



**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:** Wednesday, 20 January 2010

**Time:** 3.00 pm

**Venue:** The Guildhall, York

**AGENDA**

**Site visits for this meeting will commence at 11.00am on Tuesday 19th January 2010 at Memorial Gardens.**

**1. Declarations of Interest**

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

**2. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of annex A to agenda item 6 on the grounds that this item contains information which is classed as exempt under Paragraphs 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.

**3. Minutes (Pages 5 - 14)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 14 December 2009.

#### 4. 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 **5:00pm** the working day before the meeting, in this case **5:00pm** on **Tuesday 19 January 2010**. 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.

#### 5. 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) **Artful Dodger, 47-51 Micklegate, York, YO1 6LJ (09/02085/LBC)**  
(Pages 15 - 20)

Retention of external lighting [*Micklegate Ward*] [**Site Visit**]

- b) **Artful Dodger, 47 - 51 Micklegate, York, YO1 6LJ (09/02174/LBC)** (Pages 21 - 26)

Lowered ceiling to first floor rear bar area (retrospective)  
[*Micklegate Ward*] [**Site Visit**]

- c) **Artful Dodger, 47- 51 Micklegate, York, YO1 6LJ (09/02175/LBC)** (Pages 27 - 32)

Installation of staircase between rear ground and first floor rooms (retrospective). [*Micklegate Ward*] [**Site Visit**]

- d) **2 Summerfield Road, York, YO24 2RU (09/02241/FUL)** (Pages 33 - 38)

Pitched roof single storey side and rear extension [*Dringhouses and Woodthorpe Ward*]

- e) **76 Huntington Road, York, YO31 8RN (09/02138/FUL)** (Pages 39 - 44)

Single storey side extension [*Guildhall Ward*]

- f) **Site To The Rear Of 14 Copmanthorpe Lane Bishopthorpe York (09/00819/FUL)** (Pages 45 - 60)

Single storey dwelling with rooms in roof to rear of 14 Copmanthorpe Lane [*Bishopthorpe Ward*] **[Site Visit]**

**6. Enforcement Cases - Update** (Pages 61 - 164)

This report provides Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

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

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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### Further information about what's being discussed at this meeting

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

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

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

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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**

**SITE VISITS**

**Tuesday 19 January 2010**

**The bus for members of the sub committee will leave Memorial Gardens at 11.00am**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>11:15</b>	<b>Land rear of 14 Copmanthorpe Lane, Bishopthorpe</b>	<b>5f</b>
<b>11.45</b>	<b>Artful Dodger, 47-51 Micklegate</b>	<b>5a, b &amp; c</b>

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	14 DECEMBER 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, STEVE GALLOWAY, GILLIES, SUNDERLAND, B WATSON, MOORE (SUBSTITUTE) AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS REID AND GALVIN

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**35. INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
1 Gray's Court, Chapter House Street	Councillors, Gillies, Brian Watson and Horton.	At the request of Councillor B Watson
30 Top Lane, Copmanthorpe	Councillors, Gillies, B Watson, S Galloway, and Sunderland	As an objection had been received and the officer recommendation was for approval.
12 Dee Close	Councillors, Gillies, B Watson, Horton, S Galloway and Sunderland.	As objections had been received and the officer recommendation was for approval.
Garages rear of 11 to 21 Holly Bank Grove	Councillors, Gillies, B Watson, Horton, S Galloway and Sunderland.	As objections had been received and the officer recommendation was for approval.

**36. DECLARATIONS OF INTEREST**

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

Councillor Horton declared a personal and prejudicial interest in plans item 4d 30 Top Lane, Copmanthorpe as he lives on Top Lane opposite the development. He left the room for this item and took no part in the debate or voting on the application.

Councillor Sunderland declared a personal interest in plans item 4c 12 Dee Close as she had received a letter from the applicant.

**37. MINUTES**

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 19 November 2009 be approved and signed by the Chair as a correct record.

**38. PUBLIC PARTICIPATION**

There were no registrations to speak under the Councils Public Participation Scheme on general issues within the remit of the Sub-Committee.

**39. 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.

**39a 1 Gray's Court, York, YO1 7JH (09/01099/FUL)**

Members considered a full application, received from Mr John Edwards for an electricity sub-station within the grounds of No1 Gray's Court, a Grade 1 Listed Building within the Central Historic Core Conservation Area.

Officers gave an update and stated that in paragraph 3.9 of the report the employer should read English Heritage and not The National Trust.

Representations were received from Janet O'Neil on behalf of the local residents in objection to the application. She stated that residents were in objection as:

- the sub station would be located next to the stone City Wall but would be built in brick.
- it would cut into the garden area.
- it would be seen by visitors walking on a section of the Wall.
- it would damage the historic cobbles in Gray's Court.

After a detailed discussion Cllr Moore moved and Cllr Crisp seconded that the application be refused. On being put to the vote it was a unanimous decision to refuse the application.

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

REASON: The proposed sub-station due to its close proximity to the City Walls, its obtrusive and prominent impact in the open character of this part on the conservation area, its alien design in an historic setting would harm the visual amenity of and from the adjacent scheduled monument, have an adverse impact on the visual amenity of important landscape and iconic views, and harm the setting of the surrounding listed buildings contrary to Policies HE2, HE4, HE10, HE11, and GP1 of the City of York

Development Control Local Plan ( 2005) and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development ," Planning Policy Guidance Notes Nos. 15 " Planning and the Historic Environment " and No. 16 " Planning and Archaeology.

Action Required

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

**39b 3 Acomb Road, York, YO24 4EN (09/01851/FUL)**

Members considered a full application, received from Mr M Altin for planning permission to allow takeaway sales from 3 Acomb Road, which would include a delivery service.

Officers updated Members and stated that the Environment Protection Unit had no objections to the proposal.

Representations were received from the applicant's agent in support of the application. He confirmed that the traffic issues should not be of concern as parking in the adjacent streets would be inconvenient to customers as these were one way streets. Customers would also not be able to park directly outside the premises and would have to park eighty metres away. He stated that the delivery vehicle would be parking in the Fox Public House car park as the applicant had an ongoing agreement with them. He asked Members to consider approving the application on a trial basis.

Members questioned the agreement with the Fox Public House and officers confirmed that they had not received any confirmation from the. Members questioned if the premises was open after 11:00pm as Mr Altin does not hold a licence to stay open after this time.

Representations were received from the Ward Councillor, Councillor Bowgett in objection to the application. She was speaking on behalf of the local residents and stated that some of their concerns were:

- Planning permission had only just been granted for the business to extend hours for restaurant use only but before this was granted it was advertising services as a takeaway.
- A delivery vehicle had already been purchased and was parking in Falconer Street.
- The business advertises free alcohol with takeaways over a certain amount, despite not having an alcohol licence.
- Parking issues in adjacent streets.
- The landlord of the Fox Pub had said that no permission had been granted for the delivery vehicle to park in the car park and no permission would be granted
- Noise levels, litter and anti-social behaviour from any extension of takeaway provision.

- Planning notices had been turned round outside the business to ensure residents were not kept informed of the planning application.

After being put to the vote it was a unanimous result to refuse the application.

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

REASON: The proposal would cause harm to the levels of amenity presently enjoyed by the residents in Falconer Street and Park Lane. Customers visiting by car and the delivery vehicle(s) used by the premises are likely to park on the nearby residential streets, in particular Falconer Street and Park Lane due to convenience and the lack of parking available on Acomb Road. The noise that would occur as a consequence of such practice in the evenings: the manoeuvring of vehicles, engines running, amplified music, and raised voices would occur at random times, and may involve short sharp increases in noise level. On such occasions there would be significant harm to the levels of amenity presently enjoyed, and reasonably expected by residents. As such the proposal is contrary to policies GP1, S6 and S7 of the York Local Plan.

Action Required

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

**39c 12 Dee Close, York, YO24 2XP (09/02004/FUL)**

Members considered a full application, received from Mr Jason Weaver for a pitched roof porch to the front elevation and single storey rear extension.

Officers confirmed they had no updates.

Representations were received from a neighbours solicitor in objection to the application. He stated that his client objected as the extension would only be 31/2 ft from her property and would create a dark narrow tunnel between the two homes. His client was most concerned about the loss of light into her kitchen and the loss of her outlook.

Written representations were received on behalf of local residents in objection to the application. Residents were concerned at the impact the development would have on neighbouring properties particularly in respect of sunlight and privacy and asked that this application be refused on the grounds of lack of amenity.

Representations were received from the applicant in support of the application. He stated that the extension was the size of a conservatory and it would help improve the family home by providing a bigger family

space at the back of the house. He felt that the light comes from the south and should have no affect on the neighbouring properties.

After a detailed debate Councillor Moore moved and Cllr Horton seconded that the application be approved. Some councillors did show concerns with the application as they felt the extension was too close to the neighbouring property but after being put to the vote the application was approved by 5 votes for 3 against and 1 abstention.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, and the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Council Development Control Local Plan (2005); and supplementary design guidance contained in the City of York Council's "A guide to extensions and alterations to private dwelling houses".

Action Required

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

**39d 30 Top Lane, Copmanthorpe, York (09/01702/FUL)**

Councillor Horton had declared an interest in this application and he left the room and took no part in the debate or vote. Councillor S Galloway acted as Chair for this item.

Members considered a full application, received from Mr Nigel Travis for planning permission for a large scale extension, to include extensions to the side, front and rear, raising the ridge height and constructing two dormer windows to the rear extensions.

Officers updated Members and stated that the owners of 28 Top Lane had no objection to the proposal.

Representations were received from the applicant in support of the application and he stated that the extension would refurbish the small sixties detached house to provide a large family home. He stated that he had complied with the council's policies by reducing the ridge height by two metres and that his neighbours supported the application. He felt the extension would improve the appearance of the house and area.

Members felt the application was well thought out and on being put to the vote the application was approved by a unanimous vote.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area or residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance and the Copmanthorpe Village Design Statement.

Action Required

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

**39e Garages To The Rear Of 11 To 21 Holly Bank Grove York (09/01910/FUL)**

Members considered a full application, received from Mr Peter Mortimer for the erection of 8no two storey dwellings (including accommodation in the roof - resubmission).

Officers circulated an update, which is attached to these minutes.

Representations were received from a neighbour in objection to the application. He felt that this application would raise the level of traffic in an area that was already struggling with a high volume of traffic. He showed concerns with the parking in the area and felt the road leading to the properties would be too narrow, which could effect the Emergency Services as they would find it difficult to enter the site. He also stated that he had concerns with the removal of the kerbs, the rubbish collections and he felt the noise from the trains would have a large affect on the owners of the new houses especially at night when the engines were left running.

Representations were received from the applicant's agent in support of the application. He confirmed that his client had considered all the local residents objections and officers comments when resubmitting this application. He felt the development would provide good quality town houses in a sustainable area close to the city centre. He stated that the current access road had sustained a high volume of traffic since it had been built.

Members discussed the options available if the Fire Brigade were unable to access the site and in answer to Members questions the agent stated that his client would consider installing a sprinkler system.

Representations were received from the Ward Councillor, Councillor Alexander in objection to the application. He stated that local residents had concerns over this application, in particular:

- Parking – shortage of parking at present and this application would bring more vehicles into the area.
- Privacy – Intrusive on neighbouring properties
- Access – Emergency vehicles would struggle accessing the site
- Noise – Unfair on residents who may buy the properties as noise from the railway line can go on through the night
- Density – too high
- Public Right of Way – objecting to gating Jennifer Grove
- Adoption of the highway
- Drainage – not been addressed properly
- Street Lighting – no details in the application

Some Members were concerned that some internal and external departments had expressed issues with the development. Members discussed the noise from the trains, the traffic, the removal of the kerbs and the parking issues in the area and after much debate it was agreed that the kerbs should be retained and with this amendment to condition 23 the application was approved by 6 votes for, 2 against and 1 abstention.

RESOLVED: That the application be approved subject to the conditions set out in the report and the changes made to condition 23 to read:<sup>1</sup>

- Notwithstanding the submitted plans the kerbs to the vehicles access should be retained in situ.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP10, H4a, ED4 and L1c of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 3 "Housing".

### Action Required

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

**40. APPEALS PERFORMANCE AND DECISION SUMMARIES.**

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31 October 2009.

RESOLVED: That the report be noted.

REASON: To update Members on the number of appeals determined by the Planning Inspectorate within the Sub-Committee area.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.43 pm].

**Committee Update – 14 December 2009**

**Garages rear of 11-21 Holly Bank Grove**

**Revision to Condition 13**

Prior to development a suitable noise scheme shall be submitted and approved in writing by the local planning authority. This scheme must include sufficient mitigation measures and demonstrate that these mitigation measures shall be sufficient to ensure that noise from the rail traffic will have no adverse impact on residential amenity of occupiers of the development. Once approved this scheme shall be fully implemented prior to the first occupancy of the development.

Reason: To protect the amenity of proposed occupiers of the development

**Addition Conditions**

- HT1 Height

8.4m (terrace of 5 dwellings)

8.6m (terrace of 3 dwellings)

- Position of Waste and Recycling bins

Notwithstanding the submitted plans a drawing at a scale of 1:20 showing the siting of the waste and recycling bin collection point on the access road shall be submitted to and approved in writing by the Local Planning Authority. The collection point shall be permanently marked out on the access road. No bins shall be sited at the collection point except after 19.00 hours the day before collection and on the day of collection. The approved facilities shall be provided prior to the first use of the building and shall be maintained thereafter.

Reason: To prevent the obstruction of the access road and in the interests of the general amenities of the area.

**Additional representations**

- 5 additional names and addresses have been received and are added to the existing petition not in favour of the proposed development (total - 26 names in the petition)
- Clarification from the Fire Safety Officer. If the fire appliance cannot physically drive down the access road and turn around at the end, there are alternative solutions, for example fitting a fire main or installing a domestic type sprinkler system within the proposed dwellings. This would be determined during the Building Regulations submission.

**Road Widths**

- Access road to Chapelfields Road development 07/02966/FUL (9 dwellings)  
Road 4.5 metres narrows to 3 metres

- Access road to Lidgett Grove development 07/01120/REMM (19 dwellings)  
Shared surface narrow entrance and widens to 4.5 metres
- Access road to Dane Avenue development 07/02738/FUL(5 dwellings) Road 3.8 metres

Holly Bank Grove - 4 metres

Jennifer Grove - 4.3 metres

Clive Grove - 4.5 metres

Mildred Grove - 2.5 metres

Anderson Grove - 3 metres

Nigel Grove - 3 metres

(measurements are road width only, not including pavements)

Height of dwellings on Jennifer Grove and Holly Bank Grove vary between 8.2 metres and 8.4 metres

**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Micklegate  
**Date:** 20 January 2010                              **Parish:** Micklegate Planning Panel

**Reference:** 09/02085/LBC  
**Application at:** Artful Dodger 47 - 51 Micklegate York YO1 6LJ  
**For:** Retention of external lighting.  
**By:** Mr Mark Allinson  
**Application Type:** Listed Building Consent  
**Target Date:** 14 January 2010

**1.0 PROPOSAL**

1.1 No 47-51 Micklegate, currently operating as a public house known as "The Artful Dodger" comprises a four storey Mid Victorian buff brick and slate built Grade 11 Listed property occupying a prominent site within the Historic Core Conservation Area. The proposal envisages the retention of four floodlights of black plastic coated bulkhead form directly below the first floor balcony level.

1.2 The proposal comprises a re-submission of an earlier proposal ref:09/01524/LBC previously refused on design grounds.

1.3 The application has been called-in for Committee consideration by Councillor Julie Gunnell as the applicant feels that the application is not being dealt with by an appropriate historic building specialist, and that he feels there has been lights in front of the building for many years and these lights have been designed in line with the historic building, and to remove them would be a health and safety hazard.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 47 Micklegate York YO1 1LJ 0186

Listed Buildings GMS Constraints: Grade 2 Star; 53 Micklegate York YO1 1LJ 0183

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

2.2 Policies:

CYHE4  
Listed Buildings

CYGP18  
External attachments to buildings

**3.0 CONSULTATIONS**

INTERNAL:-

3.1 Design, Conservation and Sustainable Development object to the proposal on the grounds that the fittings and associated wiring materially detract from the balance, symmetry and detail of the Micklegate elevation of the property and furthermore detract from the character and appearance of the Historic Core Conservation Area and the setting of nearby Listed Buildings.

EXTERNAL:-

3.2 Micklegate Planning Panel raise no objection to the proposal.

**4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 The key issue is the impact upon the historic character and integrity of the Listed Building.

4.2 Policy HE4 of the York Development Control Local Plan sets a firm policy presumption that Listed Building Consent would only be forthcoming where there would be no adverse impact upon the character, appearance or setting of the building. No.47-51 Micklegate comprises a four storey Mid Victorian property constructed in a light buff brick with Neo-Tuscan windows It forms part of a group of similarly designed properties forming a corner block at the junction of Micklegate and St Martin's Lane. The floodlight fittings are bulky in appearance and coated in black plastic which has the effect of increasing their visual impact. Taken together with the associated wiring and the signage affixed to the frontage of the property they create a substantial and visually discordant horizontal element to the principal elevation disrupting its visual appearance. Central Government guidance in respect of Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" lays out a requirement that all applications for Listed Building Consent should be fully justified, clearly demonstrating why works which affect the character of a Listed Building are considered to be desirable and necessary. No such detailed justification has been submitted for the current proposal. The terms of Draft Local Plan Policy HE4 and Central Government Guidance on Listed Building Control have not been complied with.

4.3 Policy GP18 of the York Development Control Local Plan sets a firm policy requirement that new attachments such as floodlight fittings to Listed Buildings and/or within Conservation Areas should not by virtue of their design, location, materials and colouring significantly detract from the visual appearance of the building, the visual amenity of the area or the character and appearance of the Conservation Area. The floodlighting fittings by virtue of their size, bulk, number and colouring significantly detract from the visual amenity of the street scene and the wider Conservation Area. The property forms part of a dense pattern of development and lies in particularly prominent location as Micklegate takes a gentle left hand bend ascending the riverside ridge. This accentuates the visual prominence of the fittings to the main street elevation. It is not uncommon for pubs and other premises participating in the "night-time economy" to incorporate some form of subtle, low level lighting to their main street elevation. The current scheme could not however be described as either subtle or low key, instead visually disrupting the reading of the principal elevation of the property. The terms of Policy GP18 have thus not been complied with in relation to the proposal.

## **5.0 CONCLUSION**

5.1 No 47-51 Micklegate comprises a four storey brick built Grade 11 Listed Mid Victorian property lying within a prominent site within the Historic Core Conservation Area. The development comprises the retention of four black plastic coated floodlight fittings sited directly below first floor window level on the main Micklegate street elevation. The fittings together with their associated wiring detract significantly from the character and appearance of the building and the visual amenity of the surrounding Conservation Area. It is not uncommon for premises such as pubs and other establishments associated with the "Night Time Economy" to have a degree of low key or subtle lighting to their principal elevation however the impact of the current development can not legitimately be categorised as such. Furthermore Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" sets a requirement that any work that materially affects the special character or appearance of a Listed Building should be both desirable and necessary as well as fully justified. The current proposal has not been justified in these terms and as a consequence it is recommended that Listed Building Consent be refused.

## **COMMITTEE TO VISIT**

## **6.0 RECOMMENDATION: Refuse**

1 The floodlighting fittings affixed to the principal street elevation of the property are visually harmful to the historic character and integrity of the Listed Building by virtue of their number, size, design, location and associated wiring. Lighting of the main street elevation is furthermore felt to be inappropriate in principle with the development running contrary to Policies HE4 and GP 18 of the York Development Control Local Plan and Central Government guidance on Listed Building Control outlined in PPG15 Paragraphs 3.12 and 3.13.

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Erik Matthews Development Control Officer

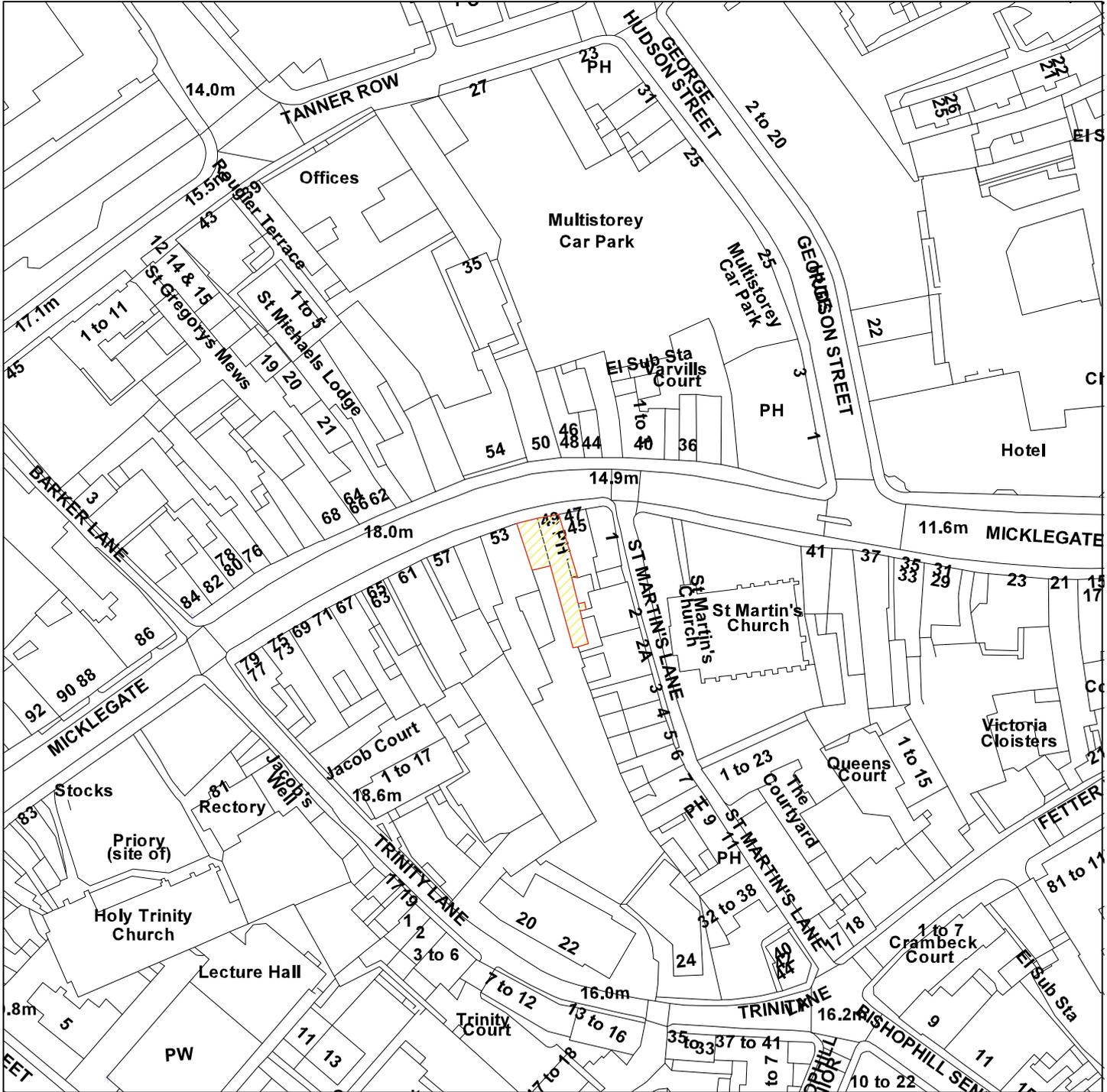
**Tel No:** 01904 551416

# Artful Dodger, 47 - 51 Micklegate

09/02085/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	07 January 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Micklegate  
**Date:** 20 January 2010                              **Parish:** Micklegate Planning Panel

**Reference:** 09/02174/LBC  
**Application at:** Artful Dodger 47 - 51 Micklegate York YO1 6LJ  
**For:** Lowered ceiling to first floor rear bar area (retrospective)  
**By:** Mr Mark Allinson  
**Application Type:** Listed Building Consent  
**Target Date:** 27 January 2010

**1.0 PROPOSAL**

1.1 No 47-51 Micklegate currently operating as a public house known as "The Artful Dodger" comprises a four storey Mid Victorian buff brick and slate built Grade II Listed property occupying a prominent site within the Historic Core Conservation Area.

1.2 The proposal which is retrospective involves the insertion of a suspended ceiling into the rear first floor room of the property. This forms part of a number of measures, in large part retrospective, to convert the upper floor into a function room which have previously been refused on account of their adverse impact upon the character and appearance of the building ref: 09/01655/LBC. There has been no material change in circumstances since the original decision was made. The insertion of a stair case between the rear ground floor bar area and the first floor forms part of the same overall development and is included within the current agenda.

1.3 Councillor J Gunnell has called in the application for determination at Committee to secure consistency of treatment.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 47 Micklegate York YO1 1LJ 0186

Listed Buildings GMS Constraints: Grade 2 Star; 53 Micklegate York YO1 1LJ 0183

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

## 2.2 Policies:

CYHE4

Listed Buildings

## 3.0 CONSULTATIONS

### INTERNAL

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT.

3.1 Object to the proposal on the grounds that it would lead to an unacceptable erosion of the character of the internal space of the building .Furthermore insufficient justification has been advanced for the work undertaken. Taken together with the work already undertaken the development represents a totally unacceptable degree of intervention that materially detracts from the special character of the Listed Building contrary to the terms of PPG15 "Planning and the Historic Environment".

### EXTERNAL

#### MICKLEGATE PLANNING PANEL

3.2 No objection.

### NEIGHBOURS

3.3 The owner of the adjoining property has been notified in respect of the application. Any views received will be reported orally at the meeting.

## 4.0 APPRAISAL

### 4.1 KEY CONSIDERATIONS.

Impact upon the historic character and integrity of the Listed Building.

4.2 Policy HE4 of the York Development Control Local Plan sets a firm policy context establishing that Listed Building Consent should only be forthcoming for works involving internal or external alterations where there would be no adverse impact upon the character, appearance or setting of the building .No 47-51 Micklegate comprises a four storey Mid Victorian property constructed in a light buff brick with Neo-Tuscan windows. It forms part of a group of similarly designed properties forming a corner block at the junction of St Martin's Lane and Micklegate. Each property has a characteristic internal arrangement of cellular spaces with ornate decorative ceilings and elaborately moulded doors. Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment"

lays out a requirement for all Listed Building Consent applications to be fully justified, clearly demonstrating why works which affect the character of a Listed Building are both desirable and necessary. The current application has been accompanied by a detailed statement which outlines the justification for the work.

4.3 The ceiling of the rear room on the first floor has been boarded over under the justification of the need to provide sound insulation for the flat above, as a consequence the nature of the rear room has been fundamentally altered and the existing Victorian ceiling has been obscured. The need to provide sound insulation for the up-stairs flat is not a specific Building Control requirement on the basis that it is intended for occupation by the bar manager. The re-submitted application has the additional justification from the applicant that the ceiling has been too badly damaged to be economically reparable. No firm evidence has however been advanced to justify this assertion.

## **5.0 CONCLUSION**

5.1 No 47-51 Micklegate comprises a four storey brick built Grade 11 Listed Mid Victorian property lying within a prominent site within the Historic Core Conservation Area. The proposed development forms part of a package of items for the conversion of the first floor room at the property in to a conference/function room. The nature of the property together with its neighbours comprises a series of cellular spaces characterised by elaborate plaster ceilings and moulded timber doors. The applicant has retained the plaster ceilings to the former front two rooms but has commenced work to install a suspended ceiling within the former rear room. This has been undertaken on the basis that it is necessary to provide a sufficient void space to carry services and to secure a degree of sound insulation for the upper floor flat. Work has been further justified on the basis that the rear ceiling has been seriously compromised by water damage. The rear ceiling whilst not of such a degree of elaboration as those to the front is still of great significance in defining the character of the building. No suitable justification has been submitted for the use of the suspended ceiling as a means of sound insulation for the bar manager's flat or for its use as a void to hold services associated with the proposed function room. No evidence has furthermore been forthcoming in relation to the alleged water damage to the existing ceiling. The requirements of Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" have not therefore been complied with and the application should therefore once again be refused.

## **6.0 RECOMMENDATION:** Refuse

1 The insertion of a suspended ceiling into the rear first floor room harms the character and appearance of the listed building and has not been adequately justified as being desirable or necessary in terms of its impact upon the Listed Building in accordance with the requirements of Central Government advice on Listed Building Control outlined in paragraph 3.4 of Planning Policy Guidance 15 "Planning and the Historic Environment ". The proposal is therefore contrary to policy HE4 of the Local Plan and paragraphs 3.12 to 3.14, C58 and C60 of PPG 15.

**7.0 INFORMATIVES:**

**Contact details:**

**Author:** Erik Matthews Development Control Officer

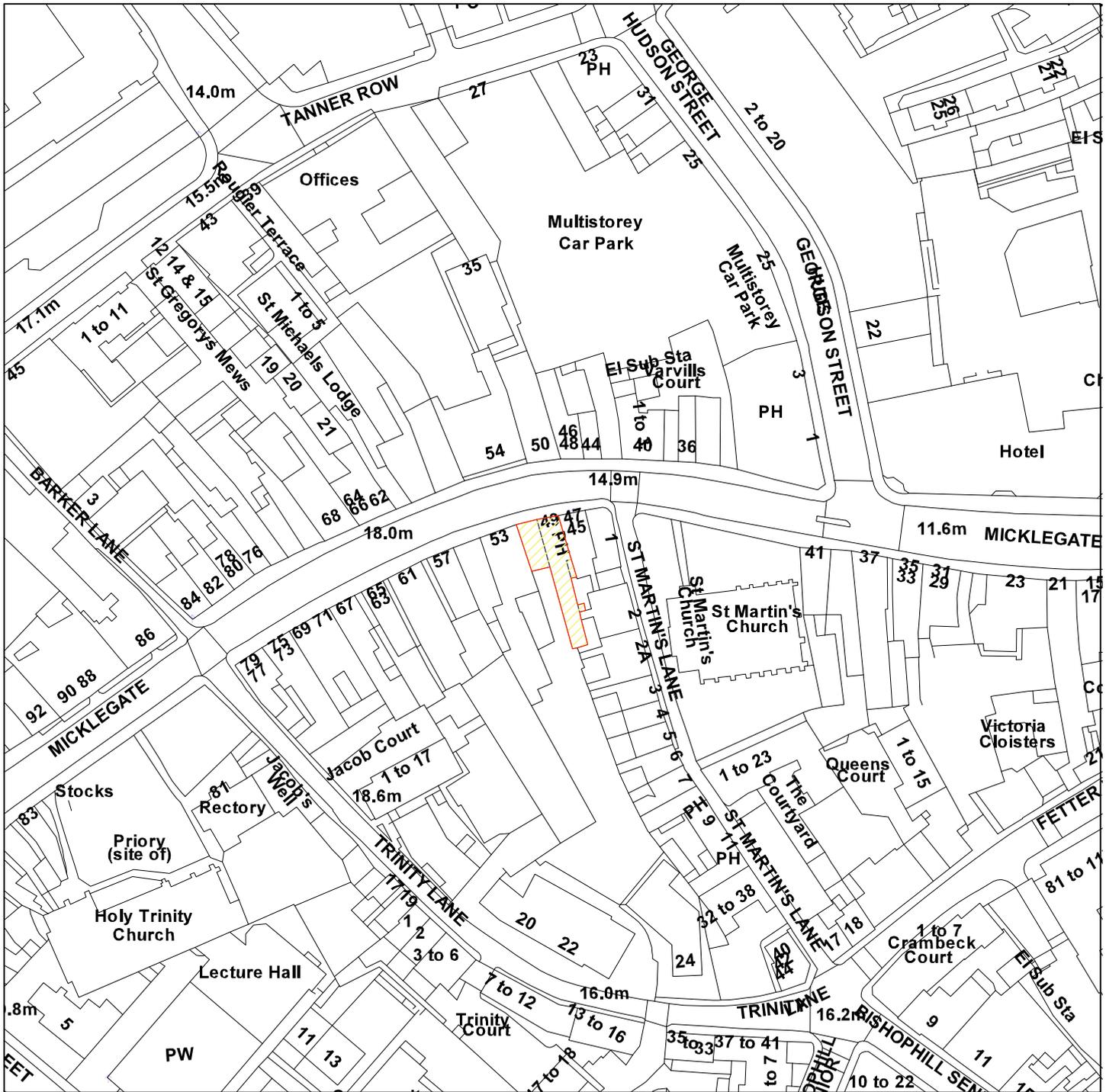
**Tel No:** 01904 551416

# Artful Dodger, 47 - 51 Micklegate

09/02174/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	07 January 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Micklegate  
**Date:** 20 January 2010                              **Parish:** Micklegate Planning Panel

**Reference:** 09/02175/LBC  
**Application at:** Artful Dodger 47 - 51 Micklegate York YO1 6LJ  
**For:** Installation of staircase between rear ground and first floor rooms  
(retrospective)  
**By:** Mr Mark Allinson  
**Application Type:** Listed Building Consent  
**Target Date:** 27 January 2010

**1.0 PROPOSAL**

1.1 47-51 Micklegate currently operating as a public house known as "The Artful Dodger" comprises a four storey Mid Victorian buff brick and slate built Grade 11 Listed property occupying a prominent site within the Historic Core Conservation Area. The proposal seeks Consent retrospectively for the installation of a staircase linking the first floor with with the ground floor rear bar area. The proposal represents the partial re-submission of an earlier scheme previously refused. A further application relating to the insertion of a suspended ceiling into the rear first floor bar area is included with the current agenda.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 47 Micklegate York YO1 1LJ 0186

Listed Buildings GMS Constraints: Grade 2 Star; 53 Micklegate York YO1 1LJ 0183

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

2.2 Policies:

CYHE4  
Listed Buildings

**3.0 CONSULTATIONS**

INTERNAL:

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Object to the proposal on the grounds that in their opinion it results in an unacceptable erosion of the character of the internal space of the building by forcing a staircase through the ceiling of the rear ground floor room. Insufficient justification for the work has been advanced in view of the less damaging alternatives available. The scheme together with the other elements applied for separately comprise an unacceptable degree of intervention that materially detracts from the special character and appearance of the Listed Building contrary to the terms of PPG15 "Planning and the Historic Environment".

EXTERNAL:

MICKLEGATE PLANNING PANEL

3.2 No objection.

NEIGHBOURS:

3.3 One letter of representation has been received from an adjoining landowner objecting to the radical nature of the internal works being undertaken at the property, the impact of the overall development on the residential amenity of neighbouring occupiers and the undertaking of development on land outside of the ownership of the applicant. The submission of a planning application for change of use in respect of the first floor activities is also called for.

**4.0 APPRAISAL**

4.1 KEY CONSIDERATIONS:-

Impact of the proposal upon the historic character and integrity of the Listed Building.

4.2 Policy HE4 of the York Development Control Local Plan sets a firm policy context establishing that Listed Building Consent would only be forthcoming for works involving external or internal alterations where there would be no adverse impact upon the character, appearance or setting of the building. No 47-51 Micklegate comprises a four storey Mid Victorian property constructed in light buff brick with Neo-Tuscan windows. It forms part of a group of similarly designed properties forming a corner

block at the junction of St Martin's Lane and Micklegate. Each property has a characteristic internal arrangement of cellular spaces with ornate decorative ceilings and elaborately moulded doors. The development as a whole has been intended to create a first floor function room. Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" lays out a requirement for all Listed Building Consent applications to be fully justified, clearly demonstrating why works which affect the character of a Listed Building are considered to be desirable and necessary. The current application has been accompanied by a detailed statement which outlines some of the justification for the work.

4.3 The submitted statement intimates that the staircase has been fitted into a pre-existing opening pre-dating the rear extension and that it has a minimal impact upon the character of the main building, having been installed as part of the works to repair the defective floor in the first floor room. Alternatives to the new staircase are considered and discounted. These comprise the insertion of a doorway from the groundfloor bar area into the existing stair well and the usage of the existing stairwell with an alarmed rope or similar device to seal off access to the first floor flat. The formation of a new doorway into the existing stair well is discounted on the basis that it would result in a load bearing wall being punctured, existing services would need to be relocated and potential security problems would be caused for both the upper floor flat and the ground floor bar. The laying of an alarmed rope or similar device to seal off access to the first floor is discounted again on the basis that it would lead to security problems for both the upper floor staff flat and the ground floor bar.

4.4 In terms of the material submitted to justify construction of the staircase, there is simply no evidence that the new staircase is associated with a pre-existing opening. The extension to the rear of the property is contemporary to the main building having been constructed to provide ancillary service functions for the main building. The new additional intervention is not therefore adequately justified on that basis. In terms of the alternatives to creating a new staircase the creation of an additional doorway would be through a load bearing wall but its structural integrity would not be compromised. Similarly it would be necessary to re-route service cables such as telephones and electricity but this would not be insuperable. Security concerns may be dealt with through appropriate staffing and use of CCTV systems for example and do not amount to adequate justification for the work undertaken. Alarmed ropes and other similar devices are used to restrict access to private areas at a number of venues again security concerns are not an adequate reason for discounting that as an alternative. The terms of Policy HE4 of the York Development Control Local Plan as well as Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment".

## **5.0 CONCLUSION**

5.1 No 47-51 Micklegate comprises a four storey brick built Grade II Listed Mid Victorian property lying within a prominent site within the Historic Core Conservation Area. The application seeks Consent retrospectively for the insertion of a staircase between the rear bar area and the proposed first floor function room. A number of less damaging alternatives exist to the intervention including the formation of a doorway between the front ground floor bar area and the existing Victorian staircase adjacent or

the use of an alarmed rope to seal off the upper floor flat from users of the main staircase. A justification for discounting these alternatives has been advanced with the application but this does not amount to adequate reasoning to support a grant of Consent for the proposal. The applicant further contends that the implications for the integrity of the structure by the insertion of the staircase are minimal on account of it using an existing opening. Again this is based upon insufficient evidence. The application once more fails to comply with Policy HE4 of the York Development Control Local Plan and the requirements of Central Government advice in respect of Listed Building Control outlined in PPG 15 "Planning and the Historic Environment".

**6.0 RECOMMENDATION:** Refuse

1 The insertion of a staircase between the ground floor bar area and the first floor causes significant and justifiable harm to the special character and visual appearance of the Listed Building contrary to Policy HE4 of the York Development Control Local Plan taken together with Central Government advice on Listed Building Control outlined in PPG15 Paragraphs 3.12 and 3.13 and Paragraph 3 to the associated Annex C "Guidance on Alterationsto Listed Buildings".

**7.0 INFORMATIVES:**

**Contact details:**

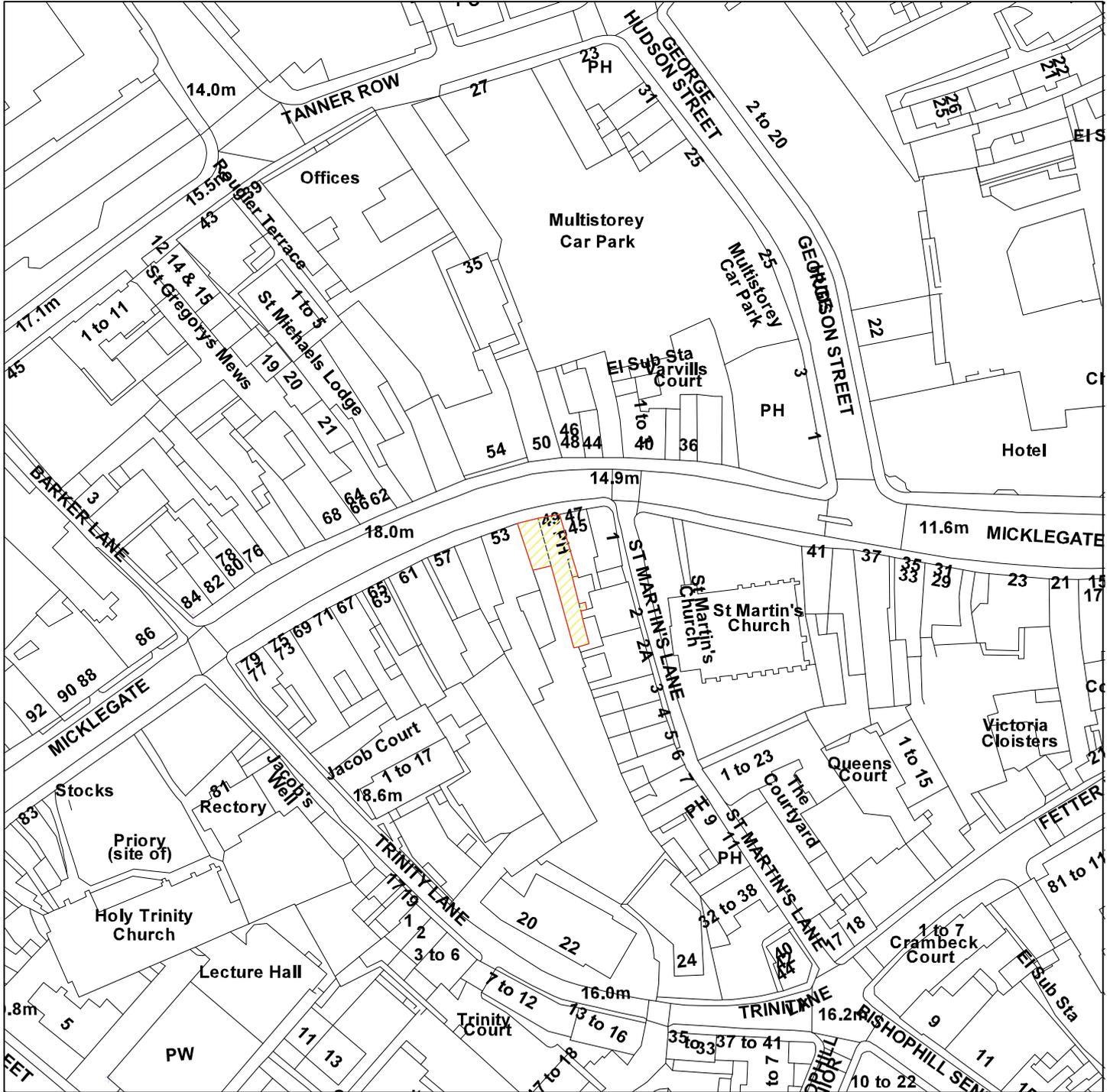
**Author:** Erik Matthews Development Control Officer  
**Tel No:** 01904 551416

# Artful Dodger, 47 - 51 Micklegate

09/02175/LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	07 January 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area  
**Date:** 20 January 2010

**Ward:** Dringhouses and Woodthorpe  
**Parish:** Dringhouses/Woodthorpe  
Planning Panel

**Reference:** 09/02241/FUL  
**Application at:** 2 Summerfield Road York YO24 2RU  
**For:** Pitched roof single storey side and rear extension.  
**By:** Mr Warren Mapplebeck  
**Application Type:** Full Application  
**Target Date:** 5 February 2010

**1.0 PROPOSAL**

1.1 This application seeks permission for the erection of a single storey side and rear extension to provide additional living space and garage, further to the removal of the existing flat roofed attached garage to the side.

1.2 This modern semi-detached dwelling lies within a residential area of similar style dwellings, outside of the Conservation Area. The dwelling is set back from the highway by open-plan gardens to the front.

1.3 The application is to be heard at Committee due to the applicant being an employee of City of York Council.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Woodthorpe Primary 0239

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

### **3.0 CONSULTATIONS**

#### 3.1 External

Dringhouses/Woodthorpe Planning Panel - No objection

Response to neighbour consultation letters which expired on 13.01.10 - None received up to date of writing

### **4.0 APPRAISAL**

#### KEY ISSUES

4.1. Visual impact on the dwelling and surrounding area;

4.2 Impact on neighbouring properties

4.3 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH

4.4 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.

4.5 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.

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

#### ASSESSMENT

4.7 The proposed extension to the side forming the garage and study area is slightly wider than the existing garage and has the addition of a mono-pitched roof. The length along the side boundary will be significantly longer than existing, though due to the modest height proposed, this will not cause significant visual harm. Matching materials to the original dwelling are proposed and the appearance to the front and side will not harm the appearance of the dwelling nor surrounding area.

4.8 The side extension will be adjacent to an area of land containing a pump house and sub-station. Due to the single storey nature of the proposal; the scale, mass and design proposed and distance to the rear boundary of approx. 10 metres, no harm to neighbouring residents to the rear will occur.

4.9 The rear element forming the enlarged lounge area, is of modest projection will not be visible to public view, and is of a scale, mass and design in keeping with the original dwelling and will again not harm the appearance of the dwelling nor surrounding area.

4.10 The major neighbouring impact will be upon No. 4 Summerfield Road. This dwelling has a rear conservatory in place projecting approximately 2 metres adjacent to boundary fencing approx. 1.8 metres in height, lowering to approx. 1.5 metres along this joint side boundary. The longer side element has been kept off this side boundary, thus lessening the impact. The host dwelling is sited north of this neighbouring dwelling, thus no overshadowing will occur; and with the modest height and rear projection, with no windows to face this neighbour, no other loss of amenity due to loss of privacy or loss of outlook will occur.

4.10 Sufficient car and cycle parking will be available with the driveway to the front and proposed garage. Sufficient amenity space will still be available within the good-sized garden to the rear.

## 5.0 CONCLUSION

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

## 6.0 RECOMMENDATION: Approve

- |   |        |  |
|---|--------|--|
| 1 | TIME2  | Development start within three years                       |
| 2 | VISQ1  | Matching materials   |
| 3 | PLANS1 | Approved plans - Plan No. WMS-AP-001 received on 09.12.09. |

**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 Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001)

**Contact details:**

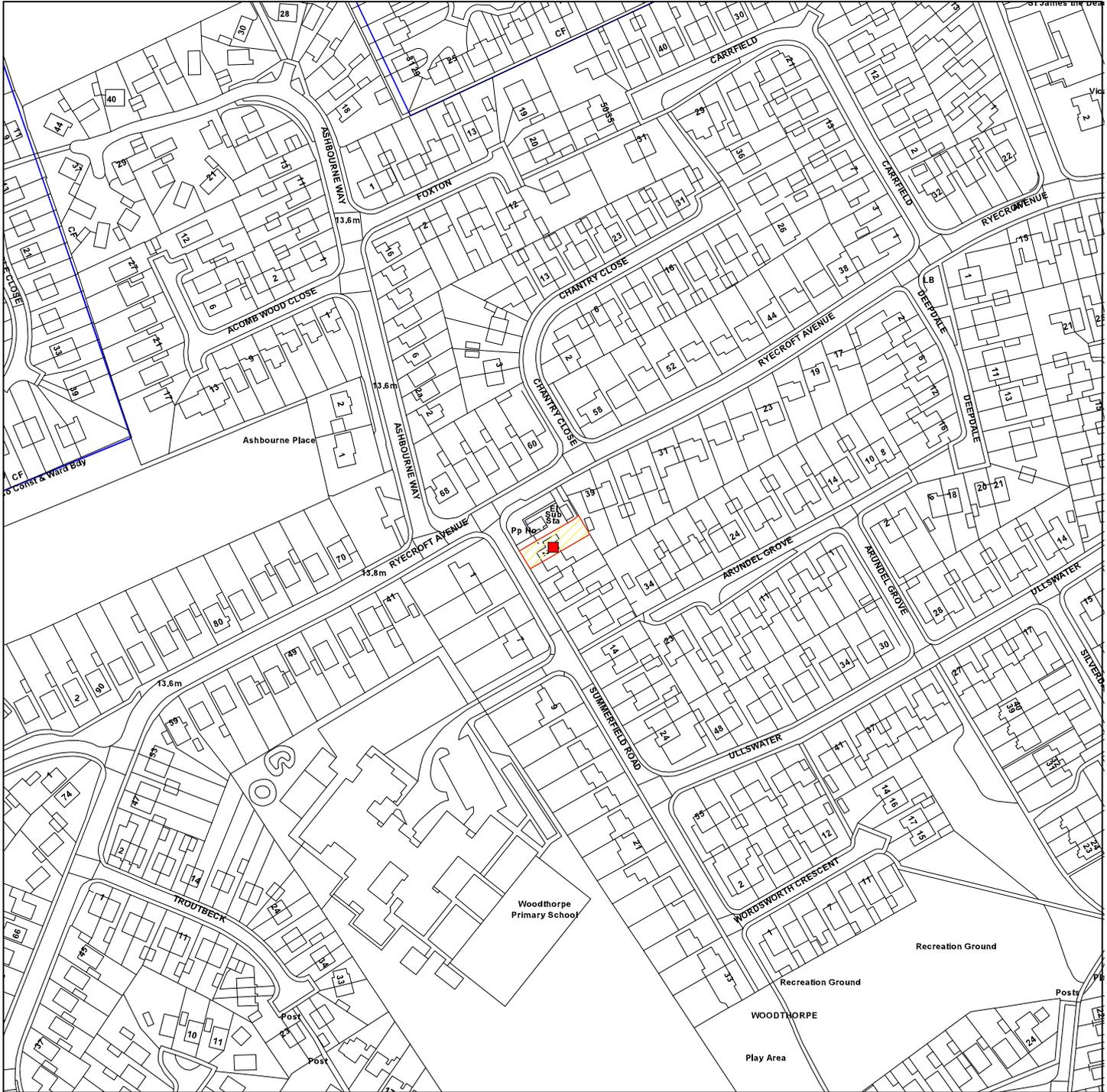
**Author:** Carolyn Howarth Development Control Assistant  
**Tel No:** 01904 551344

# 2 Summerfield Road, YO24 2RU

09/02241/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	07 January 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Guildhall  
**Date:** 20 January 2010                              **Parish:** Guildhall Planning Panel

**Reference:** 09/02138/FUL  
**Application at:** 76 Huntington Road York YO31 8RN  
**For:** Single storey side extension  
**By:** Mr And Mrs Pierce  
**Application Type:** Full Application  
**Target Date:** 18 January 2010

**1.0 PROPOSAL**

1.1 The applicant seeks planning permission to replace a lightweight structure that exists between the side of the single storey rear offshoot and the neighbour's boundary with a more modern and permanent structure. It would be 7.2m long and 1.7m wide. The mono-pitch roof would be 3.6m at its highest point and 2.5 metres at the eaves. The difference between the scale of the proposed extension and existing extension is relatively modest. It would be 60cm longer and 50cm taller at the ridge, however, the eaves height would be 30cm lower. The width is approximately the same.

1.2 The application property is a terraced house that fronts Huntington Road. The garden backs onto the river Foss.

1.3 There have been no other recent planning applications to extend the property. The house is located in the Heworth/Heworth Green, East Parade, Huntington Road Conservation Area.

1.4 This planning application is being referred to committee, as the applicant is a Council Member.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Heworth Green/East Parade CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Floodland GMS Constraints: Flood Zone 3

Floodland GMS Constraints: Flood Zone 2

2.2 Policies:

CYH7 Residential extensions

CYGP1 Design

CYHE3 Conservation Areas

**3.0 CONSULTATIONS**

Internal

3.1 Conservation Officer - The proposal preserves the character of the area. Suggest the paint colour of the structure is agreed by condition.

External

3.2 Guildhall Planning panel - no objections

3.3 Neighbours - None received.

**4.0 APPRAISAL**

4.1 The key issues in assessing the proposal are:

- Impact on the amenity and living conditions of neighbours.
- Impact on the appearance of the conservation area.
- Flood risk

Impact on Neighbours

4.2 The extension would be adjacent to 74 Huntington Road. This property was visited. It has a conservatory adjacent to the site of a large part of the proposed extension. The proposed extension has a low eaves height and would be largely viewed against the existing house. There would be little change in the living conditions of number 74 from the existing situation.

Impact on the Conservation Area

4.3 The proposed extension is modest in scale and would not be unduly prominent when viewed from any public areas including the path alongside the river Foss. The proposed materials are sensitive to those of the house. It would be a modest and discretely located addition. It is not considered that the scale or prominence is such that the paint colour of the structure should be controlled by the Local Planning Authority.

Flood Risk

4.4 The site is within Flood zone 3. It is located on an area that is already hard surfaced. The applicant has confirmed that the floor height of the extension will be

400mm above the external ground level and no lower than existing floor level of the house.

## 5.0 CONCLUSION

5.1 The application is small in scale and will have little additional impact on the character and appearance of the conservation area, or neighbours' living conditions.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing 76/HR/PA/01 received by the Local Planning Authority on 20 November 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.

## 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 outlook and privacy of 74 Huntington Road and the character and appearance of the conservation area. As such the proposal complies with Policies GP1, H7 and HE3 of the City of York Development Control Local Plan.

### Contact details:

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

**Tel No:** 01904 551657

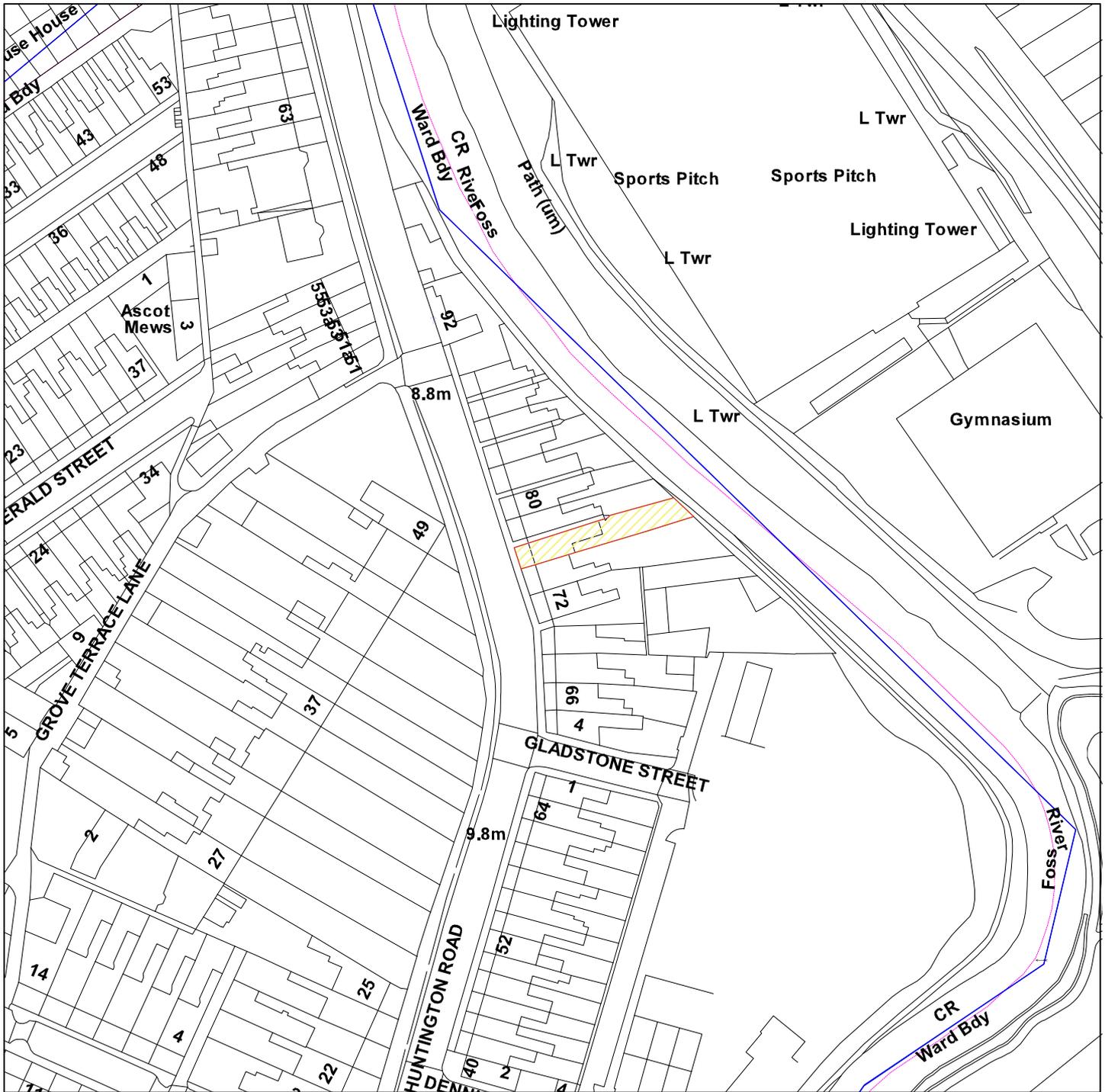
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# 76 Huntington Road, YO31 8RN

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	07 January 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area  
**Date:** 20 January 2010

**Ward:** Bishopthorpe  
**Parish:** Bishopthorpe Parish Council

**Reference:** 09/00819/FUL  
**Application at:** Site To The Rear Of 14 Copmanthorpe Lane Bishopthorpe York  
**For:** Single storey dwelling with rooms in roof to rear of 14 Copmanthorpe Lane  
**By:** Mr Mike Cross  
**Application Type:** Full Application  
**Target Date:** 13 August 2009

**1.0 PROPOSAL**

1.1 The application is for a detached dwelling to the rear of 14 Copmanthorpe Lane with vehicular access to Kirkwell.

1.2 The site was part of the rear garden of 14 Copmanthorpe Lane although it has been separated at a later date. The site is surrounded by dwellings: Kirkwell is a street of semi-detached and detached dwellings in quite close proximity to each other built in the late 1990s. The other dwellings surrounding the site are semi-detached dwellings and one detached all built mid 20th Century.

1.3 The previous applications for a detached dwelling (06/00697/FUL and 07/02892/FUL) on this site were refused permission at the West and Centre Planning Sub Committee on 22 March 2007 and 29 January 2008 respectively.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Bishopthorpe Infant 0185

Schools GMS Constraints: Archbishop of York's CE Junior 0183

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP10  
Subdivision of gardens and infill devt

CYH4A  
Housing Windfalls

CYL1C  
Provision of New Open Space in Development

### 3.0 CONSULTATIONS

#### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT

##### Original scheme

- The gravelled turning area is considered inadequate in size and impracticable to use due to its position relative to the gate and frontage boundary. In this location on-site turning is not considered essential and there would be no objection to its omission
- The garage is set back a stated 10m (scales at 11 m on the plan). If extent of hardsurfacing is an issue then the length of this driveway could be reduced to 6m (or even 4.8 metres is a design of garage door was used which did not protrude forward whilst being operated) and still comply with recommended parking standards
- The driveway scales at 2.8 metres; the recommended minimum width for a driveway which also serves as the only pedestrian access to a site is 3.2m
- The position of the driveway may affect a young highway tree

##### Revised scheme

- No objections to the revised scheme, would like conditions relating to the surfacing of turning areas, building should not be occupied until vehicle areas have been laid out, and no gate opening out onto the highway would like an informative alerting the applicant that they require consent for highway works.

#### LANDSCAPE ARCHITECT - No objections

- There are a number of trees in the area that are subject to TPO CYC 16. There are no protected trees within/on the site boundary. There are some protected Hawthorns along the rear boundary of the neighbouring property to the north, but these would not be affected by the development

#### STRUCTURES AND DRAINAGE

##### Original Scheme

- Object. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage system

##### Revised Scheme

- No objections

LIFELONG LEARNING AND LEISURE – No objections

As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site within the Parish. (b) play space - which would be used to improve a local site within the Parish. (c) sports pitches - would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

BISHOPTHORPE PARISH COUNCIL (to original scheme) - Object

- The plan supplied has no north arrow and also refers to a previous footprint which does not relate to the previous applications. Difficult to orientate the drawing, especially as it does not show any identifiable features
- Application refers to a new access to and from the public highway, but no details have been supplied, estimate that it would exit at a lamppost position. Moving the lamppost would place it directly shining into the bedrooms of the house opposite, at present it is in line with the driveways
- The design is for timber cladding which is not in character with the surrounding and would be noticeable as the exception. A conventional brick finish would be more suitable for the locality
- A daylight/sunlight assessment is required to assess the impact on 2 New Lane can be considered
- Would want conditions to protect the ancient hedgerow, doors facing Kirkwell should be removed to respect the privacy of the occupants of Kirkwell, the hours of delivery should be restricted, all materials should be stored on site and builders vehicles should not park on Kirkwell. A Section 106 for open space should be required.

9 LETTERS OF OBJECTION (to original and revised scheme)

- Kirkwell was built to accommodate buildings on one side only, building on the opposite side of the road would cause problems of access for existing residents of Kirkwell
- Emergency vehicles would have a problem accessing the road
- Proposal is not significantly different from previous application
- Proposed dwelling out of character with the other dwellings in the street
- The scale, mass and design are considered to be detrimental to the character and amenity of the local environment
- Cause a loss of privacy
- Cause a loss of light in the afternoons and evenings
- Parking problems in Kirkwell, would compound existing problems
- Cars reversing out of the driveway would have to use the driveways of the dwellings in Kirkwell to turn around, also potentially dangerous
- Overdevelopment of the area
- Would present an unacceptable aspect to the residents of Kirkwell and Copmanthorpe Lane
- The shiplap cladding and render are not in keeping with the surrounding area, not attractive

- The application states there is a store/garage on site there is not there is small garden shed and greenhouse
- The application states there are no trees on site, this is not the case there are mature trees and hedging on the site
- The proposal would result in the removal of some of the hedge; a condition of the original approval for Kirkwell was for maintenance of the hedging and planting of trees as they were considered to make a significant contribution to the area. Removal of the hedge would have a significant impact on visual amenity, privacy and wildlife corridor
- The hedging removed is also directly next to 5 hawthorn trees which are the subject of a Tree Preservation Order, concerned there would be significant root damage to these trees as part of the driveway construction
- The distance between the front of the proposed dwelling and the hedging would be around 2 metres. This would cause poor natural light and outlook levels for the proposed property. This relationship may lead to pressure from future occupiers to remove the hedging. This is of concern given its importance to the wider environment
- Turning circle too small and impossible to use given the gates infringe on the area
- Potential access by construction traffic would cause concern, would be unable to access site. Even without parked cars would be difficult and existing the site would be impossible without infringing existing properties
- Concerned about the noise disturbance from a potential building site
- The proposed footprint by virtue of its scale and mass is detrimental to the character and amenity of the local environment
- The front elevation is 6.2 metres in height and would be 10 metres from the dwellings opposite on Kirkwell resulting in an overbearing structure that would cause a loss of light and overshadowing
- Development is described as single storey but it has accommodation in the roof
- Question how one dwelling would increase the sustainability of the village
- Front hedge may be a historic and ancient boundary line
- Object to the French doors in the front elevation will cause a loss of privacy; there is ample provision for the doors to be sited in another elevation
- The gable facing Kirkwell will dominate the streetscene
- During darkness vehicles exiting the site would project full beam headlights into the dwellings opposite
- The road on Kirkwell is narrow less than the 7.5 metres allowed (6.3 metres) the narrow road was only allowed as dwellings on Kirkwell were to be on only one side of the road by virtue of the narrowness of the site
- Construction would cause harm to the health of some of the residents
- The proposed felling of the walnut tree will cause overlooking from the proposed dwelling to 16 Copmanthorpe Lane
- The proposed dwelling will not enjoy enough amenity given the overdevelopment of Kirkwell
- The revised plans do not constitute sufficient amendment to overcome previous planning refusals
- Proximity and height of the dwelling would be overbearing to 1 New Lane and would result in a significant loss of outlook

- Similar development on New Lane was refused and dismissed at appeal on the grounds that the close proximity would result in a loss of privacy, and, from normal domestic activities, cause harm to the residential amenities of the occupiers of 1 New Lane. The impact of that proposal would have considerable less impact than this application
- Loss of privacy to No1 and No 2 New Lane
- Upstairs windows would result in overlooking the rear gardens of 2 to 10 New Lane
- A proposed dwelling on the site should not be more than a modest single story dwelling of height and size
- If approved would want conditions stating no additional windows permitted, time of building work and deliveries
- Distance between the dwelling and the dwellings opposite on Kirkwell is less than 21 metres, which is widely recognised minimum for residential properties
- There does not appear to be any planting or other landscaping proposed along the front of the site bounding Kirkwell
- The distance between the eaves and the ridge of the roof appears to be greater than the height of the ground floor of the property
- Poor design quality, uninspiring, bland, and incongruous, would not be consistent with planning policy at both national and local levels which requires that new development is of a high standard of design which respects and is compatible with its surroundings
- Create a tunnelling effect and a sense of enclosure to the occupants of the dwellings opposite in Kirkwell
- Should be treated as a greenfield site and therefore a presumption against development
- Forms part of an important break between the properties in Kirkwell and properties on New Lane and should be maintained as such to retain the character of this part of the village
- The design and massing of the proposal does not have any regard to the limited scale of the site
- No consideration has been give to the ecological value of the site in terms of any species that would be affected by the proposals
- Dwelling may increase traffic into Kirkwell by 10%
- The hedge marking the boundary with Kirkwell is described as dense by the agent, this is not the case and the hedge is deciduous
- A large proportion of the hedge would have to be removed for vehicle access to the site may lead to the uprooting of highway trees. These trees were part of the original condition for the approval of the construction of Kirkwell and make a significant contribution to the amenities of the area
- There are 5 hawthorn trees which may be subject to a tree preservation order the driveway construction may damage these trees
- A lamppost may be required to be re-sited, would object to if re-sited opposite dwellings and the potential for light disturbance

#### **4.0 APPRAISAL**

##### RELEVANT SITE HISTORY

4.1 07/02892/FUL - Erection of two storey detached dwelling and garage (resubmission) – Refused for the following reasons:

- The proposed dwelling by virtue of its design, scale, and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site.
- The proposed dwelling by virtue of its design, scale, mass and bulk is considered to be overbearing to the occupants of 10 and 12 Kirkwell and would also cause a loss of outlook from these dwellings resulting in a loss of residential amenity.
- The proposed dwelling by virtue of the first floor window in the side elevation facing 14 and 16 Copmanthorpe Lane would result in overlooking and a loss of privacy to the rear gardens of these properties resulting in a loss of residential amenity.

4.2 06/00697/FUL - Erection of detached dwelling – Refused for the following reason:

- The proposed dwelling by virtue of its scale and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site.

4.3 05/02176/OUT - outline application for erection of a single detached bungalow to the rear with access from Kirkwell - Withdrawn

#### ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 3 - Housing

CYC Interim Planning Statement on Sustainable Design and Construction, 2007

CYC Commuted Sum Payments for Open Space in New Developments - A Guide for Developers, 2007

#### KEY ISSUES

1. Appearance of the dwelling
2. Impact on the area
3. Impact on neighbouring property
4. Impact on Highway Safety
5. Other issues

#### ASSESSMENT

#### PLANNING POLICY

4.4 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the

character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.5 PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development through the reuse of previously developed land, more efficient use of land through appropriate densities, reducing dependency on the private car and provision of affordable housing. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

4.6 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH

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

4.8 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

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

4.10 Policy H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate

scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

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

#### APPEARANCE OF THE DWELLING AND IMPACT ON THE AREA

4.12 The proposed dwelling is substantially reduced in size from the previous two refused applications. The proposed dwelling would be 6.492 metres in height, and has the appearance of a single storey dwelling although there is accommodation in the roofspace. The site is surrounded on each side by two storey buildings. The proposed dwelling is sited centrally within the plot with the gables of the building facing Kirkwell and 1 New Lane. The building by virtue of its design and scale is considered to have a modest appearance, and would be further mitigated by the boundary treatment providing an element of screening of the proposal.

4.13 The design of the proposed dwelling is considered to be basic and of little architectural merit, but it is not considered to cause harm to the character of the area. There is a mixture of styles in the surrounding area and therefore the proposed dwelling is not considered to be unduly prominent by virtue of its design or impact on the character of the area.

4.14 The proposed dwelling would be set 2 metres (4 metres to the main part of the building) from the Kirkwell boundary. Revised plans submitted 8 December 2009 show that the living room window in the front elevation has been reduced in size and the larger window is now in the south elevation facing dwellings on Copmanthorpe Lane. There was some concern given the original size of the window facing Kirkwell that there would be future pressure to remove the hedge (the distance between the window and the hedge is 1 metre). The deciduous hedge at present would provide a substantial degree of screening of the proposed dwelling. The hedge, despite being deciduous is also considered to provide an element of screening during the winter months. The removal of the hedge would be a detriment to the character of Kirkwell and would cause the proposed dwelling to be unduly prominent with the streetscene of Kirkwell given its close proximity to the road (a closer relationship than the dwellings on Kirkwell have). It is considered that if planning permission was granted then the retention of this hedge should be conditioned.

4.15 The external materials for the walls have been altered, the original plans indicated white render and shiplap cladding, revised plans now show brick. Materials can be conditioned in planning permission if granted.

#### IMPACT ON NEIGHBOURING PROPERTY

4.16 The dwelling would front onto Kirkwell. The boundary onto Kirkwell is presently marked by a brick verge with 4 highway trees set into the highway verge, in addition there is a 2 metre high deciduous hedge within the site. The boundary to 14 and 16 Copmanthorpe Lane is a 2 metre high fence. The boundary to 1 New Lane is a 2

metre high fence and tall evergreen hedge (approx 3 - 4 metres high). The boundary to 2 New Lane is a timber 1.4 to 1.5 metre high fence.

4.17 The proposed dwelling 9 metres by 10 metres, with a smaller offshoot to the elevation facing Kirkwell measuring 2 metres by 5.5 metres. In addition there would be small single garage to the side. The gables of the proposed dwelling would face the dwellings on Kirkwell and 1 New Lane. The dwelling is 6.492 metres in height, and the lower front element is 4.9 metres in height. The revised design and the significantly reduced amount of brickwork along the Kirkwell boundary, in addition to the screening hedge, are considered to remove previous officer concerns regarding the bulk, mass, and enclosure to the dwellings on Kirkwell.

4.18 Neighbours have raised concerns regarding the windows in the front elevation facing the dwellings on Kirkwell. The windows in the proposed elevation are for a bedroom and a living room. The living room window would be 14.1 metres from the front elevation of the dwellings on Kirkwell and the bedroom window would be 16.1 metres from the dwellings on Kirkwell. The distance is considered to be sufficient and there is not considered to be a loss of privacy or overlooking. In addition the hedge would create a visual barrier and screen.

4.19 The proposed dwelling is not considered to be overbearing to the neighbouring properties of 14 and 16 Copmanthorpe Lane due to distance between the dwellings. The windows in the elevation facing these dwellings would be screened by the 2 metre high fencing therefore reducing the potential for overlooking and loss of privacy. Three rooflights are proposed in the roofslope facing these dwellings however as they are for secondary rooms (2 bedrooms and a bathroom) together with the height of the rooflights from the floor (approx 1.8 metres to the cill) they are not considered to cause an undue loss of privacy.

4.20 There would be no overlooking to the occupants of 1 New Lane as there is a 1.8 metre high fence and a tall evergreen hedge marking the shared boundary screening the ground floor windows (on either side of the boundary). The occupants of the proposed dwelling may feel overlooked by the rear window of 1 New Lane. The distance between the dwellings would be 7.737 metres (3.5 - 4 metres to the shared boundary) according to the submitted plans. The proposed dwelling is not considered to have an overbearing or over dominant impact on the occupants of 1 New Lane.

4.21 No.2 New Lane has extended to the rear and the windows of these extensions overlook the site of the proposed dwelling. The proposed garage would be 4 metres from the shared boundary, and 6.715 metres between buildings. The proposed distance and the height of the proposed dwelling and garage is not considered to be overbearing or over dominant to the occupants. The main access would be in the elevation facing this property with a small hall window however this is not considered to cause harm to the amenity of the occupants of 2 New Lane.

4.22 The site is rather constrained by virtue its proximity to neighbouring dwellings and whilst it is considered the proposed dwelling does not unduly harm the residential amenity of the occupants of the neighbouring dwellings, extensions to it may, and therefore it is considered that if planning permission is granted then

permitted development rights for extensions and alterations to the roof should be removed.

#### IMPACT ON HIGHWAY SAFETY

4.23 Neighbour objections have been expressed regarding the issue of traffic and parking on Kirkwell and vehicle manoeuvring in relationship to the proposed dwelling however Highways Network Management has raised no objections to the proposed plans.

#### OTHER ISSUES

4.24 Concern has been raised that the proposed driveway would affect Hawthorne trees to the rear boundary of 2 New Lane approx 5 metres away. These trees are protected by a Tree Preservation Order. The Landscape Architect has confirmed that the driveway is not considered to harm the protected Hawthorne trees. In addition some comments have been received from the neighbours stating that the hedge along Kirkwell is protected; although an old hedge line, it falls within a domestic context and as such has no formal protection under the Hedgerow Regulations 1997. The hedge is within the site and therefore was not part of the agreed boundary treatment within the original construction of Kirkwell. Neighbours had expressed concern that the trees in the highway verge may be felled, however the agent has submitted revised plans showing all 4 highway trees would be unaffected.

4.25 In previous applications there has been some ambiguity as to the size of the plot, the present application indicates the site is 24.2 metres by 18 metres with a 3.5 metres by 8.5 metres chunk removed from the south west corner. The previous applications have shown a site measuring 18 metres by 26 metres with a 5 metre by 8 metre chunk removed (06/00697/FUL). The most recent application had a plot measuring 16.6 metres by 24 metres plot with a 3.8 metres by 7 metres chunk removed from the southwest corner of the plot (07/02892/FUL).

4.26 In line with Policy L1c the applicant has been made aware that a contribution of £2,124 would be required towards open space facilities such as amenity open space, play space within the parish, and sports pitches, and has agreed to make the contribution.

4.27 It is considered that if the application was approved a condition could be placed in the consent requiring the development is constructed to Code for Sustainable Homes to at least Level 3. The CYC Interim Planning Statement on Sustainable Design and Construction states that for development of 1 dwelling at least 5% of the energy requirement should be produced on site, it is also considered this would be reasonable to condition.

4.28 Since the application was submitted the Environment Agency flood zones have been updated which show the site within Flood Zone 2 rather than Flood Zone 1 previously. A flood risk assessment was submitted with the application on the basis that the site was within Flood Zone 1 and as such is very basic. Whilst it is considered a 'more vulnerable' use, an exception test is not required for dwellings within Flood Zone 2. A flood risk assessment has been requested from the agent, it

is hoped to receive the flood risk assessment and consult the Environment Agency before the committee meeting and update the committee members accordingly at the meeting.

## **5.0 CONCLUSION**

5.1 The proposed dwelling in this application is considered to overcome the previous reasons for refusal for a dwelling on this site. The proposed dwelling is considered to be of a modest scale and design and would not be unduly prominent within the streetscene or the surrounding area. The proposed dwelling is not considered to cause undue loss of residential amenity to the occupants of the surrounding dwellings.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:**            Delegated Authority to Approve

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

Plan indicating distances to neighbouring properties received 8 December 2009;

Plan indicating site levels received 8 December 2009

Sire Plan received 8 December 2009

Drawing Number TD06-08 received 8 December 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.

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

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

### **INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2,124.

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

3 TIME2 Development start within three years

4 VISQ8 Samples of exterior materials to be app

5 HT1 Height 6.5m.

6 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

7 HWAY19 Car and cycle parking laid out

8 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, E, and G of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

10 Prior to the commencement of development, a report demonstrating that the dwelling would comply with the Code for Sustainable Homes Level 3 assessment for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

11 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the dwelling's proposed renewable energy generation, which shall be at least 5 % of total energy generation (ii) measures to

reduce energy demand (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

12 With the exception for the vehicle access specified on Drawing Number TD06-08 received 8 December 2009, the hedge adjacent to the boundary with Kirkwell shall not be removed.

Reason: To protect the visual amenity of the streetscene.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order) no additional windows, doors or other openings other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

14 DRAIN1 Surface water details to be approved

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

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policies GP10, H4a and GP1 of the City of York Council Development Control Local Plan (2005); and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development".

### 2. DEMOLITION AND CONSTRUCTION INFORMATIVE

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

The developer's attention should also be drawn to the various requirements for the

control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

**Contact details:**

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**Tel No:** 01904 551347

# Site to rear of 14 Copmanthorpe Lane, Bishopthorpe

09/00819/FUL



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	07 January 2010
<b>SLA Number</b>	Not set

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## **West & City Centre Area Planning Sub-Committee**

**20 January 2010**

Report of the Director of City Strategy

### **Enforcement Cases - Update**

#### **Summary**

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

#### **Background**

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

#### **Current Position**

5. Members should note that 61 new cases were received for this area within the last 3 months . 89 cases were closed and 176 remain outstanding. There are 62 Section 106 Agreement cases outstanding for this area after the closure of 1 for the last 3 months.

### **Consultation**

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

### **Options**

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

### **Corporate Priorities**

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

### **9. Implications**

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

### **Risk Management**

10. There are no known risks.

### **Recommendations**

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

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

**Contact Details**

**Author:**

Hilary Shepherd/  
Andy Blain  
Planning Enforcement Officers

**Chief Officer Responsible for the report:**

***Chief Officer's name***

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

**Dept Name** City Strategy  
Tel No. 551647/551314

**Report Approved**

**Date** 06.01.2010

**Specialist Implications Officer(s)**

None

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

**All**

**For further information please contact the authors of this report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

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of the Local Government Act 1972.

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