



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, 17 April 2008
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 16th April 2008 at Former Waterworks Engine House, Museum Street.

1. Declarations of Interest (Pages 1 - 4)

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

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of agenda item 5 (Enforcement Cases Update) on the grounds that they contain information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the authority proposes to give, under any enactment, a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment

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) Former Waterworks Engine House, Museum Street, York (08/00115/FUL) (Pages 5 - 20)

Change of use of Engine House to form restaurant (Class A3), 1 apartment and leisure suite; erection of extension to form dining room; new outdoor terrace; new railings, gates and steps (resubmission) *[Guildhall Ward]*

b) Former Waterworks Engine House, Museum Street, York (08/00114/LBC) (Pages 21 - 30)

Internal and external alterations and new extension in connection with proposed use as a restaurant, apartment and leisure suite, new outdoor terrace, gates and railings (resubmission) *[Guildhall Ward]*

c) Site Lying to the Rear of 1 to 9 Beckfield Lane, York (08/00159/FULM) (Pages 31 - 56)

Erection of 12 two storey semi-detached and terraced houses and 4 garages *[Acomb Ward]*

d) 2 Friars Terrace, South Esplanade, York (08/00445/FUL) (Pages 57 - 62)

Single storey pitched roof rear extension *[Guildhall Ward]*

- e) **2 Friars Terrace, South Esplanade, York (08/00449/LBC)**
(Pages 63 - 68)

Single storey pitched roof rear extension [*Guildhall Ward*]

- f) **34 Grantham Drive, York (07/02808/FUL)** (Pages 69 - 76)

Erection of detached dwelling with side dormer window
(resubmission) [*Holgate Ward*]

5. Enforcement Cases Update (Pages 77 - 160)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

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

Democracy Officer

Name: Tracy Wallis

Contact Details:

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 16 April 2008****Members should meet at Former Waterworks Engine House,
Museum Street at 11.00am**

TIME (Approx)	SITE	ITEM
11.00	Former Waterworks Engine House, Museum Street	a & b
11.30	Land rear of 1 – 9 Beckfield Lane	c
12.15	2 Friars Terrace, South Esplanade	d & e

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Scrutiny Committees

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

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

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 17 April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00115/FUL
Application at: Former Waterworks Engine House Museum Street York
For: Change of use of Engine House to form restaurant (Class A3), 1 no. apartment and leisure suite; erection of extension to form restaurant dining room; new outdoor terrace; new railings, gates and steps (resubmission)
By: Mr Ian McAndrew
Application Type: Full Application
Target Date: 19 March 2008

1.0 PROPOSALThe site

1.1 The application site is located in the southeast corner of Museum Gardens, fronting onto the River Ouse; it consists of the former Engine House at the rear of Lendal Tower/Lendal Hill House, the detached public toilet block immediately to the west, and an area of adjacent land.

1.2 The site is within the Central Historic Core conservation area. The Engine House is a Grade II listed building. The Museum Gardens are designated as open space in the Local Plan, they are also a grade II registered historic park and garden and within the Scheduled Ancient Monument of St Mary's Abbey. As such Scheduled Ancient Monument Consent is also required for the proposed works (Determined by The Secretary of State in association with English Heritage).

1.3 The original Engine House building was purpose built in 1835/36 to house pumping equipment in connection with the supply of water. The main water supply distribution centre was moved to Acomb following the development of new waterworks and filter beds between 1846 and 1849. The building has been subject to extensions. It was last used as offices, and has been vacant since 1999.

The proposals

1.4 The application is to convert and extend the Engine House. It forms the second phase of development proposals by the Lendal Tower Venture, the first phase being the conversion of Lendal Tower and Lendal Hill House into residential dwellings.

1.5 It is proposed to convert part of the Engine House to a two bed apartment (on two floors) together with an associated leisure suite. The remainder of the Engine House would be converted to kitchen and dining facilities associated with a new restaurant building, part of which would be located within a glazed extension on the western side of the building, located where the toilet block presently sits. More

recent lean-to extensions at the north side of the Engine House are to be demolished along with the public toilets.

1.6 The public toilet block incorporates facilities for boat users, including toilets accessed by a British Waterways key, a boat sluice and a water supply. Replacement facilities are proposed within the development - a toilet (to disabled standards) available for use by the general public adjacent to the restaurant entrance lobby, a boat sluice/refuse area located at the rear of the leisure suite and a water point adjacent to The Esplanade.

1.7 The restaurant extension would be attached to the Engine House by a subordinate glazed link, creating a separation distance of around 1 metre between the buildings. It would provide dining on two-levels. An outside dining terrace would be formed in front of the restaurant extension abutting the flank wall of the Engine House, overlooking the river. The building would be glazed on all elevations; it would have an overhanging butterfly roof (of zinc) supported by timber columns and beams. The structure would be slightly lower in height than the Engine House; the maximum height would be about level with the beginning of the parapet wall around the engine house roof.

1.8 The restaurant extension would be accessed from the Museum Garden side via a path which would run along a sight line directed to the North Street Postern across the river; the path involves steps up from the Esplanade and again onto the raised dining terrace. A new access to Museum Gardens, also serving the restaurant and residential unit is proposed through the City Walls (through an existing gateway) from the slipway, which descends from Museum Street towards the river. This would provide a dry access to the site during flood conditions, in addition to a level access for the disabled.

Relevant planning applications

1.9 Similar applications have already been granted full planning permission and listed building consent for this scheme. These applications were considered at committee in June 2007. The applications were considered favourably by committee, officers were advised to approve the scheme subject to satisfactory details being received regarding the drainage and flooding issues. These were received in October 2007 and the decision notices were issued. This scheme comes as a consequence of discussions with English Heritage, as the applicants seek to gain the Scheduled Ancient Monument Consent required for the proposals. The design of the restaurant extension has been revised, the roof, shape/footprint and the side elevation being amended; these alterations open up the west elevation of the building, providing views into the Museum Gardens and involve a butterfly shaped roof. A companion application for listed building consent has also been submitted; reference 08/00114/LBC.

1.10 The applications (full and listed building) are brought to committee as the previous applications were determined by members in June 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1	Design
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYHE9	Scheduled Ancient Monuments
CYHE12	Historic parks and gardens
CYC3	Change of use of community facilities

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 On the whole the scheme is compatible with the nature of the building and there are few losses of significance. Following a recent site meeting a number of changes were requested to the existing scheme and drawings. These would further ensure that the integrity of the building is maintained (Revised plans are expected and members shall be updated at committee).

3.2 Alterations requested were as follows:

- a) The mezzanine should be set-back from the west windows to allow the full height of the space to be appreciated.
- b) The mezzanine should only run as far as the dining room where it has been revealed that the ceiling is too high to allow a further floor above
- c) The new south windows are omitted
- d) The west elevation windows to the dining room would remain as existing with no windows above
- e) Fittings should be retained in the lounge of the house and the existing door and architraves should be relocated to the new opening position into the hall
- f) The plans should be made compatible with the revised elevations and no existing windows should be lost.

3.3 Officers also advise that they previously expressed concern about the change to the character of the conservation area that will result as a consequence of the new use. However they note though that English Heritage has supported the scheme in principle from the beginning and that the recent changes to the extension represent an improvement in the building design when considered in its own right (The building, which should be lightweight as a butterfly roof appears a little heavy in its details). Also, the Museum's Trust consider the commercial nature of the scheme would not be incompatible with the strategic plan for the gardens.

3.4 The Gardens constitute a finite cultural resource of national importance. They are of great amenity value and their open, quiet and green character contributes to the special character and appearance of the conservation area. It is important that the existing tree just outside the site is protected and that there is a sufficient margin available for planting to screen the wrap-around terrace which might intrude visually into the garden.

Environmental Protection Unit

3.5 Ask that details of kitchen extraction are subject to condition if the application is approved.

Highway Network Management

3.6 No objection. Ask for details of cycle parking and measures to maintain public safety during the building works.

Lifelong Learning and Culture

3.7 Ask that boater's facilities are 24 hour and maintained (not by the Council). Also a contribution toward open space will be required for the new dwelling.

York Consultancy - Drainage

3.8 No objection. Advise that there was concern that due to reverse flow through sewers, the existing Engine House buildings could flood to a depth of 1m in the case of a 1 in 100-year flood event. However the applicants have since advised that the drainage system for the application site discharges upstream in a manner that would not add to flood risk, also man holes will be sealed to prevent the risk of reverse flow. The Engineering Consultancy are satisfied with the proposals.

External

Planning Panel

3.9 No objection. Ask that care is taken over the agreement of materials, impact on surrounding trees and signs should be posted advising boaters of the new facilities.

British Waterways

3.10 Advise that the gardens provide the main public moorings for river users wishing to visit York. The existing facilities are accessed via a British Waterways key. Ask that alternative toilet facilities are provided for boaters, along with the refuse and sluice.

Conservation Areas Advisory Panel

3.11 Object to the proposal, which would be inappropriate in the Botanic Gardens, which are included on the national register of historic parks and gardens. The gardens were/are designed for study, relaxation and reflection, this development would alter the character and appearance of the conservation area. Also object to the loss of views of the river due to the proposed building.

English Heritage

3.12 Advise that they have discussed the proposal with the applicant and consider the restaurant extension would be suitable to this location and support the re-use of the Engine House. However there is concern over the details of the new access into the gardens. If the application is to be approved, it should be subject to a condition that details of pathways steps, gates and railings are provided. Samples of materials should also be agreed by the Local Planning Authority.

Environment Agency

3.13 No objection. Ask for the following conditions: development in accordance with flood risk assessment, flood warning notices should be erected, operation and maintenance of the flood defences must be in place for the lifetime of the development, and sleeping accommodation should not be on ground floors.

Inland Waterways

3.14 Replacement facilities should be signposted and well lit, accessible and maintained. Also a water pipe with a non-returnable valve is required, so boater's can refill their water tanks.

Safer York Partnership

3.15 No objection.

Publicity

3.16 The application was publicised by site notice, press notice and letters of neighbour notification. Two letters have been received. Comments are as follows:

- Object, no details of restaurant facilities such as service access, waste storage, staff facilities, w/cs.
- The alternative facilities for boaters should be separated from the development and provided before the existing facilities are removed. They should be clearly signposted and available all year round.

4.0 APPRAISAL

4.1 Key Issues

- Impact on the character and appearance of the conservation area, including Museum Gardens
- Impact on the Engine House, a listed building
- Replacement facilities for boaters
- Flood risk
- Sustainability

Impact on the character and appearance of the conservation area, including Museum Gardens

4.2 The site is located in the southeast corner of Museum Gardens and is within the Central Historic Core conservation area. Museum Gardens is included in the Register of Parks and Gardens of Special Historic Interest. The policies of the Local Plan which relate to such sites are as follows -

- Policy GP1 of the City of York Draft Local Plan relates to design and 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 neighbouring buildings, spaces and the character of the area, using appropriate building materials, and avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment.

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

- Policy HE3 states that within conservation areas, proposals involving external alterations or changes of use will only be permitted where there is no adverse effect on the character and appearance of the area.

- Policy HE9 states that planning permission will not be granted for development, which would adversely affect a scheduled ancient monument or its setting.

- Policy HE12 permits development affecting historic parks and gardens provided they have no adverse effect on the character, appearance, amenity, setting or enjoyment of the park/garden.

4.3 In considering the scheme members are reminded that it is a resubmission, a restaurant of similar footprint and scale having already been approved in place of the existing toilet block in 2007. It is also noted that The Yorkshire Museums Trust support the proposals.

4.4 Visually, the public toilets are considered to have a negative impact on the area. Their removal and replacement by a building that makes a more positive contribution is to be welcomed.

4.5 The restaurant's design has been revised as a consequence of discussions with English Heritage; the resultant scheme appears (due to the changed roof and side elevation) lighter and more open than that previously approved. The restaurant would be glazed on all sides, allowing the eye to pass through the extension, enabling views toward the river and into the gardens. The extension is separated from the listed building by a glazed link and will read as a modern extension. The scale is comparable to the extension already approved and is respectful to the setting. The building would encroach into the gardens no more than the existing toilet block or the scheme which has already been approved. Furthermore it would be partially screened by existing trees. As such the extension would not unduly encroach upon the amenity of the Museum Gardens or compromise person's enjoyment of it.

4.6 Officers support the scheme as it is felt the building respects its setting and would make a positive visual contribution to the conservation area.

Impact on the Engine House, a listed building

4.7 The Engine House building was originally rectangular, (in the area where the restaurant and dining room are proposed), it was extended, firstly where the dwellings is proposed, and then where the leisure suite is proposed. The proposed uses are laid out so they fall within each part of the building. As such they respect the original building form. A more recent unsympathetic lean-to extension on the north elevation would be removed; this extension is unsightly and blocks views of the arches on the buildings north elevation. Its removal will enhance the appearance of the listed building.

4.8 Through the removal of a partition wall that cuts through the main open space in the Engine House (where the restaurant area is proposed) and by bringing the rooflights back into use, the proposals would assist in restoring the original building's character. New openings would be within original openings throughout. It has been agreed existing openings would be retained (revised plans are awaited which show this in the lounge and bedroom above, and west elevation).

4.9 The tenant for the restaurant is to be confirmed and thus the internal layout is unknown at this stage, however extraction to the kitchen has been considered and

can be accommodated without harm to the fabric of the building or its general appearance. The detailed interior, including the mezzanine floor, will be subject to listed building consent.

4.10 The Engine House building has been vacant since 1999; its re-use is welcomed. Overall the renovations will enhance/restore the condition and appearance of the listed building and are thus supported. A comprehensive list of conditions to ensure the alterations are satisfactory will be included in the application for listed building consent.

Replacement facilities for boaters

4.11 The restaurant incorporates a public toilet (to disabled specification) within the lobby, which would be available during restaurant opening hours. This is in contrast to the existing public toilets, which are only open to the public between March and October. In addition, it is intended that boaters would be able to access the toilets "out of hours" using a standard British Waterways key. It is also intended to provide a boat sluice, refuse area and water point to replace the existing facilities that would be lost as a result of the demolition of the toilet block.

Flood risk

4.12 The application site falls within an area at risk of flooding. As such the developer is obliged to produce an assessment of additional flood risk as a consequence of the development and mitigation measures, in accordance with GP15a.

4.13 There has previously been concern that the Engine House may flood due to the reverse flow of water back into the site at times of flooding. The applicant's engineers have addressed this issue and both the Environment Agency and the Council's Drainage Engineers have no objection to the scheme, provided the latest FRA and proposed works by Giffords (whom submitted the FRA) are implemented. Such works can be secured through an appropriately worded condition.

4.14 To prevent flooding at the site the new building's floor level will be 10.83 AOD, which is 300mm above the 1 in 100-year flood level. Flood barriers have also been installed around the site (a management company would be responsible for operation), which along with existing retaining walls and buildings will protect the site in times of flooding (above 10.85AOD). Also flood proofing measures will be added into the building, such as making sure all possible water entry points are sealed and the storage of facilities such as electricals adequately above ground level.

4.15 The development would lead to a loss of area where floodwater could be stored (by introducing further hard surfacing). To prevent adding to flood risk elsewhere, compensation storage tanks are proposed below the restaurant's terrace which could accommodate a similar volume of water (7m³ more) in times of flooding.

Sustainability

4.16 The re-submitted application is associated with a statement which advises of how the development would be developed and operate in a sustainable manner. These can be secured via an appropriately worded planning condition and are as follows:

- The extension will be developed using materials which minimise energy use in their construction: timber, zinc, reclaimed stone and bricks.
- Water efficiency will exceed the requirements of the Councils adopted document on Sustainable Development and Construction in terms of water use in w/cs and appliances. Part of the extension will also have a Sedum Roof, which will aid in flood prevention and biodiversity enhancement.
- Pollution: All insulants will be CFC free and timber will be from FSC Certified sources.
- Site Management: The contractor will be signed up to the Considerate Constructors Scheme.

5.0 CONCLUSION

5.1 The proposed development would sympathetically bring the listed building back into use. The proposal is considered to be an improvement on that already granted planning permission, through an improved design for the restaurant extension and by further exposing views of the Engine House's original north elevation. The impact on the surrounding area, which includes the museum gardens and the wider conservation area would be similar to the previous scheme, although slightly enhanced due to the aforementioned alterations. As previous, replacement facilities for boaters would be provided and thus the enjoyment of the river would not be compromised.

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:-

Location plan D 101
Proposed site/ground floor plan D 201
Proposed first floor/roof plan D 202
Proposed elevations D 401
Elevation from River D 402

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

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

3 VISQ8 Samples of exterior materials to be approved

4 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.

- glazing details, including glazing bars
- glazed link between the existing building and the extension
- roof overhang
- any glazed screen to dining terrace
- railings, gates, steps and stone pillars
- rainwater goods
- details of external lighting

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

5 LAND1 New Landscape details to be submitted and agreed

6 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 during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. Details of pavement construction and existing and proposed levels shall also be included, where a change in surface material and/or levels are proposed within the canopy spread and likely rooting zone of the trees to be retained.

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

7 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the measures to be taken within the design of the building to accommodate bats.

Reason: In the interests of habitat creation, as advocated by Planning Policy Guidance Note 9: "Biodiversity and Geological Conservation"

8 The development shall proceed in accordance with the Giffords Flood Risk

Assessment, revision D dated 18.9.2007 and the details contained in the email from Andy Truby (of Giffords) composed on 2.3.2008.

Reason: To prevent flood risk.

9 A regime for the operation and maintenance of the flood defences must be in place for the lifetime of the development, prior to occupation of the building.

Reason: To minimise the impact of flooding.

10 Flood warning notices shall be erected in numbers, positions and wording, all of which shall be agreed to by the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers are aware of flood risk

11 Prior to the development commencing details of the cycle parking areas, including means of covered enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

12 Details of all machinery, plant and equipment to be installed in the proposed premises, which is audible outside the site boundary, and the proposed noise mitigation measures, shall be submitted to the local planning authority. These details shall include maximum ($L_{Amax}(f)$) and average (L_{Aeq}) sound levels (A weighted), and octave band noise levels they produce. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupiers of nearby buildings.

13 Any kitchen extraction system proposed by the applicant must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenity of occupiers of nearby premises by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby occupiers of premises and also ensure there is not adverse effect on the appearance of the building

14 The existing toilet block shall not be demolished unless and until alternative

facilities (including facilities for boaters), whether temporary or otherwise, have been provided, in accordance with details (including signage) that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the facilities referred to are available to the public at all times.

15 Notwithstanding the information shown on the submitted site plan, the precise location of the new water point shall be agreed in writing and on a plan prior to its installation on the site. The water pipe must also have a non-returnable valve fitted.

Reason: In order to ensure that an acceptable replacement facility for boaters is provided as part of the development.

16 ARCH1 Archaeological programme required

17 ARCH2 Watching brief required

18 S106OS Open Space contribution required £1,242

19 Notwithstanding the information contained on the approved plans, the height of the restaurant building shall not exceed 5.4 metres from its proposed ground level (which is shown at 10.83 AOD on drawing LEN-R D-201).

Before any works commence on the site, a means of identifying the existing ground level on site and proposed ground level for the restaurant area and terrace shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

20 The development shall proceed in accordance with the sustainability statement, issue 1, received 2.4.2008.

Reason: To ensure that the proposed development has regards to the principles of sustainable development, in accordance with policy GP4a of the Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. CONTAMINATION

Any contamination detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local

planning authority and fully implemented prior to any further development on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of any proposed underground services.

2. 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, the setting of the Museum Gardens and nearby listed buildings, the provision of facilities for boaters and flood risk.

As such the proposal complies with Policies GP1, HE2, HE3, HE4, HE9, HE12 and C3 of the City of York Local Plan Deposit Draft.

Contact details:

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

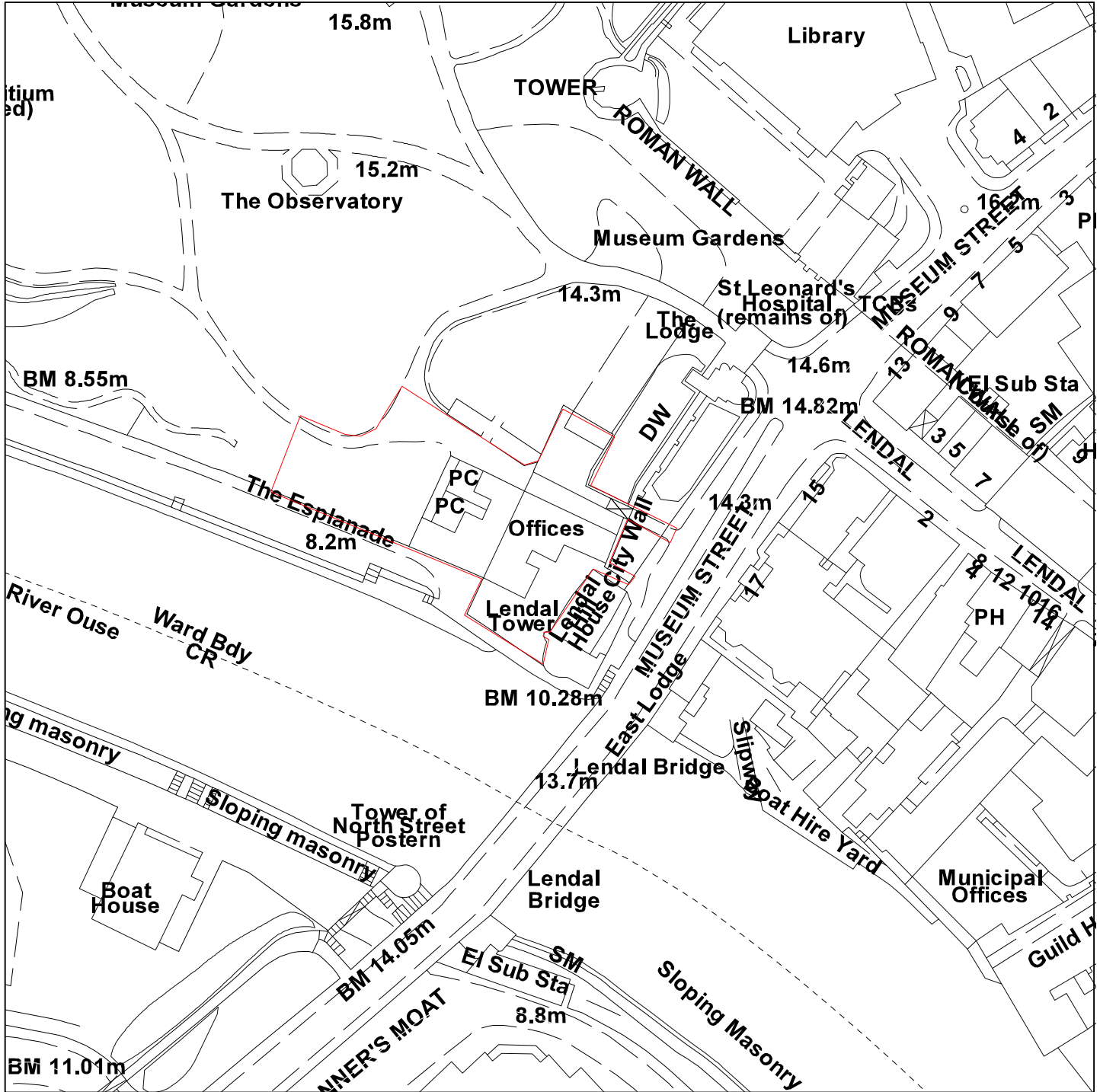
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Former Waterworks Engine House, Museum Street

08/00115/FUL



GIS by ESRI (UK)



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	08 April 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 17 April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00114/LBC
Application at: Former Waterworks Engine House Museum Street York
For: Internal and external alterations and new extension in connection with proposed use as a restaurant, apartment and leisure suite, new outdoor terrace, gates and railings (resubmission)
By: Mr. Ian McAndrew
Application Type: Listed Building Consent
Target Date: 19 March 2008

1.0 PROPOSAL

The site

1.1 The application site is located in the southeast corner of Museum Gardens, fronting onto the River Ouse; it consists of the former Engine House at the rear of Lendal Tower/Lendal Hill House, the detached public toilet block immediately to the west, and an area of adjacent land.

1.2 The site is within the Central Historic Core conservation area. The Engine House is a Grade II listed building. The Museum Gardens are designated as open space in the Local Plan, they are also a grade II registered historic park and garden and within the Scheduled Ancient Monument of St Mary's Abbey. As such Scheduled Ancient Monument Consent is also required for the proposed works (Determined by The Secretary of State in association with English Heritage).

1.3 The original Engine House building was purpose built in 1835/36 to house pumping equipment in connection with the supply of water. The main water supply distribution centre was moved to Acomb following the development of new waterworks and filter beds between 1846 and 1849. The building has been subject to extensions. It was last used as offices, and has been vacant since 1999.

The proposals

1.4 The application is to convert and extend the Engine House. The building would be converted to a two bed apartment (on two floors) together with an associated leisure suite. The original Engine House building would be converted to a restaurant, which would involve a glazed extension on the western side of the building, located where the toilet block presently sits and an outside terrace overlooking the river. More recent lean-to extensions at the north side of the Engine House are to be demolished along with the public toilets.

1.5 The restaurant extension would be attached to the Engine House by a subordinate glazed link, creating a separation distance of around 1 metre between

the buildings. The building would be glazed on all elevations; it would have an overhanging butterfly roof (of zinc) supported by timber columns and beams. The structure would be slightly lower in height than the Engine House, the maximum height would be about level with the beginning of the parapet wall around the engine house roof.

1.6 The restaurant extension would be accessed from the Museum Garden side via a path which would run along a sight line directed to the North Street Postern across the river; the path involves steps up from the Esplanade and again onto the raised dining terrace. A new access to Museum Gardens, also serving the new restaurant and residential unit is proposed through the City Walls (through an existing gateway) from the slipway, which descends from Museum Street to the river. This would provide a dry access to the site during flood conditions, in addition to a level access for the disabled.

1.7 Within the existing building unoriginal partitions would be removed, new entrances would be created through existing openings on the north and south elevations and the rooflights would be brought back into use. New partitions would separate the proposed differing uses and a lift would run up to a mezzanine floor in the main restaurant building.

1.8 Similar applications have already been granted full planning permission and listed building consent for this scheme. These applications were considered at committee in June 2007.

1.9 This scheme comes as a consequence of discussions with English Heritage, as the applicants seek to gain the Scheduled Ancient Monument Consent required for the proposals. The design of the restaurant extension has been revised, the roof, shape/footprint and the side elevation being amended; these alterations open up the west elevation of the building, providing views into the Museum Gardens and involve a butterfly roof. A companion application for full planning permission has been submitted, reference 07/00115/FUL.

1.10 The applications (full and listed building) are brought to committee as the previous applications were determined by members in June 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Floodzone 3 Flood Zone 3
Historic Parks and Gardens GD1012; Museum Gardens, York, N Yorkshire
Listed Buildings Multiple (Spatial)
Scheduled Ancient Monuments Multiple (Spatial)

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 On the whole the scheme is compatible with the nature of the building and there are few losses of significance. Following a recent site meeting a number of changes were requested to the existing scheme and drawings. These would further ensure that the integrity of the building is maintained (Revised plans are expected and members shall be updated at committee).

3.2 Alterations requested were as follows:

- a) The mezzanine should be set-back from the west windows to allow the full height of the space to be appreciated.
- b) The mezzanine should only run as far as the dining room where it has been revealed that the ceiling is too high to allow a further floor above
- c) The new south windows are omitted
- d) The west elevation windows to the dining room would remain as existing with no windows above
- e) Fittings should be retained in the lounge of the house and the existing door and architraves should be relocated to the new opening position into the hall
- f) The plans should be made compatible with the revised elevations and no existing windows should be lost.

3.3 Officers also advise that they previously expressed concern about the change to the character of the conservation area that will result as a consequence of the new use. However they note though that English Heritage has supported the scheme in principle from the beginning and that the recent changes to the extension represent an improvement in the building design when considered in its own right (The building, which should be lightweight as a butterfly roof appears a little heavy in its details). Also, the Museum's Trust consider the commercial nature of the scheme would not be incompatible with the strategic plan for the gardens.

3.4 The Gardens constitute a finite cultural resource of national importance. They are of great amenity value and their open, quiet and green character contributes to the special character and appearance of the conservation area. It is important that the existing tree just outside the site is protected and that there is a sufficient margin available for planting to screen the wrap-around terrace which might intrude visually into the garden.

External

Planning Panel

3.5 No objection. Ask that care is taken over the agreement of materials, impact on surrounding trees and signs should be posted advising boaters of the new facilities.

English Heritage

3.6 Advise that they have discussed the proposal with the applicant and consider the restaurant extension would be suitable to this location and support the re-use of the Engine House. However there is concern over the details of the new access into the gardens. If the application is to be approved, it should be subject to a condition that details of pathways steps, gates and railings are provided. Samples of materials should also be agreed by the Local Planning Authority.

Publicity

3.7 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 29.2. Comments received are as follows:

- Object, no details of restaurant facilities such as service access, waste storage, staff facilities, w/cs.
- The alternative facilities for boaters should be separated from the development and provided before the existing facilities are removed. They should be clearly signposted and available all year round.

4.0 APPRAISAL

4.1 Key issues

- Justification
- Special historic interest of the listed building

Relevant planning policy

4.2 It is a requirement of PPG15 Planning and the Historic Environment that applications for listed building consent justify their proposals. They will need to show why works, which would affect the character of a listed building, would be desirable or necessary.

4.3 It is a requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the special historic interest of the listed building and the character and appearance of the conservation area. This is reinforced in policy HE4 of the draft Local Plan which states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

Justification

4.4 The proposed works will bring the building back into active use. It has been vacant since 1999 and is presently dilapidated internally as it has suffered from criminal and water damage. To repair the building and bring it into occupation, via an appropriate use would help secure its long term future. The applicant has advised that the restaurant extension is required to provide adequate covers and make the venture viable to prospective occupants.

Special historic interest of the listed building

4.5 In relation to the scheme which has already been granted listed building consent the alterations are as follows:

- On the north elevation a stepped entrance into the restaurant with a canopy above is proposed, previously an entrance lobby was proposed. This revision will open up views of the original north elevation and its decorative arched brickwork.
- Outside the storage areas by the north elevation have been omitted, the staff cycle parking has been moved into the courtyard, the refuse area (for the restaurant) has been omitted (it is presumed this will need to be accommodated in the courtyard also). The boat refuse and sluice and a cycle area are now detached from the Engine House building. The benefits of such are as per the above amendment.
- Internally the details of the restaurant have been omitted as these will depend upon the tenant; these will come under a separate listed building application. Otherwise the scheme is predominantly as per that already granted consent. There are some variations in the drawings and Conservation Officers have asked for amendments, these are listed in paragraph 3.2.

5.0 CONCLUSION

5.1 The proposal would bring the Engine House back into use and respects its special historic and architectural interest. The setting would be enhanced by renovation of the building and a proposed modern sympathetic addition, opposed to the existing unsightly toilet block. As such the proposal is compliant with policy and is thus supported.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Location plan D 101
Proposed site/ground floor plan D 201
Proposed first floor/roof plan D 202
Proposed elevations D 401
Elevation from River D 402

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

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

3 VISQ8 Samples of exterior materials to be app

4 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.

- glazing details, including glazing bars
- glazed link between the existing building and the extension
- of the extension - roof overhang, exposed soffit, louvred screen, exposed beams and posts, and glazed wall
- any glazed screen to dining terrace
- railings, gates, steps and stone pillars
- rainwater goods
- adaptations to existing window openings
- lift assembly
- new internal partitions (to be scribed around existing)
- all new doors and door openings
- all new windows and window openings
- floor and ceiling adaptations
- new staircases
- mezzanine floor
- new steps and canopy at restaurant entrance (north elevation)
- lighting (internal and external)
- works to newly exposed external walls (i.e. to clean off plaster at back of engine house)
- upgrading of existing fabric to achieve fire and acoustic separation
- schedule of repairs

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the special architectural and historic character of the listed building. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Local Plan Deposit Draft.

2. Attention is drawn to the fact that the proposal will also require separate Scheduled Monument Consent from the Department of Culture Media and Sport. No work should commence on the development until such consent has been obtained. Listed Building Consent has been granted without prejudice to the outcome of this application.

Contact details:

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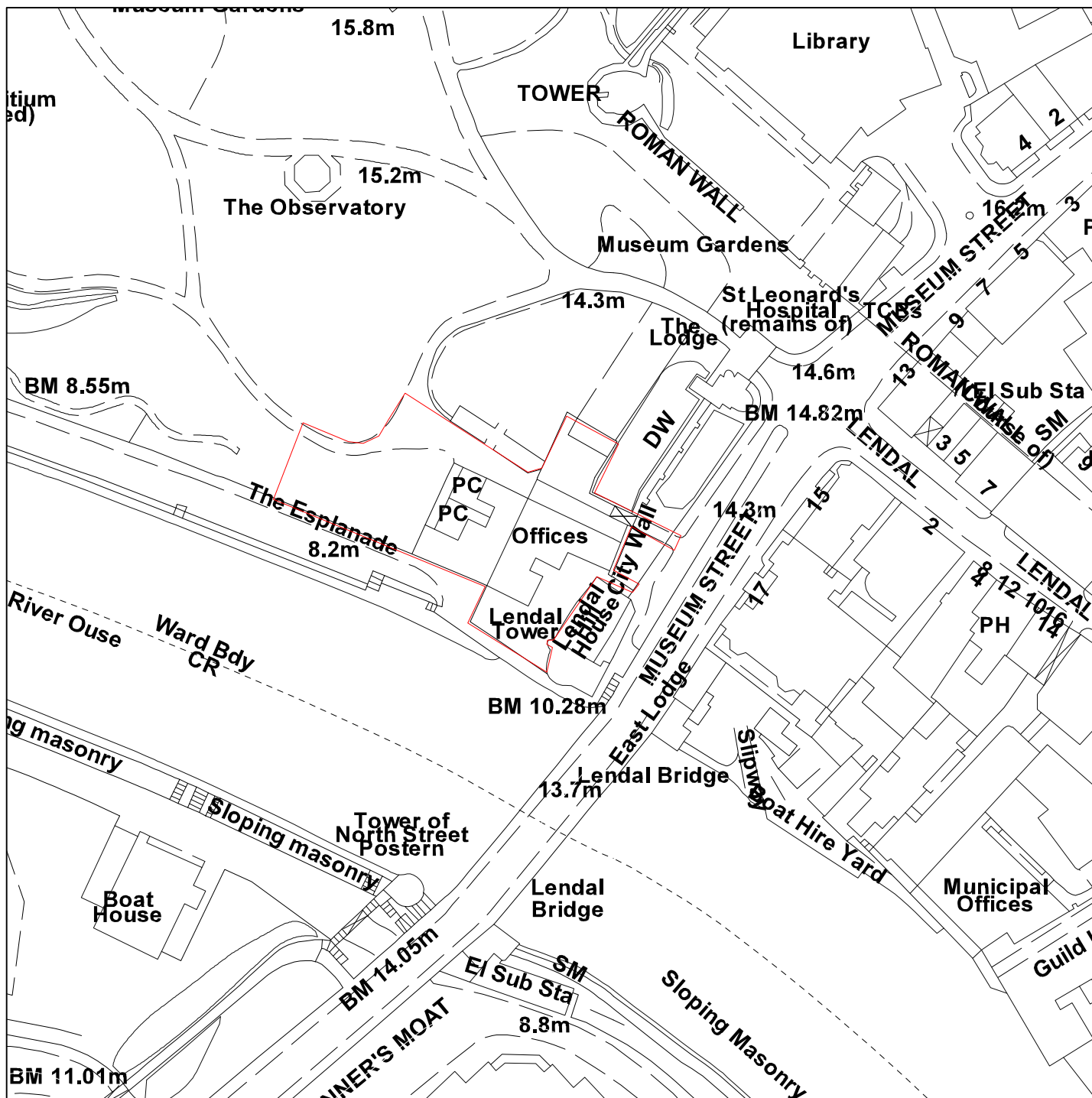
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Former Waterworks Engine House, Museum Street

08/00114/LBC



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	08 April 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 17 April 2008 **Parish:** Acomb Planning Panel

Reference: 08/00159/FULM
Application at: Site Lying To The Rear Of 1 To 9 Beckfield Lane York
For: Erection of 12no. two storey semi-detached and terraced houses and 4no. garages
By: Hogg Builders (York) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 25 April 2008

1.0 PROPOSAL

1.0.1 Planning permission is sought for the erection of 12 dwellings to the rear of 1 – 9 Beckfield Lane (odd numbers). Single detached garages are proposed for plots 10 and 12 with an additional car-park space to the front of each property. A pair of detached garages is proposed for plots 8 and 9 with an additional car-park space to the front of each garage. 2 car-parking spaces are proposed to the front of the remaining plots (1,2 and 7). Single car-parking spaces are proposed to the front of 3, 4, 5, 6 and 11.

1.0.2 2 House types are proposed for this site, Easington and Kilnwick. Both house types are 2-storey. The Easington house type is slightly larger than the Kilnwick. The Easington measures 8.70 m length x 5.60 m in width x 5.10m in height to eaves level and 8.30 m in height to ridge level. The Easington is also set (approximately) 200 mm higher above ground level than the Kilnwick. The Easington consists of a kitchen/dining room, sitting room w.c., hall and store on the ground floor and 3 bedrooms (one master bedroom with en-suite) and a communal bathroom on the first floor.

1.0.3 The Kilnwick house type measures 7.70 m in length x 5.30 m in width x 5.10 to eaves level and 8.00 m to ridge level. This property is a 2 bedroom dwelling which provides a lounge a dinning room, kitchen, w.c. and hallway on the ground floor and 2 bedrooms with a communal bathroom at first floor level.

1.0.4 The proposed access to the site is from Runswick Avenue. This small plot of land was previously used as informal amenity open space by residents of Runswick Avenue. The land was also maintained by the Council for approximately 26 years. The Council does not own this land. This issue is discussed further in section 1.2 and 4.11.

1.0.5 The access road and internal roadway, which is proposed adjacent the boundary of the site and the rear gardens of Runswick Avenue. 1.80 m high acoustic fencing is proposed adjacent this boundary to reduce the noise intrusion from vehicles using the estate road/access road.

1.0.6 The proposed scheme involves the removal of approximately 19 trees. These trees range in species and maturity. Nearly half of the trees are located within the centre of the site. However 9 trees are close to the boundary of properties within Runswick Avenue and 2 mature trees are close to the boundary with properties in Wetherby Road. 2 protected trees abut the site to Wetherby Road boundary. These are outside the curtilage of the site.

1.0.9 It should be noted that the applicants have amended this scheme from the originally submitted version. Amendments have been made to car-parking arrangements and the internal roadway. Further information has also been submitted concerning drainage of the site.

1.1 SITE

1.1.1 The overall area of this proposed site is approximately 0.289 ha. The site is principally made up from private rear gardens belonging to 1- 9 Beckfield Lane (odd numbers only). The access to the proposed site is gained from Runswick Avenue. The site is bounded by dwellings to all boundaries. To the north and east is Runswick Avenue, to the south is Wetherby Road and to the west is Beckfield Lane.

1.1.2 The site contains 24 trees. 13 of these trees are fruit trees and are relatively small in height. However there are a number of mature trees within the site which can be seen from the public realm, i.e. Runswick Avenue, Beckfield Lane and Wetherby Road. The larger more mature trees range in species from pine, birch, hawthorn, blackthorn and a number of ornamental species.

1.2 SURROUNDING AREA

1.2.1 As previously mentioned the proposed site is bounded by dwellings to all boundaries. Runswick Avenue consists of predominantly 1 style of semi-detached bungalow, although no.18 is a detached bungalow. Planning permission has been granted for dormer extensions to no.'s 18 and 44. A number of bungalows have also been extended at the rear. The private rear gardens of these properties are approximately 6.00 m in depth.

1.2.2 Dwellings within Wetherby Road are 2-storey in height. Their gardens range in length from approximately 35.00 m for no.19 to 50.00 m for no.7. Dwellings within Beckfield lane are also 2-storey in height. Gardens to these properties are exceptionally long in comparison with the general area and measure approximately 105 m. It is proposed to reduce the length of the gardens to approximately 25.00 m to accommodate this scheme.

1.2.3 Close to the site and adjacent the junction of Runswick Avenue and Beckfield Lane is a small cluster of shops, comprising of a hairdressers, delicatessen and a mini-supermarket. Additional services are located further along Beckfield Lane.

1.3 HISTORY

1.3.1 There is no previous planning history for most of this site. An enforcement case (07/00289/EXT) was raised in May 2007, regarding the fencing off of land in Runswick Avenue (the access to the site). The Council's Legal Department is currently looking into this matter. The Council does not own the land. The Council's legal department have written to the solicitors, who they believe are acting on behalf of the owner of the land. No response has been received as yet.

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:

CYSP6
Location strategy

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP7
Open Space

CYGP9
Landscaping

CYGP15
Protection from flooding

CYNE1
Trees, woodlands, hedgerows

CYT4
Cycle parking standards

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

COUNCILLOR CORRESPONDENCE

3.1.1 Cllr Simpson-Laing commented on behalf of a number of residents of Runswick Avenue. She commented that the residents of Runswick Avenue are among the more mature residents of Acomb Ward. Many of the residents choose to live in Runswick Avenue due to its closeness to shops and bus routes. They also choose the area due to its quietness, location and private gardens. The outlook is also another reason why people move to Runswick Avenue. The established trees and vegetation which is adjacent the residents' rear gardens provide additional amenity. Residents are also concerned about the loss of the area of open space (proposed access to the development) as this is a much valued amenity area and should not be ripped up to provide an access road.

3.1.2 With regard to the scheme layout, Cllr Simpson-Laing commented that the plan submitted is incorrect. This gives an inaccurate view of the separation distances between the existing dwellings and the proposed development. A number of properties have been extended, e.g. no.18 has a conservatory. The separation distance between this property and the plots 2, 3 and 4 is only 18.00m. Other points raised were:-

3.1.3 Layout of the scheme

- The garage for plot 12 is less than 8.00 m from no 28 Runswick Avenue's boundary;
- Bungalows opposite plots 9 and 10 are less than 21.00 m away. There is also a difference in land levels between the site and existing dwellings in Runswick Avenue;
- The proposed acoustic fence is higher than the current boundary hedge adjacent the majority of bungalows in Runswick Avenue, concern has been raised about future maintenance of the fence;
- Even taking account separation distances, which in some cases reach or exceed 21.00m and the acoustic fence, the fact that the proposed

dwellings are 2-storey in height and the existing dwellings within Runswick Avenue are bungalows they will be overlooked; and

- The area of land which has been fenced off by Hogg's, with the intention of being used as the access to the site, was an amenity area for the residents of Runswick Avenue.

3.1.4 Traffic concerns

- There are already issues of traffic and parking congestion within Runswick Avenue, principally from deliveries to the shops. This proposal will add significantly to this problem. The applicants have also not indicated the accesses and parking arrangements to the North of Runswick Avenue, therefore not giving a true picture of the development;
- The design of the internal layout of the scheme is car-dominated and would be such that pedestrian movements would be awkward, the turning head is also inappropriate; and
- Although there is a 1.80 m fence separating the proposed development from existing residents within Runswick Avenue, concerns have raised regarding traffic noise and fumes.

3.1.5 Environmental matters

- **Trees** - The application proposes the removal of a number a trees which greatly add to the amenity of the area;
- **Drainage** - The proposed site is higher than a number of bungalows within Runswick Avenue and currently natural land drainage through seepage will be lost when the large areas of the site is hard surfaced;
- **Wildlife** – There appears to have been no consideration taken regarding impact upon wildlife. Wildlife habitat will be lost due to removal of trees etc. If permission is granted a condition should be imposed protecting existing hedgerows (as within the remit of the Wildlife and Countryside Act). A study should be also undertaken to record the wildlife species in the area;
- **Noise pollution** – The proposed development will be close to the bedrooms of dwellings within Runswick Avenue. Concern has been raised from residents regarding noise intrusion from vehicular movements and other associated coming and goings from the site.

3.1.6 Lastly Cllr Simpson-Laing commented that the development appears unsustainable. The density is also too high and the design of this infill development is not in keeping with Runswick Avenue. The applicant has also not taken into account existing residents views with regard to the proposed heights of the scheme. Bungalows would most likely be more acceptable form of development instead of 2-storey dwellings.

HIGHWAY NETWORK MANAGEMENT (HNM)

3.1.7 The HNM officer commented that the application originally provided too many car-parking spaces. City of York standards seek 1 space for 2-bed

dwellings and 2 spaces for 3-bed dwellings. The HNM officer also commented that there were a number of technical deficiencies concerning layout of car-park spaces, length of the turning head and length of plot 5's drive. The officer further commented that Highways would seek a commuted sum of £3000 to promote accessibility and sustainable travel. The fee would provide for Kessel kerbs for the outbound bus stop opposite 9 Beckfield Lane and a BLISS display.

3.1.8 Amended plans were received on 3rd March in light of the comments raised by the Officer. She was re-consulted on the amendments and commented that the widths and sightlines of the access are acceptable and accord with the relevant highway guidelines.

3.1.9 The internal layout will be designed/constructed to an adoptable standard and offered for adoption under a S38 Agreement of the 1980 Highway Authority. Parking and turning within the site has also now been proposed in accordance with highway standards.

3.1.10 The officer further commented that, from judging the scheme against historical data the development would generate approximately 7 vehicular movements at peak hours. Such a level of traffic is not expected to have a material impact on the surrounding highway network. The officer also confirms that site is well serviced by public transport and local facilities are within a short distance.

3.1.11 Finally the officer has sought agreement, from the applicant, for improvements to adjacent bus stops. The officer sought Kassel Kerbs for the outbound bus stop opposite No. 9 Beckfield Lane and BLISS bus real time display Inbound outside No. 19 Beckfield Lane. The applicant has not commented upon these requests. As a consequence the officer has recommended that should the application be approved, these improvements should be secured by condition.

COUNTRYSIDE OFFICER

3.1.12 Back gardens of this nature form very good green wedges within the urban area. Development of this site would reduce the overall greenness of the area and decrease the porosity of the urban area for wildlife.

ENGINEERING CONSULTANCY

3.1.13 The drainage engineer commented that the development is in low risk Flood Zone 1 and will not suffer from river flooding. However the officer objects to the proposed development, on the grounds that insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

3.1.14 The officer commented that the whole of the site isn't drained. Therefore all water run-off from the development (impermeable areas) would

be an addition into the sewerage system. As a consequence the officer sought confirmation on the following:-

- Any attenuation system must be provided and then adopted and maintained by Yorkshire Water. Also storage/control devices should be located within the adopted highway;
- Restricted discharge rates should be provided to prevent flooding;
- Hydraulic modelling details of water storage for a 1:30 storm and confirmation that it can be connected into the public sewer system should be provided;
- Finished floor levels and ground levels should be provided, along with cross-sections through the site, to ensure that adjacent neighbours would not be detrimentally affected by the proposed development;
- The development should not be raised above the level of the adjacent land, to prevent water run-off from the site; and additional surface water should be connected to the public surface water sewer in Runswick Avenue.

3.1.15 Additional information was received in light of the officer's comments and forwarded for comment. No response has been received as yet. A verbal update will be given at committee.

LIFE LONG LEARNING AND CULTURE (LLL)

3.1.16 The LLL officer commented that as there is no on-site open space commuted sums should be paid to the Council.

CITY DEVELOPMENT

3.1.17 The city development officer highlighted relevant policies which are applicable to this development. The officer commented that the proposed scheme approximates to 41 dwpha. The density is marginally higher than the recommended density stated in policy H5a. The development should also satisfy policy GP4a in terms of sustainability. The proposed homes should meet the code for sustainable homes level 3.

ENVIRONMENTAL PROTECTION UNIT (EPU)

3.1.18 The Environmental Protection Unit raise no objection to the application but advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

LANDSCAPE ARCHITECT

3.1.19 The officer states that there are a number of sizeable mature trees within the site, principally beech, birch and pine. Trees in rear gardens and the street, play a very important role within Acomb between Beckfield Lane and Carr Lane. Trees add greatly to the amenity of this area. Whilst many of the trees are not obvious individuals in full view, cumulatively they significantly

add to ambience and character of the area. If this scheme were approved it would deplete this tree stock and the open area associated with it, to the detriment of the area.

3.1.20 The trees are most visible from gaps between buildings, especially from the proposed access to the site. However they also form a green backdrop to Runswick Avenue which have very small rear gardens. The birches and particularly the pine can be seen from Beckfield Lane, Wetherby Road and Danebury Drive.

3.1.21 The officer considers that this scheme will have a detrimental impact upon the character of the area. Large spatial gardens will be exchanged for tightly packed dwellings, which will be obvious from surrounding streets due to the loss of the mature trees but in particular from Runswick Avenue. Vegetation and greenness will be replaced with a taller denser residential scheme.

3.1.22 She further comments that housing densities alone cannot be considered on their own. Paragraph 16 of PPS3 also identifies the importance of trees and recognises that their removal can have a further negative effect upon climate change. Their removal would also impact upon the bio-diversity within this suburban area. As a consequence the proposal constitutes over-development of the site.

3.1.23 In addition, the officer considers that the provision of 2 car-parking spaces per dwelling is excessive. The car parking, viewed in conjunction with the estate road, will lead to a hard featureless frontage (in effect 12.00 m of paving). The thin strips of planting proposed would have a minimal benefit in terms of amenity and would not compensate for the loss of the mature trees and vegetation.

3.1.24 The erection of the acoustic fence would necessitate the removal of the existing boundary hedging, resulting in further loss to the natural environment and amenity that it contributes to the area and adjacent neighbours in contradiction to Local Plan policy NE1, which seeks to retain and protect trees. The scheme is also contrary to policy GP1 and GP10 of the city's Local Plan as it does not enhance the local environment and does not avoid the loss of features (trees) that contribute to the local environment. Nor does the scheme enhance natural areas and landscape as required by policy GP4a of the Local Plan or protect existing landscape features as required by policy H4a.

3.1.25 Finally the officer comments that plots 1-4 would impinge upon 2 protected trees adjacent the site. The officer completely disagrees with the submitted Design and Access Statement which states that full information has been provided in accordance with B.S. 5837:2005, particularly in that it does not consider the amenity value of the trees, nor give them a grading of tree quality. The report submitted identifies that some trees are worth retaining. The only threat to their long term retention is this development.

EDUCATION OFFICER

3.1.26 The education officer advises that should the application be approved, a contribution of £31,944 should be provided. The money would help provide for Carr Infant School and York High.

3.2 EXTERNAL

ACOMB PLANNING PANEL

The panel objected to the proposed scheme on the grounds that:-

- The proposed development should be single storey in height to fit in with Runswick Avenue;
- The proposed 2-storey dwellings would overlook bungalows within Runswick Avenue. Overlooking would also be exacerbated due to difference in land levels. Plots 8 and 9 would also overlook properties in Wetherby Road;
- The proposal does not comply with policy GP1;
- The design and access statement is misleading. Whilst it claims that separation distances between the proposed development and existing properties will be overlooked. The statement also incorrectly states that the development maintains the established pattern of 2-storey development within the surrounding area;
- The access to the proposed scheme removes open space which has been used by the residents of Runswick Avenue. The land was left as children's play space by the original developer of Runswick Avenue. The ownership of this land is also in question;
- The traffic statement takes no account of serious congestion caused by vehicles parked on either side of Runswick Avenue especially adjacent the nearby mini-supermarket and shops. Delivery trucks constantly use Runswick Avenue to turn, after delivering to the supermarket.
- Finally the panel suggested various conditions, should approval be granted, concerning hours of work, parking, storage of materials and methods of site clearance.

MARSTON MOOR and FOSS INTERNAL DRAINAGE BOARD

3.2.2 The board raised no objections to this application. However they stated that the proposed method of surface water disposal is to Carr Drain, a culverted watercourse that the Board believes does not have any spare capacity. They advise that before any additional discharge can be accommodated within this watercourse, proof that the site currently discharges into the watercourse and also the rate at which it discharges, should be provided.

3.2.3 In addition the board recommended the imposition of a number of conditions concerning scheme for water regulation, drainage routes, reduction of flood risk and minimum development standards for this brownfield site.

3.2.4 Additional information was submitted on the 3rd March concerning the Boards comments. Both boards commented that the applicants have stated that they propose to discharge the same flow into Carr drain that currently is discharged from a length of highway. Both boards asked for further clarification of this point. They commented that, if the Council were satisfied that the existing highway discharge rate could be substituted, to provide a possible discharge rate for the applicant to utilise, then they would accept this. If the Council does not accept this proposition, the boards advise that an alternative scheme should be submitted.

NEIGHBOUR LETTERS, SITE AND PRESS NOTICE

3.2.5 Letters from or on behalf of 32 local residents have been received raising objections to the original plans on the following grounds:

- Hogg the builders have proceeded with this development without consulting neighbours who would be affected. In particular they fenced off an area of open space adjacent to 18 Runswick Avenue without notifying or consulting residents;
- The development is too close to properties in Runswick Avenue. The 2-storey properties in particular would be significantly higher than the bungalows within the Avenue. The development would also create a new imposing outlook of a housing development as opposed to the existing natural green area;
- The development, if approved, will remove numerous mature trees and vegetation, which will be to the detriment of the area. Also the proposed replacement landscaping is inadequate and this would impact upon local wildlife. The Arboricultural report submitted with the application states that some trees are worthy of retention;
- There is already significant parking congestion within Runswick Avenue. This scheme will worsen this situation;
- The proposed scheme does not satisfy the requirements of Local Plan policy GP1 as it is not of a density, layout, scale and design appropriate to the character of the area. Residents would also be affected by noise, disturbance, overlooking, overshadowing and would be dominated by overbearing structures;
- If development were approved for this site, it should be for bungalows only;
- The acoustic fence is inadequate. Land levels are significantly different between the proposed and existing dwellings within Runswick Avenue. A 1.80 m high fence within the site would be of a significantly lesser height to most adjacent dwellings in Runswick Avenue. The fence would also create issues of maintenance and security. It would be preferable, subject to planning approval, that a brick wall is built instead, which would should be 1.80 m in height on the side of properties within Runswick Avenue. Finally there is a gap in the fencing between 30 Runswick Avenue and 38. This is not acceptable for security reasons;
- The access to the site is situated at a very congested point within Runswick Avenue. Such an arrangement would lead to further traffic congestion and disruption to existing residents within the area;

- The development would overlook private rear gardens of properties within Wetherby Road;
- When Runswick Avenue was originally constructed in 1965 the plot of land, where the access is proposed, was dedicated as an area of public open space. The Council has also maintained the land for approximately 26 years;
- There is a significant difference in land levels which would exacerbate overlooking from the proposed 2-storey dwellings onto dwellings within Runswick Avenue. This difference in land levels would also exacerbate the imposing nature of the proposed dwellings, especially towards 38, 40 and 42 Runswick Avenue;
- The development would reduce security to adjacent neighbours gardens as access would be made easier by this development;
- Construction traffic would cause additional noise and disturbance to local residents and also add to traffic congestion;
- There are more appropriate sites within York that should be developed;
- Drainage runs along the proposed access way to the site. It would create problems if the land were developed for access;
- The existing drainage within the area is inadequate and would not be able to cope with this proposed development;
- No.9 and 11 Runswick Avenue will be affected by comings and goings into the site, especially during evenings and night-times, when car lights will shine in their houses;
- The access road/estate road will be approximately 6.00 m from 18 – 32 Runswick Avenue (even numbers). Such an arrangement would cause significant harm to these residents, especially considering they would be hemmed in by roads on either side;
- The local plan carries considerable weight which has been recognised by appeal Inspectors. The applicants statement that the plan carries little weight is incorrect;
- There is only 18.50 metres between plots 9-12 and 38, 40 and 42 Runswick Avenue. This is inappropriate and fails to satisfy Council guidelines with regard to separation distances;
- The area of open land should be classified as open space and is not therefore suitable for development. PPS3 seeks to preserve such land.

3.2.6 1 letter of support has been received from the owners of 1 of Beckfield lane. They are part of the group of residents who wish to sell part of their garden to Hogg's, for the proposed development. They commented that:-

- The garden area which is proposed for development is not amenity area, it is private land. Neighbours have no access rights to the land;
- The land costs a lot to maintain;
- Residents of Runswick Avenue have complained that the site encourages vermin;
- The land is sandy and so objections on the grounds of water run-off are unfounded;
- The traffic congestion by the nearby mini-supermarket is offset by the close proximity of such an amenity;

- Traffic congestion would be reduced if residents in Runswick Avenue, parked their cars within their allocated car-parking spaces and not on the road;
- The new development will be carried out with sensitivity; and
- Runswick Avenue was built in the 1960s and altered the existing view of the area. The new housing was welcomed as providing accommodation for people in the local community. This development should be treated the same.

4.0 APPRAISAL

4.1 KEY ISSUES

- Planning policy;
- Principle of development;
- Density;
- Design and layout;
- Impact upon residents amenity;
- Highways;
- Landscaping;
- Affordable housing;
- Flood risk and drainage;
- History of the site
- Open Space
- Sustainability

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development sets out the Government's national policies on different aspects of land use planning in England. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. 'The planning System: General Principles', the companion document to PPS1, advises the importance of amenity as an issue. Enhancement of the natural and historic environment, the quality of and character of existing communities is also encouraged through this document.

4.2.2 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing.

4.2.3 The key policies in PPS3 are:

- Local authorities will need to identify more appropriate sites for housing
 - Councils need to plan 15 years ahead, to ensure they have a rolling 5-year supply of sustainable and deliverable sites, in order to prevent

much needed new homes being held up by unnecessary delays in the planning process.

- Stronger emphasis on improving the quality of design of housing and Neighbourhoods - PPS3 makes it clear that local authorities should turn down poor quality applications.
- Stronger environmental standards - Developers and planning bodies will have to take account of the need to cut carbon emissions as well as wider environmental and sustainability considerations when siting and designing new homes. PPS3 and the new Code for Sustainable Homes will set out further details including plans to move towards zero carbon development to reduce carbon emissions.
- New emphasis on family homes - For the first time the planning system will be required to consider the housing needs of children, including gardens, play areas and green spaces. Local authorities will have more ability to promote mixed communities and to ensure larger homes are being developed alongside flats and smaller homes.
- A continuing focus on brownfield land - Retaining the national target that at least 60 per cent of new homes should be built on brownfield land.
- More flexibility for local authorities to determine how and where new homes should be built in their area, alongside greater responsibility to ensure the homes are built - Local authorities can set their own local standards for density (with a national indicative minimum of 30 dwellings per hectare) and for car parking.
- Stronger policies on affordable housing are encouraged.

4.2.4 With relevance to this application, PPS3 seeks:-

- An examination of the current and future level and capacity of infrastructure, services and facilities including, in particular, green and open space (paragraph 46);
- Development plans and development control policies must consider the character of the area, including the availability of private and public open space and landscaping (paragraph 46);
- A range of housing densities considered most appropriate for their area (paragraph 47);
- Densities below the preferred minimum of 30 dwph (dwellings per hectare) may be included if justified (paragraph 47);
- Intensification of development is not always appropriate (paragraph 49);
- Where intensification of an area is proposed, good detailed design and layout is very important (paragraph 49);
- It must not be presumed by either the local authority or the developer that all land that was previously developed is not necessarily suitable for housing development nor that the whole of the curtilage should be developed (Annex B – description of “previously developed land”).

4.2.5 PPG25 Development and Flood Risk: This PPG explains how flood risk should be considered at all stages of the planning and development process.

It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

4.2.6 Policy SP6 'Location Strategy' of the City of York Local Plan Deposit Draft sets out a location strategy for developing brownfield land within the urban area of the city sequentially before urban extensions; surrounding settlements; selected public transport corridors; and lastly Greenfield sites.

4.2.7 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will: respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using 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.

4.2.8 Policy GP3 'Planning Against Crime' of the City of York Local Plan Deposit Draft requires that new development should, where deemed appropriate, to incorporate crime prevention measures to achieve: a) natural surveillance of public spaces and paths from existing or proposed development; and b) secure locations for any associated car and cycle parking; and c) satisfactory lighting; and d) provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles.

4.2.9 Supporting text of this policy further states that the principle of reducing opportunities for crime by means of careful design of buildings and the spaces between them is widely acknowledged (e.g. PPG1) and is capable of being a material planning consideration. Circular 5/94 (Planning Out Crime) outlines that the type of environment created by development can be closely related to the causes of crime and violence. Attractive, well-managed and vibrant environments that are designed to take into account the security of residents and property can help to reduce the potential for crime. The variation and mix of different land uses in the same vicinity can also go some way to create environments that are lively and well used, especially in the evenings.

4.2.10 Policy GP4a 'Sustainability' of the City of York Local Plan Deposit Draft requires proposals for all development should have regard to the principles of sustainable development. All residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria specified in policy GP4a and will be judged on its suitability in these terms.

4.2.11 Policy GP9 'Landscaping' of the City of York Local Plan Deposit Draft states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: a) be planned as an integral part of the proposals; and b) include an appropriate range of

indigenous species; and c) reflect the character of the locality and surrounding development; and d) form a long term edge to developments adjoining or in open countryside.

4.2.12 Policy GP10 'Subdivision of Gardens and Infill Development' of the City of York Local Plan (Deposit Draft) encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.2.13 Policy GP15a 'Development and Flood Risk' of the City of York Local Plan Deposit Draft states that there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. The use of sustainable drainage systems to mimic natural drainage will be encouraged in all new developments in order to reduce surface water run-off. Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites should always be less than the level of pre development rainfall run-off.

4.2.14 Policy NE1 'Trees, Woodlands and Hedgerows' of the City of York Local Plan Deposit Draft states that trees which are of landscape or amenity value will be protected by refusing development proposals which will result in their loss or damage. Trees or hedgerows which are being retained on development sites should also be adequately protected during any site works. All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme.

4.2.15 Policy T4 'Cycle Parking Standards' of the City of York Local Plan Deposit Draft requires that all new developments provide adequate cycle parking provision. In the case of affordable housing or dwellings without a garage this should be 1 covered space per ½ bedroom dwelling. For dwellings with garages the requirement is the same but cycle parking provision could be accommodated within the garage depending upon the garage size.

4.2.16 Policy H3c 'Mix of Dwellings on Housing Sites' of the City of York Local Plan Deposit Draft requires a mix of new house types, sizes and tenures should be provided on all new residential development sites where appropriate to the location and nature of development. Developers will also be encouraged to build new housing to accessible standards (in accordance to Building Regulations) with negotiation on a proportion of dwellings having full wheelchair access.

4.2.17 Policy H4a 'Housing Windfalls ' of the City of York Local Plan (Deposit Draft) suggests that a proposals for residential development on land within the

urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.2.18 Policy H5a 'Residential Density' of the City of York Local Plan Deposit Draft requires 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/ha in the city centre; 40 dwellings/ha in the urban areas and 30 dwellings/hectare elsewhere in the City of York.

4.2.19 Policy L1c 'Provision of New Open Space in Development' of the City of York Local Plan (Deposit Draft) requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of York. Apart from the site being located within flood zone 1, there are no other relevant statutory constraints i.e. Conservation Area. Central Government guidance regarding new housing is contained within PPS3 (Housing), policies SP6, H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 40 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility, it is considered to be a sustainable location and therefore acceptable in principle. However there are other matters of concern regarding this site which are discussed below.

4.4 DENSITY

4.4.1 The site layout plan illustrates 12 dwellings on the site. This equates to a density of 41 dwellings per hectare (dwpha). This exceeds the 30 dwpha PPS3 advises. However Council policy regarding build densities (policy H5a) states that net residential densities of 40 dwpha are acceptable within urban areas.

4.4.2 In terms of density of development and spatial relationships within the existing neighbourhood, Local Plan Policy H5a also requires new housing development to relate well to the surrounding area, avoid detrimental impact upon the amenities of adjacent neighbours and provide adequate garaging and car parking. Though this policy predates PPS3, it continues to relate well with government guidance, which advises in paragraph 16, that development should be well integrated with and compliment neighbouring buildings and the locality in terms of scale, density character and layout. This guidance also advises, in paragraph 46, that development has regard to the characteristics of the area and, in paragraph 49 advises that more intensive development is not always appropriate.

4.4.3 This proposal would not usually be regarded as a dense development within an urban area, as it seemingly satisfies the relevant policy requirements. In addition PPS3 advises that high density development, in itself should not be a reason to refuse permission. Paragraph 49 of PPS3 advises that whilst intensive development is not always appropriate, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate space.

4.4.4 However due to the constraints of the site (difference in land levels, access, scale and massing of development, the low-rise character of Runswick Avenue and the amenity value the area of open space provides – not only the access way but the site as a whole), the proposal would constitute an overly intensive form of development within this area. It is considered this scheme is out of character, scale and massing of adjacent bungalows situated in Runswick Avenue. Particularly as bungalows bound the site to 2 sides of the site and is the street where the development could be principally viewed from. The proposed site would also suffer a significant reduction in its planted area and trees, due to the erection of the proposed dwellings, access and estate road, car-parking spaces and turning areas. The properties along Runswick Avenue are also modest in size and scale and are situated on small plots. As a consequence the introduction of 12, 2-storey properties within this site is considered an overdevelopment within this aforementioned context. The scheme is therefore contrary to the requirements of Policy H5a which requires that the scale and design of proposed residential developments should be compatible with the character of the surrounding area.

4.5 DESIGN AND LAYOUT

4.5.1 Paragraph 16 of PPS3 states that schemes should be well integrated with and complement the neighbouring buildings and the local area more

generally in terms of scale, density, layout and access. Paragraph 33 of PPS1 states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. Paragraph 33 also states that Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Policy GP1 and GP10 of the Local Plan requires development to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces

4.5.2 Information which has been submitted by the applicants to justify the design of this scheme, states that the development is appropriate to the area and could be easily absorbed. Furthermore they say that the public realm is restricted to the internal road of the development and through the orientation and density of the development, the scheme connects to the surrounding built fabric. The applicants also consider that the scheme has been designed to accommodate further extension of dwellings.

4.5.3 Better Places To Live by Design: A Companion Guide to PPG3¹ states that developments should be tailored to reflect their surroundings and not use standard house types and layout forms. This document seeks applicants to quantify the architecture of the scheme and its space planning and asks the question does the scheme create a distinctive quality place? Left over or incoherent space is also identified as detracting from the quality of a scheme.

4.5.4 Paragraph 17 of PPS3, supports this document by identifying that particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well designed, safe, secure and stimulating areas with safe pedestrian access.

4.5.5 The scheme appears to have designed to maximise the number of dwellings within the site without taking into account the character of the scheme, existing neighbours' amenity or the character of the area. The proposal is considered unacceptable as it fails to satisfy the requirements of PPS1 and PPS3 and also local plan policies GP1 and GP10.

4.6 IMPACT ON RESIDENTS AMENITY

4.6.1 Objections have also been received from residents in Runswick Avenue with regard to loss of outlook, light, shading and overlooking. The applicants state that the layout ensures adequate separation distances which would not impact upon existing residents amenity. Furthermore they believe the scheme has been designed to allow for the houses to be extended in the future.

¹ PPG3 has been cancelled, PPS3 superseded this document in April 2007. However the companion guide is still classified as a material document.

4.6.2 The applicants further state that the site is relatively level throughout. This statement is incorrect and misleading. There is a fall in land levels of about 3.00 m from the existing site levels to 38, 40 and 42 Runswick Avenue. These residents have objected to the position of plots 9, 10, 11 and 12 as they overlook them. The separation distance is approximately 20.00m. Whilst 20.00 m separate distance is generally acceptable, due to the significant difference in land levels between the existing and proposed site, it is considered that this arrangement is unacceptable and would lead to an un-neighbourly arrangement which would be overbearing to no's 38, 40 and 42 and would overlook significantly overlook their rear private gardens and principal living rooms.

4.6.3 The access arrangement and internal road are also an area of concern particularly in terms of impact upon existing residents amenity. It is considered that unacceptable levels of intrusion would affect the amenity of 9 and 11 Runswick Avenue, in terms of vehicles entering and leaving the site. This intrusion would principally be caused from vehicle lights but also noise disturbance. In addition it is considered that noise intrusion would seriously impact upon the amenity of 18 – 30 Runswick Avenue (even numbers). The internal roadway, which is to be built to an adoptable standard, directly abuts their rear boundaries. As the gardens to these dwellings are only 6.00 m in length, it is considered that the significant intrusion would be created in terms of noise and light intrusion from vehicular movement, i.e. from comings and goings within the site.

4.7 HIGHWAYS

4.7.1 Concerns have been raised from local residents regarding traffic congestion and road safety, especially where the proposed access is proposed. The applicants state that the access road was chosen to provide the safest means of access and egress from the site, as demonstrated by the accompanying transport assessment.

4.7.2 Whilst the author of this report has concerns regarding amenity issues concerning development. No objection has been raised by the Council's Highway Network Management department in terms of impact upon the highway network. In planning terms, it is considered that the scheme would have an impact upon some residents' amenity, in terms of noise nuisance created by traffic movements generated by the site. These concerns have previously been addressed in section 4.6. In terms of vehicular movements the Highways engineer considers that the site will create approximately 7 vehicle movements at peak hours. Such a level is considered acceptable and would not impact upon the road network to such a degree as to warrant refusal or even require traffic mitigation measures.

4.7.3 With regards to complaints about existing traffic congestion, the HNM officer informally commented that these issues cannot be considered as part of this application. A traffic regulation order could possibly be applied to Runswick Avenue, to restrict the weight of vehicles allowed access to Runswick Avenue. This could prevent delivery lorries using Runswick Avenue

and Staithes Close as a turning area. The officer also commented that the adjacent retail premises and the proposed site are not sited directly opposite. There is a reasonable distance between each development. As a consequence the officer considers that the sites will act independently of each other and would not cause traffic congestion.

4.8 LANDSCAPING

4.8.1 'Better Places To Live by Design' states that the landscape design needs to complement buildings and vice versa. Landform, natural features and their ecology are always important. Trees, shrubs, flowers and grass and their containment require particular attention. The retention and use of existing trees and, on occasion, walls, ramps, steps and hedges can give a sense of maturity and distinction. New planting needs careful and specialised consideration according to locale and practicality. In addition key objectives of PPS1 state in paragraph 36 that Local Planning Authorities should ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

4.8.2 Comments received from the Council's Landscape Officer raise particular concerns with regard to the landscaping of this proposed scheme. The amenity benefit of the existing trees should be maximised where possible by incorporating them into visible locations such as open spaces or other communal areas such as parking courts. Instead the proposed scheme will have a detrimental impact upon the character of the area by removing all the trees (even mature specimens which the applicants' own arboricultural report identifies add to the amenity of the area) and vegetation and replace with built development.

4.8.3 As a consequence the proposal is contrary to policies NE1, GP1 GP10, GP4a and H4a of the Local Plan and also guidance contained within PPS1 and PPS3.

4.9 AFFORDABLE HOUSING

4.9.1 The proposed scheme falls below the threshold advised in policy HH2a of the Local Plan (0.30 ha in urban area and less than 15 dwellings). As a consequence no provision for affordable housing is required .

4.10 FLOOD RISK AND DRAINAGE

4.10.1 Originally the Drainage Consultancy objected to the applicants proposals due to lack of information. The applicants submitted further technical data addressing drainage of the site. Their conclusion is that the site would not increase flood risk elsewhere. They also confirm that the drainage system will be adopted by Yorkshire Water (including the attenuation device and outfall sewer), that outfall will be restricted to 4 to 5 litres per second, that an allowance of 20% will be added to the storage volume to allow for climate change and that run-off will be captured and diverted into the sites drainage system via roof and patio areas. The Internal Drainage Board and the

Drainage Consultancy have been re-consulted on this additional information. No comment has been received thus far. A verbal update will be given at committee.

4.11 HISTORY OF THE SITE

4.11.1 The Council has carried out a historical search of the site. It can be confirmed that the Council do not own the site. Land registry searches have confirmed there is no registered owner of the site. The Council's legal department is continuing to investigate this matter.

4.11.2 In instances of adverse possession (adverse means without consent) of unregistered land, a claimant has to show that

- The previous owner hasn't been dispossessed;
- They have had the requisite intention to possess the land (animus possidendi); and
- They have been in possession of the land for at least 12 years;

4.11.3 Factual possession may not be enough, i.e. fencing off the land. However irrespective of this, planning permission can still be legally granted for land which the applicant does not own, as long as they have served the correct notices under article 7 of Town and Country Planning (General Development Procedure) Order 1995. The applicant has submitted relevant confirmation of notices served and the Council has no information to dispute this fact.

4.11.4 Comments have also been received from neighbours who state that the area of open space, fenced off by Hogg's the builders, is open space allocated to the development. Unfortunately some Council records cannot be located at present to confirm this. However from the history which is available, it appears this plot of land was outside the curtilage of the original development in 1965. Also the Council advised that development of the whole site (including gardens to the rear of 1-9 Beckfield Lane) was unacceptable in 1991. The officer commented that Runswick Avenue is generally deficient in open space and that any further erosion of existing open space would should be resisted. The officer also commented that he believed the area greatly contributed towards the amenity of the area.

4.11.5 Furthermore planning permission was refused in 1967 (TP 7051) for the erection of a dwelling within the plot required for access to the site. In a letter dated 7th November 1967, which accompanied the decision notice for the above, the developer is reminded that the earlier consent for the houses, etc, (TP 5335C dated 7th January 1965) contained a condition requiring "the details of landscaping of the approach to the estate" to be submitted and approved, and requests that these details should be submitted as soon as possible. Unfortunately, as mentioned previously, further information to expand upon this information is unavailable at present. However irrespective of the above it is still considered that the proposal would have a detrimental impact upon the amenity of the area by removing an areas of open space, trees and vegetation which contribute greatly to the amenity of the area.

4.12 OPEN SPACE

4.12.1 The applicants state that the proposal will meet Local Plan Policy L1c. However, no further information is provided. The Councils Leisure Officer comments that a suitable commuted sum should be submitted to the Council to either provide for open space within the York's district or renovate existing space. The commuted sum figure would be based upon the total number and type of dwellings proposed. The applicant has not confirmed whether they are prepared to agree to this requirement.

4.13 SUSTAINABILITY

4.13.1 The applicants have not submitted any information regarding sustainability. The application cannot therefore be adequately judged against policy GP4a. The application is therefore unacceptable on this ground.

5.0 CONCLUSION

5.1 The proposed scheme is considered unacceptable in terms of siting and layout, detrimental impact upon adjacent neighbours, loss of open space which adds greatly to the amenity of the area and lack of information concerning drainage.

5.2 As a consequence the proposed scheme is not considered acceptable and is recommended for refusal as it fails to satisfy policies national planning guidance PPS1, PPG3 and PPG25 and also policies SP6, GP1, GP3, GP4a, GP7, GP9, GP10, GP15a, NE1, T4, H3c, H4a, H5a, and L1c of the City of York Development Control Draft Local Plan (incorporating 4th set of changes) - 2005.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The density of the development is too high in relation to the existing character and form of the area. The character and form of Runswick Avenue is semi-detached bungalows. The 2-storey houses proposed would look out of character with the area when seen in this context. In addition the scheme, if approved, would require the removal of a number of mature trees and the almost all of the area open space. Both of these greatly add to the character and greenness of the area. Their complete loss would have a significant impact upon the immediate area. As a consequence the proposed scheme fails to satisfy draft Local Policy GP10, parts (a), (b), (c), (d), (e), (g) and (l) of policy GP1 and also PPS1 and PPS3. Furthermore the scheme fails to satisfy the requirements of policy GP9 which requires suitable landscaping schemes to be submitted as part of an application.

2 The scheme if approved would have a detrimental impact upon the amenity of adjacent neighbouring dwellings. In particular there would be significant detrimental impact upon 9 and 11 Runswick and 18- 36 (even numbers) due to vehicular movements of traffic entering and leaving the site and also vehicular movement within the site in such close proximity to residents rear gardens/bedrooms. In addition, due to the inappropriate height of the proposed scheme, overlooking of neighbours private rear gardens would occur and also intrusion into principal living rooms. In particular nos 38, 40 and 42 would be particularly affected, due to the difference in land levels between the site and their dwellings. The scheme would also create intrusion towards existing adjacent neighbours due to being overbearing and un-neighbourly. As a consequence the proposal fails to satisfy policy part (i) of draft policy GP1 of City of York Local Plan and PPS1 and PPS3.

3 The development makes no provision for open space provision, to meet the needs of future residents and the local community. The development is thus considered to conflict with policy L1c 'Provision Of New Open Space in Development' of the City Of York Draft Local Plan Incorporating the 4th set of changes - Development Control Local Plan (Approved April 2005) that would require a commuted payment towards off site provision.

4 Inadequate drainage details have been submitted. It has not been proven by the applicants, that the development would not cause flooding to nearby residents or the local drainage system. Draft policy GP15a of the City York Local Plan and PPG25 require applicants to provide adequate information and implement measures to prevent flooding. The applicants have not proven that the scheme would not affect neighbours in terms of water run-off or overload the adjacent public drains.

5 No sustainability statement has been submitted, furthermore no details have been submitted regarding how the proposal satisfies points (a) to (i) of the policy GP4a. Policy GP4a requires the submission of a sustainability statement with every planning application. Without this document the Council cannot judge the sustainability of the scheme against this policy or the requirements of policy GP1 (j) which requires applications to accord with sustainable design principles.

Contact details:

Author: Richard Beal Development Control Officer
Tel No: 01904 551610

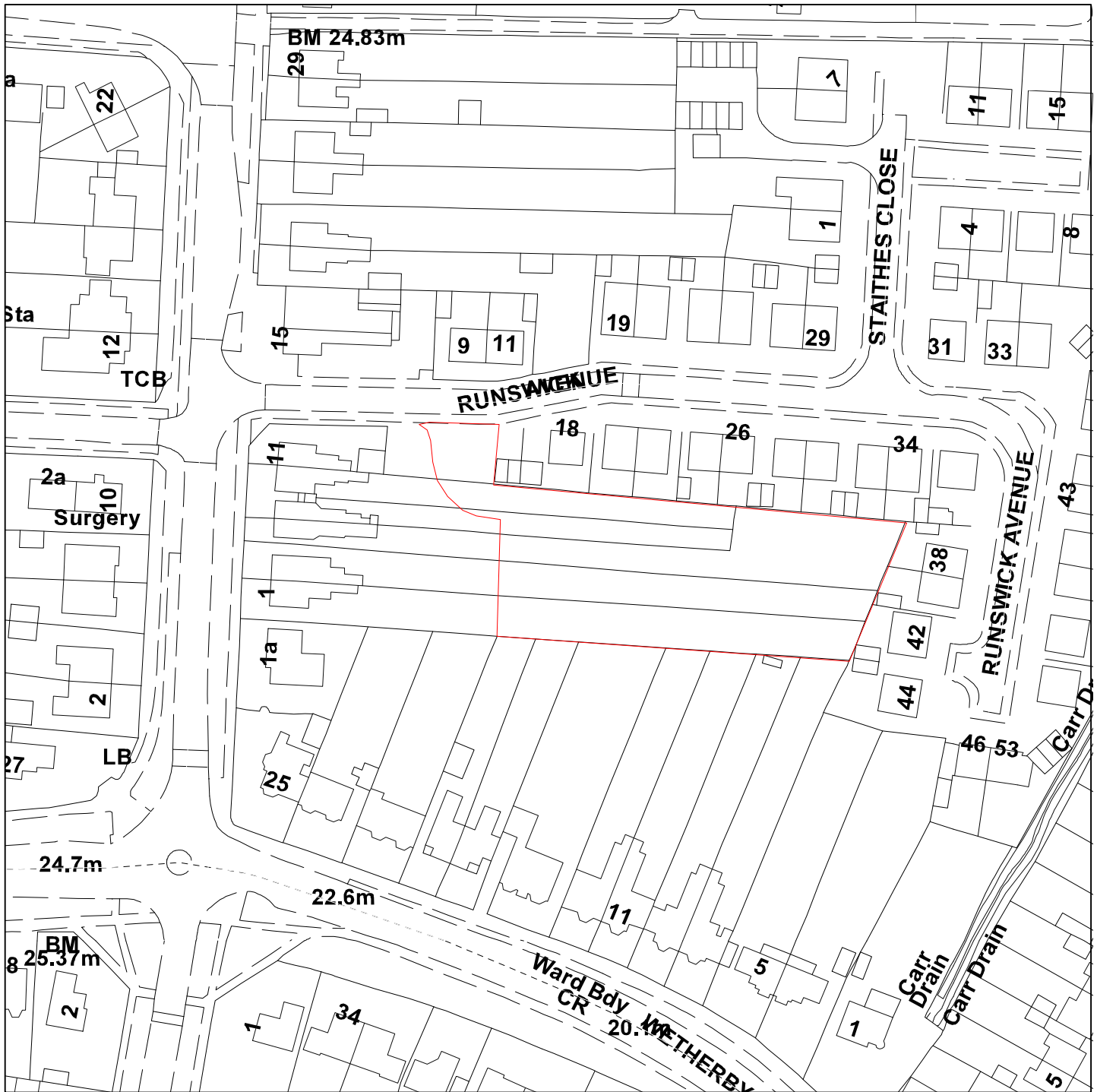
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Rear of 1 - 9 Beckfield Lane

08/00159/FULM



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	07 April 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 17 April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00445/FUL
Application at: 2 Friars Terrace South Esplanade York YO1 9SH
For: Single storey pitched roof rear extension
By: Mr N Cooper
Application Type: Full Application
Target Date: 21 April 2008

1.0 PROPOSAL

1.1 The application seeks permission for a single storey pitched roof rear extension to provide a downstairs cloakroom and lobby to the rear yard.

1.2 The property is Grade II Listed and is situated in the Central Historic Core Conservation Area. It is one of eight terraced houses along South Esplanade which directly fronts the River Ouse. The existing outhouses have already been converted to form a kitchen and utility area, and rooflights have been added to the main roof to the rear.

1.3 This application has been called in to sub-committee with a site visit by Cllr B Watson as similar proposals have gone before committee in the past.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Floodzone 3 Flood Zone 3
Listed Buildings Grade 2; 2 Friars Terrace York YO1 1SH 0970

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYHE3
Conservation Areas

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation - Acceptable subject to conditions regarding details of materials and proposed windows and doors.

3.2 External

Guildhall Planning Panel - No objections

Neighbours - 1 Friars Terrace - objection regarding loss of light and alteration to historic character of house and area

4.0 APPRAISAL

KEY ISSUES

4.1.1 Visual impact on the dwelling and the conservation area

4.1.2 Impact on neighbouring property

PLANNING POLICY

4.2.1 Draft Local Plan Policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.2.2 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.2.3 Draft Local Plan Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.2.4 Draft Local Plan Policy HE4 states with regard to listed buildings that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

4.2.5 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Proposed extensions should have pitched roofs and the materials should match those of the main property. For single storey extensions, obscured glazing should be fitted to any essential windows facing the neighbouring boundary where there may be a loss of privacy for neighbours.

Planning Policy Guidance Note 15: Planning and the Historic Environment states that the issues that are generally relevant to the consideration of listed building consent applications are:

- the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms.
- the particular physical features of the building (which may include its design, plan, materials or location) which design justify its inclusion in the list.
- the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby.
- the extent to which the proposed works could bring substantial benefits from the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

VISUAL IMPACT ON THE DWELLING AND THE CONSERVATION AREA

4.3.1 The proposed rear extension will project 3.2m into the rear yard, will measure 2.9m in width with an overall height to the pitch of the roof of 3.9m. The existing courtyard is small in scale, however the extension has been designed to match the character and external appearance of the listed building so as to blend in with the existing outbuildings and host dwelling. The proposed materials are to be reclaimed brickwork and natural slate tiles for the roof which will match those of the existing dwelling.

4.3.2 Whilst there have been various rear extensions to these terraces, all of them have single off shoots on one side of the rear yard and not across the whole width of the yard. However, none of the existing historic fabric of the building will be removed or altered, and there is a 1.8m high brick boundary wall which will obscure the extension from view. Also, as there is not a rear access lane, there is little possibility that the proposed extension would be seen by the general public in the context of the conservation area. Due to this, it is not considered that the extension will harm the historic character of the building or conservation area.

4.3.3 The site lies within Flood Zone 3 due to its proximity to the river. 2 Friars Terrace is situated on a raised plinth/terrace giving pedestrian access to the house. A flood risk assessment has been submitted, and states that floor levels will be no lower than existing. The property is situated 10.7 AOD from the river level and

therefore the risk of flooding is greatly reduced. The Environment Agency has no objections to the development.

IMPACT ON NEIGHBOURING PROPERTY

4.4.1 The main impact of this extension will be to the occupants of 1 Friars Terrace as it is to be built up to their boundary. Whilst there is an existing 1.8m high brick wall, the proposed extension will be visible from this property and the occupants have written with objections to the extension based on loss of historic character and loss of light. Due to the positioning of the properties, the rear yards will only benefit from direct sunlight first thing in the morning. However, it is considered that due to the positioning of the rear window of no. 1 and the position of the proposed pitched roof slope, the loss of light will be minimal. The objections regarding the effect on the character have already been addressed above.

5.0 CONCLUSION

5.1 It is considered that the proposed extension will not adversely effect the existing Listed Building and surrounding Conservation Area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

3 Details of bricks and roofing materials shall be submitted to and agreed in writing by the LPA with samples to be agreed on site.

Reason: To achieve a visually acceptable form of development.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the Listed Building and the character and appearance of the Conservation Area or residential amenity. As such the proposal complies with Policies GP1, HE3, HE4 and H7 of the City of York Draft Local Plan.

Contact details:

Author: Elizabeth Potter Development Control Assistant

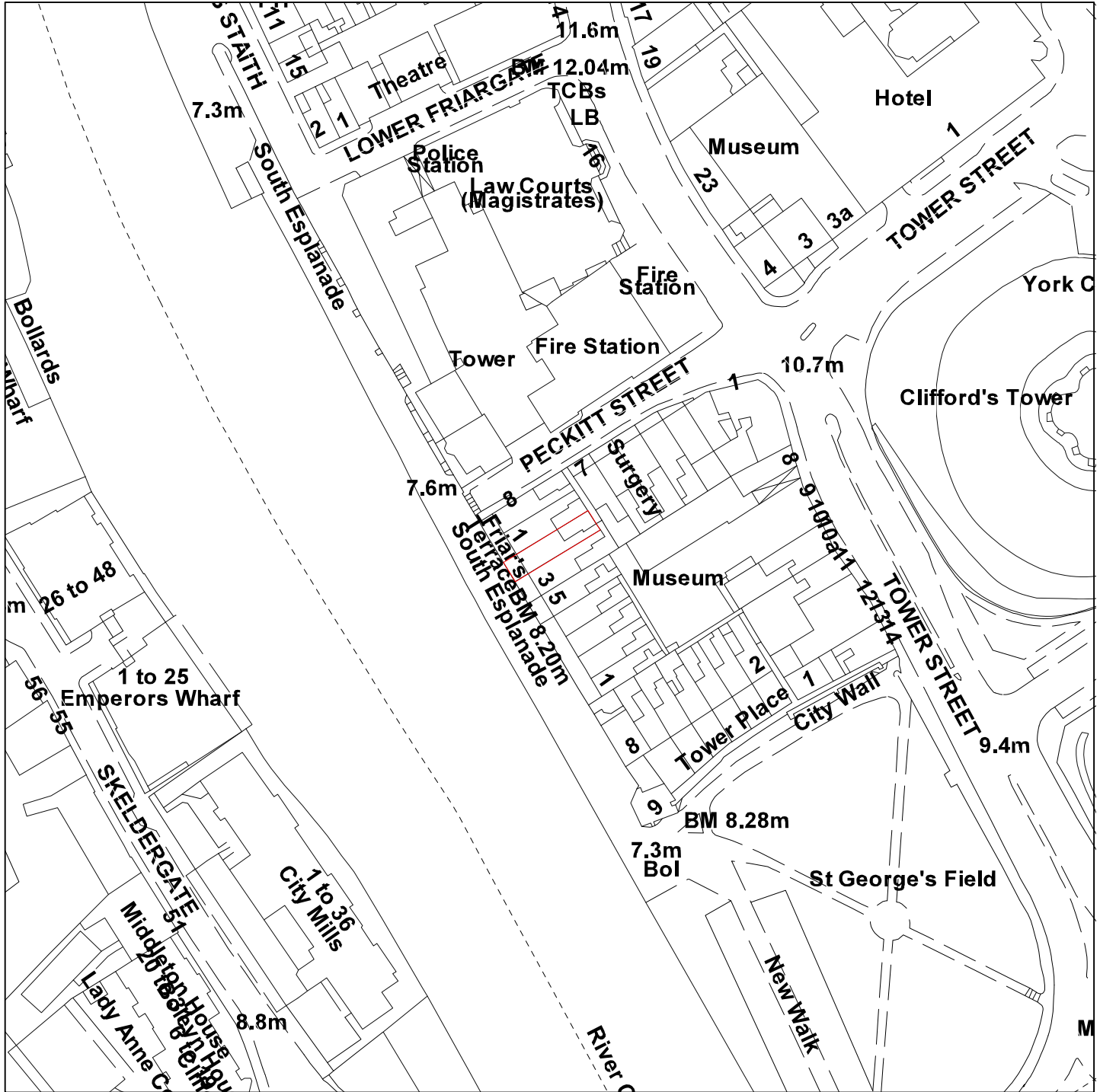
Tel No: 01904 551350

2 Friars Terrace, South Esplanade

08/00445/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	08 April 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area
Date: 17 April 2008

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 08/00449/LBC
Application at: 2 Friars Terrace South Esplanade York YO1 9SH
For: Single storey pitched roof rear extension
By: Mr N Cooper
Application Type: Listed Building Consent
Target Date: 21 April 2008

1.0 PROPOSAL

1.1 The application seeks permission for a single storey pitched roof rear extension to provide a downstairs cloakroom and lobby to the rear yard.

1.2 The property is Grade II Listed and is situated in the Central Historic Core Conservation Area. It is one of eight terraced houses along South Esplanade which directly fronts the River Ouse. The existing outhouses have already been converted to form a kitchen and utility area, and rooflights have been added to the main roof to the rear.

1.3 This application has been called in to sub-committee with a site visit by Cllr B Watson as similar proposals have gone before committee in the past.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
 Conservation Area Central Historic Core 0038
 City Boundary York City Boundary 0001
 DC Area Teams Central Area 0002
 Floodzone 2 Flood Zone 2 CONF
 Floodzone 3 Flood Zone 3
 Listed Buildings Grade 2; 2 Friars Terrace York YO1 1SH 0970

2.2 Policies:

CYHE4
 Listed Buildings

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation - Acceptable subject to conditions regarding details of materials and proposed windows and doors.

3.2 External

Guildhall Planning Panel - No objections

4.0 APPRAISAL

KEY ISSUES

4.3.1 Impact on the visual amenity and historic character of the listed building and conservation area.

PLANNING POLICY

4.2.1 Draft Local Plan Policy HE4 states that with regard to listed buildings consent will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.2.2 Planning Policy Guidance Note 15: Planning and the Historic Environment states that the issues that are generally relevant to the consideration of listed building consent applications are:

- the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms.
- the particular physical features of the building (which may include its design, plan, materials or location) which design justify its inclusion in the list.
- the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby.
- the extent to which the proposed works could bring substantial benefits from the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

ASSESSMENT

4.3.1 The front elevation of the property is formal in character with the rear elevation being more domestic in style which is typical of a terrace house of this age and status. The existing single storey offshoots to the rear are domestic in scale and character and are possibly later additions. The outbuildings have been altered, although the rear elevation of the dwelling retains its original character with original six over six sash windows.

4.3.2 Whilst the rear elevation contributes to the special interest of the building, it is able to accommodate some change without loss of character and special interest. The existing rear elevation is attractive due to its brickwork and original windows, however there are no distinct features or symmetry which would be compromised by the proposal.

4.3.3 The proposed extension is small in scale and similar in design to the existing offshoots, with a matching roof slope. However it is slightly higher to avoid impinging on the existing sash window or its brick lintel. Whilst the sash window will be obscured, it will remain in situ. The extension involves no removal of existing historic features.

4.3.4 The building is situated within the Central Historic Core Conservation Area and has brick boundary walls of at least 1.8m in height which would obscure the extension from view. There is also little possibility that the extension will be viewed in this location, other than by surrounding residents, due to the lack of a rear access lane and the compact nature of the surrounding properties.

4.3.5 It is considered that the proposed single storey rear extension will not impact on the visual amenity and historic character of the listed building or conservation area.

5.0 CONCLUSION

5.1 It is considered that the proposed extension will not adversely effect the existing Listed Building and surrounding Conservation Area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 PLANS1 Approved plans

3 Details of proposed windows and doors and their immediate surrounds to be submitted to and agreed in writing by the LPA at a scale of 1:5 with glazing bar profile at 1:1 (to include details of glazing)

Reason: In the interests of protecting the special historic and architectural interest of the building.

4 Samples of proposed lintels and cill materials to be approved on site and agreed in writing by the LPA

Reason: In the interests of protecting the special historic and architectural interest of the building

5 Details of rainwater goods to be submitted to and agreed in writing by the LPA.

Reason: In the interests of protecting the special historic and architectural interest

of the building.

6 Details of proposed mortar mix to be submitted in writing and sample panel to be erected on site.

Reason: In the interests of protecting the special historic and architectural interest of the building.

7 The existing external brickwork to the rear which will be internalised by the extension shall not be painted or have any other type of finish or covering applied/affixed. The wall should remain as existing.

Reason: To protect the fabric of the brickwork, so that the extension could be fully reversed in the future.

8 Details of bricks and roofing materials shall be submitted to and agreed in writing by the LPA with samples to be agreed on site. The development shall be carried out using the approved materials.

Reason: To achieve a visually acceptable form of development.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

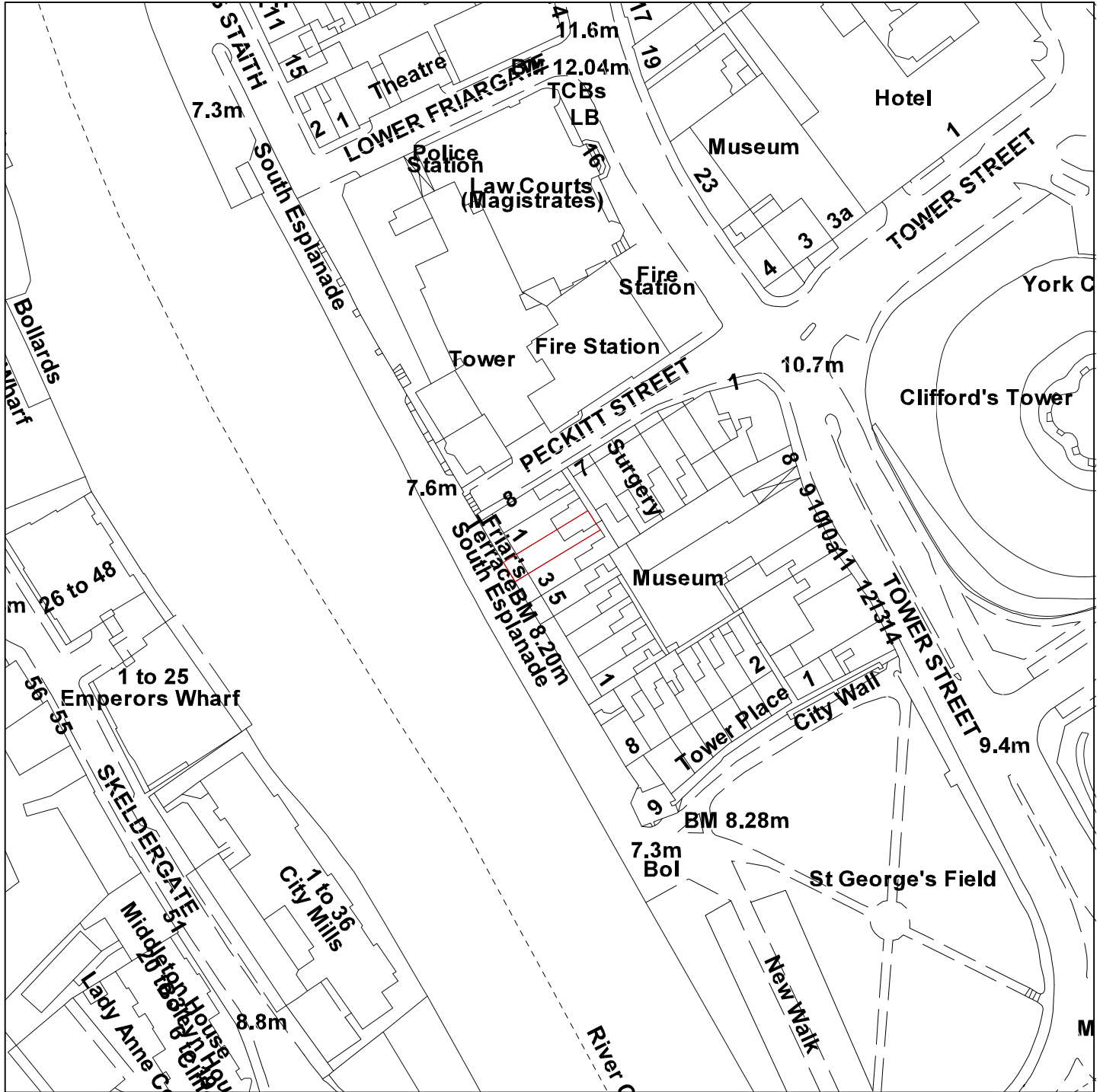
The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interest of the Listed Building. As such the proposal complies with Policy HE4 of the City of York Draft Local Plan.

Contact details:

Author: Elizabeth Potter Development Control Assistant
Tel No: 01904 551350

2 Friars Terrace, South Esplanade

08/00449/LBC



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	08 April 2008
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 17 April 2008 **Parish:** No Parish

Reference: 07/02808/FUL
Application at: 34 Grantham Drive York YO26 4TZ
For: Erection of detached dwelling with side dormer window
(resubmission)
By: Mr Nick Squire
Application Type: Full Application
Target Date: 18 April 2008

1.0 PROPOSAL

1.1 Planning permission for the erection of two dwellings on this site was approved by the West Area Planning Sub Committee on 17 November 2005 (05/02061/OUT). Plot 1 of this permission is a two storey detached dwelling which faces Grantham Drive.

1.2 The house erected on the site is unauthorised due to the roof and dormer window not being in accordance with the approved plans.

1.3 An application to build a side facing dormer was refused 27 December 2006 (06/02301/FUL).

1.4 An application to retain the "as built" dwelling (ref: 07/01897/FUL) was refused by Sub Committee on 20 September 2007 for the following reasons:

1. The proposed detached dwelling by virtue of the height of the roof and the size of the dormer window is considered to be out of scale and character with surrounding properties and would therefore harm the appearance of the surrounding street scene, contrary to Policies GP1 and H4a of the City of York Development Control Draft Local Plan.

2. The proposed side dormer would result in unacceptable overlooking of the adjacent residential property and is contrary to Policy GP1 and GP4a of the City of York Development Control Draft Local Plan.

1.5 The approved development for plot 1 (05/02061/OUT) showed a two storey detached dwelling with rooms in the roof with no dormer window and a ridge height of 8.2m and a roof pitch of 45 degrees.

1.6 The refused proposal (ref: 07/01897/FUL) included a dormer window facing 36 Grantham Drive and a ridge height of 9.1m and a 45 degree roof pitch.

1.7 The current application seeks to amend the design of the roof and dormer. The window is removed from the side facing dormer and the ridge height of the roof is

reduced to 8.0m with a 40 degree roof pitch. The dormer is marginally smaller being 2.1m in height rather than the refused 2.5m.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4
Housing devp in existing settlements

3.0 CONSULTATIONS

3.1 Environmental Protection Unit

No objections, but comments made in respect of potential contaminated land and an informative has been requested in respect of noise and disturbance from construction works.

3.2 One letter of objection has been received making the following points:

- The elevations are not approved, as stated on the submitted drawing, in fact apart from the window being taken out of the dormer (which was not permitted anyway), they are the same plans that were 'Refused' at the last meeting in September 2007. Two letters were sent by the council on 14 December 2007 and 8 February 2008, advising the developers to change this, these letters were ignored.
- The dormer still has an enforcement order on it, served in June/July 2007 which has been completely ignored.
(Officer comment: the notice came into force on 31 July 2007 with a 3 month compliance period.)
- The height of the main roof has not been altered. This was the main reason for 'Refusal' the last time these plans (and all the previous retrospective plans) were submitted.
- It was agreed at the last meeting, that the roof was a metre higher than the approved plans. This is an important point, as prior to building work, one of the conditions was; that the ground level had to be dropped 1 metre "to reduce the dominance of the building in the street scene".

- No attempt has been made by the developer, to address the reasons for refusal at the last meeting.

4.0 APPRAISAL

4.1 In this instance the principle of erecting a detached dwelling on this site was established following the approval of outline application 05/02061/FUL and as the dwelling has been constructed up to roof level in accordance with the approved plans, it is appropriate to consider the impact of the amended roof design and the proposed dormer. The surrounding street scene is that of a relatively uniform "inter-war" development, characterised by hipped roofs and bay windows.

4.2 The original approval for this plot showed a ridge height about 0.8m below that of the adjacent property at 36 Grantham Drive. Part of the difference in height was due to a 0.5m level change between the sites. The objector states that there was a requirement for the land level to be reduced by 1m, the relevant planning condition on the original planning permission requires that there is no raising of ground levels with the reason: "To ensure that ground levels are not raised with the effect of flooding surrounding land and to ensure that the dwellings are constructed at a lower level than the existing ground level in the interest of protecting the amenity of neighbours and the appearance of the area." No dimension is stated.

4.3 No "as built" drawings have been submitted with the application, but an on-site appraisal indicates that the house has been built at a lower ground floor level than the adjacent no.36 Grantham Drive. It is not possible to judge whether the original ground level has been reduced. The "as built" eaves level is lower than that of no.36. With the proposed reduction in the height of the roof it is considered that a step down in height between the properties will be achieved that respects the change in land levels at the junction of Grantham Drive and Howe Hill Close.

4.4 The refusal reasons for the as built dormer refer to unacceptable overlooking and unacceptable size. The proposed dormer has been included to allow staircase access into the roof space. The proposed dormer is marginally smaller than that refused. The dormer would be subservient to the main roof and would be set down from and in from the ridge and roof hip respectively. Dormers of this design and style would meet the guidance set out para. 11.2 of the "Guide to Extensions and Alterations to Private Dwelling Houses." While not proposed in the original 2005 scheme, side facing dormer windows are not uncharacteristic of the general area and with older properties can, in most cases, be built under permitted development rights. The proposed dormer does not contain a window and it is considered that this would overcome the refusal reason subject to the imposition of an appropriate condition.

4.5 It is considered that the revised roof design would not result in an unacceptable level of overshadowing nor would it be overbearing on adjacent properties.

5.0 CONCLUSION

5.1 The principle of building a detached house on this plot was established with 2005 approval. As built the house is unauthorised because the roof and dormer window do not comply with the approved plans. The current proposal will reduce the pitch and height of the roof to achieve a step down from the adjacent house (no.36) at ground, eaves and roof levels which responds to the slope of the road.

5.2 It is considered that the dormer window would fit comfortably within the side roof slope and would be of a design that is considered to be acceptable. The removal of the window is considered to overcome the previous refusal reason.

5.3 It is considered that these alterations would result in a design of house that accords with policy GP1 and H4a of the local plan which expects development proposals to be of a scale, mass and design that is compatible with neighbouring buildings and the character of the area and ensures that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans

2 The constructed areas for the parking and manoeuvring of vehicles and cycles shall be retained solely for such purposes.

Reason: In the interests of highway safety.

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents and the appearance of the street scene the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

4 The height of the development shall not exceed 8 metres, as measured from existing ground level.

Reason: to ensure that the approved development does not have an adverse impact on the character of the surrounding area in accordance with policy H4a and GP1 of the local plan.

5 NOISE7 Restricted hours of construction

6 No windows shall be inserted into the side facing dormer.

Reason: In the interests of the residential amenities of the adjoining property in accordance with policy GP1.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the residential amenities of adjoining occupiers, the appearance of the street scene and highway safety. As such the proposal complies with Policies GP1 and H4a of the City of York Local Plan.

2. ENFORCEMENT NOTICE

Your attention is drawn to the Enforcement Notice relating to this property which took effect on 31 July 2007. The Notice requires you to remove the dormer and construct the roof of the dwelling so it accords with drawings approved as part of application ref. no. 05/02061/OUT granted permission on 17 November 2005.

Should you construct the roof in accordance with this planning permission it would be considered that you had complied with the Notice. However the approved roof and dormer should be completed within 3 months of the date of this planning permission or you risk prosecution and/or remedial action by the Council.

3. CONSTRUCTION WORK INFORMATIVE

Your attention is 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:

i. 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.	

ii. The work shall be carried out in such a manner so as to comply with the general

recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site.

Contact details:

Author: Gareth Arnold City Centre/West Team Leader

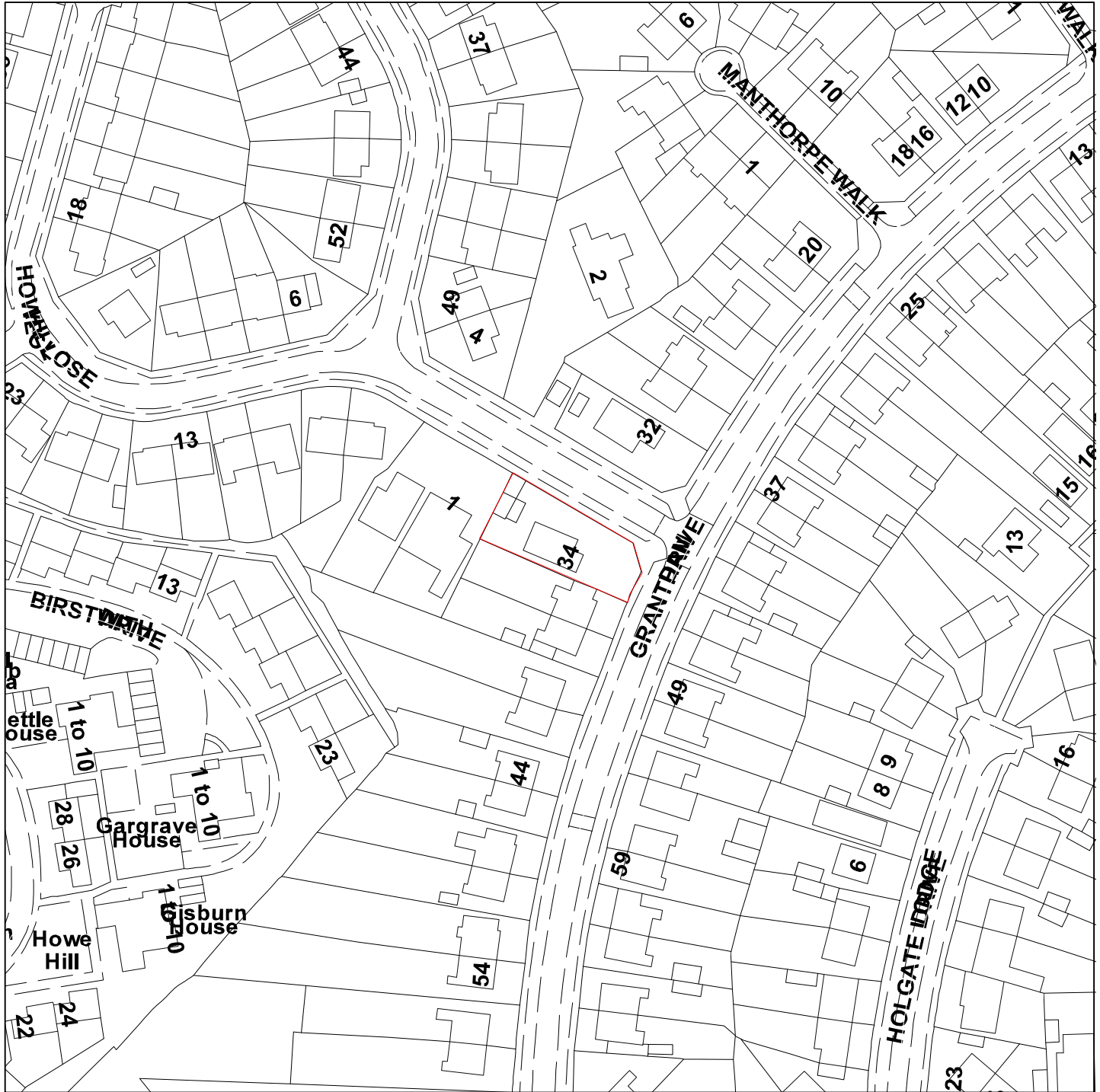
Tel No: 01904 551320

34 Grantham Drive

07/02808/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	08 April 2008
SLA Number	Not Set

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West & City Centre Area Planning Sub-Committee

17th April 2008

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as this information, if disclosed to the public, would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.

Current Position

5. Members should note that 80 new cases were received for this area within the last quarter. 66 cases were closed and 171 remain outstanding. There are 47 Section 106 Agreement cases outstanding for this area after the closure of 10 for the last quarter .

Consultation

6. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

7. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

Corporate Priorities

8. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.
- 9.

Implications

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

10. There are no known risks.

Recommendations

11. That Members contact the relevant Enforcement Officers to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committee's area

Contact Details

Author:

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Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
*Assistant Director (Planning and Sustainable
Development)*

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 8th April 2008

Specialist Implications Officer(s)

None

Wards Affected: *All Wards in the West and City Centre area*

All

For further information please contact the authors of this report

Background Papers:

None

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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of the Local Government Act 1972.

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