



Notice of meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Thursday, 18 June 2009

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 17 June 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 - 10)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 14 May 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 **Wednesday 17th June**. 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 of the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) **Poppleton Community Centre Main Street Upper Poppleton York YO26 6JT (09/00641/FUL)** (Pages 11 - 18)

Single storey extension to front to form extended lounge and entrance foyer after partial demolition of conservatory (resubmission) [*Rural West York Ward*] **[Site Visit]**

b) **St Barnabas Voluntary Primary School, Bright Street, York, YO26 4XS (09/00648/REM)** (Pages 19 - 32)

Erection of 8no. terrace houses including landscaping, parking and access [*Holgate Ward*] **[Site Visit]**

c) **Terry Avenue, York (09/00596/FUL)** (Pages 33 - 42)

Temporary mooring for residential house boat opposite entrance to Rowntree Park Caravan site. [*Micklegate 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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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 17 June 2009

The bus for Members will leave Memorial Gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.15	Poppleton Community Centre, Main Street, Upper Poppleton	4a
11.45	Former St Barnabas Primary School, Bright Street	4b
12:20	Proposed Residential Mooring, Terry Avenue (opposite entrance to Rowntree Park Caravan Park)	4c

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	14 MAY 2009
PRESENT	COUNCILLORS HORTON (CHAIR), STEVE GALLOWAY, GALVIN, LOOKER, REID, SUNDERLAND, MOORE (AS A SUBSTITUTE FOR CLLR SUE GALLOWAY), BOWGETT (AS A SUBSTITUTE FOR CLLR CRISP) AND HEALEY (AS A SUBSTITUTE FOR CLLR GILLIES)
APOLOGIES	COUNCILLORS SUE GALLOWAY, CRISP AND GILLIES

72. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
1 Garfield Terrace	Councillors Healey, Horton, Looker, Moore and Reid.	As objections had been received and the recommendation is to approve.
Proposed Telecommunications Mast, Junction of Plantation Drive and Boroughbridge Road	Councillors Healey, Horton, Looker, Moore and Reid.	As objections have been received from local residents and the officer recommendation is "No Objections"
41 Albion Avenue	Councillors Healey, Horton, Looker, Moore and Reid.	At the request of Councillor Simpson-Laing

73. DECLARATIONS OF INTEREST

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

Councillor Bowgett declared a personal and prejudicial interest in Plans Item 4a (1 Garfield Terrace) as she had requested that this application be presented to the Committee as she considered it to be overdevelopment of the site. She left the room during consideration of this item and took no part in the debate or vote thereon.

Councillor Horton declared a personal non prejudicial interest in Plans Item 4c (Junction between Boroughbridge Road and Plantation Drive) as he has a mobile phone on the Vodafone network.

Councillor Moore declared a personal non prejudicial interest in Plans Item 4c (41 Albion Avenue) as he has a Council PDA which is on the Vodafone network.

74. MINUTES

RESOLVED: That the minutes of the meeting held on 16 April 2009 be approved and signed by the Chair.

75. 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.

76. 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.

76a 1 Garfield Terrace, York, YO26 4XT (09/00323/FUL)

Members considered a full application from Mr Carl Cameron for a first floor pitched roof side/rear extension, above the existing ground floor extension, to provide 2 additional bedrooms for the dwelling.

Representations were received from a neighbour in objection to the application. She advised Members that she was not completely against the extension but objected to the proposed length and height of the extension. She raised concerns that the extension would protrude beyond their house at the rear and would block light in their back rooms and rear garden. She referred to other extensions in the Leeman Road area and pointed out that these were all built to the size of the property and not beyond. She advised Members that this property had been extended previously and voiced the view that if this application was approved it would be overdevelopment of the site.

Representations were also received from the agent in support of the application. He advised Members that he had worked with the planning officer to achieve a design which was acceptable and had not been informed that it would be considered as overdevelopment.

Members agreed that although there may be some overshadowing of the neighbours property, due to the size of the garden and it's south facing orientation, this was not likely to be an issue.

Members raised concerns over further development of the site. Officers explained what would be allowable under permitted development rights if this application was approved and Members asked that a condition be added preventing any further development on the site under permitted development rights.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional condition listed below.

Additional Condition 6

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no further extensions, alterations or buildings described in Classes A, B or E of Schedule 2 Part 1 of that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

REASON: The proposal, subject to the conditions listed in the report and the additional condition 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.

76b 41 Albion Avenue, York, YO26 5QZ (09/00607/FUL)

Members considered an application from Mr David Richardson for a two storey pitched roof side extension, single storey rear extension with dormer windows and covered courtyard (resubmission).

Representations were received from the applicant in support of the application. She circulated an occupational therapist's report and a personal statement explaining her health problems and reasons for needing more space in the house. She stated that she had originally applied for planning permission a year previously and had worked with

planning officers and made compromises on the original scheme which had been rejected as it was deemed to high.

Representations were also received from Councillor Tracey Simpson-Laing in support of the application. She drew Members' attention to the applicant's health problems as the reasons behind the application. She referred to the occupational therapist's statement which highlighted the need for a ground floor toilet and walk in shower and the future need for a downstairs bedroom and space for a carer. In respect of the design of the extension she referred to other houses in the vicinity with a terracing effect.

Members recognised the need in this case to consider both the applicant's health problems and planning policy and to determine whether there were special circumstances in this case to warrant a deviation from normal policy. They asked that, should the application be approved, the reason for approval should outline the extenuating circumstances.

Discussion to place about the proposed roof line and height of the development. Members noted that it was important to consider the design in relationship to the next door and neighbouring properties and noted that there had been no objections from residents.

RESOLVED:

That the application be approved subject to the conditions listed below.

- 1 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.

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

Rich/March/02 Revision D rec'd 01 April 2009

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

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the extensions.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

REASON:

The proposal, subject to the conditions listed above, would not cause undue harm to residential amenity and the appearance of the street scene. In reaching this decision the Members of the Sub-Committee acknowledged that the proposal did not comply with the guidance contained within the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance in respect of the roof-line however they considered that in this case that the applicant had demonstrated personal circumstances which outweighed the guidance. The Area Sub-Committee considered Policies H7 and GP1 of the City of York Development Control Local Plan when determining the application.

76c Junction of Boroughbridge Road and Plantation Drive, York (09/00406/TCMAS)

Members considered an application from Vodafone Ltd for a telecommunications mast including a 12m high pole, 3 antennas with an overall height of 14.2m and associated ground equipment at the junction of Boroughbridge Road and Plantation Drive.

The Planning Officer drew Members' attention to paragraph 4.4 which referred to Planning Policy Guidance Note 8 which, in respect of health considerations, states that if a proposed mobile phone base stations meets the ICNIRP guidelines for public exposure, it is not within the remit of the Planning Committee to consider further health aspects and concerns about them. He confirmed that a certificate had been received. He circulated drawings showing the current and proposed coverage to show the hole in coverage the applicant hoped to fill.

Representations were received from a local resident in objection to the application. He voiced residents concerns about the siting and appearance of the mast and equipment. He stated that the mast would be half as high again as surrounding buildings, that it was on a main route into city from the A59 and would stand out as there would be nothing to disguise it. He also raised concerns that the boxes would obstruct visibility at the road junction.

Representations were also received from a local shop owner in objection to the application. She circulated copies of photographs which showed how the mast and ground equipment would appear. She stated that the mast and equipment would obstruct the view of her shop and prevent cars from entering the forecourt and would be an further obstruction for disabled drivers. She also explained that it would make it difficult for passengers waiting at bus stop to see down the road. She advised Members that a small existing telecommunications box was regularly damaged and was concerned that the mast could be knocked over.

Councillor Tracey Simpson-Laing also spoke in objection to the application as Ward Councillor. She referred to advice contained within Planning Policy Guidance Note 8. She questioned whether the Disability Discrimination Act has been taken into consideration and pointed out that

this area was already quite cluttered with street furniture and could worsen the problem for sight impaired persons if approved.

Members discussed the sighting of the mast and furniture, safety issues and appearance and made the following points: -

- Siting of mast – very close to shops in an intensive residential area
- Appearance – Concern over aesthetics of mast and equipment. The mast would be intrusive and very evident on a main route into the city
- Ground equipment is sited on an area of dropped curb
- The mast and ground equipment could obscure bus drivers' views along Boroughbridge Road and prevent them from seeing the bus stop sign and people waiting at the nearby bus stop.
- The ground equipment would obstruct vehicle access to the adjacent forecourt to the front of 126-128 Boroughbridge Road to the detriment of the safety of drivers and pedestrians
- There is the risk that cars manoeuvring on the forecourt could damage the ground equipment or mast.

In response to a query from Members, the Planning Officer explained why the alternative sites had not been suitable. Members agreed that although it was necessary to find suitable sites for telecommunications masts, this site was not suitable for the reasons they had discussed.

RESOLVED: That approval for the siting and appearance of the development proposed in the above-mentioned application be refused.

REASON:

- 1 The proposed monopole and antenna, because of its height, design and exposed location would appear incongruous in this suburban residential location and would therefore harm the appearance of the streetscene. This is contrary to policy GP20 of the Development Control Local Plan which states that permission will be granted for telecommunications developments where the visual intrusion of such equipment has been minimised and the proposal does not result in a significantly adverse effect on the character of the area.
- 2 The siting of the monopole and associated equipment cabinets would be likely to obstruct the vehicle access to the adjacent forecourt to the front of 126-128 Boroughbridge Road to the detriment of the safety of drivers and pedestrians and would obstruct views north-west along Boroughbridge Road from the adjacent bus stop to the detriment of bus passengers.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.10 pm].

2.2 Policies:

CYGP1
Design

CYC1
Criteria for community facilities

CYGB13
Sports facilities outside settlements

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

3.1 Internal

Highway Regulation - No objection

Lifelong Learning and Leisure - No comment upto date of writing

Environmental Protection Unit - Raise strong concern regarding proposal on the grounds of noise nuisance, though recommend conditions relating to noise assessment and a scheme of mitigation measures to protect the amenity of neighbouring residents, should the application gain consent.

3.2 External

Upper Poppleton Parish Council - No objection to proposal, subject to resolution of the noise problem.

Response to neighbour consultation letters which expired on 13.05.09. - One letter received from neighbouring resident raising concern relating to noise nuisance from the building and referring to the requirement by this Council within the premises licence for a noise insulation scheme to be approved and implemented.

Response to site notice which expired on 15.05.09. - None received up to date of writing.

4.0 APPRAISAL

KEY ISSUES

- 4.1. Visual impact on the building and surrounding green belt;
- 4.2. Impact on neighbouring properties

4.3 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.

4.4 DRAFT LOCAL PLAN POLICY GB1 'Development within the greenbelt' of the City of York Local Plan Deposit Draft states that planning permission for development will only be granted where: a) the scale, location and design of such development would not detract from the open character of the Green Belt; and b) it would not conflict with the purposes of including land within the Green Belt; and c) it would not prejudice the setting and special character of the City of York; AND it is for an approved use - (i) agriculture and forestry; or (ii) limited extension, alteration or replacement of existing dwellings; or (iii) limited infilling in existing settlements; or (iv) limited affordable housing for proven local needs; or (v) limited infilling or redevelopment of existing major developed sites; or (vi) reuse of existing buildings.

4.5 DRAFT LOCAL PLAN POLICY GB13 states inter alia that within the green belt development of essential ancillary facilities for outdoor sport will be permitted where a) the facilities are essential to support outdoor provision; a1) they are kept to a scale consistent with the requirements of the outdoor activity; b) there are no opportunities to provide the built facilities in adjacent settlements and; c) any new buildings or structures do not detract from the openness of the Green Belt.

4.6 DRAFT LOCAL PLAN POLICY C1 aims to promote the provision of new community facilities and wishes to protect and enhance existing community facilities; provided that the proposed development is of a scale and design appropriate to the character and appearance of the locality; and also that it meets a recognised need.

4.7 PLANNING POLICY GUIDANCE 24 gives guidance on use of planning powers to minimise the adverse impact of noise including whether the use of conditions is practicable to control or reduce noise levels where it is not possible to achieve a separation from new development involving noisy activities away from noise sensitive land uses. Local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. Relating to noise from recreational and sporting activities the local authority should take into account how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of participants against nuisance to other people.

4.8 Poppleton Village Design Statement aims to support and prevent the loss of excellent facilities in Poppleton which help to maintain the strong community spirit.

4.9 Relevant Planning History - Application No. 09/00163/FUL - Single storey extension to front to form extended lounge and entrance foyer after partial demolition of conservatory. Withdrawn 03.04.09. on officers recommendation to avoid refusal.

ASSESSMENT

4.10 Poppleton Community Centre is sited within the Green Belt but outside of the Conservation Area. As well as all the sporting facilities available at the Centre, the use also includes a lounge/bar and function room for community use. Further to this proposal the Centre hopes to also incorporate a Community cafe.

4.11 The proposed extension will not be highly visible to public view, nor neighbouring dwellings, due to its concealed location. The front of the site is screened by high mature trees, with the tennis courts in-between the main building and this boundary. Matching materials and door/window design are proposed and the extension will still be well set back from the elevation of the community centre facing the playing field. The proposal is of a modest height and mass and is not considered to harm the appearance of the dwelling, nor surrounding green belt.

4.12 Poppleton Community Trust are currently working with the Environmental Protection Unit with regard to compliance with conditions of a licensing application in relation to ambient noise monitoring of noisy events. The premises licence granted on 13.11.2008 required by condition that a noise insulation scheme for the premises be submitted and approved within 3 months of that date, however this has not been received.

4.13 As well as the small extension proposed, some of the existing windows are proposed to be replaced by sliding doors, more likely to be left open, resulting in more noise emanating from the building.

4.14 The previous submission, outlined above, which proposed identical works to this current proposal, was withdrawn on the advice of officers, due to the concerns regarding noise emissions from the building. Complaints relating to noise are continuing to be received by our Environmental Protection Unit. The current submission does differ from the previous in that it includes a statement agreeing to the conditions within the premises licence and the Centre's intention to fully comply. The statement also gives reason that the submission for planning application in advance of the solutions to the noise issues arise from the need to raise funds from various charitable organisations, many of which require the planning consent to be already in place.

4.15 An environmental noise report has been undertaken, detailing the results of noise monitoring undertaken at the site on three Saturday evenings during February/March this year. Weather conditions and background noise from traffic were taken into account whilst sound level meter measurements were taken, thus only two evening's results were considered conclusive. Both these two evenings recorded levels of noise at which complaints are likely to arise, indicating that noise would be audible in neighbouring bedrooms.

4.16 It is considered that further complaints are likely to be received in the coming summer months as a result of the use of the centre for the proposed licensed activities after 23:00hrs. Further investigations by an acoustic consultant are necessary to investigate what mitigation measures are needed to attenuate the noise before compliance with the licence conditions can be achieved. These measures would then need to be incorporated into a design for the extension. Granting the current proposal, with its glazed roof and fully openable glazed sliding doors is likely to result in noise nuisance to surrounding residents contrary to policy GP1.

5.0 CONCLUSION

It is considered the proposal may further harm the amenity of neighbours, by exacerbating an existing noise nuisance and that planning consent should not be granted until measures to mitigate this nuisance have been agreed and incorporated into the submitted drawings. Conditions are not considered to be appropriate in this case when the noise mitigation measures are as yet unknown.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed extension will further increase existing noise emissions from the site, by virtue of additional sliding doors being included within the proposal. This will result in an unacceptable level of disturbance to neighbouring residents adversely affecting the amenity which they could reasonably expect to enjoy. As such the proposal fails to satisfy the requirements of City of York Council Draft Local Plan Policy GP1 (approved for Development Control Purposes April 2005) and Planning Policy Guidance Note 24.

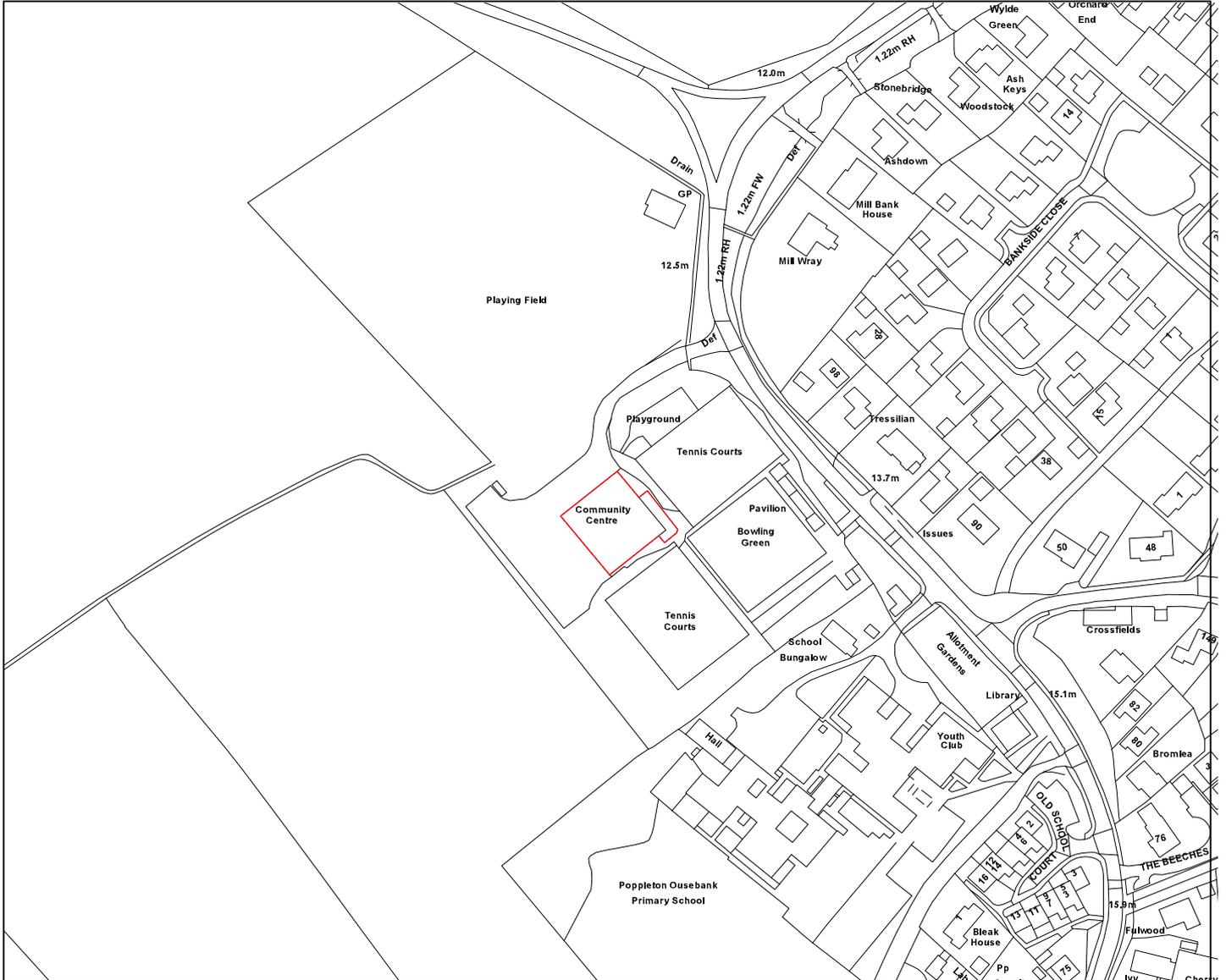
Contact details:

Author: Carolyn Howarth Development Control Assistant
Tel No: 01904 551344

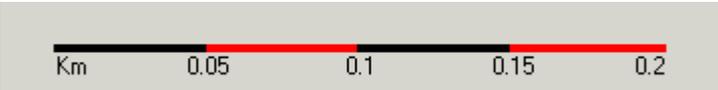
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Poppleton Community Centre

Ref 09/00641/FUL



Legend	



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	04 June 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 18 June 2009 **Parish:** No Parish

Reference: 09/00648/REM
Application at: St Barnabas Voluntary Primary School, Bright Street, York, YO26 4XS
For: Erection of 8no. terrace houses including landscaping, parking and access
By: Daniel Gath Homes Ltd
Application Type: Approval of Reserved Matters
Target Date: 11 June 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the former St Barnabas School site, which fronts onto Bright Street between Bromley Street and Hanover Street East. The site is 0.09Ha in size and surrounded by terraced housing.

1.2 The school building was built in 1884 and extended in 1997. The original building is of Gothic design of red brick and stone dressing. It occupies 70% of the site, the rest is hardstanding.

PROPOSED DEVELOPMENT

1.2 This application is for reserved matters approval after outline permission for residential was granted in 2006. The application covers the amount and type of dwellings, their siting, design and landscaping.

1.3 8 houses are proposed (4x 2-bed & 4 x 3-bed), in two rows of 4, fronting Hanover Street and Bromley Street. Each house has a private garden and off-street parking space.

SITE HISTORY

1.4 After it was decided that the school would move to its new site by St Barnabas Church an outline application for the principle to develop the application site as residential was submitted in August 2005. The access into the site was shown from Bright Street, with other matters reserved for future consideration. The indicative plan illustrated demolition of the school building, to be replaced by a two-storey high development of 9 units, with a covered vehicle entrance on Bright Street leading to 8 car parking spaces.

1.5 The outline application was refused at planning committee in October 2005. Officers recommended approval on the grounds that the principle of residential

development was acceptable and loss of the existing building could not be opposed as it was not listed, nor was it of listable quality. The application was refused by members, the reason for refusal being that the application would necessitate the loss of a landmark building of townscape, historical and cultural importance and on the basis of the submitted material a modern replacement building would not make the same contribution to the townscape as the existing building. As such the proposal would conflict with principles of Policy E4 of the approved North Yorkshire County Structure Plan (now superseded), Policy SP3 of the City of York Deposit Draft Local Plan and advice contained within Planning Policy Statement 1: Delivering Sustainable Development.

1.6 The decision was successfully appealed against. In allowing the appeal, the inspector concluded that the principle of residential with a single access from Bright Street was acceptable. The inspector advised that the building could not be regarded as a landmark building and was in fact a "bleak and forbidding building" of "limited value". It was added that the building was overbearing due to its proximity to surrounding houses. It could not be determined that the development would harm the appearance of the area, as the design of the replacement building would be assessed at the reserved matters stage.

1.7 The first attempt at gaining reserved matters approval was refused at planning committee in November 2007. The application proposed 14 flats, (7 x 1-bed & 7 x 2-bed) with 9 off-street parking spaces.

1.8 The scheme was rejected due to the type of dwellings proposed, which would not assist in delivering the type of dwellings identified as being required in the city, in the Councils Strategic Housing Market Assessment, i.e. 2 and 3 bed sized houses opposed to flats. The ground levels were also not adequately set above ground level, as required in the outline consent, to protect occupants from flooding.

1.9 The decision was appealed against but dismissed, the inspector giving reasonable weight to the Councils Strategic Housing Market Assessment, which has been established in accordance with national guidance in PPS3 which advises Planning Authorities establish housing need and demand and determine applications accordingly.

1.10 The application is brought to committee at the request of Councillor Crisp as previous schemes for the site have been brought before members and as there is significant public interest in the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams GMS Constraints: West Area
Floodland Multiple (Spatial)

Floodzone 2 GMS Constraints: Flood Zone 2

Floodzone 3 GMS Constraints: Flood Zone 3

Schools GMS Constraints: St. Barnabas' CE Primary

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYH3C	Mix of Dwellings on Housing Site
CYH4A	Housing Windfalls
CYNE7	Habitat protection and creation

3.0 CONSULTATIONS

ENVIRONMENT AND CONSERVATION

3.1 Advise that the building to be demolished is potentially of interest to bats. Although there are no records of roosts within this property, there are a number of potential access points and habitat features such as gaps under roofing tiles, between window frames and under leading which would allow bats to roost. There are also foraging and further roosting opportunities in the surrounding area, particularly with the nearby River Ouse, areas of parkland, and vegetation along the railway line. Because of this potential value, a survey is suggested to see if there is any evidence of occupancy or suitable habitat present.

ENVIRONMENTAL PROTECTION UNIT

3.2 No objection to the proposals in principle, however recommend that the applicant be asked to provide information regarding the required external lighting to ensure satisfactory levels of luminance can be achieved. Maximum luminance levels in the windows of houses should be agreed to safeguard residential amenity.

3.3 It is also asked that the applicant be informed of legislation regarding contaminated land and demolition and construction, the latter as there is a potential for loss of residential amenity during the demolition and construction phases of the development associated with noise, dust, vibration etc as a result of the works.

HIGHWAY NETWORK MANAGEMENT

3.4 No objection.

SAFER YORK PARTNERSHIP

3.5 Public and private space is clearly defined, the proposed development appears to be safe and secure and the design provides good natural surveillance. Due to levels of vehicle crime, burglary, damage and thefts in the area, which tends to occur at night, street lighting has been suggested in the car parking area to increase surveillance.

YORK DRAINAGE ENGINEERS

3.6 The proposed development is in high risk Flood Zone 3 and has suffered from river flooding. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems. The following is requested -

- Details of the existing and proposed surface water system to enable the impact of the proposals on the downstream watercourse to be assessed.

- Proposed ground levels to ordnance datum for the site and adjacent properties, to ensure that there will not be any detriment to the drainage of existing properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

- Existing and proposed surfacing.

- Drainage details. Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

3.7 In accordance with PPS25 and in agreement with the Environment Agency / City of York Council, peak run-off from developments should be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas).

ENVIRONMENT AGENCY

3.8 No objection.

PUBLICITY

3.9 The application was publicised by site notice and letters of neighbour notification. The deadline for comments was 22.5.09. No written representations have been made.

4.0 APPRAISAL

4.1 Key issues

- Principle of development
- Amount and type of housing
- Design and appearance
- Residential amenity
- Highway safety
- Sustainability
- Flood risk
- Protected species

PRINCIPLE OF DEVELOPMENT

4.2 The principle of residential use of the site was set by the outline approval. The amount and location of residential units and their height, size and design is the subject of this reserved matters application.

4.3 There were no conditions requiring affordable housing, or contributions toward open space and education attached to the outline approval. These matters cannot be re-visited at the reserved matters stage.

AMOUNT AND TYPE OF HOUSING

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

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

4.6 Policy H3c of the draft Local Plan asks for a mix of housing on all sites.

4.7 The revised scheme proposes the type of housing, identified as being in most need by the SHMA. On this basis the scheme is consistent with policy and will make a positive contribution to the cities' housing stock.

DESIGN AND APPEARANCE

4.8 National guidance contained in planning policy statements (PPS) 1: Delivering Sustainable Development) and 3: Housing are relevant to design. 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. PPS3 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.

4.9 Policy GP1 of the Local Plan 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.

4.10 Policy H4a requires housing developments to be of an appropriate scale and density to surrounding development and not have a detrimental impact on existing landscape features. H5a states the scale and design of proposed residential

developments should be compatible with the surrounding area and must not harm local amenity.

4.11 The layout, scale, detailing and materials of the dwellings proposed would be in-keeping with the surrounding terraced housing. The scheme attempts to deliver housing that will be desirable by providing private gardens and off-street parking. The amount of parking proposed attempts to address previous concerns made by residents about existing problems with on-street parking in the area. The scheme avoids parking dominating the courtyard due to the location of spaces and private gardens and by having driveways leading directly onto the existing roads from houses 1 and 5.

4.12 Overall the design of the scheme reasonably accords with the policies listed in 4.8-4.10.

RESIDENTIAL AMENITY

Surrounding residents

4.13 Policy GP1 requires that developments ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

4.14 The scheme applies separation distances and building heights which are typical of the area. In relation to the existing building, overshadowing would be reduced for some surrounding houses. Overall the impact on surrounding occupants would be acceptable.

Future occupants

4.15 There would be adequate outlook from the proposed units and each would have their own amenity and storage space. Houses are either 74sq m (3-bed) or 60 sq m (2-bed) which is deemed to provide adequate space for future occupants.

4.16 External lighting has been added to the scheme to assist with surveillance of the shared courtyard/parking area at the request of the Police Architectural liaison Officer (ALO). A condition is suggested covering the detailed design of the lighting and the lux levels/direction of light to prevent light pollution and in the interests of appearance.

HIGHWAY SAFETY

4.17 A car parking space has been allocated to each unit. The maximum requirements established in the Local Plan are 1 space for a 2-bed dwelling, 2 for a 3-bed dwelling. The standards being a maximum as the aspirations of the local plan are to encourage people using alternative means of transport. The limited amount of parking proposed is in line with the objectives of the Draft Local Plan and National Guidance in PPS1, PPG3 and PPG13 (Transport), which all seek to reduce car dependence and encourage access by walking and cycling, or public transport, between housing, jobs, local services and local amenities. Each unit has private storage space where cycles could be accommodated.

4.18 Any additional on-street parking in associated with the proposed development would not have a material impact on highway safety.

SUSTAINABILITY

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

4.20 The application has an associated sustainability statement. It advises that the location of the development is sustainable, in terms of proximity to services and the building is designed to be in character with the area. In terms of construction the walls shall be insulated, double glazing would be used and the type of terrace proposed will in itself help reduce heat loss. Move sensitive lighting is proposed to reduce energy consumption. Recycling facilities and rainwater harvesting are also proposed. There is no proposal to produce energy onsite.

4.21 To ensure the development is carried out in accordance with the sustainability statement, a suitably worded condition could be attached to an approval. The outline consent was granted before the Council's IPS on Sustainable Design and Construction was adopted; as such its requirements are not mandatory for this scheme. Overall it is considered the development would be reasonably sustainable.

FLOOD RISK

4.22 The site lies in flood zone 3, where the risk of flooding is high. In accordance with policy GP15 of the Local Plan the development should not be at risk from flooding and should not enhance the flood risk of surrounding buildings. The Environment Agency ask that finished floor levels are at least 11.5 AOD, 600mm above the 1 in 100 year flood event. This was a condition of the outline approval, to mitigate against flood risk. The outline consent did not request any details of how the site would be drained, or that surface water run-off be reduced by any future development.

4.23 The site is presently all hardstanding or developed on. As such surface water run-off would be reduced by over 30% due to the proposed development as grassed areas are proposed where water could drain into, opposed to being directed into drains. No change in ground levels are proposed. The development will thus reduce flood risk elsewhere.

PROTECTED SPECIES

4.24 Bats are a protected species and the English Nature will need to be contacted should bats be found in the existing building. In accordance with policy NE7 of the Local Plan: Habitat Protection and Creation, a condition of approval suggested is that alternative features for bats be provided as part of the new buildings.

4.25 A bat survey was carried out at the site on 26 May 2009, which included a survey of the building for signs of bat residency and/or usage and an evening survey

of activity. The evening survey commenced 30 minutes before sunset for a duration of 2 hours, which are times when bats will typically emerge from roosts.

4.26 The surveys found that the building does have some features that would be suitable for bat roosting. However no bat roosts were found in the building. During the evening survey bats were observed passing through the site and foraging to the north of the school building. The first bat was sighted around 1 hour into the survey, which suggests a roost is not nearby.

5.0 CONCLUSION

5.1 The principle of developing the site as residential has already been agreed through the outline planning application. This detailed scheme is supported as it relates to its context, would be of acceptable appearance and would not harm the amenity of occupants of the surrounding buildings. The scheme would not compromise highway safety or add to flood risk and it will provide houses for which there is identified demand.

5.2 Conditions are suggested regarding the finished appearance of the houses and external areas, such as boundary treatment and landscaping.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

- 08:67:01 Existing site plan.
- 02D Proposed site plan.
- 03B Proposed floor layouts and elevations.
- 04C Proposed street scenes.

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

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

2 Large scale details at a scale of 1:20 of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Entrance doors and their surrounds.
- b) Windows, including types of opening, frames and cills (windows to be set into reveals) including cross section.
- c) Cycle and bin stores including doors.

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

3 The development shall be carried out using the following materials:

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

b) Samples of the materials to be used for the windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

c) Roof - type of roof finish to be approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works to preserve the appearance of the area.

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

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

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

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

6 The store buildings to houses 4 and 8 shall be constructed in wall and roof materials to match those on the approved houses, unless agreed otherwise in writing. Details of the doors (design and materials) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

7 Before the development is occupied, details of the external lighting shall be submitted to and approved by the Local Planning Authority.

The details shall include design and location of light fixings/columns, lightspill, main beam angle of light source and the level of luminance measured in lux, in the vertical plane at the nearest windows.

The street lighting shall be installed prior to the occupation of the dwelling(s) in accordance with the approved details.

Reason: In the interest of residential amenity and the character and appearance of the conservation area.

8 Prior to development commencing details of bat friendly design measures to be incorporated into the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting new habitats for a species protected law, in accordance with policy NE7 of the City of York Draft Local Plan.

9 HWAY10 Vehicular areas surfaced, details reqd

10 Development of the type described in Classes A, D and E in part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008 shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of appearance and given the size of the outside garden areas the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2008.

11 The development shall be carried out in accordance with a sustainability statement which shall be submitted and approved in writing by the Local Planning Authority. The statement shall detail energy and water use saving measures to be installed (including appliances and rainwater harvesting), means to prevent pollution (considering the use of materials) and confirmation that considerate construction techniques shall be followed.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft 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 type of dwellings proposed, the appearance of the area, residential amenity, highway safety and flood risk.

As such the proposal complies with Policies GP1, GP4, GP15, H3, H4 and NE7 of the City of York Development Control Local Plan.

PROTECTED SPECIES

You are reminded that all species of bat and their breeding sites or resting places (roosts) are protected under Regulation 39 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Section 9 of the Wildlife and Countryside Act 1981. It is an offence for anyone intentionally to kill, injure or handle a bat, to possess a bat (whether live or dead), disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Demolition works should proceed with care, as advised in the submitted bat survey dated May 2009 (section 4.2) and in the event that bats are discovered you should contact Natural England for further guidance.

SECURED BY DESIGN

The applicants attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com

CONTAMINATED LAND

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

DEMOLITION AND CONSTRUCTION

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

- All demolition and construction works and ancillary operations, including deliveries

to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

- The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

- All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

- The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

- All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

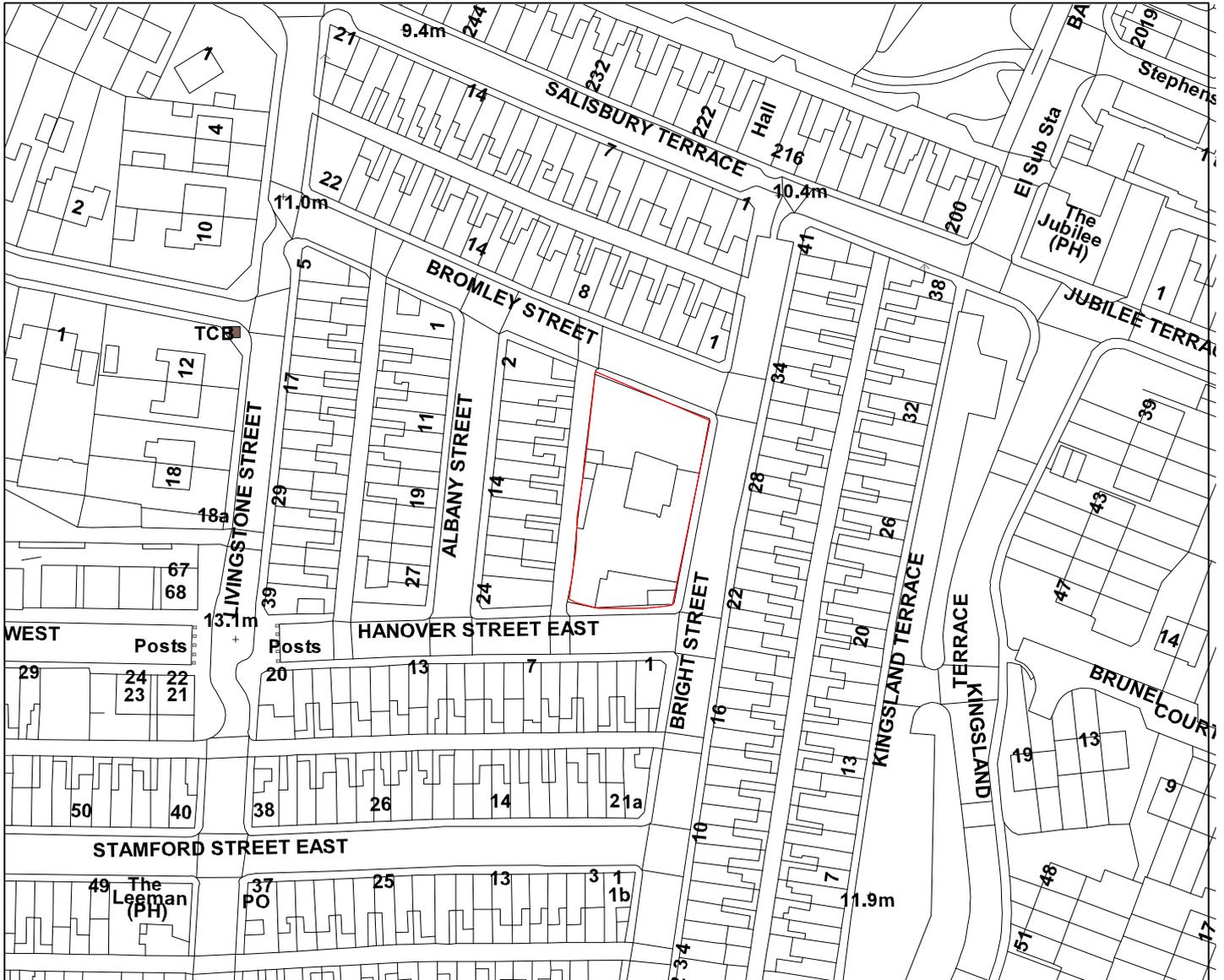
- There shall be no bonfires on the site.

Contact details:

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

St Barnabas Voluntary Primary School

Ref 09/00648/REM



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	04 June 2009
SLA Number	Not Set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 18 June 2009 **Parish:** Micklegate Planning Panel

Reference: 09/00596/FUL
Application at: Terry Avenue York
For: Temporary mooring for residential house boat opposite entrance to Rowntree Park Caravan site.
By: Mr Mark Harrison
Application Type: Full Application
Target Date: 16 June 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to an area of the River Ouse on the west side by the Caravan Park where Terry Avenue runs south toward Rowntree Park. On the opposite (east) side of the river the site is around 65m south of where the River Ouse runs into the Foss, and the site would be overlooked by two residential developments, Marlborough Wharf and Marlborough Villas. The site is within the New Walk/Terry Avenue conservation area and in the green belt.

PROPOSED DEVELOPMENT

1.2 Temporary planning permission is sought for 3 years, for the mooring of a houseboat named the Cormallen. The Cormallen is currently moored around 200m north at Bishops Wharf, outside Waterfront House. The houseboat seeks a new location due to the increase in rent at the existing location.

REASON FOR COMMITTEE DECISION

1.3 The application is brought to committee as objections have been received and the site, within the green belt, is considered to be sensitive.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area
Conservation Area Multiple (Spatial)
Floodland Multiple (Spatial)
Floodzone 2 GMS Constraints: Flood Zone 2
Floodzone 3 GMS Constraints: Flood Zone 3

2.2 Policies:

CYSP3	Safeguarding the Historic Character and Setting of York
CYNE2	Rivers and Stream Corridors, Ponds and Wetland Habitats
CYNE8	Green corridors
CYHE3	Conservation Areas
CYGP1	Design
CYGB1	Development within the Green Belt
CYL4	Development adjacent to rivers

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 This part of the west bank of the river bank is in the Terry/New Walk conservation area, outside the urban envelope and it is used for recreation, an activity enhanced by the millennium project which increased opportunities for sitting and relaxing along both banks of the river.

3.2 The proposal for the house boat would add relevant interest to the area during the day and it would provide some surveillance at night. In principle the scheme is supportable as potentially enhancing the conservation area. Details are asked for regarding the decking which should be in timber and details of the mooring arm, along with justification for its length - 6m.

HIGHWAY NETWORK MANAGEMENT

3.3 No objection. Advise that due to the proposed location, the applicant would not be eligible for a residents parking permit for on-street parking.

LIFELONG LEARNING AND CULTURE

3.4 No objection to the proposal on a temporary basis although the lower tow path is part of the city's free fishing arrangements, which would be impeded if a permanent permission were granted.

PROPERTY SERVICES

3.5 A number of locations were considered in consultation with British Waterways and the Council's engineering section and the favoured one is the subject of the application. The Council are charged with encouraging use of the river via a previous Scrutiny Board on the issue and there is an aspiration to provide residential moorings within the City on a permanent basis and it is to this end that in partnership with British Waterways, future proposals are being investigated. Hence the nature of this application is temporary with a view to a move to a permanent mooring in the future if the Council are able to provide such or other arrangements will be made by

the applicant. In terms of the property management role of the Council there is support for this application.

EXTERNAL

PLANNING PANEL

3.6 No objection to this proposal but would want to see safeguards that such proposals did not lead to a proliferation of associated clutter on the riverbank, such as bins, equipment and storage, which would harm the appearance of the area.

ENVIRONMENT AGENCY

3.7 No objection. Advise that the boat and pontoon should be securely fixed to the bank, to ensure they do not become a hazard in times of flooding.

BRITISH WATERWAYS

3.8 No objection.

PUBLICITY

3.9 The application was publicised by site notice and letters of neighbour notification. The deadline for comments will be 12.6. To date 6 representations have been made. Comments are as follows -

Visual impact

- Harm to outlook from surrounding residential, eyesore where the bank is presently unobstructed.
- Could set precedent for additional moorings which would harm the appearance of the area.
- Ad hoc development such as this could harm the appearance of the conservation area. A co-ordinated approach is required which provides adequate facilities, to control appearance.
- No objection to moorings on a short term basis which attract visitors to the city. However permanent moorings restrict access to the river, for both users of the river and persons using the riverbank.
- The Foss Basin is not currently used for mooring boats on a temporary or more permanent basis. Because of this the basin is devoid of activity and has become an isolated place that can be prone to undesirable activity. To introduce moorings to the basin would not only give the Council opportunity to raise revenue from mooring fees but with the introduction of carefully considered ancillary facilities such as cycle storage and refuse storage and considered landscaping, could enable the opportunity to create a vibrant alternative community, which would bring activity and diversity to the area, and as such would enable the applicant to have the option to moor his boat on a temporary/permanent basis at this location.

Amenity

- If mooring were to be used for other types of development, i.e. commercial, noise may affect amenity.

Safety

- Due to the proposed mooring passing boats will be nearer the opposite bank, thus causing further erosion to the bank.
- Location is on a corner, which may be a safety concern due to use of the river for pleasure boats. Yorkboat occasionally use this area for turning their boats.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on its setting
- Impact on biodiversity
- Residential amenity
- Use of the waterway

PROPOSED MOORING

4.2 The Cormallen is around 4.6m by 22.5m in area. To accommodate the mooring two steel arms are required at each end of the pontoon, to fix it to the lower towpath. The arms would extend some 6m outward and be 8cm thick. These are required due to varying water levels. The pontoon would be around 1.6m wide by 18m. The surface of the pontoon would be timber, above a steel frame and floating barrels.

4.3 It is asked that permission be for three years during which time it is expected that the council will be able to provide alternative mooring site(s). Property services advise it is an aspiration of the Council to establish permanent mooring facilities in the city, in particular along the River Foss.

VISUAL IMPACT

4.4 The site is within the New Walk/Terry Avenue conservation area. The conservation area includes the river walkway from Skeldergate Bridge south to the Millennium Bridge on the west side of the river. The area is characterised by the relationship between the natural form of the river and the landscapes which border it, and the way the river opens out onto the Foss Basin to the north and Fulford Ings to the south. In the area where the mooring is proposed the tree-lined recreational pedestrian/cycle route along the river is referred to as contributing to the character of the conservation area. Local Plan policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.5 Policies of the Local Plan which relate to green corridors and development along/adjacent rivers are SP3, NE8, L4. GB1 is also relevant as the site is in the green belt.

4.6 Part of the Local Plan Strategy is to protect environmental assets and landscape features. Policy SP3 advises a high priority will be given to the protection of the historic character and setting of York, which includes the environmental assets and landscape features which enhance the historic character and setting of the city. These comprise the river corridors and green wedges, both existing and extended.

4.7 NE8 advises that planning permission will not be granted for development which would destroy or impair the integrity of green corridors, such as river corridors.

4.8 L4 relates to development adjacent rivers. L4 states that planning permission will only be granted for development adjacent to rivers where there would be no loss to established recreational interests and uses, and the proposed development would complement the existing character of the area. The background text advises that it is important that the mooring of houseboats is appropriate, sensitive and does not harm amenity.

4.9 There are no moorings or pontoons by the riverbank between Waterfront House (where the houseboat is presently moored) and Millennium Bridge to the south and the riverbank is lined with mature trees. Due to the size of the Cormallen and its mooring requirements the proposed development would be a prominent addition, that would have a significant visual impact on its setting.

4.10 The applicant has advised that no ancillary storage space or development (only fixing for the pontoon) on the land is required. To this extent the proposal would not be detrimental to the river walkway environment along Terry Avenue.

4.11 Overall a view could be taken that the development proposed would detract from the appearance of the area (as explained in paragraph 4.4), and a mooring would be more appropriate on part of the river further north which is more urban in appearance.

GREEN BELT POLICY

4.12 Policy GB1 follows central government policy in PPG2 which advises the type of development which is appropriate in the green belt. All other forms of development are inappropriate and very special circumstances are required to justify where the presumption against development should not apply.

4.14 The proposed houseboat is a residential use. As it does not relate to an existing building such development is deemed inappropriate, unless it could be considered to constitute 'limited affordable housing for proven local need'. If the latter were the case, the development would be in accordance with GB1 provided the scale, location and design of the development would not detract from the open character of the Green Belt.

4.15 In this case special circumstances have been put forward by the applicant. Whilst the existing location of the houseboat/mooring is appropriate in planning terms, due to an increase in rent the applicant is forced to relocate and there are no alternative appropriate sites available at this time. Other sites have been ruled out

due to safety and engineering constraints. Under these circumstances a temporary consent is requested until an alternative location is found.

IMPACT ON THE WATERCOURSE - BIODIVERSITY

4.16 NE2 seeks to protect river and corridors and wetland habitats from development which is likely to have a detrimental impact and seeks to conserve and enhance their environment and amenity value.

4.17 No evidence has been provided that advises the proposed development would have a material impact on any wetland habitats.

RESIDENTIAL AMENITY

4.18 GP1 Refers to design, for all types of development. It requires developments ensure they would have no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.19 The proposed mooring is for residential use. This can be controlled through condition, to the extent that planning permission would be required for a different use of the mooring, such as a commercial use which could, if not controlled, create noise which may affect the amenity of surrounding occupants. Due to the location and size/scale of the development it would accord with GP1 in that it would not be overshadowing or overdominant, and would not lead to overlooking.

USE OF THE WATERWAY

4.20 The applicant will require consent from British Waterways whom are responsible for management of the waterway, including statutory navigation and safety functions. It is the responsibility of that body to consider the safety issues which may arise as a consequence of the proposed development. However it is noted that the location has been chosen after consultation with British Waterways and Council's Engineers.

5.0 CONCLUSION

5.1 As the application site is within the green belt and due to the scale of the development and nature of its setting, the proposal would detract from the openness and appearance of the green belt and conservation area. Contrary to policies GB1, SP3, NE8, L4 and HE3. However only a temporary permission is required while an alternative site is found. Given the circumstances of the applicant, i.e. there is no alternative mooring site available at this time, officers recommend granting a temporary consent only, for 3 years as requested, while an alternative location is sought for the mooring.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 This use shall cease by 01.07.2012; unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: In order that an alternative site may be found as the proposal is only allowed due to the special circumstances given its visual impact.

2 The mooring shall be used for a houseboat only.

Reason: In the interests of amenity.

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

a) Technical information explaining the requirement for the size of the mooring arms (a shorter arm is preferable, if possible).

b) To scale (1:50) drawings of the pontoon, including its sides and finished materials (frame and barrels should be obscured by timber).

Reason: In the interests of appearance.

4 No ancillary equipment shall be stored on the riverbank unless justification and details of such are supplied and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

Reason: To preserve the appearance of the setting, which is in the conservation area.

7.0 INFORMATIVES:

1. Planning permission is granted for a temporary period only while a permanent mooring location is sought in a more appropriate location and as special circumstances have been put forward, which, in addition to the requirement for a temporary consent only, outweigh the harm that would occur to the openness of the green belt and character and setting of this part of the Terry Avenue New Walk conservation area.

Contact details:

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Terry Avenue

Ref 09/00596/FUL



Legend



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	04 June 2009
SLA Number	Not Set

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