



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Horton (Chair), Sue Galloway (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Looker, Reid and Sunderland

Date: Thursday, 17 July 2008

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 16 July at Memorial Gardens.

1. Declarations of Interest

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

2. Exclusion of Press and Public

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

3. **Public Participation**

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

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

4. **Plans List**

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

a) Argent Barn, Burlands Lane to Burlands Farm, Upper Poppleton, York, YO26 6QL (08/00504/FUL) (Pages 5 - 12)

Erection of a 17.7m high micro wind generator on land adjacent to Argent Barn. [Rural West York] [**Site Visit**]

b) 14 Braeside Gardens, York, YO24 4EZ (08/00462/FUL) (Pages 13 - 22)

Conversion and extension of garage to create 1 no. dwelling with single storey pitched roof front conservatory, erection of pitched roof detached garage. [Holgate Ward] [**Site Visit**]

c) 1 Albany Street, York, YO26 4YG (08/01472/FUL) (Pages 23 - 36)

First floor rear extension and conversion to form 3no. flats (revised scheme, re-submission) [Holgate Ward] [**Site Visit**]

d) Church of St James The Deacon, Sherringham Drive, York, YO24 2SE (08/01305/FUL) (Pages 37 - 46)

Single storey extension to existing elevation to create church hall. [Dringhouses and Woodthorpe Ward] [**Site Visit**]

- e) **60 Nunthorpe Crescent, York, YO23 1DU (08/01228/FUL)**
(Pages 47 - 52)

Single storey pitched roof extension to the side [Micklegate Ward]
[Site Visit]

5. Enforcement Cases Update (Pages 53 - 142)

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

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 552030
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers named above)

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
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- Copies of reports

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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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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 16 July 2008****The bus for Members will leave from Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.10	60 Nunthorpe Crescent	4e
11.30	1 Albany Street	4c
12.00	Church of St James The Deacon, Sherringham Drive	4d
12.30	14 Braeside Gardens	4b
13:00	Argent Barn, Burlands Lane, Upper Poppleton	4a

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Rural West York**Date:** 17 July 2008**Parish:** Upper Poppleton Parish
Council**Reference:** 08/00504/FUL**Application at:** Argent Barn Burlands Lane To Burlands Farm Upper Poppleton
York YO26 6QL**For:** Erection of a 17.7m high micro wind generator on land adjacent
to Argent Barn**By:** Mrs A Gioello**Application Type:** Full Application**Target Date:** 29 April 2008**1.0 PROPOSAL**

1.1 The application is for the erection 17.7metre high micro wind generator on land adjacent to Argent Barn.

1.2 The proposed turbine would be 15 metres to the hub; the rotor diameter would be 5.4 metres so the full height of the turbine would be 17.7 metres high. The turbine would have a concrete base but no dimensions have been given. The turbine would be horizontal axis.

1.3 The housing development of which Argent Barn is part of was a conversion of farm buildings. From a distance it still retains it agricultural appearance.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1

Design

CYSP2

The York Green Belt

CYSP3

Safeguarding the Historic Character and Setting of York

CYGP5
Renewable energy

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 ENVIRONMENTAL PROTECTION UNIT - No objections

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.2 UPPER POPPLETON PARISH COUNCIL - No objections
- Do not have sufficient information to give an informed opinion

3.3 1 LETTER OF OBJECTION

- Design and access statement has a number of errors. There have been no electricity interruptions in the last two years.
- Concerned about noise disturbance, agent states that there is background noise such as rustling of trees, there are no trees within several hundred yards of the proposed location, noise of agricultural machinery is sporadic and not continual like the noise from a turbine, therefore it will not blend into the background noise as suggested
- Prevailing wind would carry the noise towards the dwellings
- Ambient noise level from the proposed turbine is high and there are no trees or buildings in the vicinity to absorb the noise
- Twice the height of the nearby dwellings and considerably taller than telegraph poles or trees, will have a significant impact on the openness of the greenbelt
- Cause interruption to television and radio signals
- Should be on lower land to the west of Argent Barn to provide screening and provided noise barriers.

4.0 APPRAISAL

RELEVANT SITE HISTORY

4.1 08/00024/REF or APP/C2741/A/08/2071229/WF - First floor pitched roof extension and alterations (resubmission) - In Progress

4.2 07/02447/FUL - First floor pitched roof extension and alterations - Refused
- Impact on openness of green belt

4.3 06/02680/FUL - First floor pitched roof extension and alterations - Refused
- Impact on openness of green belt

4.4 02/01690/FUL - Conversion of redundant agricultural buildings to form 2 dwellings, alterations to existing dwelling and removal/relocation of agricultural buildings - Approved

KEY ISSUES

1. Energy Efficiency
2. Impact on the Green Belt

ASSESSMENT

PLANNING POLICY

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

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

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

4.8 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.9 Policy SP3 'Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York. The following principles will be applied when considering planning applications: The protection of

key historic townscape features, particularly in the City Centre, that contribute to the unique historic character and setting of the City; the protection of the Minster's dominance, at a distance, on the York skyline and City Centre roofscape; the protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended. They also include areas of open countryside, which provide an impression of a historic city, such as locations which allow good view of the Minster or an urban edge including a conservation area, and views of the City from a number of main transport routes; the protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment. If development is allowed, early and substantial planting of sensitive boundaries will be required.

4.10 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt. Policy GB1 'Development in the Green Belt' of the CYCDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

ENERGY EFFICIENCY

4.11 The proposed turbine would be 15 metres in height to the hub; the rotor diameter would be 5.4 metres so the full height of the turbine would be 17.7 metres high. The turbine would have a concrete base but no dimensions have been given. The turbine would be horizontal axis. The turbine would be set 106 metres to the south west from Argent Barn. Argent Barn is 8 metres in height.

4.12 The agent has confirmed that the energy produced by the turbine would be used by Argent Barn although it would not produce enough power to cover the dwelling's usage. The applicant uses approximately 16Mwh per annum. The agent has stated that the wind speed at the applicant's site is low and is considered to be a marginal wind speed. It is not effective to operate a wind turbine at less than 5m/s. It would be 5.3m/s for a 15 metre high turbine. A 15 metre high mast would generate 8.77Mwh based on an average wind speed of 5.3 m/s. The agent states that the 15 metre high mast is the most economically viable height for this location.

4.13 PPS22 states that small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally and therefore a planning application can not be rejected simply because the level of output is small.

IMPACT ON THE GREEN BELT

4.14 PPS22 states that when proposals are sited within the green belt many renewable energy projects will comprise inappropriate development impacting on the openness of the greenbelt. Applicants/agents need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

4.15 The agent has stated that the special circumstances for erecting the turbine within the greenbelt are the reduction in house bills and the reduction in CO² emissions. A 15 metre mast would reduce carbon savings by an extra 500kg per annum and 10 tonnes of CO² over the lifetime of the turbine. A turbine on a 15 metre high mast would have a total carbon saving of 100 tonnes of CO² over the lifetime of the turbine. Although no figures were provided of the CO² emissions of the manufacture of the turbine and the logistics of getting it to the site.

4.16 This part of the green belt is particularly open and flat and there is no screening of the proposed turbine from the road (A59 - a main transport route into York), the nearby York to Harrogate railway line, or the wider greenbelt. Indeed any screening may reduce the efficiency of the proposed turbine. The agent has stated that a group of small trees would provide screening however by virtue of the age of the trees it would be up to 20 years before these would provide sufficient screening of the proposed turbine. The average lifespan of a small-scale wind turbine is 20 - 25 years.

4.17 Any reduction in the height of the turbine (to reduce the impact on the greenbelt) would reduce the amount of power it could produce. The full height of the proposed turbine would be 17.7 metres there is concern regarding the height and the visibility from a distance. The colour of the monopole would reduce the visual impact to some extent. It is considered that the stated benefits do not constitute very special circumstances that would outweigh the harm and inappropriateness caused by the height and the prominent position of the proposed turbine on the openness of the green belt. There is concern regarding the potential visual cumulative impact of turbines of this type on the openness of the greenbelt. Approving the turbine would create a precedent, which whilst in itself not a reason for refusal is a material consideration.

OTHER ISSUES

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

4.19 An objection has been received regarding possible noise pollution from the proposed turbine. However the Environmental Protection Unit do not have any concerns regarding this issue by virtue the lack of gearbox and the significant distance between the turbine and the nearby group of dwellings.

5.0 CONCLUSION

5.1 The proposed turbine is considered to be inappropriate development in the green belt. There is a presumption against inappropriate development in the green belt. Policy GB1 and PPG2 state that very special circumstances will be required to justify instances where this presumption against development should not apply.

5.2 Central Government policy on renewable energy contained within PPS22 advises that projects within the green belt that harm the openness of the greenbelt will be inappropriate unless very special circumstances exist.

5.3 It is considered that the proposed wind turbine would by virtue of its height and prominent location would (in a particularly flat and open part of the greenbelt) impact on the openness of the greenbelt. The justification from the agent of a partial reduction in energy bills and the reduction in CO² cannot be considered very special circumstances as this would justify all such projects.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed 17.7 metre high wind turbine is considered to be inappropriate development within the green belt which by virtue of its height and prominent location within flat and open countryside would harm the openness of the green belt. The applicant has not demonstrated very special circumstances that would justify such inappropriate development in the green belt and therefore the proposal is contrary to Policies GP1, GP5, and GB1 of the City of York Council Development Control Local Plan (2005); national planning guidance in Planning Policy Guidance 2 - Green Belts and Planning Policy Statement 22 - Renewable Energy.

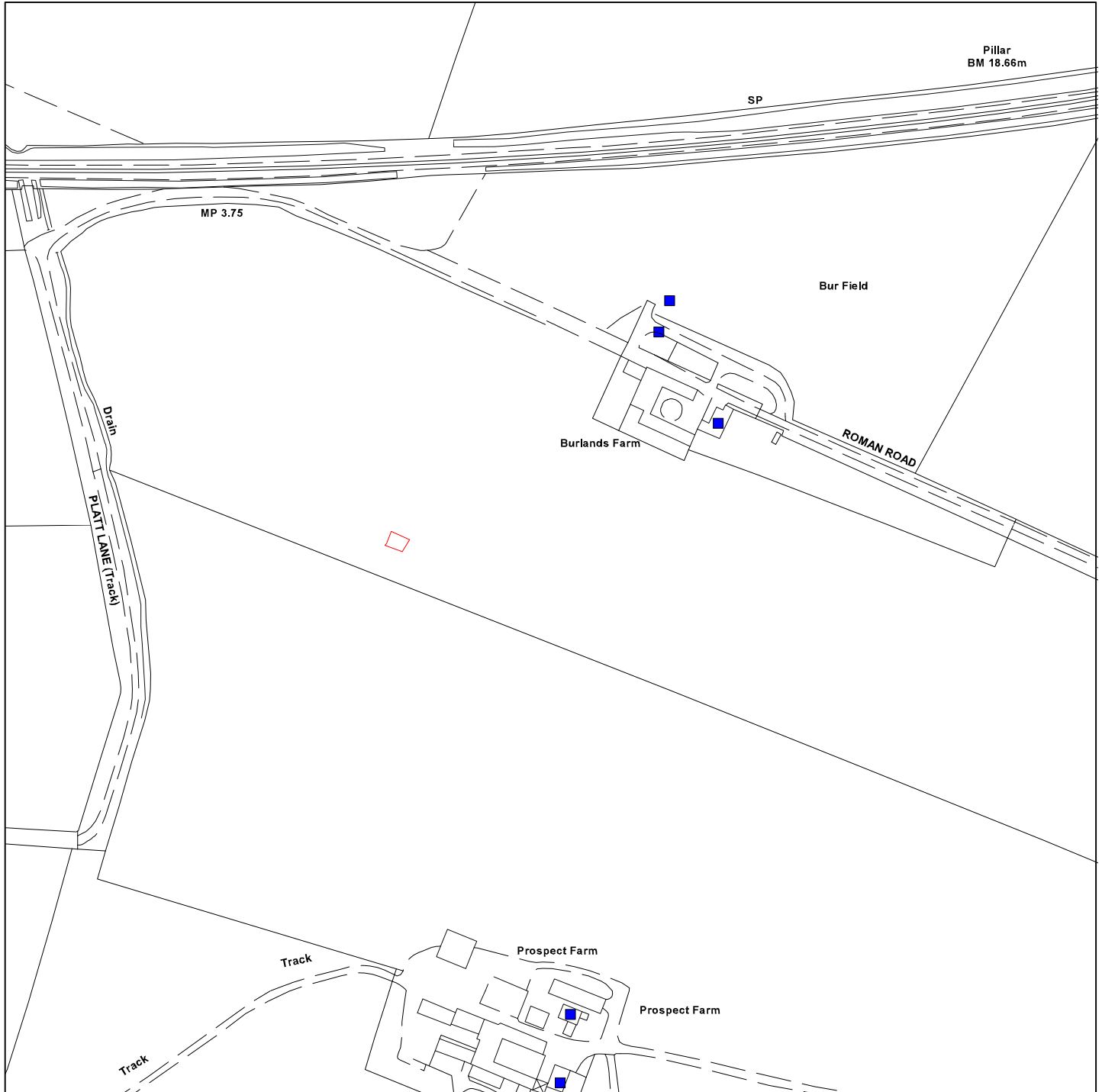
7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Control Officer
Tel No: 01904 551347

Argent Barn, Burlands Lane

Ref: 08/00504/FUL



Scale : 1:2500

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

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COMMITTEE REPORT**Committee:** West/Centre Area**Ward:** Holgate**Date:** 17 July 2008**Parish:** No Parish**Reference:** 08/00462/FUL**Application at:** 14 Braeside Gardens York YO24 4EZ**For:** Conversion and extension of garage to create 1 no. dwelling with single storey pitched roof front conservatory, erection of pitched roof detached garage**By:** Bill Redhead**Application Type:** Full Application**Target Date:** 7 May 2008**1.0 PROPOSAL**

1.1 The application is for the conversion of the garage to a dwelling with a single storey front extension and single storey pitched roof front conservatory, and erection of pitched roof detached garage.

1.2 The application comes before sub-committee with a site visit at the request of Cllr Crisp because of concerns for the residential amenity of the occupants of the neighbouring dwellings.

1.3 14 Braeside Gardens is set behind 15 and 16 Braeside Gardens off a small lane. 14 Braeside Gardens is a large three bedroomed bungalow which has had a number of extensions. The only garden space is to the front of the dwelling.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYL1C

Provision of New Open Space in Development

CYH5A
Residential Density

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 10/04/2008
Site Notice - Expires 25/04/2008
Press Advert - N/A
Internal/External Consultations - Expires 10/04/2008

8 WEEK TARGET DATE 07/05/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

There seems to be no provision of cycle storage for 14 Braeside Gardens due to the conversion of the existing garage. Could be covered by condition

LIFELONG LEARNING AND LEISURE - As there is no on-site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site such as the West Bank Park (b) play space - not applicable (c) sports pitches - which would be used to improve access to local facilities within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement. The open space contribution would be £360

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

2 LETTERS OF OBJECTION

- The increase in the size of the existing garage would overshadow the garden of 13 Braeside Gardens
- Would be overbearing and overdeveloped for the size of the plot and the siting
- The plans are not to scale
- Will reduce the value of surrounding property
- Proposed garage will be too close and overbearing to the occupants of 15 Braeside Gardens

4.0 APPRAISAL

RELEVANT SITE HISTORY

99/00479/FUL - Erection of pitched roof side extension and conservatory with pitched roof over existing flat roof extension - Approved

97/01940/FUL - Erection of pitched roof replacement detached garage - Approved

ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - 'Planning for Sustainable Development'
Planning Policy Statement 3 - 'Housing'

KEY ISSUES

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

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

4.4 Policy H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.5 Policy GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

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

4.7 Policy H5a 'Residential Density' of the City of York Council Development Control Local Plan (2005) states that the scale and design of proposed residential developments should be compatible with the character of the surrounding area and must not harm local amenity.

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

INACCURATE PLANS

4.9 The plans submitted are inaccurate, the existing dwelling at 14 Braeside Gardens is shown considerable smaller than it is on site and none of the large extensions to the parent dwelling are shown. The existing garage is also shown substantially smaller on the plans. The distance between the existing garage and the dwelling is circa 1 metre, the submitted plans show a distance of 5 metres. The site including the existing dwelling is shown in the submitted plans to measure 31.4 metres by 28 metres while on the Council GIS system it is shown to measure only 24 metres by 21 metres. The submitted plans show the existing garage set back from the front of 14 Braeside Gardens by 5 metres, on site the set back would be circa 0.5 metres. The garage is built up to the side boundary with 13 Braeside Gardens; the submitted plans show it set back from the boundary by 0.4 metres. The extension to the existing garage varies between 2 and 3 metres in depth. There are numerous

other errors. After a request for more accurate plans from the applicant none have been forthcoming.

VISUAL IMPACT ON THE DWELLING AND THE AREA

4.10 The proposed dwelling would appear to be significantly larger than what has been shown on the submitted plans. The relationship between the existing dwelling and the proposed dwelling is considered to be cramped and they would not relate well to each other as separate units. The proposal incorporates a front extension to the garage together with a conservatory whilst the plans (see previous section) show the main body of the extension not protruding further than the existing dwelling, in reality the extension may protrude 2 - 3 metres forward of the 14 Braeside Gardens with an additional 2.5 (or 2.7 metres) with the conservatory. So would protrude significantly further forward of the parent dwelling and increase the built up appearance of the development.

4.11 In suburban locations in order to provide a suitable setting for the dwelling, the size of the private garden amenity space should be in scale with the building it accommodates and should ideally be greater than the floorspace of the dwelling it supports. The proposal clearly fails in this respect, especially in regards to the parent dwelling which is a substantial family-sized three bedroomed property. The development still gives the impression of having been squeezed into a small space within an area of more generously arranged properties. As a consequence the proposed dwelling still appears awkward and cramped in nature.

4.12 The splitting of the site with the additional vehicle access, boundary treatment, and footpaths together with residential 'clutter' such as washing lines, patio furniture, play equipment etc would create a cluttered appearance that would further compound the overdevelopment of the plot (more so if the site is smaller than what is portrayed in the submitted plans).

4.13 A separate unit on this site would be not in keeping with the pattern of development in the area. It is considered that due to the scale and location of the proposed dwelling, the proposed development, if approved, would lead to this prominent site appearing cramped and overdeveloped. The proposal would also appear incongruous and contrived when compared to the existing scale, pattern and form of development within Braeside Gardens and the surrounding streets. The conversion of the garage to a dwelling would therefore constitute an unacceptable form of development on this site as it would have a harmful impact upon the character and visual amenity of the local environment.

4.14 The main body of the proposed dwelling would have no windows but would have roof lights, there would be a conservatory to the front. The lack of conventional windows would create an unsatisfactory living environment for occupiers of this dwelling, resulting in an unacceptable standard of residential accommodation and amenity. As such this would not comply with Central Government advice relating to design quality contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing).

IMPACT ON NEIGHBOURING PROPERTY

4.15 The applicant has confirmed in writing that the proposed garage should be removed from the application although no plans have been submitted showing this. The proposed garage would have caused a sense of enclosure to the occupants of 15 Braeside Gardens, their small area of amenity space being adjacent to the proposed garage.

4.16 The proposed dwelling has a door, which opens out onto the proposed area belonging to 14 Braeside Gardens, this is considered to cause a loss of privacy to the occupants of 14 Braeside Gardens and further emphasises that there may not be enough space to create a separate dwelling on this site.

4.17 Whilst there is the potential for overlooking and loss of privacy from the proposed conservatory obscure glass could be conditioned if approval was granted. It is unclear what the distance is between the proposed conservatory and 15 Braeside Gardens.

OTHER ISSUES

4.18 There is also no cycle provision shown for the proposed dwelling or the existing dwelling.

4.19 A sustainability statement in line with Policy GP4a was requested, at the time of writing it had not been received.

4.20 The applicant has agreed to make an open space contribution in line with Policy L1c of the City of York Council Development Control Local Plan (2005).

5.0 CONCLUSION

5.1 The proposed conversion of the garage to create a dwelling by virtue of the residential paraphernalia, boundary treatment and the poor relationship between the host dwelling and the proposed dwelling would appear cramped and overdeveloped resulting in harm to the parent dwelling and the character of the area. The proposal would be out of keeping with the pattern of development in the area and therefore would be contrary to Policies GP1, GP10, H4a, and H5a of the City of York Council Development Control Local Plan (2005)

5.2 The lack of conventional windows would result in poor living conditions and amenity to the occupants of the proposed dwelling and therefore would be contrary to Policies GP1, GP10, H4a, and H5a of the City of York Council Development Control Local Plan (2005),

5.3 No sustainability statement has been submitted in line with Policy GP4a of the City of York Council Development Control Local Plan

5.4 The proposed side door would cause in a loss of privacy to the occupants to the parent dwelling - 14 Braeside Gardens resulting in a loss of residential amenity and

therefore would be contrary to Policies GP1, GP10, H4a, and H5a of the City of York Council Development Control Local Plan (2005).

5.5 The plans are not to scale and show a large number of significant errors and as such cannot be fully and accurately assessed by the Local Planning Authority.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed conversion of the garage to a dwelling by virtue of its scale, location, and residential paraphernalia would appear cramped and overdeveloped and would appear incongruous when compared to the existing scale, pattern and form of development within Braeside Gardens and the surrounding streets and therefore would be contrary to design guidance in PPS1 (Delivering Sustainable Development) and Policies GP1, GP10, H4a, and H5a of the City of York Council Development Local Plan (2005).

2 The proposed lack of traditional windows would create an unsatisfactory living environment for occupier/s of the proposed dwelling would result in an unacceptable standard of residential accommodation and amenity. As such this would not comply with Central Government advice relating to design quality contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing).

3 The proposed plans submitted are not drawn to a recognised scale and inaccurate and as such cannot be fully and accurately assessed by the Local Planning Authority.

4 No sustainability statement has been submitted, without this document the Council cannot judge the sustainability of the scheme against this Policy GP4a and therefore the proposal is contrary to Policy GP4a of the City of York Council Development Local Plan (2005).

5 The proposed side door opening onto amenity space belonging to 14 Braeside Gardens would result in a loss of privacy to the occupants of this dwelling and would cause harm to their residential amenity and therefore is contrary to Policies GP1 and GP10 of the City of York Council Development Local Plan (2005).

7.0 INFORMATIVES:

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

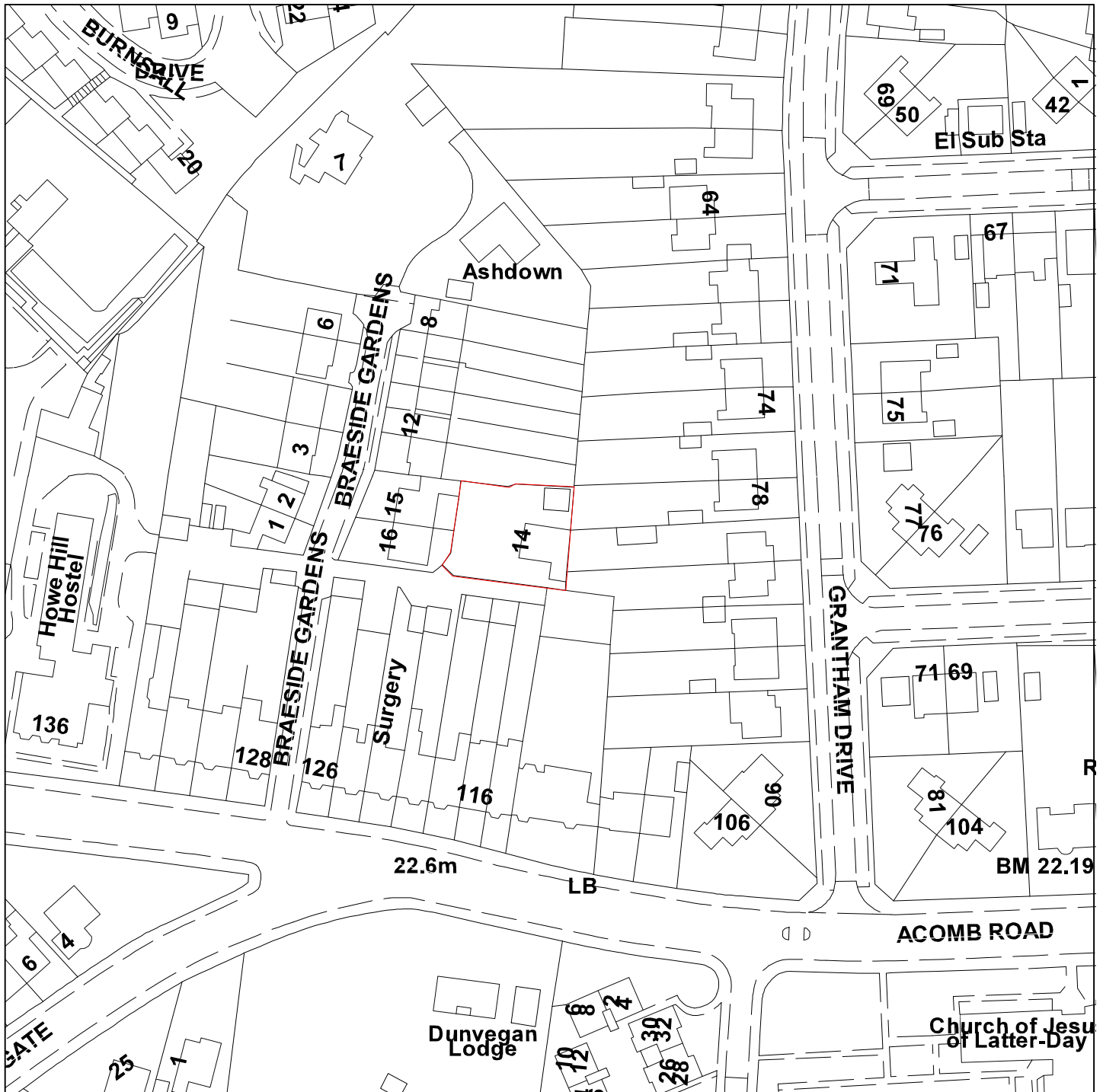
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08/00462/FUL

14 Braeside Gardens



GIS by ESRI (UK)



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

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COMMITTEE REPORT

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

Reference: 08/01472/FUL
Application at: 1 Albany Street York YO26 4YG
For: First floor rear extension and conversion to form 3no. flats
(revised scheme, re-submission)
By: Peter Docwra
Application Type: Full Application
Target Date: 6 August 2008

1.0 PROPOSAL

1.0.1 Planning permission is sought for the erection of a first floor extension and the conversion of an existing end terraced property to form building to form 3 no. 1 bed apartments.

1.0.2 Access to the proposed development is shown via an existing lane (back Lane) which is used by properties in Livingstone Street and Albany Street to gain access to the rear of their properties. The proposal includes the formation of 3 separate bicycle stores and provision for bin storage.

1.0.3 Pedestrian access to flat 1 and 3 is gained from the original door which fronts Albany Street. Flat 2 is accessed from the back Lane. There is a third door which allows access to the amenity space for the flats.

1.0.4 The applicant states that the flats are arranged within the building to make best use of the structure and to avoid any undue overlooking or overshadowing. The agent further states, within the submitted design and access statement, that the new build element is almost exactly due north of the adjoining neighbour (3 Albany Street) and as a consequence would not overshadow it.

1.1 SITE

1.1.1 The property, which is the subject of this planning application, is an end terrace, 2-storey property dating from the late C19. It has a part single storey rear offshoot. The agent states that the original property was constructed as a corner shop with living accommodation above. The Council has no information to contradict this observation and considers it a reasonable assumption that the building has never been solely used as a dwelling. Planning permission was granted in 1988 and 1990 to convert both floors into residential flats. In recent years, the agent states that the property has been used as a business premises. The final business use, before the property became vacant, was security business, selling locks, alarms, etc..

1.1.2 The property is bounded by dwellings to all elevations. However neighbouring dwellings sited to the north are separated by Bromley Street and neighbours to the west are separated by the back lane.

1.2 HISTORY

- 7/00/4730/PA – Formation of new door opening in Bromley Street elevation and bricking up of existing door opening – Approved – 21.04.1983
- 7/01/4730A/PA – Alterations to front elevation to form separate entrance to existing first floor flat – Approved – 30.09.1988
- 7/01/4730B/PA – Change of use of ground floor from offices to self contained flat – Approved – 13.12.1990
- 07/02689/FUL – First floor rear extension and conversion to form 4 no. flats– Refused – 21.12.2007

1.3 COUNCILLOR REQUEST

1.3.1 This application is being presented to Planning Committee at the request of Councillor Bowgett due to concerns about the loss of a potential family dwelling.

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools St. Barnabas' CE Primary 0224

2.2 Policies:

CYGP1
Design

CYH3C
Mix of Dwellings on Housing Site

CYH4
Housing devp in existing settlements

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYT4
Cycle parking standards

CYH12
Conversion of redundant offices

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management

Highway Network Management raised no objections to this proposal but advised that access to the 3 cycle storage units should be accessed from the joint yard and not the back lane for security reasons.

Environmental Protection Unit

Advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

3.2 EXTERNAL

Neighbours

3.2.1 No comments have been received from any neighbours consulted or other interested parties.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of use
- Amount and type of housing proposed
- Design/appearance
- Residential amenity
- Open space
- Sustainability
- Flood risk; and
- Highway safety

4.2 POLICY

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

4.2.2 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. Paragraph 36 of PPS3: Housing advises that Government's policy is to ensure that housing is developed in suitable locations ... by making effective use of land. The priority sites to develop are given as previously developed land, in particular vacant and derelict sites and buildings. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

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

4.2.4 Policy H3c states that a mix of new house types, sizes and tenures will be required on all new residential development. The Council's Strategic Housing Market Assessment study reveals a demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms. Over 60% of households are looking for houses rather than flats.

4.2.5 Policy H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.2.6 Policy H5a - Residential Density: requires the scale and design of proposed residential development to be compatible with the character of the surrounding area and not harm local amenity. Applications for all new residential developments, dependent on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than 60 dwellings/hectare in the city centre and 40 dwellings/hectare in urban areas.

4.2.7 Policy H12 – Conversion of redundant offices – Planning permission will be granted for the conversion of office space to residential use where there is sufficient supply of offices to meet to meet both the immediate and longer term requirements over the plan period and the proposal will not have an adverse impact on the vitality and viability of York and that it has no adverse impact upon residential amenity.

4.2.8 Policy L1c – Provision of new open space in development: requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of York. There are no other relevant statutory constraints i.e. Conservation Area, etc. Central Government guidance regarding new housing is contained within Planning Policy Statement 3: Housing, policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 40 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location and therefore acceptable.

4.4 IMPACT ON VISUAL AMENITY OF AREA

4.4.1 PPS1 seeks to deliver high quality development through good and inclusive design and states that design which fails to take the opportunities available for improving the character and quality of the area should not be accepted.

4.4.2 PPS3: Housing, which states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land.

4.4.3 GP1 Refers to design, for all types of development. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. The character of an area is also referred to in policy GP10 which relates to infill development.

4.4.4 The refurbishment of the existing building would enhance its appearance. The conversion is sensitive, the new windows and roof shape on the extension would be more harmonious to the original building than the existing two-storey

outshot. Materials would also match. Previously the proposed extension to no.1 (adding a first floor above the single storey part of the existing building) was considered overlarge. The extension was considered out of context with the existing terrace, where at the back of the houses on Livingstone Street and Albany Street any two-storey outshots are of limited scale. The proposed extension has been reduced in scale especially the bulkhead required for the staircase. It is now considered that the proposal is acceptable in terms of visual amenity.

4.4.5 The existing yard is still to be retained as amenity space. Ideally this would be more accessible from the proposed flats. There is adequate space to store bins in the yard and because there is no internal access to the yard, there is concern that the area would not be used for amenity purposes but would serve only as a bin store and possibly an area of overspill cycles, given the limited size of the covered cycle store. The yard would be screened from the public realm by the boundary wall/fence, thus there would not be harm caused to the appearance of the area.

4.4.6 The design of the proposal therefore satisfies planning advice and policy contained in PPS1 and PPG3, and GP1, H3, H4 and H5 of the draft local plan that seek to ensure that new housing development is compatible with the design, scale, and density of residential development in the area and should not harm local amenity.

4.5 Residential amenity

4.5.1 Policies GP1, GP10, H4 and H12 of the Local Plan require that adjacent neighbours amenity should be maintained and levels of amenity for future occupants should be reasonable.

4.5.2 The proposed two-storey outshot would run adjacent the side boundary shared with 3 Albany Street. It would extend to the rear of the plot, approximately 4.0 from the rear building line (previously 7.0 m), and would be 3.40 m in width (previously it was proposed to span entirely across the site where it flanks the rear lane). The extension would be approximately 6.0 m from the rear yards of the houses on Livingstone Street (previously 3.20 m). The previous scheme was considered to provide a limited separation distance, even for a high-density terraced area. However, it is considered that the amended extension would be acceptable and wouldn't be overbearing or lead to a loss of outlook and openness from the surrounding dwellings, in particular those at 7, 9 and 11 Livingstone Street and 3 Albany Street, as was the previous case.

4.5.3 The extension is at the north end of the row terrace properties. Due to low roof pitch/height, it is considered unlikely that any undue overshadowing would occur as a consequence of the extension.

4.5.4 By bringing the building back into use and extending it there would be windows in living and bedrooms looking across Bromley Street into existing dwellings. Where it is proposed to extend the host building, a bedroom window would be 11 to 12m from the houses across Bromley Street; a living room window around 15m. Considering the overlooking that would occur by occupation of the existing building and the context of the surrounding area, made up of terraced

housing with windows facing each other across roads around 10m apart, it is considered that refusal could not be sustained on the grounds of overlooking. Preventing any new windows in elevations facing south or west would prevent overlooking in those directions.

4.16 Residential amenity for the future occupants of the ground floor rear flat would still be limited. The only outlook would be into the small shared amenity space. The main lounge room would be only 3.5m to 4m from a blank wall and the bedroom window would be around 4.5m away from the bedroom window to the front ground floor flat. Levels of outlook would be limited and overlooking would occur.

4.6 Open space

4.6.1 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. In accordance with policy L1c the applicant has agreed to make a contribution of £1080 toward open space.

4.7 Sustainability

4.7.1 GP4a states all proposals should have regard to the principles of sustainable development.

4.7.2 The development site is in a sustainable location, as explained previously. The application advises that the development would be sustainable because there is cycle storage and by upgrading the existing building to building regulations standards, it would be more energy efficient.

4.8 Flood risk

4.8.1 The application site falls within an area where the risk of flooding is high. In accordance with policy GP15a of the Draft Local Plan an assessment of additional flood risk (FRA) as a consequence of the development and measures to mitigate risk in the proposed development have been submitted. The development proposed at ground floor level is from a less vulnerable use (shop/office) to a more vulnerable use (dwelling with ground floor level only).

4.8.2 The FRA advises that the 1 in 100 flood risk level at the application site is 11.21AOD. It is preferred by the Environment Agency that floor levels are, if possible, set 600mm above the 1 in 100 level, to protect against future risk due to climate change. The proposed development would have a ground level of 11.664 (200mm above the existing level). The Environment Agency confirm that the proposed floor level is acceptable. It could be a condition of approval that the building were upgraded to include flood defence measures.

4.8.3 The building is a conversion, thus the application would not enhance the risk of flooding of the surrounding developments.

4.9 Highway safety

4.9.1 Highway Network Management advise that due to the location of the

proposed development, they have no objection to on street car parking that may be caused if the scheme were to commence. Furthermore the proposal is in accordance with the thrust of planning guidance, which seeks to deter car use and encourage other means of transport. The cycle store is limited in size (2m by 1m) and inadequate to store 4 cycles. It is asked by Highway Network Management that the plans be revised to accommodate more cycle space. This would either require a reduction in the size of a bedroom or the outside amenity space.

4.10 Response to Cllr queries

4.10.1 Concern has been raised with regard to the access from flat 3 from the back lane. The agent was notified of these concerns and submitted further justification to hopefully address this issue. The agent states that, of the 3 flats proposed only 1 is accessed from the back lane. Due to layout of the building and site circumstances, this arrangement is the most appropriate solution. The agent notes that if the access were from the yard, it would create an awkward arrangement between flats which would lead to overlooking and loss of privacy. The agent considers it more important to maintain the security and privacy for the occupants of the flats as opposed to crating and access through the yard.

4.10.2 The agent goes on to say that there are similar circumstances throughout York and there is no reason why such an arrangement should be resisted. The agent has submitted 2 examples for committee to consider. The 2 examples are:-

- 12 Garnett Street (02/03856/FUL) – Access to the flat is via a rear lane and the agent believes this is a precedent case;
- A further precedent case is at 256 Salisbury Terrace. At this site permission was granted in 2002 for the conversion and extension of the building to provide four 1-bed flats.

4.10.3 Whilst the agent, considers that such cases form a firm precedent which should influence the decision of this further proposal, the planning department cannot agree with this ascertainment. Each application should always be judged on its own merits as stated in PPS1. However, the 2 examples provided by the agent may give the Committee a guide, as to whether such a scheme is successful and should be repeated.

4.10.4 Concern has also been raised with regard to the loss of a potential family house. Council Policies H8 (Conversions) and H9 (Loss of dwellings or housing Land) seek to protect the loss of family homes. However, because this property is not a dwelling, it is considered that the scheme cannot be judged against these policies.

5.0 CONCLUSION

5.0.1 In the light of the above, it is considered that the scheme would not cause undue harm to any interests of acknowledged importance. This scheme for a 3 flats would not have a significant impact in the character of the area. The design would respect the constraints of the site; the proximity to the surrounding development, meets highway requirements, and on balance would be tighter in scale but

compatible with the character of the area. The development therefore complies with planning policy and approval is recommended.

5.0.2 As a consequence the proposal is considered to be acceptable and is recommended for approval as it satisfies policies GP1, H4a, H5a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPG1 and PPS3.

6.0 RECOMMENDATION: Approve

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

- (1) Proposed ground floor and first floor plans - Drawing No. PD/AS/17
- (2) Proposed ground floor and first floor plans - Drawing No. PD/AS/16

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.

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

2 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

3 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of occupants.

4 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.

5 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.

6 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.

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 £1080

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no further windows shall be inserted in any elevation of the development hereby approved, without prior written approval of the Local Planning Authority

Reason: In the interests of residential amenity and safety

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

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

2. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act

1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

- (a) All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.
- (b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: 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".
- (c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (f) There shall be no bonfires on the site.

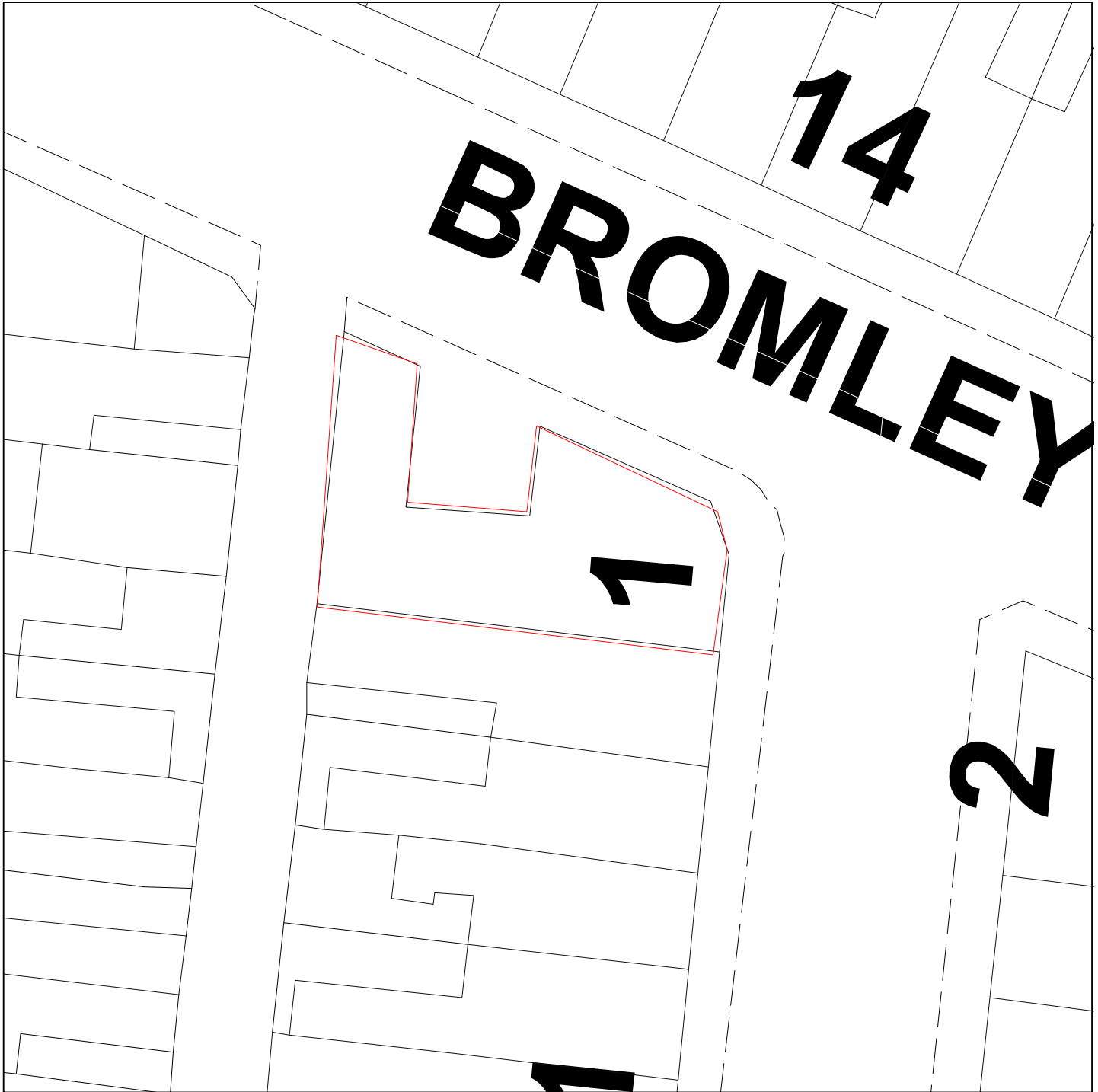
Contact details:

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

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08/01472

1 Albany Street



Scale : 1:200

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

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COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Dringhouses And Woodthorpe
Date:	17 July 2008	Parish:	Dringhouses/Woodthorpe Planning Panel

Reference: 08/01305/FUL
Application at: Church Of St James The Deacon Sherringham Drive York YO24
 2SE
For: Single storey extension to existing elevation to create church
 hall
By: The Parochial Church Council
Application Type: Full Application
Target Date: 21 July 2008

1.0 PROPOSALApplication Site

1.1 The application relates to the site of St James the Deacon Church. The church building is of contemporary design, constructed in the 1970's. It is finished in grey brick, timber windows and a terne coated steel roof. The site is surrounded mostly by two-storey houses in the Allendale cul de sac and also the vicarage, which is to the immediate south of the site, on the corner of Sherringham Drive and Ryecroft.

The proposal

1.2 Planning permission is sought for a church hall, which would be built behind the church and landscape changes, which include a more formal car park area to the north end of the site. The old church hall used to be located on Thanet Road. It was deemed unfit for purpose (not up to modern standards) and demolished in 2006.

1.3 The proposed church hall would have a footprint of 18m by around 9.5m, the original plans for the hall have been revised, to lower the overall height of the proposed building, as there was concern of the impact this would have on neighbours. Originally the height was 3.2m to eaves level and 6.8m to ridge level, the roof pitch has been lowered and the maximum height of the structure is now proposed at 4.5m.

1.4 The application is brought to committee due to the volume of objections (20 at time of writing report) from local residents.

2.0 POLICY CONTEXT

2.1 Policies:

CYC1	Criteria for community facilities
CYGP1	Design

3.0 CONSULTATIONS

Environmental Protection Unit

3.1 Has concern over potential noise emission from the new hall and its effects on local residents. Doors, windows and the roof area are likely areas where noise will be emitted from the building during activities which are proposed within the supplementary information of the application. It is therefore recommended that a condition requiring a scheme for insulation measures to be approved by the Local Planning Authority is submitted before the development commences. Informatives are also recommended which regard contaminated land and the requirements of the Control of Pollution Act, which includes restricted working hours during construction.

Highway Network Management

3.2 Make the following comments:

- Ask for detailed drawings of the areas to be surfaced.
- Suggest a reconfiguration of the car parking area, so the disabled spaces are closer to the church entrance. Access routes, to be adequate for disabled persons should be 1.5m wide minimum and with ramped access.
- There is no objection to the amount of car parking proposed, or that the scheme would harm highway safety.

York Drainage

3.3 Advise that the site is in an area where the risk of flooding is low. However further information is required that demonstrates development of the site would not increase the flood risk of the surrounding area. Information is required regarding ground levels, the existing surface water system and details of the proposals for the new development, so the impact may be assessed, and clarification that the proposed soakaway drainage system would work.

Planning Panel

3.4 Support the application.

Publicity

3.5 The application was publicised by site notice and letters of neighbour notification. Neighbours were re-notified of the revisions to the height of the building. The deadline for comments was given as 11.7.08. 20 Objections have been received to date.

3.6 Objections have been made on the following grounds:

Overbearing/loss of light

3.7 Building would lead to a loss of light, be overbearing/overdominant due to the buildings height and proximity to the site boundary (2m). This would harm residential amenity and prevent vegetation from growing. Residents would suffer from a loss of privacy. The proposed landscaping scheme could also lead to overshadowing. The loss of light to premises would also lead to a loss of heat, potentially resulting in higher energy bills.

Light pollution

3.8 Light pollution from the proposed security lights would spill into neighbours gardens.

Fire Risk

3.9 In case of fire this would affect residents amenity and surrounding premises could be put at risk.

Noise pollution.

3.10 The site is in a residential area and to use the hall, for functions and parties etc up to around 23:00 potentially 7 days a week, would lead to noise pollution and loss of sleep for residents. Residents are also concerned that the hall would be available for private use, and that the consumption of alcohol at the premises is likely to lead to persons causing disturbance. Sources of noise include persons leaving the site, getting into cars (engines running, slamming doors, etc), problems with insulating the building, noise would spill out via windows when used for ventilation, from the garden (in particular in the summer), and through the full length doors.

Highway safety

3.11 Inadequate parking. Traffic is already a problem when the church is in use, with persons parking and manoeuvring on the road, to the detriment of highway safety. The amount of traffic generated could also be detrimental to air quality.

The need for the facility.

3.12 There are other underused facilities nearby which can provide similar services, for example Moor Lane Youth Club, Woodthorpe School, Foxwood Community Centre and Westhorpe Chapel.

Also

- Adverse impact from cooking smells and waste/litter creation.
- Anti-social behaviour that is already a problem at this site.
- Loss of property value.

4.0 APPRAISAL

Key issues

- Principle of development
- Design
- Residential amenity
- Highway safety
- Other matters

Policies of the Local Plan

4.1 GP1 Refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or

create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.2 Chapter 13, Community Facilities, of the City of York Draft Local Plan has the objectives of the promotion of new community facilities and to protect and enhance existing facilities. Policy C1 states planning applications for social, health, community and religious facilities will be granted permission provided the facility would meet a recognised need and when the development is of a scale and design appropriate to the character and appearance of the locality.

Principle of the development

4.3 The application proposes a community facility that would be used by the Church, but also accessible for all; a resource and space for a mix of members of the community. The submitted design and access statement advises that the hall could be used by any member of the community who wishes to use it. The applicants have identified the need for a large multi-function hall, which includes toilet and kitchen facilities.

4.4 There is apparent demand for the proposed facilities from users of the old church hall and also potential new users. The facility would be suitable as a meeting space and could be used as a performance venue. Users of the old hall that would be willing to relocate to the new hall include Brownie groups and dance classes, in particular the latter, as the block floor from the old hall has been saved and will be re-used. Interested users have been given as:

- Dringhouses dramatic society
- Dance and drama schools
- Karate club
- Dancing groups (x3)
- Sunday school
- Fundraising groups
- Pilates class
- Pre-school activities
- Parties and weddings
- Events to the public
- Brownies
- Age Concern
- Ward meetings

4.5 Although comments from the public advise that other nearby facilities are underused the principle of the development of a community facility is supported by the Local Plan. However there are other key issues that need to be addressed.

Design

4.6 The proposed hall by virtue of its location, shape, scale and materials would be subordinate and complementary to the appearance of the original building. As such the design of the church is considered to be acceptable. The impact on its surrounds is discussed in paragraphs 4.16 and 4.17.

4.7 The application also proposes alterations to the hard and soft landscaping on the church site. The landscaping includes layout of the car park, access routes, lighting, planting and boundary treatment.

4.8 A new car park would be created at the north of the site; this space is currently used for parking in an informal manner. Disabled and typical car parking spaces are

proposed, the latter and part of the access road would be surfaced in eco-block. This will improve drainage of the site, and the appearance of grass coverage is considered to be preferable to an expanse of tarmac. Level pedestrian accesses are proposed; overall inclusive access would be improved.

4.9 The lighting scheme involves low level lighting bollards to mark the entrance paths. On the buildings, there would be spotlights fixed to the church to light the car park (x2 on the north elevation) and on the east elevation (x1) to light the garden area. There would be 3 further lights on the proposed hall, for emergency use only. Due to the height and amount of lighting it is considered they would not cause undue pollution and would not unduly shine into surrounding houses or gardens. Were the application recommended for approval a suitable condition could require specifications of the lighting to ensure such.

4.10 A boundary wall is proposed between the garden and the vicarage, the height is not specified. The wall and the soft landscaping, covering species and location could each be covered by a condition to ensure they appropriately preserved residential amenity.

Residential amenity

4.11 The applicants advise that the hall would primarily be used by the church although it is the intention that it could be used by any groups who wish to hire it. This could attract a wide range of events, including parties. The applicants advise the hall would preferably be available for use until 22:30, with an extra half hour or so afterwards for cleaning. The capacity of the hall would be 75. As such there are a number of noise issues, which have been highlighted in residents objections to the application.

4.12 Officers concern is that some of the objections regarding noise could not be addressed through planning conditions and that given the proximity of neighbours houses and the residential character of the area, there would be harm caused to residents amenity.

4.13 Persons leaving the building could cause disturbance through raised voices, car engines and slamming of doors, persons could also hang around the building, talking etc, instead of immediately leaving the site. In a residential area this type of activity can easily cause disturbance, and it would be likely to occur in the evening, which would harm amenity. Restricting the hours of operation could in part prevent this, however the applicants have advised they would like to use the hall in the evening. A condition preventing use after for example, 20:00, could compromise the viability of the hall, and would be unreasonable, given the desires of the applicants.

4.14 Noise during times of use could also unduly affect residents. It would be expected that persons would want to make use of the garden area, or at least have the doors onto the patio open when weather permits, this would mean noise from activities within the building would be apparent from neighbours gardens. Again this would harm neighbours enjoyment of their dwellings and would lead to disturbance. It would be difficult to enforce and unreasonable to request that the doors into the garden remain shut at all times and the use of the garden prevented.

4.15 Whilst it is unlikely that small groups using the hall in the early evening would lead to undue disturbance, the hall would also be available for use on one off occasions, such as birthday parties, and the applicants wish to make the hall available for use up to 22:30. On such occasions, bearing in mind the capacity of the hall would be 75 persons, there is the potential that there would be harm to residents amenity, contrary to policy GP1 of the Local Plan.

Overdominance/overbearing structure and loss of light

4.16 The proposed extension would be closest to 20 Allendale. The side elevation of the hall would be 2m from the side boundary and 8.5m from the rear elevation where it has been extended, adding a two-storey outshot. The surrounding area is residential, suburban in nature where houses typically enjoy separation distances of at least 20 m between elevations with main habitable rooms. The plans were revised by the applicant to address overdominance/overbearing and loss of light over 20 Allendale, by lowering the pitch of the roof so the roof would slope up to a maximum height of 4.5m.

4.17 Despite the revised plans, the extension would still be unduly close to the boundary and dwelling, in comparison to the separation distances common in the area. The back garden and rear ground floor rooms of 20 Allendale would feel enclosed by the hall and the existing garage/single storey pitched roof building between 20 and 22 Allendale. Due to the proposed area of the low pitched roof, and its material (upvc coated sheeting), it is considered that the hall would be detrimental to the level of amenity enjoyed by the occupants of 20 Allendale; it would be overbearing and detrimental to levels of outlook. Were the hall moved around 2m further from the boundary, the impact may be acceptable.

Highway safety

4.18 Letters in objection report that there are existing parking problems when church services occur. This leads to cars parking on the street. This application includes 10 covered and secure cycle parking spaces and 13 car parking spaces. According to the Local Plan (Appendix E) the maximum amount of car parking spaces for a church/community hall of the size proposed would be 8/9 spaces. The minimum cycle spaces should be 6.

4.19 The amount of parking is considered to be adequate (the amount of car parking spaces are above the maximum for community use in the Local Plan, although more spaces are recommended for places of worship) for the proposed hall. The provision of cycle spaces will encourage cycling. As it is envisaged that the majority of users of the facility would be from the locality, it would be reasonable to expect persons could either walk or cycle to the facility.

Other matters

4.20 Property value is not a material planning consideration; in determining planning applications what is considered is the impact on amenity.

4.21 Waste/litter: It is considered this is not the type of use that would generate undue amounts of litter. Were the site to offer alcoholic drinks, as has been suggested in objections, a premises license would be required, which can add

conditions that prevent litter generation. The generation of litter is also covered under other legislation.

4.22 Cooking smells: Based on the proposed plans the kitchen is of domestic size and would not therefore unduly affect surrounding residents.

4.23 Fire Safety: Fire safety is covered through separate legislation such as building regulations. Events such as fires etc are unlikely to occur frequently. When such events do occur they inevitably cause disturbance, however fire risk in this building would not be unduly high and on this occasion harm to amenity were a fire or similar emergency to occur could not be used as a reason for refusal.

4.24 Drainage: The site is in a low risk flood area and it is considered that the drainage of the building could be dealt with through suitable planning conditions.

5.0 CONCLUSION

5.1 Officers are concerned over how the proposed hall would affect residents amenity, due to the design/size/location of the hall, which would impact upon 20 Allendale and due to noise disturbance as a consequence of the wide ranging and potential extent of the use of the facility, which is in close proximity to houses in a residential area. As such there is conflict with policy GP1 of the Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development due to the wide range of uses that could occur in the hall and the proposed hours of operation is likely to have an adverse impact upon the level of amenity presently enjoyed by surrounding residents. As such the proposal would be contrary to policy GP1 of the local plan which states that development proposals will be expected to respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces; and ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

2 The proposed hall by virtue of its size, roof material and proximity to the site boundary would be detrimental to the open character of the area and would be overbearing/overdominant and harmful to outlook presently enjoyed from 20 Allendale. As such the proposal would be contrary to policy GP1 of the local plan which states that development proposals will be expected to respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces; and ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

Contact details:

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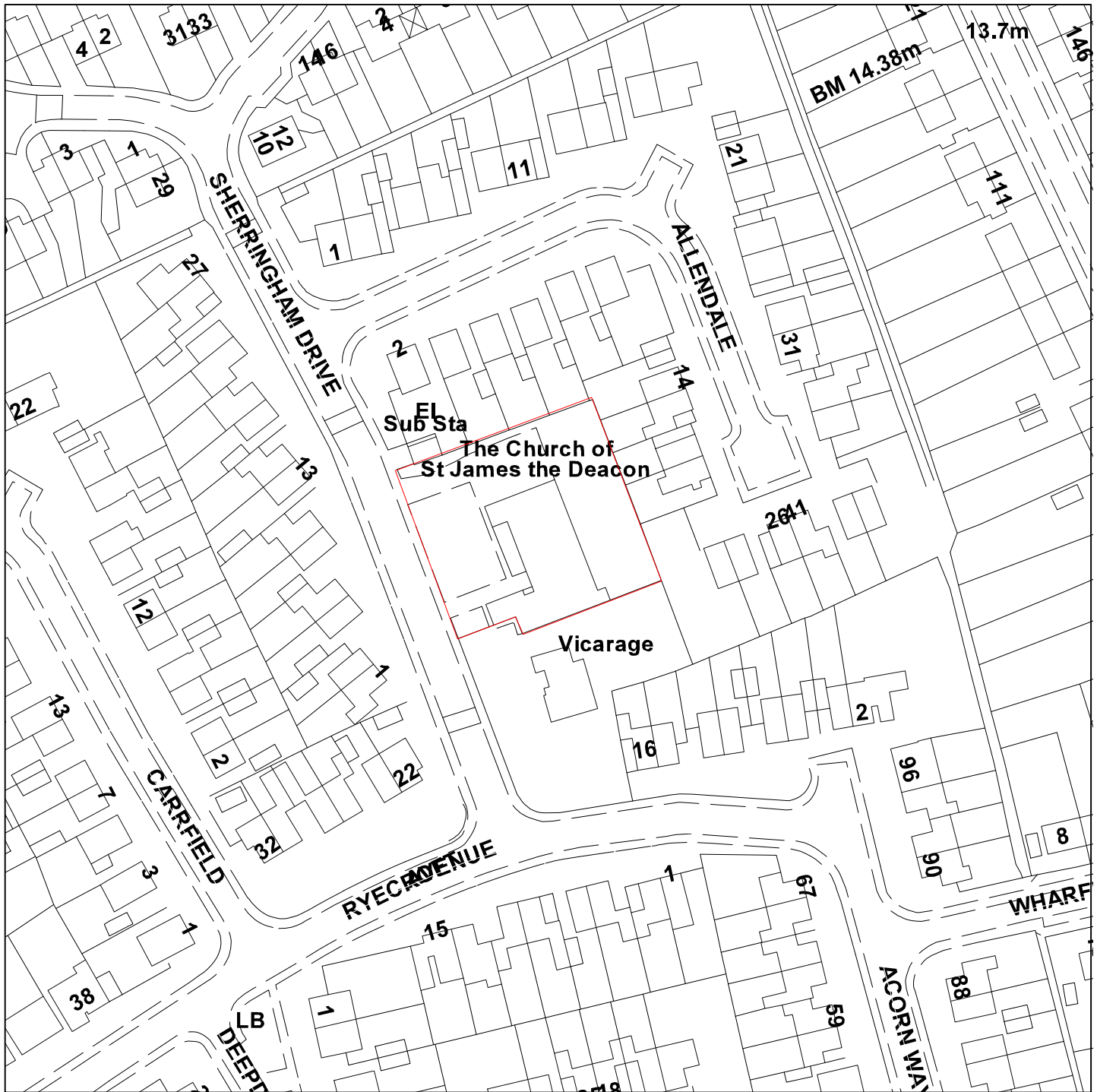
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08/01305/FUL

Church of St James the Deacon, Sherringham Drive



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

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COMMITTEE REPORT

Committee: West/Centre Area
Date: 17 July 2008

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 08/01228/FUL
Application at: 60 Nunthorpe Crescent York YO23 1DU
For: Single storey pitched roof extension to the side
By: Mr G Anderson
Application Type: Full Application
Target Date: 31 July 2008

1.0 PROPOSAL

1.1 This application seeks consent for the erection of a single storey side extension to provide additional living space.

1.2 The application is to be heard by sub-committee due to the agent being related to an elected member of the Council. A site visit is required because an objection has been received and the application is recommended for approval.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

Internal

3.1 Highway Regulation - No objection

External

3.2 Micklegate Planning Panel - None received up to date of writing

3.3 Response to neighbour consultation letters which expired on 27.06.08. - One letter received from neighbouring resident raising objection due to proposed insertion of woodburner within the development.

4.0 APPRAISAL

KEY ISSUES

4.1. Visual impact on the dwelling and surrounding area;

4.2 Impact on neighbouring properties

4.3 DRAFT LOCAL PLAN POLICY CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

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

ASSESSMENT

4.6 This traditional style semi-detached dwelling is sited within a residential area outside of the Conservation Area. The dwelling is sited on a corner plot, with gardens to the front and rear providing sufficient amenity space.

4.7 Sufficient car parking will be available within the existing driveway.

4.8 The appearance to the front of the proposal does appear overly wide in relation to the original dwelling, however, due to its single storey nature; existing boundary hedging to the front and the large neighbouring 2-storey extension in place at No. 47 Nunthorpe Grove, this is not considered to cause undue harm to the appearance of the dwelling or surrounding area to warrant a reason for refusal.

4.9 No dwellings are sited to the rear of the site; no windows are proposed within the side elevation of the proposal facing 58 Nunthorpe Crescent, with just one first

floor obscurely glazed window, serving a landing area, being sited within its side elevation facing the host site. The window proposed to the rear will face towards the neighbouring garage. It is therefore, not considered any loss of amenity will be caused to any neighbouring residents due to loss of privacy or overbearing structures. Again, due to the orientation and height of the proposal, it is not considered harm will be caused due to loss of light or overshadowing.

4.10 The inclusion of a woodburner within the development is not a material consideration to be taken into account as part of the planning process as this is considered to be controlled by other legislation.

5.0 CONCLUSION

It is considered that the proposal will not harm the living conditions of nearby neighbours or the appearance of the dwelling in the street.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 VISQ1 Matching materials
- 3 PLANS1 Approved plans - Drawing Nos. GSA/003/RevD and GSA/002/Rev C recd 21.05.08.

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 residential amenity of neighbours or the impact upon the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

Contact details:

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Tel No: 01904 551344

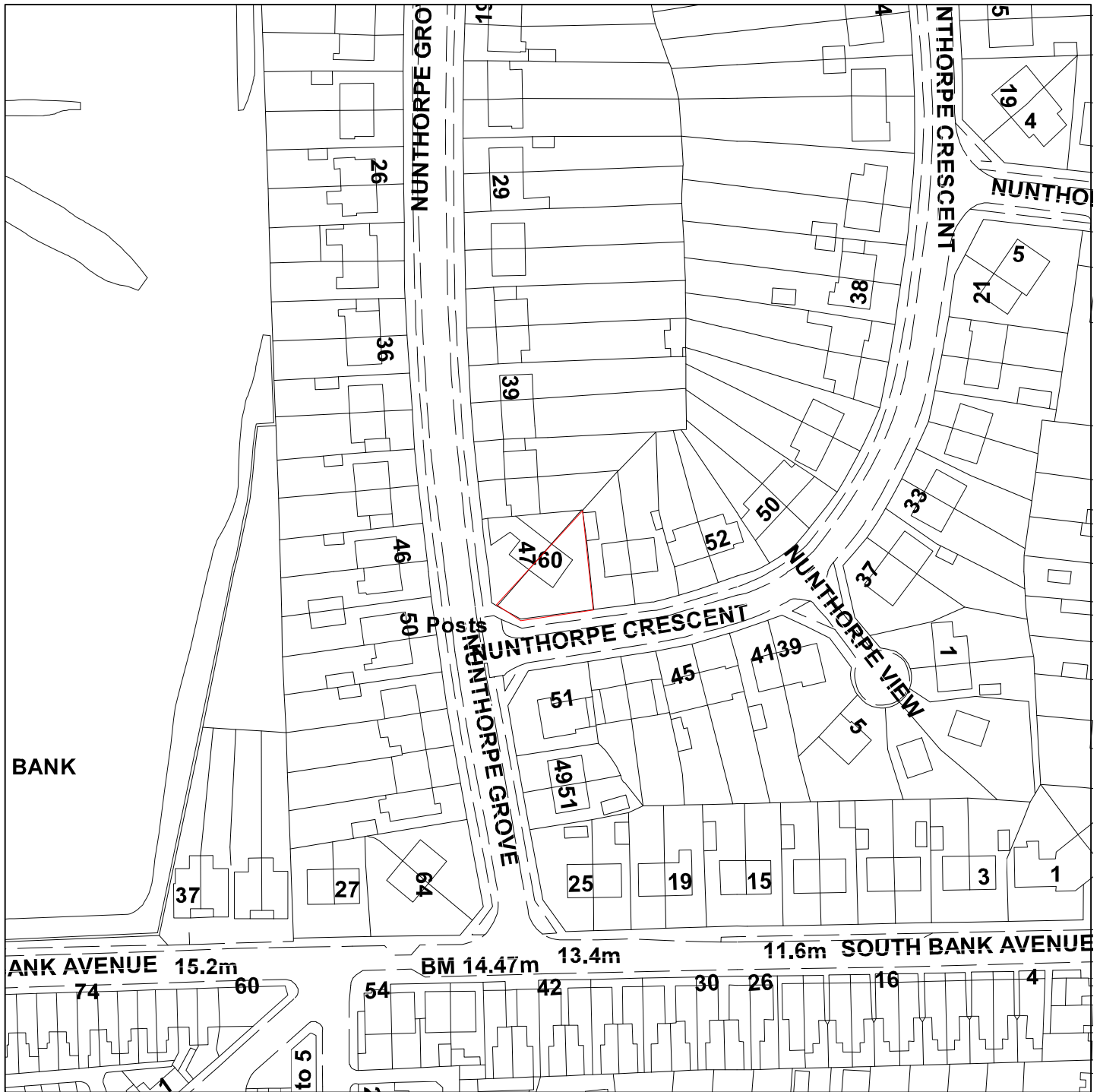
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08/01228/FUL

60 Nunthorpe Crescent



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

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West & City Centre Area Planning Sub-Committee

7th July 2008

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

5. Members should note that 69 new cases were received for this area within the last quarter. 69 cases were closed and 179 remain outstanding. There are 43 Section 106 Agreement cases outstanding for this area after the closure of 4 for the last quarter .

Consultation

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

Options

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

Corporate Priorities

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

Implications

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

Risk Management

9. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Hilary Shepherd/
Andy Blain
Planning Enforcement Officers

Chief Officer Responsible for the report:

Chief Officer's name

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

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

Date 04.10.2007

Specialist Implications Officer(s)

None

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

All

For further information please contact the authors of this report

Background Papers:

None

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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of the Local Government Act 1972.

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