



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:** Thursday, 20 March 2008
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 19th March 2008 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 - 26)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 14th February 2008 and 26th February 2008.

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) 34 St Mary's, York, YO30 7DD (07/02969/FUL) (Pages 27 - 44)

Erection of 2no. semi-detached 4 storey dwellings with associated garages, in connection with (06/01704/CAC) [*Guildhall Ward*]

b) Playground, Chapelfields Road, York (07/02966/FUL) (Pages 45 - 58)

Erection of 9 no. two storey dwellings with associated parking and access (Resubmission) [*Westfield Ward*]

c) Tesco, Tadcaster Road, Dringhouses, York, YO24 1LW (08/00173/FUL) (Pages 59 - 68)

Erection of 2no. 10.6m high wind turbines [*Dringhouses and Woodthorpe 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.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 19 March 2008**

The bus for Members of the Sub Committee will depart Memorial gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.10	Tesco Store, Tadcaster Road	c
11.30	Playground rear of 73 –87 Chapelfields Road	b
12.00	34 St Mary's	a

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- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	14 FEBRUARY 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, HORTON, REID, SUNDERLAND AND WALLER

79. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Poppleton Gate House, Millgates, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Horton, Reid, Sunderland and Waller	As objections have been received and the application is recommended for approval.
Land to the Rear of 6 to 10 Dane Avenue, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Horton, Reid and Waller	As comments have been received and the application is recommended for approval.
28 Severus Avenue, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Horton, Reid, Sunderland and Waller	As objections have been received and the application is recommended for approval.
63 Hobgate, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Gunnell, Reid, Sunderland and Waller	As objections have been received and the application is recommended for approval.
The Bonding Warehouse, Skeldergate, York	Councillors B Watson, Sue Galloway, Galvin, Gillies, Gunnell, Horton, Sunderland and Waller	As objections have been received and the applications are recommended for approval.

80. DECLARATIONS OF INTEREST

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

Councillor Gillies declared a personal prejudicial interest in agenda item 4b (63 Hobgate) as the owner of the property was known to him. He left the room and took no part on the discussion or decision on the item.

Councillor Horton declared a personal prejudicial interest in agenda item 4b (63 Hobgate) as the registered speaker was one of his neighbours. He left the room and took no part on the discussion or decision on the item.

Councillor Horton also withdrew from the room for agenda item 4d (Land to Rear of 6-10 Dane Avenue), under the provisions of the Planning Code of Good Practice, as he had participated at Shadow Executive meetings relating to the sale of the land. He took no part on the discussion or decision on the item.

Councillor Sunderland withdrew from the room for agenda item 4d (Land to Rear of 6-10 Dane Avenue), under the provisions of the Planning Code of Good Practice, as she had participated at Executive meetings relating to the sale of the land. She took no part on the discussion or decision on the item.

Councillor Reid declared a personal prejudicial interest in agenda items 4e (The Bonding Warehouse – Full Application) & 4f (The Bonding Warehouse – Listed Building Consent) as her father in law lived in City Mills, adjacent to the building. She left the room and took no part on the discussion or decision on the item.

Councillor Waller declared a personal non-prejudicial interest in agenda items 4e (The Bonding Warehouse – Full Application) & 4f (The Bonding Warehouse – Listed Building Consent) as a member of the Regional Flood Defence Committee.

81. MINUTES

RESOLVED: That the minutes of the Sub-Committee meetings held on 17 January 2008 and 29 January 2008 be approved and signed by the Chair as a correct record, with an amendment to minute 67 (Inspection of Sites) of the former to indicate that the site visit for Somerfield Store, 6 Beagle Ridge Drive had been requested by Councillor Waller, not Councillor Hudson.

82. PUBLIC PARTICIPATION

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

83. 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.

83a 28 Severus Avenue (07/02511/FUL)

Members considered a full application, submitted by V V Partnership, for the erection of 2no. two storey dwellings after demolition of an existing dwelling (resubmission).

The case officer drew Members' attention to the amended plan that had been submitted, which indicated that the buildings had been moved back on the site to provide adequate levels of off-street parking.

Representations were received from a neighbouring resident, in support of the planning conditions recommended by officers.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with Policies H3c, H4a, H5a, T4 and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development " and Planning Policy Statement 3" Housing.

Action Required

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

83b 63 Hobgate (07/02852/OUT)

Members considered an outline application, submitted by Mr P Tinker, for the erection of a two storey detached dwelling adjacent to 63 Hobgate.

The case officer outlined the history of planning approvals on the site.

Representations were received in support of the application, from the applicant's agent.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policies GP1, GP4a, H4a and L1c of the City of York Development Control Draft Local Plan.

Action Required

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

83c 68 Main Street Askham Bryan (07/02893/FUL)

It was reported that a full application, submitted by Mr R Urwin, for the variation of Condition 12 of permission 07/00663/FUL dated 23.05.2007 to allow the removal of two trees (resubmission) had been withdrawn by the applicant.

83d Land to rear of 6-10 Dane Avenue (07/02738/FUL)

Members considered a full application, submitted by Yorkshire Housing, for the erection of 5 two storey dwellings.

Members requested the addition of an informative requesting the provision of some renewable energy on the site.

RESOLVED: That the application be approved, subject to the conditions listed in the report and with the following additional informative:

(i) Informative

The Sub Committee are keen for the applicant to explore the use of renewable energy in this development. The minimum standard in this regard contained within the "Interim Planning Statement: Sustainable Design and Construction" is as follows:

The applicant must demonstrate that a % of the expected energy demand for the development will be provided for through on site renewable generation for heat and/or electricity. For developments of 5 dwelling units and above, 10% of energy will be expected to be produced on site. In addition parts of the development should be identified that could accommodate

renewable energy installations in the future, for example the number/area of south facing roofs.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual/residential amenity, affordable housing provision and highway issues. As such the proposal complies with Policies GP1, GP10, GP4a, H2a, H4a and L1c of the City of York Development Control Draft Local Plan.

Action Required

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

83e The Bonding Warehouse - Full Application (07/02519/FUL)

Members considered a full application, submitted by Mr W Legard, for the use of the upper floors as 9 residential units and the ground floor as an office (B1 use), including a new mansard roof to the southern building, the erection of a stair and lift access tower in the courtyard and a bridge link to Skeldergate.

A copy of the case officer's update was circulated to Members (attached as Appendix 1 to these minutes). It summarised a third party letter and a letter from English Heritage which had been received since the publication of the report, and recommended revised wording for condition 13 and the addition of further conditions 19-26.

Representations were received in support of the application, from the applicant's agent.

Members requested retention of the name "The Bonding Warehouse" and provision of appropriate signage. They also requested a visit to the site when the development had been completed.

A minor amendment to the wording of condition 19 was proposed, so that the bridge had to be fully retracted except when necessary.

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

- (i) Amended Condition 13

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 relevant part of the development and the works shall be carried out in accordance with the approved details.

- i/ Glazed link
- ii/ Retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall
- iii/ New gate (to be of an open steel type to match the existing railings)
- iv/ New dormer windows
- v/ Rooflights (to be conservation type sub-divided by two glazing bars)
- vi/ All new windows

Reason: Because of the special interest of the listed building and the character and appearance of the conservation area in accordance with policy HE2 and HE4 of the Local Plan.

(ii) Additional Condition 19

Prior to the commencement of the development hereby permitted full details shall be submitted to and approved in writing by the Local Planning Authority of the design, construction and method of operation of the emergency footbridge serving the site.

The bridge shall be fully retracted except when necessary.

Reason: In the interests of highway safety and the character and appearance of the conservation area and nearby listed buildings.

Informative: The details shall in all respects comply with the City of York Council Document "Technical Approval Procedures for Developers Structures".

(iii) Additional Condition 20

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

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

(iv) Additional Condition 21

The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not

come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

(v) Additional Condition 22

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.

(vi) Additional Condition 23

No gate, door or window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

(vii) Additional Condition 24

Prior to the commencement of the development details of separate cycle parking areas and refuse storage areas for the office and residential elements of the development shall be submitted to and approved in writing by the local planning authority. The building shall not be occupied for each use until the approved cycle parking and refuse area has been provided for each use and the approved areas shall not be used for any purpose other than the parking of cycles or the storage of refuse as approved.

Reason: To promote the use of cycles thereby reducing congestion in the interests of residential amenity and environmental quality.

(viii) Additional Condition 25

The nine car parking spaces shall be provided for the sole use of the residents of the flats (and their visitors) and no parking spaces shall be used by the occupiers or visitors to the offices.

Reason: In order to contribute towards the reduction of commuter parking and traffic in the interests of residential amenity and environmental quality.

(ix) Additional Condition 26

No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building, the character and appearance of the conservation area, the living conditions of nearby residents, flood risk, protected species, highway safety and the provision of leisure, open space and education facilities. As such the proposal complies with Policies GP1, GP15a, HE2, HE4, HE10, HE11, T4, H1, E7, ED4, L1c and NE6 of the City of York Local Plan Deposit Draft and the guidance contained in Planning Policy Guidance 15 (Planning and the Historic Environment) and Planning Policy Statement 25 (Development and Flood Risk).

Action Required

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

83f The Bonding Warehouse (LBC) (07/02520/LBC)

Members considered an application for listed building consent, submitted by Mr W Legard, for internal and external alterations including new windows, a new mansard roof to the southern building, the erection of a stair and lift access tower in the courtyard and a bridge link to Skeldergate in connection with conversion of the building to residential and office use.

A copy of the case officer's update was circulated to Members (attached as Appendix 1 to these minutes). It recommended revised wording for condition 4 and the addition of a further condition 6.

Representations were received in support of the application, from the applicant's agent.

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

(i) Amended Condition 4

Details of all new equipment, service runs, vents and cabling shall be submitted to and approved in writing by the local planning authority prior to their installation.

Reason: In order to retain the special interest of the listed building.

(ii) Additional Condition 6

Details of internal finishes and fittings and external doors including "taking in" doors and flood gates shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the development and shall be implemented in accordance with the approved details.

Reason: In order to protect the special interest of the listed building.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Local Plan Deposit Draft and the guidance contained in PPG15 "Planning and the Historic Environment".

Action Required

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

83g Poppleton Gate House (07/02720/FULM)

Members considered a major full application, submitted by York Housing Association, for the erection of a two and three storey development comprising 14 flats and 5 houses.

A copy of the case officer's update was circulated to Members (attached as Appendix 2 to these minutes). It summarised four additional letters of objection which had been received since the publication of the report, presented a further email from Councillor Simpson-Laing and recommended revised wording for condition 9. Officers also outlined details of the landscaping proposals.

Representations were received in objection to the application, from a neighbouring resident, and in support of the application, from the applicant's agent. Representations were also received relating to the protection of woodland and on behalf of the Acomb Planning Panel, in objection to the application.

Some Members expressed concerns regarding the scale and massing of the proposed building and that it would be out of character with the area. They also expressed the view that the level of on-site parking was inadequate, given the lack of on-street parking on nearby narrow roads. Councillor Horton moved, and Councillor Waller seconded, a motion to refuse the application on these grounds. On being put to the vote, this motion was declared lost. Councillor Sunderland requested that her abstention in the vote on this motion be recorded.

Members expressed concern regarding the loss of highway verge for hard surface footpath and requested that this requirement be removed from the proposal by deleting condition 9. They also requested the addition of conditions requiring the reuse of materials, where possible, and removing permitted development rights for fencing off the open space.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with the deletion of condition 9 and the following additional conditions:

(i) Additional condition

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Class A of Schedule Part 2 of that Order (gates, fences, walls or other means of enclosure) except where shown on the approved drawings shall not be carried out without the prior written permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: In the interests of visual amenity on this open space land and in the interests of allowing public access to the land as proposed in the planning application.

(ii) Additional condition

Prior to the commencement of development a statement demonstrating how materials from the existing building are to be re-used shall be submitted to and approved in writing by the local planning authority.

Thereafter the development shall proceed only in accordance with those details.

Reason: In the interests of the sustainable development of the site as required by policy GP4a of the local plan.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area, residential amenity, highway implications, loss of allocated open space or impact upon protected species. As such the proposal complies with Policies GP1, GP4a, H2a, H3c, H4, NE1 and NE6 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 timescales. JB

B WATSON, Chair

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

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Appendix 1

Sub Committee Update
Bonding Warehouse site, Skeldergate**Third party letter**

1 no. letter withdrawing objections subject to conditions regarding the operation and testing of the bridge.

English Heritage letter

Support the concept for the bridge subject to detailed design, materials and colour being acceptable.

The fixed element of the bridge will also need to be subject to careful detailing but the drawings provided suggest an acceptable style.

Amended Condition 13 ii (Planning Application)

ii/ Retractable bridge and walkway to Skeldergate including alteration and gate to Skeldergate Bridge wall

Additional Conditions (Planning Application)

19 Prior to the commencement of the development hereby permitted full details shall be submitted to and approved in writing by the Local Planning Authority of the design, construction and method of operation of the emergency footbridge serving the site.

The bridge shall be fully retracted except when required by a flooding event.

Reason: In the interests of highway safety and the character and appearance of the conservation area and nearby listed buildings.

Informative: The details shall in all respects comply with the City of York Council Document "Technical Approval Procedures for Developers Structures".

20 Std HWAY 10 – Vehicular areas surfaced details required

21 Std HWAY 14 – Access to be approved, details required (to include reuse of existing sets)

22 Std HWAY 19 – Car parking laid out as approved

23 Std HWAY 29 – No gate etc to open into highway

24 Prior to the commencement of the development details of separate cycle parking areas and refuse storage areas for the office and residential elements of the development shall be submitted to and approved in writing by the local planning authority. The building shall not be occupied for each use until the approved cycle parking and refuse area has been provided for each use and the approved areas shall not be used for any purpose other than the parking of cycles or the storage of refuse as approved.

Reason: To promote the use of cycles thereby reducing congestion in the interests of residential amenity and environmental quality.

25 The nine car parking spaces shall be provided for the sole use of the residents of the flats (and their visitors) and no parking spaces shall be used by the occupiers or visitors to the offices.

Reason: In order to contribute towards the reduction of commuter parking and traffic in the interests of residential amenity and environmental quality.

26 Std ARCH 1 – Archaeological programme required (to cover the excavation for the stair tower)

Amended Condition 4 (Listed Building Consent)

Add “cabling”

Additional Conditions (Listed Building Consent)

6 Details of internal finishes and fittings and external doors including “taking in” doors and flood gates shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the development and shall be implemented in accordance with the approved details.

Reason: In order to protect the special interest of the listed building.

Sub Committee Update
Poppleton Gatehouse, Millgates

Appendix 2

Four additional letters of objection

- Amendments do not resolve objections (with the exception of the provision of the footpath)
- The outer shell of the existing building should be retained and thermally upgraded
- Insufficient visitor parking is to be provided, overspill parking on the street would not be acceptable. If adequate parking cannot be provided on site this is an indication of over development of the site.
- The play area would not be widely accessible, the developer should make appropriate contributions towards more centrally located facilities
- Loss of the building will harm the character and appearance of the neighbourhood. The building has been allowed to deteriorate by the owners
- Increase in the number of residents on the site will alter the nature of the Millgates community
- Provision of the new footway would remove shrubs and bring pedestrians close to kitchen, bathroom and bedroom windows.
- Provision of a play area for the general public would introduce further disruption.
- The preparation of a “Local List” was agreed in 2005, Poppleton Gatehouse was included in the draft list and should by now have had recognition for its local value, history and architecture and a possible refusal to permit demolition
- There is sufficient room to allow retention and further new building

Further e-mail from Cllr Simpson-Laing (attached)

Amended condition 9

The wording “A 2m wide footway to be provided within the highway verge” to be replaced by the wording “The hardsurfacing of the highway verge as a footway....”

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-----Original Message-----

From: Cllr. T. Simpson-Laing
Sent: 11 February 2008 10:12
To: Fairy, Heather; Arnold, Gareth
Subject: Poppleton Gate House
Importance: High

Heather,

I would like to add further comment to my previous comments now that the agenda has been published.

Unfortunately with only having a weeks notice and the meeting being held during the School holidays I had already made plans and have no available childcare to enable me to attend the meeting. With that in mind I would be grateful if you could ensure that the members of the committee receive a copy of this e-mail, and residents who are attending the meeting, as I may not have time to ensure that all see these further comments.

Many Thanks

Comments of Agenda Item 4g

Having view drawing 'Site Layout 16th Jan 2008' I have concern over the footpath. Residents have asked that the footpath is extended to the end of the road/boundary to slip road for properties No. 39 and 41. The concern is that whilst the agenda states that the exit to the car park has not changed (Para 4.10) it leaves pedestrians vulnerable to vehicles coming out of the site at speed. The resident of No.16 has also commented how close to the property the footpath is planned. This area was originally the Coach House to the house and was converted to residential use sometime ago. Since that time the verge areas has been cultivated and services related to the house have been added, including on the houses wall an exhaust for the heating system. The closeness of this to a footpath would be a potential danger to anyone using the footpath. With this in mind I feel that the footpath may need extending width ways outwards into the carriageway. This is turn may prove problematic with regard to the road width as I notice that a 2m footpath is recommended.

There is also a particular concern over the number of parking bays. Whilst the number of parking bays is an increase on that previously provided, past history shows that this was not enough. Vehicles were often parked on the grass or around the back of the property where there was a rear access. A concern is that vehicles will end up being parked on Millgates and that this will cause obstruction.

Whilst I note from the agenda that the issues of bats has been looked into, I see no mention has been made to see if Barn Owls are present in the trees, especially those that have been marked for felling. I would ask that if the application is passed that a condition is it added to reflect their possible presence. I understand that this is a requirement under 'Schedule 1 Birds and their nests' protected by the 'Wildlife & Countryside Act 1981'. An additional to Condition 13 may be appropriate

Conditions

I see nowhere in the conditions about reuse of materials on site. Considering recent Green Paper advice from the Government it is quiet worrying that there is no mention of reuse of materials for hardcore, etc, but rather the indication that demolition material will be taken away. Added to this there are no times of working in Condition 10 and no indication of weight/size restriction of vehicles accessing that site due to the road width at the 'corner' - I understand that even CYC refuge vehicles have problems currently. I would ask that this is further investigates and that

times of working are agreed to ensure that residents area aware from the onset of when work should be undertaken on the site. Could I also ask that the drive way to No's 39 and 41 is not used by any construction vehicle for turning purposes or the frontage of 37.

Cllr Tracey Simpson-Laing
Acomb Ward Councillor

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	26 FEBRUARY 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, HORTON, REID, SUNDERLAND AND WALLER
APOLOGIES	COUNCILLORS

84. INSPECTION OF SITES

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
86 Gillygate	Councillors B Watson and Gillies	As objections had been received and the application had been recommended for approval.

85. DECLARATIONS OF INTEREST

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

86. 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.

87. 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.

87a 86 Gillygate, York YO31 7EQ (08/00022/FUL)

Members considered a full application, submitted by Mr D Beeson, for the conversion and extension of existing rear outbuildings to create one single storey pitched roof dwelling.

Officers updated the Sub-Committee on the following points:

- The Environmental Protection Unit (EPU) had no objections to this application. In view of information received indicating that the site may have been a slaughterhouse a search was carried out by EPU who could find no evidence that 86 Gillygate had been used as a slaughterhouse. In view of the possibility that there had been a slaughterhouse on the site a watching brief in the form of an Informative was suggested. This is shown in the resolution below.
- There was an amendment to the report and PPG3 had now been replaced by PPS3 'Housing'. This continued the thrust of national planning policy to re-use sustainable brownfield sites. National housing objectives are to deliver high quality housing, both affordable and market, and to widen opportunities of home ownership; to improve affordability by increasing the supply of housing, and to create sustainable, inclusive mixed communities.
- Condition 8 iv) to be amended to add 'with timber gate' to the end of the condition.
- Further Informatives regarding noise control, operating hours, working standards, plant machinery, control of pollution, emissions and bonfires are to be added and these are detailed in the resolution below.

Members asked if there had been any comments from the Guildhall Planning Panel and were informed that no responses had been received.

Representations were received, in objection, from a local resident who said that she had received information from a former owner of 86 Gillygate that the premises had once been a slaughterhouse. She stated that any ground disturbance might result in contamination of a wider area. She believed that this was an issue for the Public Health Authority and not the Environmental Protection unit. She also raised various concerns regarding the proposed development's proximity to Moatside Court which was a sheltered housing complex.

Members discussed the application and raised the following points:

- The proposed development was on the same footprint as the present buildings
- Local residents would not see any change in relation to overlooking the proposed development
- Access at the back of the proposed development should be kept clear by contractors at all times
- The application was not beneficial to the area and was inappropriate considering its proximity to a sheltered accommodation complex
- The fact that the building had been vacant for many years
- The fact that the building could lawfully be used ancillary to the retail premises without seeking further planning permission
- The fact that the Council would have no control in relation to who bought or let the premises if the proposed development were approved
- There were other similar developments in the area

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

Amended Condition 8

iv) Design of the replacement sliding timber gate

INFORMATIVES

Remediation of contaminated land

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.

Demolition and Construction

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 5228:1: 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.

REASON:

That the proposal, subject to the conditions outlined in the report and the above conditions and Informatives, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- The surrounding land uses
- The visual amenity and character of the adjacent listed building/the conservation area/ the host buildings
- The residential amenity of the neighbours
- Highway safety
- Open space provision
- Archaeology

As such the proposal complies with Policies GP1, H4, HE2, HE3, HE4, HE11, GP10, T4 and L1c1 of the City of York Development Control Local Plan Incorporating the Proposed 4th Set of Changes (2005); and national planning guidance contained in Planning Policy Statement 1 'Delivering Sustainable Development', 'Planning Policy Statement 3 'Housing' and Planning Policy Guidance Note No.15 'Planning and the Historic Environment.'

Action Required

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

B WATSON, Chair

[The meeting started at 12.05 pm and finished at 12.30 pm].

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 20 March 2008 **Parish:** Guildhall Planning Panel

Reference: 07/02969/FUL
Application at: 34 St Marys York YO30 7DD
For: Erection of 2no. semi-detached 4 storey dwellings with associated garages, in connection with (06/01704/CAC)
By: Westwood Homes (Yorkshire) Ltd
Application Type: Full Application
Target Date: 14 February 2008

1.0 PROPOSALApplication site

1.1 The street St Mary's lies within the Central Historic Core Conservation Area and contains several listed buildings: Nos. 1-9 (consecutive), Nos. 35 (adjacent to the application site), 36 and 37. The street is linear and lined by a formal terrace of houses on its southeast side; whilst the northwest side includes detached and semi-detached "pavilions" or "villas" and short terraces with gaps of varying size between them. The front and rear elevations of buildings generally follow a similar building line, apart from at the application site where the existing house is set further back from the street. There are changes in ground level both along the street as it slopes down towards Marygate car park, and also going back from the street on the northwest side.

1.2 When St Mary's was laid out, the application site at 34 St Mary's remained undeveloped, it accommodated a tennis court until the 1930's when the existing two-storey house and a garage were built, in a suburban style of its time. The sites has a monkey puzzle tree in the front garden and a large garden to the rear, with a lawn and several mature trees. The house is currently unoccupied.

Proposed development

1.3 This application proposes a semi-detached pair of 5-bedroom dwellings. These would be over four storeys, with the lower floor at basement level. Driveways are proposed at the side of each house and setback detached garages. The building would be of comparable height to its neighbours, Nos.32 and 35 St Mary's.

Site history

1.4 Unsuccessful applications were made to build apartments on the site in 2003 (11 units, 5 storey), 2004 (9 units 4 storey), and 2005 (11 units 5 storey), the latter two being dismissed at appeal. The schemes were not supported as it was considered they would be harmful to the character and appearance of the conservation area and adjoining listed buildings, and residential amenity.

1.5 In 2006 planning permission was granted for 7 apartments as was the companion application for conservation area consent to demolish the house and garage present on the site.

1.6 The application is reported to Sub Committee because of the previous Sub Committee decisions on the site. A site visit will take place because local objections have been received and the recommendation is to approve.

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

2.2 Policies:

CYNE7	Habitat protection and creation
CYGP1	Design
CYGP4A	Sustainability
CYGP10	Subdivision of gardens and infill development
CYGP9	Landscaping
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE11	Trees and landscape
CYH3C	Mix of Dwellings on Housing Site
CYH4A	Housing Windfalls
CYH5A	Residential Density
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

Design and Conservation

3.1 Advise that St Mary's is characterized by mid Victorian buildings, set back behind railings, lining a gently sloping street. The northwest side of the street is formed by a series of detached and semi-detached houses of similar design which allow views through to the mature gardens beyond. The exception in the street is no 34 St Mary's which is a modest early C20th house. It is set back from the road and has a mature monkey-puzzle tree in the front garden which adds incident and amenity to the street.

3.2 It has been a principle of any redevelopment to respect the tree (which has a TPO). The recently approved scheme for apartments (06/01703/FUL) was set back

from the building line and protrudes into the garden behind. The set-back (from the street) would help mitigate differences in the elevations caused by narrower plot width, different storey heights, and new brickwork.

3.3 The current scheme for two houses is similar in massing, height and general architectural approach to the approved scheme. It refers to the existing architecture in the street though the building has more vertical emphasis. The footprint has shifted slightly to the north to allow for two separate driveways. The building would step further into the garden than those either side; however rear elevations are not in a continuous line and they have relatively long gardens. As this occurs within the private side of the block it is considered that the character and appearance of the conservation area would be unharmed.

3.4 Overall the proposals represent a less intense development on site than in the previously approved scheme. The garden will be retained and similarly views through to Bootham Terrace. The scheme would not appear to be harmful to the character and appearance of the conservation area.

Landscape Architect

3.5 Officers comments focus upon the proposed lightwell to the front of the building and the impact construction works may have on the Monkey Puzzle tree. Details of excavations underneath the pavement to the front of the house, required to install the retaining wall and associated drainage are required before full comment can be made regarding the impact on the Monkey Puzzle tree. It is also recommended that any approval is subject to the condition that before development commences tree protection measures are approved by the Local Planning Authority.

Countryside Officer

3.6 Because of the potential for bats in the area equivalent roost opportunities are asked to be incorporated into the new buildings. The area is also known to hold other declining species, notably swifts, although there is no evidence that they have used the host building. The form of the new buildings suggest that they would be suitable for facilities for such with minimal effect. It is asked that consideration be given to incorporating suitable features into the roof design.

Lifelong Learning and Culture

3.7 Ask for a contribution toward open space, play space and sports pitches. This would go toward local sites such as the bank of the River Ouse, Museum Gardens, Clarence Gardens and facilities within the North Zone of the Sport and Active Leisure Strategy.

Highway Network Management

3.8 No objection. However the development would introduce a further dwelling into the area, where on street parking is controlled by a res-park scheme. The new access would lead to the loss of two parking bays although by preventing both houses being granted permits, the development would not lead to an unacceptable

loss of on street car parking. The applicants agree to fund the alterations to the re-park zone.

Environmental Protection Unit

3.9 To protect against noise from the railway it is recommend the building be appropriately insulated (sound attenuation of 28dB is recommended). Report there is no historic use of the site, which indicates the ground, may be contaminated. However if any suspect materials are detected then the Council should be informed.

York Consultancy – Drainage

3.10 No objection. Advise that details of the drainage layout is required, before development commences on site and that in accordance with the Flood Risk Assessment, surface water drainage needs to be attenuated/restricted so it is as per the existing discharge rate.

External

Planning Panel

3.11 No response to date.

Conservation Areas Advisory Panel

3.12 The panel had no objection to this scheme, although the loss of the garden space was regretted and therefore request that PD rights be removed if the application is successful.

Environment Agency

3.13 No objection. If permission is granted the development should adhere to the flood risk assessment and before development commences, a scheme for surface water run-off limitation should be approved by the Local Planning Authority (LPA).

Yorkshire Water

3.14 No objection. Ask that if permission is granted, it be subject to conditions that the site shall have separate systems for drainage of foul and surface water, details of which should be approved by the LPA. And there shall be no piped discharge of surface water from the development prior to completion of the approved drainage works.

Network Rail

3.15 Advise that no surface or foul water arising from the development should be diverted toward the railway, otherwise Network Rail are concerned with any works which may occur adjacent the boundary, such as works that may affect their infrastructure and development/vegetation should not encroach upon their land. The concerns raised by Network Rail can be forwarded as an informative so the developers are aware of such.

Publicity

3.16 The application was publicised by site notice (the first notice was removed, the second placed on 12.2.08), press notice and letters of neighbour notification (with all those who commented on the 2007 application been advised of this application). The deadline for comments, according to the second site notice is 5.3.08. To date 5 letters have been received. They make the following comments:

Procedural

- A lack of consultation has occurred.
- Should a fresh application for conservation consent be required for this application?

Design/visual impact

- This scheme, like the one previously approved, would not be architecturally, economically or environmentally viable. The previous application which was approved has set a weak precedent to allow schemes on this site.
- This scheme is a diluted version of the one previously approved and does not satisfy the relevant planning policy or fit with the context of the area. The proposed building is a confused pastiche; it is too narrow and tall and thus appears out of context with its neighbours.
- The Monkey Puzzle tree should be felled so development of the site can adhere to the established building line. As proposed the development intrudes beyond the rear building line and would have a detrimental effect on the appearance of the conservation area. The rear building line of this side of the street should be respected. This view has been supported at appeal previously.
- Harm to character and appearance of the street.
- The existing building contributes to the openness, character and appearance of the area.
- Overdevelopment of the site.
- The garages are suburban in character and obtrusive. It is also likely there will be pressure to extend them in future.
- The building would harm the amenity of the occupants of no.35 St Mary's.

Also

- Development would be unsustainable; it does not address issues of use, density, drainage and trees.
- The development would exacerbate parking and traffic problems in the area.
- Noise would harm residential amenity.
- There is already an oversupply of flats in the city.
- Increased flood risk.

4.0 APPRAISAL

4.1 Key issues

- Principle of development

- Type of dwellings
- Design and impact on the conservation area and nearby listed buildings
- Landscaping and impact on trees
- Residential amenity
- Sustainability
- Highway safety and car parking
- Contributions toward education and open space
- Flood risk and drainage
- Bats and other wildlife

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.2 National policy in PPS3: Housing advises that Government's policy is to ensure that housing is developed in suitable locations ... by making effective use of land. Previously developed land (the site constitutes previously developed land according to PPS3) is given as one of the priority sites where development should occur.

4.3 Local Plan policy H4a states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features (The design and visual impact is discussed in 4.12 onwards).

4.4 Increasing the amount of houses at the site is in principle consistent with policies PPS3 and H4a. The site is located close to the city centre and thus meets the criteria where H4a seeks to locate additional residential development.

4.5 The site is in a conservation area and consent is required for demolition of the building. An extant conservation area consent (dated April 2007) for demolition of the existing house exists. However a condition of the consent is that the house may not be demolished until a replacement scheme has planning permission and the Local Planning Authority has been informed of the time at which the replacement development will commence.

4.6 The consent is not tied to the previous approval for redevelopment. As such another application for conservation area consent to demolish the existing house is not necessary until the extant consent expires in April 2010.

TYPE OF DWELLINGS

4.7 Policy H3c of the Local Plan: Mix of dwellings on housing sites states that a mix of new house types, sizes and tenures will be required on all new residential development. The mix should meet local housing needs and be appropriate to the location of the development.

4.8 The Council's latest housing market assessment (SHMA) informs that 60% of households require houses opposed to flats, demand is highest for 2 and 3-bed units.

4.9 The houses proposed, although larger than those in most demand, would be preferable to the scheme approved in 2007 (for 1 and 2 bed flats, 4x1-bed, 3x2-bed) in terms of delivering the housing identified as being required in the SHMA.

4.10 Policy H5a of the Local Plan: Density states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends that development should achieve a density of 40 dwellings per hectare in urban areas.

4.11 Two 5-bed units are proposed. The low density proposed is contrary to policy H5a of the Local Plan. However the policy requires firstly that development be in context. The scheme allows substantial sized rear gardens, appropriate to the site and this part of the conservation area. The development is considered to be acceptable as it is appropriate in its context and increases the existing density.

DESIGN AND IMPACT ON THE CONSERVATION AREA AND NEARBY LISTED BUILDINGS

4.12 Policy HE2: Development in historic locations requires proposals in Conservation Areas to respect adjacent buildings, spaces, landmarks and settings, and have regard to local scale, proportion, detail and materials.

4.13 Policy HE3: Conservation areas advises that within Conservation Areas, demolition of a building (whether listed or not) or external alterations will only be permitted where there is no adverse effect on the character and appearance of the area. This re-iterates Government policy contained in PPG15: Planning and the Historic Environment that advises developments must preserve or enhance conservation areas.

4.14 Policy GP1: Design states that development proposals will be expected to 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 over dominance.

4.15 Policy GP10: Subdivisions of gardens and infill development states permission will only be granted for sub-division or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.16 The appearance of the proposed building would be similar to that approved in 2007. The height, shape and style are as previously approved. The front elevation differs as it is proposed to have front entrances and there are two more windows at the apparent first floor level (when viewed from the street). The siting of the building has changed to allow driveways at both sides of the building. As such the building is

2.9m further from No.32 (hotel) and 1.4m nearer No.35. The front building line is as previous (10.5m to 11m back from the front railings), but the rear building line goes back 1m further than the building approved in 2007 (2.2m further back than the main rear building line of the existing house). It is proposed to retain the Monkey Puzzle tree, the existing front wall and railings and the pedestrian entrance. At the rear each house would have a detached garage, located 3.4m back from the rear building line. The garages would be 6m by 3.5m with hipped roof; the ridge height would be 3.8m from ground level.

4.17 When viewed from the street, the impact of the building would be similar to that approved in 2007. The relocated footprint (in relation to the scheme previously approved) of the building retains space to each side, the step back from the established building line is kept, to protect the Monkey Puzzle tree which contributes to the character and appearance of the street. The development would project 1m further back into the rear garden (than the approved scheme) and thus be set back further than other buildings on this side of the street. However the rear building line on this side of the street is gently staggered, this variation would not lead to an overly prominent building and no harm would come to the appearance of the conservation area.

4.18 It is considered that in relation to the scheme for the site which already has planning permission, this proposal would have a comparable impact on the character and appearance of the conservation area and nearby listed buildings. Permitted development rights can be removed through an appropriate condition to require planning permission for alterations/extensions.

LANDSCAPING AND IMPACT ON TREES

4.19 Policy HE11 of the Local Plan: Trees and landscape advises that existing trees and landscape which are part of the setting of Conservation Areas or Listed Buildings should be retained, and provision made for planting within new development, where appropriate. Policy GP9: requires development proposals to incorporate suitable landscaping.

4.20 The monkey puzzle tree has become an established feature of the streetscene and its retention is desirable. The scheme proposes paving stones laid to the front of the houses, leading from the driveways to the entrance. The Council's landscape architect requires details of the excavation and construction works for the pavement and lightwell, to ensure such works do not compromise the tree. It is expected details will be provided prior to sub committee.

4.21 The proposed garages have been moved closer to the houses. This was to limit the amount of hardstanding and promote soft landscaping but also to ensure the health of the trees to the rear of No.35. It is considered these amendments will improve landscaping of the site.

4.22 Overall the scheme proposes significantly less car parking than the previous scheme and trees which make a positive contribution to visual amenity will be retained. Potentially the site will be landscaped in a more visually pleasing manner

compared to the scheme previously approved. If the application is approved, it is recommended this is subject to a suitable scheme detailing hard and soft landscaping, and measures to ensure the protection of the Monkey Puzzle tree.

RESIDENTIAL AMENITY

4.23 Policy GP1: Design covers amenity. It advises that development proposals will be expected to ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or over dominance.

Surrounding Occupants

Noise

4.24 The application is for two houses, opposed to the scheme previously approved, which was for 7 flats/apartments. In relation to the previous scheme there should be less noise as a result of general activity. Overall though the proposed use of the site for residential is unlikely to lead to noise disturbance.

Overlooking

4.25 Windows on the rear elevation would look into neighbouring properties. However overlooking to such an extent is to be expected in urban areas. Also the two neighbours have communal outdoor areas thus overlooking into them would not unduly harm amenity. Window to window overlooking would only occur on front and rear elevations. By virtue of the separation distances that would be between houses, for example some 22m across St Mary's, undue overlooking would not occur.

Overshadowing/over dominance

4.26 In relation to the scheme approved in 2007 the development has been moved away from no.32 thus the impact on the amenity of occupants of that building would be enhanced should this scheme be built. The development would be 1.4m nearer no.35 and 6.1m beyond its rear building line. The two buildings would be 4.6m from one another. The impact on the side window of no.35 would be similar to the previously approved scheme given the comparable front building line. The proposed building would be more dominant over the rear no.35 than the approved scheme and some loss of direct sunlight would occur as the proposed building is south of no.35. The rear elevation of no.35 is orientated to the northwest, away from the proposed dwelling and due to the separation distances involved, there would not be a significant loss of daylight or outlook as a consequence of the proposed building. On balance it is considered that the amenity of the occupants of no.35 would not be unduly compromised, as outlook would be retained, the proposed building would not lead to an undue loss of light or be unduly dominant.

Future occupants of the proposed development

Outlook/amenity

4.27 The levels of outlook and amount of garden space for future occupants would be acceptable.

Noise

4.28 The York to Scarborough rail line lies to the northwest of the site. The Council's Environmental Protection Unit (EPU) advise that the last passenger train on this route passes before midnight and to their knowledge around one freight transport passes each week. It is recommended that to mitigate train noise within the proposed building, the envelope of the building provides a sound reduction of 28dB. EPU officers advise that this will provide adequate protection against train noise.

SUSTAINABILITY

4.29 It is a requirement of policy GP4a of the Local Plan that a sustainability statement accompanies applications. The proposed development should meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. For applications for new build of one or more dwellings, it is a requirement that the development achieves a Code for Sustainable Homes Level 3 ***. A statement is expected which explains how it is intended to achieve a Code for Sustainable Homes 3*** rating, and it would be a condition of approval that the rating were achieved.

4.30 The sustainability statement submitted demonstrates how the building would incorporate measures to be water and energy efficient. The scheme also proposes provision for recycling and landscaping and considerate construction would apply. Water efficiency measures include the use of efficient appliances (toilets, showers, taps, A rated washing machines and dishwashers). Outside water butts are to be fitted and an underground storage system that restricts surface water flow. To be energy efficient the buildings would comply with building regulations for boilers, electricity and gas consumption. The use of solar panels and wind turbines had been considered but discounted as they may harm the appearance of the conservation area.

HIGHWAY SAFETY

4.31 The revised layout retains adequate pedestrian access into the site and driveway gradients but removes the turning area for vehicles at the proposed houses. As such cars would need to either reverse in, or out from the driveways of both dwellings onto the road (this is the current situation for the existing house). There are benefits in the revised layout as it would improve landscaping on site and ensure the protection of the trees at the rear of no.35. Highway Network Management have confirmed that although cars coming and going from the site would preferably do so in a forward gear, considering the volumes of traffic on St Mary's and vehicle speeds; there would not be undue harm to highway safety caused. In officer's opinion given that the application only proposes two houses and considering highways comments, the proposal would not unduly harm highway safety.

4.32 The development would lead to the loss of two on street parking spaces. Each house has its own off-street parking and the applicants have agreed that neither of the dwellings would be eligible for res-park permits, preventing them from parking on street. Considering that the existing house would be entitled to a res park permit if desired, there would be no significant impact on residents parking.

CONTRIBUTIONS

4.33 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision. Policy ED4 covers contribution towards education facilities, however this is not applicable to the proposal as contributions are only required when four or more houses are proposed. Policy ED4 covers contribution towards education facilities

4.34 In accordance with policy L1c, a contribution toward open space is required. The applicants have agreed to the contribution. Policy ED4 is not applicable as contributions are only required when four or more houses are proposed.

FLOOD RISK

4.35 The application site falls within an area where the risk of flooding is medium. In accordance with policy GP15a of the Draft Local Plan an assessment of additional flood risk as a consequence of the development and measures to mitigate risk in the proposed development is required (an FRA).

4.36 The FRA submitted advises that, in accordance with Yorkshire Waters request, there will be no increase in surface water discharge. This will prevent additional flood risk as a consequence of the development. To enable this, a storage system is required on site, to prevent excess flows of surface water. The sustainability statement advises this will be achieved by a sustainable drainage system, using an underground storage system connected with a brake mechanism to restrict flows. The Council's internal drainage consultees advise this would be acceptable. Water will also be collected on site using water butts and the driveways shall be of permeable paving, such measures mitigate flood risk. It can be a condition of approval that the development be implemented in accordance with the sustainability and flood risk documents. The conditions requested by Yorkshire Water asking for separate systems of drainage can also be attached. The FRA advises that the development would be at an appropriate level, 12m AOD, thus it would not be at risk from flooding.

BATS AND OTHER WILDLIFE

4.37 Policy NE7 of the Local Plan relates to habitat creation. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In new

developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme.

4.38 Although no evidence has been found of bats (or other species) roosting in the existing building, there is potential for such. It would be in accordance with policy NE7 of the local plan to incorporate bat roost features in the new building. Preferably the roof design would also include facilities for declining species such as Swifts. The applicants can be informed of such.

5.0 CONCLUSION

5.1 In assessing the design of the building, weight has to be given to the approval for re-development of the site permitted in 2007. In relation to that scheme, this proposal would have a similar impact on the conservation area. Otherwise officers are of the opinion that the scheme would not harm highway safety or enhance flood risk and the impact on the amenity of neighbouring occupants would be acceptable.

5.2 At time of writing the report, the outstanding issue is confirmation that no harm would come to the Monkey Puzzle tree. It is expected this can be confirmed at sub committee.

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:-

MAR/01A Layout
02A Plans and elevations
03A Street scene
04A Sections
07 Pedestrian access

received 20.2.08.

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

- Eaves and verge details

- String courses
- Bay windows
- External doors and door casings (to be timber)
- Windows (including type of glazing) and window reveals (to be timber)
- Front steps and railings
- Front boundary railings, including plinth wall, showing retained and copied sections
- Chimneys
- Garage doors
- External attachments such as service runs and soil and vent pipes

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

4 VISQ7 Sample panel ext materials to be approved

5 VISQ8 Samples of exterior materials to be approved

6 Details of any works or repairs to the existing boundary walls shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of works. Details shall show the extent of rebuilding and advise where existing bricks are to be reused.

Reason: To protect to setting of adjoining listed buildings and the character and appearance of the conservation area.

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

8 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and finalised construction details for the retaining wall and paving shall also be included.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

9 No development shall take place until full details of measures for bat mitigation and conservation have been submitted to and approved by the Council.

The measures should include :

- Survey at the appropriate time of year and not more than 1 month prior to any work being undertaken, if the demolition is to be carried out between April and September. The results should be submitted to the Council beforehand.
- A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- Details of what provision is to be made within the new building to at least replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.
- The timing of all operations

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

10 PD1 Removal of specific PD rights (extensions/outbuildings/hardstanding)

11 The building envelope with a facade onto the railway line shall be constructed so as to provide sound attenuation against external noise of not less than 28dB, with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: to protect the amenity of the occupiers of the proposed dwellings.

12 ARCH2 Watching brief required

13 HWAY14 Access onto highway to be approved

14 HWAY29 No gate etc to open in highway

15 HWAY31 No mud on highway during construction

16 The development shall be implemented in accordance with the recommended measures in the Sustainability Statement dated 21.1.08 (in particular the proposed sustainable drainage system to control surface water run off) and the Flood Risk

Assessment received 20.12.07.

Reason: To ensure the site is adequately drained and prevent flood risk.

17 DRAIN1 Drainage details to be agreed

18 S106OS Contribution toward open Space £3,888

19 The development shall achieve at least a Code for Sustainable Homes Level 3 star rating. Confirmation of such shall be provided to the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

20 Notwithstanding the information contained in the approved plans, the overall ridge height of the approved development shall be no higher than 24.830 AOD, as indicated on Drawing No MAR/03/A received 20 February 2008.

Reason: To ensure that the approved development does not have an adverse impact upon the character of the Conservation Area.

7.0 INFORMATIVES:

Notes to Applicant

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

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

2. The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Councils Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

3. PROTECTED SPECIES

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

The form of the new buildings suggests they would be suitable for species such as Swifts with minimal effect on the buildings. Consideration should be given to incorporating suitable features into the roof design for such. For further information contact Bob Missin on 01904 551662.

4. NETWORK RAIL

The development is located adjacent the railway thus Network Rail should be contacted regarding construction, drainage and works at the boundary. For further information contact the Territory Outside Engineer, Network Rail, George Stephenson House, Toft Green, York, YO1 6JT.

5. 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 conservation area and setting of nearby listed buildings, landscape features, amenity, highway safety, flood risk and protected species.

As such the proposal complies with Policies GP1, GP4a, GP9, GP10, HE2, HE3, HE4, HE11, H3c, H4a, H5a, L1c, NE7 of the City of York Local Plan Deposit Draft.

Contact details:

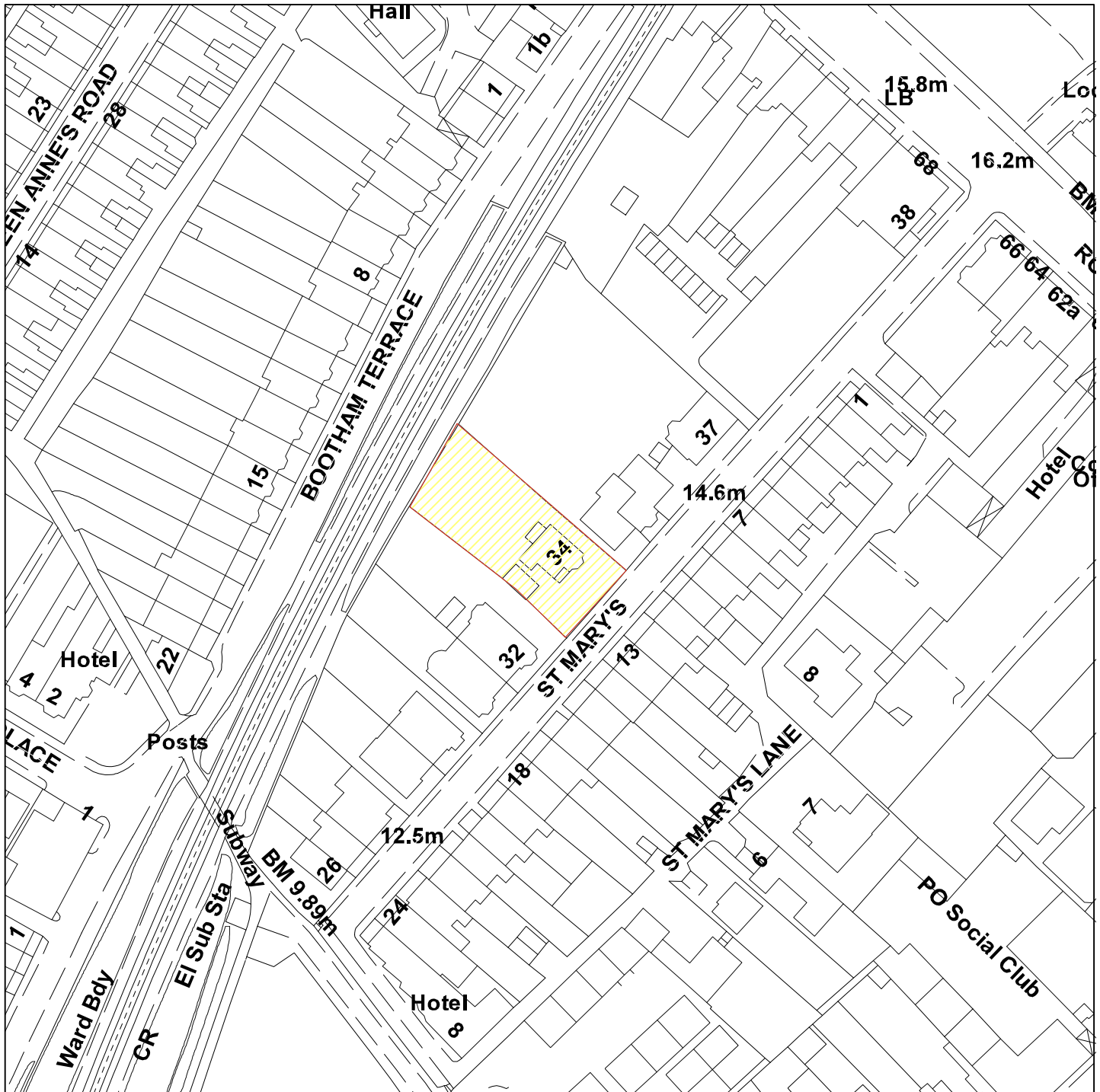
Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

34 St Mary's, York, YO30 7DD

07/02969/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	07 March 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 20 March 2008 **Parish:** No Parish

Reference: 07/02966/FUL
Application at: Playground Chapelfields Road York
For: Erection of 9 no. two storey dwellings with associated parking and access (Resubmission)
By: Spirit Regen. _ Dev. Co LLP
Application Type: Full Application
Target Date: 15 February 2008

1.0 PROPOSAL

1.1 The application is for the erection of a 9 no. two storey dwellings with associated parking and access (resubmission). The affordable housing project would be funded by The Housing Corporation to provide general needs housing for rent. The dwellings would be red brick and render with slate roofs.

1.2 The site is a disused playground to the rear of 73 to 87 Chapelfields Road, the site is designated as open space in the Proposal Maps of the city of York Development Control Local Plan (2005).

1.3 The character of the area is two storey semi-detached and terraced dwellings in both private and housing authority ownership.

1.4 The application comes before committee at the discretion of the Assistant Director Mike Slater.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP7
Open Space

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYH3C
Mix of Dwellings on Housing Site

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 21/01/2008
Site Notice - Expires 24/01/2008
Press Advert - N/A
Internal/External Consultations - Expires 14/02/2008

8 WEEK TARGET DATE 15/02/2008

3.2 INTERNAL CONSULTATIONS

EDUCATION

3.2.1 Do not require a contribution, as there is sufficient space at both schools

LIFELONG LEARNING AND CULTURE

3.2.2 As there is no on-site open space commuted sums should be paid to the Council for a) amenity open space - this would need to be replaced with suitable size replacement plot. b) Play space - which would be used to improve a local site such as Acomb Green c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the or latest York formula through a Section 106 Agreement. As background I am not aware of the site having a playground for at least 20 years. Commuted sum - £12,060

CITY DEVELOPMENT

3.2.3 With 9 dwellings proposed on a site of 0.31ha, the density is below that required by Policy H5a. Residential developments within the urban area should be at least 40dph. The density proposed for this development is 29dph.

3.2.4 The resubmitted proposals indicate that replacement open space will be provided in compliance with Policy GP7. The proposed residential development should be conditioned in light of policies H2a, H4a and H5a

COUNTRYSIDE OFFICER

3.2.5 The former playground area is now rank grassland and bramble of limited interest. Concern regarding the proposed replacement open space does have some significant interest, despite its use as a dog-walking, playing field area. The location has two areas of interest, Westfield Playing Field and Westfield Marsh.

3.2.6 Westfield Marsh is an interesting wet marsh area located on springs that come out at the foot of the bank, probably where impervious clays are overlain by sands. The marsh here has an interesting wet, acid flora that probably continues on into the neighbouring field.

3.2.7 Westfield Playing Field on the other hand lies on the upper slope adjacent to the road and is a relict of the old sandy flora for which Acomb used to be well known. It is a dry, Breckland type flora not known to occur elsewhere in the City and rare even beyond that. Despite its present use and management, this interest remains and can survive because of the habitat type it is. Recent surveys have also indicated an interesting and rare invertebrate fauna, at least in the marsh area.

3.2.8 If there is to be formal play equipment etc added or some other facility that substantially increases the use of the area, then consideration will need to be given to see how the impact of this on the surrounding area can be reduced. An enhancement scheme could be drawn up very easily and with only limited cost. Much of this enhancement could simply involve including wildflower plugs into the existing grass and managing the area accordingly. Depending on what use is proposed, a small pond/ wet hollow or some scrub could also be included with on site interpretation to inform the local community of the sites interest. Biodiversity enhancement in existing open space areas such as this are now strongly recommended in Planning Policy Statement 9 on Nature Conservation and in the Planning Policy Statement on Open Space. A viable and comprehensive scheme should be developed that does not conflict with the Council's new duty under the NERC Act 2007 to consider biodiversity in all of its functions. Suggest that this could be covered by a landscape condition, adapted to ensure that the overall nature conservation interest can be accommodated.

HIGHWAY NETWORK MANAGEMENT

3.2.9 Comments on the original submitted plans:

- Carriageway, should be wide enough to accommodate two vehicles, and should be wider around the bend
- Turning arms should be increased in size
- All footpaths should be 2 metres wide

- Increase in the size and orientation of some of the car parking spaces
- The overall number of parking spaces represents a 140% provision; the slight overprovision is not objected to as it includes two disabled spaces and it should ensure that the turning are kept clear
- Cycle storage for two of the dwellings if the bikes went through the house.

3.2.10 Comments to revised plans - no highway objections to this application subject to the following conditions: -

Std h/w 7 - Const of Roads & Footways prior to occup

Std h/w 10 - Vehicular areas surfaced, details reqd

Std h/w 19 - Car and cycle parking laid out

Std h/w 27 - Adoptable road layout to be agreed

Std h/w 31- No mud on highway during construction

Std h/w 34 - Completion of the highway

Prior to the commencement of any building works on the site, replacement access and parking arrangements for house nos 71 & 73 Chapelfields Rd as shown in the approved plan nos 06156/P01 Rev F shall be provided

INF 1 Consent for highway works

Adoption of highways - section 38 - Mr M Kitchen 01904 551336

ENVIRONMENTAL PROTECTION UNIT

3.2.11 No objections

DRAINAGE

3.2.12 No objections subject to the following details prior to a start on site:

3.2.13 The applicant should provide a topographic survey and proposed finished floor and ground levels to ensure that there will not be any detriment to the drainage of existing properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties

3.2.14 Adjacent surface water shall not be connected to any foul/combined sewer, if a suitable surface water sewer/watercourse is available.

3.2.15 If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to except surface water discharge (from a 1 in 30 year storm) and to prevent flooding of the surrounding land and the site itself

3.2.16 If a soakaway tests fail, then discharge to the watercourse is possible, provided that the peak flows are restricted to 'greenfield' runoff rates (which for this site would be 0.5 l/s), with suitable attenuation storage

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

MARSTON MOOR DRAINAGE BOARD

3.3.1 Object. The application is very similar to the previous one (07/01871/FUL) and there are a number of issues that require resolving. The application form states that the surface water discharge is to be disposed to watercourse. There is no real information contained within the documentation to answer the questions raised at the previous application. The disposal of the surface water is to utilise "sustainable urban drainage solutions" but there is no detail as to how it would work, nor how it could affect the surface water discharge to the watercourse during storm events. The Sustainability statement suggests that landscaping and rainwater harvesting will be used to reduce the risk of flooding there is no detail as to how it may work.

YORK NATURAL ENVIRONMENT PANEL

3.3.2 Object to the loss of public open space (POS) given that the PMP report identified there is too little POS provision in York. Although there is proposed mitigation POS at Westfield School, the school site would appear to already allow public access i.e. it will be a net loss in an area already lacking in POS.

3.3.3 If the Chapelfields Road is developed the Panel would like to see British native planting to enhance the wildlife value of the rear gardens backing onto agricultural fields. If the replacement POS is incorporated into school grounds there should be positive gain regarding the long term management of the adjacent SINC sites

ENVIRONMENT AGENCY

3.3.4 No comment

SPORT ENGLAND

3.3.5 There are no formal sport facilities currently or previously located at the site and therefore no objection is raised to the development with regards to the loss of playing fields or other sports facilities.

3.3.6 However the new development has the potential to increase the demand on existing sports facilities within the catchment area due to the additional residential units and therefore a planning obligation linked to a commuted sum may be appropriate.

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

07/01871/FUL - Erection of 8no. two storey 2 bed and 1no. two storey 3 bed dwellings - 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 area
2. Impact on neighbouring property
3. Open Space
4. Drainage

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 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

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

4.4.3 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.

4.4.4 Policy H4a 'Housing Windfalls' of the CYCDCLP 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 H5a 'Residential Density' of the City of York Council Development Control Local Plan (2005) states that the scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependent on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60 dwellings/hectare in the city centre; 40 dwellings/hectare in the urban areas; and 30 dwellings/hectare elsewhere in the City of York.

4.4.6 Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

4.4.7 Policy GP7 'Open Space' of the City of York Council Development Control Local Plan (2002) states that the development of land designated as open space on the Proposals Map, or any other areas of open space that are provided in conjunction with a planning permission during the plan period, will only be permitted where: there are no detrimental effect on local amenity or nature conservation; and compensatory provision of an equivalent size and standard is provided by the applicant in the immediate vicinity of the site proposed for development.

VISUAL IMPACT ON THE AREA

4.4.8 The main part of the site is a triangular in shape to the rear of 73 to 87 Chapelfields Road, projecting out into the greenbelt; the greenbelt is on two sides of the site. The site was a play area but has fallen in to disuse and disrepair. The proposed 9 dwellings would be set around the parking area forming a square and would be built to a BRE eco homes 'very good' rating. There would be a detached dwelling to the south of the parking area (plot 9) and a pair of semi-detached dwellings (Plots 7 - 8) and a terrace of three dwellings (plots 4 - 6) to the east of the site and a terrace of three dwellings (Plots 1 - 3) to the north of the parking area. There are some concerns about the visual impact of a large area of hardstanding in front of the proposed dwellings that it would be aesthetically harsh and dominant, the plans show a small element of landscaping.

4.4.9 Each dwelling has private amenity space, 8 of the dwellings are two bedroomed and one is three bedroomed. The access road would be from Chapelfield Road between 71 and 73 Chapelfields Road taking part of the garden from each property. The distance between the dwellings is narrow and by virtue of the length of the access and it curving north, the proposed dwellings would not be

visible when viewed along the access road from Chapelfields Road creating a rather 'dead' looking access.

4.4.10 Policy H5a expects that in urban areas residential densities should generally be greater than 40 dwellings per hectare, the density on this site would be 29 dwellings per hectare. The shape of the site restricts the design configurations available to the applicant. The "dwellings per hectare" provision is considered to be acceptable in this instance as the overall layout in conjunction with the aforementioned density is comparable with properties, which border the application site.

4.4.11 A 1.8 high fence on the front boundary to 71 and 73 Chapelfields Road is considered to be in appropriate and contrary to the open character of the area. There are no other examples in the area.

IMPACT ON NEIGHBOURING PROPERTY

4.4.12 The proposed dwellings by virtue of their positioning and distance away from the dwellings on Chapelfields Road are not considered to cause any loss of privacy or loss of light to these dwellings. The dwelling on Plot 1 would be closest to the dwellings on Chapelfields Road with a distance of 18 metres, there would be no windows in the side elevation of the proposed dwelling with a 1.8 metre high fence along the shared rear/side boundary. There would be no significant loss of outlook to the existing dwellings on Chapelfields Road and it is not considered to be overbearing or over dominant by virtue of the distance between the dwellings.

4.4.13 There is a little ambiguity about windows in the west elevation of Plot 9, as they would overlook the garden of Plot 8. If planning permission was approved the removal of the first floor window in this elevation could be conditioned

4.4.14 The access to the proposed site would be long (43 metres) and would pass very close to the flank wall of 71 and 73 Chapelfields Road and alongside the full length of their gardens. The application would see the removal of land to the side of both properties with a 1.8 metre high fence marking the new boundaries. From the both dwellings at 71 and 73 Chapelfields Road there would be a separation distance of 0.3 metres from the new access road and pedestrian walkway. It would also introduce vehicular traffic into the open area immediately adjacent to the rear of the gardens of 73 to 81 Chapelfields Road, a significantly different situation from that which currently exists. By virtue of the size of the development there would be a large amount of vehicular movement along the access road and together with the close proximity of the new road to existing dwellings and gardens would lead to an increase in noise and disturbance, specifically to the occupants of 71 and 73 Chapelfields Road, the road and fencing would also be visually intrusive as the road would be partially to the front of these dwellings. This would result in a significant loss of residential amenity to the occupants and therefore would be contrary to Polices GP1 and GP7 of the Cit of York Council Development Control Local Plan

OPEN SPACE

4.4.15 The housing site is designated as open space in the City of York Council Development Control Local Plan. In the supporting information for the application it is stated that it would like to provide replacement open space 440 metres away, part of the replacement open space would be part of the Westfield Primary school field in line with Policy GP7.

4.4.16 The applicants/agent were advised that a separate application for the change of use of part of the Westfield School playing fields and Westfield Marsh to open space would be required.

4.4.17 There are some concerns to the exact use of the proposed area if it is to be used as a play area with play equipment, which would increase the use of the site. The countryside officer has stated that some of the site has flora and fauna of significant interest. Biodiversity enhancement as a condition has been encouraged by the countryside officer however as this site would require an additional planning application it is considered that it could not be conditioned if this application was granted permission.

4.4.18 There is an argument to be made that as the old playground site at the rear of Chapelfields Road (whilst stated as open space in the Local Plan) is not being used as that at present or for some significant time and therefore there is no real loss of open space and replacement of the open space is not required.

DRAINAGE

4.4.19 There has been some concern expressed regarding the drainage of the site. There is a watercourse running in a ditch on two sides of the site. Marston Moor Internal Drainage Board has objected to the application on insufficient information to determine the potential impact the proposals may have on the existing drainage systems. Whilst there is the potential for some of issues to be dealt with under conditions, some of the suggested conditions by the Drainage Board such as no building within 9 metres from the top of the banks of water course on either side (6 of the dwellings would be built within 9 metres of the watercourse) would result in a planning permission that could not be built. The agents were advised that additional drainage details were required but no further information has been submitted. It is considered that the drainage issues should be dealt with pre-decision rather than post-decision, as there is the potential for significant alteration to the plans.

EDUCATION AND OPEN SPACE CONTRIBUTION

4.4.20 No financial contribution is required by education as the both local schools, Westfield Community Primary and York High have spare capacity.

4.4.21 Under Policy L1c "Provision for New Open Space in Development" the applicant is required to provide a financial contribution of £12,060 which will be used to improve local amenity open space, play space and sports pitches.

SUSTAINABILITY

The applicants have submitted a sustainability statement that looks at various issues including: the proximity of the site to public transport; the dwellings would be built to the BRE eco homes 'very good' rating; the demolition of the existing foundation and the reuse of the materials within the site; and the intention to use rainwater harvesting, grey water recycling and water efficient appliances

5.0 CONCLUSION

5.1 The style, tenure and design of the dwellings are considered to be acceptable and there would be limited overlooking and loss of privacy to the occupants of dwellings on Chapelfields Road. The proposed dwellings would not be overbearing and are in scale with the surrounding streets.

5.2 The proposed access road by virtue of its proximity to the dwelling (0.3 metres) and gardens of 71 and 73 Chapelfields Road would cause noise and disturbance to the occupants of these dwellings from vehicular movements and would result in a significant loss of residential amenity.

5.3 Without further information regarding drainage it is unclear how acceptable it would be in regards to drainage and the adjacent watercourse.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed access road that runs between 71 and 73 Chapelfields Road by virtue of its close proximity to the dwellings and gardens of 71 and 73 Chapelfields Road would cause noise and disturbance from vehicular movements and would result in a significant loss of residential amenity to the occupants of these dwellings and therefore would be contrary to Policies GP1 and H5a of the City of York Council Development Control Local Plan (2005) and national planning guidance in Planning Policy Statement 3 'Housing'.

2 Insufficient information has been provided by the applicant/agent to determine the potential impact of the proposal may have on the existing drainage systems and therefore is contrary to Policies GP1, GP15a and H4a of the City of York Council Development Control Local Plan (2005) and national planning guidance in Planning Policy Statement 3 'Housing'.

7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

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Playground, Chapelfields, York

07/02966/FUL



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Scale : 1:2500

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	07 March 2008
SLA Number	Not set

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COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Dringhouses Woodthorpe	And
Date:	20 March 2008	Parish:	Dringhouses/Woodthorpe Planning Panel	

Reference: 08/00173/FUL
Application at: Tesco Tadcaster Road Dringhouses York YO24 1LW
For: Erection of 2no. 10.6m high wind turbines
By: Mr Moise Coulon
Application Type: Full Application
Target Date: 24 March 2008

1.0 PROPOSAL

1.1 The application is for two wind turbines. Both would be 10.6 metres in height with a rotor diameter of 3.3 metres. Together they would have a maximum installed capacity of 12 Kilowatts. They would be sited within the Tesco car park, one in the north west corner adjacent to the recycling facilities. The other would be on the eastern part of the car park close to the roundabout for the car park, park and ride facilities and the filling station.

1.2 The wind turbines would be a vertical driven micro wind turbines consisting of 6 vertical aerofoils rather than the conventional horizontal axis turbines which usually have three blade rotor.

1.3 The application comes before committee at the request of Cllr Ann Reid as it "may be setting a precedent for future applications".

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYGP5
Renewable energy

CYGP1
Design

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 26/03/2008

Site Notice - Expires 11/03/2008

Press Advert - N/A

Internal/External Consultations - Expires 05/03/2008

8 WEEK TARGET DATE 24/03/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

ENVIRONMENTAL PROTECTION UNIT - No objections

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

DRINGHOUSES/WOODTHORPE PLANNING PANEL - No objections

- The massing of these features will create a significant feature

- There has been no study carried out on site to determine the actual capacity and it may be less than 30%

- None of the supporting documentation explains how the turbines will significantly reduce the Tadcaster Road store's electricity consumption and is only viewed as part of the national picture

- Difficult to see how the application can be viewed as anything but a 'green gesture'

- Should be a combination of renewables such as photovoltaic and solar panels

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

No pertinent planning history

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Statement 22 - Renewable Energy

4.3 KEY ISSUES

1. Visual impact on the area

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Planning Policy Statement 22: Renewable Energy advises that the development of renewable energy supplies will make a vital contribution to the Government's energy policy as set out in the Energy White Paper. It is considered that the increased development of renewable energy resources is vital to facilitate the delivery of the Government's commitments on both climate change and renewable energy. The Energy White paper indicates that local and regional bodies should be involved to deliver the Government's objectives, including establishing regional targets for renewable energy generation. "Planning supports this statement for Renewable Energy- A Companion Guide to PPS22

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

4.4.3 Policy GP5 'Renewable Energy' in the City of York Development Control Local Plan (2005) states that the development of renewable energy will make a vital contribution to the reduction of carbon dioxide emissions, facilitating the delivery of the Government's commitment on climate change. Proposal for the development of renewable energy facilities will therefore be encouraged providing there is no significant adverse effect on the existing landscape, air quality, biodiversity, water resources, agricultural land or sites of archaeological or historic importance.

VISUAL IMPACT ON THE AREA

4.4.4 The steel tower would be 0.9 metres in width 5.84 metres in height and the aluminium blades of the turbine would be 4.79 metres in height and 3.3 metres in width. The concrete foundation would be and area of 3 square metres and 2 metres in depth, a 'knee barrier' (0.7 metres in height) would be installed around the foundation edge to protect the turbine from vehicles.

4.4.5 Manufactures guidance states that the turbines should be 10.6 metres + 10% away from the road ('topple distance'), one of the turbines is only 7 metres away from the park and ride road. However Highways Network Management do not have any concerns regarding this issue.

4.4.6 The agent states that each turbine would provide 3250KWH per year based on an average wind speed of 5.1 m/s however it has not stated the average wind speed in these two locations within the site. The agent has confirmed that both turbines would contribute at a maximum circa 4 % for the Tesco store. PPS 22 states that small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally and

therefore a planning application can not be rejected simply because the level of output is small.

4.4.7 The visual impact of the turbines by virtue of the large car park is not considered to be unduly harmful, whilst the traditional horizontal axis turbines are more visually appealing the design of the vertical axis turbine is not considered to be visual intrusive from Tadcaster Road as it would be partially screened from the trees along the road. The turbines would be compatible with the scale of the buildings on the site and the car park and in the locality, and would not be unduly prominent for occupiers of the nearby properties. As such it would comply with Policy GP1 of the Draft Local Plan.

4.4.8 The application of the proposed turbines states that they will be cream in colour. This can be conditioned so it would not change at a later date without written approval.

4.4.9 It is advised in " Planning for Renewable Energy- A Companion Guide to PPS22 " that there is evidence to suggest that the risk of collision of birds with moving of the rotor blades is minimal for both migrating birds and for local habitats.

4.4.10 The land area occupied by each of the proposed turbines would be a 3.3 by 3.3m area of the existing car park, it is not considered to result in a significant loss of car parking space in this large car park.

5.0 CONCLUSION

5.1 The proposed two 10.6 metres high vertical axis wind turbines would be a relatively small scale wind project and would not be visually intrusive or dominant in this location, they would be compatible with the nature of the surrounding developments, and would not significantly harm the outlook from the neighbouring housing. The development would be in accordance with Policies GP1 and GP5 of the City of York Development Control Local Plan (2005). Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve, after the consultation period has ended

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

Drawing Number Ropatec_6kW received 28 January 2008
Drawing Number 3488.98.100 received 28 January 2008;

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 The colour of the turbines should be submitted to and approved in writing to the Local Planning Authority.

Reason: To achieve a visually acceptable form of development.

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 locality. As such, the proposal complies with Policies GP1 and GP5 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 22 "Renewable Energy".

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Tesco, Tadcaster Road, YO24 1LW

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Department	City Strategy
Comments	Application site
Date	07 March 2008
SLA Number	Not set

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