



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Galvin, Gillies, Gunnell, Horton, Reid, Sunderland and Waller
- Date:** Tuesday, 29 January 2008
- Time:** 12.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.30 am on Monday 28th January at York City Art Gallery.

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 20 December 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) York City Art Gallery, Exhibition Square, York (07/02722/LBC)
(Pages 13 - 18)

Internal alterations and repairs to the south gallery, installation of a platform lift and demolition of a suspended ceiling. *[Guildhall Ward]*

b) 14 Copmanthorpe Lane, Bishopthorpe, York (07/02892/FUL)
(Pages 19 - 28)

Erection of a two storey detached dwelling and garage (resubmission). *[Bishopthorpe Ward]*

c) Faith Cottage, 3 Low Green, Copmanthorpe, York (07/02903/FUL) (Pages 29 - 38)

Part two storey, part first floor, pitched roof side extension. *[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
- Any special arrangements
- Copies of reports

Contact details are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Monday 28th January 2008****There will be no bus for these site visits.****Meeting point: Outside York City Art Gallery at 11:30am**

TIME (Approx)	SITE	ITEM
11:30	York City Art Gallery	4a

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

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 DECEMBER 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), HORTON, GILLIES, GUNNELL, WALLER, WISEMAN (SUBSTITUTE) AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN, REID AND SUNDERLAND

62. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Rosethorn Cottage, Main Street, Upper Poppleton	Councillors B Watson, Sue Galloway, Horton, Gillies, Moore, Waller, Wiseman	As the application has been recommended for approval and objections have been received.
2 Glenridding	Councillors B Watson, Sue Galloway, Horton, Gillies, Moore, Waller, Wiseman	As the application has been recommended for approval and objections have been received.
98-100 Bishopthorpe Road	Councillors B Watson, Sue Galloway, Horton, Gillies, Moore, Waller, Wiseman	As the application has been recommended for approval and objections have been received.
Riverside; Dennision Street (Site to the rear of 38 Huntington Road)	Councillors B Watson, Sue Galloway, Gillies, Moore, Waller, Wiseman	As the application has been recommended for approval and objections have been received.

63. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interest they might have in the business on the agenda. None were declared.

64. MINUTES

RESOLVED: That the minutes of the Sub-Committee meeting held on 15th November 2007 be approved and signed by the Chair as a correct record.

65. 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.

66. 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.

66a 2 Glenridding (07/02551/FUL)

Members considered a full application submitted by Mr Wilson and Miss Goude for a single storey and two storey pitched roof rear and side extension after demolition of the existing garage and conservatory (resubmission).

Representations were received, in objection, from a resident of a neighbouring property who raised concerns regarding the scale and mass of the extension, over dominance, drainage, access, loss of amenity, boundary and party wall infringements and overlooking.

Members discussed the possibility of carrying out percolation tests, before development commenced, to ascertain the suitability of soakaways as the method of surface water drainage for the extensions and agreed that a condition should be added to this effect.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional conditions:¹

- The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

- Development shall not commence until percolation tests have been carried out in accordance with BRE Digest 365 to ascertain the suitability of soakaways as the method of surface water drainage for the extensions. Should a soakaway prove to be unsuitable under the BRE Digest 365 the surface water should be discharged into the main drains unless otherwise approved in writing by the local planning authority.

Reason: In the interests of the proper drainage of the site in accordance with policy GP15a of the Development Control Local Plan.

REASON: That the proposal, subject to the conditions outlined in the report and the above additional conditions, 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.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed time scales JB

66b 88A South Bank Avenue (07/02153/FULM)

This application was withdrawn prior to the meeting.

66c Hursts Yard (07/02275/FULM)

Members considered a major full application submitted by S Harrison Developments for the conversion and change of use to form 10 apartments, two 3 bedroom houses and 2 ground floor B1 office and/or A1 retail unit(s) with associated external alterations.

Officers updated that the Conservation Officer had suggested some minor changes.

RESOLVED: That the application be approved subject to the conditions outlined in the report.¹

REASON: That, subject to the conditions set out in the report, the proposal 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 the 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, T4a and H3c of the City of York Development Control Local Plan.

Action Required

1.To issue the decision notice and include on the weekly planning decision list within agreed time scales. JB

66d Parkside Nursing Home (07/02166/FUL)

Members considered a full application submitted by Ms J Lenthall for the change of use from a care home to two dwellings, part demolition of rear extension, pitched roof single storey side/rear extension to 100 Bishopthorpe Road and a single storey pitched roof rear extension to 98 Bishopthorpe Road and one single and one double garage.

Officers updated that additional conditions regarding noise insulation and cycle parking had now been added (detailed below). Condition 3 had been amended to refer to re-use of bricks and the informative linked to condition 6 had been amended to indicate that the contribution required was now £3888.

Representations in objection were received on behalf of a local resident. The resident had raised the following concerns:

- The proposals appear cramped and cluttered and as such undermine the character and appearance of the street scene and the conservation area
- Location of proposed garages
- The proposal over caters for private vehicles
- In their current form the proposals are contrary to the City of York Draft Deposit Local Plan and Policy GP1 Design

Representations were received, in support, from the Applicant's agent who stated that the proposed development was not within the conservation area. He said that if the garages were to be relocated then access to them would be compromised and cause highway problems.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following amended and additional conditions:¹

Amended Condition 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 C received 13 December 2007

Drawing number BS 1846/PL04 rev C received 13 December 2007

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

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

Amended Condition 3:

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used to include reused bricks from the demolished building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

Amended Condition 6

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 £ 3888.

Additional Conditions

Condition 9 Prior to commencement of the development, a scheme of noise insulation for the wall adjacent to the existing dwelling at 1 Richardson Street shall be submitted to the local planning authority for written approval. Once approved, the scheme shall be fully implemented.

Reason: To protect the amenity of the adjoined neighbouring residents

Condition 10 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

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 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.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed time scales. JB

66e Riverside, Dennison Street (07/02629/FUL)

Members considered a full application submitted by Barratt Homes (York Division) Ltd for the erection of a sub-station located to the rear of Number 38 Huntington Road.

Officers updated that revised plans had been received that clarified the finished floor level of the substation. It would be 10.6AOD and the external measurements had not altered.

The following comment had been received from the City of York Council's Environmental Protection Unit regarding magnetic fields:

'I understand there are concerns from local residents about the possible effects from electromagnetic radiation associated with the proposed sub-station. Currently there is no specific legislation in the UK relating to human exposure to magnetic fields. The health effects of exposure to magnetic flux densities at 50Hertz are due to the effects of induced currents on the function of the central nervous system. The International Commission on Non-Ionising Radiation Protection (ICNIRP) have developed reference levels for compliance with basic restrictions, both for occupational exposure and exposure by the general public. The reference levels have been set at 500 microtesla for occupational exposure and 100 microtesla for general public exposure. These levels are hundreds of times higher than the level at which human effects can occur.

The National Radiological Protection Board regularly carries out measurements of magnetic fields and have found levels of a few microtesla at the boundary of sub-stations, which then drops rapidly to negligible levels within five metres from the sub-station. To put this in perspective they find typical levels of 0.1-7 microtesla from hair dryers, 0.15-3 from washing machines, 0.6-10 microtesla from food mixers, 2-20 from vacuum cleaners and 22 microtesla when standing directly beneath a 275 kilovolt power line.

All sub-stations must be constructed according to a British Standard. Barratt Homes confirm that the sub-station is to be constructed to this standard by Yorkshire Electric Distribution Limited; therefore I see no reason to object to this application.'

The Officer also reported that the Foss Drainage Board had no objections. A total of nine objections had now been received in writing and these raised the following concerns:

- Lack of consultation letters
- Health impacts – child leukaemia and depression
- Flood risk
- Loss of property value
- Suggested relocation to the north of the site
- The benefits are for the new housing estate only

Some Members asked the Officer whether the Environment Agency were satisfied that the sub-station would be unlikely to flood and he responded that it had been the Environment Agency that had set the level of 10.6 metres for the floor level.

Representations were received, in objection, from a neighbouring resident, who had the following concerns:

- Health risks including leukaemia, cancer and tumours
- Inconclusive evidence regarding impact on health
- Consideration of alternative sites for the sub-station
- Electro-magnetic fields can have an adverse effect on health
- Consideration of local residents views and not just the building company's views

Representations were received from a neighbouring resident, who objected to the application on health grounds.

Members discussed the fact that the size of the sub-station would be determined by the electricity board, the position of the existing cabling and the feasibility of relocating the sub-station. Members expressed their understanding of the residents' concerns but felt that in the light of the information provided by the Environmental Unit there was very little evidence to support the view that there would be an impact on health if the sub-station were to be sited in the proposed location.

RESOLVED: That the application be approved subject to the conditions set out in the report.¹

REASON: That the proposal, subject to the conditions set out in the report, 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.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed time scales. JB

66f Rosethorn Cottage (07/02458/FUL)

Members considered a full application submitted by B W and P M Fullam for a single storey detached garden room to the rear (revised scheme).

RESOLVED: That the application be approved subject to the conditions outlined in the report.¹

REASON: That the proposals, subject to the conditions listed in the report, 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.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed time scales. JB

Cllr B Watson, Chair

[The meeting started at 3.00 pm and finished at 4.35 pm].

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 29 January 2008 **Parish:** Guildhall Planning Panel

Reference: 07/02722/LBC
Application at: York City Art Gallery Exhibition Square York YO1 2EW
For: Internal alterations and repairs to south gallery, installation of platform lift and demolition of suspended ceiling
By: York Museum's Trust
Application Type: Listed Building Consent
Target Date: 31 January 2008

1.0 PROPOSAL

1.1 The application relates to the City Art Gallery, a late Victorian building dating from 1878 which is listed at grade 11. It was restored and extended in 1952.

1.2 The application is for listed building consent. Consent is sought for a new lift in the archives section, to provide disabled access to the first floor and for repairs in the South Gallery, required due to the poor, deteriorating condition of the ceiling. The repair works include the removal of the suspended ceiling and the exposure of the original ceiling.

1.3 The application is brought to planning committee at the request of Councillor Watson, due to a lack of publicity of the proposals.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
 Air safeguarding Air Field safeguarding 0175
 Conservation Area Central Historic Core 0038
 City Boundary York City Boundary 0001
 DC Area Teams Central Area 0002
 DC Area Teams West Area 0004
 Listed Buildings Grade 2; City Art Gallery Exhibition Square York 0615
 Listed Buildings Grade 2; Railings And Gates Fronting Kings Manor 0618

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Works in the South Gallery

3.1 Advise that last year the ceiling failed over the SE bay and this area of the gallery has been closed since.

3.2 An inspection has revealed that nail sickness due to corrosion was part of the cause. It is most likely that the corrosion was exacerbated by interstitial condensation as there is no insulation in the roof. This process of deterioration will continue over other areas of the South aisle if environmental conditions remain the same; therefore a localized repair would not remedy the situation.

3.3 York Museums Trust (YMT) have taken the opportunity to improve the quality of environment in the whole of the South aisle gallery whilst addressing the long term roof problem in this area. Their proposals involve removing the inserted ceiling thereby exposing the original ceiling and decorative ironwork, replacing the later wall linings, renewing the mechanical and electrical system & ductwork. The deterioration of the lath & plaster ceiling would inevitably have resulted in its loss. The replacement plaster ceiling will allow for the incorporation of insulation which will assist in improving the long term health of the building and its contents.

3.4 Overall the proposals represent a significant improvement in spatial quality and a favourable increase in environmental performance.

Proposed lift

3.5 The gallery is a public building and until recently non-ambulant access has been limited to the provision of a stair-lift. YMT have been investigating ways of improving the situation for over a year and it has not been possible to find a satisfactory solution to integrating a lift into the gallery envelope without harming significant elements of the historic building.

3.6 This proposal would section off an area of the City Archive, which is located in the North aisle of the building, to house the lift shaft. A new access would be provided to this area from the gallery through the understairs zone. An opening would be formed through the separating wall. The enclosing wall of the lift shaft would be aligned with the existing access lobby in the archive and the new enclosure should offer acoustic & fire separation. At first floor level the lift compartment would terminate well below ceiling level and be off-set from the wall; so cornices would not be disturbed.

3.7 Regrettably there would be loss of space within the archive; however it is considered that these proposals would have the least impact on the special architectural and historic interest of the building.

EXTERNAL

Planning Panel

3.8 No response to date.

Publicity

3.9 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 10.1.08. No written representations have been made.

4.0 APPRAISAL

KEY ISSUES

4.1 The special historic interest of the listed building

RELEVANT PLANNING POLICY

4.2 PPG15: Planning and the Historic Environment states that it is the role of the planning system to strike a balance between promoting sustainable economic growth, making provision for development to meet the economic and social needs of the community and ... preserving the built and natural heritage.

4.3 Policy HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

SPECIAL HISTORIC INTEREST OF THE LISTED BUILDING

4.4 There is justification for both the lift, which will improve disabled access and the works to the ceiling, which will lead to the re-opening of the South Gallery and physical alterations which restore views of the original roof. The works would have an acceptable impact on the special historic interest of the listed building and are thus supported.

5.0 CONCLUSION

5.1 The proposed works would enhance the condition of the building and improve access. The works in the South Gallery, will help restore the appearance of the original building and the lift in the archives will not lead to undue harm to its historic fabric. It is recommended consent is granted subject to conditions.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIMEL2 | Development start within 3 yrs (LBC/CAC) |
| 2 | PLANS2 | Apprvd plans and other submitted details |

3 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.

- Measures for ultra-violet protection, including samples of U/V film, & full details of tensile structure, its fabric and installation.
- Any additional signage and its location.
- Manufacturers details of the lift.

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

4 A schedule and methodology of repair shall be provided for affected areas of the existing roof. The works shall be carried out in accordance with the details which shall first be agreed to in writing by the Local Planning Authority.

Reason: To preserve the special historic interest of the listed building.

5 New work shall be scribed around existing details except in the case of achieving fire separation between compartments and "making good" shall match the materials, quality and detail of surrounding work.

Reason: To preserve the special historic interest of the listed building.

6 Existing services and cabling shall be rerouted neatly with minimum number of fixings to avoid untidy appearance and unnecessary damage to fabric.

Reason: To preserve the special historic interest of the listed building.

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 special historic interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Local Plan Deposit Draft.

INFORMATIVE

Measures should be agreed with relevant parties to provide protection to the building and its contents during construction.

Contact details:

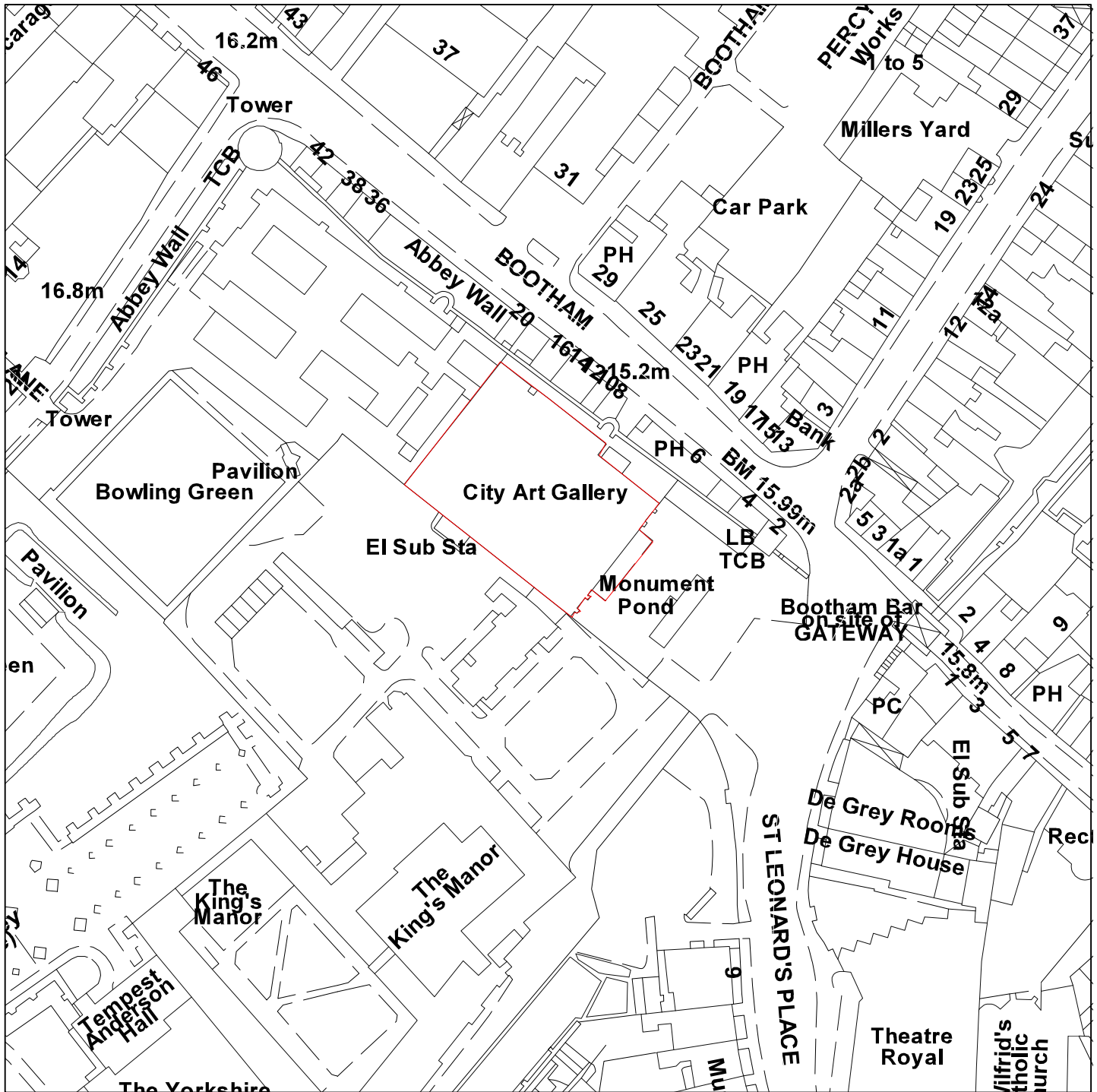
Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

City Art Gallery

Ref: 07/02722/LBC



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	16 January 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Bishopthorpe
Date: 29 January 2008 **Parish:** Bishopthorpe Parish Council

Reference: 07/02892/FUL
Application at: 14 Copmanthorpe Lane Bishopthorpe York YO23 2QR
For: Erection of a two storey detached dwelling and garage (resubmission)
By: Mr & Mrs M Cross
Application Type: Full Application
Target Date: 5 February 2008

1.0 PROPOSAL

1.1 The application is for a detached dwelling to the rear of 14 Copmanthorpe Lane with vehicular access to Kirkwell.

1.2 The site is part of the rear garden of 14 Copmanthorpe Lane. The site is surrounded by dwellings: Kirkwell is a street of semi-detached and detached dwellings in quite close proximity to each other built in the late 1990s. The other dwellings surrounding the site are semi detached dwellings and one detached all built mid 20th Century.

1.3 The previous application for a detached dwelling (06/00697/FUL) on this site was refused at the West and Centre Planning Sub Committee - 22 March 2007

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Archbishop of York's CE Junior 0183

Schools Bishopthorpe Infant 0185

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 25/01/2008
Site Notice - Expires 31/01/2008
Press Advert - N/A
Internal/External Consultations - Expires 24/01/2008

8 WEEK TARGET DATE 05/02/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections
The recommended standard for a garage is 2.4 metres by 4.8 metres, whilst there is sufficient width the length does not meet the requirement. Would like Conditions HWAY10 - Vehicular areas surfaced, details required, HAWY19 - Car and Cycle parking laid out, HWAY25 - Pedestrian visibility splays protected, HWAY29 - No gate etc. to open into highway, HWAY31 - No mud on highway during construction

ENVIRONMENTAL PROTECTION UNIT - No objections

HOUSING AND ADULT SOCIAL SERVICE - Over the threshold at 0.0414ha for the provision of affordable housing

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

3 LETTERS OF OBJECTION

- Concern about the access to Kirkwell, including commercial vehicles and emergency vehicles
- Loss of outlook for dwellings on Kirkwell
- Loss of privacy
- Cause light pollution to dwellings in Kirkwell
- Frontage measurement is wider than the previously refused scheme
- Cars exiting the site will reverse into the road, causing potential danger to pedestrians; driveways of the dwellings opposite may be used when manoeuvring vehicles
- Roof lights will cause overlooking, as a person of average height will be able to view the windows in the dwellings opposite

- Impact on the character and amenity of the environment and would appear "shoehorned" into the site
- The proposed dwelling would create a sense of imbalance within Kirkwell that would impact negatively on the streetscene
- Concern regarding the construction such as where the building materials will be stored, where servicing vehicles and other vehicles relating to the construction will be parked, what security measures will exist on site
- Plans state part removal of the hedge, may be an ancient and historic boundary line owned by the Kirk family whose farm originally fronted the Kirkwell site, hedge may have a protection order
- Proposed dwelling would cause significant overshadowing during the afternoon and evening to several dwellings in Kirkwell
- Construction would cause significant interruption and disturbance to some of the occupants of Kirkwell

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

06/00697/FUL - Erection of detached dwelling - Refused

- The proposed dwelling by virtue of its scale and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site, and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

05/02176/OUT - Outline application for erection of a single detached bungalow to the rear with access from Kirkwell - Withdrawn

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 'Delivering Sustainable Development'
Planning Policy Statement 3 'Housing'.

4.3 KEY ISSUES

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

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. 'The Planning System:

General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.4.2 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. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

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

4.4.4 Policy H4a 'Housing Windfalls' of the City of York Development Control 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.

4.4.5 Policy GP10 'Subdivision of Gardens and Infill Development' of the City of York Development Control Local Plan states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

4.4.6 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal

open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.7 There is some ambiguity over the size of the plot, the previous application had a plot of 18 metres by 26 metres with a 5 metre by 8 metre chunk removed. This application has a plot of 16.6 metre by 24 metre plot with a 3.8 metre by 7 metres chunk removed from the southwest corner of the plot.

4.4.8 The dwelling is set back 2.6 metres (previous application was set back 4metres) from the boundary with Kirkwell, 1 metres the boundary with 2 New Lane (the previous application had been between 1.4 metres and 3 metres) and between 3.5 metres and 6.5 metres from the boundary with 1 New Lane (the previous application had been between 2.7 metres and 4 metres). The proposed two storey dwelling would have vehicular access to Kirkwell. The dwelling would measure 17.4 metres in width including the attached garage an increase of 1.9 metres on the previous application and be 11 metres in depth at its widest point (the previous application was 11.2 metres in depth at its widest point).

4.4.9 There is a spacious and semi-rural character within the surrounding area. Whilst it is considered that the site could accommodate a small dwelling it is felt that the scale of the proposed is too large in terms of footprint and the appearance would be detrimental to the area: reducing the spacious character of the area; creating a built up cramped appearance within the site and in context with the surrounding buildings; and would appear as if the dwelling as been "shoehorned" into the site giving the overall appearance of overdevelopment. Therefore the two storey dwelling design is not considered to be compatible with the neighbouring buildings and spaces. The proposal is considered to have increased impact on the streetscene than the previous by virtue of its design, length and mass when viewed from Kirkwell.

4.4.10 No sustainability statement has been received as required by Policy GP4a of the City of York Development Control Local Plan.

IMPACT ON NEIGHBOURING PROPERTY

4.4.11 The distance between the proposed dwelling and the dwellings on Kirkwell is reduced to 14 metres (the previous application had shown a distance of 16 metres). There would be little loss of privacy from the ground floor windows of the proposed dwelling, as the hedge to the front would provide screening. The dormer windows have been removed in this application and replaced with roof lights which from floor level to the window cill within the dwelling would be 1.6 metres. However as these are windows to secondary rooms (bedrooms) rather than primary rooms they are not considered to cause significant overlooking. There is a two storey gable element to the front, the first floor window in the elevation would be a bathroom and the window can be conditioned as obscure glazing. However the proposed dwelling by virtue of its bulk, mass, and design and the closer proximity to the dwellings in Kirkwell would cause a loss of the open outlook of these dwellings and would result in an

overbearing impact that would cause harm to the residential amenity of the occupants of 10 and 12 Kirkwell.

4.4.12 The proposed dwelling is not considered to be overbearing to the neighbouring properties of 14 and 16 Copmanthorpe Lane due to distance between the dwellings. The first floor window in the gable facing these dwellings would cause some loss of privacy within the gardens of 14 and 16 Copmanthorpe Lane the distance being 4.7 metres and 3 metres respectively. These gardens enjoy an element of privacy with limited overlooking at present.

4.4.13 There would be no overlooking to the occupants of 1 New Lane as there is a 1.8 metre high fence and a tall evergreen hedge marking the shared boundary screening the ground floor windows (on either side of the boundary). There would be rooflights at first floor level however these are not considered to cause a significant loss of privacy to the occupants of 1 New Lane. The occupants of the proposed dwelling may feel overlooked by the rear window of 1 New Lane. The distance between the dwellings would be 8 metres according to the submitted plans. The proposed dwelling is not considered to have an overbearing or over dominant impact on the occupants of 1 New Lane. The proposed dwelling would be in close proximity to 1 New Lane, however as the roof would be sloping away from 1 New Lane the impact would be reduced.

4.4.14 No.2 New Lane has extended to the rear and the windows of these extensions overlook the site the proposed dwelling is slightly closer to the shared boundary than the previous proposal. There are no windows in the proposed elevation facing these extensions. It could be argued that the impact on 2 New Lane specifically in the garden would be regarded as over dominant and creating a sense of enclosure by virtue of the proximity of the proposed dwelling to the boundary however it is not considered that the loss of amenity is significant enough to warrant refusal. The height of this part of the development adjacent to the boundary ranges between 3.7 and 4.7 metres, the eaves height of this part of the building is 2.3 metres, and the roof slopes away from the boundary lessening the impact.

IMPACT ON ROAD SAFETY

4.4.15 Concern has been expressed regarding the issue of traffic and parking on Kirkwell and vehicle manoeuvring in relationship to the proposed dwelling however Highways Network Management has raised no objections to the proposed plans.

5.0 CONCLUSION

5.1 The proposed dwelling by virtue of its design, scale, and mass is considered to be detrimental to the open character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when viewed in context with the surrounding buildings resulting in overdevelopment of the site. The proposal would therefore be contrary to Policies GP1, H4a and GP10 of the City of York Council Development Control Local Plan, PPS1 - Delivering Sustainable Development, and PPS 3 - Housing.

5.2 The first floor window in the gable elevation facing 14 and 16 Copmanthorpe Lane would cause overlooking and a loss of privacy to the gardens of 14 and 16 Copmanthorpe Lane (which have a significant existing degree of privacy) resulting in a loss of residential amenity and would be contrary to Policy GP1 of the City of York Development Control Local Plan, PPS1 - Delivering Sustainable Development, and PPS 3 - Housing

5.3 The proposed dwelling by virtue of its scale, design, mass and bulk would be over bearing to the occupants of 10 and 12 Kirkwell, and would also result in a loss of outlook from these dwellings leading to a loss of residential amenity to the occupants of these dwellings amenity and therefore would be contrary to Policy GP1 of the City of York Development Control Local Plan, PPS1 - Delivering Sustainable Development, and PPS 3 - Housing. Refusal is recommended.

6.0 RECOMMENDATION: Delegated Authority to Refuse

1 The proposed dwelling by virtue of its design, scale, and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site, and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

2 The proposed dwelling by virtue of its design, scale, mass and bulk is considered to be overbearing to the occupants of 10 and 12 Kirkwell and would also cause a loss of outlook from these dwellings resulting in a loss of residential amenity and therefore is contrary to Policies GP1 and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

3 The proposed dwelling by virtue of the first floor window in the side elevation facing 14 and 16 Copmanthorpe Lane would result in overlooking and a loss of privacy to the rear gardens of these properties resulting in a loss of residential amenity and therefore is contrary to Policies GP1 and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

7.0 INFORMATIVES:

Contact details:

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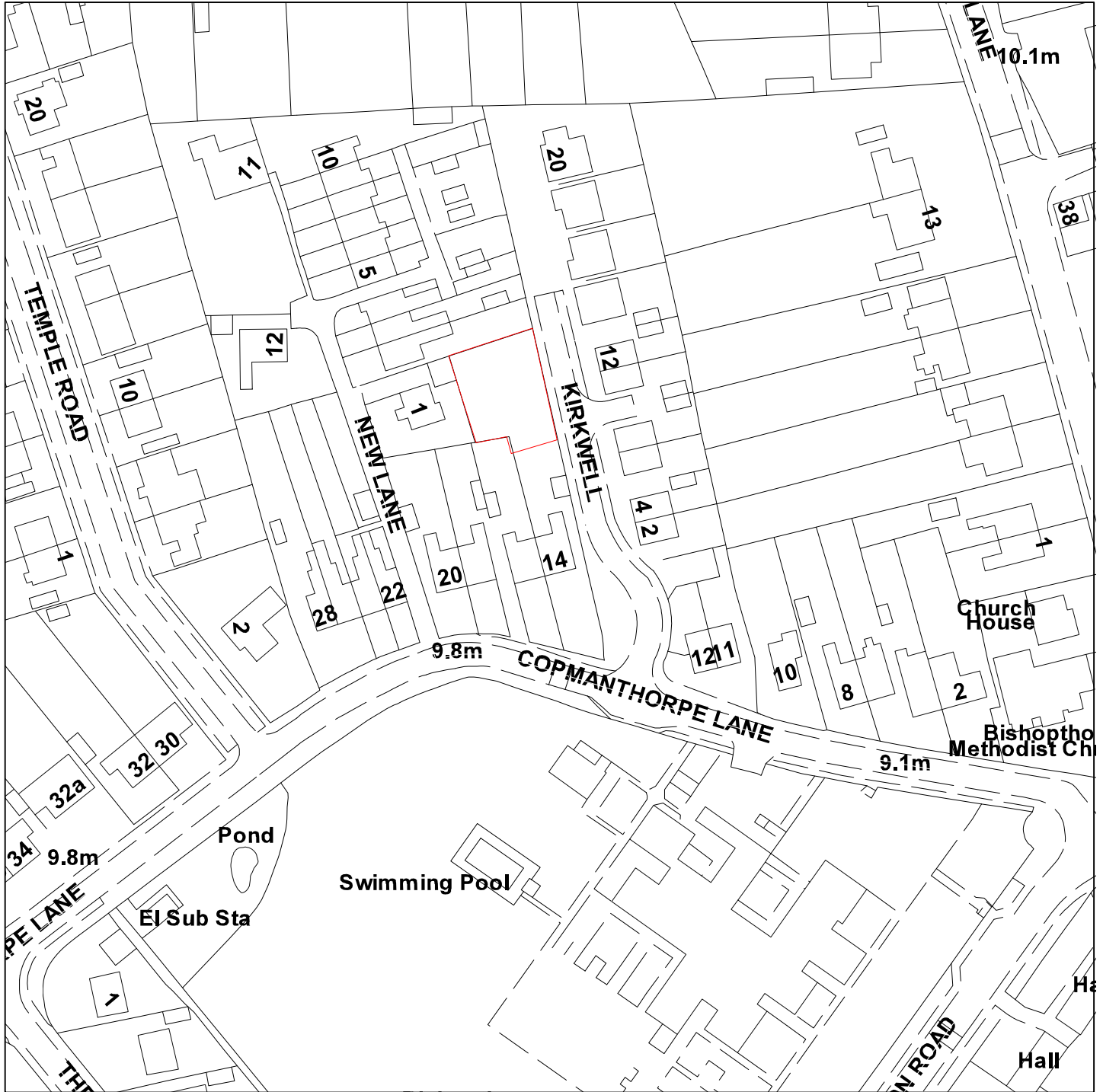
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14 Copmanthorpe Lane, Bishopthorpe

Ref: 07/02892/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	16 January 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 29 January 2007 **Parish:** Copmanthorpe Parish
Council

Reference: 07/02903/FUL
Application at: Faith Cottage 3 Low Green Copmanthorpe York YO23 3SD
For: Part two storey, part first floor, pitched roof side extension.
By: Mr & Mrs J Corner-Walker
Application Type: Full Application
Target Date: 6 February 2008

1.0 PROPOSAL

1.1 The application is for a one and two storey pitched roof side extension (resubmission).

1.2 The dwelling is set in the Copmanthorpe Conservation Area it is raised above the road level and is just off a small village green. 3 Low Green dates from the 1950s and is not considered to be of significant architectural merit.

1.3 The previous application was refused by the West and Centre sub planning committee on 2 October 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Copmanthorpe 0016

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Copmanthorpe Primary 0190

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYHE2

Development in historic locations

CYHE3

Conservation Areas

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 23/01/2008

Site Notice - Expires 29/01/2008

Press Advert - Expires 30/01/2008

Internal/External Consultations - Expires 23/01/2008

8 WEEK TARGET DATE 06/02/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

- Noted that the driveway is to be refurbished and would like standard highway condition 10 - Vehicular areas surfaced, details required applied

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

COPMANTHORPE PARISH COUNCIL - No objections

1 LETTER OF COMMENTS

- Concern over privacy and request that the side and rear window be obscure glazing

- Concern as to where the building materials and machinery will be stored and should not obstruct access to other property

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/02024/FUL - One and two storey pitched roof side extension (resubmission) - Refused

- It is considered that the proposed extension, by virtue of its form, massing and design, would be unsympathetic to the existing subservient character of the dwelling in relation to the attached property, that together form a distinctive grouping and character in this part of the conservation area. Thus the proposal would have an unduly harmful impact on the street scene, the dwelling, and the grouping of buildings and is considered to conflict with Policy E4 of the North Yorkshire Structure Plan (1995), Policies GP1, H7 and HE2 of the York Draft Local Plan (2005), national planning advice in Planning Policy Statement 1: "Delivering Sustainable Development" and Planning Policy Guidance Note 15: "Planning and the Historic Environment", City of York Council supplementary planning guidance: "Guide to

extensions and alterations to private dwelling houses" (2001), and the Copmanthorpe Village Design Statement (2003).

07/00020/FUL - One and two storey pitched roof side extension (re-submission) - Refused

- It is considered that the proposed extension, by virtue of its form, massing and design, would be unsympathetic to the existing subservient character of the dwelling in relation to the attached property, that together form a distinctive grouping and character in this part of the conservation area. Thus the proposal would have an unduly harmful impact on the street scene, the dwelling, and the grouping of buildings and is considered to conflict with Policy E4 of the North Yorkshire Structure Plan (1995), Policies GP1, H7 and HE2 of the York Draft Local Plan (2005), national planning advice in Planning Policy Statement 1: "Delivering Sustainable Development" and Planning Policy Guidance Note 15: " Planning and the Historic Environment", City of York Council supplementary planning guidance: "Guide to extensions and alterations to private dwelling houses" (2001), and the Copmanthorpe Village Design Statement (2003).

04/01962/FUL - One and two storey pitched roof side extension - Refused

- Due to its design, form and massing, the proposed extension would be unsympathetic to the existing subservient character of the applicant's property in relationship with the attached property and its existing gabled form, that create a distinctive grouping and character of this part of the conservation area.

4.2 ADDITIONAL PLANNING POLICY

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001
Copmanthorpe Village Design Statement, 2003
Planning Policy Guidance Note 15: " Planning and the Historic Environment"

4.3 KEY ISSUES

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

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Central Government advice in Planning Policy Statement 1 "Delivering Sustainable Development" emphasises the importance of good design and states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

4.4.2 Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG15) sets out the approach to dealing with proposals that affect Listed Buildings and Conservation Areas. PPG15 advises that new buildings intended to stand alongside Listed Buildings should be 'carefully designed to respect their setting,

follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials'. New buildings do not have to be detailed copies of their neighbours but should form a harmonious group with them. In making decisions on proposals in Conservation Areas, Planning Authorities have a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy E4 of the North Yorkshire County Structure Plan states that areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Development Control Local Plan are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

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

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

4.4.5 The City of York Council's supplementary planning guidance - Guide to extensions and alterations to private dwelling houses states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Where a street or group of buildings has a well-defined building line it should be retained. It is suggested that side extensions should be set back at least 0.5 metres from the front of the building. Generally roofs that reflect the pitch and style of the existing roof are encouraged. In order to reduce the visual impact of two storey extensions the ridgeline should be lower than the original house. Side extensions should be sympathetically designed to appear subservient to the main dwelling. Their appearance will be improved if the extension is set back at least 0.5 metres from the main building line and set down in height from the original building to provide a break in the street frontage.

4.4.6 Supplementary planning guidance - The Copmanthorpe Village Design Statement, 2003 states that Low Green provides a "green heart" to Copmanthorpe and has particular social and community value. This space is characterised by

mature trees and enclosed by character buildings. The guidance sets out design guidelines such as extensions should be set back from the plot boundaries, and extensions should be designed to complement existing buildings with the building line normally set back with the roof line normally lower than the main building, all developments should be carried out with great sensitivity, to respect its historic buildings and their settings.

VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.7 The reason for the previous three applications refusal was that the proposed extension were not considered to be subservient to the principal dwelling.

4.4.8 There is a gradation in built form, with 5 Low Green being the more dominant than 3 Low Green and it is considered that the pattern should be repeated in any two storey side extension. The plans submitted show the side extension set back only 0.35 metres at first floor level (the previous application was set back 0.2 metres) which is less than the 0.5 metres requested in the CYC supplementary planning guidance - Guide to extensions and alterations to private dwelling houses.

4.4.9 In the previous officer's report to committee it was stated that a two storey side extension would be acceptable in principle if it followed the gradated form of the group of buildings and would be subservient to 3 Low Green with at least a 0.5 metre set back from the main building and a set down in height from the main roof ridge. A slightly larger set back would have been preferred than submitted however the drop in height of the roof is similar to the drop in height between 3 and 5 Low Green and therefore it is considered that it is acceptable when viewed in the context of the streetscene. The slightly further set back, and the set down in the height of the proposed roof from the original does create a slight element of subservience and is a similar to the relationship between 3 and 5 Low Green.

IMPACT ON NEIGHBOURING PROPERTY

4.4.10 The proposed side extension would be built out to the side boundary with 1 Low Green and would have a first floor side window in this elevation that is considered to be unneighbourly as the distance between the dwellings is only 15 metres. However this window could be conditioned as obscure glazing if planning permission was granted. It is considered that the proposed side extension would not impact on the residential amenity of the occupants of the surrounding dwellings.

4.4.11 Highways Network Management have requested that if the planning application gains approval that a condition be placed on the planning permission regarding the resurfacing of the drive. As the driveway does not form part of this application it is considered that it would not be appropriate to have this condition on the decision notice.

5.0 CONCLUSION

5.1 The proposed two storey side extension by virtue of the set back from the building line and the set down in height follows the gradated form of this part of Low

Green and would not be unduly prominent in the streetscene. The proposed extension is not considered to impact significantly on the residential amenity of the occupants of the neighbouring dwellings. Approval is recommended.

6.0 RECOMMENDATION: Delegated Authority to Approve

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

Drawing Number BS1651-02 Revision F received 12 December 2007;

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

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

2 TIME2 Development start within three years

3 VISQ1 Matching materials

4 Notwithstanding the submitted plans the first floor window in the side elevation facing no. 1 Low Green and the first floor window in the rear elevation of the proposed side extension shall be glazed with obscured glass and shall be maintained with obscured glass thereafter.

Reason: to protect the privacy of the neighbour.

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

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

7.0 INFORMATIVES:
Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference 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); national planning guidance contained in Planning Policy Statement 1 "Delivering

Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

2. Party Wall Informative

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.

3. Environmental Health Informatives

(a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: 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".

(b) 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.

(c) 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.

(d) 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.

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

Contact details:

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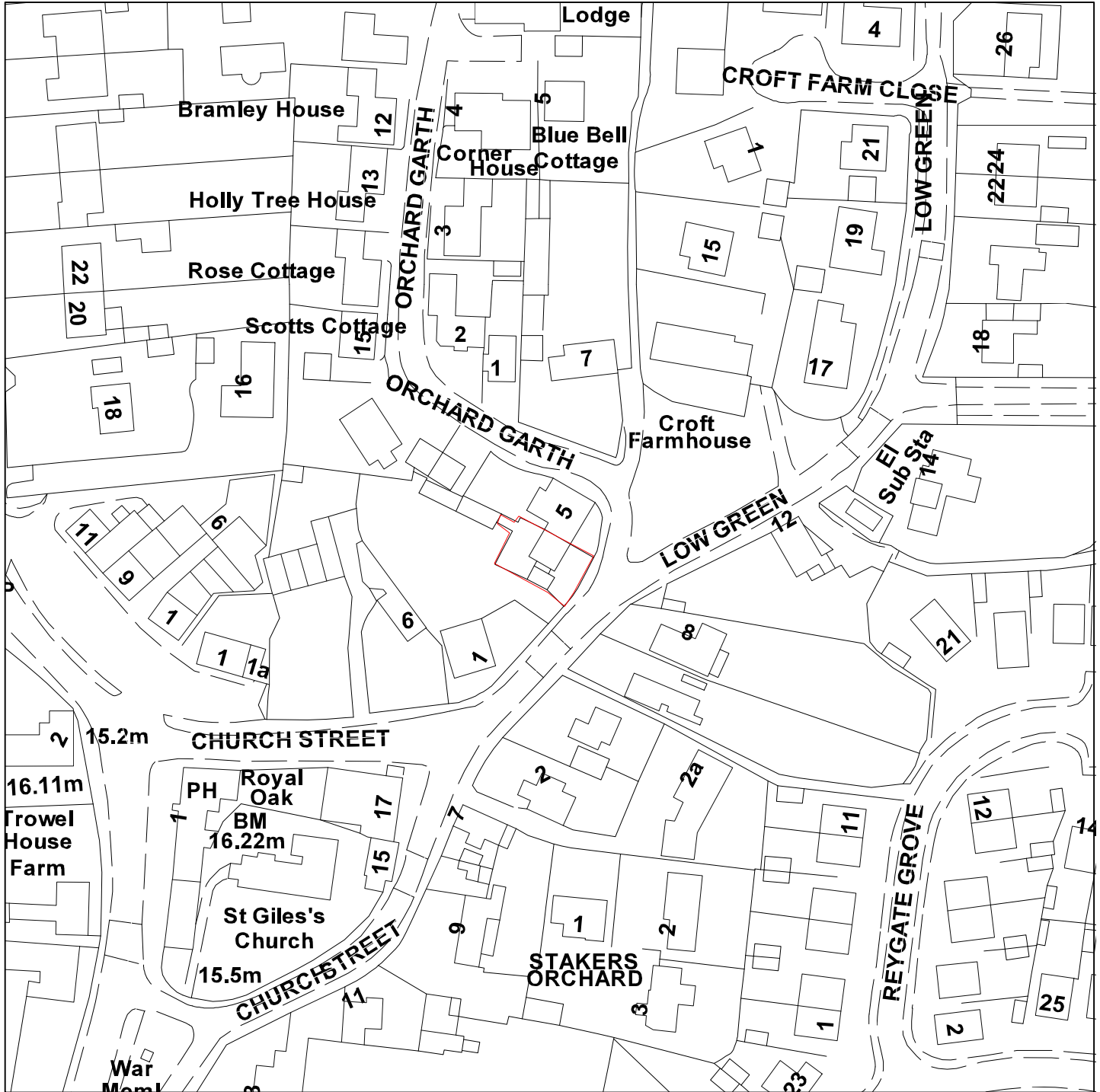
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Faith Cottage, 3 Low Green, Copmanthorpe

Ref: 07/02903/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	16 January 2008
SLA Number	Not set

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