



## Notice of meeting of

### East Area Planning Sub-Committee

**To:** Councillors Moore (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, Hyman, King, Orrell, Taylor and Wiseman

**Date:** Thursday, 24 July 2008

**Time:** 2.00 pm

**Venue:** The Guildhall, York

## AGENDA

**No site visits are scheduled for this meeting.**

### 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 3 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on Thursday 26 June 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 23 July 2008 at 5pm.

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

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

**a) CD Bramall, 260 Malton Road, York (Pages 10 - 16)  
(08/00813/FULM)**

Change of use from Car Showroom to tile and floor covering, retail trade sales and distribution outlet. [Huntington & New Earswick Ward]

**b) 60 Meadlands, Osbaldwick, York (Pages 17 - 22)  
(08/01236/FUL)**

Single storey, side and rear extensions (following the demolition of existing garage and conservatory), erection of front porch and dormers to front and rear. [Osbaldwick Ward]

**c) Alfreda Guest House, 61 Heslington Lane, York (Pages 23 - 36)  
(08/00750/FUL)**

Change of use with part two storey and part single storey pitched roof rear extension to form 4 no. dwellings with associated access, landscaping, parking and cycle storage following the demolition of side and rear outbuildings [Fishergate Ward].

#### 5. **Urgent Business**

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

#### Democracy Officer:

Name: Laura Bootland

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)

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

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

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City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	26 JUNE 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, HYMAN, KING, ORRELL, TAYLOR, I WAUDBY AND WISEMAN

## 7. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Clifton Garage, 82-84 Clifton, York (08/00816/FULM and 08/00818/CAC)	Cllrs Douglas, King, Moore and Wiseman.	In view of new Sub-Committee membership and as a number of residents had raised concerns in relation to previous applications on this site.
Bonneycroft, 22 Princess Road, Strensall	Cllrs Moore and Wiseman.	In view of objections received to the application and to familiarise Members with the site.

## 8. DECLARATIONS OF INTEREST

Councillor Wiseman stood down from the Committee for Plans Item 3c (OS Field 2000 Lords Moor Lane, Strensall) under the provisions of the Planning Code of Good Practice and spoke from the floor as Ward Councillor, after which she left the room and took no part in the debate thereon.

Councillor Waudby declared a personal, non prejudicial interest in Plans Items 3a and 3b (Clifton Garage, 82-84 Clifton, York) as she had purchased cars from Clifton Garage in the past.

Councillor Cregan declared a personal non-prejudicial in Plans Items 3a and 3b (Clifton Garage, 82-84, Clifton, York) as the applicant was known to him.

## 9. 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.

**10. 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.

**10a Clifton Garage, 82-84 Clifton, York (08/00816/FULM)**

Members considered a major full application submitted by Mr R Pulleyn, for the erection of 1 no. block of four 3 storey dwellings, two pairs of 3 storey semi detached dwellings and a 3 storey block of six apartments with additional access garaging, parking, cycle storage and landscaping following the demolition of existing buildings.

Officers confirmed that the self-seeded trees, which would be lost on the northwest boundary, would be replaced under the proposed landscaping condition. In relation to the boundary wall and railings on the northern site boundary, Officers confirmed that the Police Architectural Liaison Officer had indicated that he would prefer a higher boundary at this point. Officers stated that an increase in height would further enclose the adjacent footpath and that a balance was required between the security of the site and the safety and security of footpath users. Officers also referred to a triangular area of land adjacent to the site, which it had been suggested, could be incorporated into this site. To incorporate this land into the site would require notice to be served on the landowner prior to the determination of the application but the owner of this land was unknown. It was suggested that Officers could be given delegated powers to pursue this but separate to the application.

Representations in support of the application were received from the applicant's agent, who apologised for his non-attendance at the site meeting. He stated that he felt this application now had a good mix of dwellings and amenity space and that he felt Avenue Terrace residents would have an improved outlook compared to the earlier schemes.

RESOLVED: i) That the application be approved subject to the imposition of the conditions set out 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:

- Principle of residential development
- Density and mix of housing
- Design / Impact on Character of Conservation Area
- Impact on Amenity
- Access, Parking and Highway Safety
- Sustainability

- Drainage and Flood Risk

As such the proposal complies with Policies GP1, GP4a, GP6, GP10, GP9, H3c, H5a, HE3, and HE5 contained with the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statements 1 and 3 and within Planning Policy Guidance Note 15.

- ii) That Officers be granted delegated powers to examine the incorporation of the triangular section of land adjacent to the site into the scheme and to reach agreement with the applicant in relation to the treatment of the boundary wall adjacent to Dead Man's Alley.<sup>2</sup>

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB
2. Officers to examine the incorporation of this land into the scheme and reach agreement with the applicant on the treatment of the boundary wall. JB

**10b Clifton Garage, 82-84 Clifton, York (08/00818/CAC)**

Consideration was given to a Conservation Area consent, submitted by Mr R Pulleyn, for the demolition of Clifton Garage, 82-84 Clifton, York.

RESOLVED: That the application be approved subject to the imposition of the conditions set out in the report.<sup>1</sup>

REASON: In the opinion of the Local Planning Authority the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the Conservation Area. As such the proposal complies with Policies HE3 and HE5 of the City of York Draft Local Plan, and Central Government advice contained within Planning Policy Guidance Note 15.

Action Required

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

**10c OS Field 2000 Lords Moor Lane, Strensall, York (08/01199/FUL)**

Members considered a full application, submitted by Mr Nigel Pain, for the retention of a mobile home as a temporary agricultural dwelling in connection with free range laying birds (resubmission).

Officers updated that as the consultation period for this application had not yet ended they requested delegated power to refuse the application

subject to receipt of no additional comments. Officers circulated a consultation update sheet, which stated that:

- Strensall and Towthorpe Parish Council objected to the application as they felt that there was no evidence to suggest any changes to the original application;
- Highway Network Management also objected in relation to the proposed means of access and the caravans retention in connection with a business;
- York Golf Club had again raised objections to this proposal.

Representations were made in objection to the application from a representative of Strensall and Towthorpe Parish Council. He stated that the site was prone to flooding and there were problems with foul and surface water drainage. He confirmed that there was no existing business on the site other than 6 grazing cattle, which had led to a complaint to the RSPCA concerning the animals. He also expressed concerns at the nature of the use, as a motor home, caravans, a horsebox and a hearse had been stored on site.

The Local Member spoke from the floor and endorsed the Officers recommendation for refusal of the application.

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

- REASON:
1. To retain a mobile home as a temporary agricultural dwelling, paragraph 12, Annex 7 of Planning Policy Statement no.7 "Sustainable Development in Rural Areas" sets out a list of criteria that must be satisfied, one of which is "clear evidence of a firm intention and ability to develop the enterprise concerned". Other than an agricultural appraisal report submitted with the planning application, no solid evidence has been provided or put forward which could demonstrate a firm intention to develop the free range egg laying business. As such it is considered that the evidence of a firm intention to develop the enterprise concerned is unclear, contrary to criterion i, paragraph 12, Annex A of Planning Policy Statement no.7.
  2. The proposed retention of an existing mobile home as a temporary agricultural dwelling has not been justified in agricultural terms. The siting of a mobile home in this location is therefore regarded as inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and with the provisions of Policy GB7 of the City of York Draft Local Plan, which states, inter alia, that new agricultural or forestry dwellings outside defined settlement limits in the Green Belt or open countryside will only be permitted where it can be demonstrated that the new accommodation is essential to the functioning of a well established holding.



Action Required

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

**10d Bonneycroft, 22 Princess Road, Strensall, York (08/01112/TPO)**

Consideration was given to a Tree Preservation Order application, submitted by Mr Adam Ward, for various works to trees subject to Tree Preservation Order TPO CYC 53 including felling Sycamore (T3), Ash (T4), Hawthorn (T12), Laburnum x 2 (in G1), Picea (in G2), Birch, Oak, Chestnut, Apples (G3), Birch (in G4), Cherry trees (G5), Hawthorn (G7 and in G6); crown lift Holly (G2), Holly and Oak (G4) and Oaks T8-T11.

Officers circulated a sheet showing a plan of trees recommended for retention and removal on the site together with a list of those trees the applicant proposed to fell. The sheet also detailed the Officers recommendation in relation to each of the individual trees. The Councils Landscape Architect confirmed that the additional sheet was not new information but a list of her recommendations in relation to each individual tree.

Representations were received from a neighbour, who confirmed that at the site meeting, the previous day, local residents had supported the proposals with just four exceptions. He referred to G2b Picea and G2a the Ash with a split stem and requested that these should be retained as a group together with the retention of G3a Oak, G3b Horse Chestnut and G1c Laburnum if at all possible. He confirmed that he supported the felling of a number of the trees and their replacement with young trees and requested that the Council oversee the works or appoint a representative on their behalf.

Officers confirmed that there was no reason why the work could not be overseen to British standards but that this would not form a condition of any approval.

The Chair agreed that the applicant, who was present at the meeting, but who had not registered to speak in advance could put forward his points. He stated that the site had been overgrown for a number of years and although no planning application had been submitted for the site that it was intended to develop the land in the future. The application would also include a landscaping scheme. He confirmed that he was happy to plant replacement trees for those felled and undertake thinning of others in accordance with appropriate British standards.

Representations were made on behalf of the Parish Council who requested that if trees were felled that they should be replaced by young semi mature specimens at appropriate locations. He also requested the retention of visual screening on site for neighbours and to act as a barrier for train noise.

Officers confirmed that the Picea was not a native tree and that the Ash referred to was unstable as it had multiple junctions. These trees were also

very close to each other and in close proximity to a neighbour's property. Members confirmed that they were happy with the Landscape Architect's recommendations.

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

REASON: Some of the felling is refused because the trees still serve their function as specified under the TPO and are in such a condition that they could be retained under suitable management.

Action Required

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

**10e Fulford Post Office, 94 Main Street, Fulford, York, YO10 4PS (08/00955/FUL)**

Consideration was given to a full application, submitted by Mr. Jeroen Suur, for the change the use of a former Post Office (Class A1) to a Physiotherapy Practice (Class D1).

Officers circulated an update, which included a map and detailed a list of shops selling similar goods/providing similar services in the locality. Additional information was also included regarding the marketing of the site by property consultants. In the opinion of the agent the size of the premises limited the market and they felt that few businesses could make a profit with 308sq ft of sales space in a location of this type.

Representations in support of the application were received from the applicant. He confirmed that he was also sorry to see the Post Office close but that the size of the property had not made it viable to continue as a convenience store. He stated that a change of use application had been made to ensure the survival of the premises. He felt that a physiotherapy practice would benefit the residents of Fulford and encourage users to be more mobile.

Members commented that although they regretted the loss of a small shop and Post Office that they felt the proposal would be a good use for the premises.

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

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 loss of a local shop, highway considerations, residential amenity, sustainability and impact on the conservation area. As such the proposal complies with Policies S9,

HE3 and T4 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

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 2.55 pm].

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 24 July 2008

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 08/00813/FULM  
**Application at:** C D Bramall Garage 260 Malton Road Huntington York YO32 9TE  
**For:** Change of use from car showroom to tile and floor covering, retail trade sales and distribution outlet  
**By:** Mr Michael O'Neill  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 28 July 2008

### 1.0 PROPOSAL

1.1 Planning permission is sought to change the use of the existing CD Bramall Garage and showroom into a tile and floor covering retail and distribution outlet.

1.2 The site is in the Green Belt located to the south of the southernmost roundabout access into the Monks Cross retail and Park and Ride site. Access is off Malton Road via an established two way entrance and exit road. It is the westernmost site in a group of otherwise residential houses, all of which take their access off this roundabout.

1.3 The proposal is to make use of the existing building and car park and does not propose any external alterations to the building.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYSP7A

The sequential approach to development

CYS2

Out of centre retail warehouse criteria

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

##### **3.2 Highway Network Management.**

No objections.

##### **3.3 Environmental Protection Unit.**

No objections, however recommend a condition requiring details of all plant, machinery and equipment to be installed in or on the building and which would be audible outside of the site boundary when in use to be agreed in writing by the LPA prior to its installation. This is due to the close proximity of the site to noise sensitive premises, in this case residential houses.

##### **3.4 City Development.**

The application proposes retail sales in a unit allowing for over 400sqm net floorspace, in which case it would need to be determined against policies SP7a and S2 of the City of York Draft Local Plan. SP7a requires the undertaking of a sequential assessment, and also advises that no individual unit in out-of-centre locations should have a net floorspace of less than 1000sqm. No sequential test has been undertaken here and therefore the proposal is contrary to these policies and should be resisted.

#### **EXTERNAL.**

##### **3.5 Huntington Parish Council**

No objections.

##### **3.6 Neighbours / Third parties.**

The two immediate neighbours adjacent to the application site at 262 and 264 Malton Road were notified of the application by letter and a site notice was placed close to the site. No objections received.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES.

- Green Belt
- Highways and Access
- Impact on neighbours
- Retail impact on the City Centre.

Green Belt.

4.2 The application site is in the Green Belt where there is a general presumption against development unless it comes within the definition of appropriate development in para. 3.4 of PPG2 (Green Belts) or if the proposal involves the use of land or the re-use of an existing building, that that use does not have a materially greater impact on the openness of the Green Belt. In this case, the proposal is for the re-use of an established and permanent building and no external alterations are proposed. Para. 3.8 of PPG2 outlines national guidance on this and states that the re-use of buildings in the Green Belt is not inappropriate development providing that:

- i) It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it
- ii) Strict control is exercised over the extension of re-used buildings and over any associated uses of land surrounding the building such as storage, extensive hardstanding, car parking, boundary treatment etc.
- iii) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction
- iv) The form, bulk and general design of the buildings are in keeping with their surroundings.

The above is largely repeated in Policy GB3 (Re-use of buildings) of the City of York Draft local plan.

4.3 In this instance, the proposed use makes full use of the existing building and does not alter or extend it in any way. The building is large enough to accommodate all the proposed uses (including storage) within the building and the extensive car parking and hardstanding which already exists within the curtilage of the site is sufficient for the needs of the proposed use and will not require any extension. The buildings are fully established and are of permanent and substantial construction and appear to have been either built or subsequently adapted for a showroom/buisness type use.

4.4 Given the above, officers consider that the proposal is in line with national guidance and local plan policy on the re-use of buildings in the Green Belt and will not harm openness. The proposal therefore constitutes appropriate development in the Green Belt.

#### Highways and Access.

4.5 The site is accessed off Malton Road via a roundabout and its own access road. This is fully adopted with a two way width entrance. The site is already home to a large established car showroom and garage which accommodates quite significant levels of traffic into the site, including car transporters. Levels of traffic associated with this proposed use are unlikely to be any greater than existing. In total, 57 car parking spaces are available within the site and this is considered to be more than enough to accommodate need in this instance. Highway officers have raised no objections.

#### Impact on neighbours.

4.6 There are 6 residential properties to the east of the application site, all of which are accessed off the same roundabout and of these, two share a boundary with the site. In the circumstances of a new build or the introduction of a wholly new use, such a relationship would raise concerns over the impact vehicle movements and the general retail / warehousing use might have on the living conditions of these neighbours. However, given the established use of the site, the proposed change is unlikely to result in any additional harm to these neighbours and in all probability it may result in an overall reduction in traffic (particularly the heavy variety) as well as noise from the car repairs element of the existing use and overall general outdoor use within the site boundaries, to the ultimate benefit of these neighbours. Opening hours and deliveries to the site could be controlled by condition if necessary.

#### Reduce impact on the City Centre.

4.7 The main issue here is the retail element of the proposal and the impact this has on York City Centre in retail terms. Policies SP7a and S2 are relevant to this issue. SP7a outlines the sequential approach to development to ensure that development outside York City Centre is highly accessible by non-car modes of transport. Planning permission should only be granted for new retail, leisure and office development over 400sqm in the following hierarchical sequence.

- a) The defined Central shopping area for retail and York City Centre
- b) Edge of centre sites or Acomb or Haxby centres where it can be demonstrated that all potential City centre locations have been assessed and do not meet the requirements of the proposal
- c) Other out of centre locations genuinely accessible by a wide choice of means of transport only where it can be demonstrated that criterion (a) and (b) locations have been assessed.

Proposals for individual retail units within (c) should not be permitted if they have a net sales floor space of less than 1000sqm.

4.8 Further to this, policy S2 of the local plan specifies that planning permission for out of centre retail warehouses will be granted provided that no development has a net sales area floorspace of less than 1000sqm and no unit shall be used for the retailing of specified goods such as food and drink, clothing, electronic goods, toys, pharmaceutical goods, books etc, household textiles, sports goods and any use

within Class A2 (Financial and professional services) of the Use Classes order. Any proposals for out of centre retail development will be expected to provide a retail impact assessment which should address the following issues:

- i) The quantitative and qualitative need for the development.
- ii) The sequential approach as outlined by Policy SP7a
- iii) The impact on the vitality and viability of York City Centre and Acomb and Haxby District Centres.
- iv) Accessibility by a choice of means of transport and the likely impact on car use.

4.9 In this instance, the site would fall with criterion (c) of Policy SP7a and the total floorspace of the building is shown to be 1783sqm, of which 743sqm is the net tradable area, 169sqm is office and 869sqm is storage and distribution. Therefore the sequential test outlined has to be carried out in order to consider whether there are more suitable sites within areas (a) and (b). The retail area is less than the 1000sqm specified in both policies and no Retail impact assessment has been provided as required in Policy S2. The proposal is therefore considered to be contrary to Policies SP7a and S2 of the draft local plan as the required tests and assessments have not been carried out in order to fully consider the impact of the proposal on local retail and to ensure that such uses are concentrated in sustainable locations.

## 5.0 CONCLUSION

5.1 Officers consider that the proposal represents appropriate development in the Green Belt and will not harm openness. Neither does it have any material impact on the local highway network or the amenity of neighbours. However, the use introduces a retail use into an out of centre location where there is a presumption that such uses should be resisted unless a sequential test to establish whether other more suitable sites exist and a retail impact assessment have been carried out first. Neither of these have been produced and therefore the applicant has not established the need for this site and buildings to be developed in this way. The site is also in an unsustainable location.

5.2 The proposal is therefore considered by officers to be contrary to Policies SP7a and S2 of the draft local plan.

## 6.0 RECOMMENDATION: Refuse

1 The proposed Change of Use introduces a retail use into an out of centre, unsustainable location and is considered contrary to the Council's retail policies which states that retail uses should be concentrated either within the defined central shopping area or on edge of centre sites. The applicant has not undertaken the sequential approach to development required in order to establish the availability and suitability of other sites. Furthermore, no retail impact assessment has been submitted with the application in order to establish the quantitative and qualitative need for the development and the impact on the vitality and viability of York City



Centre. The site is also considered to be in an unsustainable location which encourages car borne travel. As such the proposal is considered to be contrary to national guidance in PPS6 (Planning for Town Centres) and Policies SP7a, S2 and GP4a of the City of York Draft Local Plan (4th set of changes) approved April 2005.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Matthew Parkinson Development Control Officer

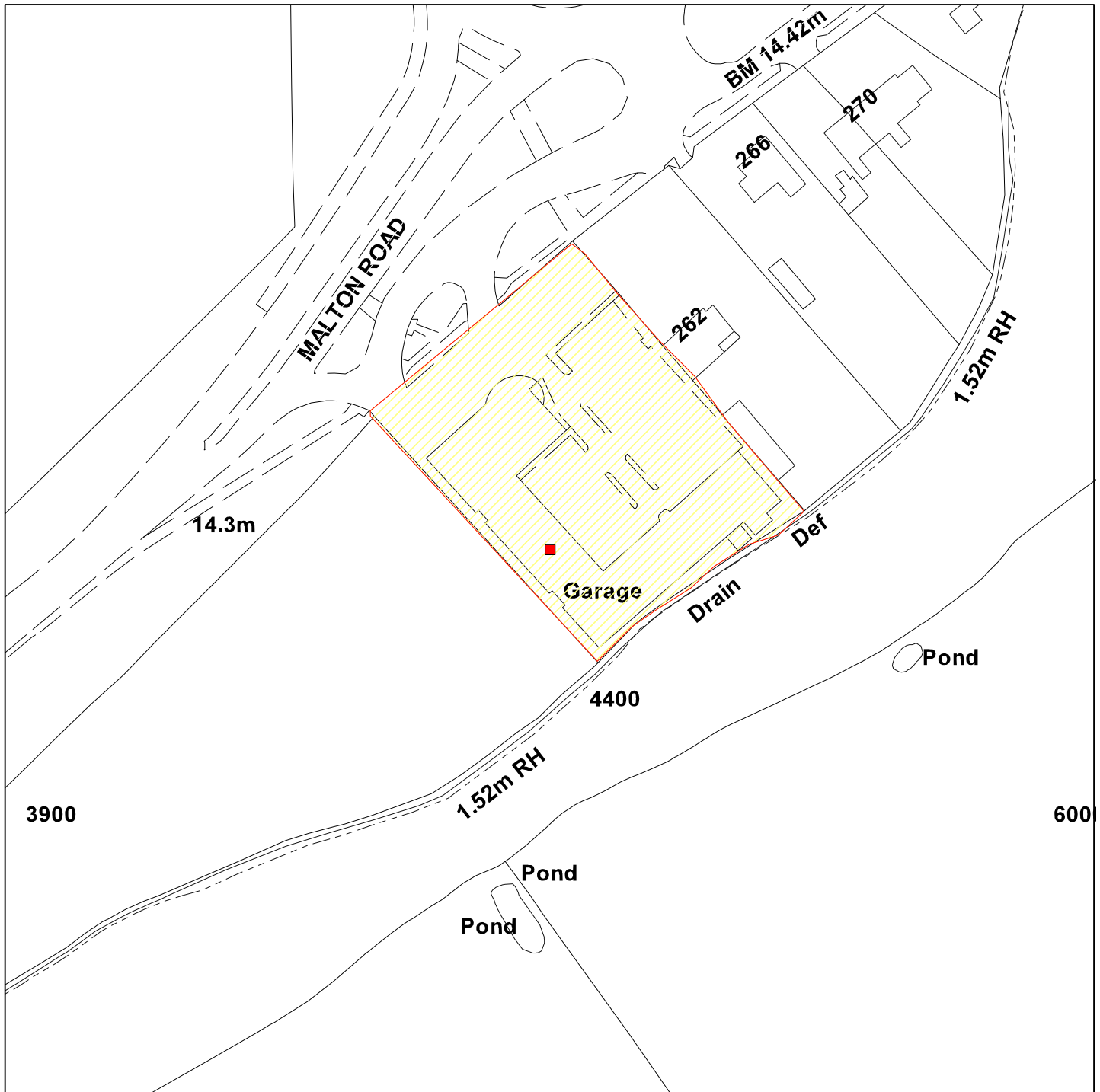
**Tel No:** 01904 552405

# C D Bramhall Garage, 260 Malton Road

08/00813/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	14 July 2008
<b>SLA Number</b>	Not set

**COMMITTEE REPORT**

**Committee:** West/Centre Area  
**Date:** 24 July 2008

**Ward:** Osbaldwick  
**Parish:** Osbaldwick Parish Council

**Reference:** 08/01236/FUL  
**Application at:** 60 Meadlands Osbaldwick York YO31 0NS  
**For:** Single storey side and rear extensions (following demolition of existing garage and conservatory), erection of front porch and dormers to front and rear  
**By:** Mr Peter Fort  
**Application Type:** Full Application  
**Target Date:** 6 August 2008

**1.0 PROPOSAL**

1.1 This application is a resubmission of application 07/02863/FUL which was refused by the planning committee at the meeting on the 7th February of this year. The reason for refusal was as follows:

'The City of York Council considers that the development, by virtue of its design, size and scale will dominate the original building and when viewed from neighbouring properties would result in an overbearing and oppressive development which would lead to a significant loss of amenity to the detriment of the living conditions of these residents. As such the application is considered contrary to the City of York Draft Local Plan policies H7 and GP1 and the City of York Council Supplementary Planning Guidance 'Guide to extensions and alterations to private dwelling houses approved March 2001'.

1.2 Following the above decision, this resubmission introduces an amended design which reduces the size of the side and rear extensions and introduces dormer windows to the front and rear in order to create rooms in the roofspace.

1.3 The application site is set within a suburban street of a mostly spacious and open character within the urban area. The street is made up of individually designed dwellings of both bungalows and houses built in the 1960s with little or no one style pervading.

**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 EXTERNAL.

3.2 Osbaldwick Parish Council.  
No objections.

3.3 Neighbours / Third parties.  
3 letters received making the following comments.

- i) The previous application was refused on the grounds of size and scale which would result in an overbearing development. Would question whether the redesigned frontage of two dormers and porch is in question with the scale and size of the original building.
- ii) Concerned about anti-social working hours.
- iii) This application does contain alterations which bring it more in keeping with the existing properties but concerned over the following:
  - the submitted plan should be strictly adhered to.
  - no details on drainage and this could lead to possible ground water problems. Any resulting damage to property, drains or gardens would need prior recognition.

### **4.0 APPRAISAL**

#### 4.1 KEY ISSUES.

- i) Visual impact on the dwelling and the area.
- ii) Impact on the neighbouring properties.

4.2 Following on from the previous refusal, the main issue for members is whether the revised scheme addresses the reasons for refusal. In policy terms, GP1 and H7 of the draft local plan are relevant here. Policy GP1 (Design) includes reference to developments respecting the local environment in terms of scale, mass and design and respecting the amenity of neighbours through the avoidance of overlooking, overshadowing or overbearing structures. Policy H7 (Residential extensions) essentially repeats this advice.

4.3 The City of York Council's supplementary planning guidance - Guide to extensions and alterations to private dwelling houses, states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling

and the scale of the new extension should not dominate the original building. Regarding dormers the general rule is that they should not extend across more than one third of the roof span and should not dominate the existing roof. Dormer extensions should not be higher than the ridge of the roof of the original dwelling and front facing dormers that face towards a public highway should be small and in keeping with the style of the property. In most cases dormers should have pitched roofs or to match the style of the existing roof.

Visual impact on the dwelling and the area.

4.4 The property in question is single storey and stands within a mixed area of housing where no one architectural style stands out. There are a range of styles and sizes, including bungalows and two storey dwellings. The previous scheme introduced large rear and side extensions which, whilst not increasing the overall height of the property would have resulted in a much larger property. It introduced gables to the rear that projected deep into the rear garden close to the side boundary. It was this element which the Council considered to harm the amenity of the neighbours due to their overbearing and dominant impact and paid little regard to the size, scale and design of the existing building.

4.5 This amended scheme has removed these rear gable extensions completely and retained the existing side garage (with a hipped roof added) at single storey height. A rear extension remains but at a more conventional single storey height with a mono-pitch roof hipped into the existing building. The height to the ridge of the extension is 4.2 metres with an eaves height of 2.6 metres. It projects approx. 3.3 metres from the rear of the house and is 1.1 metres off the boundary. This compares to the previous scheme which projected 4.5 metres from the house and was 5.5 metres high. This scheme is much better related to the existing property and respects its existing scale and mass and largely retains the outward appearance of a modest single storey dwelling. The applicant was keen to introduce living accommodation at first floor level and this had manifested itself in the large, overly dominant scheme refused by the Planning committee. This revision still incorporates bedrooms and bathrooms at first floor level but dormer windows set into the existing roof have replaced the previous extension. There are 3 dormer windows but these are individually modest in size with pitched roofs. Officers do not consider them to dominate the roof or harm the amenity of the neighbours.

4.6 Two further dormers are proposed to the front, although these did form part of the previous scheme and were not part of the reason for refusal. Although the two dormers are closer together than in the previous scheme (the roof over the garage has now been deleted) they replicate the rear dormers in style and size. They have pitched roofs and are modest in size and do not dominate the existing roof. Officers consider these to be acceptable and in accordance with Policy H7 of the Draft Local Plan and the Councils supplementary planning guidance on dormer windows. The new front porch, whilst larger than existing is also considered to be appropriate to the property.

4.7 With regard to the wider streetscene, there are a range of styles and sizes of houses in Meadlands and other nearby roads and there are several examples of front and rear dormers windows, including some much larger ones than those

proposed here. Both neighbouring properties have rear dormer windows and no. 62 Meadlands also has a modest single storey rear extension. Given this and the varied style of the area, officers raise no objections to the development on the grounds of impact on the streetscene. At a distance of 30 metres to the properties opposite, officers do not consider the front dormers will harm the amenity of those residents.

Impact on the neighbouring properties.

4.8 The rear extensions in the previous scheme were visually bulky and prominent from the rear and their bulk and mass would have had a significant overbearing impact on the occupants of 58 and 62 Meadlands. This proposal deletes this massing and replaces it with a more modest single storey extension and dormers. Officers do not consider that these will appear overbearing to either neighbour. There will be some increased level of overlooking over neighbouring rear gardens from the dormer windows but this is largely at oblique angles and from out of bedrooms and a bathroom, neither of which are considered to be primary habitable rooms. Officers do not consider that this level of harm to be significant nor unreasonable in a residential area.

4.9 With regard to the other neighbour comments, the extent of the new development is not significant and it is not considered it will have any local implications on drainage. The impact of the proposal on the drainage system did not form part of the previous reason for refusal, therefore it would not be reasonable to introduce it in respect of this revised, more modest proposal. On the issue of anti-social working hours, given the modest size of the development, there is no reason that work would cause undue levels of nuisance in the area through deliveries etc. and officers do not consider it appropriate to impose a condition to control this. Other legislation is available to control this issue should the need arise.

## 5.0 CONCLUSION

5.1 Officers consider that the amended proposal addresses the previous reasons for refusal and represents a much improved scheme. The overbearing and oppressive nature of the previous application has been deleted and replaced by a proposal much more representative of the size and scale of the existing property. It is further considered that there is no longer material harm being caused to the amenity of the neighbours as a result of the development. Officers therefore consider it to comply with policies H7 and GP1 of the draft local plan and the Council's supplementary planning guidance on extension and alterations to residential properties.

**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's  
- 07.21.24  
- 07:21:PA21

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      VISQ1      Matching materials

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

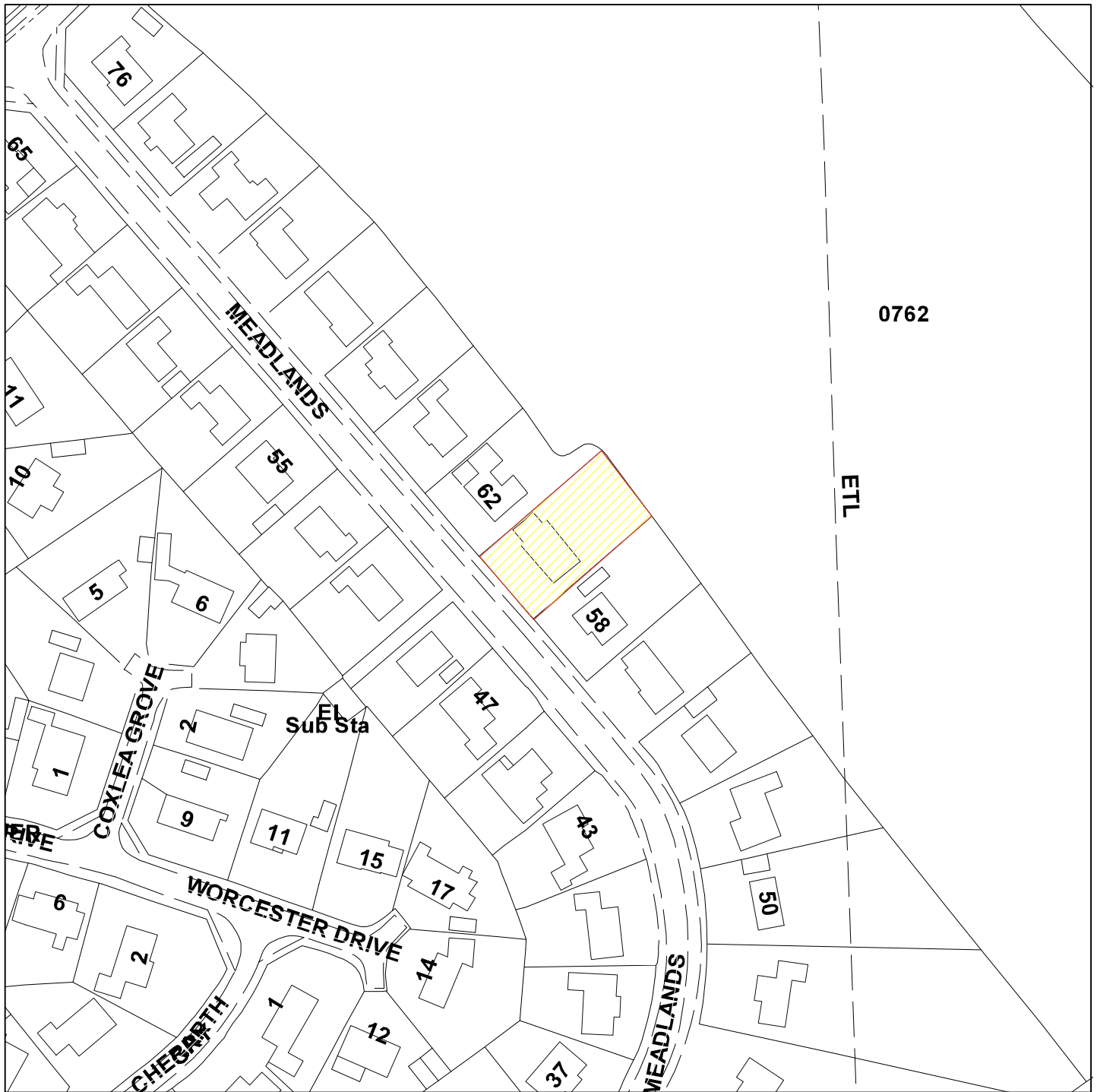
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design and appearance and neighbour amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan (4th set of changes approved April 2005).

**Contact details:**

**Author:**      Matthew Parkinson Development Control Officer  
**Tel No:**      01904 552405

# 60 Meadlands, YO31 0NS

08/00750/FUL



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	14 July 2008
<b>SLA Number</b>	Not set



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 24 July 2008

**Ward:** Fishergate  
**Parish:** Fulford Parish Council

**Reference:** 08/00750/FUL  
**Application at:** Alfreda Guest House 61 Heslington Lane York YO10 4HN  
**For:** Change of use with part two storey, part single storey pitched roof rear extension to form 4 no. dwellings with associated access, landscaping, parking and cycle storage following demolition of side and rear outbuildings  
**By:** Bentley Developments  
**Application Type:** Full Application  
**Target Date:** 15 May 2008

**1.0 PROPOSAL**

1.1 Planning permission is sought for the conversion of the building known as the Alfreda Guest House into 4 houses. Each will have their own private rear garden and the proposal includes the erection of rear extensions to the building and replacement dormers to the rear. Each is shown to have 3 bedrooms but a play room at 2nd floor level could easily be sold as a 4th bedroom.

1.2 The site is in the Fulford Conservation area and the site has several protected trees within its curtilage. The adjoining area to the west of the application site is characterised by large properties standing in generous grounds with more intensive development comprising detached and semi-detached houses to the east on Garth's End and Crosslands Road (these are outside of the Conservation area). The northern boundary of the site adjoins open ground known as Fenby Fields.

1.3 Planning permission was sought in 2003 for the conversion of the building into 6 flats, a large rear extension and the erection of three large detached houses in the rear garden. This application was refused for reasons relating to the adverse impact of the extension and new houses on the character and appearance of the Conservation area and the loss of amenity of adjoining residents. This was subsequently dismissed on appeal. Two further applications were subsequently submitted, both of which included the conversion of the main building into flats and the erection of houses to the rear. Both were withdrawn before they were determined.

**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

Schools St. Oswald's CE Primary 0228

## 2.2 Policies:

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYH4A

Housing Windfalls

CYH2A

Affordable Housing

CYGP1

Design

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYNE1

Trees, woodlands, hedgerows

CYL1C

Provision of New Open Space in Development

## 3.0 CONSULTATIONS

INTERNAL.

### 3.1 Highway Network Management

No objections. This application deals solely with the conversion of the guesthouse itself, whereas previous applications have included the large garden area to the rear. Any subsequent application for the development of the rear garden may have implications for emergency access, adopted roads and other general highway issues depending on the nature, extent / intensity of the proposals and the impact on

mature / protected trees. These may be difficult to resolve if the frontage plots are already developed.

Proposed levels of car parking and cycle storage are acceptable but to access the cycle/refuse areas involves walking and passing by others lounge windows. Notwithstanding this no objections subject to conditions.

### 3.2 Design and Conservation.

The former guest house is an unlisted building within the Fulford Village Conservation Area. The conservation area was designated in 1998 and an appraisal of the area is currently being carried out. It is my understanding that there would be no proposals to amend the boundary in this part of the conservation area.

The building is part of later Victorian & Edwardian expansion of the village along Heslington Lane. The lane itself is shown on the 1759 enclosure map with defined fields to the north. Today this part of the lane is more open than the village centre, having large houses set back from the tree lined road, mature hedges at boundaries and large rear gardens onto the green playing area of Fenby Fields. The former guest house site is the last plot in the lane to share these characteristics before the denser estate development off Grant's Avenue, which is outside the conservation area.

The building was formed from two semi-detached houses, nos 59 & 61 Heslington Lane, each having had their own access along the boundaries to either side. The boundary in between has been removed and a double garage has been built to one side. The access to the east is now overgrown. Proposals would convert the existing building into 4 houses creating a short terrace of 4 houses with separately defined curtilages, with apparently shared gardens to the front and rear. Although the intensity of development on site is less than in any of the previous schemes, have a number of concerns about the site as a whole. These include:

- Proposals for the site would subdivide the whole area horizontally by adding a 3m planting strip to the rear. Although planting itself is not controlled the changes would introduce an uncharacteristic boundary change to the rear of the whole plot. This arrangement occurs behind terraced housing towards the junction with Main Street, closer to the built-up area of the village, but it is alien to the more open garden areas to the east of the lane.
- Management of the communal areas of the site would be a concern. Proposals should be put forward showing how these areas would be used and managed.
- No trees should be affected at the access point off Heslington lane
- Subdividing the building into 4 houses would exaggerate the difference between the generous open space and untypical 5m wide terrace houses created.
- The loss of the two staircases that relate to the gable windows is regrettable but the houses are not listed.
- The building is showing signs of having structural problems. The revised plans show the removal of the majority of the back wall on the ground and first floors. There are concerns that the stability of the building would be further threatened leading to its loss. A structural report should be provided to show how the building would be stabilized so that it could be retained.

- External materials should be natural and the new dormer windows to the rear should ideally be subdivided as casements.  
Should the scheme be recommended for approval such details should be conditioned.

The building has been vacant for a number of years and the Council are anxious to see it reused. However the site has a split personality with the creation of a mismatch of smaller terraced houses and gardens within larger communal areas. Further explanation of the development context should be provided if it is intended to make this the first of a two phase development. However the intensity of the development on site would be compatible with neighbouring developments to the west and the garden area and mature boundaries would be preserved. The development generally preserves character and appearance of the Conservation area.

### 3.3 Landscape Architect.

Sub-division of the front garden would be aesthetically detrimental (as well as potentially causing a threat to the trees). Therefore whilst sub-division is not proposed, it must be secured under condition should the scheme be approved.

Clearly there is some concern that a planning application may be submitted at a later date for further development to the rear. Nonetheless, the rear gardens for the individual plots are a reasonable length (I would consider the length of the garden to be 14m measured from the end of the extension, rather than the 20m from the 'main' house as presented in the planning statement). It is important to retain a freedom and scale of external space appropriate to the size of the whole building and to the larger garden pattern in this area that allows larger-species trees to thrive that make such a valuable contribution to the conservation area. Despite the provision of a 3m width of planting at the bottom of the gardens, any future building must have a suitable, generous, spatial relationship with the existing.

The trees along the front are subject to TPO no.27.

The access drives and parking utilise the existing drop kerbs and driveway widths. Provided these hard areas are of a no-dig construction and of a porous material, this arrangement is satisfactory. In fact there is an existing kerb along the eastern edge of the front lawn. This should be utilised, rather than implementing a new concrete kerb edge which would result in excavations.

Although there is already some hard standing around T1, T2 (Beech) and T22 (Ash) I would like the tree protection to include cross-section construction details of the driveway and parking bays around and underneath these trees; where there should be no excavations, for both surfacing and kerbs.

Beeches are particularly susceptible to disease if roots are damaged; Beech trees are also shallow rooting, exacerbating this sensitivity on development sites.

The existing front boundary wall, or at least the foundations, should be retained in order to protect the trees from further excavations.

The refuse collection area is too close to the adjacent tree. From memory, the driveway/parking area is compacted limestone which is being colonised by vegetation. If the refuse area is to be formalised it must be set further away from the tree and be of a porous, no-dig construction on top of the existing surfacing.

Happy for the above details to be agreed under condition. However seeks confirmation at this stage where existing service runs are and that no new service runs would be necessitated within the crown spread of any of the trees to be retained within the site.

### 3.4 Housing.

Concerned that the site is being artificially split to avoid affordable housing provision. The 'communal garden' is within the land edged blue and will be used by the occupiers of the proposed houses and the entire site area including the red and blue lines is 0.51ha. However the red line area is only 0.24ha. The Council would need to ensure that should the remainder of the site be the subject of an application in the future then the affordable housing must be applied to the whole site, otherwise they are artificially splitting the site. The provision would be 50% and should include the 4 dwellings here e.g.: if the remainder of the site was developed for 4 houses then it should include what would have been the provision here had the whole site being developed at once, so therefore effectively 100% affordable would be required and all for 4 would have to be affordable.

### 3.5 Lifelong Learning and Leisure

a) amenity open space - assuming that the space to the rear of the development is amenity open space and not earmarked for some future development no off site contribution is required. If it is earmarked for a "phase 2" then an off site payment is required which could be used at Fenby Field. I am concerned about future development of the rear part of the site and so would like to see an arrangement where if it did come for development, and was approved, a retrospect payment is made. This could be based on the amount of money that would have been paid now indexed linked.

Open space commuted sums should be paid to the Council for

b) play space - which would be used to improve a local site such School Lane

c) sports pitches - would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy.

### 3.6 Education

No education provision is required as there is sufficient space within local schools.

### EXTERNAL

### 3.7 English Heritage.

Note that the application is now to convert the building. In the light of the previous scheme and previous comments, do not wish to offer any comments on this occasion and should be referred to the Council's specialist Conservation staff.

### 3.8 Fishergate Planning Panel

No objections.

### 3.9 Fulford Parish Council.

Fulford Parish Council supports the application and recommends it for approval. We are pleased that the combined efforts of the COYC and the applicant have resulted in a development proposal that does not seem to harm the character of Fulford Village Conservation Area. We would however request that conditions be imposed. The first is to ensure that the three meter wide planting screen will be planted with shrubs that will not grow beyond 1.80 meters in height to ensure that the view corridor from Heslington Lane towards Fenby Field (to the east of Alfreda Guesthouse) that was mentioned in the partial Conservation Area appraisal by Woodhalls will not be blocked by planting. The other point that needs addressing is the communal garden to the rear of the private gardens of the 4 proposed dwellings. Fulford Parish Council would want the case officer to investigate whether it is possible to impose a condition to ensure that this garden will become available solely for the combined use of the inhabitants of the new dwellings in Alfreda Guesthouse in the interest of safety and to avoid the possibility that this plot will be sold separately. Development of the back garden would be detrimental to the character of Fulford Village Conservation Area.

### 3.10 Neighbours / Third Parties.

All neighbours who share a boundary with the application site were consulted by letter as were any others who objected to the previous proposals. A site notice was placed at the site and notification was placed in the press. No objections received.

## 4.0 APPRAISAL

### KEY ISSUES.

- Impact on the Conservation area.
- Neighbour amenity.
- Impact on protected trees.
- Affordable Housing.

4.1 The site is within the built up urban area of York and therefore a residential scheme is an appropriate form of development here subject to the standard Development Control issues, including in this case the impact on the Fulford Conservation area which in this case is a material factor in the relatively low density development proposed.

Impact on the Conservation area.

4.2 The application site is on the edge of the Fulford Conservation area. National guidance in PPG15 (Development and the Historic Environment) and draft local plan policies HE2 and HE3 refer to the importance of ensuring that new development must preserve or enhance the character of historic environments such as Conservation areas. The scheme refused by the Council back in 2005 and subsequently dismissed on appeal placed great emphasis on the impact of the extent of development proposed on the Conservation area, in particular the important need to maintain the openness of the site (which is a character of the Conservation area at this point), in particular views from Heslington Lane through to Fenby Fields behind.

4.3 The main positive aspect of this application when compared with previous schemes is the deletion of any development within the rear portion of the site. Any development is therefore now centred on the existing building and the important front elevation which faces Heslington Lane and which contributes most to the character and appearance of the Conservation area remains largely unaltered.

4.4 The rear elevation currently has an existing poor quality mainly single storey extension projecting from it and which pays little credence to the character and appearance of the existing building. The proposed extensions are part single and part two storey but are considered to be subservient to the host building both in design and scale. They sit well below the ridge of the main house and the solid gable ends do not overwhelm the rear of the building unduly. They project between approx. 5 and 8 metres (the two storey element is 4.2 metres only) and this is considered to be well proportioned and acceptable. On the whole they will not be visible from public views from Heslington Lane save for limited side on glimpses. The replacement dormer windows are considered an improvement on the existing arrangement even though they result in an additional one being added. They are modest in size and have pitched roofs as opposed to the poor quality (and larger) flat roof dormers on the building presently and respect the building better. They are also in accordance with the Council's design guidance on dormer windows in the supplementary planning guidance. The redevelopment of the building is therefore not considered to harm the character of the conservation area.

4.5 The comments of the Conservation officer and Fulford Parish Council are noted (3.2 and 3.9 above) and the depth of the planting strip across the site is currently being further discussed with the applicant. Given the comments of the appeal inspector over the importance of maintaining the openness of the site and views through to the back of the site and beyond, it is important that this strip does not undermine this. Some concern was raised over the width of each individual house (5m) exaggerating the difference with the generous open space around it but given that the building will appear the same from the main public views therefore it is not considered that this harms the Conservation area.

Neighbour amenity.

4.6 There are private gardens running adjacent to both side boundaries of the site and one of the main issues with the refused scheme was the extent and over dominant nature of the new development close to these boundaries and the level of overlooking from windows into gardens etc. In this instance, the only new development is the rear extensions and as previously alluded to these are relatively modest in size. There are no windows shown in the side elevations facing the neighbouring houses and it is recommended that it be conditioned that "permitted development" rights be removed for windows on the side of Plot 4 facing no. 49 Heslington Lane in order to maintain this in the future. The distance to the eastern boundary from the application building (plot 1) and the extent of the tree cover on that boundary means that officers consider it to be unnecessary on that side. Subject to this, officers do not consider that the development will result in any material loss of privacy for the neighbours. Furthermore the development is no longer considered to

be over dominant or result in any material loss of light or overall quality of life for existing residents.

Impact on protected trees.

4.7 The detailed comments of the Council's landscape officer are at para. 3.3 above and they raise no objections to the proposal overall, subject to conditions. None of the existing trees on the site are proposed to be removed or would be unnecessarily threatened by the proposed development although this is subject to the confirmation that no new service runs are required and the front wall (or at least its foundations) will be retained in order to prevent unnecessary future excavation around these trees. Further discussion is on-going regarding the relationship of the refuse collection area to a protected tree and the materials to be used if this area was to be formalised (needs to be of a porous, no-dig construction). Updates will be provided on this if necessary. The access arrangements and parking details utilise existing dropped kerbs and driveway widths.

Affordable Housing.

4.8 It is acknowledged that the site shows a red line site area which is below the threshold for affordable housing. The majority of the area of the site is shown within the blue line and it is anticipated that this will be used by the occupiers of the four proposed houses as a communal area. Deliberate site splitting is a tool that can be used in order to avoid affordable housing contributions and local authorities have to protect against this. Whilst there is perhaps some sense in the position of the red line here (given the large area of the land) it would mean that if a scheme were to be submitted in the future to develop this rear portion of land, it too would be below the threshold for affordable housing and therefore the whole site could be developed with no affordable housing. It should be noted however that in light of the Inspectors appeal decision, it is unlikely that officers would support development of this rear area and therefore this weakens the Council's case in insisting that the red line be placed in a position which would make affordable housing a requirement here. Officers therefore raise no objections to the proposal as submitted. The advice from the Council's housing team is that an informative be placed which makes it quite clear that if a 'phase 2' development was to be submitted then affordable housing would be calculated on the entire site (including the site area here) with the likely outcome that all the properties would have to be affordable. The long term management of this rear area of land is currently under more detailed discussion with the applicant and will be updated at the committee meeting if necessary. However it should be noted that it does not benefit from permitted development rights and therefore no buildings can be placed within this area without planning permission.

Sustainability.

4.9 The application is predominantly a conversion of an existing building and therefore is by its nature a sustainable development. The site is on a bus route giving access to the centre of York, which is also within cycling distance. The new build element of the proposal is relatively modest in nature and some weight has to be attached to the importance of bringing the site back into use. A condition is



recommended however, which requires the applicant to submit a statement to maximise water efficiency and reduce pollution in accordance with the Council's interim Policy statement on Sustainable Design and Construction in order to maximise the sustainable benefits of the development.

## 5.0 CONCLUSION

5.1 This proposal represents a much improved development over the previously refused / withdrawn ones. The rear extension is subservient to the existing building and the important front elevation of the building is maintained. The proposal is therefore considered to preserve the historic character of the Conservation area at this point.

5.2 The deletion of any new build from the rear portion of the site has reduced significantly any impact on the living conditions of neighbours. The rear extensions are relatively modest in size and respect the privacy of the neighbours and do not dominate their outlook.

5.3 Subject to the confirmation of details relating to service runs etc, there is no harm to the several protected trees which are around the site.

5.4 Subject to conditions, officers raise no objections.

## 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's  
- 08:10:01 Rev. A  
- 08:10:02 Rev. A

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 HWAY10 Vehicular areas surfaced, details reqd

4 HWAY17 IN Removal of redundant crossing

5 HWAY21 Internal turning areas to be provided

6 No barrier or gate to any vehicular access shall be erected within 6m of the

rear of the public highway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all 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.

8 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.

- all windows (including dormer windows to rear) and doors.
- any amendments required to the facade of the existing garage block serving Plots 1 and 2.

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

9 Details of all new 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.

10 Prior to the commencement of development hereby approved a full structural report and schedule of works shall be submitted and agreed in writing by the Local Planning Authority.

Reason. In order to control the extent and method of works on this building in the interests of preserving its historic importance within the Conservation area.

11 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It is particularly important that the following details are also provided: construction details where a change in surface material is proposed within the canopy spread and likely root zone of a tree, for example driveways and parking areas.

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 Trees 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 Part 8 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. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, fires, parking or manoeuvring of vehicles or mechanical cultivation. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

13 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 £12024

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.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved

plans shall at any time be inserted in the side elevation of Plot 4.

Reason: In the interests of the amenities of occupants of adjacent residential property at 49 Heslington Lane.

15 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 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.

16 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

17 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 maximise water efficiency and reduce pollution in accordance with chapter 6 of the council's Interim Policy statement on Sustainable Design and Construction . Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved the initiatives proposed.

Reason: In the interests of sustainable development.

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

1. Any future applications for residential development on the remainder of the land will be considered against the Council's affordable housing Policy H2a and should respect the policy requirement for affordable housing provision on the totality of the two sites combined as advised on page 14, para 17 of the City of York Councils Affordable Housing Advice Note July 2005.

2. 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 Conservation area, loss of neighbour amenity, sustainability, affordable housing, provision of open space and protected trees within the site. As such the proposal complies with Policies H4A, HE3, H2A, GP4A, L1C and NE1 of the City of York Draft local plan (4th set of changes) approved April 2005.

**3. 2. INFORMATIVE:**

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

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

**Contact details:**

**Author:** Matthew Parkinson Development Control Officer  
**Tel No:** 01904 552405

# Alfreda Guest House, 59 - 61 Heslington Lane

08/00750/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	14 July 2008
<b>SLA Number</b>	Not set