



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Galvin, Horton, Gillies, Gunnell, Reid, Sunderland and Waller
- Date:** Thursday, 20 December 2007
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 19th December 2007 at Memorial Gardens.

1. Declarations of Interest

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

2. Minutes (Pages 5 - 12)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 15th November 2007.

3. Public Participation

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

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

4. Plans List

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

a) 2 Glenridding (07/02551/FUL) (Pages 13 - 20)

Single and two storey pitched roof rear and side extensions after demolition of existing garage and conservatory (resubmission).
[Dringhouses and Woodthorpe Ward]

b) 88A South Bank Avenue (07/02153/FULM) (Pages 21 - 30)

Erection of three storey building comprising 12 one bedroom apartments *[Micklegate Ward]*

c) Hursts Yard (07/02275/FULM) (Pages 31 - 44)

Conversion and change of use to form ten apartments, two 3 bedroom houses and 2 ground floor B1 office and/or A1 retail unit(s) with associated external alterations. *[Guildhall Ward]*

d) Parkside Nursing Home (07/02166/FUL) (Pages 45 - 52)

Change of use from care home to two dwellings, part demolition of rear extension, pitched roof single storey side/rear extension to No. 100, single storey pitched roof rear extension to No. 98 and one single and one double garage. *[Micklegate Ward]*

e) Riverside, Dennison Street (07/02629/FUL) (Pages 53 - 60)

Erection of substation located to the rear of number 38 Huntington Road *[Guildhall Ward]*

f) Rosethorn Cottage (07/02458/FUL) (Pages 61 - 66)

Single storey detached garden room to rear (revised scheme) *[Rural West York Ward]*

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

Democracy Officer

Name: Tracy Wallis

Contact Details:

- Telephone (01904) 552062
- Email – tracy.wallis@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
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- Copies of reports

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 19 December 2007****The bus for Members of the Sub Committee will depart Memorial gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.15	Rosethorn Cottage, Main Street, Upper Poppleton	f
11.45	2 Glenridding	a
12.15	98 – 100 Bishopthorpe Road	d
12.45	Riverside, Dennison Street (Site to the rear of 38 Huntington Road)	e

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Scrutiny Committees

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

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

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 NOVEMBER 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), HORTON, GILLIES, GUNNELL, JAMIESON-BALL, SUNDERLAND AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN AND REID

53. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
1 Wains Grove	Councillors Horton and B Watson	To familiarise Members with the site.
58 Green Lane	Councillors Horton, Sunderland and B Watson	As objections have been received and the application is recommended for approval.
Greenthwaite	Councillors Sunderland and B Watson	As objections have been received and the application is recommended for approval.

54. DECLARATIONS OF INTEREST

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

Councillor Sunderland declared a personal and prejudicial interest in Plans Item 3a (1 Wains Road) as two of her relatives had objected to the application. She left the room for this item.

Councillor Horton declared a personal and prejudicial interest in Plans Item 3d (Greenthwaite) as an ex – work colleague was an objector to the application. He left the room for this item.

55. 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.

56. 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.

56a 1 Wains Road (07/02156/FUL)

Members considered a full application, submitted by Mr D Burns, for a two storey pitched roof side extension.

Officers updated that an e-mail had been received from Councillor Holvey which raised the following points:

- The plans make the extension look like a separate residence
- There is little amenity space if it is two separate dwellings
- Overlooking of other properties
- The extension is not stepped back as other extensions in the area are
- Visibility from the driveway

An additional representation had been received from a local resident which raised the following concerns:

- This looks to be a separate dwelling rather than an extension
- Lack of amenity space if this were to become two dwellings
- The extension will not be 'stepped back' as others in the area are
- Overlooking
- Access from and to the driveway
- There is a temporary building on the land and if the extension is built the container could not be removed
- Working hours

The Officer also updated that comments had been received from the planning panel and highways.

Members asked the Officer to clarify whether the staircase would be included at this stage and he clarified that the Applicants had said it would not.

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

Amended Condition 4

Notwithstanding the submitted plans the proposed door in the front elevation of the extension shall not be implemented.

Reason: So the extension would have the appearance of an extension rather than a separate dwelling.

REASON: That the proposal, subject to the conditions outlined in the report and listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005).

56b 106 Albion Avenue (07/02291/OUT)

Members considered an outline application, submitted by Mr K Storey and Ms J Burton, for the erection of one dormer bungalow and garage (resubmission).

Officers updated that an e-mail had been received from Councillor Simpson-Laing; this was circulated at the meeting. The e-mail raised the following points:

- Concerns regarding an increase in vehicle numbers
- Concerns regarding construction traffic
- If the dwarf wall were to be demolished there would be a conflict between vehicles and pedestrians
- The size of the garden at 106 Albion Avenue is not stated
- That in fill development on the site of 106 Albion Avenue would have a detrimental effect on the area and on other residents' amenity due to over development of a restricted access plot.

Representations were received, in objection, from a local resident who said that the proposed development would be in close proximity to the boundaries of existing properties and the dormer would overlook existing bedrooms, which would be unacceptable. She felt that the height of the proposed dwelling would not be in keeping with surrounding buildings.

RESOLVED: That the application be refused.

REASON: The access to the proposed dwelling would pass very close to windows in the south-westerly corner of 106 Albion Avenue and alongside the full length of that garden. It would also introduce vehicular traffic into the open area immediately adjacent to the rear of the gardens of neighbouring properties, in particular 104 Albion Avenue. As a consequence the development would detrimentally impact upon the residential amenities of both adjacent neighbours and existing

and future residents of 106 Albion Avenue by reason of noise and disturbance. The proposal therefore fails to satisfy policies GP1, GP10 and H4a of the City of York Draft Local Plan (incorporating the 4th set of changes) Development Control Local Plan approved April 2005.

56c 11 Slingsby Grove 907/02433/FUL)

Members considered a full application, submitted by Mr Kevin Marsden, for the erection of a two storey, five bedroom detached dwelling with accommodation in the roof space to the side of 11 Slingsby Grove after demolition of the existing outbuilding.

Officers updated that eight letters of objection had been received (two of which were copies of previous letters). The letters raised the following concerns:

- Increased congestion
- Overlooking/privacy
- Loss of light
- Affordable housing provision
- Pollution
- Out of character with the surrounding street scene
- Amenity space is limited

The following comments had also been received from Councillor Holvey:

- The amenity space surrounding the property is very small
- The house is totally out of scale with surrounding properties
- The design of the house is not in keeping with the current character of the area

Objections had also been received from Dringhouses & Woodthorpe Planning Panel who raised concerns regarding the size of the proposed dwelling, overbearing on the bungalow to the rear, impacts upon neighbouring amenity and the character of the surrounding area.

The following amendments had been made to the plan:

- The rear rooflights have been positioned at a high level
- The driveway has been extended to 4.8m to ensure cars can be parked in the garage and on the driveway
- A render finish has been provided above the 'brick feature course'

Representations were received, in objection, from a local resident who felt that the proposed development highlighted the folly of cultivated garden sites being used as brownfield sites for development. He was concerned at the size of the property and the price that it would be sold for. The proposed building would be out of character with other properties in the street and also felt that it would prejudice other residents' right to light.

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

- Prior to the commencement of development, a sustainability statement addressing criteria set out in Policy GP4a of the Local Plan and the "Code for Sustainable Homes" shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

REASON: That the proposal, subject to the conditions outlined in the report and above would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity and highway safety. As such the proposal complies with Policies GP10, GP1, H4a and L1c of the City of York Development Draft Local Plan.

56d Greenthwaite (07/02196/FUL)

Members considered a full application, submitted by Mr B Britton and Ms J Liney, for the erection of a single storey dwelling with rooms in the roof to the rear with access from School Lane.

Officers updated that Upper Poppleton Parish Council had now made objections. A copy of these had been circulated to Members. Their objections were as follows:

- The top end of School Lane is now within the Conservation Area and any changes should be closely monitored
- The application was unanimously voted against by Upper Poppleton Parish Council
- Concerns regarding traffic near the school entrance
- Various traffic concerns and traffic impact on the local area
- Roof profile of the proposed dwelling
- The possibility of re-siting away from neighbouring properties
- Access to the proposed dwelling
- Difficulty of service and emergency vehicles accessing the properties along the lane.

Additional conditions regarding height and retention of existing trees and hedges would be included if the Sub-Committee were minded to approve the application.

The Applicant had also responded to the objectors concerns and their letter was circulated at the meeting. The main points of the letter was as follows:

- As applicants they feel strongly about the need to maintain the rural character of the area
- The need to protect existing hedges
- Efforts to minimise the impact on neighbours had been taken into consideration from the outset
- The sustainability of the proposed dwelling
- Access

Representations, in objection, were received from a local resident who was concerned about vehicular access and various highway issues.

Representations, in objection, were received from a local resident who stated that seven out of nine residents of the lane had submitted written objections to the application. The impact of the proposed new dwelling on No. 9 would be immense as there was a substantial height difference between the two buildings and overshadowing would be a problem. He also said that the lane was unadopted, no one owned the lane and because of this the right of access could not be contested.

Representations, in support, were received from the Applicant who felt very strongly about building a sustainable property. She had concerns that if the land were sold to a developer then three or four properties may be built on the site which would not be in keeping with the area. She also said that any other access, other than the one proposed, would be detrimental to Greenthwaite or require the removal of trees which would make the house visible from the lane.

Members discussed access to the property, the width of the lane and the condition of the lane. Some Members felt that the proposed new building would overshadow No. 9 and the lane was not suitable for any additional properties. Discussions were also had regarding potential harm to the rural village character, highway safety and junction safety.

RESOLVED: That the application be refused.

REASON: An additional dwelling taking its access from School Lane which is considered to be inadequate in terms of its width and capacity would result in conditions detrimental to vehicle and pedestrian safety, particularly at the junction of School Lane and Main Street which is situated close to a Primary School, Library and Bus Stop.

The overall footprint and height of the proposed detached dwelling would harm the rural village character and appearance of this part of the Conservation area and is therefore contrary to Policy GP1, GP10 and HE2 of the City of York Development Control Local Plan and Design Guidelines 3, 8 and 12 of the Poppleton Village Design Statement Supplementary Planning Guidance.

The proposed dwelling by reasons of its height and location would overshadow and appear overbearing to the dwelling to the north, 'The Beehives' and is therefore considered to harm the existing living conditions of that dwelling contrary to Policy GP1 of the City of York Development Control Local Plan.

56e 58 Green Lane (07/02001/FUL)

Members considered a full application, submitted by Mr H Dag, for the continued use as a hot food take away (Class A5), including change of opening hours (approved as 12:00 hours to 22:30 hours on any day) to 12:00 hours to 23:00 hours Mondays to Thursdays; 12:00 hours to midnight on Fridays and Saturdays and 12:00 hours to 23:30 hours on Sundays (the amended description to include opening hours).

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

1. The use hereby permitted shall not be open to customers outside the following hours:

Monday to Thursday 12:00 (noon) to 23:00 hours.
Fridays and Saturdays 12:00 (noon) to 24:00 (midnight).
Sundays 12:00 (noon) to 23:00 hours.

The premises shall be vacated by staff by:

Monday-Thursday 23:30 hours
Friday, Saturday 00:30 following day
Sunday 23:30 hours

The use shall adhere with these hours for a period of one year from the date of this permission after which the opening hours shall revert to 12:00 (noon) to 22:30 hours, with staff and customers vacating the premises by 23:00 hours, unless planning permission has been obtained from the Local Planning Authority for the continuation of the hours hereby permitted.

Reason: In the interests of amenity, so the Local Planning Authority may assess the impact of this use, in accordance with policy S6 of City of York Draft Local Plan.

REASON: That the proposal, subject to the conditions outlined in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to existing amenity. As such the proposal

complies with Policies GP1 and S6 of the City of York
Development Control Draft Local Plan.

COUNCILLOR B WATSON

CHAIR

The meeting started at 3.00 pm and finished at 5.10 pm.

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal: None

3.2 External.

Dringhouses/Woodthorpe Planning Panel: We have no objections

3.3 Representations.

2 letters have been received objecting to the scheme. The comments come from two adjoining neighbours to the south. Both neighbours have revised original comments on the application to strengthen those made originally, following a meeting onsite with the case officer. Objections relate to; imposing flank wall, drainage problems in adjoining gardens, potential for extension to overhang the boundary, potential damage to property by builders, lack of construction access, overlooking by a proposed bathroom window, detrimental impact on property value and the change to the character of the area.

The additional comments relate to property destabilisation, flooding, party wall infringements, developments potential to overhang the boundary and the inappropriate scale of the extension.

4.0 APPRAISAL

4.1 Key issues: Scale, mass and design of the extension and impact on the residential amenity of the adjoining property occupiers.

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

4.3 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of

area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4 Detailed design guidance for residential extension of this type is contained within SPG1 'Guide to extensions and alterations to private dwelling houses'. This advice encourages side extensions to be set back from the main building time to ensure the extension remains subservient to the existing dwelling in appearance. This part of the guidance has been followed. The depth of the two storey extension, where it is directly adjacent to the neighbouring boundaries, is relatively modest at 4.7m. Both the eaves and ridge height of the dwelling are relatively low as the roof pitch is very shallow.

4.5 The two objecting neighbours occupy properties directly to the south of the application site. Properties 23, 25 and 27 Moorcroft Road all have rear gardens 12m in length which border onto the flank boundary of the application site.

4.6 The single storey element of the rear extension has been slightly reduced in length from the previous application (from 5.2m to 5.9m) adjoining a reduced size two storey extension, also on the rear. The height of the single storey element of the proposal is 3.5m again relatively modest based on the shallow pitch of the roof on the games room. The eaves line of the extension, which runs most of the way along the boundary with 25 Moorcroft Road (an objector) would be marginally above the height of the existing 2m fence, approximately equal to the height of the flat roofed garage currently in existence on part of this boundary. The scale of this element of the proposal is felt to be acceptable with only a limited impact on the amenity currently enjoyed by the occupier of this property.

4.7 The two storey element of the proposal above the garage (nearest the southern boundary) is 4.7m in depth and accommodates a small bedroom on the front and a house bathroom on the rear, whilst the second two storey element (nearest the northern boundary) is 3.5m deep and accommodates a new master bedroom. It is considered that the relationship between these extensions and the amenity of the neighbouring properties will be acceptable. Whilst the extensions will be visible from the adjoining properties to the south and to an extent their outlook will be altered, this will not be to such a degree as to cause harm in terms of overbearing, overlooking or overshadowing impact as the extensions are to the north of the objecting neighbours. The single storey element, based on its shallow pitched roof and its roof slope away from the southern boundary of the site, is also considered acceptable.

4.8 The two storey extension to the main house (adjoining the northern boundary) projects to the same extent as a previous extension already in existence on site at the adjoining property (4 Glenridding) which was approved in 1997.

4.9 The materials proposed for the construction of the extensions match those of the existing house and as such the appearance of the extensions are acceptable. A new window is proposed in the north facing flank elevation (to serve bedroom 3) which will face the flank elevation of the adjoining property to the north without causing any overlooking to the neighbour. It is suggested that the proposed bathroom window adjacent with the boundary with 25 Moorcroft Road should be conditioned to be obscure glazed to protect the privacy of adjoining neighbours.

4.10 Some of the objections from the neighbouring property occupiers to the south relate to matters not controlled as part of the consideration of this application. It is suggested that an informative condition is used to draw the applicants attention to the requirements of the Party Wall Act and that such a condition should go some way to alleviate certain concerns of the adjoining neighbours.

4.11 Concerns expressed regarding the damage to private property caused as a result of the construction works are a matter outside the control of the planning law. Other means for resolving such matters are available to the neighbours should such an event occur. Flooding caused by the runoff from the new roof structures are proposed to be disposed of via a soakaway. Neighbours have concerns that this will not have the ability to effectively deal with the runoff and surface water and that this may result in flooding in the adjoining garden areas. However this matter will be controlled by the Building Regulations 2002 (Part H).

5.0 CONCLUSION

5.1 Based on the above assessment of the application it is considered that the currently proposed extension is acceptable in scale, mass and design. Despite the concerns expressed by the nearest neighbours, which mainly relate (but not solely) to non-planning matters the overall impact of the extensions are considered acceptable.

5.2 It is considered that the following matter should be controlled by condition to ensure there is no loss of privacy to adjoining neighbours as a result of this proposal.

The newly proposed bathroom window on the rear elevation shall be obscure glazed.
Reason: to prevent loss of privacy.

An informative condition is suggested to bring the applicants attention to the provisions of the Party Wall Act regarding any outstanding boundary issues.

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:-

G01/730/03

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

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

3 The newly proposed bathroom window on the rear elevation shall be obscure glazed.

Reason: to prevent any loss of privacy to adjoining neighbours.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity of the occupiers of adjacent residential properties and the character and appearance of the surrounding area. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the advice contained within SPG (2001) Guide to extensions and alterations to private dwelling houses.

2. You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the City of York's Department of City Strategy, or alternatively it is available on the Department of Communities and Local Government, www.communities.gov.uk.

Contact details:

Author: Emma Militis Planning Officer

Tel No: 01904 551493

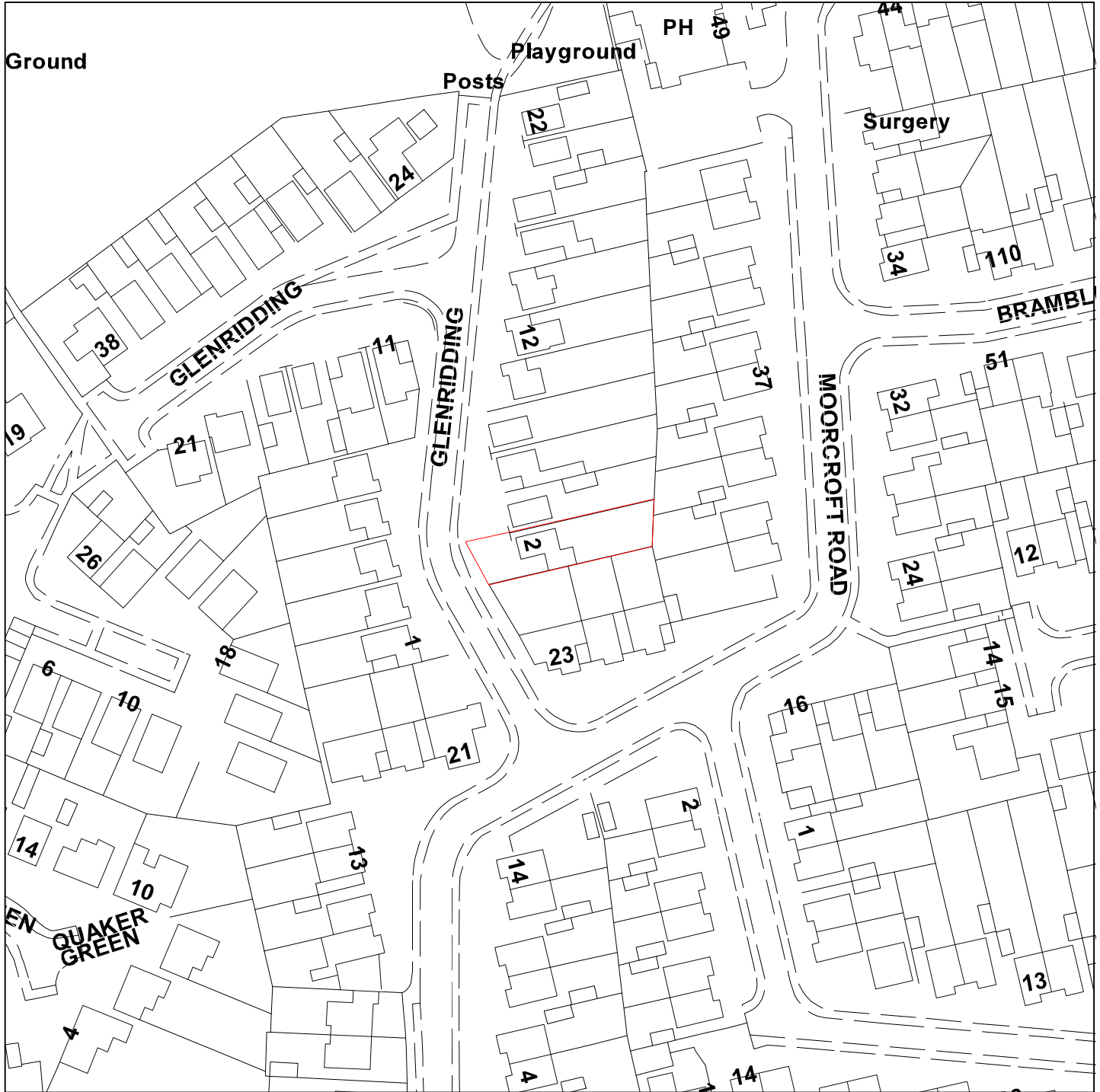
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2 Glenridding

07/02551/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	06 December 2007
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 20 December 2007 **Parish:** Micklegate Planning Panel

Reference: 07/02153/FULM
Application at: Knavesmire Glass 88A South Bank Avenue York YO23 1DP
For: Erection of three storey building comprising 12no. 1 bedroom apartments
By: Mr K Marsden
Application Type: Full Application
Target Date: 25 December 2007

1.0 PROPOSAL

1.1 This application relates to the demolition of the existing commercial unit (a former mission chapel) and its replacement with a building containing 3 floors accommodation in the form of 12 no. 1 bedroom flats. The ground floor flats are provided at a semi-basement level on the front elevation and the third floor of accommodation is provided within the roofspace of the building. 12 secure cycle spaces are provided with a limited amount of hard surfaced area to the rear of the site.

PLANNING HISTORY

1.2 An application (05/02584/FUL) was submitted in 2005 for the demolition of the existing building and its replacement with 8 apartments with 5 on site car parking spaces. The application was withdrawn early in 2006 before it was determined.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1
Design

CYGP4
Environmental sustainability

CYH2A
Affordable Housing

CYH3C
Mix of Dwellings on Housing Site

CYE3B
Existing and Proposed Employment Sites

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

3.1 LEARNING, CULTURE AND CHILDREN'S SERVICES (EDUCATIONAL PLANNING OFFICER): No contributions required

3.2 LIFELONG LEARNING AND CULTURE: open space commuted sum required totalling £4,320.

3.3 ENVIRONMENTAL PROTECTION UNIT: Demolition and construction informative required.

CITY DEVELOPMENT REPORT - SUMMARY

3.4 The site is a windfall housing site and appears to meet the requirements of H4a. It is within the urban area and within walking distance to shops and bus links. However, 12 new apartments may negatively impact on the area in terms of on street parking availability.

3.5 Policy E3b states that any sites or premises either currently or previously in employment use will be retained within their current use class unless adequate employment land exists to meet immediate and longer term requirements and unacceptable environmental problems exist or the development of the site will bring alternative benefits to the local economy or the use is ancillary to an employment use.

3.5 Policy T4 requires certain levels of cycle storage provision in all new developments, this proposal meets the requirements.

3.7 Although the glassworks building is not listed and is not in a conservation area, it is an attractive building and its retention and potential conversion could be investigated.

3.8 Policy H2a does not require affordable housing on a site of this size, however the Design and Access Statement states that these dwellings will be affordable. There is no evidence in the application indicating how these dwellings will be affordable. Their size (as small one-bed flats) is not enough alone to enable them to become 'affordable'.

3.9 The residential use in this long established residential area is preferable to a glassworks in terms of amenity of existing residents. The design of the proposed

building will be in keeping with the surrounding area's character and some limited landscaping will be incorporated. The main concern is linked to the potential increase in on-street parking in the area.

HIGHWAY NETWORK MANAGEMENT

3.10 The issue in highway terms is the complete lack of off street parking but three frontage on-street spaces are effectively create by the removal of the commercial use. It is thought probable that there would be a relatively low car ownership in the tenants/owners, and any car ownership above three could probably be accommodated on the opposite side of the road on a casual basis without causing undue congestion problems. The site itself is considered convenient for local facilities and transport links and consequently the lack on on-site car parking is not objected to. Four conditions and two informatives are suggested to be attached to the decision notice should the scheme be recommended for approval.

URBAN DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (COUNTRYSIDE OFFICER)

3.11 The demolition should be conditioned in order to ensure that due consideration is taken of bats. This should include careful removal of times to allow inspection of loft, timing of work, pre-demolition survey and incorporation of suitable biodiversity features into the new design. I do not consider that a survey at this time of year is appropriate or necessary and, having looked at the building, I don't think a survey other by emergence is possible. One suggest condition included should approval be recommended.

EXTERNAL

YORKSHIRE WATER SERVICES PLANNING/DEVELOPMENT

3.12 Water supply: A water supply can be provided under the terms of the Water Industry Act, 1991. Waste water: If planning permission is to be granted 3 conditions have been suggested concerning water provision and foul sewerage facilities.

MICKLEGATE PLANNING PANEL(dated 30 October 2007)

3.13 We would like to formally object to the above planning proposal, which involves the demolition of a turn-of-the-century mission chapel that has been proposed for local listing. We oppose the loss of a building which we believe adds significant character and interest to the streetscape. Additionally we are concerned about the impact on parking of twelve flats, and the loss of an employment site.

MICKLEGATE PLANNING PANEL (dated 12th November 2007)

3.14 The Micklegate Planning Panel arranged a public meeting on the evening of 9th November, about the proposal to demolish the Knavesmire Glass building. The meeting was attended by the architect, developer and approximately 30 residents. The main concerns raised by the residents who attended related to: opposition to the loss of the existing, historically significant, building; unattractive nature of the propose building in relation to the existing one, overdevelopment of the site and the introduction of plats into a street of houses and the prescience of protected bats in the roof of the property.

STRUCTURES AND DRAINAGE

3.15 The development is in low Flood Risk Zone 1 and should not suffer river flooding.

REPRESENTATIONS

3.16 Seven written comments were received as a result of the public meeting, one of which duplicates a written objection already received. One petition was received with 19 signatures. 25 standard objection letters were received where signatories entered their name, address and signed the letter. 14 independent letters of objection have been submitted.

3.17 The main sources of objection to the proposal are listed below.

Will the 'affordable' units will be used to house the homeless and young offenders and the resultant crime problem? The loss of a historic building which forms an integral part of the Avenue. The introduction of alien features in the form of railings and a dwarf wall on the site boundary. Lack of justification to demolish the building. The generation of potential car parking problems and congestion in the area. Noise and disturbance during construction. Undesirability of 'buy to let' flats in the area. Height of the proposed building. Overdevelopment of the site. Inappropriate provision of accommodation at semi-basement level. Limited amenity space. Loss of an employment site. Overlooking from the rear of the proposed building. The presence of bats on site.

4.0 APPRAISAL

4.1 Key Issues: Strategic Housing Market Assessment, design, mass and appearance of the proposed building, parking, loss of employment land and potential presence of protected species.

4.2 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. It also requires Local Planning Authorities to adopt an evidence based approach to housing delivery. Policies should be informed by housing need and demand, through housing market and housing land availability assessments.

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

4.4 Policy GP4a 'Sustainability' of the Draft Local Plan requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be

judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling.

4.5 Policy H2a of the Draft Local Plan requires housing development of 15 dwellings/0.3Ha or more in the urban area and 2 dwellings/0.03Ha or more in villages with less than 5,000 population to provide affordable housing. The policy gives a target of 50% of dwellings to be affordable and requires that they be distributed throughout the housing development rather than being concentrated in one area.

4.6 H3c of the draft Local Plan asks for a mix of housing on all sites.

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

4.8 Policy E3b (Existing and Proposed Employment Sites) any sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where; there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and unacceptable environmental problems exist; or the development of the site for other appropriate uses will lead to significant benefits to the local economy; or the use is ancillary to an employment use.

4.9 Policy T4: Cycle Parking Standards. In all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the local plan.

STRATEGIC HOUSING MARKET ASSESSMENT

4.10 The proposed development consists of 12 no. 1 bed apartments provided over 3 floors of accommodation. The building incorporates a semi-basement area for the ground floor units at the front of the site, which are at the ground level at the rear of the site due to the sites slightly sloping nature. All the units of accommodation are accessed via a lobby on the rear of the building. 6 of the units (on the front of the building) have a floor area of 34 sq m, with the 6 rear units having an approximate floor area of 36 sq m. The size and layout of the flats are cramped offering only limited sized bedrooms and combined kitchen/lounges with small kitchen areas. The flats offer limited space internally for storage. The site is large is enough to accommodate a mix of unit types, including houses. The proposal is therefore contrary to the findings of the SHMA which advises that 3 and 4 bed units are required just as much as 1 and 2 bed units and that the demand for houses is greater than that for flats. As such the proposed development would not help deliver

a mixed/balanced community as required by the SHMA and policy H3c of the Local Plan.

LOSS OF EMPLOYMENT LAND

4.4 Policy E3b, relating to existing employment sites, states that sites or premises currently in employment use will be retained within their current use class unless a number of qualifying requirements can be met. It would need to be demonstrated that adequate employment land exists in the area AND unacceptable environmental problems exist; or the development of the site for other appropriate uses will lead to significant benefits to the local economy. In this instance this case has not been adequately demonstrated and the proposal fails to meet this policy requirement. The existence of a commercial use in a predominantly residential area alone is not enough to justify the loss of this employment site. No particular case has been made regarding the noise, disturbance or other environmental problems generated by this site.

DESIGN, MASS AND APPEARANCE OF THE PROPOSED BUILDING

4.5 The proposed building has a similar eaves line and ridge line to the adjacent residential dwellings on either side of the site. However the character of the development is out of keeping with the surrounding area. The building is set in from the boundaries on the front and side of the site when properties in the surrounding area immediately abut the rear of the footway. The proposed building would be incongruous in this otherwise continuous terrace of two storey houses. The proposed semi-basement flats have a poor aspect on to a retaining wall and the dwarf wall and railings proposed on the front of the site are an alien feature in this location. The dormers, which cut through the eaves line of the roof, fail to reflect the character of the area. The building has no front entrance connecting it to the street based on the lobby style entrance from the rear. The two ground floor units on the rear of the building have French doors, but these open on to the communal, hard paved yard where the cycle stores are located. Whilst it is recognised that the principle of the redevelopment of this site for residential proposes could be acceptable (provide the loss of the employment site could be adequately justified) the current scheme does not comply with the requirements of Policy GP1 on design which includes an expectation that development proposals will respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces. This proposal fails to meet these requirements.

PARKING

4.6 Adequate cycle parking is provided on site to meet the guidance in Appendix E of the Development Control Local Plan, with 12 covered spaces. However no on site car parking spaces have been provided. Based on the closing up of the existing commercial access to the site an additional 3 on-road spaces are likely to be made available. However the shortfall of parking will need to be accommodated elsewhere. Based on the unusual site surroundings, the fact that there are no residential properties on the stretch of road immediately opposite the site, additional parking is available to a degree there. It is considered that based on this situation the parking requirements for the proposed development could be accommodated within the general area. As such the car and cycle parking requirements of the

development can be broadly met on site and in the immediate area of the application site.

POTENTIAL PRESCENCE OF A PROTECTED SPECIES

4.7 No mitigation measures are included in the application to accommodate the potential presence of a protected species on site. Whilst it is recognised that it is currently an inappropriate time to survey the building, no details of any observations regarding the presence of bats on site have been included with the application. Based on the protected nature of the species the precautionary principle should be applied until it becomes clear whether bats roost on this site or not.

5.0 CONCLUSION

CONCLUSION

5.1 Based on the above assessment of the application this proposal fails to comply with the provisions of the City of York Council Development Control Local Plan and the adopted Strategic Housing Market Assessment. It has not been demonstrated that the existing commercial site is harmful to the amenity and character of the area. The design of the proposal is inappropriate in this location predominantly made up of two storey terraced dwellings.

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that the proposed mix of dwellings is inadequate and could be improved given the size of the site. The proposal would therefore fail to assist in delivering the type of dwellings which the Strategic Housing Market Assessment identifies as being required in the city.

To allow the proposal would therefore be contrary to policy PPS3: Housing which advises that Local Planning Authorities should adopt an evidence based approach to housing delivery, as York's adopted Strategic Housing Market Assessment identifies demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms, and over 60% of households are looking for houses rather than flats. And also policy H3c of the City of York Development Control L Plan which asks for a mix of housing on all sites.

2 The proposal would, by reason of its design and appearance, result in an incongruous form of development that would be out of character with the street scene and, given its prominence, would be harmful to the character, appearance and visual amenity of the area generally contrary to policy GP1 and H4 of the City of York Development Control Local Plan.

4 The Local Planning Authority considers that the proposed use would lead to a loss of a commercial site and it has not been demonstrated that this employment site is surplus to requirements and that alternative similar facilities are available. As such the proposal would be harmful to the local economy, contrary to the objectives of the City of York Development Control Local Plan which seeks to stimulate the local economy, provide employment opportunities and deliver sustainable employment premises and in particular policy E3b which seeks to retain employment sites.

7.0 INFORMATIVES:

Contact details:

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07/02153/FUL



GIS by ESRI (UK)



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	07 December 2007
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 20 December 2007 **Parish:** Guildhall Planning Panel

Reference: 07/02275/FULM
Application at: The Warehouse Hursts Yard York YO1 9TL
For: Conversion and change of use to form 10no. apartments 2no. 3 bed houses and 2no. ground floor B1 office and/or A1 retail unit(s) with associated external alterations
By: S Harrison Developments
Application Type: Major Full Application (13 weeks)
Target Date: 21 December 2007

1.0 PROPOSAL

1.1 The existing warehouse building on this site is currently used as a retail shop/showroom with ancillary storage and workshops for a kitchen equipment company. The building is proposed to be a mix of varying sized residential units with two office/retail units on the ground floor of the larger of the two parts of the building. The proposal comprises of 1 no. two bedroom house and 1 no. 3 bed house in the two storey element of the building as well as the refuse and cycle stores for the development is a whole. Within the larger part of the building the ground floor is entirely taken up with the two office/retail suites. The further 3 floors provide 4 studio flats, 4 no. 1 bed flats and 2 no. 2 bed flats with the main bedroom provided on a 'sleeping deck' within the roof space accessed via an internal spiral staircase.

1.2 No relevant planning history.

1.3 The site area is 0.03ha with 12 residential units proposed, as well as 2 office/retail units on the ground floor). This is a density of 400 units per hectare provided within an existing large building already built up hard to the site boundaries.

1.4 Very few external alterations are proposed to facilitate the conversion mainly relating to the insertion of rooflights and new doors in existing openings on the front elevation of the building and the creation of two 'Juliet balconies' on the front of the two houses (in the two storey element of the building).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYSP6

Location strategy

CYSP8

Reducing dependence on the car

CYSP10

Strategic Windfalls

CYGP1

Design

CYGP4A

Sustainability

CYGP6

Contaminated land

CYGP15

Protection from flooding

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYT4

Cycle parking standards

CYT7C

Access to Public Transport

CYL1C

Provision of New Open Space in Development

CYH4A

Housing Windfalls

CYH3C
Mix of Dwellings on Housing Site

3.0 CONSULTATIONS

INTERNAL

3.1 Learning, Culture and Children's Services:

Education will be seeking a total contribution of £16,270 (in respect of 1 pupil at Fulford Secondary School).

3.2 City Development:

Brownfield location of development and lack of parking with high cycle provision satisfies policies SP8, SP10 and T4.

The proposed location is highly sustainable being within walking/cycle distance of the city centre and on a major bus route. The conversion of a building is preferable in terms of energy efficiency and also because of its location in the city centre conservation area. The design is simple and incorporate few changes to the external appearance of the building.

Due to previous uses on the site, a preliminary assessment for contaminated land should be undertaken in line with policy GP6. Policy GP15a addresses development and flood risk, The proposed development is in close proximity to the River Foss and so the Strategic Flood Risk Assessment should be consulted.

3.3 Environmental Protection Unit:

No objection. Suggest standard demolition and construction informative conditions included on any decision notice.

3.4 Highway Network Management:

Following the submission of additional information - no objections raised. Payment of £1920 towards car club in the vicinity of the site will need to be secured with the use of a condition.

3.5 Lifelong Learning and Culture:

Commuted sums should be paid to the Council for amenity open space (such as St. Nicholas Fields or Hull Rd Park), play space (such as St. Nicholas Fields or Hull Rd Park) and sports pitches within the East Zone of the Sport and Activity Leisure Strategy. The contribution of £7,488 should be secured through the use of a Section 106 agreement.

3.6 Conservation, Design and Sustainable Development:

The building is situated within the central Historic Core conservation area. It is C19th warehouse of 2 builds: 4 storeys with grain silo and 2 storeys. It is unlisted but of historic value, representing one of the few surviving structures of the recent industrial past of the area. The internal layout has been configured to avoid damage to the interior whilst making the most of existing opening and this has resulted in few changes to the exterior. It is considered that the new doors and reduced balconies would be acceptable as minor changes to this unlisted building to signal the new use. A range of conditions are suggested to ensure the survival of the internal traces of the former use and a satisfactory external appearance to the completed conversion.

EXTERNAL.

3.7 Guildhall Planning Panel:

No objections.

3.8 Police Architectural Liaison Officer (Crime Prevention Design Advisor):

No comment.

3.9 Environment Agency:

No objection

3.10 English Heritage:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

3.11 Representations.

No representations concerning this application have been received.

4.0 APPRAISAL

4.1 Key Issues: suitability of proposed uses, physical alterations proposed as part of the conversion, sustainable transport issues, flooding, impact on the conservation area.

4.2 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. It also requires Local Planning Authorities to adopt an evidence based approach to housing delivery. Policies should be informed by housing need and demand, through housing market and housing land availability assessments.

4.3 Policy SP6 focuses development on brownfield land within the built up urban area of the City and urban extensions, followed by surrounding settlements and selected existing & proposed public transport corridors. Outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the open countryside. The Strategy seeks to protect sensitive areas from development by focusing development in areas of greatest need, maximising the use of previously developed land, whilst conserving the natural environment and quality of life for the City's citizens.

4.4 Policy SP8 (Reducing Dependence on the Car) requires that applications for large new developments, such as housing, shopping, employment, health or leisure proposals, must be able to demonstrate that they will reduce dependence on the private car by providing for more environmentally friendly modes of transport including adequate provision for car and cycle parking in accordance with the standards set out in the Local Plan. To complement this approach it is proposed that new housing schemes will be at a higher density than in the past (policy H5) and mixed residential and employment schemes will be encouraged. New development will be directed to areas served by public transport and footpath and cycle links will be a requirement within and between new developments.

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

4.6 Policy GP4a 'Sustainability' of the Draft Local Plan requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling.

4.7 Policy GP6 (Contaminated Land). Planning applications for development on, or adjacent to, land which may have been contaminated by a previous use should, as a minimum, include a preliminary assessment (desk study) of the potential for contamination. Planning conditions will normally be used to secure site remediation and where appropriate post remediation monitoring and validation, for sites affected by contamination. However, in some cases, applicants may be expected to sign an agreement under Section 106 of the Town and Country Planning Act 1990 to secure appropriate remediation of the site.

4.8 Policy GP15a: Development and Flood Risk. There will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. Proposals for new built development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere. All applications in the low to medium risk(2) or high risk(3) areas should submit a Flood Risk Assessment (FRA) providing an assessment of additional risk arising from the proposal and the measures proposed to deal with these effects. Developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely.

4.9 Policy L1c is concerned with the provision of new open space in developments and states that for sites of less than 10 dwellings a commuted sum will be required towards off site provision.

4.10 Policy HE2: Development in Historic Locations. Within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.11 Policy HE3 states that within conservation areas, proposal for the following type of development will only be permitted where there is no adverse effect on the character and appearance of the area: demolition of a building (whether listed or not); external alterations; changes of use which are likely to generate environmental or traffic problems.

4.12 Policy HE10: Archaeology. Planning applications for development that involves disturbance of existing ground levels on sites within York City Centre Area of Archaeological Importance will be granted provided suitable mitigation measures are put in place.

4.13 Policy T4: Cycle Parking Standards. In all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the local plan.

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

4.15 Policy H3c of the draft Local Plan asks for a mix of housing on all sites.

SUITABILITY OF PROPOSED USES.

4.14 The residential use of this building suits its excellent location within the city walls in close proximity to a wide range of facilities, shops, public transport links as well as employment and entertainment opportunities. The nature of the building means that it can be converted with a minimum of external alterations. The site is surrounded by a mix of uses ranging from retail units and existing residential accommodation to two schemes for a large amount of student accommodation (currently under construction), including a recent scheme on a former bus depot accessed from Navigation Road. Either of the proposed uses (office/retail) for the ground floor units are considered acceptable as either, or a combination of both uses, can meet the Local Plan Policy requirements. A ground floor employment use is considered acceptable as based on the limited size of the two units this would not detrimentally effect the vitality and viability of the broader area in retail terms. Similarly retail uses in this location would complement the range of uses in the wider area.

SUSTAINABLE TRANSPORT ISSUES

4.15 This large warehouse conversion scheme satisfies the requirements of the Local Plan relating to promoting sustainable transport based on its highly sustainable location. The scheme has limited car parking (3 spaces) provided for the office/retail element of the scheme, but if both ground floor units were to become retail units they would require 1 space each with the third then becoming available for one of the residential units. Cycle parking is provided to meet the standards contained with Appendix E of the development Control Local Plan. The permanent use of the 3 parking spaces by the occupiers of the retail/office units is proposed to be secured by condition. The submitted transport assessment indicates that using nationally available information (in the form of the TRICS 2007(a) database) the number of trips associated with the proposed uses would actually represent a reduction from the vehicle activity currently generated from the retail use.

HOUSING MIX

4.16 The Council has carried out a Strategic Housing Market Assessment (SHMA), adopted by the Council for Development Control purposes on the 27 September 2007. The report is comprehensive and up to date, and looks at what is appropriate in York in terms of housing tenure, size and type, in order to help create mixed and balance communities. The Study reveals a demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms. Over 60% of households are looking for houses rather than flats. A range of sized dwellings is proposed on this site and given the constraints of converting an existing building and the lack of outdoor space it is considered that this broadly complies with the aims of the SHMA and policy H3c.

FLOODING

4.17 The Environment Agency has no objections to the proposed development (in flooding terms) and indicates that a suitable method of foul water disposal would be via the foul sewer.

PHYSICAL ALTERATIONS PROPOSED AS PART OF THE CONVERSION

4.18 The limited alterations to the external appearance of the building ensure that, despite this buildings non-listed status, the historic value of the building is maintained. The internal layout has been configured to avoid damage to the interior whilst making the most of the existing openings. It is considered that the new doors and reduced balconies would be acceptable as minor changes to this unlisted building to signal the new use. The external alterations essentially extend to the newly proposed roof lights that allow the full utilisation of the roof space of the building. The range of unit sizes provides a range of dwelling types from studio flats to a three bedroom house.

IMPACT ON THE CONSERVATION AREA

4.19 The conversion of this building to mainly residential accommodation (with two retail/office units on the ground floor) is considered a suitable use for an existing building in the Central Historic Core Conservation Area. The conversion of the building to this use has the potential to reduce commercial activity in the area with the loss of existing ancillary workshops linked to its current use for the trade and retail sales of kitchen equipment. The physical alterations to this unlisted building and the proposed uses are considered compatible with the site location in a conservation area.

5.0 CONCLUSION

5.1 Based on the above summary, the application is considered acceptable in terms of its impact on the surrounding area and on this unlisted building in the Central Historic Core Conservation Area, complying with the relevant provisions of the Development Control Local Plan.

5.2 Conditions will be used in this instance to secure the financial contributions towards education, highways and open space provision. A condition requiring the three proposed car parking spaces to be permanently linked to the use of the rest of the building is also included. In addition a range of conditions relating to the physical conversion of the building are proposed.

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:-

46556/WARDS/P/001 (proposed car parking layout), H115/01/05 (proposed floor plans) and H115/01/06 (proposed elevations);

and associated supporting documents submitted as an integral part of this

application;

Topographical Survey, Desktop Environmental Report and Audit, Design and Access Statement, Transport Statement, Archaeological Brief, Background Noise Report, Sustainability Statement, Flood Risk Assessment and the Planning Support Statement;

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 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions 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, The obligation should provide for a financial contribution calculated at £16,270;. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

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

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

INFORMATIVE:

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 £7,488;.

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.

5 No development shall commence unless and until details of the provision of car club membership/provision for the future occupiers of the site have been submitted to and approved in writing by the Local Planning Authority. The provision shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy GP13 (Planning Obligations) of the Development Control Local Plan.

INFORMATIVE:

The 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 the provision of car club membership/provision in the vicinity of the site. The obligation should provide for a financial contribution calculated at £1,920.

No development can take place on this site until the car club membership/provision in the vicinity of the site 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.

6 Car/cycle parking provision in accordance with the approved plans must be provided before the use commences and thereafter retained for the sole use of the occupants of, and their visitors to, the development hereby approved.

Reason: To comply with the Local Planning Authority's parking standards.

7 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.

The following matters and outstanding details shall be approved in writing by the Local Planning Authority prior to the commencement of building works.

- 1) treatment of signage on side of silo
- 2) pulley structure and equipment to be retained in place at high level (otherwise justification for removal)
- 3) details of any mechanical and electrical equipment and ducts showing how this integrates with existing structure
- 4) large scale details of windows also showing how they are positioned within existing openings
- 4) large scale details of doors also showing how they will be positioned within

existing openings

5) large scale details of external balustrades

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works based on the sites location in a Conservation Area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Central Historic Core Conservation Area, the residential amenity of neighbouring property occupiers, transport provision, housing mix provision and the wider character of the surrounding area. As such the proposal complies with Policies SP6, SP8, GP1, GP4a, GP6, GP15a, L1c, HE2, HE3, HE10, T4, H4a and H3c of the City of York Development Control Local Plan.

2. Demolition and Construction - Informative

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

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

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

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

b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular

Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

f. There shall be no bonfires on the site.

Contact details:

Author: Emma Militis Planning Officer

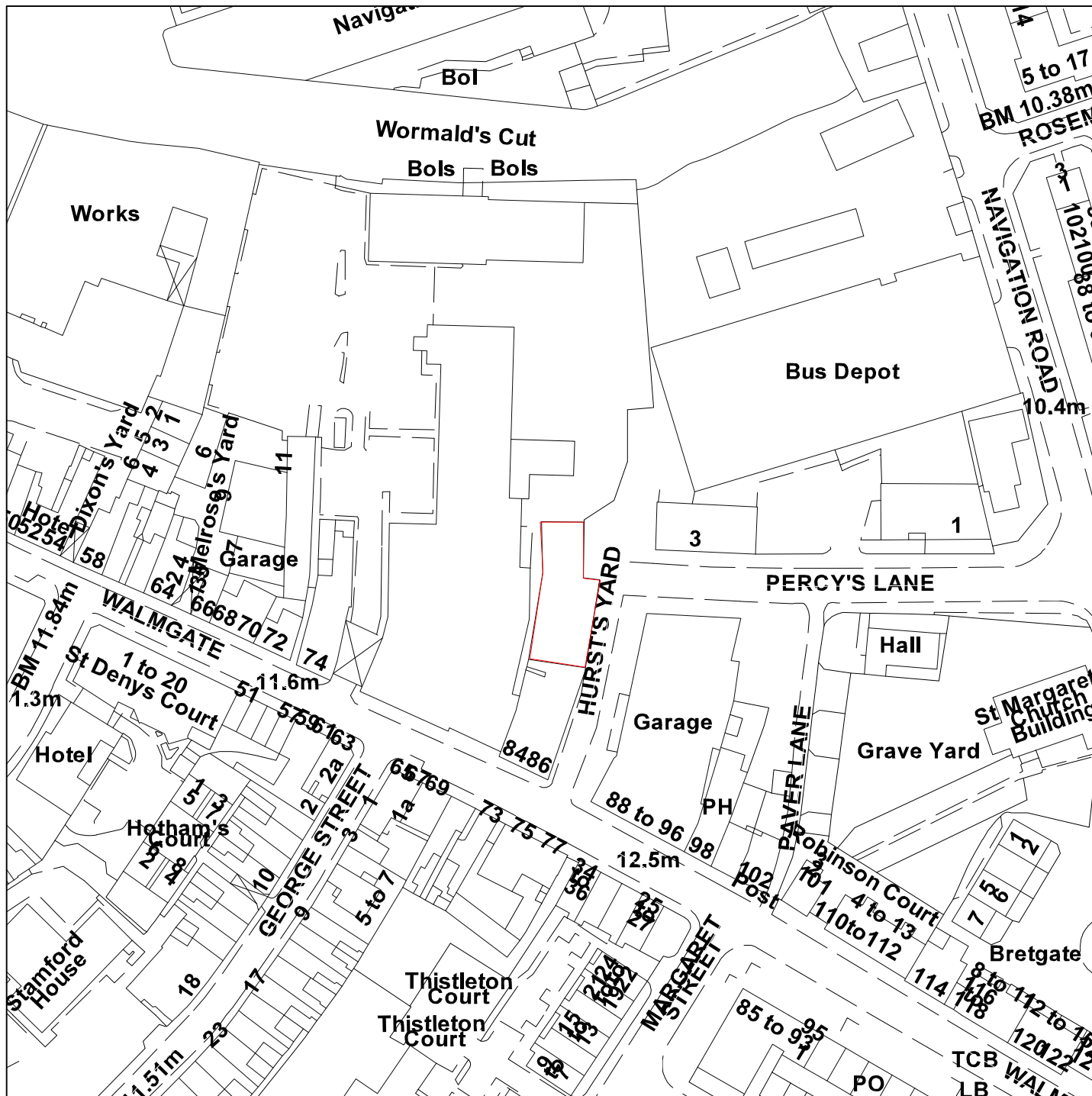
Tel No: 01904 551493

The Warehouse, Hursts Yard

07/02275/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	06 December 2007
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 20 December 2007 **Parish:** Micklegate Planning Panel

Reference: 07/02166/FUL
Application at: Parkside Nursing Home 98 - 100 Bishopthorpe Road York YO23 1JS
For: Change of use from care home to 2no. dwellings, part demolition of rear extension, pitched roof single storey side/rear extension to no.100, single storey pitched roof rear extension to no.98 and 1 no. single and 1 no double garage
By: Ms J Lenthall
Application Type: Full Application
Target Date: 7 November 2007

1.0 PROPOSAL

1.1 The application seeks permission for the change of use of a nursing home to two dwellings including extensions and external alterations. The application site consists of the two end terrace properties at the junction of Bishopthorpe Road and Richardson Street. The properties are currently used as a nursing home and have been altered over the years to provide additional accommodation within a two storey extension to the rear of number 100. The scheme seeks permission to revert the properties back to their original use as two private dwellings incorporating five bedrooms over the existing three floors.

1.2 The application is to be brought to committee at the request of Cllr Fraser due to the number of resident's objections being received.

1.3 A site visit is required as the application is recommended for approval and objections have been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYH4
Housing devp in existing settlements

CYGP1
Design

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Internal

Environmental Protection Unit - No objections but informatives requested

Lifelong Learning and Culture - Commuted sums should be paid to the Council towards the provision of amenity open space (Rowntree Park), play space (Rowntree Park) and sports pitches (South zone)

Highway Network Management - Initial concerns regarding the proposed off street parking have been overcome due to the revised scheme and no objections are raised subject to conditions

3.2 External

Neighbours - 3 letters received, from 1 and 28 Richardson Street and 102 Bishopthorpe Road, to the original scheme objecting on the following grounds:

- Proposed garages would run flush with the front elevation of 1 Richardson Street resulting in poor street scene
- Attractive terrace would run into three garage doors
- Garages would not be subservient and would be visually prominent
- Garages add to the overdevelopment of the site
- Vehicles would overhang the pavement when waiting to enter the garages
- Garages would overdominate rear yard of 1 Richardson Street
- Use of inappropriate materials
- The proposed side extension projects past the building line creating an unbalanced aspect
- Boundary wall from the dining room extension should not be raised in height

REVISED PLANS

One letter of objection received from 1 Richardson Street on the following grounds:

- Not in keeping with the character of the area and resulting in a poor aspect
- Proposal seeks to adjoin a single garage to the end wall of 1 Richardson Street
- Inappropriate bricks to be used
- Dining room extension projects beyond the building line

Micklegate Planning Panel - Do not object but would not wish to prejudice any comments that neighbours might make and do note the potential loss of the nursing home

4.0 APPRAISAL

3.1 Key Issues

- Principle of change of use
- Impact upon adjoining neighbours
- Impact upon character of the area

3.2 The relevant City of York Council Draft Deposit Local Plan Policies are H4a, GP1 and L1c. Policy H4a 'Housing Windfalls' of the CYLPDD states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

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

3.4 Policy L1c is concerned with the provision of new open space in developments and states that for sites of less than 10 dwellings a commuted sum will be required towards off site provision. A development of 2 no. five bedroom houses would generate a contribution of £7776.

3.5 It is considered that the reversion of the application site into two houses is in accordance with policy H4.

3.6 Part of the application the scheme seeks to reduce the existing unsympathetic two storey rear extension from 13.5m to 6.6m in length. Alterations to the windows are proposed to improve the relationship with the extension to the original building. There are no objections raised to this aspect of the scheme as the alterations will improve the overall appearance of the building and streetscene considerably.

3.7 A single storey side extension is also proposed to number 100 which would project out from the remaining rear extension towards the site boundary with Richardson Street. The extension would measure 5.4m wide by 6.4m deep. It would reflect the original character of the property in terms of window and eaves detailing but would incorporate large glazed doors to the rear elevation which would open into a private yard area. Concerns have been raised by residents that the extension is proud of the building line of Richardson Street and is out of character within the streetscene. The extension does run to the site boundary with Richardson Street but it is not considered to be detrimental to the character of the area. The extension would be seen in context with Richardson Street but it is felt that as it lies 13.5m

away from the nearest dwelling the degree of separation is sufficient to prevent any loss of character or any prominence.

3.8 A small infill extension is proposed to the rear of number 98 Bishopthorpe Road which would lie between the existing rearward projecting elements of the two properties and would not be visible from outside of the application site. It would provide an enlarge kitchen/dining room area for the property and would be constructed with a mono pitched roof to match the existing rear elements. There would be no detrimental impact to any neighbouring residents as a result of the proposed works and the extension is considered to be sympathetic to the original dwelling.

3.9 As originally submitted the scheme incorporated a large garage block to the rear of the site which would be set back from the pavement by 2.7m. It incorporated a double garage for number 100 and a tandem double garage for number 98. The tandem garage would be adjoined to the side elevation of 1 Richardson Street, would run flush with the front elevation and would project out to the rear by 2.8m. Three single garage doors would be incorporated and a uniform pitched roof proposed. It was considered that this element of the scheme was unacceptable due to its proximity to the highway, its impact upon neighbours in terms of overshadowing of the rear yard and the detrimental impact the front elevation would have upon the character of the area.

3.10 As a result the agent has amended the scheme. It now incorporates a double garage for number 100 and a single garage for number 98. It would be set back from the pavement by 4.7m which allows for a vehicle to pull clear of the highway and prevents it running flush with the front elevation of 1 Richardson Street. The tandem garage element has been removed preventing the garage projecting to the rear of 1 Richardson Street and removing the issues of overshadowing. The uniform pitched roof now incorporates a gable element which gives visual relief to the design and the three garage doors have been replaced with a single and a double door. Furthermore, the boundary wall has been modified to mask a small portion of the block reducing its prominence. The block is still proposed to be attached to the side elevation of 1 Richardson Street and whilst Officers are sympathetic to neighbours concerns the issue is subject to the Party Wall Act, which the agent and neighbour are aware of, and as such is a private legal matter.

5.0 CONCLUSION

5.1 It is considered that the principle of the development acceptable. The dwellings would each have adequate levels of internal and external amenity space whilst providing off street parking in line with Council requirements. The alterations to the existing rear extension are welcomed and improve the appearance of the property greatly. It is also considered that the proposed site and rear extension do not detract from the character of the area or have any detrimental impact upon neighbours amenity. Officers recommend approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing number BS 1846/PL01

Drawing number BS 1846/PL02

Drawing number BS 1846/PL03 rev B received 8th November 2007

Drawing number BS 1846/PL04 rev B received 8th 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 VISQ8 Samples of exterior materials to be app

4 VISQ6 Infill brickwork to match

5 PD1 IN Rem of specific Perm Dev rights

6 S106OS IN Section 106 Open Space

7 HWAY30 Non-protruding garage doors

8 NOISE7 Restricted hours of construction

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area or residential amenity. As such the proposal complies with Policy GP1, H4a and L1c of the City of York Local Plan Deposit Draft.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

Tel No: 01904 551668

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98 - 100 Bishopthorpe Road

07/02166/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	06 December 2007
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 20th December 2007 **Parish:** Guildhall Planning Panel

Reference: 07/02629/FUL
Application at: Riverside Dennison Street York
For: Erection of substation located to the rear of no. 38 Huntington Road
By: Barratt Homes (York Division) Ltd
Application Type: Full Application
Target Date: 14 January 2008

1.0 PROPOSALApplication site

1.1 The application relates to the Minster Engineering site, located between houses fronting Huntington Road (numbers 22-68 evens only) and the River Foss. The site has recently been cleared and has permission for residential development.

Proposed development

1.2 Permission is sought to erect an electricity substation to the south of the Dennison Street entrance to the site, behind 38 Huntington Road. The substation would provide electricity to the housing site.

1.3 The application is brought to committee at the request of Councillor Watson and because of the objections received to the application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1 Design

CYHE3 Conservation Areas

CYGP15 Protection from flooding

3.0 CONSULTATIONS

Internal

Highway Network Management

3.1 No objection. Ask for conditions requiring the hardstanding around the sub station and in the car park to be laid out before the development is brought into use.

Drainage

3.2 Advise floor level inside the substation should be 10.6AOD, to prevent electrocution risk if the site were to flood.

Environmental Protection Unit

3.3 No objection.

External

Planning Panel

3.4 Response pending.

3.5 The application was publicised by site notice (on Dennison Street) and letters of neighbour notification, sent to the occupants of 1-4 Dennison Street and 34-40 (evens) Huntington Road. The deadline for comments is 20.12.07. Four objections have been received to date.

Objections are -

- Adverse effect on health - due to exposure to electromagnetic fields (EMFs)
- Noise
- Inadequate neighbour notification carried out
- Loss of property value
- Different location suggested, such as next to the allocated play area
- Why was it not recognised initially by the applicants that this essential part of infrastructure would be required?
- Flood risk, the part of the site where the substation is proposed is most likely to flood
- Developers assume permission shall be granted and have already prepared the site for the development.

4.0 APPRAISAL

4.1 Key issues

- Appearance/effect on the conservation area
- Amenity
- Flood risk
- Highway safety

Policy

4.2 National policy contained in The Planning System: General Principles advises that planning decisions have to be based on land-use planning considerations. The effect on local property values is not a planning consideration. The policy states, "the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest".

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

4.4 The site is on the edge of a designated conservation area (Huntington Road/Heworth/Heworth Green/East Parade); the Minster Engineering Site is omitted from the conservation area. Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.5 The application site falls within an area where the risk of flooding is high (flood zone 3). As such the developer is obliged to produce an assessment of additional flood risk as a consequence of the development and mitigation measures, in accordance with GP15a.

Appearance/effect on the conservation area

4.6 The sub station proposed would be a brick structure with a 22.5 degree hipped roof. It would be 3.66m by 3.66m and 4.8m in overall height. The building would also have an external stair access with an associated handrail.

4.7 The size, height and location of the building mean that it would not be harmful to the appearance of the area. The height is comparable to existing backland development nearby, the garage at the rear of 38 Huntington Road and the dwelling at 4 Dennison Street. The substation is located so it would not interrupt views into the (Minster Engineering) site from Dennison Street.

4.8 The materials are given in the design statement as to match the development at the Minster Engineering site, which would allow the building to be of a similar character, and blend in with its surroundings. A slate roof would match the recently erected garage at the rear of 38 Huntington Road. Woodside mix bricks are to be used across the Minster Engineering site and would thus be appropriate on the proposed substation.

Amenity

4.9 The building is a reasonable distance, at least 12m, from the nearest elevations on houses/flats that would look toward the sub station. It is considered there would be no adverse effect in terms of outlook. The nearest building is the garage at the

rear of 38 Huntington Road, overshadowing would not affect its level of amenity. The rear garden/yard to No.36 is around 3m away. The substation would be 3.8m to eaves level. As such although the proposed development would be in line with the morning sun, it is not so high that it would unduly overshadow the rear yard. The nearest building to the north would be 4 Dennison Street, because this is 12m away it would not be overshadowed. Because of the orientation of the sun, there would be no significant effect on other surrounding buildings.

4.10 The Environmental Protection Unit confirm that modern substation developments such as this proposal run at a level that would not cause a noise disturbance.

4.11 Health has been raised as an objection to the proposed development. The developers advise that the substation would meet the pertinent British Standards. The Health Protection Agency advise there is no good or conclusive evidence that substations harm persons health. Research carried out by the National Grid and National Radiological Protection Board (whom have the responsibility for providing advice on limiting exposure of people to electromagnetic fields) found that magnetic fields are undetectable around 5m from substations, with levels akin to those generated by domestic electrical appliances. The proposed substation is in excess of 5m from any habitable rooms. It is considered that the application could not be refused on health grounds, as there is no evidence that demonstrates there would be an adverse effect on persons health.

Flood risk

4.12 The site is in an area where flood risk is high. To protect the building from flooding the floor level is set at 850mm above ground level. However the application does not demonstrate that this would attain a ground floor level of 10.6AOD, as the ground level around the substation is around 9.3AOD, the floor level is thus around 450mm below that required. As the internal room is 2.9m high, it is expected the floor level required can be achieved without alteration to the external appearance of the structure. Revised plans are awaited to clarify. The development is on an area formerly proposed to be hardstanding. Because of this and its scale, there would not be a material increase flooding risk elsewhere.

Highway safety

4.13 The conditions requested asking for hardstanding to be laid around the substation need not be added, as these are conditions of approval for the residential development of the site.

5.0 CONCLUSION

5.1 Revised plans are required to demonstrate the finished floor level is adequate to make the building flood safe. Otherwise there would be no harm caused in terms of appearance and amenity. Subject to receipt of the revised plans, approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS2 Apprvd plans and other submitted details

2 TIME2 Development start within three years

3 The development shall be carried out using the following materials, walls - Hanson woodside mix, roof – slate.

Reason: So as to achieve a visually cohesive appearance.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact (including that on the conservation area), residential amenity, flood risk and highway safety. As such the proposal complies with Policies GP1, GP15, and HE3 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323

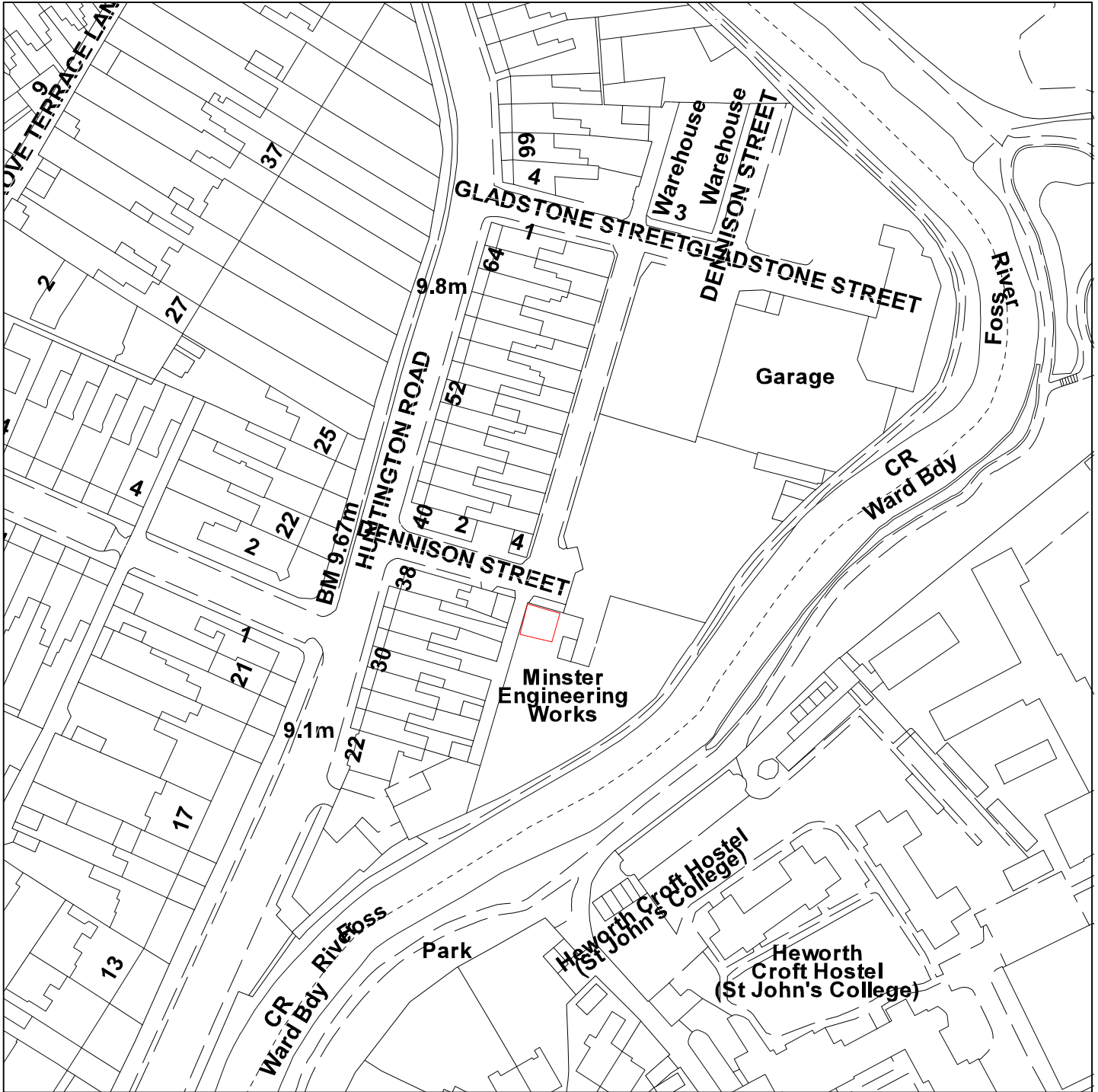
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Riverside, Dennison Road

07/02629/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	06 December 2007
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 20 December 2007 **Parish:** Upper Poppleton Parish Council

Reference: 07/02458/FUL
Application at: Rosethorn Cottage Main Street Upper Poppleton York YO26 6DL
For: Single storey detached garden room to rear (revised scheme)
By: B.W And P.M Fullam
Application Type: Full Application
Target Date: 19 December 2007

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a timber and glazed garden room to the rear of the dwelling. The property is within the Upper Poppleton Conservation Area.

1.2 A previous application which sought permission for the erection of a detached garage on the site was withdrawn in October 2007 (ref; 07/01948/FUL).

1.3 The application is brought to committee at the request of Cllr I Gillies because of the concerns of the Parish Council and the neighbour. As the application is recommended for approval and objections have been received a site visit is required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Uper Poppleton CONF

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH7
Residential extensions

CYHE2
Development in historic locations

3.0 CONSULTATIONS

Design Conservation and Sustainable Development

3.1 The design incorporates a contemporary glazed screen wall to the western elevation, and a solid timber elevation to south elevation. The design, scale and proportions of the proposed single storey garden room are unlikely to detract from the character and appearance of the conservation area. The scale and position of the garden room is unlikely to obscure views to the conservation area from the neighbouring property at no. 1 Chantry Gap.

Upper Poppleton Parish Council

3.2 Do not object but have serious concerns about its location and height and the impact that it would have on light to the neighbouring property's lounge and kitchen. Suggest that the garden room could be sited north of its proposed location.

Neighbouring Owner/Occupiers

3.3 One letter received from the neighbour at 1 Chantry Gap who is objecting on the following grounds:

- The close proximity to the boundary and the fact that it is now located in front of the house line of Chantry Gap
- The height, which should be reduced
- Proposed use and subsequent noise from the building
- The room may be used as a workshop and would result in unacceptable noise to the neighbours dwelling

4.0 APPRAISAL

4.1 Key Issues:

Design and impact upon Conservation Area

Impact upon neighbours amenity

4.2 The relevant City of York Council Development Control Local Plan Policies are H7 and HE2. Policy H7 'Residential Extensions' sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy. Policy HE2 'Development in Historic Locations' states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character and appearance of the area.

4.3 The application is a resubmission of a previously withdrawn scheme. When originally submitted the scheme sought permission for a detached garage. It was

considered that this would have a detrimental impact upon the light entering the neighbours lounge window and as such would have been recommended for refusal.

4.4 The revised scheme seeks permission for a smaller more light weight structure, which would be used as a garden room rather than a garage. It would measure 3.8m by 2.6m with an eaves height of 2.28m and a ridge height of 2.98m. It would be located 4m back from the site boundary with Chantry Gap and 1.9m from the boundary with the neighbour to the rear (giving a distance of 4.5m from the French doors of the neighbours property). It would be constructed of cedar wood and glass.

4.5 It is considered that the smaller structure would not have any detrimental impact upon the neighbouring residents amenity. Mature boundary planting would mask the majority of the garden room and the distance of separation would prevent any unacceptable overshadowing from arising.

4.6 Concerns are raised by neighbours that the proposed garden room would be in front of the building line of Chantry Gap. Officers do not consider that this would be detrimental to the character of the conservation area as it would not be visually prominent within this setting and enclosed by existing boundary fencing and mature planting. In addition the neighbour raises issues of noise as they fear the building could be used as a workshop. However the applicant has confirmed that if the building is to be used as a workshop it would be incidental to the enjoyment of the dwelling house, and not for business purposes, and would not involve power tools. As the application does not seek permission for a workshop it would be unreasonable for the Council to condition that it could not be used for ancillary operations in connection with the dwelling, including the use as personal and private workshop.

5.0 CONCLUSION

It is considered that the proposed garden room would not have any detrimental impact upon neighbouring residents amenity and would not detract from the character of the conservation area. As such it is considered to comply with policy H7 and HE2 of the Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS2 | Apprvd plans and other submitted details |
| 3 | VISQ8 | Samples of exterior materials to be app |

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 neighbouring resident's amenity or the character and appearance of the conservation area. As such the proposal complies with Policies H7 and HE2 of the City of York Development Control Local Plan.

Contact details:

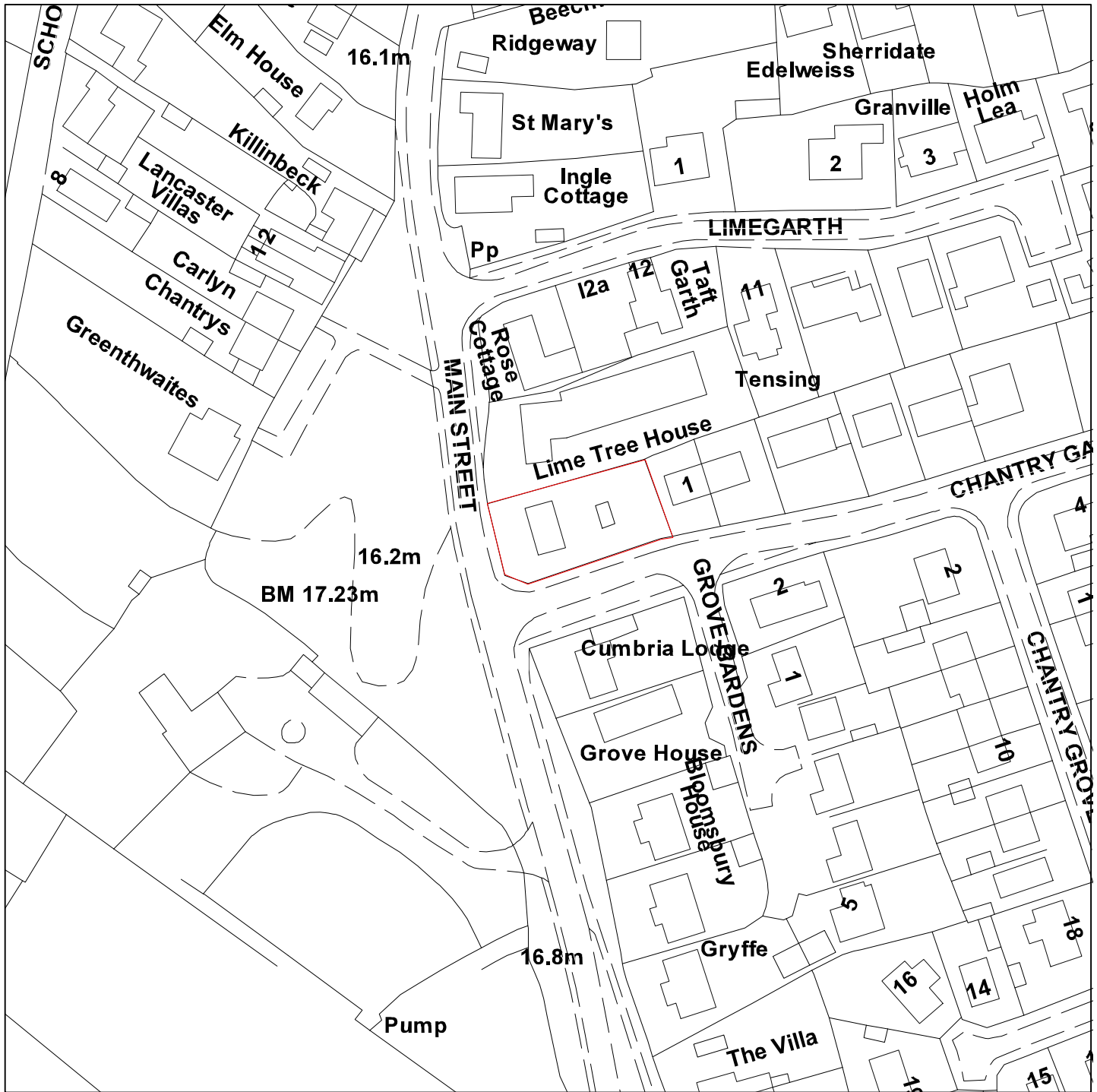
Author: Heather Fairy (Mon - Wed) Development Control Officer
Tel No: 01904 551668

Rosethorn Cottage, Main Street, Upper Poppleton

07/02458/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	07 December 2007
SLA Number	Not set

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