



## 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, 15 May 2008
- Time:** 3.00 pm
- Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00 am on Wednesday 14 May 2008 at Memorial Gardens.**

**1. Declarations of Interest** (Pages 3 - 4)

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

**2. Minutes** (Pages 5 - 14)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 17 April 2008.

**3. Public Participation**

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

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

#### **4. Plans List**

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

- a) 22a Huntington Road, York, YO31 8RD (08/00351/FUL) (Pages 15 - 26)**

Conversion of House in Multiple Occupation to form 7no. apartments including three storey side extension and dormer windows to rear [*Guildhall Ward*]

- b) 34 Grantham Drive, York, YO26 4TZ (07/02808/FUL) (Pages 27 - 34)**

Erection of detached dwelling with side dormer window (plot no.1) (resubmission) [*Holgate Ward*]

- c) Acomb Branch Library, Front Street, York YO24 3BZ (08/00574/FUL) (Pages 35 - 42)**

Siting of Portakabin to rear for a temporary period to be used as a standby point for Yorkshire Ambulance Service (resubmission) [*Westfield Ward*]

- d) Temporary Moorings, Museum Street, York (08/00392/FUL) (Pages 43 - 52)**

Mooring of floating coffee bar with waiter service seated area on the river bank (Resubmission of 07/00266/FUL to allow use throughout the year) [*Guildhall Ward*]

- e) 20 Horseman Avenue, Copmanthorpe, York YO23 3UF (08/00233/FUL) (Pages 53 - 66)**

Erection of a pitched roof and alteration of a garage to form ancillary accommodation for 20 Horseman Avenue [*Rural West York Ward*]

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

## Democracy Officer

Name: Tracy Wallis

Contact Details:

- Telephone (01904) 552062
- Email – [tracy.wallis@york.gov.uk](mailto:tracy.wallis@york.gov.uk)

or

Name: Catherine Clarke

Contact Details:

- Telephone (01904) 552030
- Email – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk)

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

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

Contact details are set out above.

This page is intentionally left blank

**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 14<sup>th</sup> May 2008****The bus for Members will leave from Memorial Gardens at 11.00am**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>11.15</b>	<b>20 Horseman Avenue, Copmanthorpe</b>	<b>E</b>
<b>11.45</b>	<b>Acomb Branch Library, Front Street</b>	<b>C</b>
<b>12.15</b>	<b>22a Huntington Road, York</b>	<b>A</b>

This page is intentionally left blank

## About City of York Council Meetings

### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

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

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅর্ধী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

*Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550*

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

*Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550*

## **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

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

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

## **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.



City of York Council

Committee Minutes

---

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	17 APRIL 2008
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, GILLIES, GUNNELL, REID, WALLER AND BOWGETT (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON AND SUNDERLAND
IN ATTENDANCE	COUNCILLOR SIMPSON-LAING

---

**97. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Former Waterworks Engine House, Museum Street	Cllrs Galvin, Gillies, Reid, Waller and B Watson	As objections have been received and the recommendation is to approve.
Land to rear of 1-9 Beckfield Lane	Cllrs Galvin, Gillies, Reid and B Watson	To familiarise Members with the site.
2 Friars Terrace, South Esplanade	Cllrs Galvin, Gillies, Reid and B Watson	As objections have been received and the recommendation is to approve.

**98. DECLARATIONS OF INTEREST**

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

There were no declarations of interest.

**99. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the Press and Public be excluded from the meeting during consideration of the annexes to 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.

**100. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

**101. PLANS LIST**

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

**101a Former Waterworks Engine House, Museum Street, York  
(08/00115/FUL)**

Members considered a full application submitted by Mr Ian McAndrew for the change of use of the Engine House to form a restaurant (Class A3), a two bed apartment with associated leisure suite, the erection of an extension to form a restaurant dining room, a new outdoor terrace new railings, gates and steps.

The case officer updated that an additional condition had been added regarding the approval of the design and type of outside furniture to be used around the terrace.

Members requested that additional conditions be added in relation to limiting the access through the bar walls to trading hours and limiting the use of the leisure suite to the occupants of the apartment only.

Representations were received in support of the application from a representative of the Inland Waterways Association but raising concerns about the provision of adequate facilities for boaters and the distance of the facilities from some moorings. He stressed the need for good signage and lighting and a commitment to maintain the facilities provided.

Further representations in support of the application were received from the Architect highlighting the positive relationship that the new building would have within the Museum Gardens and the sustainable features which it would incorporate.

Members discussed issues relating to the glazing of the restaurant, boating facilities, riverside railings and deliveries.

**RESOLVED:** That the application be approved subject to the conditions outlined in the report and the additional conditions listed below:<sup>1</sup>

- (1) Prior to the development hereby permitted commencing, dimensions and materials of the proposed external tables, chairs, barriers and any other associated furniture shall be approved by the Local Planning Authority. Furniture shall be stored inside the premises outside hours of operation.

Reason: In the interests of the appearance of the area.

- (2) The proposed access through the city walls shall only be open during hours of the restaurant being in operation.

Reason: In the interests of the appearance of the area and security.

- (3) The leisure suite shall only be used by residents of the flat hereby approved and occupants of Lendal Hill House.

Reason: In the interests of amenity and security.

REASON:

That the proposal, subject to the conditions listed in the report and additional 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.

Action Required

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

**101b Former Waterworks Engine House, Museum Street, York (08/00114/LBC)**

Members considered an application for Listed Building Consent submitted by Mr Ian McAndrew for internal and external alterations and a new extension in connections with the proposed use as a restaurant, apartment and leisure suite, new outdoor terrace, gates and railings (resubmission).

Representations were received in objection to the application for Listed Building Consent. The objector raised concerns that the raised level of the restaurant and steps leading to it would have a fundamental impact on the Museum Gardens and that the dining terrace, which has been extended to wrap around three sides of the building, would signal food and retail too strongly. He suggested that the glass used in the construction should be

tinted to soften the appearance of the building. He also felt that the existing railings should be retained.

RESOLVED: That the application be approved subject to the conditions outlined in the report.<sup>1</sup>

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

Action Required

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

**101c Site Lying to the Rear of 1 to 9 Beckfield Lane, York (08/00159/FULM)**

Members considered a full application submitted by Hogg Builders (York) Ltd for the proposed erection of 12 two-storey semi-detached and terraced houses and 4 garages.

The case officer updated that:

- drainage details had now been received and the Council's Drainage Engineer had withdrawn his objections. It was therefore suggested that the reason for refusal in relation to drainage be removed. Should Members be minded to approve the application, then a condition regarding the provision of final drainage calculations should be added.
- the applicants had confirmed that, should the application be approved, they are prepared to provide funding for Kassel kerbing on the outbound bus stop opposite 9 Beckfield Lane and a BLISS (bus real time display) on the inbound bus stop opposite 19 Beckfield Lane.
- the applicants had confirmed that they would be prepared to pay a commuted sum to the Council. It was therefore suggested that the reason for refusal in relation to open spaces be removed. Should Members be minded to approve the application, then a condition regarding the provision for public open space facilities or alternative arrangements should be added.
- additional correspondence had been received from a local resident refuting claims that there were newts, bats and sparrow hawks on the site and expressing the problems that he and his neighbours have in maintaining their gardens due to size and soil conditions.

- that comments had been received from Councillor Horton who fully supported the officer recommendation of refusal.

Representations, in objection, to the proposed development were received from:

- a local resident who raised concerns over the proximity of the proposed development to existing properties, the possible effect on elderly residents, the siting of the proposed access road, the impact of the hard landscaping, the detrimental effect on the existing character of the area including loss of open space and mature trees.
- Another local resident who raised issues of overshadowing due to the height of the proposed buildings and existing land levels. He also raised concerns about the proposed boundary fence and drainage.
- the Acomb Planning Panel whose view was that the proposed two storey development was not compatible with and would overlook the current bungalows and that the traffic flow did not take account of the existing congestion near local retail premises.
- Councillor Simpson-Laing as Ward Councillor on behalf of some local residents. She stated that the drawings submitted were incorrect in places as they did not show extensions to properties, the effect of this being that the development was closer to existing properties than shown, exaggerating the issue of overshadowing/overmassing. She also raised concerns regarding traffic flows in the vicinity of the retail premises, loss of the open space as an amenity, loss of trees and the effect on wildlife and the potential increased risk of flooding due to replacement of gardens with tarmac.

A written representation, in support of the application, was received from a local resident and circulated at the meeting which raised the following points:

- Gardens are private gardens and not a communal amenity – there is no evidence of historic tree planning on the plot and no public access.
- Some Beckfield Lane residents have difficulties in maintaining their long gardens. The proposed scheme makes sensible use of land which is increasingly difficult to maintain in its present state.
- There are security issues in relation to long gardens.
- The character of the area prior to the building of houses on Runswick Avenue.
- The development would provide good quality family housing in a convenient and desirable location.

Representations in support of the proposed development were received from the Planning Consultant who addressed the reasons given for the recommended refusal of the application. He stated that the development was in a sustainable location and the character of the area was mixed with

no predominant building form. Furthermore he didn't feel the proposed buildings would be overbearing and would only generate a low level of traffic.

Members discussed the proximity of the proposed development to the existing bungalows, the density and heights of the proposed housing, traffic issues and the loss of trees and scrubland.

RESOLVED: That the application be refused.<sup>1</sup>

REASON: (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 plan policy GP10, parts (a), (b), (c), (d), (e), (g) and part (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 primary rooms i.e. their bedrooms and living rooms, but also their gardens. In addition, due to the inappropriate height of the proposed scheme, overlooking of neighbours private rear gardens would occur and also intrusion into their principal living rooms. In particular no.'s 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) 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.

Action Required

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

**101d 2 Friars Terrace, South Esplanade, York (08/00445/FUL)**

Members considered a full application submitted by Mr N Cooper for a single storey pitched roof rear extension.

Written representations had been received from a neighbour in objection to the application. He wrote that the proposed extension would result in a loss of light to his property due to the proposed party wall being higher than the existing boundary wall, which in an area already surrounded by tall buildings would be overbearing and increase the sense of enclosure. He also stated that the proposed extension would be out of keeping with the historic character of the early 19<sup>th</sup> Century terrace of housing and raised concerns over the future use of the property which has been put back on the market by the new owner and is currently used for short term lets for business and weekend holiday accommodation.

Members discussed the fact that the proposed extension would be overbearing and would alter the character of the buildings.

RESOLVED: That the application be refused <sup>1</sup>

REASON: (1) Because of its height, projection and proximity to the common boundary, the proposed extension would dominate and be overbearing on the outlook from the rear ground floor rooms and rear yard of no.1 Friars Terrace and also result in overshadowing thereby harming existing living conditions. This is contrary to policies GP1 and H7 of the Development Control Local Plan.

(2) The proposed rear extension would infill the gap between the original offshoot and the boundary wall which would be uncharacteristic of the terrace and the listed building. Furthermore the height, ridged roof and detailed design of the doors of the extension would be out of character with the simple and unaltered detailing of the rear elevation. This would harm the special interest of the building and the character and appearance of the conservation area contrary to policy HE2 and HE4 of the Development Control Local Plan and the guidance contained in PPG15 "Planning and the Historic Environment".

Action Required

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

**101e 2 Friars Terrace, South Esplanade, York (08/00449/LBC)**

Members considered an application for Listed Building Consent submitted by Mr N Cooper for a single storey pitched roof rear extension.

RESOLVED: That the application be refused. <sup>1</sup>

REASON: The proposed rear extension would infill the gap between the original offshoot and the boundary wall which would be uncharacteristic of the listed building. Furthermore the height and ridged roof of the extension and detailed design of its doors would be out of character with the simple and unaltered detailing of the rear elevation. This would harm the character and appearance of the listed building contrary to policy HE4 of the Development Control Local Plan and the guidance contained in PPG15 "Planning and the Historic Environment".

Action Required

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

**101f 34 Grantham Drive, York (07/02808/FUL)**

Members considered a full application submitted by Mr Nick Squire for the erection of a detached dwelling with a side dormer window (resubmission).

The case officer reported that the survey drawings were inaccurate and recommended that the item be deferred until accurate replacement drawings had been obtained from the applicant.

Representations were received in objection to the application from a local resident who raised concerns about the recommendation to defer the application.

Members raised concerns over timescales and suggested that a time limit be imposed for the receipt of accurate survey drawings to enable the application to be considered.

RESOLVED (1) That consideration of the application be deferred to the next full meeting of the Sub-Committee on Thursday 15 May 2008.

(2) That, if accurate survey drawings have not been received by the next full meeting of the Sub-



Committee, a legal officer be present at the meeting to provide advice to Members.<sup>1</sup>

REASON: To allow time for accurate survey drawings to be submitted and considered.

Action Required

1. To request accurate survey drawings

JB

**102. ENFORCEMENT CASES UPDATE**

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the reports be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

Councillor B Watson, Chair

[The meeting started at 3.05 pm and finished at 5.05 pm].

This page is intentionally left blank

**COMMITTEE REPORT**

**Committee:** West/Centre Area  
**Date:** 15 May 2008

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 08/00351/FUL  
**Application at:** 22A Huntington Road York YO31 8RD  
**For:** Conversion of House in Multiple Occupation to form 7no. apartments including three storey side extension and dormer windows to rear  
**By:** Mr D Lamb  
**Application Type:** Full Application  
**Target Date:** 16 April 2008

**1.0 PROPOSAL**Application site

1.1 The application site forms part of a two-storey terrace of cream brick, slate roof, which is in the Heworth Green/East Parade Conservation area.

1.2 The host building is an end of terrace property, used as a house in multiple occupation (HMO); it is not a listed building. It is a double fronted house of historic character with dormers, sash windows and brickwork detailing to the high chimney stacks and eaves.

Proposed development

1.3 Planning permission is required to extend the building and change its use into 7 flats (4 x 1-bed, 3 x 2-bed). The proposed external alterations are:

- Make the bay window on the right hand side (when facing the front elevation) match that on the left hand side.
- Two-storey side extension, setback from front and rear building lines, set down from ridge level, and involving dormers on the front and rear elevations.
- Square off single storey lean-to rear extension so it is rectangular in shape and add 2 dormers on the rear elevation.

1.4 The application is brought to planning committee because a previous application at this site (for a similar side extension) was approved at planning committee in 2006 and at the request of Councillor Watson, on the grounds of car parking and highway safety.

Relevant site history

1.5 Planning permission was granted in November 2006 for a 2.5 storey side extension, which would have increased the size of the existing HMO by 2 further bedrooms. The approved extension projected around 300mm (4m in total) further from the side of the house. Otherwise significant external changes are on the front

elevation where the extension had a door and window at ground floor level and on the side elevation where a ground floor window was proposed.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Conservation Area Heworth Green/East Parade  
City Boundary York City Boundary 0001  
Floodzone 2 Flood Zone 2 CONF  
Floodzone 3 Flood Zone 3  
Schools Park Grove Primary

### 2.2 Policies:

CYGP1	Design
CYH4A	Housing Windfalls
CYH3C	Mix of Dwellings on Housing Site
CYHE3	Conservation Areas
CYH5A	Residential Density
CYH8	Conversion to flats/HMO
CYL1C	Provision of New Open Space in Development
CYT4	Cycle parking standards
CYGP4A	Sustainability

## 3.0 CONSULTATIONS

Internal

### Lifelong Learning and Culture

3.1 As there is no on-site open space commuted sums should be paid to the Council for the additional flats for open space and sports pitches, which would be used to improve a local open space such as Monk Bridge Gardens and to improve facilities within the North or East Zone of the Sport and Active Leisure Strategy.

### Education Officer

3.2 No contribution towards education provision is required.

### Environmental Protection Unit

3.3 No objections about this application. The proposed development fronts on to a busy road and traffic noise could affect the occupants of the proposed dwellings. A condition relating to sound insulation on the front elevation is recommended.

### Design, Conservation and Sustainable Development

3.4 Advise the area is generally characterised by its residential Victorian terraced housing which forms a linear boundary to each side of Huntington Road. There is some minor contemporary infill and the commercial building neighbouring the site forms a visual break in development. This building is of little architectural merit and

detracts from the conservation area. Due to its design, location and status the host building provides a focal point and makes a positive contribution to the character and appearance of the conservation area. The garage extension though is wholly unsympathetic to the dwelling and the conservation area. However, due to its height it does not undermine the terrace itself, leaving the side elevation visible as the start and termination point.

3.5 It is appreciated that the scheme attempts to replicate the existing string course and eaves detailing but the height, design and location of the side extension are felt to have a negative impact on the character and appearance of the conservation area and a single storey side extension would be preferred. However it is recognised a scheme of similar appearance/height has previously been approved, a two-storey extension being considered acceptable, provided it were setback as the brick colour could not be matched exactly.

#### Highway Network Management

3.6 Advised that the res-park area in which the site is located (Huntington Road Zone R26) is oversubscribed presently (76 on-street parking spaces, 117 permits have been issued). As such future occupants of the proposed flats would not be able to gain permits. However there is no objection on the grounds of lack of car parking, due to the proximity of the site to the city centre, public transport routes and the cycle network.

3.7 The original scheme did not have enough space for cycle storage and it was asked that the plans be revised, or a condition if the application be approved, that adequate cycle parking spaces be provided (1 space per flat).

#### Planning Panel

3.8 No objection.

#### Publicity

3.9 The application was publicised by press notice and letters of neighbour notification. The deadline for comments was 9.4.2008. 3 letters in objection have been received. Points are as follows:

- Noise as a result of proximity of living rooms/kitchens to bedrooms in the adjacent dwelling (24a).
- Concern over parking provision and demand for additional parking. Application form states 4 parking spaces - these are not shown on the plans. Presently cars park on the forecourt in front of the building, which is hazardous and unsightly.
- Objections from the neighbouring business (Bagnalls). Object to the proposal if it would encroach on their land, as this would hamper their business; access to their site for building works may have a similar affect.

## 4.0 APPRAISAL

### 4.1 Key issues

- Principle of the change of use
- Type of housing proposed
- Design of the extensions; the impact on the conservation area
- Residential Amenity
- Highway safety
- Sustainability
- Land ownership

#### Principle of the change of use

4.2 Policy H4a of the Local Plan regards new housing development. It states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.3 The site is previously developed and close to the city centre. As such it is in principle one where additional housing is encouraged by national and local policy.

#### Type of housing proposed

4.4 PPS3: Housing requires Local Planning Authorities to adopt an evidence based approach to housing delivery. Policies should be informed by housing need and demand, through housing market and housing land availability assessments.

4.5 The Council has carried out a Strategic Housing Market Assessment (SHMA), adopted by the Council for Development Control purposes on the 27 September 2007. The report is comprehensive and up to date, and looks at what is appropriate in York in terms of housing tenure, size and type, in order to help create mixed and balance communities. The Study reveals a demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms. Over 60% of households are looking for houses rather than flats. Policy H3c of the Local Plan asks for a mix of housing on all sites.

4.6 As the building was previously a HMO there is no loss of family sized housing as a consequence of this proposal. Considering the reasonable flat sizes and given the aforementioned, combined with the lack of space for car parking and outside space, the mix of 1 and 2 bed flats is considered to be appropriate in this case.

#### Design of the extensions; the impact on the conservation area

4.7 GP1 Refers to design, for all types of development. It states that development proposals must, respect or enhance the local environment; be compatible with the surrounding area; enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. H5a states the scale

and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity.

4.8 HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.9 The design/appearance of the building (if extended) is considered to be acceptable, giving due weight to the existing appearance and the precedent set by the scheme which was approved in 2006.

4.10 From the front elevation the introduction of the matching bay window would bring symmetry back to the original house. The side extension (in relation to the approved scheme) proposes timber doors with a lintel above opposed to a window and door. This is an improvement on the existing domestic metal garage door and thus an improvement to the appearance of the conservation area. Otherwise the bricks for the side extension shall be agreed onsite, other materials are specified in condition 5; so the external appearance can be controlled. The rear dormers will be discreet (due to size/materials) thus would not harm the appearance of the building or the conservation area.

4.11 Overall the scheme would enhance the appearance of the existing building. The side extension is considered to be acceptable as it would have detailing that respects the terrace and be set back and set down, so to appear subordinate to the host building. As such it would not unduly detract from the appearance/status of the host building and the conservation area.

#### Residential Amenity

4.12 PPS3 states that the planning system should deliver high quality housing that is well designed and built to a high standard.

4.13 Of the local plan GP1 and H5a (referred to in 4.7) are relevant as is H8, which relates to houses being converted into flats (or HMOs). H8 advises planning permission will only be granted where:

- Adequate off and on street parking and cycle parking are incorporated
- It would not create an adverse impact on neighbouring residential amenity, particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.
- Adequate provision is made for the storage and collection of refuse and recycling.

#### Surrounding occupants

4.14 The building would remain of a residential nature; it is considered the proposed use would not unduly affect neighbouring residents amenity. The development would be required to comply with building regulations, which has standards covering noise insulation. Unreasonable disturbance would be controlled through legislation enforced by the Council's Environmental Protection Unit. An objection has been made about smells from cooking. Cooking would be on a domestic scale and thus smells associated with such would not unreasonably affect residential amenity.

4.15 There are no extensions or alterations proposed that would unduly affect amenity in terms of overbearing or overshadowing.

#### Future occupants

4.16 The internal size of each flat and outlook for future occupants would be reasonable. The revised plans have adequately increased the size of the bin and cycle store, which is covered and proposed in a convenient location. There is limited outdoor space, which is not reason to refuse the application, instead a contribution toward open space is proposed.

#### Amenity/open space

4.17 L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision. The applicant has agreed to contribute towards open space should the application be approved. 6 further units are being created. The figure is £3,924.

#### Highway safety and car parking issues

4.18 Policy T4 of the City of York Draft Local Plan seeks to maintain and promote cycle use.

4.19 It is inappropriate to squeeze cars on the forecourt at the front of the house if such practice would obstruct the pavement and adversely affect highway and pedestrian safety. A condition to provide a dwarf wall around the forecourt (which would be of an appearance consistent to the rest of the terrace) is proposed which would prevent this occurrence.

4.20 In this location (close to the city centre) there is no objection to providing flats without car parking spaces, this would discourage private car use, which is consistent with national planning policy. The applicant has been informed that future occupants would not be able to park on street as they would not be able to gain re-park permits.

#### Sustainability

4.21 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted. The proposed development should meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction, which was adopted for development control purposes on 22.11.07. A statement has been submitted and it shall be a condition of approval the proposed measures are adhered to. The following have been suggested:

#### 4.22 Energy and water use

- Advised that efficient appliances (A rated) will be used
- Water use to be minimised through use of dual flush toilets and water efficient washing machines
- Insulation to be enhanced through wall insulation and double glazed windows (existing windows are dated and dilapidated). Windows will be timber from a sustainable source
- Water butts to be used



4.23 Pollution and site management

- Considerate constructors scheme guidelines to be followed
- Introduce planting
- Re-use materials where possible

4.24 Recycling

- Space for recyclables is proposed in line with Council's guidelines

Land ownership

4.25 On the last occasion when the application to extend at the side was approved; it encroached upon Bagnalls land (20a Huntington Road). The proposal could thus only be implemented with Bagnalls agreement. On this occasion the applicant advises the development is all within land in their ownership.

**5.0 CONCLUSION**

5.1 The development is appropriate in principle. It is considered the appearance of the area would be enhanced and the amenity of surrounding occupants would not be unduly affected. Highway safety would be maintained and sustainable measures have been considered and will be incorporated. Overall the scheme is considered to be acceptable.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS2 Apprvd plans and other submitted details

3 Notwithstanding the approved plans the design (including cill, dimensions, location and materials) of the new bedroom window in the single storey rear extension shall be in accordance with details, which shall be approved in writing by the Local Planning Authority.

Reason: To achieve a consistent appearance sympathetic to the main house (which has windows with a vertical emphasis).

4 All new windows (apart from the front dormer which shall be side hung) shall have sliding type openings. All windows shall also have timber frames and be retained as such unless otherwise agreed by the Local Planning Authority.

Reason: To achieve a consistent appearance that also respects the character and appearance of the conservation area.

5 The materials to be used externally shall be as follows:

- Doors to bin and cycle store to be timber, a sample of the timber including its

- proposed finish shall be agreed on site.
- Front dormer to match the existing front dormers in all respects.
- Rear dormers to have lead cheeks and roof.
- Rebuilding on rear extension to be in brick to match the existing extension in all respects.
- Roof of side extension to be slate that reasonably matches the host building.

Reason: To achieve a visually acceptable form of development.

6 A sample panel of the brickwork to be used on the side extension shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

7 The bay window on the front elevation to be rebuilt shall be executed in materials to match in all respects the bay window on the left hand side (when facing the front of the house).

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

8 VISQ10 Details of External services to be app (soil and vent pipes etc)

9 Prior to occupation of the development hereby approved a boundary wall to the front of the site shall be reinstated in accordance with details that shall have been approved by the Local Planning Authority (suggested is a wall consistent in height and materials to that at 24 Huntington Road).

Reason: To enhance the appearance of the conservation area and in the interests of highway safety.

10 The development shall proceed in accordance with the sustainability statement dated 12.4.2008.

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

11 All windows in bedrooms and lounges with a facade onto Huntington Road shall be insulated so as to provide sound attenuation against external noise of not less than 35dB(A) with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

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

12 S106OS Section 106 Open Space

## **7.0 INFORMATIVES: Notes to Applicant**

### **CONTAMINATION & CONSTRUCTION**

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

The developer's attention is also 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. For example

- 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.	

- 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".

- 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.

- 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.

- 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.

- There shall be no bonfires on the site.

### **RESPARK**

The applicant is reminded that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be

removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Councils Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

### **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 principle of the development, the character and appearance of the conservation area, amenity and highway safety.

As such the proposal complies with Policies GP1, H4a, H3c, H5a, HE3, H8, L1c, T4 and GP4a of the City of York Local Plan Deposit Draft.

### **Contact details:**

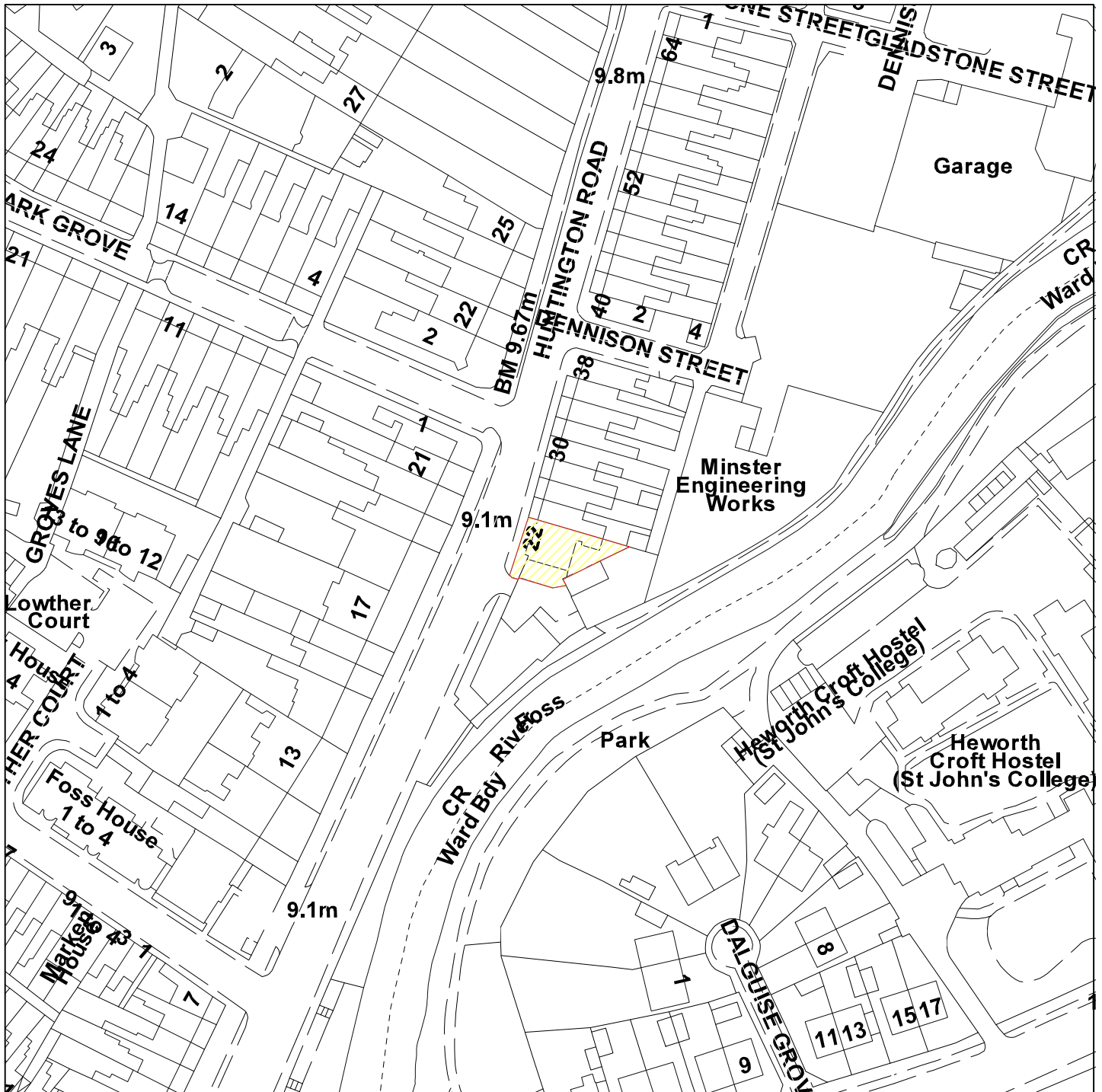
**Author:** Jonathan Kenyon Development Control Officer  
**Tel No:** 01904 551323

# 22a Huntington Road, YO31 8RD

08/00351/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	02 May 2008
<b>SLA Number</b>	Not set

This page is intentionally left blank

**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Holgate  
**Date:** 15 May 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 (plot no.1) (resubmission)  
**By:** Mr Nick Squire  
**Application Type:** Full Application  
**Target Date:** 18 April 2008

**1.0 PROPOSAL**

1.1 A decision on this application was deferred at the meeting on 17 April 2008. It was reported to Members that the submitted drawings were inaccurate. Members requested that the application be reported to the 15 May Area Sub Committee.

1.2 Revised drawings have now been received.

1.3 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.

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

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

1.6 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. It is now evident that the drawings submitted with this application were inaccurate in respect of the height and design of the roof.

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.

1.7 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.

1.8 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.

1.9 The revised submitted drawing shows the as built dwelling. The window is removed from the side facing dormer and the ridge height of the roof is 8.4m with a 45 degree roof pitch. The dormer is 2.4m in height which is the same height as refused but has a hipped roof rather than the refused gable design. Other alterations to the 2005 approved drawings are an alteration to the roof of the side facing bay window and an increase in the projection of the front porch by 0.4m. The application seeks to retain the dwelling as built.

## **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.

Any comments received in respect of the revised drawings will be reported verbally.

#### **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 The revised drawings are "as built." An on-site appraisal indicates that the house has been built at a lower ground floor level than the adjacent no.36 Grantham Drive, the drawings show this as 0.3m lower than that shown on the originally approved plans. The "as built" eaves level is lower than that of no.36. While higher than that originally approved the "as built" height of the roof achieves a step down in height between the properties that respects the change in land levels at the junction of Grantham Drive and Howe Hill Close.

4.4 The refusal reasons for the originally built dormer refer to unacceptable overlooking and unacceptable size. The dormer has been included to allow staircase access into the roof space. The "as built" dormer has a hipped roof detail which is more in keeping with the host dwelling and area and reduces its bulk. The

dormer would be subservient to the main roof and would be set down from and in from the ridge and eaves 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 proposal 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 the 2005 approval. As built the house is unauthorised principally because the roof and dormer window do not comply with the approved plans. The current proposal to retain what has been built achieves 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 fits 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 the design of house 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 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. 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

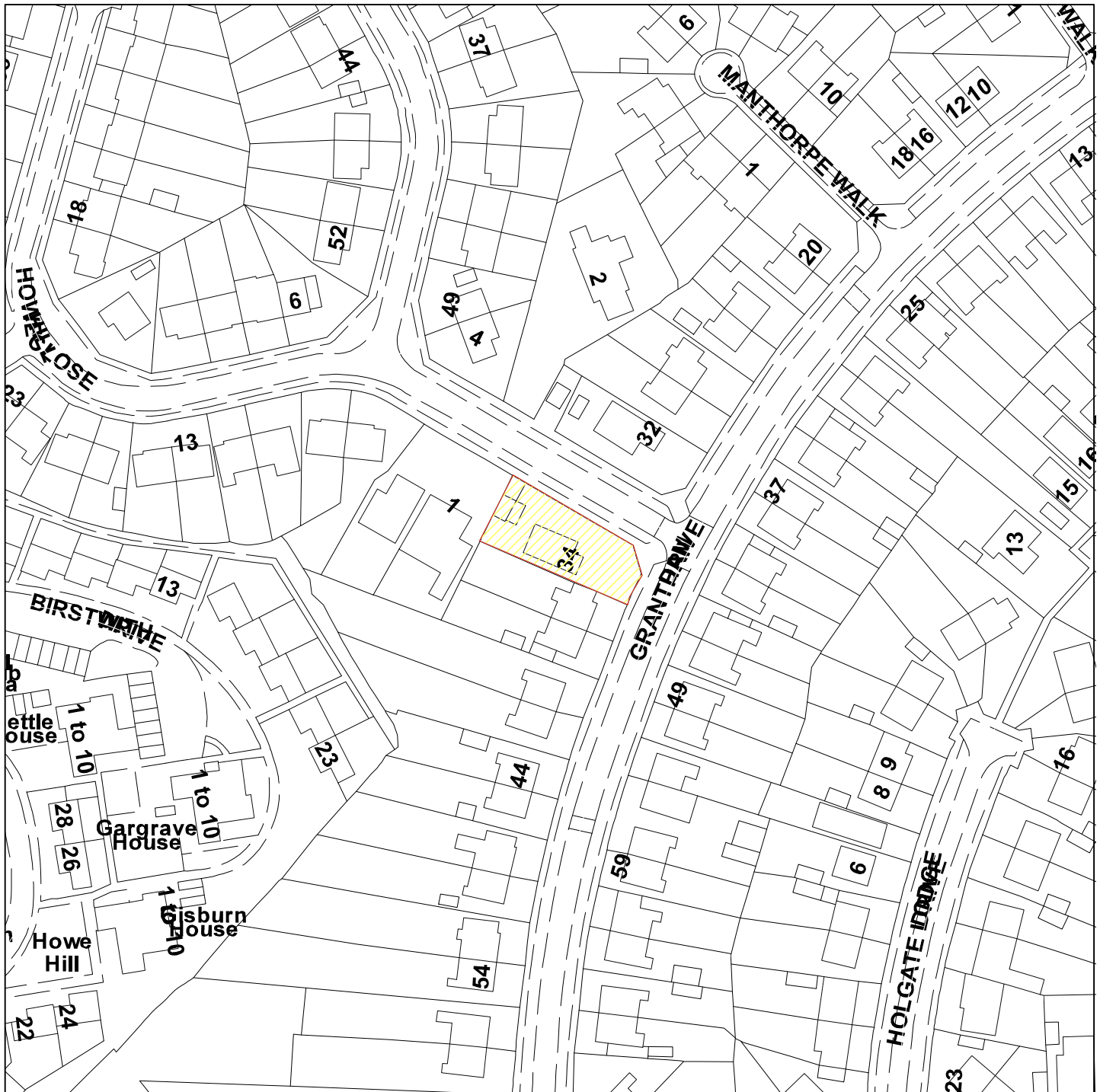
**Tel No:** 01904 551320

# 34 Grantham Drive, YO26 4TZ

07/02808/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	02 May 2008
<b>SLA Number</b>	Not set

This page is intentionally left blank

**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Westfield  
**Date:** 15 May 2008                                      **Parish:** No Parish

**Reference:** 08/00574/FUL  
**Application at:** Acomb Branch Library Front Street York YO24 3BZ  
**For:** Siting of Portakabin to rear for a temporary period to be used as a standby point for yorkshire ambulance service (resubmission)  
**By:** Yorkshire Ambulance Service  
**Application Type:** Full Application  
**Target Date:** 7 May 2008

**1.0 PROPOSAL**

1.1 The application is for the siting of a Portakabin to the rear of Acomb Branch Library for temporary period to be used a standby point for Yorkshire Ambulance Service (resubmission).

1.2 The application comes before committee at the request of Cllr Susan Galloway in order to assess the potential impact on the amenity of the conservation area and the occupants of the neighbouring dwellings.

1.3 The proposed Portakabin would be sited on the grass amenity area to the rear of the library. The proposed Portakabin would be set back 1 metre from the rear boundary of the site. The Portakabin would measure 8.642 metres in length, 3.266 metres in width and 2.573 metres in height. The site is just outside Acomb Conservation Area, the front half of the library is within the conservation area.

1.4 The ambulance service would like to place Portakabins in 'Hot Spots' where there is a high demand for Ambulance attendance to accidents/incidents. According to the agent this is one such location. The Portakabin would be in use 24 hours a day, 7 days a week. The Portakabin would have kitchen facilities, toilet and seating area.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest Acomb Area 0007

Air safeguarding Air Field safeguarding 0175

Conservation Area Acomb 0031

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP23  
Temporary planning permission

CYHE2  
Development in historic locations

CYC3  
Change of use of community facilities

### 3.0 CONSULTATIONS

#### 3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 16/04/2008

Site Notice - Expires 25/04/2008

Press Advert - Expires 23/04/2008

Internal/External Consultations - Expires 16/04/2008

8 WEEK TARGET DATE 07/05/2008

#### 3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

- No highway objections

- Noted the chosen position of the portakabin would probably affect a tree, there would be no objections to the portakabin being sited elsewhere within the 'grassed area'

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - No objections

Due to the distance between the rear boundary of the site and Front Street, and the location of the library car park, it is unlikely that the parking space and position of the vehicle will detract from the setting of conservation area.

Due to the temporary nature of the proposed Portakabin and ambulance stand-by point and the limited distant views of the building from Front Street, this proposal is unlikely to detract from the existing character and appearance of the conservation area.



ENVIRONMENTAL PROTECTION UNIT - No objections

### 3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

None received at the time of writing the report.

## 4.0 APPRAISAL

### 4.1 RELEVANT SITE HISTORY

08/00221/FUL - Site Portakabin for temporary period to be used as standby point for Yorkshire Ambulance Service. Also form 1 no. parking space for ambulance - Withdrawn

07/00320/GRG3 - Single storey front and side extensions; wood pellet silo within wooden enclosure - Approved

05/01921/GRG3 - Single storey extension and alterations to existing library - Approved

### 4.2 ADDITIONAL PLANNING POLICY

Planning Policy Guidance 15 "Planning and the Historic Environment"

### 4.3 KEY ISSUES

1. Visual impact on the conservation area
2. Impact on neighbouring property

### 4.4 ASSESSMENT

#### PLANNING POLICY

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

4.4.2 Policy C3 'Change of use of Community Facilities' of the City of York Council Development Control Local Plan states that permission for the redevelopment of community facilities will only be granted where the proposals are of a scale and design appropriate to the character and appearance of the locality, it can be demonstrated that the buildings or land are surplus to or no longer capable of

meeting the existing or future needs of the local community, or it can be demonstrated that alternative acceptable sites for the existing use can be provided.

4.4.3 Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG15) sets out the approach to dealing with proposals that affect Listed Buildings and Conservation Areas. PPG15 advises that new buildings intended to stand alongside Listed Buildings should be 'carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials'. New buildings do not have to be detailed copies of their neighbours but should form a harmonious group with them. In making decisions on proposals in Conservation Areas, Planning Authorities have a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy HE2 'Development within Historic Locations' of the City of York Development Control Local Plan are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

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

4.4.5 Policy GP23 'Temporary Planning Permission' in the City of York Council Development Control Local Plan (2005) states that planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period provided: there would be no loss of amenity to the occupants of adjacent property as a result of the proposal; or the applicant can demonstrate that there is no viable permanent alternative immediately available; and where appropriate, plans are to be brought forward for permanent development; and that the period for which consent is sought is the minimum required to allow the permanent development proposal to be implemented; or a trial period is necessary for the development, to allow an assessment of its character or effects.

## CHARACTER AND APPEARANCE OF THE ADJACENT CONSERVATION AREA

4.4.6 The proposed Portakabin would not be visible from the Front Street or the wider conservation area. The proposed parking space for the ambulance would be to the side of the library and would be partially visible from Front Street but is not considered to be unduly intrusive. Both the Portakabin and the parking space would be visible from the dwellings to the side (2 and 4 Alexa Court and 1 South View Terrace), however as it would only be for a temporary period it is not considered to cause significant harm to the neighbours outlook.

4.4.7 The proposed building is set 4 metres away from the closest tree and therefore is not considered to cause any significant harm to the tree.

## IMPACT ON NEIGHBOURING PROPERTY

4.4.8 There is some concern regarding disturbance to the occupants of the neighbouring dwellings, from noise (such as sirens, manoeuvring of vehicles in close proximity to residential properties during the night, general use of the Portakabin 24 hours a day), and flashing lights. It is considered that it would be prudent that if planning permission was granted it was for one year to monitor the situation and any potential problems that may arise. The lights and sirens from the ambulance vehicles could be conditioned so that neither are used until the ambulance vehicles are on Front Street.

4.4.9 The building is of a temporary nature and the applicant/agent has not submitted details of a future permanent alternative. A temporary building of this appearance in close proximity to the conservation area and dwellings would not be acceptable as a permanent development and therefore a temporary planning permission is considered appropriate until a permanent alternative can be found.

## 5.0 CONCLUSION

5.1 There are concerns regarding potential noise and light disturbance (especially during anti-social hours) to the occupants of the nearby dwellings from the proposed ambulance stand by point. Together with the temporary nature and appearance of the building in close proximity to Acomb Conservation Area (that would not be acceptable on a permanent basis) and therefore it is considered to be fair and prudent to grant temporary permission for 1 year. A 1 year time period should allow the Council adequate time in which to gauge the impact of the proposal upon adjacent dwellings, in terms of noise and light disturbance and/or the applicants to find a permanent alternative.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

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

Drawing Number YAS 08/28/A received 12 March 2008  
Drawing Number BR0028 received 12 March 2008;

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

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

2 The development hereby permitted shall be removed and the land reinstated to its former condition at or before 31 May 2009; unless an extension of the period shall first have been approved in writing by the Local Planning Authority, through the submission and approval of a planning application.

Reason: So that the Local Planning Authority may assess the impact of this upon the living conditions of neighbouring residents.

3 Notwithstanding the submitted details the colour of the proposed building should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved colours.

Reason: So as to achieve a visually cohesive appearance in close proximity to the Acomb Conservation Area.

4 Notwithstanding the submitted details the sirens and lights of the ambulance vehicles shall not be used until the vehicles have exited the Acomb Branch Library site.

Reason: To protect the amenity of the occupants of the neighbouring dwellings.

## **7.0 INFORMATIVES: Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the adjacent conservation area, and highway safety. As such, the proposal complies with Policies GP1, SP6, GP23, HE2 and C3 of the City of York Development Control Local Plan (2005).

### **Contact details:**

**Author:** Victoria Bell Development Control Officer

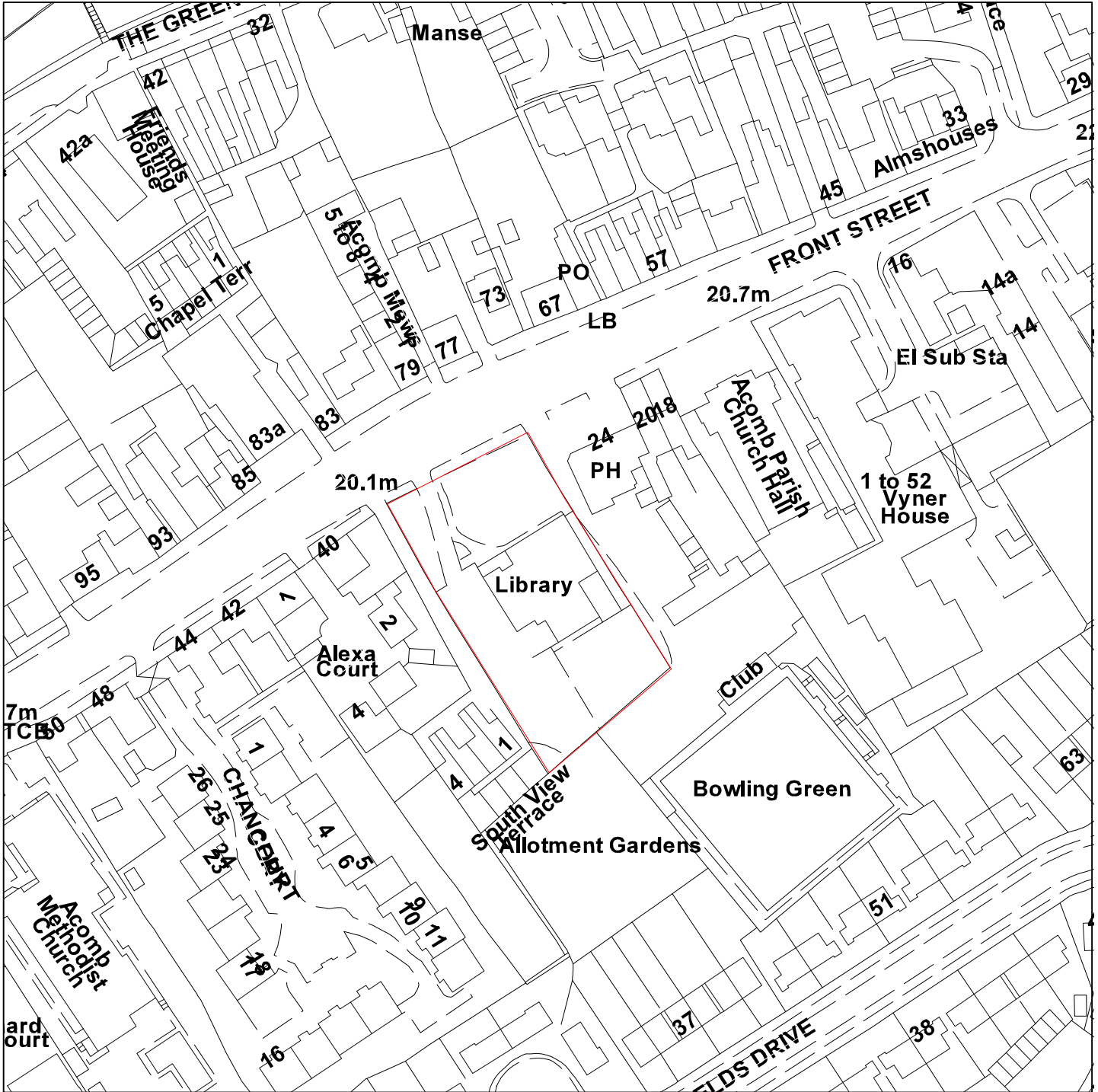
**Tel No:** 01904 551347

08/00574/FUL

Acomb Branch Library, Front Street



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	06 May 2008
<b>SLA Number</b>	Not Set

This page is intentionally left blank

**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 15 May 2008                                      **Parish:** Guildhall Planning Panel

**Reference:** 08/00392/FUL  
**Application at:** Temporary Moorings Museum Street York  
**For:** Mooring of floating coffee bar with waiter service seated area on the river bank (Resubmission of 07/00266/FUL to allow use throughout the year)  
**By:** Mr Andrew Gill  
**Application Type:** Full Application  
**Target Date:** 24 April 2008

**1.0 PROPOSAL**

1.1 This is a revised application for the mooring of a floating cafe with a waiter service seating area on the riverbank. The previous application (07/00266/FUL) was approved by the Centre and West Planning Sub- Committee on 19 April 2007. The two-year temporary permission allowed the use to operate through the months of April- September (inclusive), until April 2009. The applicant now seeks consent to operate throughout the year.

1.2 The site lies in the Central Historic Core Conservation Area adjacent to the Museum Gardens which is a Grade II Garden of Special Historic Interest.

1.3 Currently, the floating cafe is moored at the Council moorings on the River Ouse from April until September, and operates from 0800-2000 provided the river conditions are acceptable. The area on the embankment ( 50 squ. m ) is cordoned off with a demountable post and rail fence and accommodates 10 tables and chairs that are removed from the site at night. Similarly, the vessel is moored outside the city centre on a private mooring when the cafe is not operating. There is no loss of mooring as boats can moor alongside the cafe boat and 1.5m platforms to either end of the boat allow safe access to the riverbank. In the event of the moorings nearing capacity, private boaters have priority and the cafe temporarily ceases to trade. The applicant indicates that 2 full time staff and 4 part- time staff are employed, recycling litterbins are provided and removed daily, there is no delivery of supplies, and there are no permanent structures, fixtures or fittings to the riverbank.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

## 2.2 Policies:

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYGP4

Environmental sustainability

CYGP15

Protection from flooding

CYV1

Criteria for visitor related devt

CYL4

Development adjacent to rivers

## 3.0 CONSULTATIONS

### 3.1 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT- No objections

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT- No objections but consider that permission should remain temporary so that any longterm objectives fro improving the general appearance and amenity of the esplanade could be implemented. The area is the subject of suggested improvements within the forthcoming LDF city centre area action plan.

PUBLIC RIGHTS OF WAY- Esplanade is a public right of way, not recorded as such on the Definitive Map, but accepted as such by the public at large. It would appear



that the proposal would not affect the public right of way, and at no time should the operation obstruct the path. The Authority would be duty bound to remove and prevent any obstruction.

LEISURE SERVICES - No objections

CITY DEVELOPMENT- No objections

### 3.3 EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL- Object as consider that the year round use of the river bank is inappropriate for a park-style setting, and represents creeping colonisation of the water's edge.

BRITISH WATERWAYS- No objections

CAAP- Consider that the application is premature and any decision should take account of the City Centre Action Area Plan with consultation with Leisure Services.

The application was advertised by site and press notices. The expiry period for comments was 16 April 2008 and no representations have been received.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

1. Land use impact of extending period of operation
2. Visual impact of extending the period of operation

### 4.2 RELEVANT SITE HISTORY

06/00282/FUL Proposed mooring of floating temporary coffee bar and waiter serviced seated area on riverbank REFUSED 31.3.2006

07/ 00266/FUL Proposed mooring of floating coffee bar with waiter serviced seated area on the riverbank ( April- September, inclusive ) PER 20.4.2008

### 4.3 ADDITIONAL PLANNING POLICY

PPS 1 " Delivering Sustainable Development "

PPG15 " Planning and the Historic Environment "

PPS 25 " Development and Flood Risk "

### 4.4 ASSESSMENT

#### PRINCIPLE OF EXTENDED USE

4.5 The proposal relates to the extension of the use of the riverbank and moorings for an existing floating cafe beyond the approved months of April - September to an operate throughout the year. The cafe is moored off the riverbank adjacent to the Museum Gardens, a registered historic park and gardens. It is anticipated that the operation of the cafe over the additional period of operation over the winter season ( October- March ) would be restricted by weather conditions, and would have less impact on surrounding uses than over the summer period. The proposal would allow the cafe use to take advantage of appropriate weather and river conditions throughout the year e.g. to meet tourist demands if Easter is earlier than April and if good weather conditions permit during the autumn period. No objections or have been raised to the extension of the temporary cafe use from the Leisure Services Department who operate the Council moorings, the river agencies or bodies associated with the operation or protection of the river. There would be no further impingement on the adjacent footpath provided the relevant planning conditions on the previous application that control the riverbank use are re-applied to any new planning permission.

4.6 The Guildhall Planning Panel and the Conservation Area Advisory Panel raise concerns that the riverbank use represents creeping colonisation of the water's edge and is premature given the intention of the Local Development Framework City Centre Action Plan to tidy up the esplanade area. At present there are no adopted Council plans for the area that would preclude this use on the esplanade area. The Local Plan Development Framework is not at a stage that would include any proposals that would preclude the extended use of the riverbank as a cafe area. Given that the extant planning permission is a temporary consent, there is the opportunity to review the impact of the activities on the riverbank in a year's time. It is therefore considered that it would be unreasonable to resist the proposed extension of use on the grounds of prematurity. In relation to the colonisation of the water's edge, it is likely that there would be relatively few opportunities to operate the floating cafe bar over the remaining months of the year and the resulting intensification above the presently approved time period would be minimal.

4.7 It is therefore concluded that the proposal to extend the use throughout the year would not conflict with Policies L4, HE2, HE3, H12 of the Local Plan and related national planning guidance.

## VISUAL IMPACT

4.8 The mooring and the use of the riverbank as a seating area are adjacent to the Museum Gardens, a registered park and garden that is situated within the Central Historic Core Conservation Area. Planning permission was granted approximately one year ago with conditions that aimed to ensure that the extent of seating was limited and that all associated paraphernalia associated with the use was removed outside operating hours. The Local Planning Authority is unaware of any circumstances that have affected the amenity of the conservation area and the Museum Gardens during the time that the cafe use has been in open e.g. litter, vandalism. With reduced tree screening from the riverbank trees, the cafe use may be more prominent in winter months in the wider area. However the use of the

riverbank/temporary moorings would be infrequent and would not detrimentally impact on the character or amenity of the conservation area. There would be no further conflict with local and national planning policy.

4.9 It is suggested to Members that a temporary permission until 19 April 2009 be granted for the extended operational period to tie in with the temporary period of consent granted under Planning Reference 07/00266/FUL. This was considered appropriate at the time to enable the impact of the proposal on the river walkway and the operation of the temporary moorings to be assessed.

## 5.0 CONCLUSION

5.1 It is considered that the impact of extending the period of operation of the use of the river bank and the mooring for the floating cafe would have a limited impact on the area due to the likely restricted opportunity to operate as a winter activity. If Members are minded to approve the application, it is suggested that the temporary consent is tied to the extant permission and that the relevant conditions from this permission that aim to control the impact of the use are reapplied.

## 6.0 RECOMMENDATION: Approve

1 The use of the riverbank as a seating area shall cease by 19 April 2009 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area in the interests of the character and visual amenity of the area.

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

Drawing No. AG01, dated 18.2.2008 and the submitted details received 24.5.2007

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

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

3 The use hereby permitted shall be confined to the following hours:

Monday- Sunday ( Including Bank Holidays ) 0800-2000 hours

Reason: To minimise the impact that noise could potentially have on the nearby residents.

4 The external seating area shall not encroach upon the public highway and all furniture associated with the aforementioned area shall be fully removed when the premises are closed.

Reason: In the interests of the users of the public highway and the visual amenity of the area

5 No equipment other than the approved tables, chairs and barriers shall be installed within the seating area without the prior consent of the Local Planning Authority.

Reason: To ensure that the appearance of the development is suitable and that it contributes to the character and appearance of this part of the Central Historic Core Conservation Area in accordance with policy HE3 of the local plan and policy E4 of the structure plan.

6 There shall be no public address system or amplified music associated with the cafe boat and the seating area hereby approved.

Reason: In the interests of amenity

7 There shall be no primary cooking of unprepared food within the designated seating area hereby approved.

Reason: It is considered that this use would be inappropriate and would detract from the character and appearance of this part of the Central Historic Core Conservation Area and conflict with policy HE3 of the local plan and policy E4 of the structure plan.

8 The development shall proceed and operate at all times in accordance with the submitted flood risk statement.

Reason; To minimise the risk of flooding

## **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 visual amenity and character of the conservation area and the adjacent listed garden

- the use of the river including navigation and safety
- the amenity of the neighbours
- users of the adjacent public highway
- flooding.

As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE2, HE3, HE4, HE12, L4, GP15a, and GP1 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, " Planning Policy Statement. 15 " Planning and the Historic Environment., " and " Planning Policy Guidance Note No. 25 " Development and Flood Risk. "

2. You are advised to contact the City of York's Highway Network Management as a pavement cafe licence may be required under the Highways Act.

3. The floating coffee bar shall have adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenity of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required can be submitted to the Council's Environmental Protection Unit for approval.

**Contact details:**

**Author:** Fiona Mackay Development Control Officer (Tues - Fri)  
**Tel No:** 01904 552407

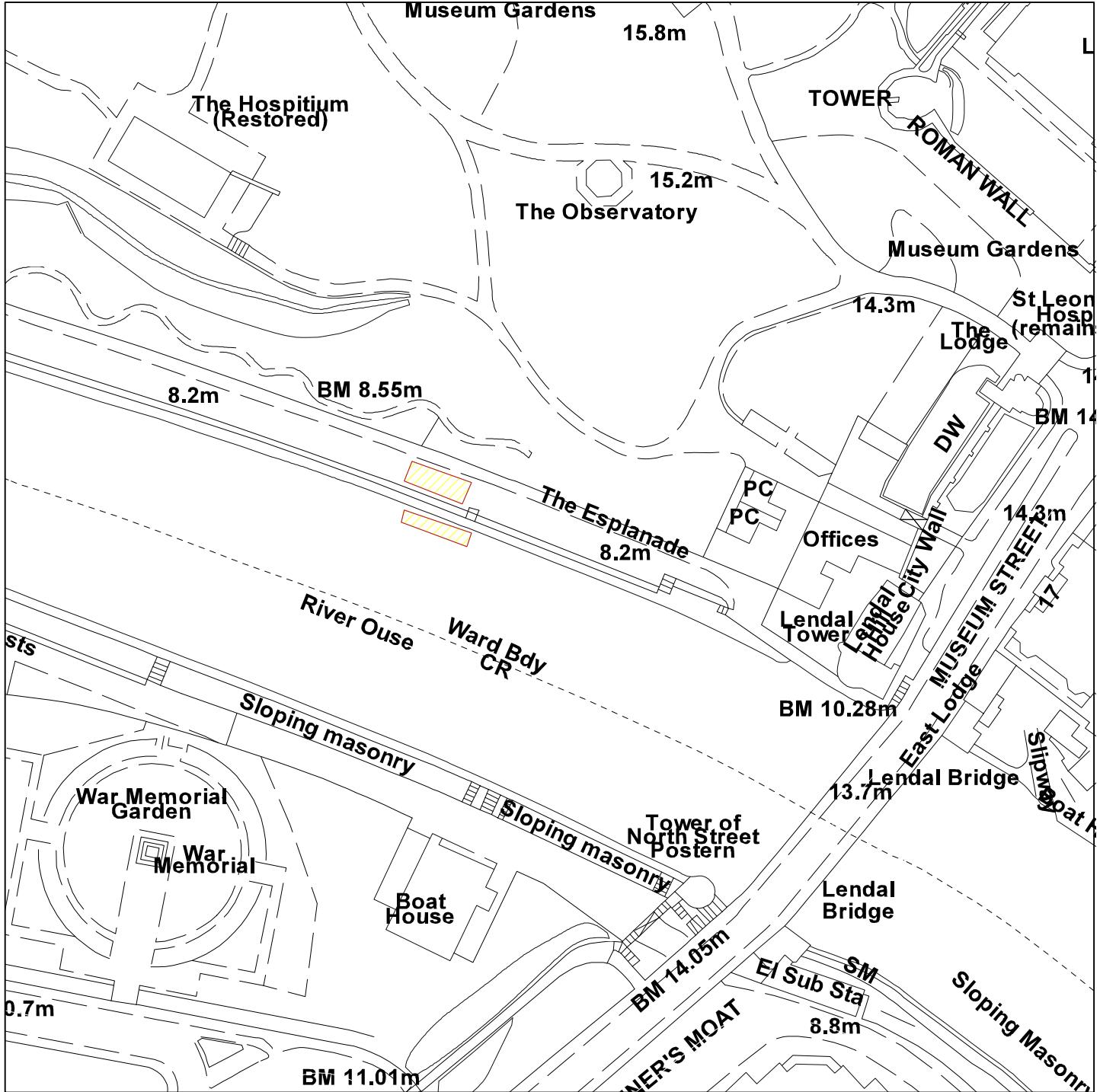
This page is intentionally left blank

# Temporary Moorings, Museum Street

08/00392/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	02 May 2008
<b>SLA Number</b>	Not set

This page is intentionally left blank



**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Rural West York  
**Date:** 15 May 2008                                      **Parish:** Copmanthorpe                      Parish Council

**Reference:** 08/00233/FUL  
**Application at:** 20 Horseman Avenue Copmanthorpe York YO23 3UF  
**For:** Erection of a pitched roof and alteration of a garage to form ancillary accommodation for 20 Horseman Avenue  
**By:** Mr And Mrs J Bennett  
**Application Type:** Full Application  
**Target Date:** 31 March 2008

**1.0 PROPOSAL**

1.0.1 Planning permission is sought for the alteration of an existing garage to form ancillary accommodation to the main dwelling. The proposal includes:-

- Replacement of the existing flat felt roof with a tiled pitched roof - the height of the garage will increase from 2.65 m - 4.75 m;
- Alteration of the north elevation - formation of 2 windows and a door to replace 2 garage doors; and
- The alteration of the east elevation - formation of 2 window openings to replace an existing door and window opening.

1.0.2 Access to the proposed development is shown via the existing access way from Horseman Avenue, which is presently used by no.20.

1.0.3 The building is a detached, single storey garage and storeroom. The garage measures approximately 10.10 m in length x 5.80 m in width x 2.10 m in height. At present the garage is formed into 2 individual garage spaces and a double garage/storeroom area.

1.0.4 This application being presented has been amended since it was originally submitted. The description of development has been amended from 'Conversion and alteration including addition of pitched roof of garage to form 1 bed dwelling' to 'Conversion of garage and erection of pitched roof to form ancillary accommodation to main dwelling'. The internal arrangement of the building has also been amended to reflect the alteration of the scheme (kitchen facilities have been deleted).

**1.1 SITE**

1.1.1 20 Horseman Avenue is located at the end of a cul-de-sac. This triangular shaped site measures approximately 0.07ha. There is an existing vehicular access which serves no.20. There are a number of mature trees which bound the site to the east elevation. These trees are protected by tree preservation orders. The site

has a pronounced slope. The site falls away by significantly from the front to the rear by approximately 3.00m

## 1.2 HISTORY

- 07/02899/FUL - Conversion and first floor extension to existing garage to form 1 no. dwelling - Withdrawn - 31.01.2008
- 05/02157/FUL - Erection of detached dwelling (revised scheme) - Refused - 17.03.2006
- 05/01678/FUL - Erection of detached dwelling - Withdrawn 29.09.2005

1.2.1 Previously a planning application (05/02157/FUL) was refused in 2005. The refused application proposed that a new dwelling be erected within the rear garden area of no.20. The associated sub division of the garden would have resulted in the existing and proposed dwelling being left with only a relatively small garden area, which would have severely reduced the amenity enjoyed by current/future occupiers and resulted in a cramped form of development.

1.2.2 A further application (07/02899/FUL) was withdrawn prior to a formal decision being made by the planning department. The application sought permission for an ancillary 3 bedroom dwelling. The planning department advised that such a scheme could not be supported.

## 1.3 Councillor Request

This application has been called in by Councillor Healey due to concerns raised by Copmanthorpe Parish Council regarding overdevelopment of the site and access.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

DC Area Teams West Area 0004

### 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## 3.0 CONSULTATIONS

### INTERNAL

### 3.1 Highway Network Management

3.1.1 The Highway engineer raised no objections to this proposal.

### 3.2 Urban Design and Conservation - Landscape Architect

3.2.1 If the proposal was for a separate dwelling the Council's Landscape Architect would recommend refusal on the grounds that such a scheme would conflict with the well being of the existing protected trees.

3.2.2 She comments that a dwelling in this position would most likely result in a demand for tree works to reduce shading, safety concerns, subsidence concerns, seasonal fall etc. She further comments that the property would also suffer from poor natural light levels.

3.2.3 However as this scheme utilises the exiting footprint, foundations and is also single storey in height, the officer considers that there is no immediate physical threat to the protected trees. Also as occupation of the building would not be on a permanent basis for residential accommodation, there should be less pressure for associated tree works.

### 3.3 Environmental Protection Unit

3.3.1 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.

### 3.4 Housing Strategy And Enabling Housing And Adult Social Services

3.4.1 The site exceeds the threshold of 0.03 ha for affordable in villages. An affordable house should therefore be provided as part of the scheme.

### 3.5 Drainage

3.5.1 The drainage engineer confirms that the site is located in low risk Flood Zone 1 and will not suffer from river flooding. He raises no objections to the proposal but notes that the development is close to a 600 mm diameter surface water sewer, which is at the rear of the garage. He notes that the applicant may require a building over agreement or moving of the foundations to give a suitable easement strip.

## EXTERNAL

### 3.6 Copmanthorpe Parish Council

3.6.1 Copmanthorpe Parish Council objected on the following grounds:-

- (i) The proposal would significantly reduce amenities of neighbouring properties;
- (ii) Access to the site is also a concern; and
- (iii) The P.C. also comment that they object on the grounds as the 2 previous planning applications 05/02157/FUL and 07/02899/FUL.

### 3.7 Neighbour and interested parties

3.7.1 Objections have been received from 7 neighbouring households. These comments related to the original submission which described the development as 'Conversion and alteration including addition of pitched roof to garage to form 1 bed dwelling':-

#### 3.7.2 Traffic nuisance

- An increase in vehicular traffic would cause an increased danger to pedestrians and road traffic and complicate manoeuvring for the existing residents of Horseman Avenue and also complicate access for emergency vehicles;
- An additional dwelling would also create undue noise pollution and parking congestion;
- Additional bin storage and collection of waste may cause undue congestion within the cul-de-sac;
- Additional traffic congestion will be created due to additional visitors to the new dwelling. Visitors may park within the turning head of the cul-de-sac creating additional congestion;
- The same objections were raised for previous developments to this scheme;
- Access to no.20 is very awkward and cramped;
- The main entrance to no.20 is through the side door. The access to the proposed new dwelling would be within 1 metre of this door.

#### 3.7.3 Amenity

- The proposal would diminish the existing level of privacy to adjacent neighbours, especially no.20, 21 Horesman Avenue and East Wing House and The Moat House, Orchard Garth;
- The garage foundations are unlikely to be adequate to support the alterations to the building;
- The garage faces north directly toward no.20. There would be privacy issues between each dwelling. The garage would also be very dark due to its orientation;
- The proposal would reduce the loss of view for the occupants of no.20.

#### 3.7.4 Drainage

- The local drainage system has a problem with capacity. Further development will only exacerbate this problem. There are also utility pipes very close to the plot and a culverted ditch exists to the rear of the building.

#### 3.7.5 Flooding

- The proposal would increase the risk of flooding due to the high water table and increase of hardstanding area and the low lying nature of the site.

#### 3.7.6 Design statement

- The Design and Access statement is inaccurate in terms of site levels;
- The proposal does not satisfy the requirements of the Copmanthorpe Village Design Statement.
- Loss of natural screening and impact upon wildlife and trees

- The proposal would have a detrimental impact upon wildlife, trees and plants and might necessitate future works to trees to allow for adequate amenity.
- Trees at the rear of the site are covered by a tree preservation order and could be damaged if the building is altered.
- The applicants submission does not accurately indicate the location of the TPO'd trees;
- The TPO'd trees and density of the nearby woodland give the area a unique character in a largely urban setting;
- There will be pressure, at some point in the future, to carry out tree works to prevent shading etc. to the new dwelling;
- The existing garage is already close to the TPO'd trees, further extension and alteration to the building would exacerbate existing problems and possibly damage the building requiring their removal;
- If permission were granted it would have an impact upon the character of the village, the wellbeing of the trees, existing wildlife and the amenity they add to the area as a whole; and
- The TPO'd trees could be damaged during construction works;
- If remedial works are required to strengthen the garage, these could affect the root structures of the TPO'd trees.

#### 3.7.7 Precedent

- The erection of a detached dwelling within the rear garden of no.20 Horseman Avenue has been refused a number of times. An appeal has also been dismissed for this development. Permission has also been refused for development within no.19's garden. If permission is granted, a precedent will be set for other similar infill development.
- The Appeal Inspector, when commenting upon the dismissal of no.20's appeal, stated that 'this proposal is unacceptable because of the harm it would cause to the character and appearance of the surrounding area and the living conditions of nearby residents, contrary to emerging policies GP1, GP10 and H4a, and to the SPG',
- This proposal appears to be an underhand way of gaining approval for a new dwelling within the no.19's garden. This has been resisted by the planning department in the past.

#### 3.7.8 Out of character

- The proposed dwelling is a cramped over-development of the site and would detract from the appearance and character of the area.
- By increasing the density of housing in a well planned, mature and existing neighbourhood we believe this development would upset the balance of the area.
- Filling in the gap between 2 existing properties, any building would appear to be an afterthought and not part of the community.
- If the garage is within the village Conservation Area more detailed consideration of the design should be undertaken.

3.7.9 As previously mentioned, the applicant amended the scheme. The description of development has been altered from a dwelling to ancillary accommodation. The internal layout has also been amended to reflect the amended

description of development. All neighbours were re-consulted and the following comments were received:-

- The previous objections still stand;
- Any building on this site will change the environment and cause great loss of amenity to existing residents; and
- The proposed pitched roof will significantly raise the height of the existing building.

#### **4.0 APPRAISAL**

4.1 The main considerations are:

Principle of development;  
Impact on visual amenity of area;  
Impact on residential amenity;  
Affect on highway safety;  
Protected trees;  
Drainage.

#### **4.2 POLICY**

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

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

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

4.2.4 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.

4.2.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

4.2.6 Copmanthorpe Village Design Statement - aims to guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Copmanthorpe. All developments should retain and enhance site features and should be carried out with great sensitivity, to respect its historic buildings and their settings.

### 4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of Copmanthorpe. There are no other relevant statutory constraints i.e. Conservation Area, etc. The proposed ancillary residential use conforms with the immediate locale. The majority of the structure already exists. It should also be noted that the applicant is allowed to use the garage for ancillary accommodation without planning consent, i.e. guest accommodation, games room or home office, etc. Consequently excluding the roof, the applicant could alter the garage to the proposed plans without requiring planning consent. In addition the applicant could form additional window openings without the need for planning permission. This could have a more detrimental impact upon adjacent neighbours privacy than the proposed scheme, especially in terms of privacy issues.

4.3.2 As a consequence, the proposed development of the land for ancillary residential use is acceptable in principle as it is compatible with the surrounding land uses.

### 4.4 IMPACT ON VISUAL AMENITY OF AREA

4.4.1 The existing property is a semi detached single storey family dwelling with a comparatively large rear garden to other dwellings within the Horseman Avenue. The garage is well screened from Horseman Avenue. It is set within the rear garden of no.20. Due to the topography of the site the proposed pitched roof would not be visible from public points of view.

4.4.2 The proposed pitched roof would however be seen from the rear outlook of properties in Orchard Garth, namely 'The Stables' 'East Wing House' and 'The Manor' and 19 and 21 Horseman Avenue. The roof would also be more noticeable during autumn/winter when the deciduous trees have shed their leaves. However due to the size of neighbouring gardens, the siting of the TPO'd trees and associated hedging and the fact the additional built development consists of 2.20 m of additional

roof (which is pitched), it is not considered that the proposed roof would have a detrimental impact upon the character and appearance of the area.

4.4.3 The proposal is not considered to be an overdevelopment of the plot as adequate levels of garden space are maintained. The proposal cannot therefore be considered to be out of character with the general pattern of development in the street or overdevelopment.

#### 4.5 IMPACT ON RESIDENTIAL AMENITY

4.4.1 It is considered that the proposed development would not have such a detrimental impact upon adjacent neighbours amenity as to justify refusal of planning permission. Explanation of the impact of this scheme has been considered in section 4.3.

#### 4.6 PROTECTED TREES

4.6.1 The proposed built development principally involves the formation of a pitched roof. Other development includes the alteration of existing openings and the alteration of the internal arrangement of the building. The applicants state that no additional works are required. Due to the nature of the proposed use, which is ancillary and the fact that the built development proposed is fairly minor. It is considered that the proposed scheme is acceptable and would not have a detrimental impact upon the TPO'd trees. It is however proposed to impose a condition requiring a structural survey to be submitted to the Council, prior to development commencing. This should ensure that if strengthening are required for the foundations they would not affect the roots of the protected trees.

#### 4.7 HIGHWAYS

4.7.1 No highway objection has been raised regarding the access arrangements. However it is suggested a condition requiring full details regarding access, parking and turning arrangements and cycle storage facilities should be submitted and approved by the LPA prior to development commencing and also standard highway condition relating to details to be submitted regarding vehicular areas surfaced.

#### 4.8 DRAINAGE

4.8.1 Foul water drainage to public sewers can be provided. Responses from neighbours indicate that there may be some difficulties in surface water drainage and the proposals would result in an increase in impermeable area and hence increased run-off. There is no evidence to suggest that suitable soakaways and permeable hard standings could not be designed to provide a sustainable drainage solution. Details of the surface water drainage works could be secured to be approved before development commences through imposition of appropriate conditions.

### 5.0 CONCLUSION

5.0.1 At present the scheme is modest in scale and impact upon adjacent neighbours and the neighbouring environment, particularly the protected trees. It



should also be borne in mind that the applicant is entitled to carry out all the proposed works, except the formation of the pitched roof, without planning permission. As a consequence, should permission be refused, he is entitled to undertake all works except the formation of the roof. The applicant would also be entitled to extend the garage, within the rules of permitted development rights, if permission is not granted. Objections on the grounds of loss of amenity and impact upon the character of the area are unfounded.

5.0.2 The proposed conversion and alteration to the existing garage is acceptable in terms of design, scale and appearance and would not detrimentally impact upon the amenity of the neighbouring residents, the character of the area (Horseman Avenue and Orchard Garth) and the adjacent protected trees. As a consequence the proposed works are considered acceptable and are recommended for approval, in accordance with policies GP1 and H7 of the City of York Development Control Draft Local Plan and The Copmanthorpe Design Statement - 2003.

## **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:-

(a) Plans & Elevations as Proposed - B152.02.06 - Date stamped 25/02/08

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

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

3 VISQ8 Samples of exterior materials to be app

4 DRAIN1 Drainage details to be agreed

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order re-enacting that order with or without modification), no new window openings shall be created in the south, east or west elevations of the proposed dwelling other than those shown on the submitted plan.

Reason: To protect the privacy of neighbours.

6 Notwithstanding the hereby approved details, the bathroom window indicated in the south elevation, shall be obscurely glazed and permanently fixed shut and shall thereafter be so retained.

Reason: To protect the residential amenity of adjacent neighbours.

7 Prior to work commencing a structural survey shall be submitted in writing to the Planning Department. The pitched roof shall not be constructed until it has been proven that the existing building does not require any form of ground works to strengthen the existing building. If the structural survey indicates that ground works are required to strengthen the existing structure, written details of the works required should be submitted in writing to the planning department and development shall not be carried out without the prior written approval from the Planning department. If additional ground works are approved by the Planning Authority, such works shall be carried out in strict accordance with the approved details.

Reason: To protect the adjacent trees which are subject of tree preservation orders.

8 The ancillary accommodation and the garage area shall be used for private domestic purposes incidental to the enjoyment of the dwelling only (20 Horseman Avenue) and not for any form of business or commercial use.

Reason: To safeguard the amenities of local residents.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

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

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

3. The development is close to a 600 mm diameter surface water sewer. A building over agreement may be required prior to development commencing. I would advise you to contact Yorkshire Water to discuss this matter prior to the commencement of any works.

**Contact details:**

**Author:** Richard Beal Development Control Officer

**Tel No:** 01904 551610

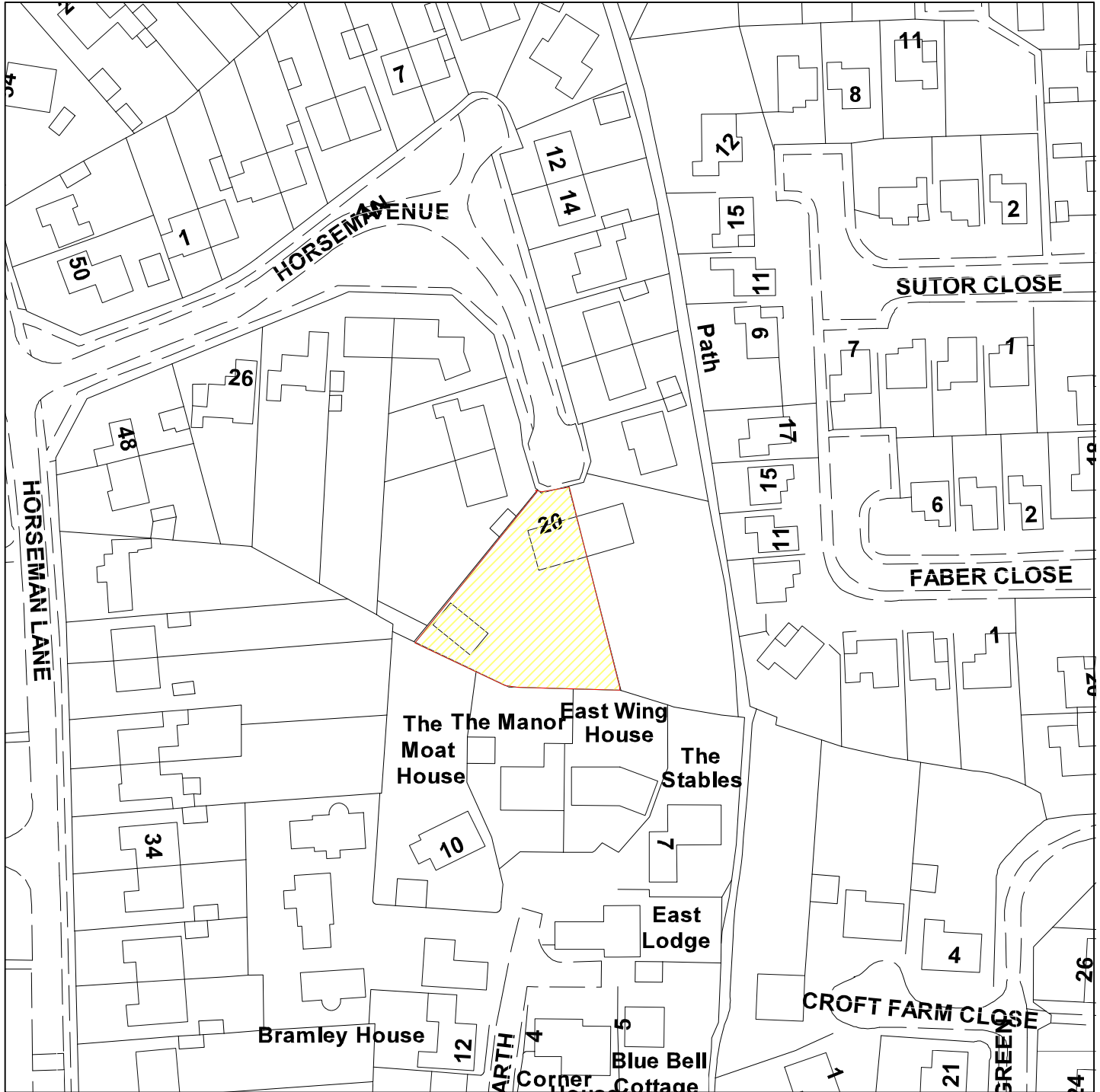
This page is intentionally left blank

# 20 Horseman Avenue, YO23 3UF

08/00233/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	02 May 2008
<b>SLA Number</b>	Not set

This page is intentionally left blank