



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, Hyman, King, Taylor, Vassie and Wiseman
- Date:** Thursday, 8 May 2008
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00am on Wednesday 7 May 2008 at Union Terrace Car Park.

1. Declarations of Interest

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

2. Minutes (Pages 5 - 20)

To approve and sign the minutes of meetings of the Sub-Committee held on 10 and 24 April 2008.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 7 May 2008 at 5.00pm.

4. Plans List

To determine the following planning applications related to the East Area.

a) **Stray Garth Community Home, 7 Stray Garth, (Pages 21 - 33)
York YO31 1EL (08/00764/FUL)**

Erection of 4 no. four bed roomed pitched roof dwellings with attached pitched roof garages and associated access (resubmission) [*Heworth Without Ward*].

b) **Land to the Rear of 85 Main Street, Fulford, (Pages 34 - 47)
York (08/00180/FUL)**

Erection of two storey three bedroom dwelling after demolition of existing outbuilding [*Fulford Ward*] [**Site Visit**].

c) **106 Heslington Lane, York YO10 4ND (Pages 48 - 51)
(08/00586/FUL)**

Single storey pitched roof rear extension [*Fulford Ward*].

d) **180 Fulford Road, York YO10 4DA (Pages 52 - 63)
(08/00317/FULM)**

Conversion of existing vacant offices to 12 no apartments with associated parking, amenity space, landscaping, refuse storage and cycle parking [*Fishergate Ward*] [**Site Visit**].

e) **180 Fulford Road, York YO10 4DA (Pages 64 - 69)
(08/00316/LBC)**

Listed Building Consent for the conversion of existing vacant offices to 12 no apartments with associated parking, amenity space, landscaping, refuse storage and cycle parking [*Fishergate Ward*] [**Site Visit**].

f) **21 The Avenue, Haxby, York YO32 3EH (Pages 70 - 81)
(07/00808/FUL)**

Erection of 2 no. two storey detached dwellings with detached garages after demolition of existing workshop [*Haxby and Wigginton Ward*] [**Site Visit**].

g) Hallfield Motors, 7 Hallfield Road, York YO31 7XQ (08/00421/FULM) (Pages 82 - 97)

Erection of a four and five storey building comprising 12 no. flats with 4 no. garages and associated car and cycle parking (amended scheme) [*Heworth Ward*].

h) Long Acres, 63 Osbaldwick Village, Osbaldwick, York (07/02012/FUL) (Pages 98 - 107)

Erection of dormer bungalow and garage on land to the rear of 61 and 63 Osbaldwick Village (resubmission) [*Osbaldwick Ward*] [**Site Visit**].

i) 19 The Meadows, Skelton, York YO30 1XS (08/00749/FUL) (Pages 108 - 111)

Pitched roof dormer to front [*Skelton, Rawcliffe and Clifton Without Ward*].

5. Urgent Business

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

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552061
- E-mail – jill.pickering@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 set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 7 MAY 2008**

TIME	SITE	
10:00 am	Meet coach at Union Terrace Car Park.	
10:15 am	21 The Avenue, Haxby	(4f)
10:40 am	Long Acres, 63 Osbaldwick Village, York	(4h)
11:05 am	Land to the rear of 85 Main Street, Fulford	(4b)
11:30 am	180 Fulford Road, York	(4d & 4e)

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- 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);
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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

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City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 APRIL 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, HYMAN, KING, TAYLOR, VASSIE, WISEMAN AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLOR FUNNELL

96. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Land at junction of Corban Lane and Wigginton Road Wigginton, York	Cllrs Douglas, Hyman, Moore and Wiseman	In view of objections received and to familiarise Members with the site and access.
Site lying to the west of Morritt Close, York	Cllrs Douglas, Hyman, Moore and Wiseman	At the request of the Local Member and in view of representations made.
Christian Science Church, Kilburn Road, Fulford, York	Cllrs Douglas, Hyman, Moore and Wiseman	In view of objections received to the application and as the application is recommended for approval.

97. DECLARATIONS OF INTEREST

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

Councillor Pierce declared a personal prejudicial interest in agenda item 5b (203 Hull Road, York), as he believed he had prejudged the application and left the room and took no part in the discussion and voting thereon.

Councillor Douglas declared a personal prejudicial interest in agenda item 5f (Site lying to the west of Morritt Close, York), as she had prejudged the application and left the room and took no part in the discussion and voting thereon.

Councillor Firth declared a personal prejudicial interest in agenda items 5g and 5h (Enclosure Farm, Main Street, Heslington, York), as his son worked for the Architect for this scheme although he had had no involvement with

these applications, and as the Architects were undertaking work on a scheme for his home and left the room and took no part in the discussion and voting thereon.

98. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 7 (Enforcement Cases Update) on the grounds that they contain 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 as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

99. MINUTES

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 13 and 27 March 2008 be approved as a correct record and be signed by the Chair.

100. PUBLIC PARTICIPATION

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

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 Land at junction of Corban Lane and Wigginton Road, Wigginton, York (07/00688/FULM)

Members considered a major full application, submitted by Mr A Carby, for the erection of a packing shed (150sqm) and a horticultural glass house (1080sqm) (revised scheme).

Officers updated with the following information and recommended the following amendments:

- Amendment of Condition 9, regarding hours of work to state:
Monday – Saturday 07.30am – 07.00pm
Not at all on Sundays and Bank Holidays;
- Condition 6 regarding landscaping the applicants to note that any scheme should not be in a linear form but a more natural scheme;

- Heavy goods vehicles visiting the site would be a maximum of 3.5 tonnes;
- Access to the public bridle way would be safeguarded by means of a number of measures including the erection of a 5mph sign at the entrance to the bridleway and the use of a trained banksman to control reversing operations to reduce the risk of accidents;
- The Environment Agency had no objections in respect of the method of drainage subject to the imposition of standard drainage conditions.

Member's felt that conditions should be imposed to ensure that access to the site, through the existing bridleway, was upgraded and a maintenance plan agreed with the increase in use proposed. Officers confirmed that as a public right of way the applicant would be liable for any damage caused to the bridleway by vehicles.

The Chair referred to the appeal decision in relation to adjacent land used for car boot sales on Sundays throughout the year. Access to this land was also by means of this public bridleway access. The appeal had allowed 20 car boot sales per year on the adjacent land, which involved up to 600 buyers and 250 sellers on site at anyone time.

In answer to Members questions Officers confirmed that revisions to this scheme involved the repositioning of the packing shed and glass house towards the western boundary, a reduction in height and a gable rather than hipped roof to the packing shed with additional planting to screen the development.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following amended condition and informative:¹.

Amended Condition 9:

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

Monday to Saturday 7:30 to 19:00
Not at all on Sundays and Bank Holidays

INFORMATIVE: The applicant is advised that in order to satisfy the landscaping scheme the layout of the screen planting should not be carried out in a linear manner as shown on the approved plans. It should be carried out on a more informal basis. A scheme should be submitted for the approval of the Local Planning Authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to green belt policy, scale and external appearance, sustainability, highway safety and environmental protection. As such

the proposal complies with Planning Policy Guidance (1995) "Green Belts", Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", Planning Policy Statement no.7 (2004) "Sustainable Development in Rural Areas", policy P2 of the Regional Spatial Strategy for Yorkshire and Humber (2004), policy E8 of the North Yorkshire County Structure Plan 1995, and Policies SP2, GB1, GP1, GP4a, GP9, GP14 and T4 of the City of York Local Plan Deposit Draft 2005.

Action Required

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

101b 203 Hull Road, York YO10 3JY (08/00350/FUL)

Consideration was given to a full application, submitted by Mr T Mansfield, for a two storey pitched roof side and rear extension to 203 and 205 Hull Road and change of use to Houses in Multiple Occupation (HMO).

Officers reported receipt a letter of support and explanation, from the applicant's agent, circulated at the meeting. Officers also indicated that if Members were mindful to refuse the application then Reason 3 should be extended to refer to transport in national policy PPG13.

RESOLVED: That the application be refused for the following reasons: ¹.

REASONS: 1 It is considered that the proposed extensions, by virtue of their scale and design, would harm the character and appearance of the street scene. The proposed side extensions add an incongruous feature to a row of simple designed and well-proportioned terraced properties. The scale of the extensions closes the space between the dwellings at first storey level, which currently acts as an important break in development and gives each row of terraced houses a visual separation. Therefore the proposal is considered contrary to Policies GP1, H7 and H8 of the City of York Draft Local Plan, design guidance contained with the City of York Council Supplementary Planning Guidance 'Guide to extensions and alterations to private dwelling houses', and design principles contained within Planning Policy Statement 1: Delivering Sustainable Development.

2 It is considered that the proposed extension and conversion from private dwelling houses to houses in multiple occupation would harm the living conditions which neighbours could reasonably expect to enjoy because of the potential noise and disturbance from the high level of occupancy and activity. The

application site is located close to neighbouring properties and therefore there is a high potential for the living conditions of neighbours to be harmed by this activity. The proposal constitutes an overdevelopment of the site and an intensification of use of the properties, which is disproportionate to their original purpose within this location. The proposal is contrary to the aims of Planning Policy Statement 1 and Policies GP1, H7 and H8 of the City of York Draft Local Plan.

- 3 It is considered that the proposed development does not provide suitable storage for bicycles and refuse and recycling bins. Therefore the proposal is contrary to Policies GP1, H8, and T4 of the City of York Draft Local Plan, in addition to Central Government advice within Planning Policy Guidance Note 13, which seeks to promote sustainable transport choices.

Action Required

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

101c 28 Crossways, York YO10 5JQ (08/00194/FUL)

Members considered a full application, submitted by Mrs S Pearce, for a single storey side extension and flat roof dormer to rear (resubmission).

Officers updated that a revised drawing had now been received from the applicant, which omitted the flat roof dormer to the rear, which could be carried out under permitted development rights. They also confirmed that reference to No 26 Crossways in para. 4.2 of the report should read "positioned to the north of the application site" rather than east.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on residential amenity and the effect on the street scene. As such the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft.

Action Required

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

101d 64 St Olaves Road, York YO30 7AL (08/00268/FUL)

Consideration was given to a full application, submitted by K and M Martin, for a boundary wall to the side and a detached garage to the rear after demolition of the existing garage.

Officers reported that the garage was being positioned over an existing boundary, that the gates were being retained and that a roller shutter garage door was proposed.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours and the effect on the street scene. As such the proposal complies with Policy H7 and GP1 of the City of York Deposit Draft Local Plan.

101e Christian Science Church, Kilburn Road, York YO10 4DE (08/00113/FULM)

Members considered a full major application, submitted by Mr Matthew Gath, for the erection of 5 no. townhouses and 5 no. apartments with associated garaging/parking after demolition of existing building (resubmission).

Officers updated that:

- A sustainability statement had now been received for this application and circulated to Members at the meeting;
- An email had been received from Cllr D'Agorne relating to a request for the local listing of the Christian Science Church, inclusion of the building in the Conservation Area and to condition the replanting of two blossom trees;
- Receipt of additional email from a local resident stating that no developments in the area abutted the pavement as was proposed in this application and requesting a more sensitive development reflecting the surroundings;
- Details of bin and cycle storage had now been received and Condition 8 would require amending to reflect this;
- There was a need to remove reference to drainage plans from the list of approved drawings as these were yet to be agreed;
- No response had been received from the Fishergate Planning Panel.

One of the Local Members stated that the Church on the site had been considered a building of architectural merit. He expressed concerns that the new build element was stepped forward of the building line in Kilburn Road and that a request had been made 3 years ago for a re-examination

of the Conservation Area boundary which abutted this site to include this building. He also referred to a petition sent to Council, with 66 signatories, objecting to the proposed demolition of this art deco building.

Councillor Taylor moved and Councillor Vassie seconded refusal of the application on the grounds that this would lead to the loss of a landmark building, which would have a negative impact on the Conservation Area it adjoined. This motion was lost.

Certain Members expressed support for the proposals which they felt were similar in design to Elliott Court, to the south of the site, a three-storey development.

The Councils Conservation Architect confirmed that a re-appraisal of the Fulford Road Conservation Area was being undertaken but that this was at an early stage. She stated that the re-appraisal would consider the effect on the setting of the new development rather than the loss of the old.

RESOLVED: That the application be approved subject to the conditions listed and subject to the following amended conditions: ¹.

Amended Condition 2: The development hereby permitted shall be carried out only in accordance with the approved plans numbered Y81:613.02B, Y81:612.03B, Y81:612.10, Y81:612.11, Y81:612.13, Y81:612.14B, Y81:612.15 and Y81:612.16A or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Amended Condition 8: The proposed refuse/recycling facilities shall be provided in accordance with the approved details before the dwellings hereby approved are occupied. They shall be retained and used for no other purpose except with the prior written consent of the local planning authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed e, would not cause undue harm to interests of acknowledged importance, with particular reference to housing density, sustainability, visual impact, landscaping, impact on residents' living conditions, open space, education facilities, impact on the adjacent conservation area and highway issues. The application therefore complies with policies GP1, GP9, GP4a, H4a, H5a, T4, ED4, HE2 and L1c of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales

JB

101f Site lying to the west of Morritt Close, York (07/02736/FUL)

Members considered a full application, submitted by Yorkshire Housing, for the erection of 6 no. two storey dwellings.

Officers reported receipt of additional information:

- Sustainability statement in relation to the site, circulated at the meeting;
- Letter from a neighbour in respect of the siting of properties on the site and requesting that all garden areas should be made good;
- Condition 8 should be amended to include bin storage;
- It had been suggested that Condition 4 relating to landscaping be amended by the removal of the words “within a period of five year years from the completion of the development” following the words “Any trees or plants”.

Representations in support of the application were received from the applicant’s agent who confirmed that this scheme was a partnership between the authority and Yorkshire Housing to provide 100% affordable homes. He confirmed that a number of meetings had been held with residents, which had led to amendments being made to the scheme. He stated that no windows were proposed in the gables to prevent overlooking and that the development would not be overbearing being no more than two storey. Cycle storage would be provided separately on the northern boundary.

Members questioned security of the bin store in relation to vandalism and graffiti. The applicant’s representative confirmed that any problems, which arose, would be dealt with by the Housing Association.

The Local Member confirmed that she had requested consideration of this application by the Sub-Committee as objections had been raised by residents at the authorities sale of the site last year. She stated that local residents were unhappy at the loss of their community garden, as this area had been used as a residents drying area and amenity space. Following development the area remaining would only be sufficient for a drying area. She also referred to anti social behaviour problems and a request by residents for improved security with gates being erected at three locations.

The Chair referred to the positioning of the requested gates in particular that two were suggested on land outside the site boundary. Officers confirmed that this land was within the Councils ownership and that this work could be undertaken in liaison with residents and the Local Member.

Members confirmed that they welcomed the provision of additional affordable housing and that, subject to amendments, regarding the provision of security gates, details of bin/cycle storage, amendments to the landscaping condition and reference to rainwater harvesting and permeable hard standings to a number of plots they supported the application.

RESOLVED: That the application be approved subject to the conditions listed in the report and subject to the following amended conditions and informatives: ¹.

Amended Conditions:

3. Notwithstanding the boundary treatment details submitted with the application, the development shall not commence until details of all security gates and means of enclosure to the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been complete.
4. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be provided within the site, including replacement tree planting for the trees which are to be removed as part of the scheme. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.
8. Notwithstanding the details on the approved plan, prior to development commencing details of the cycle parking areas and bin storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the cycle parking areas and bin storage areas together with their means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.
14. Development shall not commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of a permeable surface on the private driveway serving plots 5 & 6. The development shall not be brought into use until the approved scheme has been implemented.

Amended Informative:

5. It is pointed out that surface water drainage in this area is extremely sensitive. The Environment Agency have stated that there should be no increase in surface water run-off into South Beck, whilst Yorkshire Water have indicated that the local public sewer network does not have capacity to accept any discharge of surface water from the site. Sustainable Drainage Systems (SUDS), for example the use of soakaways / permeable hardstanding / rain harvesting, may be a suitable alternative solution for surface water disposal in this situation. Attention is drawn to conditions 14 - 17 inclusive on this Decision Notice referring to drainage.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of residential development, highway safety, residential amenity and flood risk. As such the proposal complies with Policies GP1, GP4a, H4a, H5a and L1c of the City of York Draft Local Plan.

Action Required

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

101g Enclosure Farm, Main Street, Heslington, York YO10 5EA (08/00188/FUL)

Consideration was given to a full application, submitted by Mr Brown, for the rebuilding and extension of existing barns to form a dwelling (Barn D) (amendment to 07/01046/FUL) for the conversion and extension of barn.

Officers updated that the applicants had now submitted a sustainability statement for the site, which had been circulated to members at the meeting.

The Chair confirmed that he had expressed concerns regarding the legal status of the original application for this site. This was following the failure of the applicant to discharge Conditions 8 and 9 of the original application which required an archaeological record of the barns and a watching brief of the site being undertaken prior to commencement. He clarified that as the applicant was now unable comply with these conditions legal advice had been sought.

Officers confirmed that this application was identical to that already approved in size, scale and design the only change related to the unauthorised demolition of the original barns and the reuse of the salvaged materials for the re-development works. They also confirmed that if approved a condition was proposed requiring a watching brief.

The Councils Archaeologist confirmed that he had met with the applicant and that he was awaiting confirmation that he had commissioned an Architect to undertake the watching brief and to record the ground works and the remaining buildings together with any service connections undertaken.

Representations were received from the applicant's agent in support of the scheme. He confirmed that he had made his client aware of his obligations under planning and that he was aware of the seriousness of his actions. He stated that an Architect had been commissioned to undertake the watching brief and recording on the site.

RESOLVED: That the application be approved subject to the imposition of conditions listed in the report. ¹.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to Green Belt, Conservation Area, residential amenity and highway safety. As such the proposal complies with Policies GB1, GB2, GP1, GP4a, GP10, NE1, HE2, HE3, HE10, H3c, H4a and H5a of the City of York Draft Local Plan.

Action Required

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

101h Enclosure Farm, Main Street, Heslington, York YO10 5EA (08/00192/CAC)

Members considered Conservation Area Consent, submitted by Mr Brown, for demolition of the existing barns (retrospective) at Enclosure Farm, Main Street, Heslington.

Members expressed concerns at the demolition of the barns and this retrospective application.

RESOLVED: That the application be approved. ¹.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Heslington Conservation Area. As such the proposal complies with Policies HE3 and HE5 of the City of York Draft Local Plan.

Action Required

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

102. CLIFTON HOSPITAL : OUTSTANDING SECTION 106 IN RELATION TO MANAGEMENT OF THE LANDSCAPE.

Consideration was given to a report, which updated Members on works outstanding on the Section 106 in relation to the Clifton Hospital site. Despite a number of approaches to Persimmon no response had been received with regard to the issues and Members were requested to consider enforcement action to ensure completion of the works.

Officers confirmed that, since the report had been prepared, the newly appointed Land Director for Persimmons had made contact and confirmed his intention of investigating the outstanding works. Information relating to all these works had now been forwarded to him and following his examination of the points he would be arranging a meeting with Officers with a view to finalising the works.

Members confirmed that, in view of progress now being made in relation to the site that enforcement action be deferred at the present time.

- RESOLVED: i) That enforcement action be deferred pending Officers meeting with Persimmons and the commencement of work on site to complete the outstanding works but that Officers be authorised to commence action should there be any failure to start works following this meeting.¹
- ii) That a report back to the Sub-Committee be made in September 2008 updating Members on progress made with the outstanding works.²

REASON: To ensure that work conditioned as part of the Section 106 agreement at the Clifton Hospital site is completed.

Action Required

1. That enforcement action be authorised should Persimmons fail to commence the outstanding Section 106 works on this site following the proposed meeting. JB JB
2. Officers to report back to the Sub-Committee with an update on progress on this site in September 2008.

103. 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.

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 4.05 pm].

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	24 APRIL 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLOR HYMAN

104. DECLARATIONS OF INTEREST

Members were asked to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

105. PUBLIC PARTICIPATION

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

106. PLANS LIST

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

106a 21 Murton Way, York YO19 5UW (08/00395/FUL)

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

Officers reported that Osbaldwick Parish Council had no objections to the proposal subject to receipt of no objections from neighbours. It was confirmed that no objections had been received from neighbour consultation.

RESOLVED: That the applications be approved subject to the conditions listed in the report.¹

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to neighbouring properties. The size and scale of the extension will not have any detrimental impact on the street scene or character

and appearance of the conservation area. As such the proposal complies with Policies H7, GP1 and HE3 of the City of York Draft Local Plan.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

JB

CLLR R MOORE, Chair

[The meeting started at 4.00 pm and finished at 4.04 pm].

results in an unacceptable overdevelopment of the site. The development is not considered to acceptably relate to that of surrounding housing and would have a negative impact on the character and appearance of the surrounding environment and therefore conflicts with Policies GP1 (criterion a), H4a (criterion c and d) and H5a of the City of York Draft Local Plan (fourth set of changes) 2005 and advice relating to design quality and context contained within PPS1 (Delivering Sustainable Developments) and PPS3 (Housing).

3 By virtue of the fact that in order to prevent unacceptable levels of overlooking into neighbouring properties the Council consider that the second floor bedroom windows in the front elevation of plots 2,3 and 4 would need to be obscure glazed and fixed shut and as these windows represent the only principal outlook from these rooms, this would create an unsatisfactory living environment for occupiers of these rooms resulting in an unacceptable standard of residential accommodation and amenity. As such this would not comply with advice relating to design quality contained within PPS1 (Delivering Sustainable Developments) and PPS3 (Housing).

A copy of the officers report is attached to this report at Annex A.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH4
Housing devp in existing settlements

CYC1
Criteria for community facilities

CYGP7
Open Space

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

CYED4
Developer contributions towards Educational facilities

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No comments received at the time of writing this report

Countryside Officer - Evidence of bats has been found. It is not considered that this should stop re-development, however, conditions will be required relating to demolition and the provision for bats in the new development.

York Consultancy - The site is in a low flood risk area and should not suffer river flooding. No objections subject to conditions relating to drainage and the raising of levels.

Environmental Protection - No objections

3.2 External

Planning Panel - No comments received at the time of writing this report

Neighbours

At the time of writing this report letters of objection have been received from the occupiers of 8 residential properties. The letters raise similar concerns to the previous scheme (listed below). The occupier of 15 Meadow Way raises an additional concern in respect to the development moving closer to this property and the greater impact in respect to light and dominance

- the density is too high and the development too tall relative to surrounding two-storey houses.
- the development is forward of the building line.
- loss of light to surrounding homes and gardens.
- overlooking from the balconies and noise will travel across the pond.
- loss of trees unacceptable
- inadequate car parking for visitors.
- increased traffic noise and damage to walls through vehicles turning.
- poor vehicle access.
- the site should incorporate a turning area.
- inconvenience during construction.

4.0 APPRAISAL

4.1 It is considered unnecessary to assess the merits of the whole scheme again. This report looks merely at those elements that differ from the application refused in February 2008.

Impact on neighbours living conditions.

4.2 The previous refusal reasons did not raise issues relating to overlooking. The concerns related to the dominance of the three-storey buildings. It is considered that the proposal to move plot 1 closer to the side boundary of the rear garden of 15 Meadow Way is unacceptable. The side elevation of the proposed house is not to the side of the property but would run alongside the rear garden. It would be just 1.3m from the boundary and would run for a length of 10.4m at an eaves height of just over 6 metres. The two-storey element of the existing care home is typically set in approximately 5 - 6 metres from the side boundary and the building is not as tall.

4.3 It is not considered that the change would have a significant impact on the privacy of the majority of the garden of 15 Meadow Way and there is adequate separation to the main habitable rooms to avoid undue harm to light and outlook. However, it is considered that the scale and length of such a large area of proposed walling in close proximity to the garden is inappropriate. The proximity of the wall would be such that it would appear extremely dominant and change the character, general amenity and enjoyment of the garden to the degree that it is considered unacceptable and unreasonable.

Impact on Streetscene

4.5 The slight alteration in the footprint of the buildings and the replacement of obscure glazing with brickwork within the second floor front window recess is considered to be visually acceptable. The 'dummy' openings possibly appear a little large and located relatively high in respect to plots 1 and 4, however, this is not considered to cause any significant harm in respect to the surrounding streetscene.

Parking and Access

4.6 Refusal reason 2, relating to the previous application, included in its justification for the development being overdeveloped the explanation that there was a 'cramped environment for vehicle movements'. The current application has included illustrations showing that cars can manoeuvre into and out of parking spaces without the need for 'multi-shunting'. It is the opinion of officers that although it is tight, the layout does not create such highway safety or functionality concerns to justify refusal.

5.0 CONCLUSION

The previous application was recommended for approval by officers subject to a number of conditions. Planning Committee refused the application for the three reasons outlined elsewhere in this report. Officers do not consider that the changes to the scheme are such as to alter the acceptability of the velux roof lights or the overall scale and density of the scheme. However, it is considered that the relocation of plot 1 towards the rear garden boundary of number 15 Meadow Way changes the relationship around the edge of the site to the degree to justify refusal on the grounds of unacceptable harm being caused to the setting of this property and the enjoyment of its garden area.

6.0 RECOMMENDATION: Refuse

1 The size and scale of the side elevation of unit 1 and its relationship to the rear garden of 15 Meadow Way is considered to be incompatible with the neighbouring property and would have an unacceptably dominant and oppressive visual impact. Thus the proposal would result in an unacceptable standard of amenity for the occupiers of this property. As such it is considered that the proposal fails to comply with Policy GP1 (criterion i) of the City of York Local Plan (Fourth Set of Changes) 2005, and Central Government advice contained within paragraph 34 of Planning Policy Statement 1 (Delivering Sustainable Development) and paragraph 16 of Planning Policy Statement 3 (Housing)

7.0 INFORMATIVES:

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

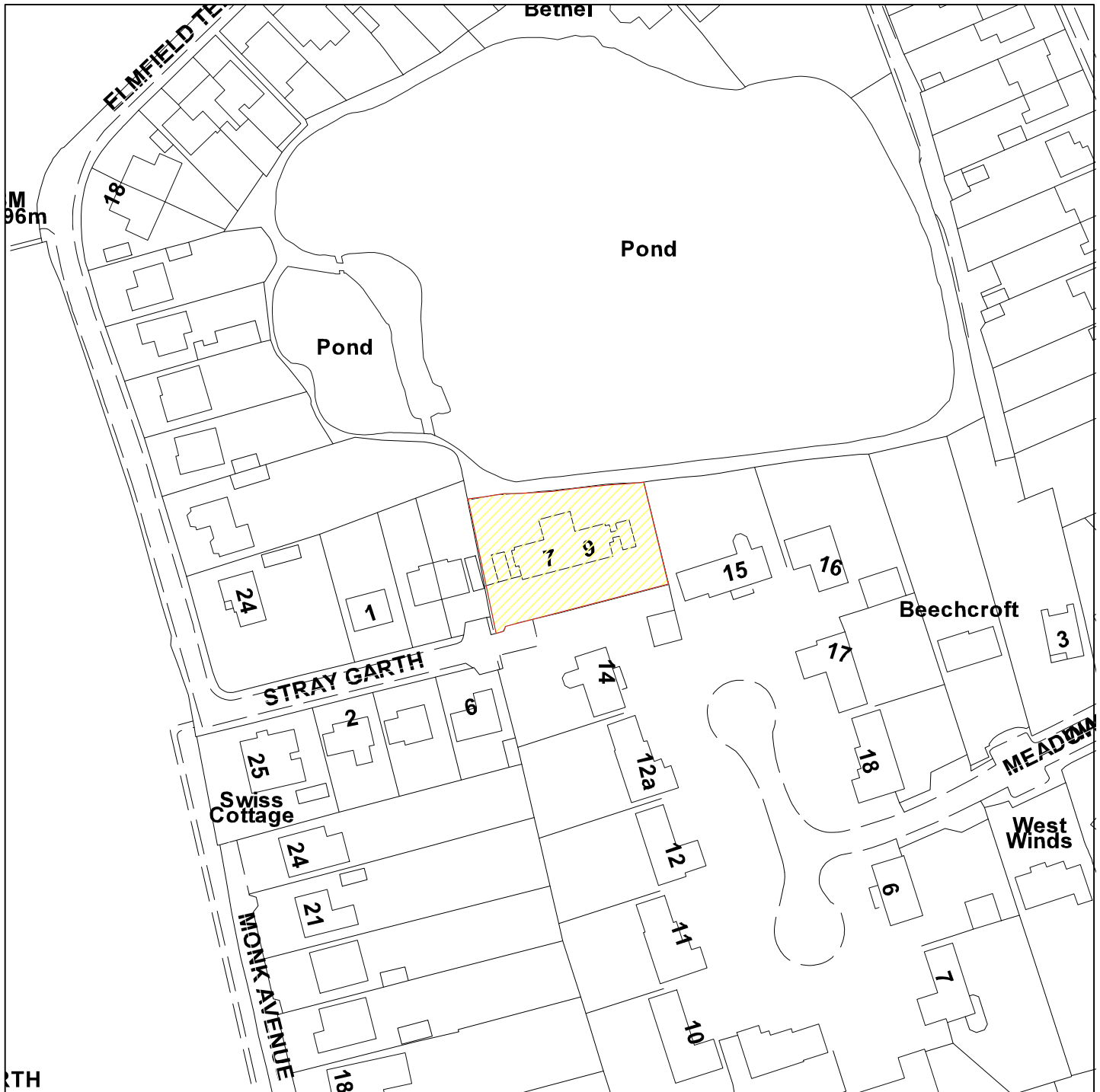
Tel No: 01904 551657

Stray Garth Community Home, YO31 1EL

08/00764/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 7 February 2008
Ward: Heworth Without
Parish: Heworth Without Parish Council

Reference: 07/02504/FUL
Application at: Stray Garth Community Home 7 - 9 Stray Garth York YO31 1EL
For: Erection of 4no. detached dwellings
By: Lovel Cooper (South Yorkshire) Ltd
Application Type: Full Application
Target Date: 17 December 2007

1.0 PROPOSAL

1.1 The application site is a former care home at the end of Stray Garth. Stray Garth is located at a right angle to Elmfield Terrace and is effectively at the end of what is for motor vehicles a 300m cul-de-sac. The application site is within a generally residential area with a large pond located immediately to the north.

1.2 It is proposed to demolish the two-storey care home which contained 15 bedrooms and erect in its place four dwellings linked by single garages. The dwellings each contain 4 bedrooms and are proposed to be 3 storey with the top floor contained partly within the roofspace. The homes are orientated with the gable to the front and rear.

1.3 Amendments have been made to the scheme since it was originally submitted. These include moving the footprint of development to the west, reducing slightly the height of the dwellings located on either end of the development and introducing obscure glazing to the windows in the top floor of the front elevation of three of the dwellings.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1

Design

CYH4A
Housing Windfalls

CYC1
Criteria for community facilities

CYGP7
Open Space

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

CYED4
Developer contributions towards Educational facilities

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - the vehicle access to plot 4 would necessitate multi-shunting, however, this would have little or no impact on the public highway - no objections subject to conditions.

Countryside Officer - Evidence of bats has been found. It is not considered that this should stop re-development, however, conditions will be required relating to demolition and the provision for bats in the new development.

York Consultancy - The site is in a low flood risk area and should not suffer river flooding. No objections subject to conditions relating to drainage and the raising of levels.

Environmental Protection - No objections

3.2 External

Planning Panel - No comments received.

Neighbours

Letters of objection have been received from the occupiers of 8 residential properties. These included properties in Stray Garth, Meadow Way and Elmfield Terrace. The following issues have been raised:

- the density is too high and the development too tall relative to surrounding two-storey houses.
- the development is forward of the building line.
- loss of light to surrounding homes and gardens.
- overlooking from the balconies and noise will travel across the pond.
- loss of trees unacceptable
- the windows are too large
- inadequate car parking for visitors.
- increased traffic noise and damage to walls through vehicles turning.
- poor vehicle access.
- the site should incorporate a turning area.
- inconvenience during construction.
- drainage has not been addressed.

4.0 APPRAISAL

Application Number: 07/02504/FUL

Officer Report:

4.1 The principle of the proposal to re-develop this urban brownfield site for housing is in line with the general thrust of local and national planning policies. However, in assessing the acceptability of the proposal in detail it is important that the development does not conflict with issues of planning importance.

4.2 The key issues in assessing the proposal are considered to be:

The impact on the streetscene
The impact on neighbours' living conditions
Parking and access
Amenity of proposed dwellings
Tree issues and wildlife
Loss of community facility

Impact on streetscene

4.3 Policy H4a of the Draft Local Plan requires development to be of an appropriate scale and density to surrounding development. Although the front elevation of the most westerly house will be located around 2 metres forward of the adjoining property on Stray Garth and the ridge would be around 1.4m higher it is not considered that the development would appear incongruous. This is because the street does not have a tightly defined building line and the development site appears slightly separate to the street due to the turning head of the cul-de-sac being outside the site and there being no houses facing the development site. There is a mix of roof heights and styles on Stray Garth.

4.4 The proposed properties can also be viewed from Meadow Way to the south. Although taller than the homes within this cul-de-sac, the scale of development is not considered unreasonable. The gap between the 4 proposed properties will reduce their bulk and allow views through to the vegetation behind. Their gable-fronted design relates to the projecting forward gables of the homes within the cul-de-sac.

4.5 The existing care home can be viewed from across the adjacent pond. The partial screen of trees will remain and it is considered that the form of development will be harmonious with the existing character of the pond edge which contains a mix of built development and landscaping.

4.6 The proposed density of the development is approximately 40 units to a hectare. Policy H5a of the Local Plan seeks densities of at least 40 units a hectare within the urban area of York. Given that the homes contain 4 bedrooms it is considered that the scheme makes efficient use of land. For the reasons stated above it is not considered that the development would appear unacceptable in the local context. It is the case that the density is significantly higher than Meadow Way which adjoins the site to the south and east. However, it is not considered that this development should form a precedent for local development densities - the former sports field was developed in the early 1990's and has a density of around 11 dwellings a hectare.

Impact on Neighbours' living conditions

4.7 Policy GP1 seeks to ensure that neighbours living conditions are not unduly affected by development. There are three key neighbours affected by the proposal:

15 Meadow Way

This is a large detached property. There is a double garage on the part of the house adjacent to the new dwelling. This property has a very open aspect in that the rear garden overlooks the pond. Initially there were concerns that the side elevation of the property would be too oppressive given that unlike the existing care home it would adjoin the garden boundary. In response the applicant has moved the development away from the boundary and reduced the height of the roof. It is not considered that the amended scheme would cause unacceptable harm to living conditions of number 15. The nearest opening is approximately 9 m from the boundary. This is dual aspect and as such has a good outlook and level of light. The next nearest habitable room window apart from this is approximately 18 metres from the side boundary of the garden. The garden is very broad and open and the quality of the external space would still be high in terms of light, outlook and openness. The new development incorporates balconies to the rear. Conditions will be included to limit overlooking of the garden.

14 Meadow Way

The nearest elevation to the new development is a blank side gable. The property has a conservatory to the rear. There is already a degree of overlooking of the garden from the first floor of the existing care home. The development will be located slightly further to the south and west with the nearest house around 10 metres from the side boundary of the garden. Following negotiations the applicant has agreed to obscure glaze the second floor windows that overlook the rear garden and incorporate roof lights. This will reduce the degree of overlooking and allow the

existing planting within the garden and along the along the boundary to provide privacy for significant parts of the garden.

There would be some additional overlooking of the conservatory, however, if screening were required for this small space it would be relatively easy to achieve. The development is to the north of the house and as such will have little impact on sunlight. It is also so oblique to the main windows of the house that it will have limited impact in respect to the privacy or outlook levels. Although the development is taller than the existing care home the gaps between the houses will help to reduce the bulk of the development and avoid it being unduly oppressive in terms of its impact on the relatively large garden.

5 Stray Garth

This is a two storey semi-detached house with a garage to the side adjacent to the proposed development. The house has no principal windows on the side elevation, although the side of the square bay rear window will look towards the application site.

There was some concern in respect to harm from overlooking of the garden from the adjoining proposed house. This has been reduced through the reduction in scale of the adjoining balcony and the removal of the Juliette balcony to the second floor. It is considered that through the use of an appropriate balcony screen the development would not cause undue harm in respect to privacy. In considering this, regard is given to the fact that much of the garden of number 5 can already be overlooked from the rear first floor windows of 3 Stray Garth.

Parking and Access

4.8 The site is within an established residential area. Although located at the end of a long vehicular cul-de-sac there are pedestrian links to the south via a short section of illuminated footpath adjacent to the Stray.

4.9 Each house has a garage with a car parking space to the front. It is considered that this level of car parking and cycle parking provision meets appropriate standards. The manoeuvring for cars is relatively tight, however, it is not considered that this has any significant bearing on highway safety or neighbour amenity. It will be conditioned that the garages are not converted to living accommodation.

4.10 It is understood from neighbours that larger vehicles including refuse lorries exit the site by reversing along the cul-de-sac. It is not considered reasonable to introduce a large turning head within the site given that the site previously contained a use that had the potential to generate a similar level of movement of large vehicles and had a similar footprint. However, a condition will be included requiring the developer to submit a statement showing how construction will be managed.

Amenity of proposed houses

4.11 The proposed houses are of a generous size and levels of light and outlook are reasonable. The rear gardens at around 80 sq m are relatively small for a four-bedroom property, however, they are considered capable of meeting the basic needs of the properties. It is the case that the overall development site is not deep and the

approach taken is in line with the thrust of government guidance in that it helps to make more efficient use of the land.

4.12 The houses incorporate relatively large balconies on the first floor, this would seem a sensible approach given that it increases external space and creates an area that will be less impacted upon by the trees to the rear. The main outlook is across the lake, however, care will be taken to condition the provision and retention of privacy screens to avoid undue overlooking of gardens to the sides. It is the case that some other homes that back on to the pond have balconies at first floor level.

Trees

4.13 The development is not appreciably closer to trees along the rear boundary than the existing building. The development will lead to the loss of some small trees within the site, however, these would not be worthy of protection and do not serve a key function in the wider area. It will be conditioned that protective fencing is erected during construction to protect the mature trees on the bank of the pond which fringe the site.

Loss of community facility

4.14 Policy C3 of the Local Plan states that proposals for care homes will only be allowed where the proposal is appropriate to the scale and character of the locality and it can be demonstrated that the buildings are surplus to requirements. Issues regarding scale have been considered earlier. Correspondence has been received from the Primary Care Trust outlining that the increase in community based support has reduced the need for residential care for people with mental illness and that where appropriate patients have been transferred to accommodation at Acomb Garth. The building was placed on the Register of Surplus Public Sector Land and no other government bodies expressed an interest in acquiring the land and building.

S106 Contributions

4.15 In line with the Council's guidance on Open Space a contribution of £11,720 is required for providing children's equipped play space and outdoor sports facilities. Given the previous use as a care home with 15 bed spaces it is not considered that the proposal will put additional pressure on local areas of informal amenity open space and as such a contribution for this element should not be sought.

4.16 No education contribution is required. The site is below the threshold requiring an affordable housing contribution.

5.0 CONCLUSION

5.1 The principle of re-using the site for residential development accords with planning policies on development contained in Planning Policy Statement 1.

5.2 The key issue of contention is considered to be the height and density of development. It is considered that issues relating to neighbour amenity have been satisfactorily addressed and can be adequately controlled by condition. The density level accords with the Council's targets - it is not considered that site specific circumstances, or the development history of the site justify a lower density. The proposed scheme is on average around 1 - 1.5 m taller than surrounding housing.

This additional height is caused by the creation within each home of two bedrooms partly within the roof. It is not considered that the difference in building heights that results from this form of development is inappropriate within its context. This is because the surrounding area contains a mix of roof heights and styles and the relatively minor development would, from most locations, be viewed as a backdrop to existing housing. Government guidance in Planning Policy Statement 3 emphasises the importance of making efficient and effective use of land.

5.3 For the reasons outlined in this report it is recommended that the application be approved.

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

Tel No: 01904 551657

COMMITTEE REPORT

Committee: East Area
Date: 8 May 2008

Ward: Fulford
Parish: Fulford Parish Council

Reference: 08/00180/FUL
Application at: Land To The Rear Of 85 Main Street Fulford York
For: Erection of two storey three bedroom dwelling after demolition of existing outbuilding
By: Mr S J Melley
Application Type: Full Application
Target Date: 25 March 2008

1.0 PROPOSAL

1.1 The application relates to a site measuring 0.019 hectares in an area located to the rear of properties fronting Main Street, Fulford. The site comprises of a 1 1/2 storey traditional agricultural outbuilding constructed of red brick with a red rosemary tiled roof (112 cubic metres). A garage door is located at the western gable end of the building with a doorway in the northern elevation. The building is located within a courtyard and is bounded by a small curtilage garden to the north and east of the building and surrounded by a 1.8 metre high close boarded fence, with car parking areas to the west of the building. Access to the site is off Main Street through an existing underpass, which currently serves two other properties 83 and 83a Main Street, as 81 and 85 both have a frontage with Main Street. It should also be noted that a certificate of lawfulness for a three bedroom dwelling on land opposite the site, to the rear of 83a Main Street, was granted in March 2007. 81 and 85 Main Street were formally a hotel, which is now a two bedroom cottage and 8 separate rooms let on a long term basis. To the east of the site is a modern residential bungalow.

1.2 This application seeks planning approval for the erection of a two storey, three bedroom dwelling following the demolition of the existing outbuilding. The outbuilding does not require Conservation Area consent for demolition as it falls beneath the 115 cubic metre threshold. The measurements provided by the agent have been checked on site by the Planning and Conservation Officers and have been found to be correct.

1.3 The application site is located within the Fulford Conservation Area.

1.4 Amended plans were submitted by the agent following the receipt of comments from the Conservation Officer. Amendments were made to the design and materials of the proposed dwelling, and the boundary treatment to the car parking and front garden area were reduced in height to 1 metre and 1.6 metres respectively.

1.5 The application is brought to Committee at the request of Councillor Aspden, who has raised the following concerns in respect of the application:

a) the proposed buildings, by scale and mass, will harm the views from Main Street and the courtyard and therefore not enhance or maintain the character of the Conservation Area.

- b) Loss of trees and vegetation in the area harming the character and amenity of Fulford.
- c) That the agricultural building should be measured independently to see if consent to demolish is required.
- d) The development would result in five separate properties being within the back garden of 81/85 Main Street. The car parking, with a dangerous access of less than 2.5 metres is already well used by the letting bedroom property already fronting Main Street.
- e) This will be an overdevelopment of the existing site and within this busy area of Fulford.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford 0041

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYHE2
Development in historic locations

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation

The Conservation Area Character Statement for Fulford makes references to the areas behind the frontage of Main Street being an integral part of the village being based upon medieval back lanes now known as Fenwicks Lane and School Lane. The loss of the out building is unfortunate; it is an attractive small building which indicates a former use of the land. It would appear, however, that the size of the building prevents control over its demolition. The existing physical character of this back land area is a mix of historic and contemporary development. Both 81 and 85 Main Street have been extended to the rear to provide additional accommodation in a linear form. A contemporary bungalow lies to the rear of the site but is screened

and only partially visible. These developments are of an undistinguished design. A lawful development certificate was recently granted for an additional dwelling at the rear of 83a Main Street effectively creating a rear terrace. The back land area is surrounded by residential dwellings and gardens. Boundary treatments are largely in the form of fencing and soft landscaping. The dwelling itself appears to lie within the boundary of the existing outbuilding plot, the creation of the two car parking spaces would appear to enlarge the existing boundary and encroach upon the back land area. The character and design of the proposed dwelling also seems at odds with the general character of the area, being detached with a recessed entrance on columns. The entrance seems very formal and generally out of keeping with the existing properties and the domestic architecture of Fulford. Render has been used for the upper central bay. There is render at 83a though it is felt that the dwelling would be less intrusive if the treatment of this area is brick. The treatment of the front elevation does not reflect the character of this backland area and should be simplified. A house within the confines of the existing garden maybe acceptable subject to design changes.

Highways

The access to and from Main Street is particularly narrow with poor visibility for pedestrians, however it is likely that the volume of traffic entering the site will decrease due to the hotel no longer being in operation. The site is also on a route to the city centre with good bus links including the Designer Outlet Park and Ride. Details of turning on site are required in order for vehicles to enter and leave in a forward position and cycle storage details are also required. Highways were asked if their view on the application would alter in light of the Certificate of Lawfulness for an additional dwelling granted in 2007 and they have confirmed that their view remains the same.

Drainage

The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections in principle. As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter, to prove that the ground has sufficient capacity to accept surface water drainage and to prevent flooding of the surrounding land and the site itself.

Lifelong Learning & Leisure

As there is no on-site public open space, commuted sums should be paid to the Council for amenity space, play space and sports pitches.

Environmental Protection

No objections. Please include informative relating to control of pollution.

3.2 External
Yorkshire Water
Response awaited.

Fulford Parish Council

Object to the application on the grounds of overdevelopment; parking and access and; harm to the Conservation Area;

An extant permission exists for a separate dwelling to the east of no.83 which is not shown on the plans and makes assessing the proposal difficult. This additional dwelling will result in 5 properties set in the back garden of 81/85 Main Street leaving insufficient amenity space for the existing dwellings. One of the properties has 8 letting bedrooms with a further 2 in the former owners cottage and therefore the existing space is currently well used for parking/turning of vehicles. The only access is via an archway less than 2.5 metres in width and little more than 2 metres in height and is substandard in terms of access for emergency vehicles. The vehicular access is also highly dangerous by virtue of its narrow width and the very poor visibility splays of the arch, which directly abuts the footpath on Main Street. When vehicles exit through the arch there is absolutely no visibility of approaching pedestrians or cyclists. We note that the highways department have not objected to the proposal but we do not agree with their assertion that usage will decrease following development. We request that highway officers actually visit the site in order to assess the present and future parking arrangements (taking into account the extant permission) and the suitability of the access for increased usage and emergency access.

The proposed two storey dwelling will be visible to pedestrians passing along Main Street. The current courtyard arrangement viewed through the archway is attractive and in keeping with the character of the Conservation Area and provides a relatively open view towards the east. The existing former agricultural building is a characteristic rural feature, which sits comfortably in the courtyard. The proposed new dwelling, by virtue of its scale, massing and poor design will harm the view and will not enhance or maintain the character of the Conservation Area, contrary to National and Local Planning Guidance. It will further fill in a courtyard, which already has extant permission for a dwelling to the rear of no.83. The resultant density of development will harm the historic rural environment of Fulford village Conservation Area. In addition there will be further loss of trees and vegetation, which currently contributes to the character and amenity of Fulford. We note that the applicant has not deemed it necessary to apply for consent to demolish the agricultural building because it is less than 115 cubic metres in volume. However, the volume is only 3 cubic metres less than this threshold (as calculated by the applicant) and we would request that the dimensions of the building be measured independently to ensure accuracy. We believe there would be very good reason to object to any proposal to demolish this outbuilding if consent was considered necessary.

Public Representations

Four letters of objection have been received from local residents, objecting to the application on the following grounds;

- a) This application should be considered in light of the Certificate of Lawfulness for a three bedroom dwelling to the rear of 83a, which was granted in 2007.
- b) The former hotel at 81 and 85 Main Street is currently being let as a 2 bedroom cottage and 8 individual letting bedrooms which has resulted in an increase in the number of cars using the access and parking in the rear courtyard. The proposed

dwelling would lead to an increase in the use of this access and levels of car parking, which would lead to parking on Main Street and be detrimental to highway safety.

c) The drainage / sewerage system does not have the capacity to support additional dwellings, the system backs up on a regular basis and has lead to sewerage in the car parking area.

d) The proposed dwelling would result in overlooking, overshadowing/loss of light and affect residential outlook.

e) Noise and disruption during construction.

f) Impact on boundary wall and third party access, outbuildings and trees.

g) Impact on property values

h) High density of development which would lead to overcrowding and be out of character with the Conservation Area

4.0 APPRAISAL

4.1 Key Issues

- Policy Context
- Residential Use
- Character and Amenity of Local Environment
- Affect on Fulford Conservation Area
- Residential Amenity
- Access, Parking and Highway Safety
- Drainage
- Public open space

4.2 Policy Context

The site is located within the Fulford Conservation Area and is unallocated on the City of York Draft Local Plan. In addition to the policies contained within the Local Plan, Planning Policy Statement 1: Delivering Sustainable Principles; Planning Policy Statement 3: Housing and; Planning Policy Guidance Note 15: Planning and the Historic Environment set out National Planning Policy and are of relevance. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

4.3 Residential Use

The application site is unallocated on the Local Plan and the future use of the site has not therefore been prescribed. The site is classed as previously developed land as defined in PPS3 as it is land occupied by a permanent structure and includes the curtilage of the developed land. The site is located within the village of Fulford close to local amenities and on a main bus route serving both York and Selby. The site is surrounded by existing residential properties and it is considered that the re-use of the site for residential is acceptable in principle.

4.4 Character and Amenity of Local Environment

In addition to the general advice contained within PPS1 and Policy GP1, Policy H4a specifically relates to proposals for residential development on land not already allocated on the proposals map. It supports such development where; a) the site is within the urban area and is vacant, derelict or underused or it involves infilling,

redevelopment or conversion of existing buildings; b) the site has good accessibility to jobs, shops and services by non car modes AND c) it is of an appropriate scale and density to surrounding development, and it would not have a detrimental impact on existing landscaping features.

The application site is within the urban area and the existing building on site is in poor condition. The site has good accessibility to the village facilities and public transport links. In terms of the size of the building, whilst the footprint and scale of the dwelling is larger than the existing outbuilding on the site, it is considered that the building is appropriate in terms of scale and density in relation to surrounding buildings. The proposal will involve the loss of a semi mature tree, which is considered to have little amenity value. The existing garden area to the east of the site is to remain and a condition requiring a landscaping scheme, including tree planting will be attached to any approval.

4.5 Affect on Fulford Conservation Area

The site is located within the Fulford Conservation Area. The proposal will involve the demolition of an existing 1 1/2 storey agricultural building, which is under 115 cubic metres in volume and does not therefore require Conservation Area consent to be demolished. The measurements provided by the agent have been checked on site by the Planning and Conservation Officers and have been found to be correct. Given that Conservation Area consent is not required for the demolition of this building, whilst its loss is regrettable, it is not a material consideration in the determination of this planning application for a two storey dwelling.

Following consultation with the Conservation Officer, no objections were raised in principle to the erection of a dwelling on this site, within the confines of the existing garden, subject to design changes. The site is located to the rear of properties fronting Main Street and views of the site will be strictly limited to glimpses through the existing underpass. Both 81 and 85 Main Street have previously been extended to the rear and comprise of a mix of modern designs and construction materials, which do not necessary reflect the general character and appearance of the wider Conservation Area. Furthermore the design and appearance of the single storey bungalow to the north east of the site and the dwelling granted a certificate of lawfulness to the immediate north of the site has / will alter the form and character of the original garden / courtyard.

The design of the proposed dwelling has been simplified to reflect the nature and form of the existing out building and the render removed. Conditions will be attached to any approval relating to materials, sample panels and window and door details in order to control the specific construction materials of the dwelling. The existing garden area to the east of the site is to be retained as private outdoor amenity space with the existing car parking area to the west of the building formally laid out to provide two off street car parking spaces for the proposed building. A 1 metre high fence is proposed to the west of the car parking area to delineate it from the rest of the courtyard whilst still retaining an open feel. A 1.6 metre high fence is located to the front of the property to screen the front elevation from the access to 83 Main Street and the windows in the front elevation of the proposed dwelling to the rear of 83A Main Street. Whilst a semi mature tree will require removal, it is of little amenity

value and a condition is recommended to replace the tree within the proposed garden area.

It is considered that the revised dwelling is of a simple design, it will be constructed of brick and tile to reflect the materials of the existing building and will be positioned within the existing curtilage. As a result it is considered that the character and appearance of the existing Conservation Area will be preserved.

4.6 Residential Amenity

The proposed dwelling will be located 8 - 10 metres from the front elevation of the dwelling which was granted a certificate of lawfulness in 2007 (to the rear of 83a Main Street). The western elevation will be 12 metres to the rear elevation of 85 Main Street. The north eastern corner of the dwelling would be 15 metres from the corner of 83 Main Street. The southern elevation of the site will be 1.5 metres from the southern boundary with the rear garden area of 87 Main Street.

The internal layout and fenestration of the building has been carefully designed to prevent any unacceptable levels of overlooking. Ground and first floor windows are located in the eastern and western elevations of the property, which will overlook the garden and car parking areas. Whilst the first floor bedroom windows will be 12 metres from the rear elevation of 85 Main Street this is not considered to give rise to unacceptable loss of amenity to the occupiers of this property. A 1.6 metre high fence will screen the ground floor windows in the northern elevation of the property. The first floor windows in the northern and southern elevations of the property will serve non-habitable rooms and will be obscure glazed.

The building has been positioned in such a way that there is adequate space between the existing and proposed dwellings so as not to result in overshadowing of habitable room windows. The building will be located to the north of the garden area to 87 Main Street so there will be no direct loss of light to this garden area.

In terms of noise and disturbance from the site during construction, an informative is to be attached to any approval outlining the requirements of the Control of Pollution Act. A condition could be attached to control the hours of construction. This should minimise any unacceptable levels of noise and disturbance to surrounding residents.

The issue of third party access and damage to property are matters to be resolved between individual landowners and carry little weight in the determination of this application.

4.7 Access, Parking and Highway Safety

The site will be accessed off Main Street through an underpass between 81 and 85 Main Street. Following consultation with Highways they accept that the proposed access is substandard in terms of width and pedestrian visibility but note that the former hotel has ceased trading, therefore they consider that the use of the access off Main Street will not be intensified and subject to the provision of internal turning, off street car and cycle parking they raise no objections to the proposal on highway safety grounds. The proposal includes 2 off street car parking spaces and there is space within the courtyard for vehicles to turn to they can enter and exit the site in a

forward gear. There is also scope within the private rear garden area to provide secure and covered cycle storage, which will be a condition of any approval.

It is noted that whilst 81 and 85 is no longer in use as a traditional hotel it is now a two bedroom cottage with 8 separate letting rooms. Following discussions with the agent, he advises that the applicants intend to submit an application in the future for a change of use of the hotel premises to two residential units. Whilst changing the use of these premises cannot be a condition of this approval, a "Grampian" condition can be attached to this approval preventing the commencement of the development until the hotel use (including the long term letting of bedrooms) has permanently ceased.

4.8 Drainage

In terms of flooding the site is located in low risk Flood Zone 1 and should not suffer from flooding. With regards to surface water drainage, soakaways are proposed and a condition will be attached to any approval requiring tests to be carried out in winter to establish that the ground has sufficient capacity to accept surface water drainage and prevent flooding. With regards to foul sewage disposal, local residents have raised concerns that the existing sewerage system needs regular unblocking and there have been instances when the courtyard has contained raw sewage. Following discussions with the Council's Drainage Department they advise that if the sewage system is public the applicants have the right to discharge into the system and if the system is private the maintenance of the pipe work rests with the private individuals who discharge into it. As a result it is considered that foul can be discharged from the site, albeit following maintenance of the existing system.

4.9 Sustainability

The applicant has taken account of sustainability considerations and considers that the development satisfies the relevant criteria of Policy GP4a of the Local Plan. The application site is readily accessible by various transport modes. There is an intensive bus service on the A19 corridor linking with the city centre, designer outlet and other destinations. Additionally, it is within reasonable walking and cycling distance of employment, services and facilities. There is also a range of local shops, food outlets, public houses etc in the immediate vicinity of the site. The design is considered to be of a high quality which succeeds in preserving and enhancing the character and appearance of the locality.

Wherever practicable, recycled clamp bricks and tiles will be used, including materials salvaged from the building to be demolished. In addition to complying with the Building Regulations, measures such as rainwater collection and installation of heat exchangers are firm objectives. An outdoor storage facility for recycling/refuse bins will be provided, details of which can be controlled by planning condition.

A condition requiring the developer to submit a detailed sustainability statement showing that the development would achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes is recommended.

4.10 Public Open Space

Local Plan Policy L1c requires the payment of a commuted sum towards public open space for all residential developments of less than 10 units where there is no on-site provision. This three bedroom unit would generate a sum of £2124.

4.11 Other Issues

The impact on the development on property values carries little weight in the determination of this planning application.

5.0 CONCLUSION

5.1 The application is recommended for approval, subject to conditions.

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:-

Location plan 1:1000 and site plan 1:500 received on 28.01.08

Plans as Proposed 679/1B and Elevations as Proposed 679/2B received on 22.04.08

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 VISQ7 Sample panel ext materials to be approv

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

Windows, doors and surrounds.

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

6 Details of all means of enclosure to the site boundaries including the new wall to the existing shed on the southern boundary shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

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

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

8 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. As the proposed method of surface water disposal is via soakaways these should be shown through an appropriate assessment carried out under BRE Digest 365 and carried out in winter to prove that the ground has sufficient capacity to accept surface water discharge and to prevent flooding of the surrounding land and the site itself.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

9 HWAY18 Cycle parking details to be agreed

10 HWAY21 Internal turning areas to be provided

11 Prior to the development coming into use, all areas to be used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The areas shown on the approved plan to be used for car parking shall be retained as such for the life of the development and shall not be used for any other purpose.

Reason: To prevent the egress of water and loose material onto the public highway and secure appropriate off street car parking for the life of the development.

12 The development hereby approved shall not commence unless and until nos. 81 and 85 Main Street, Fulford has permanently ceased trading as a hotel, including the long term letting of bedrooms.

Reason; In the interests of highway safety.

13 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.

Reason: To protect the amenity of adjacent occupiers

14 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

15 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.0 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The

obligation should provide for a financial contribution calculated at £2124.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

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 principle of residential use
- The effect on the character and amenity of local environment
- The effect on the character and appearance of Fulford Conservation Area
- The effect on residential amenity
- access, parking and highway safety
- drainage
- sustainability
- public open space

As such the proposal complies with Policies GP1, H4a, HE2 and HE3 of the City of York Draft Local Plan.

2. 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 scheme remediation 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.

3. 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site

Contact details:

Author: Kirsty Catlow Development Control Officer

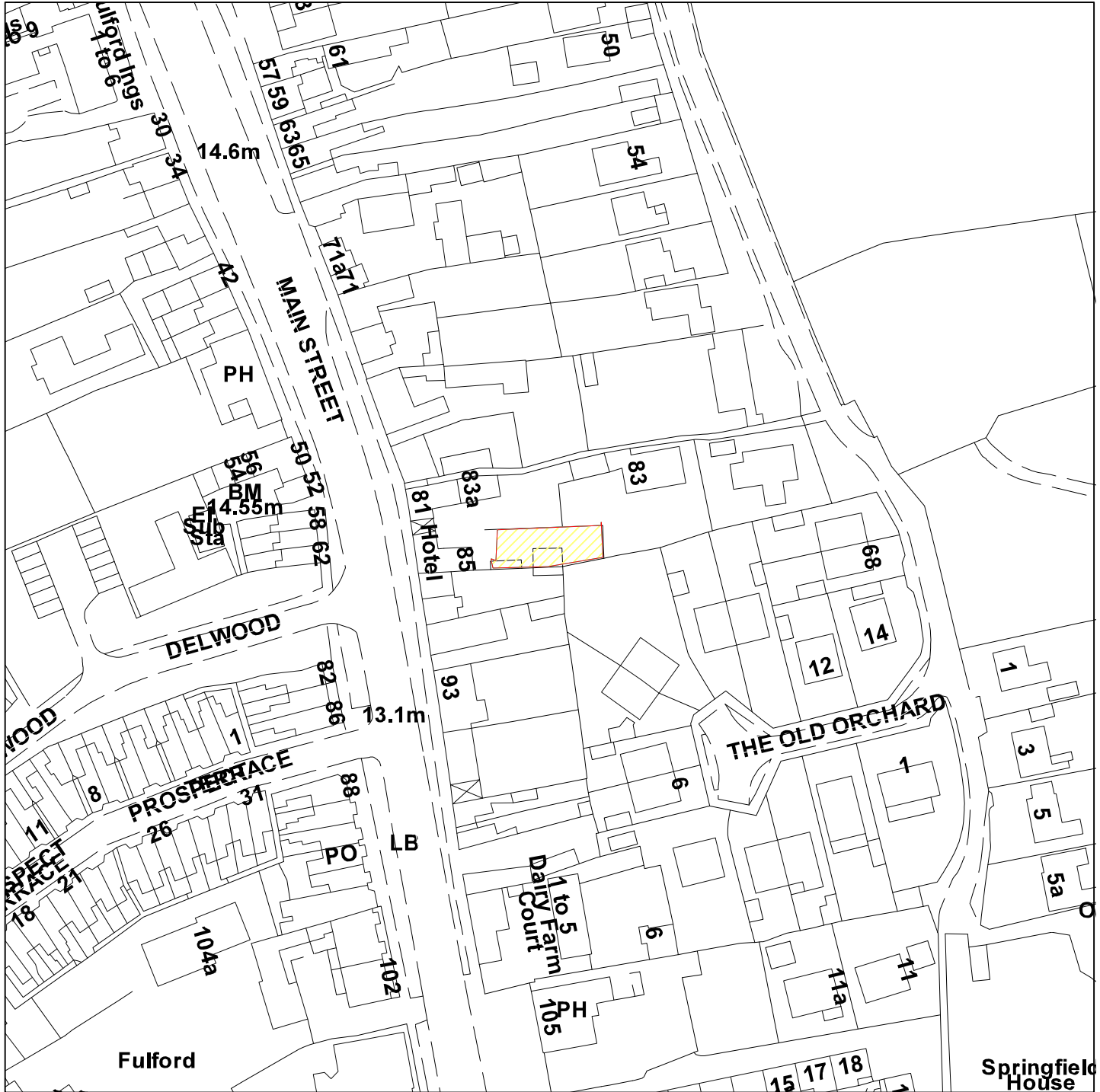
Tel No: 01904 551359 (Tues - Fri)

Rear of 85 Main Street, Fulford,

08/00190/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 8 May 2008

Ward: Fulford
Parish: Fulford Parish Council

Reference: 08/00586/FUL
Application at: 106 Heslington Lane York YO10 4ND
For: Single storey pitched roof rear extension
By: Mr And Mrs J and L Carr
Application Type: Full Application
Target Date: 8 May 2008

1.0 PROPOSAL

1.1 The application property is a detached two-storey house within a suburban area of Fulford. It is proposed to demolish two conservatories located at the rear of the property and replace them with a single ground floor rear extension running along the full width of the house. The application is being brought to Committee as the applicant is employed by the City Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

Parish Council - No objections

Neighbours - None received.

4.0 APPRAISAL

4.1 Policy H7 and GP1 of the Local Plan seek to ensure that extensions are sympathetic to the character of the building and surrounding area and do not cause undue harm to neighbours' living conditions.

4.2 The extension would be at the rear of the property and thus would be screened from Heslington Lane by the existing house. There is adequate garden space remaining to meet the needs of the property. The key issue to assess in determining the application is considered to be the impact on the two adjoining detached neighbours:

4.3 108 Heslington Lane

There is a gap of approximately 6 metres between the side of the proposed extension and the side elevation of 108 Heslington Lane. Given that the extension only projects 2.6 metres beyond the existing building line it is not considered that it will cause undue harm in respect of light or outlook. No openings are proposed on the side elevation.

4.4 104 Heslington Lane.

The extension on the part of the property closest to 104 Heslington Lane will be around 1m beyond the existing conservatory of the application property and 4.5 metres beyond the original recessed building line. It is not considered that the proposal will cause undue harm to the living conditions of the neighbour. Although number 104 is set forward from the application site, there is an integral garage on the part of the house closest to the proposed extension. The separation distance to the main ground floor openings within 104 is such that the extension will not be dominant. A small window is proposed in the side elevation of the extension looking towards number 104. However, the extension would replace an existing conservatory which is fully glazed on this elevation, and as such it is not considered that levels of privacy would be adversely affected. In addition, it would be relatively easy to raise the adjoining fence (approximate height 1.6m) should additional privacy be required.

5.0 CONCLUSION

5.1 For the reasons given it is recommended that the application be approved.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

Drawing A558/01 received by the Local Planning Authority on 13 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.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenity and living conditions of adjacent occupiers and the effect on the streetscene. As such the proposal complies with Policy H7 and GP1 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

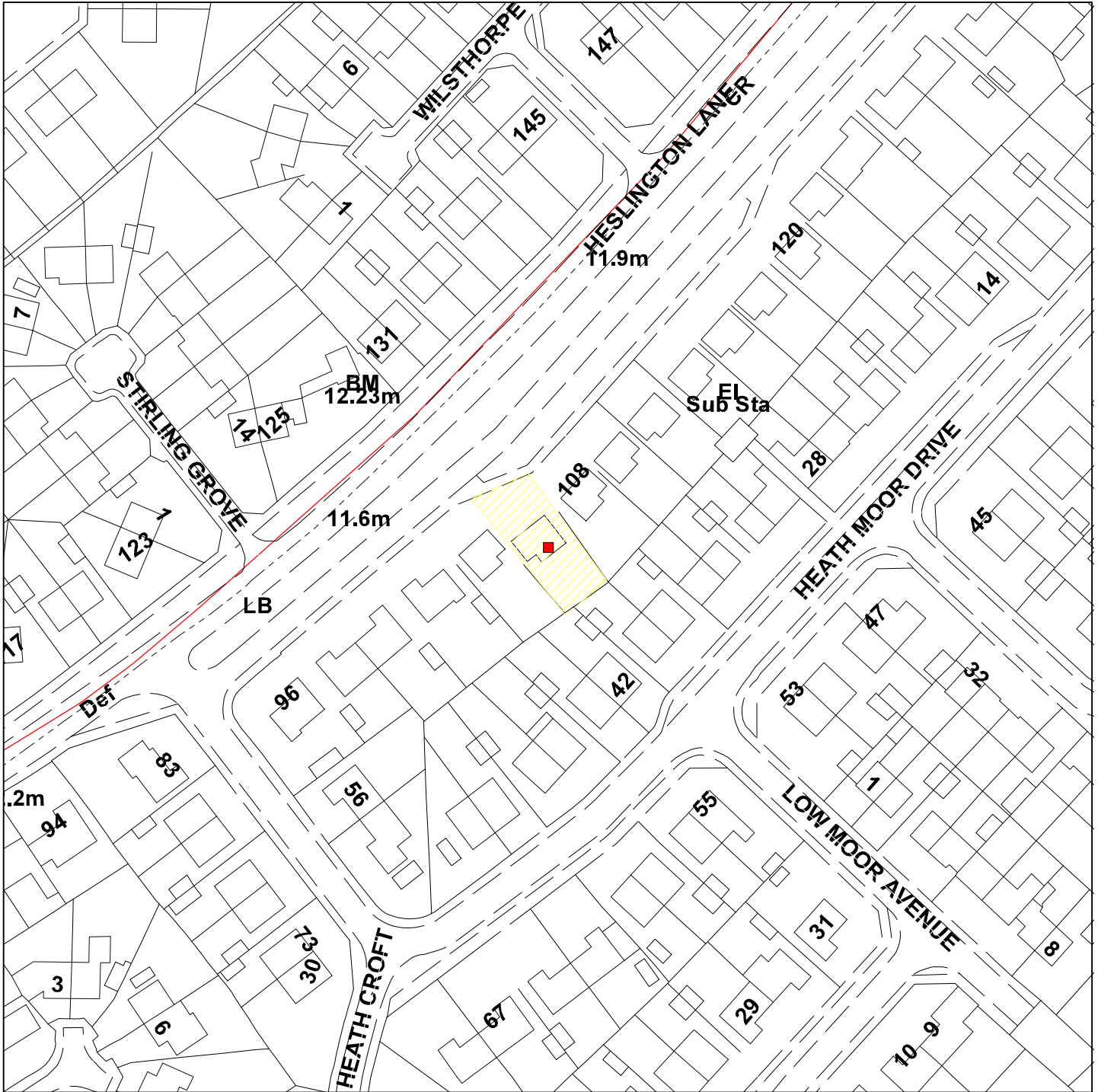
Tel No: 01904 551657

106 Heslington Lane, YO10 4ND

08/00586/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 8 May 2008

Ward: Fishergate
Parish: Fishergate Planning Panel

Reference: 08/00317/FULM
Application at: 180 Fulford Road York YO10 4DA
For: Conversion of existing vacant offices to 12no apartments with associated parking, amenity space, landscaping, refuse storage and cycle parking
By: Mr Christopher Gillam
Application Type: Major Full Application (13 weeks)
Target Date: 15 May 2008

1.0 PROPOSAL

1.1 This application is a full application for the conversion of 180 Fulford Road (known as Consort House) into 12 apartments.

1.2 The property is a grade II listed building located on the west side of Fulford Road within Fulford Road Conservation area. The original building dates from the late 18th century but has been the subject of much alteration and addition, and has most recently been used as office accommodation.

1.3 The application is to convert the building into 8 x one bedroomed and 4 x two bedroomed apartments. The proposal includes car parking for 12 cars, cycle and bin storage and alterations to the external area to provide a small amount of external amenity space.

1.4 The application is supported by a design and access statement.

1.5 A similar application to that now submitted was withdrawn at the end of last year to enable the details to be reconsidered. Planning permission was refused for the use of the building as a medical centre in 2006 because of inadequate access to the site. (The access from Fulford Road was to be used for this scheme) . Permission was also refused for the use of the site for a day nursery in 2000 on the basis of the impact of the use on residential amenity, parking and access.

1.6 Although the application is for a conversion scheme and therefore the way in which the site is developed is dictated by the existing building the density of the development equates to 138 dwellings to the hectare

1.7 Members will note that there is a listed building consent application for the proposal also on the agenda.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford Road 0039

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; 180-182 Fulford Road York YO1 4DA 0098

2.2 Policies:

CYHE4
Listed Buildings

CYGP1
Design

CYH12
Conversion of redundant offices

CYL1C
Provision of New Open Space in Development

CYE3B
Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL

HIGHWAYS NETWORK MANAGEMENT

3.1 It is noted that this amended scheme involves the conversion of these former offices into 12 no. apartments. A total of 12 car parking spaces are to be provided (one per property) which accords with highway standards. Access to all but one of these spaces will be via Alma Terrace and then to the rear of the building. The current vehicular access off Fulford Road would in future serve only a single space for a vehicle - this change is supported since there is restricted visibility at the point where the drive connects with the public footway along Fulford Road.

3.2 Cycle parking is to be provided for future residents in the form of new units serving apartments one, two and three and an existing garage would be converted to provide the remaining cycle spaces required.

3.3 Highways Network management raise no objections to the development subject to conditions relating to the cycle parking, turning areas and surfacing of the car park

LIFELONG LEARNING AND LEISURE

3.4 As there is no on site amenity space a commuted sum will be required for the site in accordance with the commuted sum payments for open space in new developments guidance approved in April 2007.

CITY STRATEGY

3.5 If it is concluded that the site at 180 - 182 Fulford Road is not required as part of York's employment land supply then in principle the proposed residential use on the site is acceptable in policy terms. However DC officers must be satisfied that this proposal is of appropriate scale and density to surrounding development and it would not have a detrimental effect on existing landscape features.

CONSERVATION OFFICER

3.6 The original house dates from the late eighteenth century, but has been the subject of much alteration and addition, and most recently has been in use as office accommodation.

3.7 The setting of the listed building has been substantially eroded through the development of flats at Arncliffe Mews to the south, within close proximity of the principal façade of the listed building. The curtilage of the listed building is greatly altered, with concrete paving in front of the principal elevation, tarmac surfaces to the side and rear and only a small area of lawn and trees to the side to Fulford Road, where sections of the original boundary wall and railings remain.

3.8 The revised proposals include hard and soft landscaping works that should improve the setting of the listed building within the wider context of the conservation area. Subject to appropriate conditions covering the detail of the implementation of the scheme the conservation officer raises no objections to the application.

ENVIRONMENTAL HEALTH

3.9 No objections in principle. However the site is adjacent to Fulford Road and there are concerns that the noise from the road may cause a loss of amenity for future residents. A condition is suggested to require acoustic insulation to achieve maximum internal noise levels of 35 dB(A) during the day and 30d(B)A at night time. A condition about the hours of construction work is also suggested. The site is near land that has been used for military purposes in the past and a contaminated land condition is therefore proposed.

STRUCTURES AND DRAINAGE

3.10 No objections

ECONOMIC DEVELOPMENT

3.11 Do not wish to make any comment on the application as it is not of strategic significance

EXTERNAL

FISHERGATE PLANNING PANEL

3.12 Do not object to the application but wish to make comments and seek safeguards as follows:-

1. Surrounding area - the list of amenities i.e. shops is inaccurate - there is no newsagents or hairdressers; there is a barber but no ladies hairdressers as was the case until recently. The bakery is now largely a sandwich shop
2. Access - existing- we note that the deeds contain an easement that grants shared rights over parking spaces for neighbouring Arncliffe Mews during hours 9am - 5pm. Parking during business hours will be of little use to residents. Members of the committee recall that when the previous plans were submitted for use as a nursery there was considerable objection to both access and parking from the residents of Arncliffe Mews.
3. Fulford Road Traffic - there is currently consultation regarding congestion in Fulford Road. This development will add further vehicles to this congestion. Access to Fulford Road from Alma Terrace is already difficult especially in early morning and early evening. An increase in static vehicles waiting to enter the stream of traffic will increase the pollution in the area.
4. The plans - The design of these apartments is very similar to many others in the area. The developers seem sure that there is a demand for yet more units of this type. There does not seem to be grounds for objecting to the development on grounds of design, though units of this size do not add to quality of life of the owners.

3.13 Three letters of objection have been received covering the following points:-

- concerned that the planned conversion will cause much noise and disruption to the residents of Arncliffe Mews.
- If completed the parking situation will also cause major problems to the residents because of the increase in the number of vehicles driving through the area
- it is envisaged that there will not be enough parking spaces and because of this vehicles will block entrances to garages
- there is an existing problem with cars parking too close to the junction of Fulford Road with Alma Terrace. It is only a matter of time before an accident happens.
- The flats should be entered via Fulford Road

PUBLICITY

3.14 The application has been advertised by means of a site notice posted on the 3rd March 2008, a press notice posted 5th March 2008 and via neighbour notification letters sent on the 26th February 2008.

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Loss of existing employment use
- Impact on the Listed Building and Fulford Road Conservation Area
- Traffic, highways and access issues
- Residential amenity
- Provision of open space
- Sustainability

POLICY BACKGROUND

4.2 Policy E3b of the Draft Local Plan states that any site or premises either currently or previously in employment use will be retained within their current use class. Planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and long term requirements over the plan period in both quantitative and qualitative terms and unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy or the use is ancillary to an employment use.

4.3 Policy H12 states that planning permission will be granted for the conversion of redundant office space to residential use where there is a sufficient supply of offices to meet both immediate and longer term requirements, the proposal will not have an adverse impact on the vitality and viability of the city and district centres and it has no adverse impact on residential amenity.

4.4 Planning Policy Statement 3 'Housing', sets out government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land and the more efficient use of land.

4.5 Policy H4a states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features. Policy H5a outlines appropriate densities for new residential developments. Densities of 40 dwellings are encouraged for developments in urban areas.

4.6 Policy GP1 of the Local Plan states that development proposals will be expected to respect or enhance the local environment and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.7 Policy L1c requires that all new housing sites make provision for the open space needs of future occupiers.

4.8 Policy HE2 states that within and adjoining conservation areas and in locations which affect the setting of Listed Buildings development proposals must respect adjacent buildings, open spaces landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain existing views which contribute to the character or appearance of the area. Policy HE3 says within conservation areas, changes of use will only be permitted where there is no adverse effect on the character and appearance of the area. Policy HE4 with regard to listed buildings says change of use will only be granted where there is no adverse effect on the character, appearance or setting of the building. These policies reflect guidance within Planning Policy Guidance note15 'Planning and the Historic Environment'.

LOSS OF EXISTING EMPLOYMENT USE

4.9 The building was last occupied as offices in 2003. Since that time it has been actively marketed for office use and remains on the market at the moment. Interest was expressed to use the premises as a medical centre but the conversion of the property proved too costly. The agents marketing the property consider that the principal reason for not achieving a new tenancy is the layout of the building which consists of a complicated layout over three floors. In many cases evidence that the property has failed to sell/let for a period of six months has been accepted by the Local Planning Authority as sufficient to consider other options for the site. This property has now been marketed for a period of 5 years and officers are satisfied that it is now reasonable for alternative uses for the site to be considered. The economic development unit have been consulted on the proposals and have confirmed that they raise no objections to the proposals as the site is not large enough to be of strategic importance. In terms of the requirements of policy H12 officers are satisfied that the new residential use will not adversely impact on the vitality and viability of the city centre or adversely affect residential amenity (see paragraph below).

IMPACT ON THE LISTED BUILDING AND FULFORD ROAD CONSERVATION AREA

4.10 The Conservation Officer considers the setting of the listed building has been substantially eroded through the development of the flats at Arncliffe Mews and that the curtilage of the listed building has been greatly altered. It is considered that the proposed development which includes hard and soft landscaping works should improve the setting of the listed building within the wider context of the conservation area and the erection of cycle storage buildings will not detract from the setting of the building.

4.11 The scheme has allowed the character and layout of the principal rooms to the ground and first floors of the original building to be retained and the level of subdivision of the original compartments is kept to a minimum. Subject to a condition which deals with the detail of the interior works to the building there are no objections to the development in terms of its impact on the listed building or the effect of the development on the character or appearance of the conservation area.

TRAFFIC, HIGHWAYS AND ACCESS ISSUES

4.12 The proposal includes one parking place for each dwelling unit plus cycle parking. Access to all but one of the car parking spaces will be from Alma Terrace. Highways Network Management consider this arrangement to be preferable to the use of the Fulford Road access as the main entrance because of restricted visibility at this access point. Highways Network Management are satisfied with the details of the application subject to conditions relating to the cycle parking, turning areas and surfacing of the car park.

4.13 The letters of objection that have been received to this development principally relate to the access to the site via Alma Terrace. Residents of Arncliffe Mews consider access is already difficult because of the parking along Alma Terrace and outside the shops on Fulford Road. The parking outside the shops restricts visibility

at the junction of Alma Terrace with Fulford Road. In the absence of any highways objection on these grounds and having regard to the traffic that could be generated by the lawful use of the site as offices, it is not considered that these concerns form a basis to refuse the application.

RESIDENTIAL AMENITY

4.14 The nearest existing residential properties are flats known as Arncliffe Mews located to the immediate south of the site. There are two potential impacts of the development on these residents. Firstly the coming and going of vehicles to the site past the Arncliffe Mews development and secondly the impact of the development on the privacy of existing residents who have windows on the north side of the flats which face the south side of the building.

4.15 The lawful office use, when occupied, already has the potential to generate traffic movements to the site. Although residential traffic movements tend to occur at different times, officers are satisfied that the levels of traffic will not be significant and will not cause disturbance to existing residents . Any concerns about parking within the site outside designated areas is a matter for the management of the site .

4.16 The south elevation of the building is set approximately 12 metres from the north elevation of the Arncliffe Mews which has main windows facing the site. There is a degree of overlooking between buildings and officers note on site that many of the properties on the Arncliffe Mews site have heavy net curtains. The proposed scheme will alter the pattern of occupation of the site but given the existing relationship between the buildings the proposed development is considered to be acceptable. However, a condition is proposed to require the applicant to submit details of measures to obscure views from the bottom half of the windows on the south elevation of the listed building to aid the privacy between the two sites. It is anticipated that the use of a frosted window film will be the best solution to achieve the privacy measures without impacting on the qualities of listed building.

PROVISION OF OPEN SPACE

4.17 The building stands within a relatively small area of land given the size of the building consequently there is very little external amenity space within the site, although the applicant has tried to provide small areas where occupiers could sit out or hang out washing. Given the proximity of the site to city centre amenities and the constraints imposed by the listed status of the building the lack of on site amenity space is considered to be a tolerable constraint in this instance. In accordance with the requirement of policy L1(c) of the Local Plan a contribution towards the provision of off site amenity space is required. The commuted sum payment will be £6966.

SUSTAINABILITY

4.18 The ability of the applicant to comply with GP4 (a) is restricted by the listed status of the building, however, the applicant points out that the building is accessible by alternative modes of transport and is close to the city centre. The re-use of the building is in itself sustainable. Within the limitations of the site it is considered that the proposal complies with policy GP4 (a).

5.0 CONCLUSION

5.1 It is considered that the proposed conversion of the building to residential use constitutes an acceptable re-use of this former office building. As such, subject to conditions, the proposal is considered to be acceptable. The proposed development, subject to conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Fulford Road Conservation Area, the listed status of the building, the residential amenity of neighbouring property occupiers, transport provision, and the wider character of the surrounding area. As such the proposal complies with Policies GP1, GP4 (a) L1c, HE2, HE3, HE4, H12, E3(b), H4a and H5a of the City of York Development Control Local Plan.

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:-

Drawing No. BS1616 - PL211 rev A
Drawing No. BS1616 - PL212
Drawing No. BS1616 - PL213
Drawing No. BS1616 - PL214
Drawing No. BS1616 - PL215
Drawing No. BS1616 - PL216 rev A
Drawing No. BS1616 - PL217 rev A
Drawing No. BS1616 - PL206
Drawing No. BS1616 - PL218

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 Notwithstanding the details shown on the submitted plans, large scaled details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details:

- method of 'closing off' original internal door openings and re-use of original internal doors;
- proposed surface to ground floor entrance hall or retention of existing tiles;
- retention of existing timber sash and case windows and associated sound/draught proofing measures supported by large scale drawings;
- fire separation measures between floors within the listed building;
- any proposals for dry lining to interior;

- location of flues associated with heating systems for each apartment;
- location and design of new fire surrounds;
- removal of lowered ceilings and reinstatement of original ceiling heights to specific rooms.

Reason: So that the Local Planning Authority may be satisfied with these details are in the interest of the historic character of the Listed Buildings.

4 The building envelope with a facade onto Fulford Road shall be acoustically insulated so as to provide maximum internal daytime noise levels of 35dB(A) and maximum night time noise levels of 30dB(A), in line with the World Health Organisation Community Guidelines. All mechanical ventilation systems should also be acoustically attenuated to comply with these guidelines. The details shall be approved by the local planning authority and fully implemented before occupation.

Reason: To protect the amenity of future occupants

5 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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	

Reason - To protect the amenity of local residents

6 a. A desk study shall be undertaken in order to identify any potentially contaminative uses, which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800.

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any

remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 7 HWAY9 Vehicle areas surfaced
- 8 HWAY19 Car and cycle parking laid out
- 9 HWAY21 Internal turning areas to be provided

10 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used in the construction of the cycle store and bin storage areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

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

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £6966

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

12 Prior to the commencement of the development details of measure to obscure views from the bottom half of windows on the north side of the building shall be submitted to and approved in writing by the local Planning Authority. Thereafter this detail shall be implemented to the satisfaction of the Local Planning Authority before any part of the development is occupied.

Reason: In the interests of the residential amenity of properties on Arncliffe Mews and future occupiers of the development site

13 No development shall take place until there has been submitted and approved

in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

14 Within 2 months of the first occupation of any dwelling at the site the new paved and grassed areas shown on Drawing no.BS1616 - PL216 rev A shall be implemented to the satisfaction of the Local Planning Authority and thereafter maintained for the use of residents unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of future 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 to the character and appearance of the Fulford Road Conservation Area, the listed status of the building, the residential amenity of neighbouring property occupiers, transport provision, and the wider character of the surrounding area. As such the proposal complies with Policies GP1, GP4(a), L1c, HE2, HE3, HE4, H12, E3(b), H4a and H5a of the City of York Development Control Local Plan.

2. CONTAMINATED LAND

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

3. Condition 12

The requirements of condition 12 could be fulfilled by an appropriate frosted film being applied to the bottom half of windows in the north elevation. The condition requires details to be submitted for the prior approval of the Local Planning Authority.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)
Tel No: 01904 551657

180 Fulford Road, YO10 4DA

08/00317/FULM



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 8 May 2008

Ward: Fishergate
Parish: Fishergate Planning Panel

Reference: 08/00316/LBC
Application at: 180 Fulford Road York YO10 4DA
For: Conversion of existing vacant offices to 12no apartments with associated parking, amenity space, landscaping, refuse storage and cycle parking

By: Mr Christopher Gillam
Application Type: Listed Building Consent
Target Date: 10 April 2008

1.0 PROPOSAL

1.1 The introductory comments relating to planning application 08/00317/FULM also apply to this parallel application for listed building consent.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford Road 0039

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; 180-182 Fulford Road York YO1 4DA 0098

2.2 Policies:

CYHE2
 Development in historic locations

CYHE4
 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

CONSERVATION OFFICER

3.6 The original house dates from the late eighteenth century, but has been the subject of much alteration and addition, and most recently has been in use as office accommodation.

3.7 The setting of the listed building has been substantially eroded through the development of flats at Arncliffe Mews to the south, within close proximity of the principal façade of the listed building. The curtilage of the listed building is greatly altered, with concrete paving in front of the principal elevation, tarmac surfaces to the side and rear and only a small area of lawn and trees to the side to Fulford Road, where sections of the original boundary wall and railings remain.

3.8 The revised proposals include hard and soft landscaping works that should improve the setting of the listed building within the wider context of the conservation area. Subject to appropriate conditions covering the detail of the implementation of the scheme the conservation officer raises no objections to the application.

EXTERNAL

FISHERGATE PLANNING PANEL

3.12 Do not object to the application but wish to make comments and seek safeguards as follows:-

1. Surrounding area - the list of amenities i.e. shops is inaccurate - there is no newsagents or hairdressers; there is a barber but no ladies hairdressers as was the case until recently. The bakery is now largely a sandwich shop
2. Access - existing- we note that the deeds contain an easement that grants shared rights over parking spaces for neighbouring Arncliffe Mews during hours 9am - 5pm. Parking during business hours will be of little use to residents. Members of the committee recall that when the previous plans were submitted for use as a nursery there was considerable objection to both access and parking from the residents of Arncliffe Mews.
3. Fulford Road Traffic - there is currently consultation regarding congestion in Fulford Road. This development will add further vehicles to this congestion. Access to Fulford Road from Alma Terrace is already difficult especially in early morning and early evening. An increase in static vehicles waiting to enter the stream of traffic will increase the pollution in the area.
4. The plans - The design of these apartments is very similar to many others in the area. The developers seem sure that there is a demand for yet more units of this type. There does not seem to be grounds for objecting to the development on grounds of design, though units of this size do not add to quality of life of the owners.

3.13 Three letters of objection have been received covering the following points:-

- concerned that the planned conversion will cause much noise and disruption to the residents of Arncliffe Mews.
- If completed the parking situation will also cause major problems to the residents because of the increase of the number of vehicles driving through the area
- it is envisaged that there will not be enough parking spaces and because of this vehicles will block entrances to garages.
- there is an existing problem with cars parking too close to the junction of Fulford Road with Alma Terrace. It is only a matter of time before an accident happens.
 - The flats should be entered via Fulford Road

PUBLICITY

3.14 The application has been advertised by means of a site notice posted on the 3rd March 2008, a press notice posted 5th March 2008 and via neighbour notification letters sent on the 26th February 2008

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Impact on the Listed Building and Fulford Road Conservation Area

POLICY BACKGROUND

4.2 Policy HE2 of the Draft Local Plan states that within and adjoining conservation areas and in locations which affect the setting of Listed Buildings development proposals must respect adjacent buildings, open spaces landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain existing views which contribute to the character or appearance of the area. Policy HE3 states that within conservation areas, changes of use will only be permitted where there is no adverse effect on the character and appearance of the area. Policy HE4 relates specifically to listed buildings and states that changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building. These policies reflect guidance within Planning Policy Guidance Note15 'Planning and the Historic Environment'.

IMPACT ON THE LISTED BUILDING AND FULFORD ROAD CONSERVATION AREA

4.3 The Conservation Officer considers the setting of the listed building has been substantially eroded through the development of the flats at Arncliffe Mews and that the curtilage of the listed building has been greatly altered. It is considered that the proposed development which includes hard and soft landscaping works should improve the setting of the listed building within the wider context of the conservation area and the erection of cycle storage buildings will not detract from the setting of the building.

4.4 The scheme has allowed the character and layout of the principal rooms to the ground and first floors of the original building to be retained and the level of subdivision of the original compartments is kept to a minimum. Subject to a condition which deal with the detail of the interior works to the building there are no objections to the development in terms of its impact on the listed building or the effect of the development on the character or appearance of the conservation area.

4.5 Members are asked to note that this application only considers the application from the standpoint of the listed status of the building and should refer to application 08/00317/FULM which considers the acceptability of the scheme in a full planning policy and land use context.

5.0 CONCLUSION

5.1 The Conservation Officer has concluded that the scheme has allowed the character and layout of the principal rooms to the ground and first floors of the original building to be retained and that the level of sub-division of the original compartments is kept to a minimum. On this basis no objections are raised to this listed building application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

Drawing No. BS1616 - PL211 rev A
Drawing No. BS1616 - PL212
Drawing No. BS1616 - PL213
Drawing No. BS1616 - PL214
Drawing No. BS1616 - PL215
Drawing No. BS1616 - PL216 rev A
Drawing No. BS1616 - PL217 rev A
Drawing No. BS1616 - PL206
Drawing No. BS1616 - PL218

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 Notwithstanding the details shown on the submitted plans, large scaled details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details:

- method of 'closing off' original internal door openings and re-use of original internal doors;
- proposed surface to ground floor entrance hall or retention of existing tiles;
- retention of existing timber sash and case windows and associated sound/draught proofing measures supported by large scale drawings;
- fire separation measures between floors within the listed building;
- any proposals for dry lining to interior;
- location of flues associated with heating systems for each apartment;
- location and design of new fire surrounds;
- removal of lowered ceilings and reinstatement of original ceiling heights to specific rooms.

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

in the interest of the historic character of the Listed Buildings.

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 to the impact on the special architectural and historic importance of the building. As such the proposal complies with Policies HE2 and HE4 of the Draft City of York Development Control Local Plan and national planning policy in Planning Policy Guidance Note 15 "Planning and the Historic Environment".

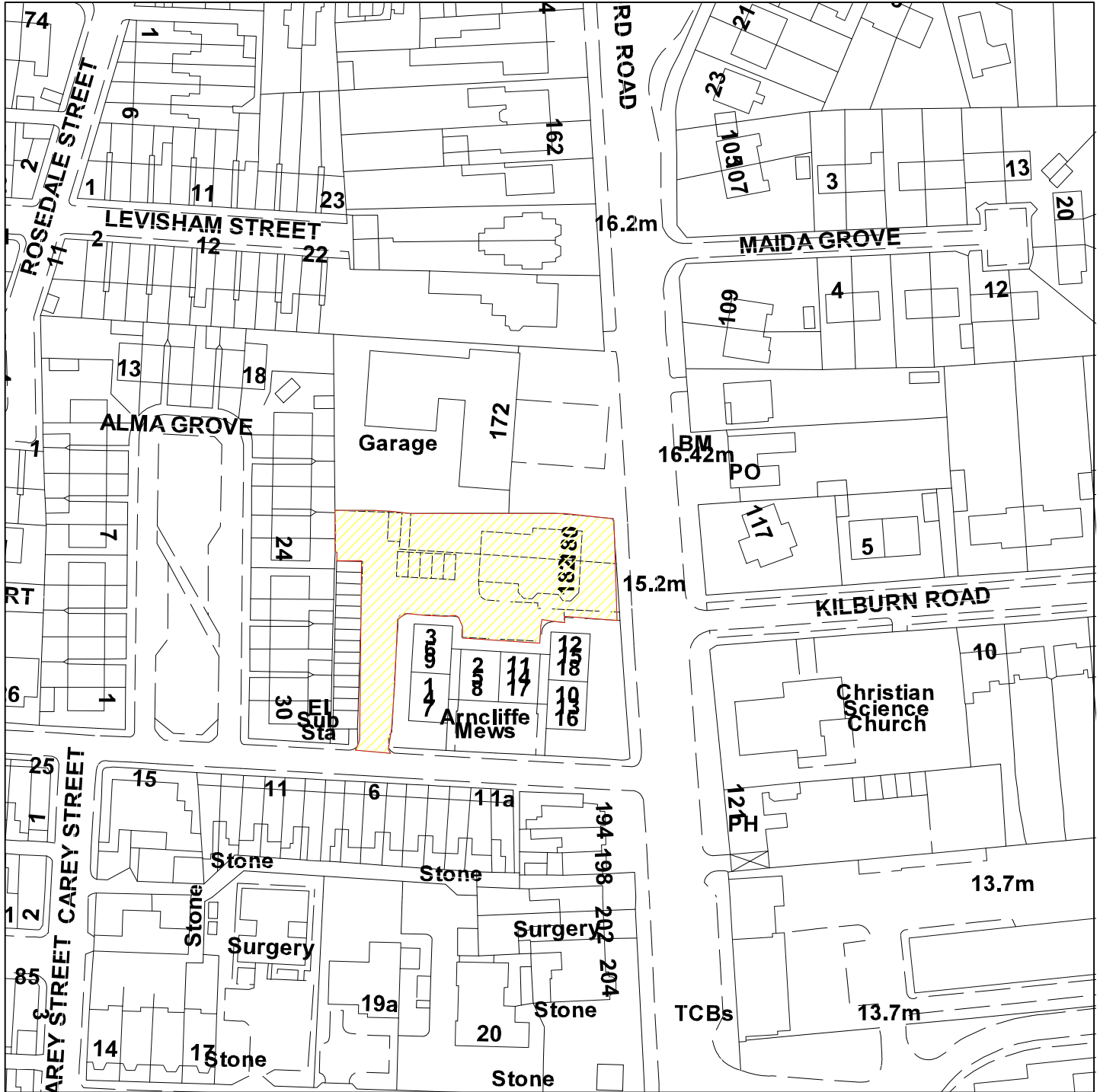
Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

Tel No: 01904 551657

180 Fulford Road, YO10 4DA

08/00316/LBC



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set

Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYNE1
Trees, woodlands, hedgerows

CYNE8
Green corridors

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. Adequate provision for parking and manoeuvring and the development will have no appreciable impact on the local network.

Housing - The site is below the threshold for an affordable housing requirement. The site's position adjacent to the recent larger Lady Kell development is not considered to justify an affordable housing contribution.

Environmental Protection Unit - No objections subject to conditions requiring a contaminated land assessment and remedial works as appropriate.

York Consultancy - Following negotiations with the applicant's drainage consultants no objections subject to full details of the storage tank and flow control device.

3.2 External

Town Council - No objections, however local concerns regarding flooding raised. Would request a site visit.

Foss Internal Drainage Board - If the applicant can prove that there is no discharge to a local watercourse the Board has no objection.

Yorkshire Water - No objections to final scheme.

Neighbours

Thirty seven letters of objection have been received regarding the proposal. A petition from May 2007 signed by the occupiers of 43 properties addressed to Haxby Town Council and seeking the protection of gardens in The Avenue was copied to the Local Planning Authority.

The following issues have been raised by residents in response to the application:

Gardens and some houses in the area suffer from surface water flooding problems and foul drainage problems. The development including any rise in ground levels will make this worse. The situation has been harmed by the development of 11 houses on the adjoining site in 2007.

The development will further damage the estate's attractive unique and cherished parkland setting.

There will be the loss of wildlife and the loss of a wildlife corridor.

The development will result in the loss of vegetation - some trees have already been cut back or removed.

The development is too large and too tall and will dominate surrounding gardens.

The development will lead to the loss of privacy in surrounding gardens.

Traffic noise from vehicles accessing the development will detract from the host property and adjoining neighbours - particularly 19 The Avenue.

The development will form a precedent.

York does not need additional housing.

The vehicle access is unsafe and additional traffic including construction vehicles will damage the private access road without compensation to other residents who pay to maintain it.

The Avenue and adjoining traffic network is over capacity.

The Avenue has poor lighting and no footpaths - the access should have been via the Lady Kell development.

Poor provision for refuse collection and inadequate access for emergency vehicles.

The new access will increase opportunities for crime to surrounding properties.

It is unsustainable to demolish the workshop and build a house in its place.

Question whether the occupier has a legal right to erect the house and make greater use of the road access.

4.0 APPRAISAL

4.1 Planning Policy Statement 3 (Housing) encourages Local Planning Authorities to ensure that housing provision is of an appropriate location, size and quality to meet housing needs. It encourages Local Planning Authorities to make more efficient use of previously developed sites.

4.2 The curtilage of a house is included within the definition of previously developed land. However, Annex B of Planning Policy Statement 3 makes it clear that 'there is no presumption that land that is previously-developed is necessarily suitable for housing development nor the whole of the curtilage should be developed'. The key Draft Local Plan policies in assessing the suitability of the site for housing are considered to be Policy GB1 (Design), GP10 (Subdivision of Gardens and Infill Development) H4a (Housing Windfalls), H5a (Residential Density) GP15a (Development and Flood Risk), NE1 (Trees, Woodlands and Hedgerows) and NE8 (Green Corridors).

4.3 The main planning issues are considered to be:

- the impact on the character of the area.
- the impact on neighbours living conditions.
- tree issues and wildlife.
- highways and parking.

- drainage and flooding

Impact on the character of the area

4.4 Policy H4 a of the Draft Local Plan requires development to be of an appropriate scale and density to the surrounding environment. The density of the 11 houses recently erected at Lady Kell (06/00027) is approximately 25 units to a hectare. The proposed development (including the host property) would equate to around 15 units per hectare. The density of The Avenue area as a whole is around 10 units per hectare. Policy H5a seeks residential densities in excess of 40 units a hectare within the urban areas of York. Given the backland nature of the site and the characteristics of the access and surroundings this target would be very difficult to reconcile with other aspects of planning importance.

4.5 It is considered that the proposal will have little impact on the public realm given that the new development is largely screened from the road by surrounding houses. The main consideration is the impact on the local environment when viewed from adjoining homes and gardens. The surrounding area is largely made up of two-storey dwellings. The revised ridge height of the two houses is 8.5 metres, which is not considered to be out of character with the scale of development locally.

4.6 It is the case that a main characteristic of the locality is mid to low density dwellings set within large gardens with significant tree planting, particularly along boundaries. The development will clearly change the character of the existing garden when viewed from the eight or so properties that back on to the site. It is not considered however, that the change is such to cause unacceptable harm. Both of the houses are set in from the boundaries of the site and the existing rear gardens in Calf Close and The Avenue are of a scale that occupiers will still enjoy a generally open aspect from their homes and gardens. It is also the case that there is adequate garden space remaining to allow a reasonable level of tree planting within the development site. Given the desire to retain an open character and to reduce any additional surface water run-off it is considered reasonable to remove permitted development rights for future new extensions and outbuildings.

4.8 The impact of the development will be greatest when viewed from the four new houses located at the end of the Lady Kell cul-de-sac, however, it is the case that the proposed houses will be set off the boundary and the space between the proposed houses and their hipped roof design will ensure that visually there is a reasonable balance between built and natural development. The density is below that of the adjoining Lady Kell development.

4.9 It is not considered that a planning approval to erect two homes in the garden of 21 the Avenue would form a direct precedent for approving other applications in the surrounding area given that the vast majority of homes have long relatively narrow gardens as opposed to the wedge shape of the application site.

Impact on neighbours living conditions

4.10 Within suburban locations separation distances of around 21 metres are typically sought between windows directly facing two-storey development and

around 10 - 12 metres between windows directly overlooking rear gardens. It is considered that the proposed dwellings are an adequate distance from properties on Calf Close and The Avenue for them not to appear oppressive or unduly dominant. The development will increase overlooking to existing gardens in The Avenue and Calf Close, however, these properties will retain large areas of garden capable of being free from significant overlooking.

4.11 The key consideration is the impact on the rear of the new dwellings on Lady Kell. These properties have relatively short gardens of between 6 and 12 metres in length and there is little significant screen planting between the houses and the application site other than a hedgerow approximately 2m in height. The new houses have been positioned so that they are at an angle to the properties on Lady Kell and views are generally past the houses. There are no habitable first floor windows proposed on the first floor side elevations of the houses and if approved it is considered that permitted development rights should be removed for such openings along with dormer windows.

4.12 The garages are relatively small in scale and would not be considered to cause significant harm to living conditions.

4.13 The proposed vehicle access will be close to windows within 21 The Avenue (the host property) and 19 The Avenue. It is considered that the most greatly affected property is 21 The Avenue. However, on balance it is considered that the resulting impact would not be so detrimental as to be considered unacceptable. It is the case that the owner has submitted the application and additional soundproofing or internal alterations could be undertaken if so desired. Number 19 has a secondary kitchen-diner window on the ground floor facing towards the access (albeit largely screened by a hedge) and a box room window on the first floor side elevation. It is not considered that the increased noise and disturbance caused by additional traffic movements (or general usage of the site) is such to create unreasonable living conditions. It also considered that the increased use of the access and two new homes would not create significant new opportunities for crime.

Tree Issues and Wildlife

4.14 The proposal will not lead to the loss of any significant trees currently located on the site. Although built development will be likely to decrease the opportunities for most forms of wildlife to flourish this is true of most housing development and it is not considered that there are particular site specific considerations to justify the refusal of the application on these grounds.

Highways and Parking

4.15 The site has adequate off-street car and cycle parking and manoeuvring space. Highways officers raise no concerns in respect to the traffic safety or highway capacity. Appropriate provision can be made for refuse collection. Matters relating to responsibility for the future maintenance and repair of The Avenue are not planning issues.

Drainage

4.16 A large number of residents have raised concerns in respect to the flooding of gardens and some homes in the area. Concerns were also raised in respect of the capacity of the foul drainage system. The City Council expressed concerns that the development would increase the risk of flooding within the local area.

4.17 To address concerns the applicant's engineers propose to create underground storage that will allow the peak flows from the existing dwelling and two proposed dwellings to be less than the current rate. The consultants have agreed with Yorkshire Water that foul and surface water from the development can discharge into the combined foul and surface water system but that the maximum discharge from the site should be reduced from the current level of 3.5 litres per second to 2.0 litres per second. Yorkshire Water and York Consultancy have confirmed that this is acceptable subject to receiving full details of the storage tank and flow control device prior to commencement. It is the case that given the local ground conditions soakaways are likely to be ineffective.

4.18 It is understood that the combined drain does not run into a watercourse that would impact upon flooding problems within the Haxby area.

5.0 CONCLUSION

5.1 It is considered that the proposal makes more efficient use of the very large garden area without causing undue harm to interests of acknowledged importance. For the reasons outlined in this report it is recommended that the application be approved.

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:-

Plan Y81:603.02 Rev E
Drawing Y81:603.20
Drawing Y81:603.21 Rev A
Drawing Y81:603.10
Drawing Y81:603.11 Rev A
Drawing Y81:603.30

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

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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

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

7 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

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

Reason: In the interests of highway safety.

9 The ground level of the site shall not be raised above the level of the adjacent land.

Reason: To prevent run-off from the site affecting nearby properties.

10 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

11 Full details of surface and foul drainage works for the existing dwelling and proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be completed in accordance with the approved details and timescales.

Reason: To ensure that the development does not increase flood risk and maximises sustainable drainage methods.

12 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-E of Schedule 2 Part 1 of that Order shall not be carried out to either of the new dwellings or land within their curtilage without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents 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.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority no openings shall be created in the first floor external elevations of the two new dwellings other than those shown on the approved plans.

Reason: To protect neighbours' living conditions.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £6,980.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

15 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. This shall, where possible date back to 1800.

Reason: To protect the health of occupants of the proposed dwellings.

16 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect the health of occupants of the proposed dwellings.

17 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect the health of occupants of the proposed dwellings.

18 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any

development commencing on site.

Reason: To protect the health of occupants of the proposed dwellings.

19 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of occupants of the proposed dwellings.

20 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect the health of occupants of the proposed dwellings.

21 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.	

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- the impact on the character of the area.
- the impact on neighbours living conditions.
- tree issues and wildlife.
- highways and parking.
- drainage and flooding

As such the proposal complies with Policies GB1, GP10, H4a, H5a, GP15 , NE1 and NE8 of the City of York Local Plan Deposit Draft and Central Government advice in Planning Policy Statement 1 ("Delivering Sustainable Development") and Planning Policy Statement 3 ("Housing")

2. Demolition and Construction - Informative

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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- (i) There shall be no bonfires on the site
- (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.

3. Prior to the commencement of development it is recommended that consideration be given to any legal and financial consequences relating to the access to the site from a private road. Consideration should also be given to any possible concerns regarding damage to the road caused by construction vehicles.

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)
Tel No: 01904 551657

21 The Avenue, Haxby

07/00808/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set

1.6 The external facing of the proposed building would comprise of a mixture of cladding, brickwork and rendering. It would be a 4 and a half storey structure with a flat and an open roof above. The surrounding residential buildings are predominately brick structures. The area contains a good mix of apartment blocks, terraces and bungalows. There is also a good mix of light industrial, commercial and residential uses within the area, although the area to the east of Hallfield Road is predominately residential use.

1.7 In relation to the surrounding properties the main elevation of the proposed building would be approximately 11.0m away from the non-habitable windows to the side of the apartments at Merchants Court, approximately 25.0m away from the properties along Faber Street, approximately 20.0m from the non-residential buildings on the opposite side of Hallfield Road, and approximately 10.0m away from the Foss Islands cycle/footpath.

1.8 Access to the site is from Hallfield Road. A 7.0m x 10.0m turning area is proposed between the front elevation of the building and a small communal garden to the north of the site. The latest amended plans show a total of 10 cycle storage spaces would be provided within the building by the ground floor entrance hall. In addition each of the 4 garages would be capable of accommodating at least 1 cycle space.

1.9 RELEVANT PLANNING HISTORY

1.10 07/00953/FUL: Erection of four storey residential building comprising 3no. townhouses and 3no. apartments. Permission was granted on 12 June 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Hazardous Premises Transco PLC COMPLE

2.2 Policies:

CYGP4A
Sustainability

CYGP1
Design

CYH4A
Housing Windfall
CYH5A

Residential Density

CYH3C

Mix of Dwellings on Housing Site

CYL1C

Provision of New Open Space in Development

CYT4

Cycle parking standards

CYGP4B

Air Quality

CYGP15

Protection from flooding

3.0 CONSULTATIONS

EXTERNAL:

3.1 Neighbours notified, site notice posted and press advertised, expired 8 April 2008 - two letters of objections received raising the following concerns:

- the area has already reached saturation with regard to new apartment blocks;
- construction has already begun on site prior to the planning decision;
- the property at apartment 7, 1 Hallfield Road should have been consulted.
- the height of the proposal is out of proportion with the adjacent apartment blocks;
- the proposal would harm the expensive piece of sculpture to be placed at the corner of Hallfield Road and Little Hallfield Road, at the start of the cycle track;

3.2 Heworth Planning Panel consulted - No response received 27 March 2008.

3.3 Environment Agency consulted: Response received 17 April 2008 - The agency have no objections.

3.4 Yorkshire Water consulted: Response received 14 March 2008 - No objections subject to the conditions recommended in the previous approval.

INTERNAL:

3.5 City Development Unit consulted: First response received 2 April 2008 - the following comments were made with regard to the housing type and mix proposed in this revised application:

- this revised application has a density of 350 dwellings per hectare, which is considered to be incredibly high (even higher than city centre schemes, which this isn't);
- the sizes of most of the apartments are extremely small;

- in light of the Strategic Housing Market Assessment (SHMA) prepared by the City of York Council for development control purposes the scheme should be in line with the 60/40 housing/flat split;
- the previous scheme was more compliant with the SHMA results;
- it is recognised that the shape of the site may provide layout challenges;
- if apartment development is more appropriate, a better mix of dwelling types and more genuinely liveable 2 and 3 bedroom properties within the development with larger floor areas is recommended.

No further response received to date following the submission of amended drawings.

3.6 Urban Design and Conservation consulted. Response received 3 April 2008 - the following comments were made:

- there is a lack of open garden/amenity space;
- nevertheless the previously approved scheme also had no significant outdoor amenity space;
- it is therefore considered inappropriate to object to the scheme on this basis;
- should permission be granted a landscaping condition is recommended;
- a condition to reinstate any damage to the existing new planting along Hallfield Road, as well as the provision of planting within the site boundary is also recommended.

3.7 Highway Network Management consulted: First response received 28 March 2008 - the following comments were made:

- the scheme does not provide adequate space for 10 cycles;
- standard size is a minimum of 0.45m x 1.8m per cycle space;
- provided that cycle parking for residents has been addressed, and the conditions previously sought on the approved scheme has been attached, Highway Network Management would have no objections to the revised scheme.

Revised comments received 18 April 2008 following the submission of amended drawings. The following comments were made:

- the total number of apartments has been reduced from 14 to 12;
- thus there is a reduced requirement for cycle parking provision - a total of 12 spaces;
- four of these spaces can be accommodated in the integral garages;
- the cycle store identified on the amended drawings is only capable of accommodating 8 cycles rather than the 10 shown;
- nevertheless a total of 12 cycle spaces for the development as a whole would accord with the Council's standards and no objection is raised on this matter.

3.8 Structure and drainage team consulted: Response received 16 April 2008 - No objections, as the development is in low risk Flood Zone 1 and should not suffer from river flooding.

3.9 Environmental Protection Unit consulted: Response received 14 March 2008. The following comments were made:

- the previous approval include conditions regarding a desk study and site investigation due to the concern regarding previous uses including a car re-spraying yard;
- the site appears to have been cleared and a large part concreted over;
- unless a desk study and site investigation have been previously submitted and approved, it is recommended that the same conditions should be attached to any new permission;
- the site is also close to what would be an increasingly busy road, forming a link between Hull Road and Heworth Green;
- it is therefore recommended that a condition is attached to ensure that suitable sound insulation is installed.

3.10 Learning, Culture and Children Services consulted: The department will not be asking for S106 contribution as the types of residential units proposed fall below the education contribution threshold.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Types and sizes of the residential units
- ii. Residential density
- iii. Open space provision
- iv. Sustainability
- V. Access and Highway Safety
- vi. Scale, Design and External Appearance
- vii. Other material planning considerations

TYPES AND SIZES OF THE RESIDENTIAL UNITS

4.2 Central government's advice on housing is set out in Planning Policy Statement no.3 (PPS3): Housing (2006). Paragraph 24 of PPS3 states in planning for smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the existing mix of housing in the locality.

4.3 In accordance with central government advice on housing, policy H3c of the City of York Draft Local Plan 2005 states residential developments must demonstrate that the range of type, size of units (including number of bedrooms), design and layout of the plot and tenures and pricing meets local housing needs.

4.4 With the objective of assessing the local housing needs, a comprehensive study was carried out by the City Development Team, which looks at what is appropriate in York in terms of housing tenure; size and type. A Strategic Housing Market Assessment (SHMA) report was produced based on the findings, and was adopted for Development Control purposes on 27 September 2007. The SHMA reveals that there is 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. Crucially over 60% of households are looking for houses rather than flats. The SHMA concludes that developments should seek to achieve a 60/40 house/flat ratio in order to meet demand.

4.5 In relation to the revised scheme, the SHMA reveals the dwelling sizes which have the highest demand are 2 bed and 3 bed units (both with a demand of 29%). Compared with the original (approved) scheme, the latest drawings show the number of two bed units would increase from two to four, although the number of three bed units would be reduced by one. Notwithstanding the slight reduction in three bed units, having taking into account the level of increase of 2 bed units it is considered that the latest scheme would not conflict with the national and local planning policies from the point of view of meeting the sizes of dwelling with the highest demand.

4.6 The issue concerning the types of unit proposed compared with the original (approved) scheme has been considered. The previously approved scheme offered 3no. four bed and 1 no. three bed townhouses, generally of a size and scale that would be most suited to family occupation. However with the exception of plot A3 none of the townhouses and apartments originally benefited from individual areas of private amenity space. Only a very small triangular area of communal open space (approx 32 square metres) would have been available for the occupiers of the dwellings. It is considered that the type and size of the accommodation now proposed, relating as it does to smaller units of accommodation, is more compatible with the constraints of the site imposed by the original approval, the characteristics of the area and the surrounding uses. In addition, the applicant has stated that it is unlikely that three and four bed townhouses with little or no private amenity space, 1,600-1,700 sq.ft in area, and a market value of £350,000 - £400,000 would constitute a financially viable form of development. Whilst the financial viability of developing a scheme is not in itself a material planning consideration that could influence the decision on a planning application, it is considered that the provision of a larger number of smaller units within this building would not conflict with the Government's objective of achieving mixed, balanced and sustainable communities.

4.7 In light of the above, the types and sizes of unit as shown on the amended plans in this location are deemed acceptable.

RESIDENTIAL DENSITY

4.8 Policy H5a "Residential Density" of the City of York Draft Local Plan 2005 sets out the appropriate densities for new residential developments. Depending on individual site circumstances and public transport facilities, a minimum density of 40 dwellings per hectare is expected for developments in the urban area.

4.9 Paragraph 47 of Planning Policy Statement 3 (2006) "Housing" states 30 dwellings per hectare net should be used as a national indicative minimum to guide policy decision making. Paragraph 48 further states good design is fundamental to using land efficiently. Paragraph 50 advises that "the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment".

4.10 The previous approved scheme has already exceeded the national and local guidance on density to 158 dwellings per hectare. The latest scheme shows a much

greater density level of 300 dwellings per hectare, on a site outside the City of York City Centre inset boundary. Nevertheless, as noted above, paragraph 50 of PPS3 states "imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment". The main issue, therefore, is whether the proposed density level would unacceptably harm the visual and residential amenities of the local residents including the living conditions of future occupants.

4.11 The overall height of the proposed residential block has already been established following the approval of the previous scheme. As the height of the building would not exceed the height which has already been established, it is not considered that the density intensification would be more harmful to the York skyline.

4.12 The overall scale, massing and footprint of the building in terms of how it might affect the residential amenity of the nearby residents have also been established following the approval of the previous scheme. Given that the massing and footprint of the proposed building would be the same as the original approved scheme, it is not considered that the proposed intensification of the density level would have more harmful effect upon the nearby residents than the original approved scheme in terms of the loss of daylight and the loss of privacy.

4.13 With regard to the extent to which the proposed density intensification would harm the living conditions of the future occupants, the floor plan submitted as part of the amended scheme shows one bed studio units would have a floor area of 28sq.m (301sq.ft), the floor areas of one bed apartments would range from 34sq.m (365sq.ft) to 49sq.m (572sq.ft), two bed apartments from 64sq.m (688sq.ft) to 70sq.m (753sq.ft), and a three bed apartment would measure 111sq.m (1194sq.ft) in floor area. For a site which is already in close proximity to high density development (notably Merchants Court) and just 220.0m away from the city centre boundary, it is not considered that the floor area of the units in relation to the number of beds proposed are unacceptable in this location. There is also a lack of solid evidence to suggest that the area of floor space proposed per unit would harm the living conditions of the future occupants.

4.14 Due to the site characteristics and the positioning of the proposed residential block, each of the units proposed would receive adequate daylight and would not be overlooked by the nearby residential properties. As such, it is unlikely that the proposed density intensification would affect the living conditions of the future occupants

4.15 By virtue of the above, it is not proven that the proposed density intensification, from 158 dwellings per hectare (as originally approved) to 300 dwellings per hectare (as proposed) would detrimentally affect the visual and residential amenities of the locality or the living conditions of the future occupiers.

OPEN SPACE PROVISION

4.16 The amount of (limited) on-site amenity space would be the same as for the originally approved scheme. The site is directly adjacent to a designated public open space which forms part of the Foss Islands cycle/footpath. This large area of public

open space is considered to be particularly beneficial to the amenity of the future occupants of the development. The site is also adjacent to a large number of residential units (notably Merchants Court) with no private amenity space. A financial contribution of £9612 would be required towards the provision of off-site amenity open space. This could be secured by condition.

SUSTAINABILITY

4.17 Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 sets out a list of criteria development should take into account. In addition, all residential developments will be required to be accompanied by a sustainability statement which describes how the proposal would fit with these criteria. According to the sustainability statement submitted, the proposed building will be constructed of renewable materials where possible. Furthermore, the lightweight metal frame used as part of the construction will have above normal insulation values to ensure each of the residential units would be highly efficient in terms of heat conservation. In order to increase energy efficiency, double glazing in energy efficient thermal framed windows combines with solar panel heating will be used. Energy consumption is further reduced through the use of low energy lighting, movement sensitive lighting and non-electric heating. Rainwater will be collected for watering the landscaping and refuse collection points have been identified on the site plan for the storage and collection of refuse and recycling.

4.18 In addition to the above, the site is also within walking distance from York city centre and it is approximately 100m away from the retail units at Foss Islands. Other community facilities are also found at the junction of Layerthorpe with East Parade some 200.0m away. The site is adjacent to the Foss Islands cycle route/footpath; the latest amended scheme shows the site is capable of providing at least 14no. secured indoor cycle storage spaces.

4.19 Based on the information provided, it is considered that the proposal would comply with the standards set out in policy GP4a of the City of York Draft Local Plan 2005. Nevertheless, the Council's Interim Planning Statement on Sustainable Design and Construction requires a minimum standard for new build residential developments of 1 dwelling unit and above of at least Level 3* rating under the Code for Sustainable Homes. As the proposed development falls within this requirement, a condition has been recommended to ensure that such a standard would be achieved.

ACCESS AND HIGHWAY SAFETY

4.20 Highway Network Management team was consulted on the revised scheme. Concern was raised regarding the space allocated for each of the cycle spaces as shown on the original scheme. It was recommended that a minimum of 0.45m x 1.8m per cycle space should be provided. The amended plans submitted have taken into account these concerns. The amended scheme has also addressed the concern regarding the prominence of the detached 3.2m x 3.0m x 2.8m flat roof cycle shed as shown on the original drawings. The amended plans show the proposed cycle spaces would be more secured, more convenient for the cycle users, and would not be visible from public view as they would be sited within the fabric of the building.

4.21 No objections were raised regarding the internal turning area, vehicle parking arrangements, the likely increase of the number of vehicles visiting the site, the impact the proposed increase of vehicle movements would have upon Hallfield Road, and the proposed widening of the access point. This is subject to conditions requiring all areas used by vehicles to be surfaced, sealed and positively drained within the site, a condition regarding access improvement, a condition requiring car and cycle parking areas to be constructed in accordance with the approved plans, and a condition requiring pedestrian turning point, carriageway markings, traffic signs, and relocation of lighting unit to be carried out. These conditions form part of the recommended approval.

SCALE, DESIGN AND EXTERNAL APPEARANCE

4.22 Other than amendments to the footprint of the ground level (which would be the same floor area as the first, second and third floor above) and amendments to the shapes, sizes and positioning of the windows, doors and balconies, very little changes have been proposed compared with the original approved scheme. Unlike the adjoining residential buildings, the external facing of the scheme would comprise of a mixture of cladding, brickwork and rendering. This is considered acceptable in this location as the existing area does not have a set architectural character that must be conformed with. Hence the overall design and appearance of the previous approved scheme was deemed acceptable. As mentioned above, the height of the building would not exceed the height already established following the approval of the previous scheme. Hence the revised scheme would not further affect the York skyline. The use of building materials will be subject to condition.

4.23 The issue concerning its impact on the public sculpture at the junction of the cycle route with Hallfield Road and James Street Link Road (planning ref no: 07/01855/FUL) has been considered. This public sculpture application was approved in September 2007 following the grant of planning permission for the original residential scheme (June 2007). As the revised scheme is based upon the scale and massing of what has already been established, it is outside the consideration of this revised planning application to consider the extent to which the scale and massing of the building would affect the public sculpture.

OTHER MATERIAL CONSIDERATIONS:

4.24 Flooding: the application site is within flood zone 2, which means that a Flood Risk Assessment is required from the applicant and the Environment Agency is require to be consulted. These have been carried out and the Agency has raised no objections to the scheme subject to the relevant flooding and drainage conditions. Yorkshire Water has also been consulted and has suggested a number of drainage conditions.

4.25 Environmental Protection: the Environmental Protection Unit stated in their original response for the approved planning application that the site lies within the City of York Council's Air Quality Management Area (AQMA). As the site is located close to the AQMA it is recommended that there should be parking facilities associated with the development equal to or below the Council's minimum parking standard. Based on the site plan submitted, which shows there would only be six

residential parking spaces for 12 units, it is satisfied that the proposal complies with the above standards.

4.26 The conditions regarding a desk study and site investigation recommended by the Environmental Protection team has not been formally discharged to date. As such these are to be included as part of the recommended decisions. Due to the significant increase in the level of density (compared with the original approved scheme), it is considered that a sound attenuation condition against external noise is required. The reason is to protect the amenity of future occupants.

4.27 Education: Due to the size and types of unit proposed, and following consultation with the Learning, Culture and Children's Services Team, a financial contribution towards education provision will not be required.

4.28 Neighbours' notifications: This was carried out in accordance with the standards set out in the "Publicity for Planning Application" document produced by the Council. This procedure was prepared in line with the standards set out in Circular 15/92 "Publicity for Planning Applications" published by the then Department of the Environment and the Welsh Office.

4.29 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

5.0 CONCLUSION

For the reasons above this application is recommended for approval.

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:-

07:68:02 Rev A, 07:68:03 Rev A and 07:68:04 Rev A as received by the City of York Council on 16 April 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.

3 HWAY9 Vehicle areas surfaced

4 HWAY14 Access to be approved, details reqd

5 HWAY19 Car and cycle parking laid out

6 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

pedestrian crossing point; carriage markings; traffic signs; relocation of lighting unit.

Reason: In the interests of the safe and free passage of highway users.

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

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

8 Notwithstanding the information contained on the approved drawings or in the application form submitted with the application all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

9 VISQ8 Samples of exterior materials to be app

10 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 14.5 metres, as measured from the lowest point of the existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

12 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

13 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.

14 The building envelope of all habitable rooms shall be constructed so as to provide sound attenuation against external noise of not less than 35 dB(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 local residents.

15 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

Informative: This should, where possible date back to 1800

Reason: To protect human health and the wider environment.

16 A site investigation shall be undertaken based upon the findings of the desk study (condition 15). The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect human health and the wider environment.

17 A risk-based remedial strategy shall be developed based on the findings of the site investigation (condition 16). The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect human health and the wider environment.

18 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment.

19 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

20 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect human health and the wider environment.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £9612.00.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

22 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.	

Reason: To safeguard the amenity of adjoining occupants.

23 Notwithstanding the information contained on the approved plans, none of the existing new planting along Hallfield Road shall at all times be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any planting removed without such consent or dying or being severely damaged or becoming seriously diseased shall be reinstated as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these planting in a positive manner so as to secure their continued well being.

24 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve a Level 3* rating or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to types and sizes of the residential units, residential density, private amenity space, sustainability, access and highway safety, and scale, design and external appearance. As such the proposal complies with Policies GP4A, GP1, H4a, H5a, H3c, L1c, T4, GP15 and GP4b of the City of York Local Plan Deposit Draft.

2. 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.

3. 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. 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".

ii. 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.

iii. 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.

iv. 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.

v. There shall be no bonfires on the site.

4. The applicant is reminded that the removal/relocation of trees and/or bushes which are not owned by the developer carrying out the work hereby approved may require separate consent from the relevant bodies.

Contact details:

Author: Billy Wong Development Control Officer

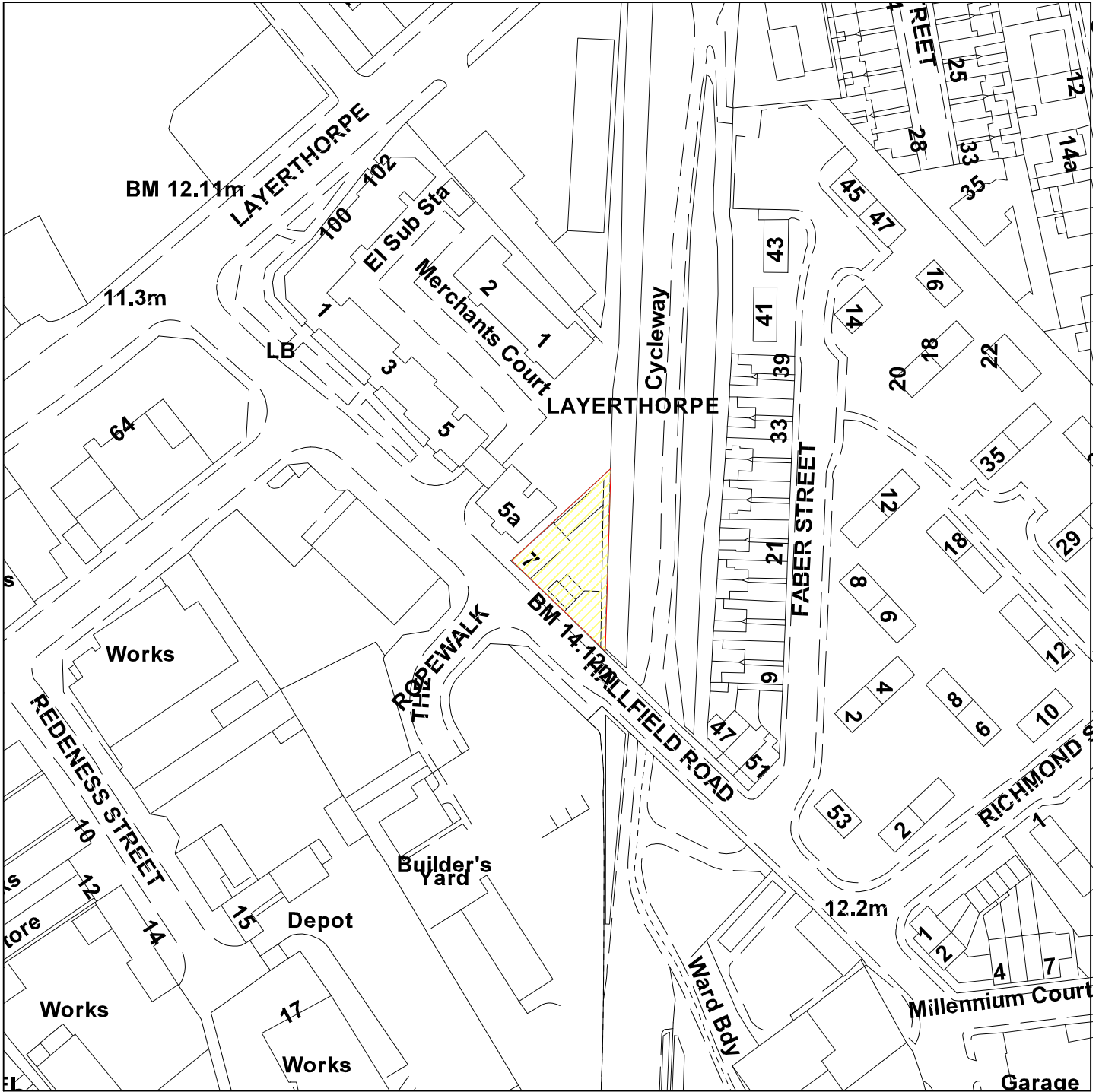
Tel No: 01904 551326

7 Hallfield Road, YO31 7XQ

08/00421/FULM



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 8 May 2008

Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 07/02012/FUL
Application at: Long Acres 63 Osbaldwick Village Osbaldwick York
For: Erection of dormer bungalow and garage on land to the rear of 61 and 63 Osbaldwick Village (resubmission)
By: Mr And Mrs R Fletcher
Application Type: Full Application
Target Date: 15 October 2007

1.0 PROPOSAL

1.1 The application relates to the erection of a detached, 4-bedroom, dormer bungalow with detached double garage and new access from a shared private road.

1.2 The application is a resubmission of 07/00389/FUL, which was withdrawn following officer concerns about impact on trees, impact on the conservation area and drainage.

1.3 The application is brought to Committee at the request of Cllr Morley who is concerned about access and flood risk. A site visit has also been requested.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Osbaldwick 0027

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGB1
 Development within the Green Belt

CYGP1
 Design

CYL1
 Open spaces in new residential devts

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP10
Subdivision of gardens and infill devt

CYGP4A
Sustainability

CYNE1
Trees, woodlands, hedgerows

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYHE2
Development in historic locations

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections subject to standard conditions being attached.

Structures and Drainage - No objection in principle to the drainage proposals. The development requires an on-site storage capacity of 14.4m³, which would include an allowance for climate change. Surface water discharge from the site should be limited to 1l/s. These measures can be controlled by condition.

Environment, Conservation, Sustainable Development (Conservation) - The garden ground of Long Acres is characteristic of a traditional 'burghage' plot. The existing trees and shrubs contribute to the character and interest of the conservation area. The retention of the mature landscape setting will conceal the development from general public view and is unlikely to detract from the character and appearance of the conservation area. The limited nature of this proposal should not erode the special character of the conservation area. The design is acceptable subject to conditions regarding details and materials. The position of the detached garage is of concern with regard to the impact of the building on existing trees and shrubs.

Environment, Conservation, Sustainable Development (Trees) - No objections in principle. The applicant should show which trees will be retained, how they will be protected (especially along the NE boundary) and what trees will be replanted, especially in the vicinity of the access (to screen the house from outside the site).

Environmental Protection Unit - No objections. Add construction and contamination informatives.

3.2 External

Osboldwick Parish Council - Objection. Ad-hoc backland development is undesirable. Contravenes principles of the conservation area. Impact on character of the conservation area. Undesirable precedent for the village. Inadequate access. Flooding at entrance to site.

Environment Agency (responding to initial proposals) - No objections on the basis of the flood risk assessment, submitted in April 2007 as part of the previous application. If the IDB cannot confirm that there is adequate spare capacity in the existing drainage system the applicant should submit amended proposals, prior to planning permission being granted, to show how the site would be drained.

Foss IDB - No objections to the latest revised proposals. The land opposite the proposed access is subject to flooding due to deficiencies in a culverted watercourse that is located to the western side of Galligap Lane. The application site may be subject to the same inundation. The watercourse runs north/south around the eastern boundary of the application site and accepts flow from the fields to the east of the farm buildings. This culvert, which is riparian responsibility, is causing flood water to migrate towards the existing properties. This situation cannot be allowed to become worse. Since the application was first submitted the applicant has provided information to demonstrate that the situation will not get any worse.

Public Consultation - The consultation period expired on 19 September 2007. Six objections have been received raising the following planning issues:

- Impact on character of the conservation area.
- Undesirable precedent for the village.
- Inadequate access.
- Flooding at entrance to site.
- Traffic generation. More traffic might result in adoption of Galligap Lane.
- Loss of trees. Impact on adjacent property of replacement trees.
- Visual impact.
- Neighbour amenity.

4.0 APPRAISAL

4.1 Key Issues

Principle of development

Visual appearance and impact on the conservation area

Flood risk and drainage

Impact on trees

Sustainability

Neighbour amenity

Highway issues

Open space

Impact on the green belt

4.2 The Application Site

The site is part of an attractive, rural enclosure behind the shared garden of Long Acres, a house at 61/63 Osbaldwick Village. The site is grassed with a variety of trees, mostly pines. It lies within development limits and is in a conservation area. Immediately to the north lies the green belt and open countryside. To the east is a collection of temporary agricultural shelters. To the west are the outbuildings of a residential dwelling. The shared access is from Galligap Lane and is partly unmade. The site is screened by mature trees and shrubs along the boundaries, especially with the farmland to the east. The site is in flood zone 2. The immediate area is subject to localised flooding.

4.3 Principle of Development

The site is in a sustainable location within the village limits and close to public transport/local services. Residential use of the site is therefore acceptable.

4.4 Visual Appearance and Impact on the Conservation Area

The design and position of the house have been altered from the earlier application to take account of the mature landscape setting and the conservation area. The design is now simpler and the windows have a traditional vertical emphasis. The style of the dormer windows and position of the roof lights are acceptable. The retention of most of the mature landscape setting will largely conceal the development from public view and is unlikely to detract from the character and appearance of the conservation area. The creation of the new access into the site would open up, to some extent, views into the site from the shared drive but the seclusion of the site would largely remain. The limited nature of this proposal would not erode the special character of the conservation area.

The windows and doors should be constructed of timber with a painted finish to take account of the location of the dwelling house within the conservation area. The materials for the garage should match those of the house, whilst the garage door should be constructed of timber with a painted finish.

4.5 Flood Risk and Drainage

Whilst the risk of river flooding is fairly small (zone 2/3) localised flooding already occurs due to deficiencies in an adjacent culverted watercourse. Moreover, the main watercourse in the area - Osbaldwick Beck - cannot accommodate any increase in discharge rate. Surface water drainage is the main concern of local residents.

The drainage proposals that were submitted with the initial application were too vague bearing in mind the drainage conditions in the area. Following protracted discussions with the applicant the surface water drainage proposals now include: run-off from house and garage and all areas of hardstanding to go into a combined public sewer at the southern end of Galligap Lane; a linear drainage channel at the boundary of the site with Galligap Lane; the rate of discharge from the site to be limited to one litre per second by a 3m diameter storage tank and a hydrobrake mechanism. These measures are sufficient to ensure that there would be no impact on other properties or on Galligap Lane resulting from the development. Minor revisions are needed to the latest draft of the submitted drainage plans. These can be dealt with by condition.

4.6 Impact on Trees

The site is dominated by a number of mature trees and shrubs, which contribute to the special character and interest of the conservation area. The main trees lie along the boundary with the adjacent farmland. These trees and the adjacent hedge would be retained and can be protected by condition. The council's conservation officer is concerned about the impact of the proposed garage on existing trees. However, whilst some planting would be lost, especially due to the creation of the access, the council's tree officer has no objections subject to suitable tree protection and replanting.

4.7 Sustainability

The site is in a sustainable location within walking distance of local facilities and the city centre. It is also served by frequent public transport. The applicant has submitted a sustainability statement in accordance with policy GP4a of the local plan. Prior to completion of development the developer should submit a further sustainability statement showing that the development would achieve a Code for Sustainable Homes Level 3 in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction.

4.8 Neighbour Amenities

The works are unlikely to cause a material impact on neighbouring occupiers due to the screen planting along the boundaries and distance from the nearest houses.

4.9 Highway Issues

Access to the site is via a shared, partly unmade, drive from Galligap Lane. This drive would be unaltered apart from the addition of the creation of the new access into the site. The council's highways officer has no objections to the proposal. Galligap Lane is not adopted so the highway authority has no control over it. The council has a policy of restricting the number of dwellings off a private drive to five and where this figure is exceeded the drive should be laid out to adoptable standard. This policy is generally applied to new developments/roads. However, where the road is existing and the figure of five has already been exceeded an additional unit is normally acceptable unless it would cause problems such as congestion or, in particular, a danger to road users or residents. In this instance refusal on highway safety reasons could not be substantiated.

4.10 Provision of Open Space

An open space contribution of £3,006 would be required for the provision of public open space in accordance with policy L1c of the local plan.

4.11 Impact on the Green Belt

The land immediately to the north, which is in the applicant's ownership, lies within the green belt. The new residential curtilage would sever the green belt land from the rest of the applicant's holding. A condition should be attached preventing this land from being incorporated into the domestic curtilage of the new dwelling.

5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft, subject to conditions. An open space contribution of £3,006 would be required for the provision of public open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall not be carried otherwise than in complete accordance with the approved plans numbered 07:08:10 Rev B and other submitted details or as may otherwise be agreed in writing by the Local Planning Authority.

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 windows and doors, including the garage door(s), shall be made of timber and have a painted finish.

Reason: In the interests of the character and appearance of the conservation area.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The materials of the garage shall match those of the house. The development shall be carried out using the approved materials.

Reason: To achieve a visually cohesive appearance and in the interests of the conservation area.

5 HWAY10 Vehicular areas surfaced, details reqd

6 HWAY19 Car and cycle parking laid out

7 HWAY21 Internal turning areas to be provided

8 The land lying immediately to the north of the application site and shown outlined in blue on the approved plans shall not be incorporated into the domestic curtilage of the dwelling hereby approved.

Reason: To maintain the openness and integrity of the green belt.

9 At the earliest available opportunity, and in any event prior to completion of the development, the developer shall submit a completed sustainability statement for the development showing that it will achieve a Code for Sustainable Homes Level 3 in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction. The development shall be carried out in complete accordance with the approved statement.

Reason: In the interests of sustainable development and protection of the environment.

10 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the drainage works have been carried out in accordance with these approved details. Surface water discharge from the site shall be limited to 1l/s with a minimum storage capacity of 14.4m³, which shall be provided within the site.

Reason: To ensure the proper drainage of the site.

11 Trees and hedges shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones within which there shall strictly be no access or operations associated with this development. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

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

Reason: In the interests of the conservation area and so that the Local Planning Authority may be satisfied with the overall appearance and the variety, suitability and disposition of species within the site.

13 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.	

Reason: To protect the amenity and living conditions of adjacent occupiers.

14 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the local planning authority. The open space shall thereafter

be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the local planning authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3006.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

15 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.4 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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 to the principle of development, visual appearance, impact on the conservation area, flood risk/drainage, impact on trees, sustainability, neighbour amenity, highway issues, open space and impact on the green belt. The application therefore complies with policies GP15a, GP1, GP4a, H4a, H5a, GP9, HE2, GB1 and L1c of the City of York Local Plan Deposit Draft.

2. 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.

3. 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) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site

Contact details:

Author: Kevin O'Connell Development Control Officer

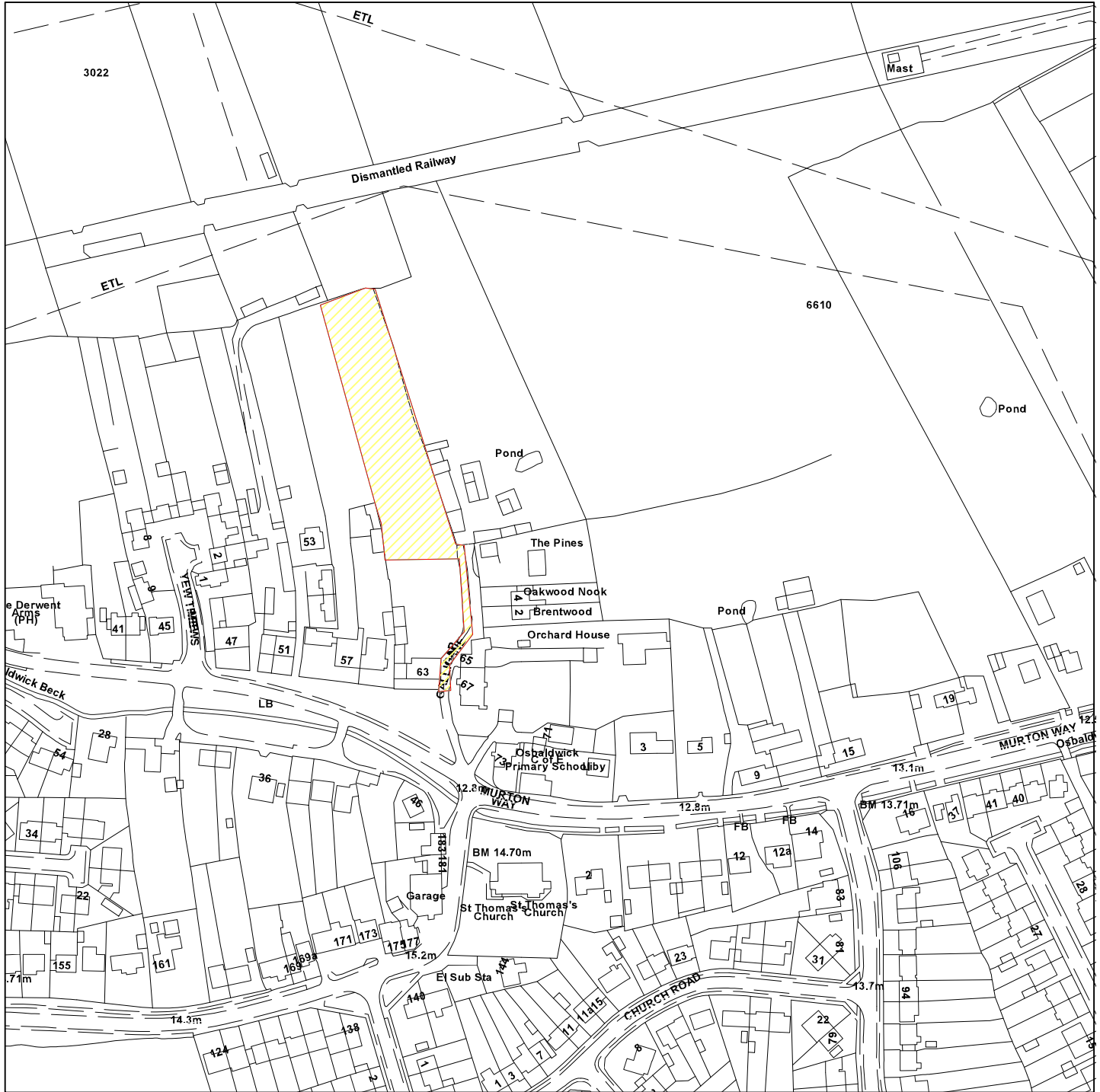
Tel No: 01904 552830

Long Acres, Osbaldwick Village

07/02012/FUL



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Scale : 1:2500

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set

4.1 Policy H7 and GP1 of the Local Plan, amongst other things, seek to ensure that proposed dormer windows are sympathetic to the character of the building and area and do not cause undue harm to neighbours' living conditions.

4.2 It is considered that the key issues in assessing the proposal are:

Impact on the streetscene

4.3 Several other bungalows within the cul-de-sac have erected dormer windows to the front elevations.

4.4 The attached property has erected a pitched roof dormer to the front elevation. The proposed dormer relates to the adjoining dormer in style, although is a little wider. The width corresponds to a ground floor bay window. It is considered that the scale and location is acceptable and would ensure that the front elevation is reasonably well balanced and the dormer would not appear unduly dominant in the streetscene.

Impact on Neighbours

4.5 The proposal will have little impact on outlook and light to adjacent properties. The cross-street separation distance is in excess of 30 metres and is sufficient to avoid concerns in respect to the loss of privacy.

5.0 CONCLUSION

5.1 For the reasons given it is recommended that the application be approved.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Reason: So as to achieve a visually cohesive appearance.

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

Drawing 01/32/01 received by the Local Planning Authority on 20 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.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the appearance of the streetscene and the effect on the amenity and living conditions of adjacent occupiers . As such the proposal complies with Policy H7 and GP1 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Neil Massey, Development Control Officer (Wed/Thurs/Fri)

Tel No: 01904 551657

19 The Meadows, Skelton

08/00749/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	28 April 2008
SLA Number	Not set