



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, 14 May 2009

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 13 May 2009 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. Minutes (Pages 5 - 8)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 16 April 2009.

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, in this case **5pm on Wednesday 13 May 2009**. 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) 1 Garfield Terrace, York, YO26 4XT (09/00323/FUL) (Pages 9 - 16)**

First floor pitched roof side/rear extension [*Holgate Ward*] **[Site Visit]**

- b) 41 Albion Avenue, York, YO26 5QZ (09/00607/FUL) (Pages 17 - 26)**

Two storey pitched roof side extension, dormer windows to rear, and single storey rear extensions (resubmission) [*Acomb Ward*] **[Site Visit]**

- c) Junction of Boroughbridge Road and Plantation Drive, York (09/00406/TCMAS) (Pages 27 - 38)**

Telecommunications mast including 12m high pole 3no antennas overall height 14.2m and associated ground equipment at junction of Boroughbridge Road and Plantation Drive. [*Holgate Ward*] **[Site Visit]**

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

Democracy Officers:

Name: Catherine Clarke and Heather Anderson (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and heather.anderson@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
- Any special arrangements
- Copies of reports

Contact details are set out above.

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 13 May 2009

The bus for Members will leave Memorial Gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.10	1 Garfield Terrace	a
11:30	Proposed Telecoms Mast , Junction of Plantation Drive and Boroughbridge Road	c
11:50	41 Albion Avenue	b

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	16 APRIL 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, LOOKER AND REID
APOLOGIES	COUNCILLOR SUNDERLAND

65. INSPECTION OF SITES

The following site was inspected before the meeting.

Site	Attended by	Reason for Visit
First Farm, Main Street, Askham Richard	Councillors Horton, Galvin, Sue Galloway, Gillies and Reid	As an objection has been received and the recommendation is to approve.

66. DECLARATIONS OF INTEREST

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

Councillor Looker declared a personal non prejudicial interest as an occasional customer of the coffee bar on the riverbank, Museum Street.

67. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the public and press be excluded from the meeting during consideration of Annex A to agenda item 6 on the grounds that it contains information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. This information, if disclosed to the public, would reveal that the authority proposes to give, under any enactment, a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

68. MINUTES

RESOLVED: That the minutes of the meeting held on 19 March 2009 be approved and signed by the Chair.

69. PUBLIC PARTICIPATION

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

70. 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.

70a Temporary Moorings, Museum Street, York (09/00299/FUL)

Members considered a full application from Mr A Gill seeking planning permission for the retention of a mooring of a floating coffee bar and the associated use of the adjacent riverbank as a waiter serviced seating area.

Members commented that the facility was a welcome addition to the riverside and suggested that it would be beneficial for it to be open on a more regular basis.

RESOLVED: That the application be approved subject to the conditions listed in the report¹.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- the impact of the use on the visual amenity and character of the conservation area and the adjacent listed garden
- the continued use of the riverbank as a café

As such, the proposal complies with Policies HE2, HE3, HE4, HE12, L4, V1, GP15a, GP23 and GP1 of the City of York Development Control Local Plan – Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Statement 1 “Delivering Sustainable Development”, Planning Policy Statement 15 “Planning and the Historic Environment”, and “Planning Policy Guidance Note No. 25 “Development and Flood Risk”.

Action Required

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

**70b First Farm, Main Street, Askham Richard, York, YO23 3PT
(08/01888/FUL)**

Members considered a full application from Mr R Hnat seeking retrospective planning permission for the conversion and alterations to an outbuilding, including the raising of the ridge height and inserting openings to the side elevation and roof, to provide residential accommodation.

Representations in support were received from the agent for the applicant. He addressed concerns that had been raised in respect of the impact upon the Conservation Area and upon the amenities of neighbouring residents. The agent stated that the proposal was not contrary to the conservation statement and drew attention to the Planning Officer's comments in the conclusion of the report. A sunlight assessment had been submitted with the application and the additional 0.5m would not impact on neighbouring properties other than at midday.

Members expressed concern that the application had been submitted retrospectively.

RESOLVED: That the application be approved subject to the conditions listed in the report¹.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to neighbours' residential amenity or the character of the conservation area. As such the proposal complies with Policies GP1, HE2 and HE3 of the City of York Development Control Local Plan.

Action Required

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

71. ENFORCEMENT CASES UPDATE

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

Members sought clarification as to the action that was being taken to ensure that the necessary processes had been completed for those trees that had been deemed as warranting Tree Preservation Orders (TPOs). Officers gave details of the action that was being taken to rectify this matter.

RESOLVED: (i) That the report be noted.

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

RESOLVED: (ii) That officers take appropriate and timely action to ensure that the necessary processes were completed in respect of those trees that had been identified as warranting TPOs¹.

REASON: To ensure that robust action can be taken where breaches of TPOs have been identified.

Action Required

1. Officers to take necessary action to complete necessary processes in respect of those TPOs that are still outstanding SS

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 3.40 pm].

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 14 May 2009 **Parish:** No Parish

Reference: 09/00323/FUL
Application at: 1 Garfield Terrace York YO26 4XT
For: First floor pitched roof side/rear extension
By: Mr Carl Cameron
Application Type: Full Application
Target Date: 5 May 2009

1.0 PROPOSAL

1.1 This application seeks permission for a first floor side/rear extension, above the existing ground floor extension, to provide two additional bedrooms for the dwelling.

1.2 This application is being heard at Committee at the request of Councillor Denise Bowgett as she considers it to be overdevelopment of the site.

1.3 A site visit will take place due to objections being received along with a recommendation for approval

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : West Area 0004

Schools : St. Barnabas' CE Primary 0224

York North West Boundary : York North West Boundary CONF

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objection

External

3.2 Response to neighbour consultation letters which expired on 07.04.09. - Two letters received raising concerns re loss of privacy; loss of light/overshadowing; development likely to result in unwanted flats with loss of family housing; loss of house values; parking provision and highway safety. One letter also suggests that a ground floor living room within the main dwelling is currently being used as an extra bedroom, thus the proposal would create 6 bedrooms rather than five.

4.0 APPRAISAL

KEY ISSUES

4.1. Visual impact on the dwelling and surrounding area;

4.2 Impact on neighbouring properties

Planning Policy

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.

Relevant Planning History

4.6 Permission dated 18.03.1982 (7/00/4305/PA) for a 2 storey side extension, which has not been implemented. This application proposed an extension to similar width as is currently proposed, though did not propose to project beyond the original rear elevation.

4.7 Permission dated 17.06.1088 (7/01/4305A/PA) for a single storey side extension which has been erected and is currently being occupied by family member as a separate residential unit to the host dwelling.

4.8 Application No. 08/00412/FUL - Pitched roof first floor and flat roof ground floor side extensions with access to create 1no. first floor flat - Refused 25.04.08. on the grounds of the overbearing nature of the proposal and loss of amenity due to loss of privacy/overlooking, to neighbouring residents further to the inclusion of an external staircase proposed to the rear.

4.9 Application No. 08/00413/FUL - Conversion of house into 2no. self contained flats with single storey flat roof side extension to existing self contained flat - Refused 28.04.08. on the grounds of the loss of a family house reducing the housing stock of York.

ASSESSMENT

4.10 The application relates to a two storey C20th end town house at the corner of Garfield Terrace/Leeman Road. The property has a number of single storey extensions. A flat roofed single storey side extension which currently operates as a 'granny' flat (Flat 1 A), with conservatory attached and a single storey flat roofed rear extension. The main dwelling house has 3 bedrooms and the adjacent single storey flat has one bedroom.

4.11 The main railway line runs behind the property on higher ground to the south and to the front are terraced properties to Kingsland Terrace and Bright Street. A good-sized garden is sited to the side and rear providing sufficient amenity space with the dwelling being well set back from Leeman Road to the side.

4.12 Further to the two previous refusals last year, detailed above, the application now proposes an extension to the existing dwellinghouse. The projection to the side will be the same as the existing ground floor extension; the front elevation at first floor level will be set back from the front elevation by 0.5 metres, with the ridge being set down from the original, being in line with CYC Supplementary Planning Guidance to Householders.

4.13 Though the cumulative, existing and proposed, additions are large in relation to the original dwelling, it is not considered sufficient reason to warrant refusal of the application on these grounds, and these are not considered to seriously harm the appearance of the dwelling nor surrounding area. Due to the size of the plot and existing ground floor side extension in place, it is not considered this proposal results in overdevelopment of the site.

4.14 The ground floor rear projection will remain as existing and includes a mono-pitched roof towards the two-storey element, which has been reduced in length, from the previous refused proposal, to approximately 2.3 metres. No windows are proposed within the proposed side elevation facing towards No. 3 Garfield Terrace and due to the separation distance of more than 5 metres between the side elevation of the proposed extension and this neighbouring property, it is not considered that

serious loss of amenity will occur due to loss of privacy, loss of light/overshadowing nor harm to visual amenity.

4.15 The Use Classes Order 2005 considers a dwellinghouse can be occupied by any number of persons living together as a family or by no more than 6 persons living together in a single household. Sufficient car parking is available within the existing hard-standing to the front of the dwelling along with sufficient cycle parking storage within the shed to the rear. This would be the case whether the dwelling has 5 or 6 bedrooms.

4.16 House values are not a material consideration to be taken into account as part of the planning process.

4.17 The agent has been advised that a separate planning application is required for the erection of a boundary wall/fence exceeding 1 metre in height adjacent to the highway.

5.0 CONCLUSION

It is considered that the proposal will not seriously harm the living conditions of nearby neighbours or the appearance of the dwelling within the surrounding area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 VISQ1 Matching materials
- 3 PLANS1 Approved plans - Drawing No. GFT 01 YK and site location plan recd 25.02.09.
- 4 The first floor side extension shall be occupied only in connection with No. 1 Garfield Terrace and shall not be used to extend the living accommodation of No. 1A Garfield Terrace.

Reason: To prevent the creation of an extended second dwelling on this plot which would have inadequate amenity space contrary to policy GP1 of the local plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) no windows shall be inserted within the west elevation facing towards No. 3 Garfield Terrace.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled as required by policy GP1 of the local plan.

**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 streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

2. BOUNDARY WALL/FENCE

For your information a fresh planning application will be required for the erection of the boundary wall/fencing proposed, over 1 metre in height adjacent to the highway.

Contact details:

Author: Carolyn Howarth Development Control Assistant

Tel No: 01904 551344

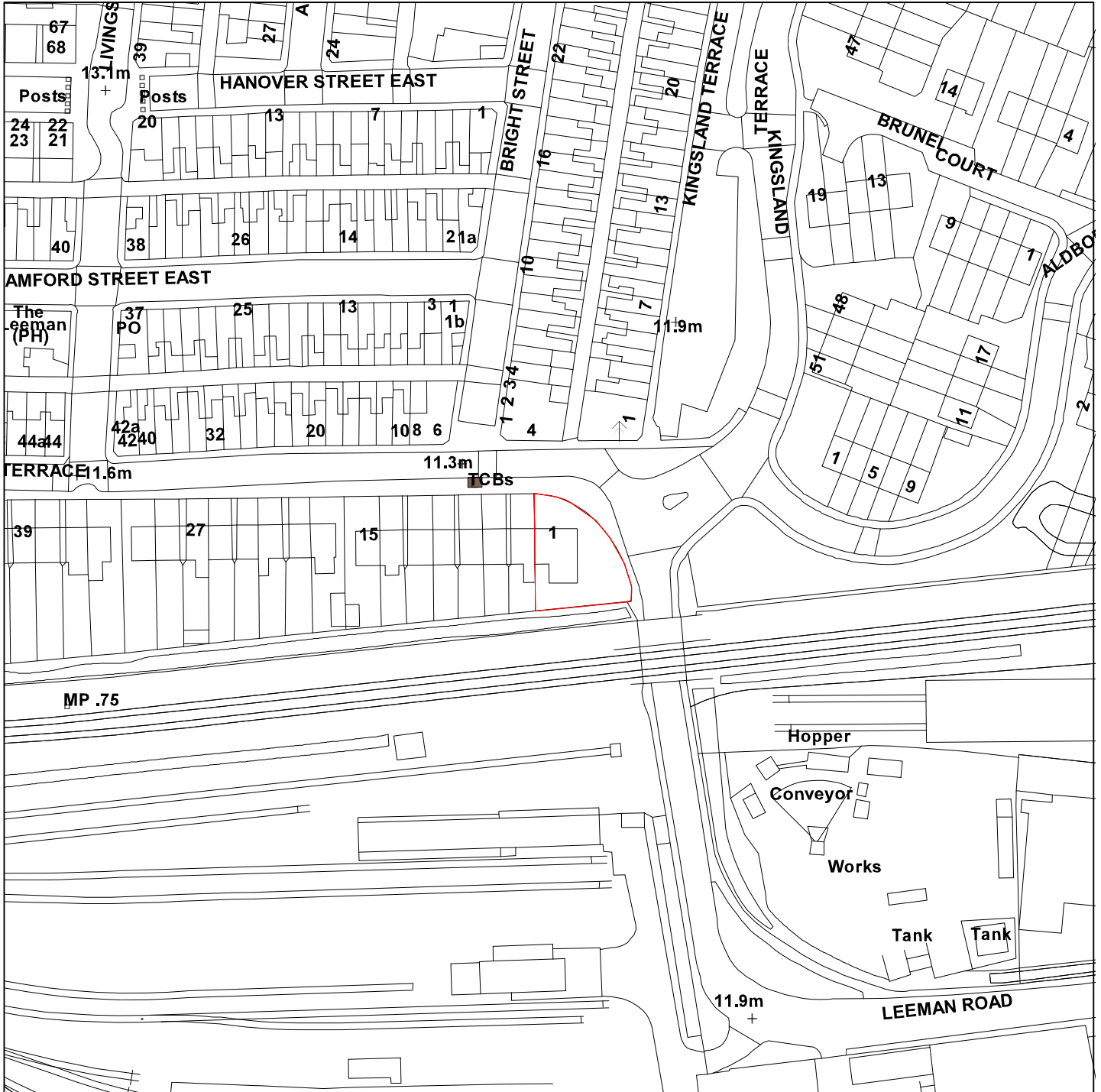
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1 Garfield Terrace

09/00323/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	30 April 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 14 May 2009 **Parish:** Acomb Planning Panel

Reference: 09/00607/FUL
Application at: 41 Albion Avenue York YO26 5QZ
For: Two storey pitched roof side extension, dormer windows to rear, and single storey rear extensions (resubmission)
By: Mr David Richardson
Application Type: Full Application
Target Date: 29 May 2009

1.0 PROPOSAL

1.1 Full planning permission is sought for the erection of a 2-storey side extension including single storey rear extension and covered courtyard. The length of the proposed extension is approximately 7.80 m, its width is 2.70 m, height to eaves level is 5.20 m and height to ridge level is the same as existing. The principal windows are to the front elevation (east) and rear (west) elevation. The rear extension measures approximately 3.60 m x 3.60 m. The height to eaves is 2.70 m and the total height is 3.60m.

1.2 The proposal includes the formation of a store, kitchen and utility room, sun room and covered courtyard at ground floor level and 1 large bedroom at first floor level and the formation of an additional bedroom with en-suite within the loft space of the building, including rear dormer.

SITE

1.3 No.41 and no.39 form a pair of semi-detached dwellings. Albion Avenue is a street of two storey semi-detached housing in an estate of mainly similar housing. The detailed designs of the pairs of semi-detached units vary, but the constant building line and the gaps between the pairs gives the street a certain uniformity of character. No.41 and its neighbour, together with the pair of dwellings opposite (nos. 40-42) are distinguished by the use of gabled front bays, which give some distinction to the entrance to the street.

HISTORY

1.4 An application was refused in July 2008 for the extension of this dwelling (08/00912/FUL). The applicants subsequently appealed against the decision (APP/C2741/A/08/2085568). The Inspector dismissed the appellants appeal. Copies of the relevant information are attached as appendices.

COUNCILLOR REQUEST

1.5 This application is being presented to Planning Committee at the request of Councillor Simpson-Laing due to the concerns raised by the applicants.

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

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - no objections.

EXTERNAL

3.2 Acomb Planning Panel - No Comments.

3.3 Neighbours - No comments have been received as of 29 April 2009. Any comments received after this date will be presented to Committee as an update.

4.0 APPRAISAL

4.0 APPRAISAL

POLICY

4.1 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.

4.2 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.

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

4.4 The main considerations are:

- Visual Impact

VISUAL IMPACT

4.5 The proposed development would create a substantially larger dwelling than that which exists at present. Due to the siting of the dwelling, the extension would be reasonably prominent within this long cul-de-sac.

4.6 The Councils Supplementary Planning Guidance concerning extensions to residential properties, states that side extensions should be sympathetically designed to appear subservient to the original dwelling. The guidance notes that their appearance will be improved if the extension is set back from the main building and two storey extensions should not rise above the existing eaves level.

4.7 The SPG further states that it is particularly important that the design of side extensions takes account of the height of the new building in relation to the distance from neighbouring properties. Extensions which go up to a property boundary may result in a terracing effect. This tends to occur when a two storey side extension is added to a semi-detached house and then the neighbouring house carries out a similar extension. It is further exacerbated when where there is a continuation along the front building line of the buildings. If the spaces between houses become filled by side extensions in this way it can alter the character of an area and produce a terracing effect.

4.8 The SPG also notes that the terracing effect can be avoided by simple design principles. For example, if sufficient space is available, leaving a space between the extension and the boundary of about one metre will allow for maintenance of the side extension. If an extension is built to the next door property in the same way, the gap between them avoids an impression of a terracing effect. The extension can be set back from the original building line and have a lower ridge height, thus providing a break in the street frontage. The SPG advises that the setback should be at least 0.5 metres from the front wall of the dwelling to give this break in the frontage of the properties.

4.9 Policies H7 and GP1 of the Draft City of York Local Plan give a clear policy presumption in favour of new residential extensions, where the design and materials are sympathetic to the main dwelling and the locality of the development. The design and scale should also be appropriate to the main building and there should also be no adverse impact upon the residential amenity of neighbouring residents.

4.10 Since the previous application was refused and their appeal was dismissed, the applicants have attempted to agree a scheme with the Council prior to submitting this application. Unfortunately it has not been possible to agree a scheme, however it is noted the applicants have amended their proposals where they feel it is possible. These amendments include a reduction in the size of the rear dormer, alterations to the design of the roof and alterations to the scale and design of the front elevation.

4.11 Unfortunately these amendments, whilst welcome, do not satisfy the Council's adopted guidance concerning extensions to residential dwellings. In particular the following elements are still unacceptable:-

- Roof - The design of the roof is not subservient to the original dwelling. This is the principal failing of this scheme. When considering two storey side extensions the Council advise that roofs should be stepped down from the original ridge line of the dwelling and stepped back. The applicants propose to extend the original roof and not provide any articulation/ break in the roof. This creates a large expanse of roof with no visual break. Such a design would create an overly bulky and plain frontage to the building which is not subservient. The incorporation of a set back within the roof slope would add interest to the building, reduce its bulky appearance and reduce the terracing effect caused by building the extension directly adjacent a similar bulky extension.
- Insufficient set back - The Council generally require extensions to be set back at least 500 mm at ground floor and first floor so as to create a break between buildings and reduce the impact of the extension within the street and effect upon the existing building. There are exceptions to this general rule within the street, most notably at no. 43 (adjacent). However, in this instance a set back is important as it would create a visual break between no.41 and 43, reducing the terracing effect between the properties and also provide a more visually attractive extension. It should also be noted that the extension to no.43 is set down from the original's ridgeline.

4.12 In mitigation the applicants state that whilst they would have liked to have compromised further in terms of the design of the roof, they were limited by Building Control requirements. Building Control require a minimum head height of 2.00 m is provided for the staircase and roof space. The applicants state that if the roof were stepped down to satisfy planning policy, the extension would fail Building Control requirements. The applicants haven't investigated whether it would be possible to relocate the staircase to provide adequate headroom.

4.13 The applicants state that there are 2 existing extensions within the street which are either not set back or are equally visually intrusive. These are no. 43 which is directly adjacent their property and no.42 opposite. They also note that

no.39 has an extant planning permission for an extension which doesn't include a setback.

4.14 In his appeal decision the Planning Inspector stated, when dismissing the applicants appeal, that very few of the properties in the street have been extended to the side and where this has been done (for example at nos. 65 and 79), the extensions have normally been set back from the frontage with lowered ridges. This has effectively prevented the creation of a "terracing" effect and maintained the attractive rhythm which characterises the street. There are a few exceptions to this pattern including the neighbouring property to the north (no. 43) though the side extension to the rear is set back. Perhaps more curious - and certainly less successful - is the timber clad side extension at no. 42 opposite. Despite these oddities, the general street rhythm remains largely unspoilt and all the extensions noted retain a hipped roof to the side.

4.15 It is the officers opinion, that whilst there are two extensions within the street which do not comply with the Council's current design requirements, such examples do not in themselves provide justification for similar inappropriate schemes, each application should be considered on its own merits. This matter was also considered by the Inspector and was not judged to be strong enough justification for an inappropriate extension.

4.16 With regard to the rear dormer window, the Council generally require dormer windows to be pitched, so as to match the existing roof design. However in this instance, as a compromise to provide adequate space within the roof void, it was agreed that a mono-pitched roof would be acceptable. The applicants seek permission for a flat roof. It would be preferable if the dormer were amended to mono-pitched roof.

4.17 The rear extension is the least contentious issue concerning this scheme and is considered acceptable in design terms and impact upon adjacent neighbours amenity.

5.0 CONCLUSION

5.1 Whilst the applicants have a specific need to extend their dwelling, they are to some extent constrained by Building Control requirements as well as their own aspirations. Unfortunately in this instance, Planning and Building Control requirements create a conflict which has not been solved. As a consequence the applicants hope Planning can 'relax' its requirements and approve this scheme. Unfortunately, it is considered that the impact upon the existing dwelling and the area is unacceptable in terms of design and appearance. The extension would have a harmful effect on the character and amenity of the local environment due to its lack of set-back and bulky appearance. Just as importantly, if Planning were to judge this scheme acceptable, it would create an awkward precedent in attempting to refuse future inappropriate side extensions or negotiate amendments with applicants.

5.2 As a consequence the proposed extension is recommended for refusal as it fails to satisfy policies H7, GP1 of the City of York Draft Local Plan and Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed 2-storey side extension, by virtue of its design, constitutes an overlarge and unsympathetic extension that would be detrimental to the appearance of the dwelling and the visual amenity of the locality. As such the proposal fails to satisfy policy GP1 of the City of York Draft Local Plan that states development proposals must respect or enhance the local environment and be of a scale, mass and design that is compatible with the surrounding area, and also policy H7 which states permission shall only be granted for house extensions which respect space between dwellings and are of appropriate design and scale with reference to the main building and its locality. The proposal is also contrary to PPS1: Delivering Sustainable Development which states that design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted

Contact details:

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



Appeal Decision

Site visit made on 8 December 2008

by **Graham E Snowdon** BA BPhil Dip
Mgmt MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
6 January 2009

Appeal Ref: APP/C2741/A/08/2085568

41 Albion Avenue, York YO26 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr David Richardson against the decision of York City Council.
- The application Ref 08/00912/FUL, dated 3 April 2008, was refused by notice dated 4 July 2008.
- The development proposed is a rear conservatory, two storey side extension and roof conversion with dormer windows to rear.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposed extensions on the character and appearance of the existing dwelling and the wider locality.

Reasons

3. My decision is based on drawing nos. Rich/March/01 Revision A and Rich/March/02 Revision C, which I understand to be the drawings, which the Council formally considered.
4. Albion Avenue is a street of two storey semi-detached housing in an estate of mainly similar housing. The detailed designs of the pairs of semi-detached units vary, but the constant building line and the gaps between the pairs gives the street a certain uniformity of character. The appeal property and its neighbour, together with the pair of dwellings opposite (nos. 40-42) are distinguished by the use of gabled front bays, which give some distinction to the entrance to the street.
5. Very few of the properties in the street have been extended to the side and, where this has been done (for example at nos. 65 and 79), the extensions have normally been set back from the frontage with lowered ridges. This has effectively prevented the creation of a "terracing" effect and maintained the attractive rhythm which characterises the street. There are a few exceptions to this pattern including the neighbouring property to the north (no. 43) though the side extension to the rear is set back. Perhaps more curious – and certainly less successful – is the timber clad side extension at no. 42 opposite. Despite these oddities, the general street rhythm remains largely unspoilt and all the extensions noted retain a hipped roof to the side.

SCANNED

6. Whilst there may be some roof dormers on the rear roof slopes, none were noted in the immediate vicinity of the appeal property. The proposed arrangement at the rear would extend the full width of the existing rear elevation and I note that this would be contrary to guidance in the Council's Supplementary Planning Guidance on Extensions and Alterations to Private Dwelling Houses.
7. Against this background, the large rear roof dormers and the half hip on the side roof are uncharacteristic features of the area. Although not yet implemented, I have been given details of the permitted side extension at no. 39, the dwelling to which the appeal property is attached. A side extension at the appeal property would, I agree, help to re-balance the pair by re-creating a sense of symmetry, but the detailed design of the current proposal would not achieve this. Whilst I appreciate the additional gabled bay at the front is an attempt to echo the existing character of the frontage, the two-light window is at odds with the original and the additional bay would unbalance the overall composition of the pair. Coupled with the half hip at the side, the resultant appearance would be somewhat clumsy and would represent an incongruous addition to the street scene.
8. I, therefore, conclude on the main issue that the proposed extension would have a detrimental effect on the character and appearance of the existing dwelling and the wider locality. This would be contrary to Policies GP1 and H7 in the City of York Development Control Local Plan (Local Plan), which, though not adopted, is a significant material consideration at this appeal.
9. I accept that the proposal would not result in any detrimental effect on the living conditions of neighbours. I also have considerable sympathy with the personal family circumstances, which have occasioned the need for the additional accommodation now proposed. Nevertheless, I do not consider that this latter provides sufficient justification for accepting the level of visual harm that would result, particularly as the proposal would continue to exist long after such circumstances cease.
10. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G E Snowdon

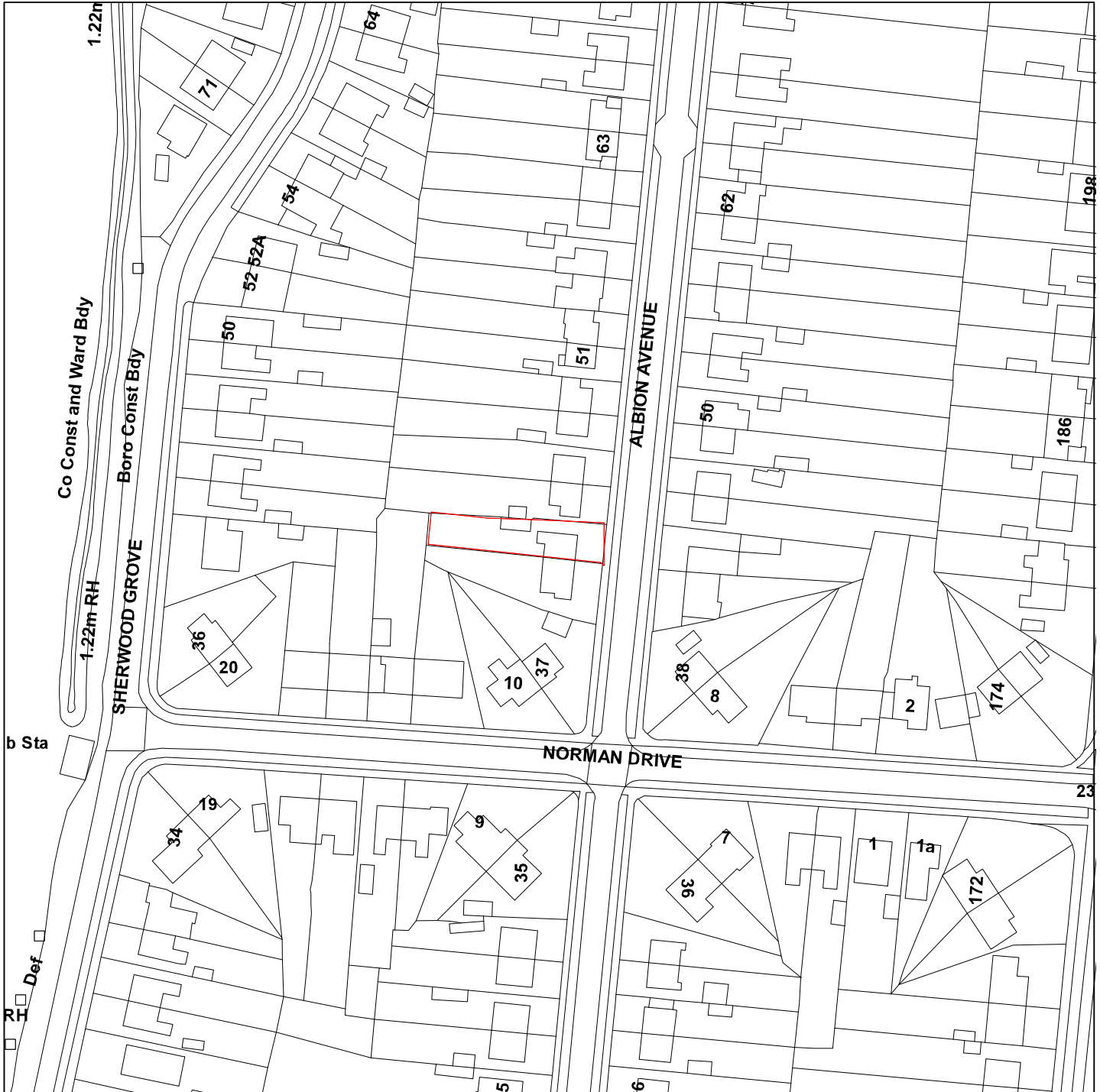
INSPECTOR

41 Albion Avenue

09/00607/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	30 April 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 14 May 2009 **Parish:** No Parish

Reference: 09/00406/TCMAS
Application at: Junction between Boroughbridge Road and Plantation Drive, York
For: Telecommunications mast including 12m high pole 3no antennas overall height 14.2m and associated ground equipment at junction of Boroughbridge Road and Plantation Drive
By: Vodafone Ltd
Application Type: Telecommunication Mast Notice
Target Date: 19 May 2009

1.0 PROPOSAL

1.1 This application has been submitted under the terms of part 24 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for determination as to whether Local Planning Authority require prior approval of the siting and appearance of the development.

1.2 It is proposed to erect a 12.00 m slim line steel telecommunications pole with three no. 3G antennas above within a GRP shroud. The antenna's would increase the height of the mast to a total height of 14.20 m. Also to be attached to the pole is 1 no. 300 mm diameter transmission dish (fixed at approximately 11.50 m above ground floor level. The proposal also includes the erection of 1 no. outdoor cabinet and 1 no. electrical mains pillar, which are to be positioned adjacent the mast.

1.3 The proposed equipment cabinet is to be placed on a concrete base and would measure approximately 1.48 m in length x 0.35 m in width x 1.50 m in height. The proposed electrical mains pillar would also be placed on a concrete base and would measure approximately 0.366 m in length x 0.50 m in width x 0.800 m in height.

1.4 The applicant has stated that the apparatus is required as Vodafone is currently undertaking network development within the York area and have identified a need for a new base station within this particular area of York in order to establish third generation (3G) network coverage.

1.5 In support of the application the agents state that the design and location of the mast would minimise the effect on visual and residential amenity and provides detail of coverage, technical justification and an ICNIRP health conformity certificate.

SITE

1.6 The telecommunication mast and equipment is to be erected adjacent the junction between Boroughbridge Road and Plantation Drive.

PLANNING HISTORY

1.7 No relevant telecommunication history.

COUNCILLOR REQUEST

1.8 This application is being presented to Planning Committee at the request of Councillor Simpson-Laing due to the concerns raised by the neighbours.

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

CYGP20
Telecommunication developments

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.1 The Officer did not object to the proposal but advised that the mast should ideally be repositioned further away from an existing vehicular access point.

ENVIRONMENTAL PROTECTION

3.2 The Officer noted that an ICNIRP certificate of compliance had been submitted. As a consequence the officer raised no objections to the proposed mast.

EXTERNAL

ACOMB PLANNING PANEL

3.3 The Panel drew attention to the Council's policy regarding telecommunications GP20 and highlighted that the policy requires operators to explore the possibilities of erecting equipment on existing buildings and that the visual intrusion and proliferation of such equipment has been minimised and that the proposal does not result in a significantly adverse effect upon the character of the area.

3.4 The Council's highways department should not support the erection of telecommunications mast at such a busy junction.

NEIGHBOURS

3.5 The application has been advertised by neighbour letter and also a site notice. 3 no objections have been received from interested parties. The objections related to the following:-

- The siting of the mast would be very obtrusive and aesthetically unappealing in this predominantly residential location;
- This approach road to the city is relatively pleasant being tree lined and would be substantially marred by such a large mast and associated boxes;
- Government guidelines for the erection of such masts state that factors to be considered in the assessment of such proposals should include
 - The effect upon the skyline/horizon;
 - The site when observed from any side; and
 - The site in relation to residential property.
- The mast is too high. At 14.20 m it would stand half as high again as houses in the area, the mast would beak the skyline when observed from both directions along Boroughbridge Road.
- If approved, an objector will move;
- Health risks;
- Relocate the mast to the British Sugar site;
- Additional street clutter would create a further eyesore within the area, there is already an air monitoring unit close by; and
- Was not aware of the site notice until 13/04/2009.

3.6 A petition signed by 118 people was also submitted stating that they did not agree to the proposed telecommunications mast.

4.0 APPRAISAL

4.1 The main considerations are:

- Prior Approval procedure;
- Justification

- Health issues;
- Siting;
- design;
- Alternative siting options; and
- Highways comments

POLICY

4.2 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.

4.3 The relevant national policy guidelines are set out in Planning Policy Guidance Note 8: Telecommunications (PPG8), August 2001. It explains permitted development rights for telecommunications equipment, the prior approval procedure for such equipment and gives advice on environmental considerations, including mast/site sharing and design. It states that 'protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications'. It encourages authorities and operators to find appropriate sites and use sympathetic design to minimise the impact of development on the environment. Authorities are required to take account of the special siting needs of code operators.

4.4 It also gives advice on health considerations. It states that 'it is the Government's firm view that the planning system is not the place for determining health safeguards...if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'.

4.5 Policy GP20 (Telecommunications Development) of the Council's Draft Local Plan are also considered to material to the determination of this prior approval application. This reflects national advice in that it encourages mast sharing, the minimisation of visual intrusion and proliferation, seeks to avoid any adverse effect on the character of the area or historic character of the City and requires equipment to meet the latest Government guidelines.

4.6 Supporting text for this policy further states that telecommunications installations can have a significant visual impact on an area. This is especially true in an area of acknowledged built environment quality such as the City of York. Therefore, careful consideration needs to be given to the impact of new technology on the character of the City and, in particular, to its effect on important public views and on the City's skyline. Minor telecommunications development is, in many cases, permitted without the need for planning permission to be obtained. However, under this policy, these installations will also need to give consideration to the possibility of sharing existing facilities.

4.7 Code of Best Practice for Mobile Phone Network development (2002) - This publication, produced jointly by representatives of central and local government and the mobile phone industry, builds on Government guidance and operators'

commitments. It provides clear and practical advice to ensure the delivery of significantly better and more effective communication and consultation between operators, local authorities and local people. This replaces the version first produced in 1996.

4.8 Independent Expert Group on Mobile Phones - In 1999, the Independent Expert Group on Mobile Phones (IEGMP) was set up to look at the potential health risks from mobile phone technology. The chairman was Sir William Stewart and the group reported back in May 2000 with what is now commonly referred to as the 'Stewart Report'. The report concluded that "The balance of evidence to date suggests that exposures to RF radiation below NRPB and ICNRP guidelines do not cause adverse health risk to the general population, and that" The balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. The findings of the 'Stewart Report' were not conclusive but did advocate the 'precautionary principle' being adopted in the consideration of applications.

PRIOR APPROVAL PROCEDURE

4.9 A number of forms of telecommunications development which are permitted under Part 24 of the GPDO are subject to a 56-day prior approval procedure under paragraph A.2(4) of Part 24. This procedure applies to the construction, installation, alteration or replacement (unless in an emergency) of a ground based mast of up to and including 15.00 m in height (as is the type subject to this application).

4.10 For such types of development the developer must apply to the local planning authority for its determination as to whether prior approval will be required to the siting and appearance of the proposed development. The local planning authority will have 56 days, beginning with the date on which it receives the application, in which to make and notify its determination on whether prior approval is required to siting and appearance and to notify the applicant of its decision to give or refuse such approval. In the case of this application the relevant period expires 19/05/2009.

4.11 After viewing the information submitted by the applicants, it is considered that the applicants have satisfied the requirements of PPG8 with regards to the proposal being considered acceptable under the requirements for prior determination.

JUSTIFICATION

4.12 Second Generation (2G) networks cater specifically for voice calls and text messaging. Their base station could provide significant levels of network coverage. In contrast 3G technology, which provides multimedia and internet data access, operates at a much lower capacity. As such the applicants state that 3G cells are geographically smaller than their 2G counterpart and require base station development to be located closer together. The distance between each mast restricts the transmission levels and therefore limits the number of phone users being serviced by each station facility. In this regard the applicants highlight that on average 3G cells are required to be located between 500 – 1000 m apart within urban areas.

4.13 The establishment of an effective 3G network has several planning implications as the amount of base station sites being required continues to rise. However the applicant states that they are committed to minimising the impact of their infrastructure within local environments by ensuring that only the most appropriate planning solutions are taken forward

HEALTH

4.14 In considering public concern about the health implications of the current proposal, the findings of the 'Stewart Report' are relevant and have been adopted by the Government to deal with the potential health risks. The Government's current conclusion, as set out in PPG8, is that development of the nature currently proposed does not represent a health hazard subject to compliance with national exposure guidelines. It states that: *'if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'*

4.15 Following advice from the Independent Expert Group on Mobile Phones, the Government now advocates that new mobile phone base stations should be required to meet the international (ICNIRP) guidelines for public exposure, which are around 5 times stricter than those previously suggested by the UK's own National Radiological Protection Board (NRPB), as a recognition of the need for a "precautionary principle."

4.16 The applicant has confirmed that the installation conforms to the guidelines set by the International Commission on Non Ionising Radiation Protection (ICNIRP) and the National Radiological Protection Board (NRPB) and it is therefore concluded that the proposal should not be refused for health reasons.
Perceived health risks

4.17 Some appeal decisions and case law have indicated that the public's perception of health risks can be a material consideration in the determination of an application. The Government has recognized this in the revised PPG8 'Telecommunications' (paragraph 29) which states: *"Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval."*

4.18 However, it is very clear that the weight to be attached to this issue as a material consideration is a matter for the decision maker - in this case the local planning authority. Given that the proposed installation clearly complies with the ICNIRP guidelines for public exposure it is considered that a reason for refusal on the grounds of perceived health risk alone would be extremely difficult to sustain at an appeal.

SITING

4.19 The site is located in a mixed land-use area containing both shops and residential properties. The applicants state within their application that the site they

have identified, whilst on a main distributor route is as far from residential properties as is practical.

4.20 The proposed location adjacent the bus stop and shops and also within a busy area with existing street furniture (lamp posts, telegraph poles etc.) would lessen the impact of the development within the area. The base unit and small electrical mains pillar are reasonably small in scale and would appear to be similar to other street furniture generally associated with urban areas.

4.21 The applicants have submitted site coverage plans which demonstrate their existing coverage levels within the area and also their proposed coverage levels if the telecommunications mast were approved. The applicants state that the existing coverage clearly indicates that there is a clear deficit of coverage to the north and south of the search area.

4.22 The applicants further state that whilst there are two cells reasonably close by (cell 37728A and cell 1704A), these are being upgraded from 2G to 3G. The proposal at Boroughbridge Road is to provide coverage in an area of low coverage. The applicants state that it is their aim to provide dense urban signal levels to the widest possible area, the contribution of an additional mast at Boroughbridge Road would significantly enhance their coverage in the area.

4.23 Within the identified search area, the applicants state that further constraints restrict where the mast can be sited. They state that the area to the south of Boroughbridge Road comprises of a dense area of residential properties. They also note a school to the south, further residential properties to the north west and to the east is the site area previously occupied by British Sugar and is unavailable.

4.24 The applicants state that given the aforementioned constraints and lack of availability of other locations, the proposed site which is adjacent a main road provides the only available area. The site has been chosen by the applicants because there are lighting columns and telegraph poles within the street and it is adjacent mixed uses and not in a purely residential area.

4.25 In light of the above, it is considered that the proposals represent a minimal visual intrusion within this area. As such the siting of the slim line mast and cabinet is considered acceptable.

DESIGN

4.26 The proposed telecommunications mast will be coloured grey to reflect the existing street lighting columns within the area. The associated base equipment will also be coloured grey. The applicants acknowledge that the mast may appear to be of a significant size. However they state that its height is an operational requirement and is required to transmit its signal to other mast without being impeded. The dish is required because a direct line of site with the base station of the adjoining cell is needed to ensure that the mast effectively integrates within the network.

4.27 The applicants state that they have also tried to site the mast as far away as practicable from residential properties and away from as many sensitive view points

as possible. As a result of the above and given the efforts made by the operator to use a slim line mast its is considered that the proposed scheme provides a necessary function within the area without undue detrimental impact upon the amenity of those living, working and travelling within the area. The applicants believe that they have managed to achieve a appropriate balance between their operational requirements and environmental considerations.

ALTERNATIVE SITING OPTIONS

4.28 The supporting statement and supplementary information submitted with the application includes details of the site selection process. This states that the industry's site database was checked for suitable sites as well as a physical search undertaken. A list of 7 alternative sites, considered and discounted, by the applicant has been submitted.

4.29 The operator has stated that there are no suitable sites to share within a reasonable distance. Sharing sites with existing masts/operators also usually require a much bulkier mast to accommodate both system operators and also additional equipment cabins. This would most likely have more of a detrimental impact upon the area than the proposed scheme.

HIGHWAYS COMMENTS

4.30 The Highways Officer commented that it would be preferable, if the telecommunications mast were re-sited away from the existing access to Post Office. Unfortunately the location they recommended (corner of the junction between Boroughbridge Road and Plantation Drive) is considered unacceptable in planning terms. The mast would be unduly prominent within the street scene and consequently unacceptable. It is therefore considered that the position of the mast is acceptable. Whilst it would be adjacent the existing access point, it would not infringe upon the access to such a degree as to warrant the scheme being refused on this matter.

5.0 CONCLUSION

5.1 It is appreciated that special regard should be had to the sensitive nature of such applications. However, this has to be balanced against the advice contained in PPG8 and adopted Development Plan policies which acknowledge the need to enable the provision of the widest access to telecommunication services.

5.2 Mobile phone companies are required to provide coverage for their customers. In this case an area of poor coverage has been identified and a site is required to provide adequate coverage. 7 sites were investigated and discarded. However, inevitably, in order to provide coverage for an urban area the mast will be in close proximity to housing. The application site is some distance from the nearest school but is quite close to residential properties. Whilst it will be visible to motorists and pedestrians, it's slim line appearance and 2 cabinets are not considered to be unduly prominent, being situated adjacent a bus top, street lighting and other street furniture.

5.3 It is therefore considered that the proposed development satisfies policies GP1 and GP20 of the City of York Draft Local Plan – incorporating 4th set of changes – 2003 and the aims of Planning Policy Guidance Note 8 and PPS 1. No objections are therefore raised to the prior approval of the aforementioned telecommunication mast.

6.0 RECOMMENDATION: No Objections

7.0 INFORMATIVES:
Notes to Applicant

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

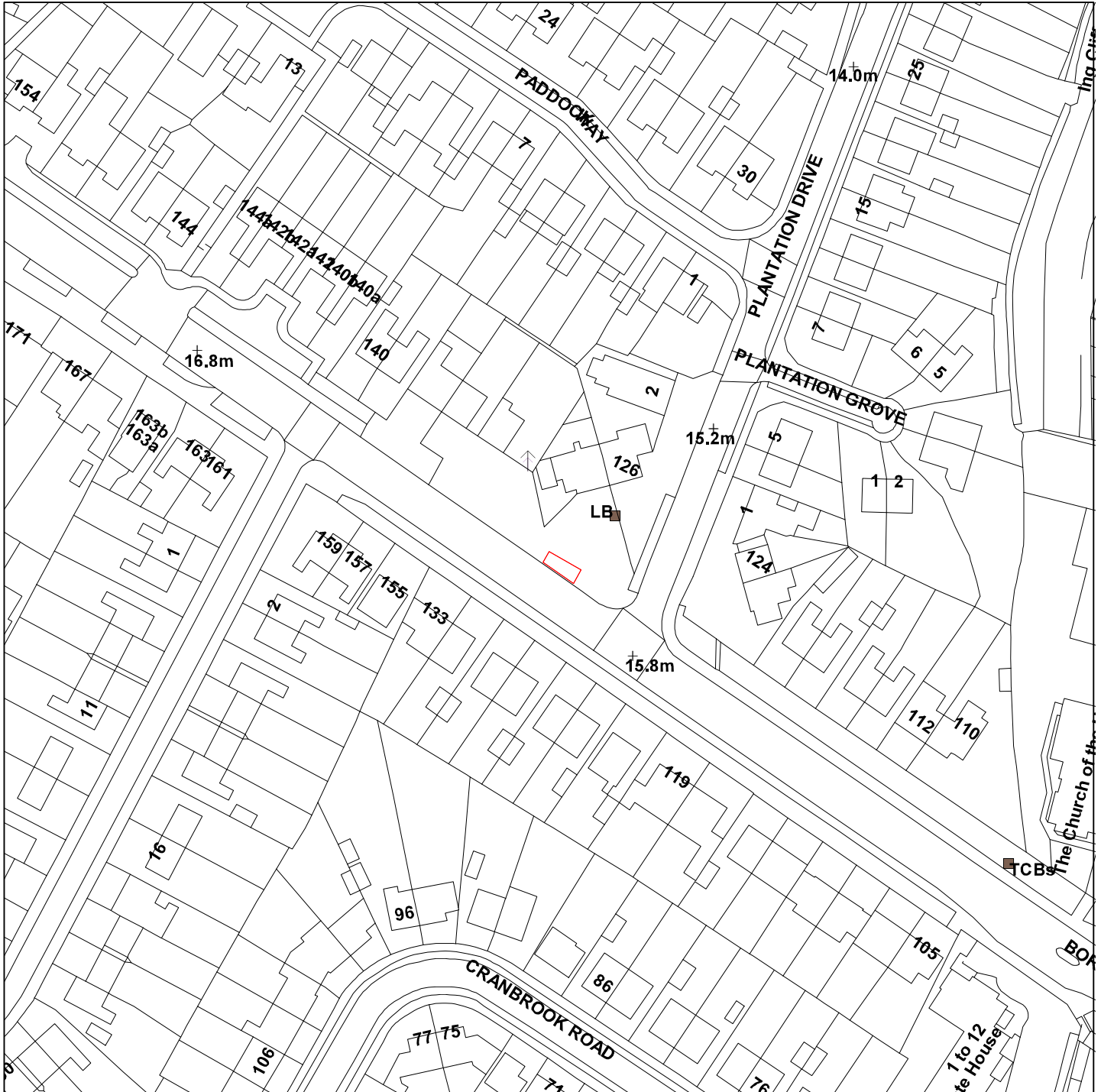
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Telecommunications Mast Boroughbridge Road

09/00406/TCMAS



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Organisation	Not Set
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Comments	Application Site
Date	30 April 2009
SLA Number	Not Set

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