traffic would impact not only on local residents, but the Council's desire to reduce traffic in the city,
- parking restrictions in Blue Bridge Lane/William Court, decrease in parking availability at the hotel, together with the popularity of the adjacent bingo site would adversely affect congestion in and around the development,
- delivery access at the southern parking area is already causing significant disruption and noise pollution. The proposed development would exacerbate the problem,
- there would be a greater volume of vans and HGVs delivering and collecting within a greatly reduced space for vehicle manoeuvring,
- the applicants claim there are no HGVs and only 2 and 3 vans per days. This is misleading and should be restricted through planning control,
- the loading area would come closer to the properties along William Court,
- delivery time at 5:30am is unacceptable,
- the proposal might affect the existing right of way,
- currently some vehicles, such as glass removal lorries have an "up and over" movement to load them. If the loading bay is beneath the proposed extension loading operations including bottles and refuse collection might require to be carried out in an area facing William Court,
- parking area for activities such as conferences and weddings have not been considered,
- the existing car parking area is already double parked,
- it is not considered that Kent Street car park could accommodate extra traffic as the same car park has been cited for use by guests in the proposed new 160 room hotel on the Barbican site,
- the proposed traffic could be danger to children because of the two schools nearby,
- the proposed development would substantially reduce the open space between existing developments,
- the proposal would curtail current green corridor for wildlife,
- the proposal would affect local birdlife,
- the proposal would affect the existing views from green and river corridors,
- the gap between the current Novotel and William Court will be filled by this development, harming the appearance of the area,
- the proposed side elevation would detract the appearance of the green corridor,
- the proposal is contrary to policy NE8,
- the proposal would affect air flow,
- the new location of central heating/air conditioning fans might come nearer to the residential properties along William Court,
- the design of the building would cause a courtyard effect and will amplify any noise created,
- tunnel under the building design approach could lead to lorry fumes not being able to dissipate,
- the plans do not indicate the location of new sky dishes,
- the existing hedge/shrub along the southern boundary facing William Court should be retained,
- the proposed vehicle manoeuvring might destroy the southern boundary hedge,

- the external staircase would harm the visual amenity of the area.
- the proposal would reduce the value of nearby residential properties,
- the development is based on the maximum size require to make it economically viable for the hotel chain,
- the existing access road is unfit for building material deliveries,
- noise create by users of the hotel would exacerbate the problem,
- More buildings will be erected in a flood zone,
- a soak-away garden would be more desirable,

3.2 A letter of petition containing 289 names and contact details received 29 November 2007.

3.3 Fishergate Planning Panel consulted. No response received 19 November 2007.

3.4 Environment Agency consulted. Response received 15 November 2007. The Agency has no objections subject to recommended conditions.

3.5 Safer York Partnership consulted. Response received 30 October 2007. The following comments were made:

- it is vital that all vulnerable ground floor windows and doors be security-tested to Secured by Design standards,
- security of the development should be further enhanced by discouraging unauthorised persons or non-members, particularly into the main stairwells and access areas,
- the following should be considered: Proximity Access Control systems (PAC), a door entry phone system with electronic lock release, or a combination of these,
- internal and external entrances should be well lit,
- appropriate lighting should be carefully designed,
- CCTV should be included to ensure that all vulnerable areas are provided with formal surveillance,
- suitable signage should be well indicated,
- developer should work with the police and Local Authority in trying to reduce crime by considering the police 'Secured by Design' Award Scheme for this site,

3.6 Yorkshire Water consulted. Response received 31 October 2007. Yorkshire Water has no comments as their apparatus would not be affected by the development.

3.7 York Tourism Partnership consulted. Response received 7 November 2007. The following comments were made:

- In principle York Tourism Partnership welcome plans for the extension of the hotel.
- The city is looking to increase the length of stay of visitors and opportunities to increase the supply of hotel beds in the city are therefore very welcome.
- Expansion in bed-spaces will benefit both leisure and conference visitors.
- The Partnership also welcomes the increase in employment which is indicated.
- The Partnership will not comment on the details of the extension.

York Tourism Partnership have no further comments following the submission of revised scheme.

INTERNAL

3.8 City Development Unit consulted. Response received 7 November 2007. The following comments were made:

- the site does not fall within the Central Historic Core,
- the site is within the City Centre area of Archaeological importance. Hence a field evaluation is required,
- input from the Council's Conservation Team is also required,
- the site of the hotel is within flood zone 2, an area defined as having an annual probability of flooding (river) 0.1 - 1.0%. A flood Risk Assessment is therefore required to be assessed by internal drainage team,
- criteria A - D of policy V3 (Hotels and Guest Houses) apply.

3.9 Highway Network Management consulted. Response received 7 November 2007. The following comments were made:

- The surrounding highways are protected by various waiting restrictions which will manage any on-street parking.
- The applicants have provided information that they currently have an excess of parking and have estimated that approximately 50% of residents arrive by car.
- The applicants have also provided details on the average occupancy rates and when working out the level of car parking being provided it compares favourably with the level of car borne custom that could be expected.
- Although the level of overall car parking provided is being reduced, the remaining level accords with City of York Council Draft Local Plan Annex E maximum parking standards,
- The management of car parking within the site is a private issue and should the car park become oversubscribed customers would be able to use adjacent public parking facilities at Kent Street,
- the site is within walking distance of the city centre and is served by a number of frequent bus services.
- As such officers raise no objections to the proposal subject to conditions.

3.10 Environmental Protection Unit consulted. Response received 16 November 2007. The following comments were made:

- Noise created from delivery vehicles and specifically reversing beepers could have an impact on the amenity of occupants of William Court, off Blue Bridge Lane.
- The boundary of the nearest noise sensitive property is only 12.0m away from the proposed delivery area, and the route of delivery vehicles on site will pass housing bordering the site.
- Delivery vehicles may be required to reverse along the southern site boundary and any noise from this must be addressed prior to the development commencing.
- In view of the above conditions regarding delivery times and the use of 'white noise reversing sounders' have been recommended.
- Air quality: The Unit have no objections regarding the impact of the proposal on air quality, as it has been confirmed by Highway Network Management that there will be no net increase in traffic generation.

3.11 Design, Conservation and Sustainable Development consulted. Latest response received 29 November 2007 following the submission of revised drawings. The following comments were made:

-The proposal can only be judged in terms of its impact on the setting of the conservation area.

-Whilst the application site does form a gap between the existing hotel and the adjacent residential development, the large group of mature trees situated on the riverbank partially obscure the view of the site from both sides of the River Ouse.

-The revised plans have taken account of the previous comments made by the Conservation Team. As such the amended scheme is considered to be an improvement.

-The proposed cream frames shown on the submitted artists impression are not felt to be appropriate. As this would have a noticeable impact on the setting of the conservation area it is felt that a darker colour would be more appropriate.

3.12 Archaeologist.. Response received 27 November 2007. The following comments were made:

-Having assessed the location of the proposed extension and discussed the foundation of proposals with the applicant's agent, any approval should be subject to the standard archaeological conditions.

3.13 Council's Structure and Drainage Team consulted. Response received 7 November 2007 - no objections. The submitted Flood Risk Assessment has adequately addressed zone 2 flood risk, with all bedrooms being on the first floor well above the 1/1000-year flood level.

-A flood management plan is recommended to address responses to flood warning, including evacuation procedures during extreme events.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Residential Amenity
- ii. Visual Amenity and Impact on Conservation Areas and Green Corridor
- iii. Sustainability
- iv. Parking and Highway Safety,
- v. Servicing and Environmental Protection Considerations
- vi. Flood Risk
- vii. Other Material Considerations

RESIDENTIAL AMENITY

4.2 Policy V3 and policy V1 of the City of York Draft Local Plan 2005 set out a list of criteria for assessing visitor related developments, one of which is whether the proposal would have an adverse effect on the residential character of an area. Furthermore, criterion (i) of policy GP1 seeks to ensure that residents living nearby the proposal would not be unduly affected by overbearing structures.

4.3 The main focus of this application is the proposed 14.5m high and 64.5m wide extension running horizontally and in parallel with a row of terraces along 19-25 William Court, leaving a gap of 22.0m in between. William Court is a residential development comprising three sets of terrace properties, namely 1-6 William Court, 7-18 William Court, and 19-25 William Court. The main concern is its impact upon 19-25 William Court, a row of 3 storey buildings with habitable windows directly facing the proposed extension and garden areas directly adjacent to the application site. Due to its setting, its scale and its close proximity to 19-25 William Court as described above, it is in the opinion of officers that the proposed extension would appear obtrusive and overbearing when viewed especially from the habitable windows in the north elevations of these neighbouring properties, to the extent that the living condition of the occupants living in these properties would be unacceptably harmed by virtue of the development.

4.4 No guidance has been set by this Authority which specifies the minimum distance between buildings. Nevertheless, it is generally accepted that a minimum of 21.0m between the main elevations of residential properties is acceptable. The proposed extension would meet the minimum standard. Nevertheless, it has also been noted that this '21-metre-rule' is generally used as a guide for standard 2 storey housing developments, not a 2 storey hotel extension supported by 4.0m high columns.

4.5 The majority of the bedroom windows in the south elevation of the extension would be partially covered by Brise Soleil units. It is accepted that the proposed method of screening would overcome the concern regarding overlooking and loss of privacy. Furthermore, it is also considered that the proposed method of screening would reduce light pollution when viewed from 19-25 William Court.

4.6 Due to the characteristics of daylight orientation in relation to the positioning of the development, it is unlikely that the residential properties adjacent to the development would be adversely affected by the loss of natural daylight and overshadowing.

VISUAL AMENITY AND IMPACT ON CONSERVATION AREAS AND GREEN CORRIDOR

4.7 The revised plans have taken account of the previous comments made by the Conservation Team. The separation of the extension into defined bays replicates the rhythm of the main building. The fenestration size and pattern also matches that of the existing building which brings continuity to the overall appearance of the development. The changes to the ground floor level are also an acceptable improvement; the infill of the former open areas brings solidity to the design.

4.8 Furthermore, the development is now proposed as brick construction rather than brick and render. This will ensure the character of the existing building is replicated and there will therefore be less impact on the setting of the conservation area. Due to the choice of colour it is considered that the proposed cream Brise Soleil units would have a noticeable impact on the setting of the conservation area. A darker colour is felt to be more appropriate. This can be secured by condition if permission is granted.

4.9 By virtue of the improvements as described above, on balance it is unlikely that the character and appearance of New Walk/Terry Avenue Conservation Area, including the green and river corridors within would be unduly harmed. With regard to the visual impact when viewed from New Walk, the large group of mature trees situated on the riverbank would partially obscure the view of the site. As such by bringing the building nearer to the William Court is unlikely to harm the view from this location.

4.10 The proposed north and east elevations would be well screened by the surrounding buildings and would leave a distance of more than 130.0m from the public highway to the east of the application site. As such it is unlikely that the proposal would affect the character and appearance of York Central Historic Core Conservation Area and the general appearance of Fishergate. The proposed single storey restaurant extension, window replacements and entrance improvement works are unlikely to affect the visual appearance and the character and setting of the conservation area.

SUSTAINABILITY:

4.11 Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 sets out a list of criteria development should take into account. In the case of this development, the site is within 400m walking distance from a number of local services and public transport facilities, including bus routes linking the site to York City Centre and the surrounding area. The site is also adjacent to a public footpath and a cycle route along the side of the river. Access into the site can therefore be gained by means other than private vehicles.

4.12 The principle of sustainable development has also been incorporated as part of the scheme. These include the use of low energy lighting in the corridors, stairs, and parts of the public areas, the use of rain water for toilet flushing, and the use of grey water during construction where possible. All bedrooms to the proposed extension would also be fitted with facilities such as water flow regulators, low energy lighting fittings and room thermostats to independently control heating and cooling.

4.13 Notwithstanding the above, paragraph 3 of the Planning Policy Statement no.1 (2005) "Delivering Sustainable Development" states "at the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations". In relation to the proposed hotel extension, due to its impact upon the quality of life of the residents at 19-25 William Court, on balance it is considered that the proposal is contrary to the Government's objectives for the planning system as set out in this national planning policy statement. Whilst the proposed scheme could contribute towards the economic prosperity and diversity of York, could maximise employment opportunities, and could meet the continuing demand for hotel rooms, by virtue of the above it is not considered that these benefits could outweigh the adverse impacts associated with this development.

PARKING AND HIGHWAY SAFETY

4.14 By virtue of the development a total of 48 additional bedrooms would be created. This would increase the overall room availability from 124 to 172. However, the overall number of vehicle parking spaces would be reduced from 140 to 94, a

reduction of 46 spaces. According to the details submitted with the application, there are currently 60 staff employed on site. By virtue of the development proposed a maximum of 6 new staff will be employed. Hence the total number of staff on site would equate to 66.

4.15 Appendix E of the City of York Draft Local Plan 2005 set out a maximum car parking standards for all developments. According to the maximum standards for Class C1 (Hotels and Guest Houses) developments in York City Centre and District Centres with 20 bedrooms or more, 1 space should be provided per 4 bedrooms, and 1 coach space should be provided per 100 bedrooms. In addition, 1 space should be provided per resident staff and a minimum of 1 cycle space is to be provided for every 10 bedrooms.

4.16 Based on the maximum standards set out in appendix E, a total of no more than 43 parking spaces is expected for a hotel in this location with 172 bedrooms (172 bedrooms X 1 space / 4 bedrooms). However the total number of parking spaces within the site would exceed this maximum standard by more than double (43 spaces X 2 = 86 spaces) even after the proposed reduction of 46 spaces. It is therefore likely that adequate parking spaces would be in place to facilitate other functional activities such as conferences and weddings.

4.17 In terms of parking provision for resident staff, the information submitted by the applicant's agent has confirmed that there are currently no resident staff at the hotel; there will be no resident staff if the extension is constructed. Given that there would still be 51 parking spaces after taking into account customers' parking (94 spaces - 43 spaces = 51 spaces), on balance it is considered that parking provision on site is acceptable.

4.18 According to the Staff Travel Survey undertaken in September this year, 46% of the respondents walk to work, 20% travel to work by bicycle, 20% of respondents used public transport as their main form of transport to work, and only 14% of the staff travel to work by car. This further demonstrates that more than adequate car parking spaces would be provided on site notwithstanding the proposed reduction.

4.19 With regard to cycle spaces, the information submitted shows there are currently 8 cycle spaces. By virtue of the development a total of 18 cycle spaces would be on site. Appendix E of the guide states a minimum of 1 cycle space is required per 10 bedrooms. Given that this application relates to the additional 48 bedrooms it is considered that the provision of 10 additional cycle spaces is acceptable.

4.20 The Council's Highway Network Management have raised no objections as the surrounding highways are protected by various waiting restrictions which will manage any on-street parking. Furthermore, it has been demonstrated that the hotel currently has an excess of parking, and that the number of remaining parking spaces would still accord with the standards set out in Annex E of the City of York Draft Local Plan 2005. The site is also within walking distance of the city centre and is served by a number of frequent bus services. The team has raised no concern regarding highway safety during the construction period including the delivery of building materials. Nevertheless if permission is granted a condition is required

restricting the hours of construction. The purpose of such a condition is to protect the amenity of nearby occupants.

4.21 Having taken the above into account, the location of the site in relation to York City Centre, together with the guidance set out in Planning Policy Guidance note 13 "Transport", on balance it is considered that parking provision on site is acceptable and that the proposed scheme is unlikely to create a condition prejudicial to highway safety. No solid evidence has been provided to demonstrate that the proposal would pose a risk to children attending Fishergate Primary School.

SERVICING AND ENVIRONMENTAL PROTECTION CONSIDERATIONS

4.22 One of the criteria set out in policy V1 "Visitor Related Development" is whether the proposal has made adequate servicing arrangements. The amended plans show the existing access gate to the east of the service yard would be retained and would be used as an access for emptying refuse and recycling bins to vehicles. The amended plans also show the refuse and recycling bins would be adjacent to this existing access point. Hence it is unlikely that the southern access point and the open area to the south of the application site would be used for refuse collection. In order to facilitate the loading of refuse the hotel is acquiring new 1100 litre bins to replace the existing bins which require an up-and-over mechanism. The amended plans have demonstrated that adequate space would be provided within the service yard area for servicing arrangement.

4.23 With regard to the issue concerning delivery vans, the information submitted by the applicants state the hotel currently experiences on average 6 deliveries per day from Monday to Friday, 2 only on Saturdays and none on Sundays. It is not anticipated that additional deliveries will be required if the additional rooms are in operation, as the current delivery vehicles have capacity to increase the size of the orders. In terms of delivery time, the earliest delivery time is for dairy products and is between 6:30am to 7:00am. There is no change from the existing schedule. The latest delivery time is usually around 2:00pm.

4.24 Due to the number of additional rooms proposed in relation to the size of the existing operation it is accepted that the proposed development would not unacceptably increase the frequency of deliveries currently on site. The Council's Environmental Protection Unit have been consulted. Subject to the recommended planning conditions the Unit have no objections. In any case provisions do exist within current non-planning legislation such as the Environmental Protection Act 1990 to deal with statutory nuisances.

4.25 Notwithstanding the status of this application a separate application would be required should the applicant wish to erect a structure for smokers. Due to the distance between the proposed extension and the properties along William Court it is unlikely that the noise and air pollution caused by smokers congregating in the service yard would unacceptably harm the living conditions of the nearby residents. A separate application is also required should the applicants wish to relocate the central heating/air conditioning units. According to the information submitted a new air conditioning unit would be sited in the same position as the existing unit and would therefore be located under the proposed bedroom extension. Any further units required would be located within the roof space of the existing building.

FLOOD RISK

4.26 The application site is defined by the Environment Agency as an area within zone 2 flood risk, hence a Flood Risk Assessment has been submitted. No objections were raised by the Council's Structure and Drainage Team as the proposed bedrooms would be well above the 1 in a 1000 year flood level. The Environment Agency have also been consulted. Subject to the recommended conditions the Agency have no objections to the principle of the development proposed. No objections were raised by Yorkshire Water in light of the above comments, together with the fact the application relates to an area of land which is already non-permeable, it is not considered that the provision of permeable garden could be justified.

OTHER CONSIDERATIONS:

4.27 Existing Hedge: With the objective of protecting the screening effect currently enjoyed by the occupants along 19-25 William Court, a condition is required to retain the existing hedge along the southern boundary should permission be granted. Such a condition should also be used to ensure that a new hedge will be planted in the next planting season should the hedge die, be removed, or become seriously damaged or diseased.

4.28 Planning Against Crime: A Secured by Design condition is required which would address the recommendations of the Safer York Partnership, should permission be granted.

4.29 Archaeological issues: The site is within an area identified as an Area of Archaeological Importance (AAI). Hence an Archaeological desk-based assessment has been submitted. The Council's Archaeological team have been consulted; no objections were raised subject to standard archaeological conditions.

4.30 Local wildlife: No evidence exist which suggest that the proposal would affect species protected by law.

4.31 Public rights of way: There are no Public Rights of Way existing within the site. Due to the siting of the extensions, it is unlikely that the proposal would affect the public rights of way adjacent to Novotel.

4.32 Issues concerning property value and the intention of the applicant to erect the extension are non-material planning considerations.

4.33 Having taken the above into account, it is considered that the proposed development would not cause undue harm to a number of main issues identified. However, due to the concern regarding its obtrusive and overbearing impact upon the occupants at 19-25 William Court, on balance this application is recommended for refusal.

5.0 CONCLUSION

Due to the intrusive and overbearing impact of the proposed extension on adjacent residential properties, the application is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed extension would appear unduly intrusive and overbearing when viewed from the habitable windows in the north elevation of the properties at 19-25 William Court by virtue of its scale, siting and overall massing, together with its distance from these residential properties. As such the living conditions of the occupants of these residential properties would be unduly harmed by virtue of the development, contrary to the core principle of sustainable development set out in Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", and Policies V1 and GP1 of the City of York Draft Local Plan 2005.

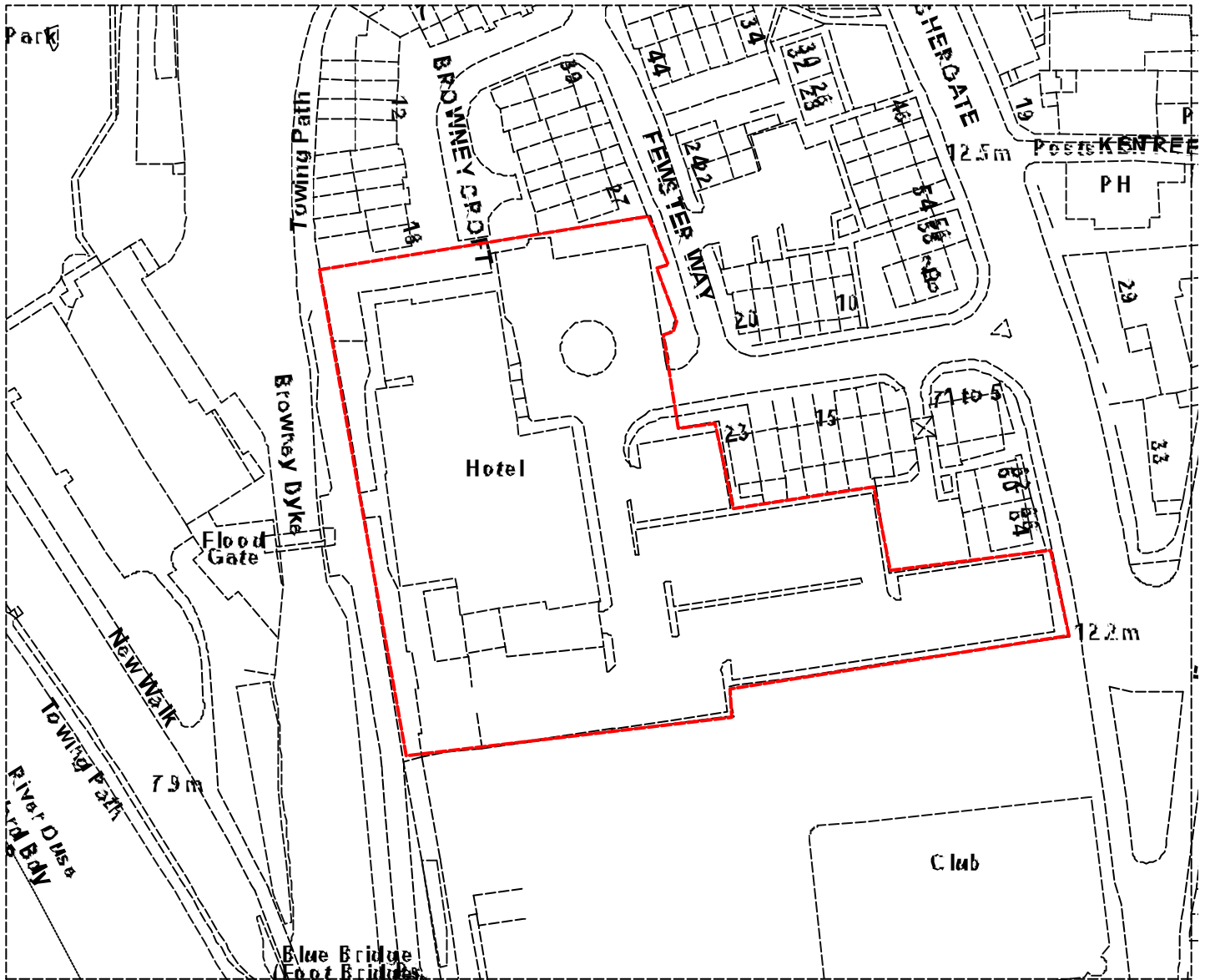
7.0 INFORMATIVES:

Contact details:

Author: Billy Wong Development Control Officer
Tel No: 01904 552750

07/02408/FULM

Novotel Fewster Way



Legend	



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Organisation	Not Set
Department	Not Set
Comments	
Date	27 November 2007
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 13 December 2007

Ward: Clifton
Parish: Clifton Planning Panel

Reference: 07/01723/FUL
Application at: Cherry Lodge 38 Burton Stone Lane York YO30 6BU
For: Change of use to house in multiple occupation
By: Steven Green
Application Type: Full Application
Target Date: 13 September 2007

1.0 PROPOSAL

1.1 The application comprises the conversion of a large detached former dwellinghouse to a house in multiple occupation (HMO) for 10 people. Each would occupy their own en-suite room and have use of two shared kitchens and a laundry. Four off-street parking spaces and a shared cycle store would be provided. To the rear would be a shared garden and refuse/recycling enclosure. There would be no external alterations other than the erection of the refuse/recycling enclosure.

1.2 The site is owned by the applicant who has already converted the property to an HMO. Seven of the 10 bedrooms are let.

1.3 The application is referred to committee at the request of Councillor Scott. A committee site visit is to take place because objections have been received and the application is recommended for approval.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

CYL1c
Public open space contribution

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections subject to revised details being submitted. The four proposed parking spaces are adequate but they should be set further into the lawn to provide satisfactory turning space. The size of the communal cycle store is adequate but security devices for each cycle should be provided. The site lies within R34 Respark Zone. Neither guesthouses nor HMOs are eligible for permits in this zone so the impact of the development on the public highway - and on-street parking in particular - is considered neutral. This is further enhanced by car parking spaces and turning arrangements being proposed within the site.

Environment, Conservation, Sustainable Development (Conservation) - The proposals appear to preserve the character and appearance of the conservation area. No objections subject to a management strategy for the shared areas being submitted for approval.

Housing Standards - If the property is to be let to five or more occupiers a license will be required from the council to ensure that: living conditions and amenities within the building are adequate; the license holder is a fit and proper person; and management of the property is adequate.

3.2 External

Clifton Planning Panel - Objection. Too many bedrooms for not enough kitchens. Overcrowding. Not enough parking.

Public Consultation - The consultation period expired on 22 August 2007. Eight individual letters of objection and 20 pro-formas have been received raising the following planning issues:

- Impact on the character of the residential area and the community
- Inadequate maintenance of the property
- Harm to the amenity of residents.
- Noise nuisance, anti-social behaviour and general disturbance
- Overcrowding
- Inadequate facilities for occupiers
- Inadequate access/highway safety
- Impact on on-street parking
- Inadequate provision for cycling/cycle storage
- Harm to the character of the conservation area.
- Further assessment of the impacts is needed.

4.0 APPRAISAL

4.1 Key Issues

- Principle of development
- Impact on the conservation area
- Occupier amenity
- Neighbour amenity
- Highway issues
- Refuse/recycling
- Public open space.

4.2 The Application Site

Large, attractive, detached, 3-storey former dwellinghouse fronting onto Burton Stone Lane. To the side, within the site, is a gated private drive to four parking spaces at the rear. The occupier of the adjacent house at No.36 has vehicular right of way over the drive in order to access his domestic garage at the rear of his house. The building is unlisted and in a conservation area. The area is predominantly residential.

4.3 It would appear that the building was last used as annexe guest accommodation for the language school operating at 8 St. Peter's Grove to the rear. This property was granted planning permission in 2007 (06/2828/FULM) for conversion to 12 2-bed apartments. The two properties are now separate planning units.

4.4 Principle of Development

National planning policy on housing (PPS3) includes the aim of creating sustainable, inclusive, mixed-use communities in all areas. The site lies in a residential area in a sustainable location close to public transport and local services. The principle of use as an HMO is therefore acceptable.

4.5 Impact on the Conservation Area

The building and grounds contribute to the character of the conservation area. No external alterations are proposed except provision of a refuse/recycling enclosure and four parking spaces to the rear. The enclosure would not be visible from the public highway or be easily visible from surrounding buildings. The proposal would have negligible impact on the character and appearance of the conservation area. The applicant has submitted adequate details of his proposed maintenance and management regime.

4.6 Occupier Amenity

The internal alterations to convert the building to an HMO have already been carried out. The building has 10 single bedrooms and two kitchens. This arrangement contrasts with the plans as initially submitted, which showed 11 bedrooms and one kitchen. Whilst officers have not been inside all the rooms the conversion appears spacious and to a good standard. The applicant has agreed to a planning condition limiting the number of occupiers to 10. The Housing Act provides further safeguards for occupiers in that the HMO will require a license to ensure that facilities are adequate and the HMO is well managed. Housing standards officers of the council are aware that the HMO is in operation and a license application is expected shortly.

4.7 Neighbour Amenity

Cherry Lodge is a detached building in sizeable grounds. Bearing in mind that the proposed use is residential, and for just 10 occupiers, the impact on adjacent dwellings and the area generally is likely to be small. The impact is unlikely to be significantly different to the impact of a flatted conversion of the building.

4.8 Highway Issues

The existing access from Burton Stone Lane is adequate and would be unaltered. Four parking spaces have been created to the rear of the building. They are sufficient to serve the proposed number of occupiers, although the layout would need to be amended to provide adequate turning space and to avoid interfering with

the right of way through the site. Details have been revised since the application was first submitted and are now acceptable. The site is in a Respark Zone. Neither guesthouses nor HMOs are eligible for permits in this zone so the impact of the development on on-street parking is considered neutral.

The building has a domestic-sized, integral garage with its own access from Burton Stone Lane. This garage would become the communal cycle store. It is adequate for at least 10 cycles and secure Sheffield stands would be provided.

The council's highway officers have no objections to the revised proposals.

4.9 Refuse/Recycling

The revised proposals show a communal bin store in a discreet location to the rear of the building. The store is acceptable subject to details being provided.

4.10 Public Open Space.

A financial contribution of £3,600 would be required for the provision of public open space in accordance with policy L1 of the local plan.

5.0 CONCLUSION

5.1 The proposal accords with national planning policy in PPS3 and with policies GP1 and H8 of the City of York Local Plan Deposit Draft. The application is acceptable subject to conditions. An open space contribution of £3,600 would be required.

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 approved site plan numbered 2150-1A and un-numbered floor plans all received 30 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 Within three months of the date of this permission all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

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

4 Within three months of the date of this permission the areas shown on the approved plans for turning, parking and manoeuvring of vehicles shall be constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Within three months of the date of this permission the cycle store shown on the approved plans shall be provided in accordance with the approved details. The cycle store shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 The premises hereby approved shall be occupied by no more than 10 occupiers unless otherwise approved in writing by the local planning authority.

Reason: In the interests of highway safety and the amenities of local residents.

7 Within three months of the date of this permission details (including location, dimensions and materials) of refuse/recycling enclosures for the dwelling hereby approved shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The refuse/recycling enclosures shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability, visual amenity and the character of the conservation area.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3,600.

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 development, impact on the conservation area, occupier amenity, neighbour amenity, refuse/recycling and highway issues. As such the proposal complies with policies GP1, and H8 of the City of York Local Plan Deposit Draft.

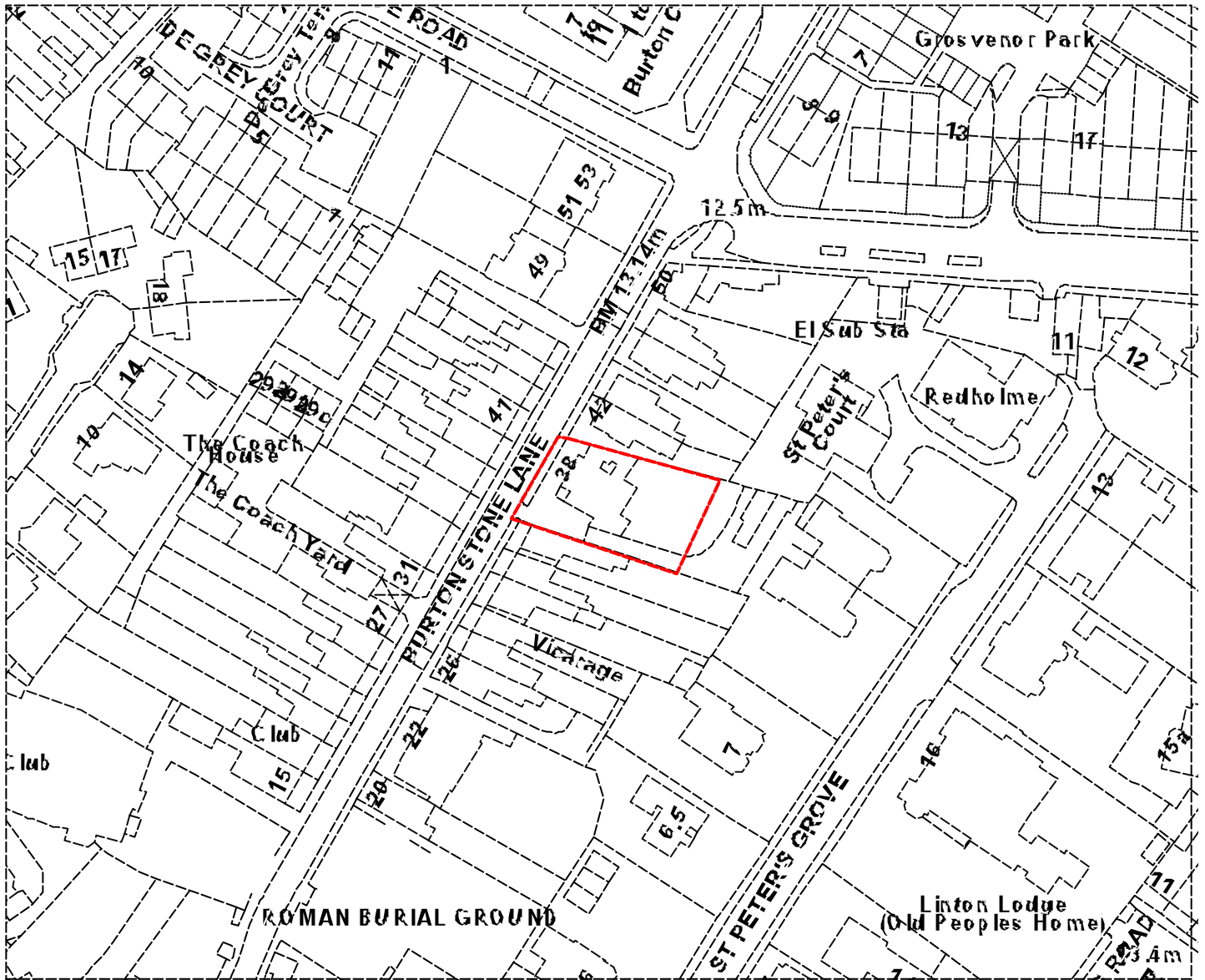
Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

07/01723/FUL

Cherry Lodge 38 Burton Stone Lane



Legend



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Organisation	Not Set
Department	Not Set
Comments	
Date	27 November 2007
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area **Ward:** Hull Road
Date: 13 December 2007 **Parish:** Hull Road Planning Panel

Reference: 07/01323/FUL
Application at: 30 Carlton Avenue York YO10 3JZ
For: Two storey pitched roof side and rear extension and change of use to 2 no. x 2 bedroom flats
By: Barry Thompson
Application Type: Full Application
Target Date: 27 July 2007

1.0 PROPOSAL

1.1 (1) Demolition of single-storey, flat-roofed garage (2) erection of predominantly 2-storey, pitch-roofed side extension measuring 3.45m by 7.9m (3) conversion of enlarged building to two 2-bedroom flats.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

3.1 Internal
Highway Network Management - No objections. Car parking and cycle storage accord with council standards.

Environmental Protection Unit - no objections. A noise insulation condition should be added due to concerns about an increase in internal noise created by the development.

City Development and Transport - Policy H8 permits conversion of a single dwellinghouse to flats if, inter alia, the house has four bedrooms. The house on the site has only three bedrooms. Extending the house as shown, prior to considering an application for conversion to flats would provide a fourth bedroom, thereby complying with policy H8. Whether the extension and conversion should be considered concurrently is a matter for DC officers.

3.2 External

Hull Road Planning Panel - Objection. Overdevelopment, visual amenity, no external access to one of the garden areas, inadequate off-street parking

Public Consultation - The consultation period expired on 17 July 2007. 11 letters of objection have been received from six objectors. They raise the following planning issues: Overdevelopment; design out of keeping with street scene; inadequate amenity space for occupiers; noise and general disturbance; overbearing impact on adjacent occupiers; overshadowing; inadequate parking; highway safety; inadequate access to cycle storage.

4.0 APPRAISAL

4.1 Key Issues

Principle of conversion to flats

Overdevelopment

Visual appearance

Occupier and neighbour amenity

Parking and cycle storage

Highway safety

Provision of open space

Provision of refuse facilities

4.2 The Application Site

2-storey, hip-roofed, semi-detached single dwellinghouse with attached flat-roofed garage to side. The site lies at the turning head of a cul-de-sac of approximately 14 dwellings in a suburban residential area. The ground level of the site is approximately 600mm above the ground level of plots to the north and east.

4.3 Principle of Conversion to Flats

Policy H8 allows the conversion to flats of dwellings of four bedrooms or more that, inter alia, are sufficiently large for the number of households proposed. The application site comprises a three bedroom house (currently configured for two bedrooms) that is capable of enlargement to provide four bedrooms. Whilst planning permission has not been sought solely to enlarge the house officers consider that to refuse permission for conversion due to the house currently having only three bedrooms would be unreasonable. However, in order for the conversion to be acceptable the proposals would have to accord with the other criteria in policy H8 as well as policy H7.

4.4 Overdevelopment

The extension would be 3.45m by 7.9m. Whilst the extension would be fairly large in relation to the existing dwelling the extension is no wider than the existing garage and would not extend as far as the side boundary of the site. The 2-storey element of the extension would project 1.6m beyond the rear elevation of the existing house and a 0.9m-deep, single-storey projection would be added at the front. The size of the works would not, in the view of officers, amount to overdevelopment.

4.5 Visual Appearance

The front elevation and ridge height would be subordinate to the existing house and the general design of the extension would be in keeping with the character of the building/area. The extension would lie, on average, 0.8m from the side boundary with No.32 and 1.7m from the adjacent house. These distances are sufficient to prevent a terracing effect in the street, particularly as the house is set well back from No.32 and the site is in a relatively-secluded part of Carlton Avenue.

4.6 Occupier and Neighbour Amenity

The internal living space is sufficient for two flats. Each flat would have a part of the rear garden for use as private amenity space. Whilst these areas would each be relatively small this is insufficient reason to justify refusal.

One flat would occupy the ground floor, the second would occupy the first floor. The dining and lounge area of both flats would abut the party wall to the neighbouring property at No.28. This arrangement could affect the amenity of the occupiers of No.28, particularly due to the proximity of the dining/lounge area of the upper flat to the neighbouring bedroom(s). Such potential noise nuisance could be mitigated by the provision of adequate soundproofing, which should be made a condition of approval.

The use of the upstairs rooms as daytime living accommodation could increase the likelihood of properties to the rear being overlooked from existing windows. In particular, the nearest dwelling at No.17 Wolviston Avenue, which is a bungalow with a side conservatory. The nearest part of the dwelling at No.17 would be at least 18m from the daytime windows of the proposed flats. One window would be to a kitchen (currently a bedroom) and the others would be secondary windows to a dining room (currently a bedroom). The increase in overlooking caused by the rearrangement of rooms is likely to be minor. The side extension at first-floor level would include a new bedroom window, which would face the rear of No.17 Wolviston Avenue. The use of this bedroom is unlikely to cause significant overlooking to the occupiers of No.17.

The side elevation of the adjacent house at No.32 Carlton Avenue would be approximately 1.7m from the side elevation of the enlarged house. Neither property has any side windows so the works would cause no overlooking. However, the new extension would project approximately 1.6m beyond the rear elevation of No.32. The rear of No.32 faces north-east so the proposed extension would cause some loss of direct sunlight to No.32's rear garden. Nevertheless, the loss is unlikely to be significant and is not sufficient to justify refusal, despite the 0.6m difference in site level. The scale and proximity of the extension to No.32 are unlikely to have an overbearing impact on the adjacent occupiers.

4.7 Parking and Cycle Storage

Residents are concerned that the additional dwelling unit would increase existing parking problems in the vicinity of the turning head in front of the site. Turning heads often have parking problems due to the number of dwellings fronting onto a relatively-small area of public highway. Whilst the additional dwelling may increase parking problems in the immediate vicinity of the site this is insufficient reason to justify refusal. The application includes two useable parking spaces and therefore complies with the council's standards. In addition, an easily-accessible shed to the rear of the house would be used for cycle storage. This should be made a condition of planning permission.

4.8 Highway Safety

Residents are concerned that the additional dwelling unit would increase traffic movements in the area to the detriment of highway safety. Whilst traffic movements may increase, the impact on highway safety is likely to be negligible.

4.9 Public Open Space.

An open space contribution of £1242 would be required for the provision of public open space in accordance with policy L1 of the local plan.

4.10 Refuse Facilities

The application does not include proposals for refuse and recycling facilities. Provision of these facilities should be made a condition of approval.

5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

3 HIGHWAY 6

4 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 108/CL/BT-01 received 1 June 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.

5 The floors and walls between each of the proposed flats and the adjacent

dwellings shall be so adapted as to achieve a reasonable resistance to airborne / impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

6 PD5 No openings in side elevation

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

Reason: In the interests of sustainability and visual amenity.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1242.

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:

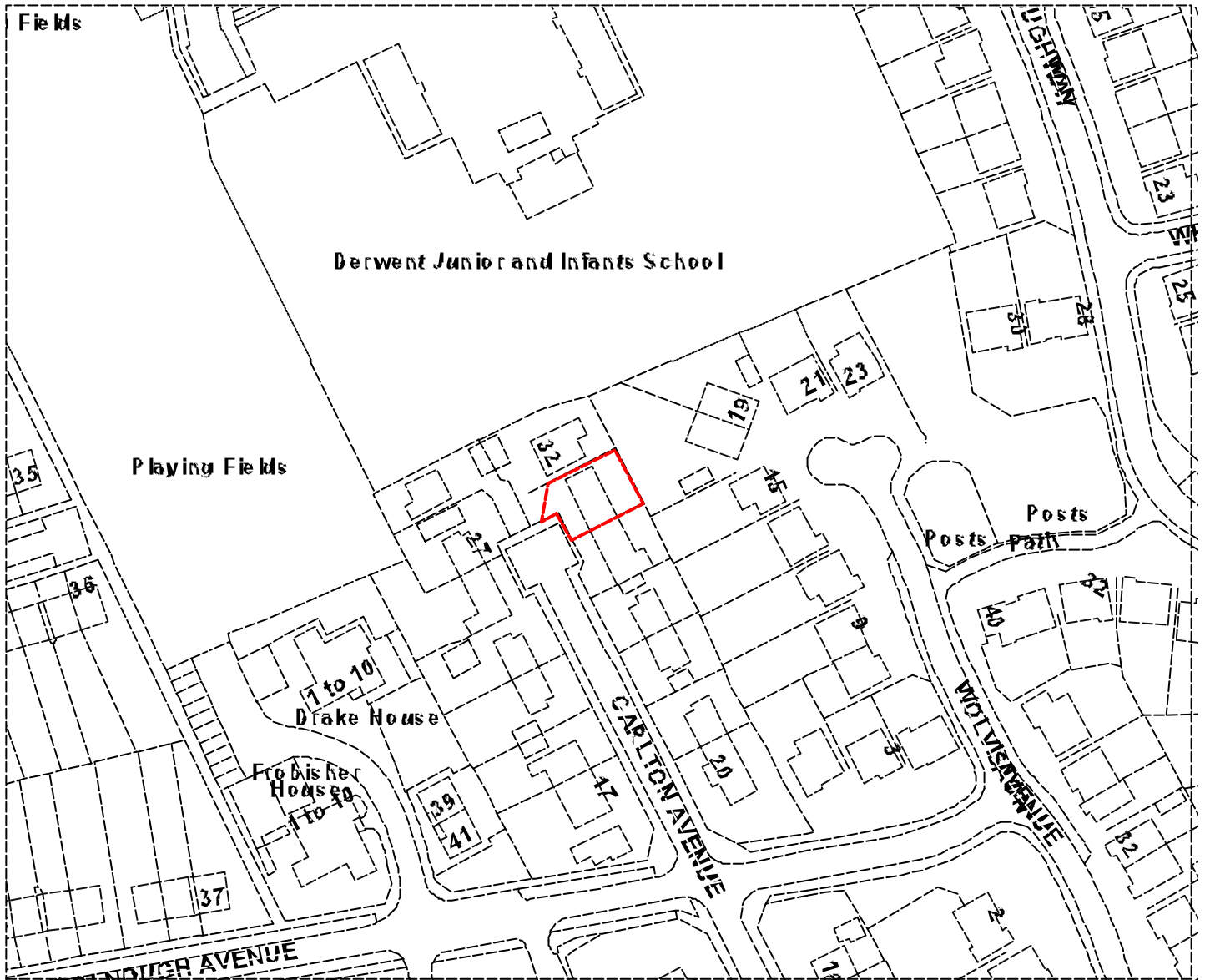
Contact details:

Author: Kevin O'Connell Development Control Officer

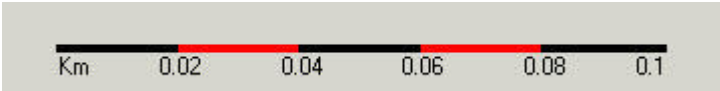
Tel No: 01904 552830

07/01323/FUL

30 Carlton Avenue



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Organisation	Not Set
Department	Not Set
Comments	
Date	28 November 2007
SLA Number	Not Set

3.0 CONSULTATIONS

External

3.1 Rawcliffe Parish Council - No objections.

3.2 Neighbours - One letter of objection received from 22 Byron Drive. Objections are raised on the following grounds:

- The proposed alteration from the previous application makes no difference when viewed from 22 Byron Drive;
- The principle light for the kitchen comes from the side window which would look onto the extensions brick wall which is currently an open view;
- Part of the extension would prevent access to the garage and fence at 22 for maintenance and repair;
- 3 extractor fans would be vented from the extensions roof leading to noise intrusion and fumes;
- The garage would be used to store tools and materials in connection with the applicants work as a joiner, this would materially affect its use and increase the fire risk.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Street Scene
- Impact on the Living Conditions of Neighbours

4.2 Policy H7 of the City of York Draft Local Plan Local Plan states that planning permission will be granted for residential extensions where the design and materials are sympathetic to the main dwelling and the locality of the development, the design and scale are appropriate in relation to the main building, and there is no adverse effect on the amenity which neighbouring properties could reasonably expect to enjoy. Policy GP1 states that development proposals will be expected to respect or enhance the local environment, be of a density, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 The Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwelling houses" states that design of extensions should be sympathetic to the original house, and the scale should not dominate the original building. The amenity of adjacent occupiers should also be considered, for example the impact of the proposal on the internal and external spaces of neighbouring properties .

4.4 The proposed extension is single storey and measures approximately 2.7 m in width as viewed from the front of the property. The extension has a hipped roof and would extend over the existing front door to create a porch canopy. The extension would not be visually prominent due to its size and it has been designed to appear in keeping with the main house. There are a number of examples within Byron Drive of

side extensions. It is considered that the proposed extension would not harm the appearance of the dwelling or character of the area.

4.5 The previous application at this site was refused due to the impact on the living conditions of residents living at 22 Byron Drive. As with the previously refused application it is officer opinion that the proposed extension would not cause undue harm to the living conditions of neighbours. The previous application was refused due to a loss of light and outlook as a result of the extension due to its size, scale, massing, and proximity to the boundary.

4.6 A large number of dwelling extensions are built up to the boundary on a regular basis, many of which are two storey. The side elevation of 22 Byron Drive which is affected by the proposal contains two kitchen windows. These windows are north east facing and therefore do not receive a significant amount of sunlight. The kitchen has a south west facing window to provide natural light as well as the two facing the application site. The proposed extension is a modest 2.4 m in height to the eaves which is only 0.4 m above a fence or wall which could be erected as permitted development. It is not considered that the impact on natural light entering the kitchen would be significantly harmed due to the orientation of the properties and the modest height of the extension. It is also not considered that the impact on outlook would be significantly harmful. The extension would be set approximately 2.7 m away from the kitchen windows of 22 Byron Drive which is considered a sufficient distance to allow an outlook above the shallow pitched roof.

4.7 22 Byron Drive has a rear garage which would screen the rear of the extension from view from 22 Byron Drive. It is therefore considered that the proposed extension would not be visually prominent from the rear garden of number 22.

4.8 There are other considerations that need to be addressed. Firstly, whilst leaving a gap for maintenance of a fence or property is recommended this is not always possible within areas of such tight development. The extractor fans used are likely to be a standard type which would be seen on many domestic properties and it is considered unlikely that they would cause significant nuisance due to their modest scale. The small scale storage of some tools and materials is considered to be a reasonable use of a garage within a residential area. The increased fire risk perceived by the neighbour was not presented with any justification and it is not considered that this is a material planning consideration.

4.9 The proposed rear extension protrudes 3.3 m from the main rear elevation of the application site and would be located adjacent to the property curtilage boundary with 18 Byron Drive. 18 Byron Drive has an existing rear extension up to the property curtilage boundary and is an identical 3.3 m in depth and 3.5 m in height to that proposed. The extension has a blank wall facing the application site and it is therefore considered that the rear extension would have a minimal impact on the living conditions for residents of 18 Byron Drive.

5.0 CONCLUSION

5.1 It is considered that the proposed extension would not cause significant harm to the street scene or the amenity of neighbours therefore the 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:-

Drawing Numbers 2007 26 03 B and 2007 26 04 B received by The CoYC on 11/10/07

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

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

3 VISQ1 Matching materials

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

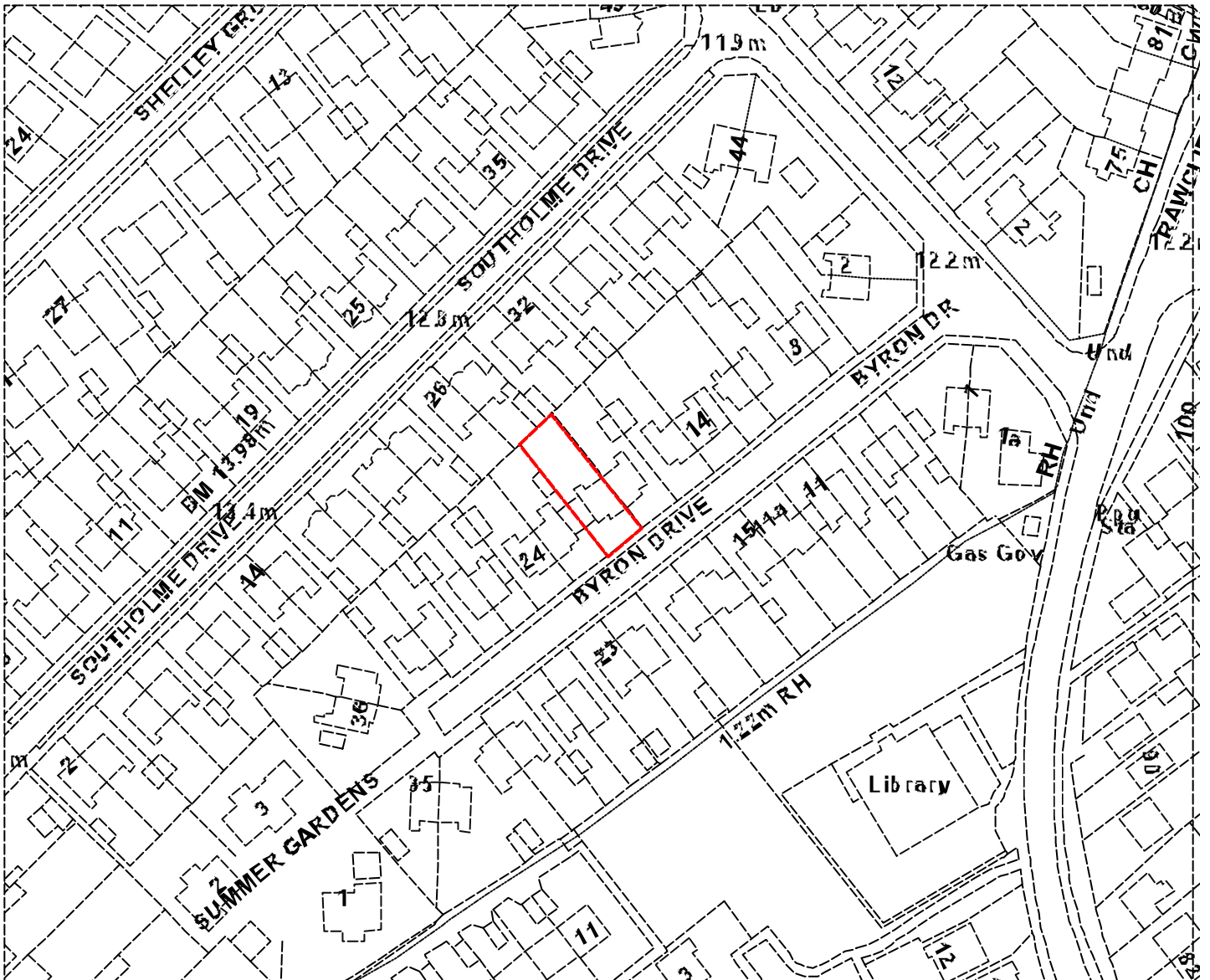
Contact details:

Author: Michael Jones Development Control Officer

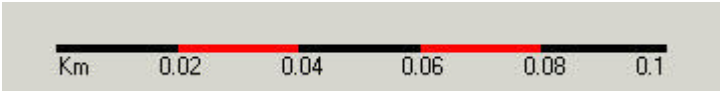
Tel No: 01904 551325

07/02419/FUL

20 Byron Drive



Legend



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Organisation	Not Set
Department	Not Set
Comments	
Date	30 November 2007
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area **Ward:** Fulford
Date: 13 December 2007 **Parish:** Fulford Parish Council

Reference: 07/02459/FUL
Application at: 52 Naburn Lane Fulford York YO19 4RL
For: Conservatory to rear
By: Mr And Mrs Telfer
Application Type: Full Application
Target Date: 17 December 2007

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a conservatory to the rear of 52 Naburn Lane in Fulford. The application site is located within a short row of semi-detached and terraced houses and is within an area of Green Belt. The proposed conservatory measures 3 m x 3 m in footprint and 2.9 m in height to the pitch.

1.2 The dwelling has been extended previously. In 2005 planning permission was granted (Ref. No. 05/01824/FUL) for a first floor pitched roof side extension and front porch.

1.3 This application is being brought to the Committee as the applicant is an employee of The City of York Council.

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

CYGB4
Extension to existing dwellings in GB

3.0 CONSULTATIONS

External

3.1 Fulford Parish Council - No objections.

3.2 Neighbours - No correspondence received.

4.0 APPRAISAL

4.1 Key Issues:

- Impact on the openness of the Green Belt
- Impact on the living conditions of neighbours

4.2 Policy H7 of the City of York Draft Local Plan Local Plan states that planning permission will be granted for residential extensions where the design and materials are sympathetic to the main dwelling and the locality of the development, the design and scale are appropriate in relation to the main building, and there is no adverse effect on the amenity which neighbouring properties could reasonably expect to enjoy. Policy GP1 states that development proposals will be expected to respect or enhance the local environment, be of a density, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

The Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwelling houses" states that conservatories should be sited to the side and rear of dwellings. They should have pitched roofs where possible, and should be constructed, as far as possible, from materials that match those used on the main house. The privacy of neighbours should also be considered.

4.3 The site is within an area of Green Belt. Policy GB4 allows for limited extensions to dwellings within the Green Belt providing: there would be no undue visual intrusion; the proposal is appropriate in terms of design and materials; and it would be small in scale in relation to the original dwelling. The dwelling has been extended previously through a first floor side extension. The proposed conservatory is modest in scale with a footprint of just 9 sq m and a maximum height of 2.9 m. It is not considered that the cumulative impact of the side extension and the proposed conservatory would harm the character or openness of Green Belt. The conservatory would be of upvc and glass construction making it appear as a modest light weight addition to the dwelling. The proposed conservatory is of typical design incorporating a pitched roof and would not be visually prominent from areas of public access.

4.3 The proposed conservatory sits at the rear of the property, approximately 0.2 m from the shared property curtilage boundary with 50 Naburn Lane. It is not considered that the proposed conservatory would appear dominant or overbearing when viewed from the rear of 50 Naburn Lane or the garden. The proposed conservatory has windows within all three external elevations. It is not considered that the windows would result in a significant loss of privacy for neighbours due to them being at ground floor level and the extension only protruding 3 m from the main rear elevation of the house.

5.0 CONCLUSION

5.1 No significant harm to the living conditions of neighbours or the openness of the Green Belt.

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 received by The CoYC on 16/10/07

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

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

3 VISQ1 Matching materials

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenity and living conditions of adjacent occupiers and the openness of the Green Belt . As such the proposal complies with Policies GP1, H7 and GB4 of the City of York Local Plan Deposit Draft.

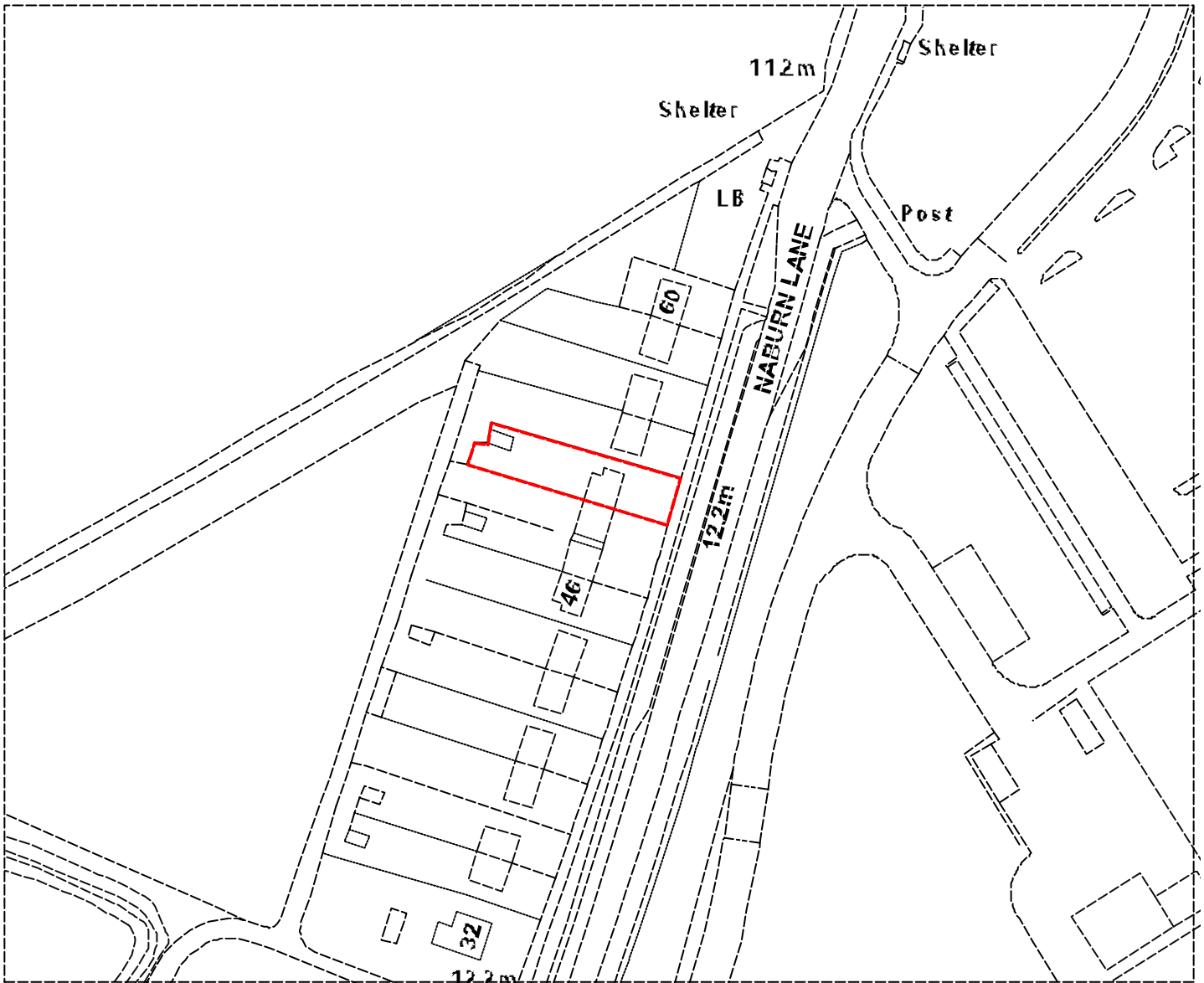
Contact details:

Author: Michael Jones Development Control Officer

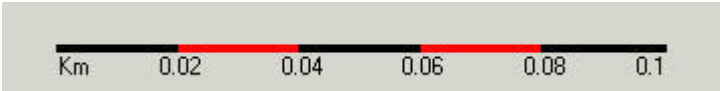
Tel No: 01904 551325

07/02459/FUL

52 Naburn Lane



Legend	



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Organisation	Not Set
Department	Not Set
Comments	
Date	30 November 2007
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area **Ward:** Clifton
Date: 13 December 2007 **Parish:** Clifton Planning Panel

Reference: 07/01775/FUL
Application at: St Olaves School Queen Annes Road York YO30 7AA
For: Erection of footbridge over existing public footpath on land adjacent to St Olave's Prep school (resubmission)
By: The Bursar
Application Type: Full Application
Target Date: 27 September 2007

1.0 PROPOSAL

1.1 This application seeks planning permission to erect a pedestrian footbridge over the public footpath that runs adjacent to the southern boundary of the St. Peter's School playing fields and which links Queen Anne's Road and North Parade with Westminster Road. It would be located close to its eastern end close to North Parade and the purpose of it is to link the grounds of St. Olaves Prep School and St. Peter's School, therefore eliminating the need for the pupils to leave the school grounds and cross the public footpath. The school grounds are closed off to the public.

1.2 The landing side of the bridge on the St. Peter's side is in the Clifton Conservation area (the public footpath being the boundary) and there are several protected trees in the vicinity of the proposed bridge.

1.3 The bridge is 2.3 metres to the bottom of the platform and 4.1 metres to the top of the handrail.

1.4 This is the second application of this type on this site. The first application (Ref No. 06/01573/FUL) was heard at East Area Planning Committee in December 2006. The application was refused on the following grounds:

- 1) The proposed footbridge will have an adverse impact on the character of the Clifton Conservation Area. This is by virtue of its poor design and appearance and general visual presence which will enclose views along the public footpath over which the footbridge would span. This will have an adverse impact on the rural setting and generally open character of the Conservation area at this point and as a consequence would have an adverse impact on views both into and out of the Conservation area. The loss of two trees within the grounds of St. Peter's School which further contribute to the character of the Conservation Area will also affect the setting and character of the area. The proposal is therefore considered contrary to advice and guidance in PPG15 (Planning and the Historic Environment) and to Policies HE2 (Development in Historic Locations) and HE3 (Conservation areas) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

2) The proposed lighting on and around and footbridge will have an adverse impact on the amenity of neighbours by virtue of unacceptable levels of light pollution into and around the nearest residential properties on North Parade. The additional levels of lighting will also have an adverse impact on the generally open character and appearance of the area by virtue of increased levels of lighting in the area. This is considered contrary to Policies GP1 (Design) part f and HE2 (Development in Historic Locations) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

1.5 An appeal has been lodged against this refusal and an informal hearing is to be held in January 2008. This application is a resubmission of the originally refused application. It is identical to that which was refused.

1.6 Members of the previous East Area Sub-Committee visited the site but a second visit is to take place owing to objections received, the recommendation for approval and to allow new members to view the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Queen Anne 0253

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

CYHE11
Trees and landscape

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

3.1 Internal

3.2 Urban Design and Conservation - The design of the bridge has not changed materially for planning purposes. This intrusion into the conservation area is not appropriate or justified.

The footpath in this area represents a change in character of the conservation area from an urban area to a more rural, open and natural character.

The bridge would represent a significant intrusion into an otherwise very attractive green area. It is solid in appearance and would break through the tree line marking the edge of the playing fields, removing two trees and replacing the simple green edge with a large structure and further hardstanding, all appearing at an arbitrary point within the boundary.

It is approx. 3.9 metres above ground level and will restrict views into and out of the Conservation area. It will cut across the path at its eastern end, interrupting the tree line defining the route and consequently the entrance into this section of the Conservation area. The essence of the bridge in this location would be detrimental to the existing character of the route. The thick piers are integral with the steps and these would close views into the open green areas beyond.

The bridge will restrict views towards the dwellings on North Parade which forms the end of the attractive built up urban form. These properties on North Parade have a strong and well defined rhythm and the bridge will interrupt this attractive entrance into this section of the Conservation Area.

The development combined with the removal of trees abruptly delays the opening up of the area, which is one of the areas key qualities and which contributes significantly to the character of the Conservation Area.

3.3 Highway Network Management. - No objections. The footbridge is to be constructed over a public footpath, as such the construction of the footbridge would require a license under Sec 176 of the 1980 Highways Act. The construction of the footbridge would undoubtedly require the closure of the PROW during the construction period. This requires a legal order prior to the closure occurring and therefore the applicant should therefore consult the Authorities PROW team.

3.4 External

Clifton Planning Panel - Object on the following grounds:

- 1) The bridge would spoil the landscape
- 2) It is ridiculously unnecessary
- 3) The money could be better spent
- 4) The loss of trees would spoil the walk along the lane
- 5) Walkers would feel inhibited

3.5 Conservation Area Advisory Panel - Support the attractive design of the bridge.

3.6 Third Parties - Four letters received, the following comments were made:

- the removal of trees is detrimental to the area;
- the bridge may become a target for graffiti and vandalism;
- hope the decking and lighting would minimise any impact on residents on North Parade;
- the plans are not clear and do not show the full impact of the bridge on the area;
- this is a wholly unnecessary construction, the school already has illuminated pathways between sites;
- the bridge would create dangerous shadowy places and hidden areas away from lights on the public footpath;
- the loss of trees would harm the wildlife level in the area;
- there is no alternative route for pedestrians to take whilst the footpath is constructed;
- there are safety issues with the bridge such as children slipping or throwing things from above the footpath;
- the previous application has gone to appeal and this proposal has failed to address the previous reasons for refusal;
- the current arrangement whereby pupils cross the footpath through coded locks appears to work perfectly well.

4.0 APPRAISAL

4.1 Key Issues:

- Design and Visual Impact on the Conservation Area
- Neighbour Amenity

4.2 This application is no different to that which was refused previously. Additional lighting information has been submitted to attempt to overcome the concerns regarding the spillage of light outside of the school grounds but the scheme itself has not materially changed. The design and location of the bridge remains exactly the same as before and two trees are still to be lost to make way for the bridge.

Design and Visual Impact on the Conservation Area.

4.3 The public footpath marks the boundary of the Conservation Area and therefore half of the footbridge would be inside the Clifton Conservation area and half of it outside. The proposal therefore would affect the setting of the Conservation Area.

4.4 Members will note the objection comments of the Conservation officer at para. 3.2 of this report and their attention is drawn to this. The Conservation officer who commented on the previous application, who has since left the Authority, raised no objections to the bridge in terms of its design or impact on the character of the Conservation area. Significant weight was attached to those views in formulating the recommendation of approval. Approval of the application was recommended on the basis that the design of the bridge was considered to be acceptable and that the character of the Conservation area was not harmed given the position of the bridge adjacent to the more modern, less architecturally impressive buildings of St. Olaves school. It was further considered that the bridge offered a modern, contemporary design that would preserve the character and appearance of the Conservation area. The proposal now submitted is identical in terms of its design and footprint to that previously submitted and which was recommended for approval.

4.5 However the comments of the Conservation Officer on this occasion offer strong objections and broadly reflect the contents of the first reason for refusal. These comments are more detailed than those offered by the previous Conservation Officer and have considered the wider impact on the overall views into and out of the Conservation area at this point.

These revised comments are material considerations for members to consider in relation to this re-submitted application.

4.6 With regard to the removal of the two trees, the Council's landscape architect previously raised no objections to their removal subject to a condition controlling the engineering work required around the more mature sycamore tree which stands in the grounds of St Olaves school. Officers were happy that the work proposed to construct the bridge would not harm the health and future amenity of this sycamore tree. These details remain unaltered and therefore the Landscape Architect has no further comments to make on the application.

4.7 Neighbour Amenity - Objections have been received from residents concerned at a possible loss of their amenity as a result of the use of the bridge. The second reason for refusal on the previous application was on the grounds that the proposed lighting on and around and footbridge would have an adverse impact on the amenity of neighbours by virtue of unacceptable levels of light pollution into and around the nearest residential properties on North Parade. In order to overcome this reason for refusal further lighting information was submitted with the application. This information indicates that there would not be a significant impact on the amenity of neighbours through light spillage. The selected fittings are capped and have baffles which restrict the horizontal spread of light and visibility of the light source, so concentrating the light around its source and in this case, simply over the bridge and its around immediate environs. There are street lights close to the site of the bridge and the level of illumination from these are likely to be significantly more than the light source offered from the proposed bridge lights, particularly at a distance of approx. 23 metres to the nearest residential window. Therefore it is considered that this second reason for refusal has been satisfactorily overcome.

5.0 CONCLUSION

5.1 This resubmitted scheme represents an identical proposal to that already refused by members. The officer recommendation therefore remains the same. The bridge is modest in size and is of a modern, interesting design which preserves the character of the Conservation area. However, the attention of Members is drawn to the comments of the Urban Design and Conservation Team. Notwithstanding the loss of a couple of trees, the impact on the natural environment is also considered to be minimal, subject to the work being carried out and finished in conjunction with the details of a submitted management plan in order to ensure the future health and vitality of the large, mature, protected sycamore tree. The impact on the amenity of nearby neighbours is also considered minimal. Approval is recommended subject to the imposition of appropriate conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no's

- 104 Rev. A

- 201 Rev. A

- 401 Rev. A

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

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

3 VISQ8 Samples of exterior materials to be app

4 HWAY40 Dilapidation survey

5 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. It is particularly important that the following details are also provided for approval: construction details and existing and proposed levels where a change in surface material is proposed within the canopy spread and likely rooting zone of a tree; construction details and methodology for the foundations and supports of the bridge.

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

6 ARCH2 Watching brief required

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

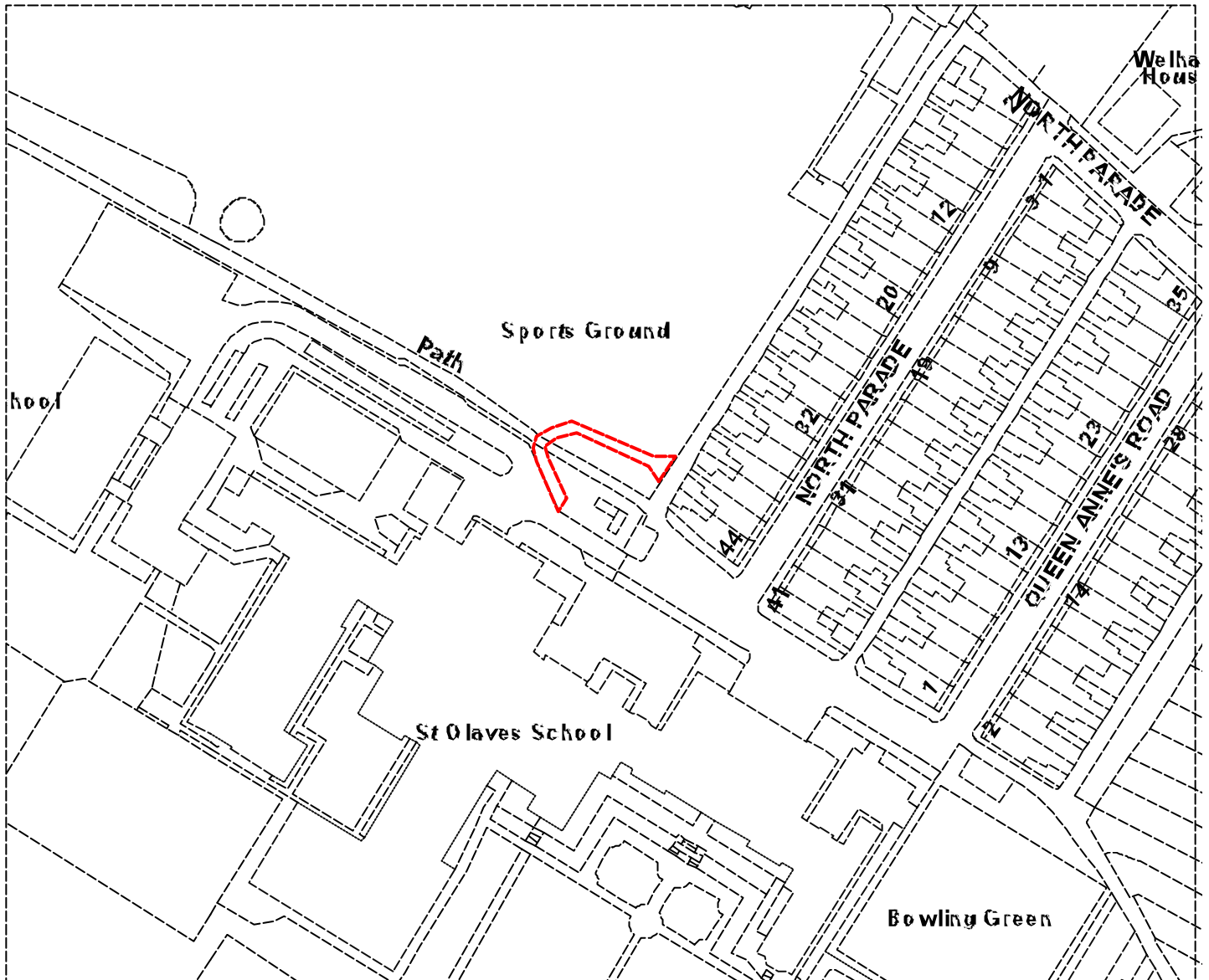
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Conservation area and trees. As such the proposal complies with Policies HE2, HE3, NE1 and GP1 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

Contact details:

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

07/01775/FUL

St Olaves Footbridge



Legend



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Organisation	Not Set
Department	Not Set
Comments	
Date	30 November 2007
SLA Number	Not Set

COMMITTEE REPORT**Committee:** East Area**Ward:** Huntington/New Earswick**Date:** 13 December 2007**Parish:** Huntington Parish Council**Reference:** 07/02453/FUL**Application at:** 63 Willow Glade Huntington York YO32 9NJ**For:** Variation of condition 4 of consent ref: 03/03705/FUL to allow annex and curtilage to be occupied independently of 63 Willow Glade (retrospective) (resubmission)**By:** Mr E Flint And Miss S Smith**Application Type:** Full Application**Target Date:** 21 December 2007**1.0 PROPOSAL**

1.1 The application is to vary condition 4 of 03/03705/FUL, which granted consent for the erection of a detached single-storey granny annexe. The condition requires the annexe to be occupied only in conjunction with the main dwelling at No.63. The condition was attached due to the lack of adequate amenities and facilities for occupation as a single dwellinghouse.

1.2 The annexe was built longer, wider and higher than approved so an enforcement notice was served by the council. The enforcement notice required the height of the ridge to be reduced to 4.3m, but did not require any alterations to the length and width of the building. The ridge was subsequently reduced in accordance with the requirements of the notice.

1.3 The council's legal officers are of the opinion that the building, as modified, now has deemed planning permission by virtue of s.173(11) of the Town and Country Planning Act, as amended. Moreover, that the conditions pertinent to the original planning approval for the building still apply.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Huntington 0247

2.2 Policies:

CYGP4A
Sustainability

CYH4A
Housing Windfalls

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 Internal - None

3.2 External

Huntington Parish Council - Objection. Condition 4 remains valid

Public Consultation - The consultation period expired on 20 November 2007. Three objections have been received raising the following planning issues: Condition 4 remains valid. The occupier is parking on the site without a proper parking space or crossover having been provided. Granting approval would increase traffic in the turning head and cause parking problems. The site is too small to accommodate an off-street parking space. Excessive on-street parking could restrict the driveway, which could be critical in an emergency. Approval would undermine the principle of planning control.

4.0 APPRAISAL

4.1 Key Issues

Principle of use as a single dwellinghouse

Occupier amenity

Neighbour amenity

Visual appearance

Highway issues

Refuse/recycling

Public open space

4.2 The Application Site

The site comprises an extended bungalow (No.63) with a detached garage and a detached granny annexe, and is located at the turning head of a quiet street in a residential area. The dwellings in the street are mainly bungalows and 2-storey

houses. The character of the area is low-density suburban. The current application relates solely to the annexe to No.63.

The annexe is 6.5m long by 6.5m wide. It comprises a kitchen/living room, bathroom and single bedroom and lies close to the public highway. To the side of the building is a small, gravelled and planted, area of amenity space. An informal parking space has been created within the amenity space with access across the kerb from the public highway. The annexe is occupied by a nephew of the applicant, who lives in the adjacent bungalow at No.63.

4.3 Principle of use as a single dwellinghouse

The annexe lies in a residential area in a sustainable location close to public transport and local services. The principle of the use of the building as a dwelling is therefore acceptable.

4.4 Occupier Amenity

The annexe as initially approved was 6m long by 6m wide, giving a gross floor area of 36sqm. It was too small to provide an acceptable living environment for the occupier. The building, as built, increases the gross floor area of the building by 17% to approximately 42sqm. Whilst the annexe as built is still very small it provides an adequate standard of accommodation for the occupier. The amenity space for the building is small but adequate, particularly as the character of the surrounding area is fairly open.

4.5 Neighbour Amenity

The building abuts a domestic garage to the west, the public highway to the south and a private drive to the north and east. The nearest dwelling is approximately 12m away. The building causes no overlooking and access to the site is direct from the public highway. The use of the building as an independent dwelling is therefore unlikely to cause any significant nuisance to adjacent occupiers, particularly as the level of activity generated by such a small dwelling is unlikely to be materially different from that of an annexe ancillary to the main house at No.63.

4.5 Visual Appearance

The scale and appearance of the building are in keeping with the character of the surrounding area and would be unchanged by the application. However, bearing in mind the small size and prominence of the site, a condition should be attached removing "permitted development" rights for an independent dwelling

4.6 Highway Issues

The 2003 planning permission for the granny annexe included an off-street parking space in front of the building. The size of the annexe, as built, prevented a standard-sized parking space being provided in the approved location. An informal parking space has since been provided at the side of the annexe. It is large enough to meet council standards and is easily accessible from the public highway, subject to a formal crossover being provided. Details should therefore be submitted of a parking space in this location and access from the public highway to the satisfaction of council officers. Details of cycle storage should also be submitted for approval.

The proposed dwelling would likely to be suitable for one person only, ie the same as the annexe as approved. The level of traffic caused by the use of the annexe as an independent dwelling is likely to be small and not materially different from the traffic generated by the use as a granny annexe.

4.7 Refuse/Recycling

Proposals for refuse and recycling facilities have not been included with the application. Submission of details should be made a condition of approval.

4.8 Public Open Space

The creation of the additional independent dwelling will require an open space contribution of £360 for the provision of public open space in accordance with Policy L1c of the local plan.

4.9 Other Matters

It is clear from the planning history of this site that there is a degree of local resentment at the way the annex was erected in breach of the approved plans. However, the planning authority has to consider each application on its individual merits. It is considered that the condition requiring the annexe to be ancillary to the main house at No.63 is unnecessary because the annexe is sufficiently large, and provides sufficient levels of amenity, to be acceptable as a self contained and independent dwelling. The application is therefore recommended for approval.

5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable. The application will require an open space contribution of £360.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 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 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 visual amenity and 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.

3 Details of vehicular access from the public highway and on-site parking facilities shall be submitted to the council, approved in writing and implemented in

accordance with the approved details within six months of the date of this permission.

Reason: In the interests of highway safety.

4 Details of provision for public open space facilities or alternative arrangements shall be submitted to and approved in writing by the local planning authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the local planning authority and thereafter implemented, within three months of the date of this permission.

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

INFORMATIVE:

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

You are reminded of the local planning authority's enforcement powers in this regard.

5 Within two months of the date of this permission details (including location, dimensions and materials) of refuse/recycling enclosures for the dwelling hereby approved shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The refuse/recycling enclosures shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

6 Within two months of the date of this permission details (including location, dimensions and materials) of a cycle store for one cycle for the dwelling hereby approved shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The cycle store shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

**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 housing provision, sustainability, occupier amenity, neighbour amenity, visual appearance, highway safety and provision of

open space. As such the proposal complies with policies H4a, GP1, GP4a, GP10, T4 and L1c of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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

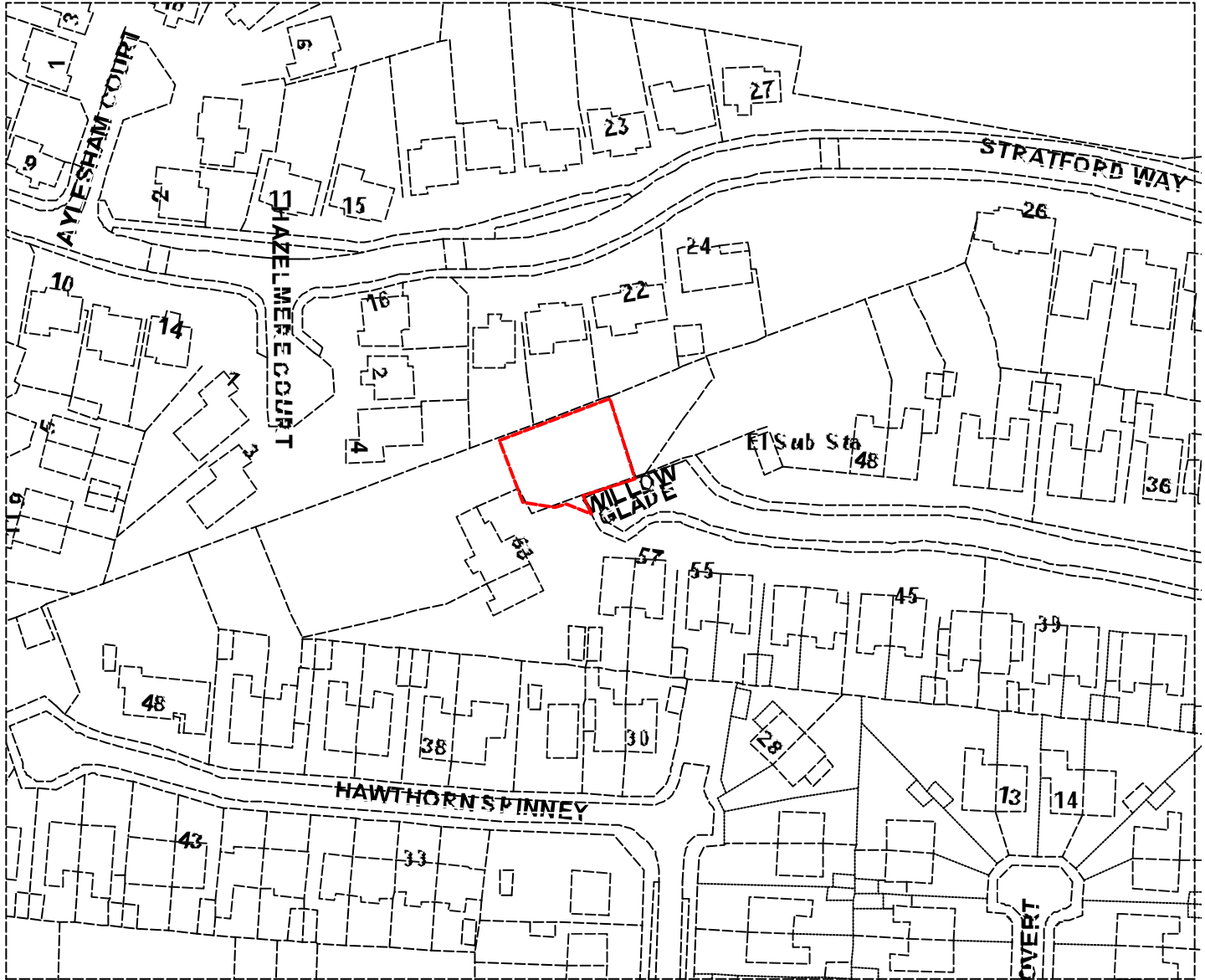
Contact details:

Author: Kevin O'Connell Development Control Officer

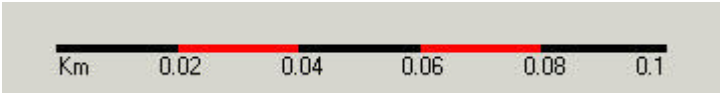
Tel No: 01904 552830

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63 Willow Glade



Legend	



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Organisation	Not Set
Department	Not Set
Comments	
Date	30 November 2007
SLA Number	Not Set