



Notice of meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Thursday, 18 February 2010

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 17 February 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. Minutes

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Wednesday 20 January 2010. (To follow)

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm** the working day before the meeting, in this case **Wednesday 17 February 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.

4. Plans List

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

- a) 76 Beckfield Lane, York, YO26 5RJ, (09/02103/OUT) (Pages 5 - 14)**

Erection of 4no. two storey town houses after demolition of existing dwelling (resubmission). [*Acomb Ward*] **[Site Visit]**.

- b) Land to the North of 11 Melander Close, York, (09/02220/FUL) (Pages 15 - 26)**

Erection of 2no. two storey dwellings. [*Acomb Ward*] **[Site Visit]**

- c) 25 The Orchard, Bishopthorpe, York, YO23 2RX (09/02269/FUL) (Pages 27 - 32)**

Single storey rear extension [*Bishopthorpe Ward*]

- d) 43 West Thorpe, York, YO24 2PP (10/00020/FUL) (Pages 33 - 40)**

First floor rear extension. Boundary wall to front and side. Change of use and extension of garage to form retail unit (resubmission). [*Dringhouses and Woodthorpe Ward*] **[Site Visit]**

- e) Doctors Surgery, 40 Moorcroft Road, York, YO24 2RQ (10/00035/FUL) (Pages 41 - 50)**

Erection of 2 storey GP surgery building after demolition of existing building. [*Dringhouses and Woodthorpe Ward*] **[Site Visit]**

5. 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 and louise.cook@york.gov.uk

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

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

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

Contact details are set out above.

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

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

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 17 February 2010

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

TIME (Approx)	SITE	ITEM
11.15	Land North of 11 Melander Close	4b
11.45	76 Beckfield Lane	4a
12.15	43 West Thorpe	4d
12.35	Doctor's Surgery, 40 Moorcroft Road	4e

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	20 JANUARY 2010
PRESENT	COUNCILLORS HORTON (CHAIR), CRISP, STEVE GALLOWAY, GALVIN, REID, SUNDERLAND, B WATSON, MOORE (AS A SUBSTITUTE FOR CLLR SUE GALLOWAY) AND WISEMAN (AS A SUBSTITUTE FOR CLLR GILLIES)
APOLOGIES	COUNCILLORS SUE GALLOWAY AND GILLIES
IN ATTENDANCE	COUNCILLOR FRASER

41. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Artful Dodger, 47-51 Micklegate	Councilors Crisp, Horton, Reid, Brian Watson and Wiseman.	At the request of Councillor Gunnell
14 Copmanthorpe Lane, Bishopthorpe	Councilors Crisp, Galvin, Horton, Reid, Brian Watson and Wiseman.	As objections had been received and the officer recommendation was for approval.

42. 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.

All Members of the Committee declared a personal non-prejudicial interest in plans item 5e (76 Huntington Road) as the applicant is a City of York Councillor.

Councillor R Moore declared a personal non-prejudicial interest in plans item 5f (Site to rear of 14 Copmanthorpe Lane, Bishopthorpe) as he knows the representative from Bishopthorpe Parish Council (who was speaking under public participation) through parish council work.

43. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That Members of the Press and Public be excluded from the meeting during consideration of Annex A to agenda item 6 (Enforcement Cases Update) (Minute 47 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information 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.

44. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub Committee held on 14 December 2009 be approved and signed by the Chair as a correct record.

45. PUBLIC PARTICIPATION

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

46. 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.

46a Artful Dodger, 47-51 Micklegate, York, YO1 6LJ (09/02085/LBC)

Members considered an application for Listed Building Consent for the **retention of external lighting**.

Officers explained that normal policy on lighting in the historic core would be to consider only buildings of historical or cultural significance and that this building would not fall into such a category. They stated that, even if the lighting of the building was considered to be acceptable in principle, the lights themselves would need to be well designed to respect the character

and appearance of the building and poorly designed or located fittings would render a scheme unacceptable.

Representations were received from the Conservative Parliamentary Candidate for York Central. She spoke in support of all three applications for this site. She advised Members that the applicant had devoted a lot of time to resurrecting the building and bringing it back into use and stated that work had already been delayed a year and a half. She explained that the scheme would bring social, business and employment benefits to the people of York.

Representations were also received from the applicant, in support of his application to retain the lighting. He stated that the lights, which were positioned over each arch, made the business visible to passing trade and were also important to provide his doorstaff with adequate light in order to check customers' identification on entry. He stated that the floodlights were as slim as possible and of black plastic construction which did not stand out. He advised Members that the lights were low energy with individual units having a life expectancy of 5-6 years. He also confirmed that the additional wiring on the outside of the building did not belong to the Artful Dodger.

Representations were also received from Councillor Fraser in support of the all three applications on this site. He advised Members that the developments would bring previously used space into use and the building would not just benefit young people but in fact people of all ages. He advised Members that the Micklegate Ward Planning Panel had raised no objections to the application and had been generally accepting of proposals. He expressed the view that the lights did not detract from the building and urged the Committee to approve the application.

Officers reminded Members that in Listed Building Consent applications, the Planning Act requires the local authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Members questioned whether the applicant had made any attempt to fit appropriate lighting for a Grade 2 listed building and officers advised that the lighting had been erected without any consultation with the Planning Authority.

In response to a query from Members on the issue of floodlighting, Officers advised that planning policy allows for buildings "of cultural significance" to be floodlit, but confirmed that as a pub, this building would not be classed as such. They advised that signage could be lit and suggested that the doorway could be lit with a down lighter in the recess.

Councillor Galvin moved a motion to defer the application to allow more time to look into other lighting options and Councillor S F Galloway seconded this motion. On being put to the vote the motion to defer was lost.

Members voiced their concerns over the lack of discussion which had taken place between the applicant and the Planning Authority on suitable means of lighting.

RESOVLED: That the application be refused.

REASON: 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.

46b Artful Dodger, 47 - 51 Micklegate, York, YO1 6LJ (09/02174/LBC)

Members considered an application for Listed Building Consent for a **lowered ceiling to the first floor rear bar area** (retrospective)

Officers reported that the owner of the adjacent property, no 45 Micklegate, had written to request that his earlier objections to the lowered ceiling in the rear first floor room were taken into consideration, on the grounds of unnecessarily radical nature of the proposal, the impact upon residential amenity of the adjacent property and the undertaking of building work on land outside of the applicant's ownership.

Officers advised Members that Central Government advice on Planning Policy Guidance 15 (PPG15) required any work to be carried out on a listed building to be fully justified. They confirmed that the installation of a lowered ceiling was not a building control requirement, (there was no requirement to provide sound insulation to the flat above, which was the justification given, as this flat was intended for occupation by the bar manager) and furthermore that there was no evidence that the original ceiling had been badly damaged. They stated that they believed that the introduction of a suspended ceiling harmed the character of the listed building and should not be carried out if other alternatives are available.

The Conservative Parliamentary Candidate for York Central, who had spoken under Public Participation on Plans Item 45a questioned why such harsh and strict conditions were being placed on this application when other developments on the same road had been allowed.

The applicant advised Members that he had no intention of damaging the building and drew Members' attention to a letter received from a Craftsman which confirmed that the cornice was beyond repair and to a photograph which showed existing water damage. He stressed that Planning Policy Guidance 15 was designed to be open to interpretation. He stated that the lowered ceiling would allow cables and pipes to be hidden and a new

cornice would be installed which would match the original damaged cornice, in order to retain the character of the room.

Members questioned whether the ceiling was beyond repair or whether it could be repaired at a cost and officers advised that repair was an option. They confirmed that they had not been consulted by the owner prior to any of the works being carried out.

Members expressed the view that the installation of the lowered ceiling was not likely to have caused any damage to the original features and in fact provided protection to the original coving and some sound insulation. However they stressed it was important to remember that this was a listed building and acknowledged that it did change the character of the room. They also agreed that the applicant had not been able to justify that the lowered ceiling was the only option in the circumstances to provide sound insulation to the flat above.

RESOLVED: That the application be refused.

REASON: 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.

46c Artful Dodger, 47- 51 Micklegate, York, YO1 6LJ (09/02175/LBC)

Members considered an application for Listed Building Consent for the **installation of a staircase between rear ground and first floor rooms** (retrospective).

Officers advised that the owner of the adjacent property, no 45 Micklegate, had written to request that his earlier objections to the additional staircase be taken into consideration, on the grounds of unnecessarily radical nature of the proposal, the impact upon residential amenity of the adjacent property and the undertaking of building work on land outside of the applicant's ownership.

Officers expressed their concerns that, in respect of this application, the staircase had not been justified in terms of Planning Policy Guidance 15.

The Conservative Parliamentary Candidate for York Central, who had spoken under Public Participation on Plans Item 45a and b stated that the applicant aimed to reduce noise disturbance in the building and preserve its features.

The applicant explained that the staircase was an essential part of the development and alternative solutions, including creating a doorway through to the existing staircase, were unacceptable in terms of security (concerns over pub customers gaining access to the first floor flat) and noise disturbance (the existing staircase is only separated from the residential property next door at no 45 by a thin wall). He responded to Members queries in relation to use of the original staircase as a first escape route and circulated photos of the lintel for them to view.

Members discussed the issues which had been raised and acknowledged that they had a duty to protect listed buildings.

RESOLVED: That the application be refused.

REASON: The insertion of a staircase between the ground floor bar area and the first floor causes significant and unjustifiable 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 Alterations to Listed Buildings".

Note: Following consideration of this item, Councillors Wiseman and Sunderland left the meeting.

46d 2 Summerfield Road, York, YO24 2RU (09/02241/FUL)

Members considered a full application from Mr Warren Mapplebeck for a pitched roof single storey side and rear extension.

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

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

46e 76 Huntington Road, York, YO31 8RN (09/02138/FUL)

Members considered a full application from Mr and Mrs Pierce for a single storey side extension.

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

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

46f Site To The Rear Of 14 Copmanthorpe Lane Bishopthorpe York (09/00819/FUL)

Members considered a full application from Mr Mike Cross for a single storey dwelling with rooms in the roof, to the rear of 14 Copmanthorpe Lane.

Officers advised the Committee that they had received a response from the Parish Council to the revised plans (October 2009). This response raised the following concerns:-

- “Detached bungalow style does not match the neighbouring semi-detached dwellings. The surrounding dwellings are set back from the road with a front garden. The proposal does not reflect this style
- Dominate outlook from 12 Kirkwell
- Cause overshadowing of 12 Kirkwell
- Proposal would appear overdeveloped
- Proposals for waste storage could cause nuisance to 14 Copmanthorpe Lane
- Elevations and plans fail to show the existing gate from Kirkwell
- The hedge is described as 2.5 metres in height and would obscure the proposed dwelling by dense foliage. The hedge is in fact spare along its length and the property would be visible.”

They also reported that a further objection had been received on 19 January from the occupants of 10 Kirkwell which raised the following issues:-

- Siting of driveway opposite 12 Kirkwell
- The height and scale of the building will cause overshadowing
- Road congestion existing from school traffic
- Out of character with the area and would be overdevelopment
- Development would impact on outlook and privacy
- Create traffic movements that are dangerous
- Kirkwell was not intended to accommodate properties on both sides

They also stated that an objection had also been received on the same date from the occupant of 8 Kirkwell which asked that, should be application be approved, the following issues be taken into account:-

- Site traffic be restricted to the hours of 9am to 6pm Monday to Friday and include a break between 3pm and 4pm for school pickups.
- That site traffic is restricted to Monday to Friday, and excludes Saturday and Sunday and Bank Holidays
- That site vehicles, skips and site materials are securely stored off the highway and are restricted to the development plot itself.
- Would request frequent road cleaning to prevent the build up of dirt and debris from any building site.

Representations were received from a neighbour living in Kirkwell in objection to the application. She raised the following points:

- Road safety issues - Road designed for current layout of properties - Width of road and volume of parked cars causes difficulties in manoeuvring
- No space to manoeuvre vehicles on the site therefore vehicles would be reversing out of site blind into cul-de-sac due to hedge on either side of driveway.
- Concerns about site traffic entering/leaving site due to proximity of school & football club
- Impact on privacy of existing residents - gardens overlooked

Representations were received from a further neighbour in Kirkwell, also in objection. She stated that:-

- Development is appropriate and would have a harmful effect on residential amenity
- It is, in effect, a 2 story building which will harm the outlook for existing residents
- The building design is of poor quality – very basic with little architectural interest
- The site not large enough for proposed building and would create a sense of enclosure for the houses opposite

Representations were received from the applicant's agent, in support of the application and he expressed the following points:-

- Worked with officers on design and development has been reduced in size since previous application.
- Meets sustainability requirements,
- Scale and design are appropriate.
- New building will make no difference to existing traffic situation in road once built.
- No impact on light to adjacent property.

Representations were also received from a representative of Bishopthorpe Parish Council who stated:-

- He did not believe that the design enhances or respects local environment.
- Existing Kirkwell houses have gardens and space around them whereas this would appear crammed in with little space around it.

- He had concerns that more detailed plans were not available and asked Members to refuse application or defer until all plans were available.

Members asked for clarification on the width of the road in order to determine the distance between front of existing properties and proposed development. Officers advised that this was 14.1m from living room window to living room window. They confirmed that the only windows on proposed building which faced Kirkwell were at ground floor level and that a condition would require the hedge to remain in place for privacy reasons.

A Member raised concerns over the principle of development on site and the type of property on the site and argued that this constituted overdevelopment and overmassing on the site.

Members agreed that the new application took into account many of the problems which had been raised when the previous application was determined. They also agreed that they did not feel that issues over parking and manoeuvring into/from the site were grounds for refusal and were of the opinion that the site was large enough to support this development.

RESOLVED: That the application be approved (with delegated authority) subject to the conditions listed in the report and the amended and additional conditions below.

Amended condition 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. The hedge shall be retained at a minimum of 1.9 metres in height.

Reason: To protect the visual amenity of the streetscene.

Additional Condition 15

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Additional Condition 16

Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

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

47. ENFORCEMENT CASES - UPDATE

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

RESOLVED: That the report be noted.

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

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 5.55 pm].

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 18 February 2010 **Parish:** Acomb Planning Panel

Reference: 09/02103/OUT
Application at: 76 Beckfield Lane York YO26 5RJ
For: Erection of 4no. two storey town houses after demolition of existing dwelling (resubmission)
By: Mr Sydney Bailey
Application Type: Outline Application
Target Date: 14 January 2010

1.0 PROPOSAL

1.1 No. 76 Beckfield Lane comprises a disused brick and render built bungalow circa 1920 set within a large plot at the junction of Beckfield Lane and Turnberry Drive. Outline Planning Permission is sought for erection of four semi-detached two storey town-houses on the cleared site. Permission was previously sought in respect of the erection of five houses on the site ref: 08/02053/OUT, this was however refused on design, street scene and drainage grounds. The current re-submission has been intended to address the earlier reasons for refusal. Consent is being sought at this stage for the principle of development with all other matters reserved.

1.2 The application has been called-in to sub-committee at the request of Councillor Horton because of the prominence of the site.

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

2.2 Policies:

CYGP4A
Sustainability

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYL1C
Provision of New Open Space in Development

CYH5A
Residential Density

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 LifeLong Learning and Leisure raise no objection to the proposal subject to a payment being made in lieu of onsite open space provision in relation to the number of dwellings to be built.

3.4 Learning, Culture and Children's Services raise no objection to the proposal on the grounds of need for contributions to cover educational provision arising the number of dwelling units to be created .

3.5 Structures and Drainage Consultancy raise no objection to the proposal subject to the detail of site drainage being agreed in writing as part of any Reserved Matters submission.

EXTERNAL:-

3.6 Acomb Planning Panel object to the proposal on the grounds that the proposal would represent over-development of a prominent corner site, the design of property proposed would be out of character with the surrounding area and plots 3 and 4 would lie significantly in front of the building line within Turnberry Drive.

3.7 One letter of representation has been received form the owner of an adjoining property. No objection is offered in principle to the proposal but concern is expressed in respect of surface water drainage from the site and the precise relationship of plots 3 and 4 to the adjacent residential properties.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- Impact of the proposal upon the visual amenity of the street scene,
- Impact of the proposal upon the residential amenity of neighbouring properties,
- Impact of the proposal upon the local surface water drainage network.

VISUAL AMENITY OF THE STREET SCENE:-

4.2 Policy GP 10 of the York Development Control Local Plan sets a firm policy presumption that planning permission for the sub-division of existing garden areas or infilling to provide new development will only be forthcoming where this would not be detrimental to the character and amenity of the local environment. Similarly Policy H4a sets a firm presumption that permission will be forthcoming on land not previously allocated where the site is within the urban area and is vacant, derelict or otherwise underused and it involves infilling or other redevelopment, the site has good accessibility to jobs, shops and services by non-car modes and it is of an appropriate scale and density to surrounding development. The scheme envisages the erection of four two storey town houses in two semi-detached blocks, one within Beckfield Lane, the other in Turnberry Drive. The location of plots 1 and 2 have been amended to create a more significant setback distance from No 74 Beckfield Lane and to realign the properties closer to the junction with Turnberry Drive. Such a realignment would benefit the residential amenity of 74 Beckfield Lane at the same time as establishing more appropriate visual relationship in street scene terms with the junction. The existing mature hedge scribing the junction with Turnberry Drive would be retained, along with a section of mature hedge fronting plots 3 and 4 allowing sufficient space to create appropriate visibility splays on to Turnberry Drive.

4.3 As previously submitted an additional plot lay at the corner of Turnberry Drive and Beckfield Lane and plots 3 and 4 were substantially in front of the building line of the remainder of the properties in Turnberry Drive. The additional plot has been deleted and plots 3 and 4 realigned so as to lessen impact upon the street scene. Concern continues to be expressed in relation to the divergence of plots 3 and 4 from the general building line in Turnberry Drive, however when combined with the retention of sections of the mature hedge the degree of step forward of the two properties is not felt to have a significant adverse impact upon the wider street scene. To further set the two plots back within the application site would be inappropriate as it would create an adverse visual relationship with the garden of No 74 Beckfield Lane to the detriment of the residential amenity of occupiers of that property. Setting back plots 3 and 4 would also have the effect of securing the front gardens of both properties as the main amenity space for both plots which would not be acceptable in terms of its impact upon the amenity of the occupiers and that of neighbouring properties. In terms of scale, density and general arrangement surrounding conditions are reflected in the layout of the proposal. The terms of Policy GP10 and H4a have thus been complied with in relation to the proposal.

4.4 Policy H5a of the York Development Control Local Plan sets a target density of 40 dwellings /hectare within the urban area outside of the City Centre and establishes a requirement that the scale and design of new residential developments should be compatible with the character of the surrounding area and must not harm local amenity. The density suggested for the proposal at 67 dwellings per hectare

would be consistent with the terms of the policy and whilst bungalows provide the characteristic built form of Turnberry Drive taken as a whole , other than 1 Turnberry Drive the immediate environs of the property are two storied. The application site also has a strong visual relationship with properties in Beckfield Lane and with the reduction in number and realignment of units the scale and character of the development is now considered to be acceptable.

RESIDENTIAL AMENITY:-

4.5 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption that new developments will be expected to respect or enhance the local environment , 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 and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The proposal as submitted consists of two blocks of semi-detached properties set over the site and former garden area of 76 Beckfield Lane. The pattern of residential development surrounding the site is varied with a mix of generally two storey detached and semi-detached properties on Beckfield Lane with two storey detached and semi-detached properties and bungalows on Turnberry Drive. The proposed dwellings would be some 3 metres from 74 Beckfield Lane the closest property to the south and 5.5 metres from No 2 Turnberry Drive the closest property to the west and side facing in both cases. No 1 Turnberry Drive which is a bungalow would be 21 metres away to the north across Turnberry Drive. The application details indicate that there would not be any issue of overshadowing of adjacent properties. Plots 3 and 4 are significantly proud of the building line of No 2 Turnberry Drive but are set off the boundary with no.2. Plots 3 and 4 back on to the rear garden area of No 74 Beckfield Lane ,some 3.4 metres from the boundary at its closest point. The existing 2.5 metre high boundary hedged would be retained which would provide a degree of mitigation. In order to further safeguard the residential amenity of No 74 first floor rear windows in plots 3 and 4 should be conditioned to be obscure glazed and Permitted Development Rights in respect of roof alterations and side openings should be withdrawn . Any overlooking between plot 1 and No 74 Beckfield Lane and plot 4 and No 2 Turnberry Drive would similarly be mitigated by the withdrawal of Permitted Development Rights in respect of side openings. Subject to such conditions to secure the residential amenity of neighbouring properties the development would comply with the terms of Policy GP1 of the Draft Local Plan.

SURFACE WATER DRAINAGE:-

4.6 Policy GP15a of the York Development Control Local Plan sets down a firm policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The developer has included some drainage information related to the location of foul and surface water drainage runs and their dimensions . However approval of a full drainage scheme is required prior to Determination of Reserved Matters in order that it can be satisfactorily demonstrated that the local surface water drainage network may cope with the additional flows being input into it. It is therefore recommended that any approval in relation to the current application be conditioned accordingly.

SUSTAINABILITY:-

4.7 Policy GP4a of the York Development Control Local Plan sets a firm policy requirement that new developments such as that currently under consideration should demonstrate that they have given due regard to the principles of sustainable development. This has been reinforced by the recent Interim Policy Statement on Sustainable Construction which requires that all new homes should at least achieve a Code 3 in the BREEAM "Code for Sustainable Homes". The applicant has submitted a detailed Sustainability Statement which outlines that the development would be readily accessible by non-car modes of transport, would retain the existing landscape boundary treatment, would satisfy locally generated housing demand, would minimise the use of non-renewable resources and would reflect the design quality of other recent developments in the vicinity. The submitted information is insufficient to establish that the development would comply with the BREEAM "Code for Sustainable Homes" any approval should therefore be conditioned to secure compliance.

OPEN SPACE CONSIDERATIONS:-

4.8 Policy L1c) of the York Development Control Local Plan sets a firm policy framework requiring the payment of a commuted sum in lieu of open space provision for occupiers of new residential property in respect of developments of less than ten units with the sum assessed on the basis of a formula reflecting local needs. The sum in respect of the current development has been assessed at £8,336 incorporating contributions towards meeting the needs of local play, amenity and sports pitches. The applicant has agreed to make the appropriate contribution.

5.0 CONCLUSION

5.1 76 Beckfield Lane comprises a disused bungalow circa 1920 set within large grounds at the junction of Beckfield Lane and Turnberry Drive. The current proposal seeks Outline Planning Permission for the erection of four two storey semi-detached town houses on the cleared site of the bungalow and its grounds. A previous proposal on the site for five dwellings ref: 08/02053/OUT was refused on the grounds of impact upon the wider street scene and the local drainage network. The current application has been significantly amended from the earlier proposals. It envisages the erection of two semi-detached blocks of two dwellings fronting on to Beckfield Lane and Turnberry Drive. The design, massing and layout of the proposal reflects that of properties in the close vicinity on Beckfield Lane and Turnberry Drive. The properties do stand proud of the building line of Turnberry Drive, however their scale and layout would enable them to blend in with those adjoining. The proposed units would if appropriately conditioned be appropriate for the application site and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 OUT1 Approval of Reserved Matters
- 2 OUT2 Full details to be submitted
- 3 DRAIN1 Drainage details to be agreed
- 4 HWAY10 Vehicular areas surfaced, details reqd
- 5 HWAY25 Pedestrian visibility splays protected
- 6 HWAY31 No mud on highway during construction

7 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 and E ; of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

8 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 £8,336.

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.

9 Prior to the commencement of the development hereby authorised, 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 thenceforth be carried out in strict 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.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), any window or other glazed opening in the first floor rear elevations of plots 3 and 4 shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3.

Reason:-

In the interests of the amenities of occupants of adjacent residential properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no windows shall be inserted at any time into the side elevations of Plots 1 and 4 as hereby approved, other than with the prior written approval of the Local Planning Authority.

Reason:-

To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

12 HWAY18 Cycle parking details to be agreed

13 The existing boundary hedge surrounding the site shall not be removed (except as shown on drawing BDC/MB/08.1B), wilfully damaged or reduced in height below 2 metres without the prior written approval of the Local Planning Authority. Should the hedge be damaged, die back or be removed, details of its replacement should be submitted to the Local Planning Authority within three months of the date of its failure/removal and the affected areas should be replaced within the next planting season and thereafter be so retained.

Reason:-

In Order to preserve the amenity of adjacent properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

14 NOISE7 - Restricted hours of construction

15 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

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 impact upon the visual amenity of the wider street scene, impact upon the residential amenity of neighbouring properties and impact upon the local surface water drainage network. As such the proposal complies with Policies GP1, GP4a) , GP10 , GP15a),H4a), H5a) and L1c) of the City of York Development Control Local Plan.

Contact details:

Author: Erik Matthews Development Control Officer

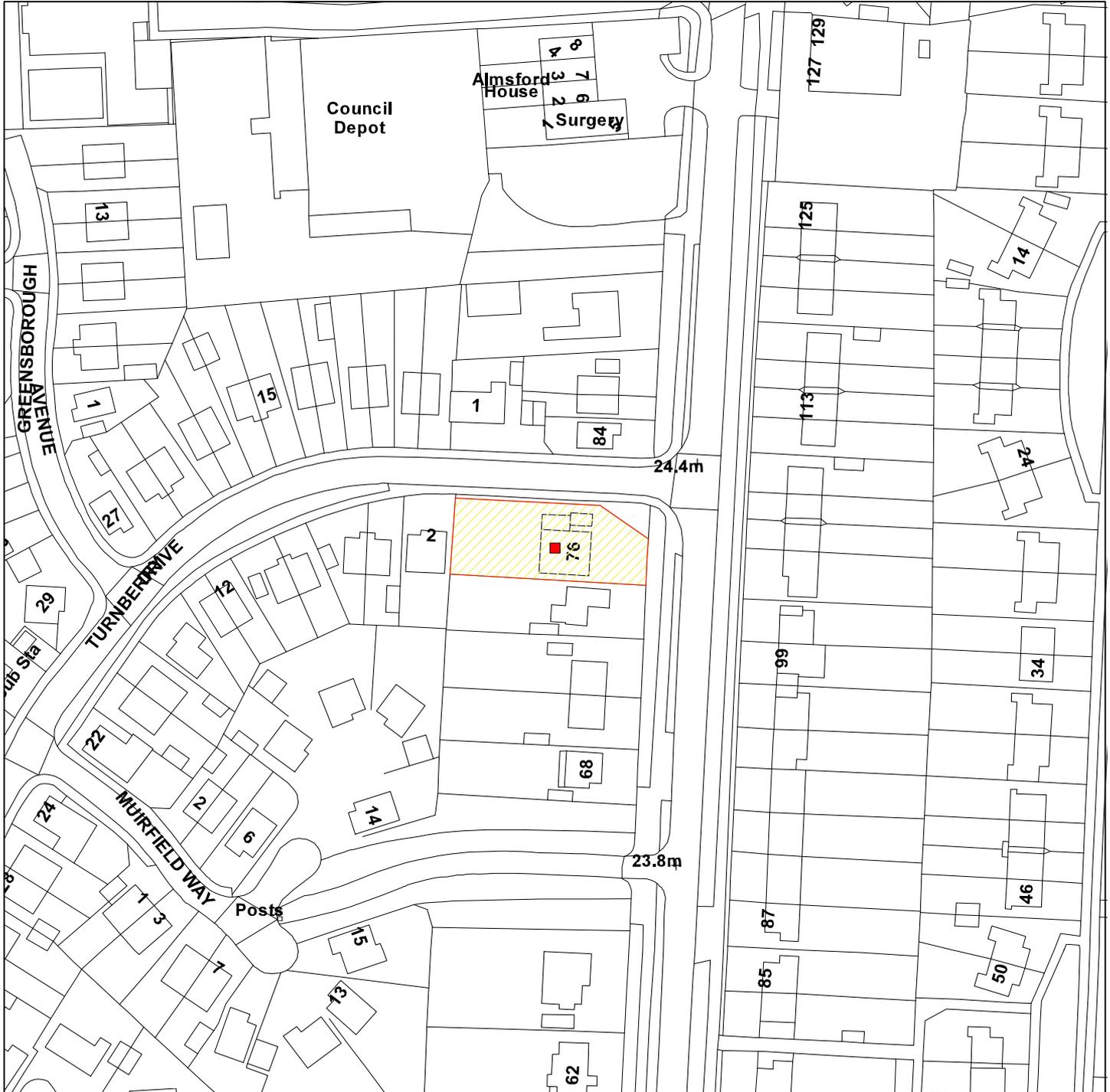
Tel No: 01904 551416

76 Beckfield Lane, YO26 5RJ

09/02103/OUT



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 February 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 18 February 2010 **Parish:** Acomb Planning Panel

Reference: 09/02220/FUL
Application at: Land To North Of 11 Melander Close, York
For: Erection of 2no. two storey dwellings
By: Leeper Hare
Application Type: Full Application
Target Date: 12 February 2010

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a pair of semi-detached properties on land to the north of 11 Melander Close, York.

1.2 The application has been brought to committee at the request of Cllr David Horton as the proposal is possibly over-development.

1.3 The following applications pertain to the development of this site and the adjacent site.

- 07/00760/FULM - Erection of 3no. detached and 8no. semi-detached two storey dwellings with access off Melander Close - Withdrawn - 31.05.2007
- 07/01467/FUL - Erection of 8 no. two storey dwellings with associated parking and garaging - Approved - 31.07.07 (Exelby Court development)
- 09/01349/FUL - Erection of 2 no. two storey detached dwellings with carports (resubmission) - Approved 22.10 2009 (Land north of 10 Melander Close)

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

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYH2A
Affordable Housing

GP4A
Sustainability

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objections. Exelby Court is currently subject to a section 38 agreement and as such the proposed dropped crossings will need to be dealt with by the section 38 engineer

3.2 Learning Culture and Learning Services - No requirement for education contribution

3.3 Lifelong Learning and Leisure - Commuted sum required for the provision of offsite open space

3.4 Engineering Consultancy - Development is in low flood risk zone 1 and should not suffer from river flooding. However the officer objects to the proposed development, on the grounds that insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

3.5 Environmental Protection Unit - No objections

External

3.6 Acomb planning Panel - Object on the following grounds:

- Overdevelopment of a small site in among detached houses
- Limited clearance to 11 Melander Close
- Blank wall of proposed dwelling curtails light into new window of 11 Melander Close
- Parking in front of the dwellings will severely obstruct access to Exelby Court
- Proposed dwellings are not in character with detached houses immediately adjoining Melander Close

3.7 Neighbours - Two letters of objection from 13 Carnoustie Close and 11 Melander Close objecting on the following grounds:

- Ancient hedge forms the boundary with Carnoustie Close
- Car parking spaces should not damage the existing boundary hedge

- Surface water should not run off the site
- Existing mature trees to boundary should be protected
- Should not exceed the height of the TAGA homes development to the rear
- The houses carry the potential for another 4 vehicles with no garages being provided
- Additional on street parking from visitors
- Poor visibility when leaving the site due to the existing 2m boundary fence
- Detached property would be more in keeping
- Loss of light to side kitchen and bathroom windows

4.0 APPRAISAL

4.1 Key Issues

- Principle of development
- Design
- Impact upon residential amenity

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP4a, H2a, H4a, H5a and L1c. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area. Policy GP4a states that proposals for development should have regard for the principles of sustainable development.

4.3 Policy H4a 'Housing Windfalls' which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services. Policy H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependant on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than 40dph in the urban area. Policy H2a 'Sustainability' states that housing development of 15 dwellings/0.3Ha or more in the urban area should provide affordable housing.

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

PRINCIPLE OF DEVELOPMENT

4.5 The application site currently houses a disused contractor's yard, including buildings and storage containers. It lies off Exelby Court, which has recently been constructed following planning permission being granted in 2007 for the erection of 8 dwellings, all of which are semi-detached. The site sides onto 11 Melander Close and the rear of 13 Carnoustie Court and backs onto a vacant site which gained planning permission for two detached properties in 2009.

4.6 The site lies within the defined settlement boundary of York. Central Government guidance regarding new housing is contained within Planning Policy Statement 3: Housing, Policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. The use of the site for residential purposes accords with Policy H4a in that it is underused and would involve infilling. In addition the density proposed would accord with Policy H5a.

4.7 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location and therefore acceptable in principle. However, whilst the principle of residential use is acceptable, the impact of the development on the visual amenity of the area, the amenity of adjacent residents and the safety of the highway network need to be considered.

DESIGN

4.8 The proposed dwellings are of the same design as those located along Exelby Court. The pair would have a frontage of 11m and a depth of 8m. They would have hipped roofs with an eaves height of 5m and a ridge height of 7.8m. They would incorporate a rearward two storey section which would be set down from the ridge and be constructed with a gable end. Each property would contain three bedrooms to first floor and a kitchen/dining room and lounge to ground floor. Each property would have 2 off road car parking spaces, a shed for cycle storage and a rear garden measuring 10m. The dwellings would come in line with the setback section of 11 Melander Close.

4.9 Concerns have been raised that the dwellings would be out of character within the locality. However, they are the same design as those currently erected along Exelby Court and lie within similar sized plots. However, where the existing dwellings have the two storey projecting element to the front this scheme seeks to have this element to the rear. The site would be seen in context with Melander Close, which are all detached properties, but the area is characterised by a mixture of house types including recent detached and semi detached properties along with bungalows. It is therefore considered that the dwelling is of an acceptable design and sits comfortably within the streetscene.

IMPACT UPON RESIDENTIAL AMENITY

4.10 The proposed dwellings would sit comfortably within the site. It would be located at a distance of 3.4m from the side elevation of 11 Melander Close and would be separated by a 2m high timber fence. Concerns were raised regarding the impact the dwellings would have upon the side ground floor window of 11 Melander Close. This serves as a secondary window to the large kitchen/dining room and faces north. It does however allow for a certain amount of ambient light to enter the dining room area. The scheme has been amended since it was first submitted to show the dwelling being moved 0.7m further to the north to give a greater degree of separation between the properties. Whilst the proposed plot 1 dwelling would result in a certain amount of light to be lost it would not appear to be so detrimental as to warrant a refusal.

4.11 The plot 2 dwelling would be located at a distance of 3m from the boundary with 13 Carnoustie Close and 16.4m from the building itself. Whilst the proposed dwelling lies to the South of Carnoustie Close it is considered that at this distance any overshadowing would be minimal and would not affect any habitable rooms within the property. Furthermore, existing mature planting along the boundary would mask the majority of the dwelling. The dwelling would achieve a 20m distance between its rear elevation and that of the proposed dwelling to the rear.

4.12 Concerns have also been raised that the scheme may represent overdevelopment of the site. However, adequate distance appears to have been retained around the dwelling and it would not have a cramped appearance or have any detrimental impact upon neighbour's residential amenity.

IMPACT UPON HAWTHORNE HEDGE AND ADJACENT TREES

4.13 Neighbours have expressed concern regarding the existing Hawthorne hedge and the trees to the northern boundary, within an adjacent site. The Council Tree Officer has stated that whilst the trees are relatively close to the boundary, the proposed distance of 3m between the dwelling at plot 2 and the site boundary would prevent any damage arising and affecting the health of the trees.

AFFORDABLE HOUSING

4.14 Policy H2a states that housing development of 15 dwellings/0.3Ha or more in the urban area should provide affordable housing. The policy gives a target of 50% of dwellings to be affordable. While this site is clearly below that threshold, it forms part of a larger site submitted by the current applicants under reference 07/00760/FULM. That application was withdrawn and the current application is the final part of a 3 phase development of that original site (Exelby Court 8 dwellings, land north of 10 Melander Close 2 dwellings and the current site). The site area of the original site is 0.37ha which is above the policy threshold and it is reasonable to consider the affordable housing position to ensure that the site has not been fragmented to avoid the affordable housing requirement. An informative on the 8 house Exelby Court development (07/01467/FUL) advised the developer that this approach would be taken.

4.15 While the original site area is over the 0.3ha threshold the number of dwellings proposed to be provided (12) is not. The density of the whole site (31.75 dph) is lower than sought in policy H5a (40dph) however the development does not appear to have been deliberately developed at a low density to avoid the requirement. A higher density may have appeared unduly out of character with the surrounding pattern of development.

5.0 CONCLUSION

It is considered that the development of this site for housing is acceptable and accords with policy. The design of the dwellings are considered to be appropriate within this locality and there would be limited impact upon the amenities of neighbouring residents.

COMMITTEE TO VISIT

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 and other submitted details:-

Drawing number H34/90/100 received 4th December 2009

Drawing number H34/90/101 Rev A received 27th January 2010

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

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

3 VISQ8 Samples of exterior materials to be app

4 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 or E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

5 The existing boundary hedge, which bounds Carnoustie Close shall not removed, wilfully damaged or reduced in height below 1.80 m in height, without prior

written consent of the Local Planning Authority. Should the hedge be damaged, die back or be removed, details of its replacement should be submitted to the Local Planning Department within 3 months of the date of its failure/removal and the affected areas should be replaced within the next planting season and thereafter be so retained.

Reason: In order to preserve the amenity of adjacent neighbours

6 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.8 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

7 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 £4248

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.

8 HWAY10 Vehicular areas surfaced, details reqd

9 HWAY19 Car and cycle parking laid out

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

Reason: To prevent obstruction to other highway users.

11 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

These details shall include:

(i) Invert levels of the existing and proposed surface water system should be provided.

(ii) Proposed ground and finished floor levels to ordnance datum for the site and adjacent properties should be shown. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(iii) Existing and proposed surfacing should be specified

(iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(v) In accordance with PPS25 and in agreement with the Environment Agency and City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: To comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

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

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

13 No building work shall take place until details have been submitted to and approved in writing by the local planning authority, to demonstrate how the applicant will provide from renewable sources, 5% of the building's total energy demand on land within the control of the applicant. Not later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local

Planning Authority, which details the percentage of the buildings energy consumption that has been derived from renewable sources. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable development.

14 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.

15 NOISE8 Restricted hours of work

**7.0 INFORMATIVES:
Notes to Applicant**

1. INFORMATIVE:

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

Adoption of Highway - Sect 38/1278 - Mr M Kitchen 01904-551336

2. ENVIRONMENTAL PROTECTION

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

i. 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.	

ii. 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".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site.

3. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, sustainability and highway safety. As such, the proposal complies with policies GP1, H2a, H4a, H5a and L1c of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement: Sustainable Design and Construction; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Statement 3 " Housing.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

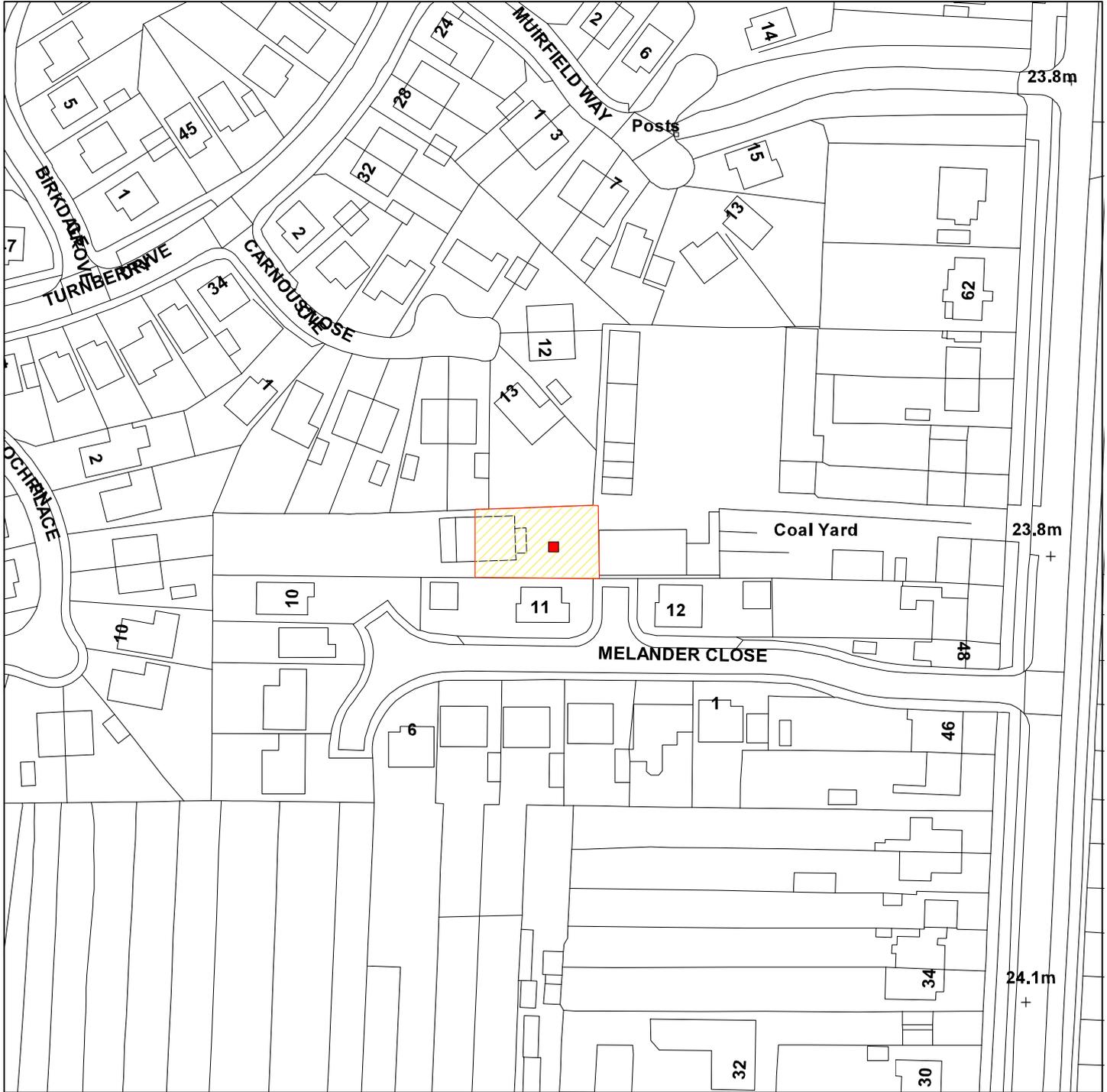
Tel No: 01904 551668

Land to north of 11 Melander Close, York

09/02220/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 February 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Bishopthorpe
Date: 18 February 2010 **Parish:** Bishopthorpe Parish Council

Reference: 09/02269/FUL
Application at: 25 The Orchard Bishopthorpe York YO23 2RX
For: Single storey rear extension
By: Ms Ann Ward
Application Type: Full Application
Target Date: 2 March 2010

1.0 PROPOSAL

1.1 This application seeks permission for a rear conservatory measuring 5.6m x 5.6m.

1.2 The property is a two storey detached dwelling that was given approval in 1997 and is situated in a cul de sac of similar properties. The majority of the plot is bounded by 1.8m high fencing with a detached garage forming most of the side boundary to the south. No other extensions are evident.

1.3 The application is required to go to sub-committee as the applicant is an employee of City of York Council.

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
Floodland GMS Constraints: Flood Zone 2
Schools GMS Constraints: Archbishop of York's CE Junior 0183

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL

3.1 None

EXTERNAL

3.2 BISHOPTHORPE PARISH COUNCIL - No response to date

3.3 PUBLICITY - The application was advertised by neighbour notification letter. No responses have been received.

4.0 APPRAISAL

KEY ISSUES:-

Visual impact on the dwelling and the area
Impact on neighbouring property

RELEVANT PLANNING POLICY

4.1 Draft Local Plan Policy GP1 states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.2 Draft Local Plan Policy H7 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 (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.3 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. Conservatories should be sited to the side or rear of the dwelling. They should have pitched roofs and the materials should match those of the main property. Obscure glazing should be considered for windows that face neighbours property or gardens. Alternatively, solid sides to the conservatory can be used, or a permanent fence or wall constructed to the boundary.

VISUAL IMPACT ON THE DWELLING AND AREA

4.4 The conservatory is to be positioned across two thirds of the rear elevation, and will extend the existing kitchen and utility room at the rear of the property. As it will be built around the two storey offshoot, the conservatory will project 5.6m at its longest point and 4m from the two storey offshoot. The conservatory will be mostly glazed with just a 0.2m dwarf wall to the north and west elevations with the other side elevation being constructed in brick adjacent to the existing side elevation of the

garage. Double doors will lead into the garden from the north/side elevation. The scale and design of the conservatory is considered to be sympathetic to the dwelling.

4.5 Whilst the conservatory represents a large extension to this detached property, and will substantially reduce the size of the rear garden, it is felt that the remaining amenity space to the rear would be sufficient for the current and future occupiers of the property. However any further extensions at ground floor level would result in further loss of space and therefore should be resisted.

IMPACT ON NEIGHBOURING PROPERTY

4.6 The conservatory is proposed to be built adjacent the existing detached garage to the side of the property and will not project further than the rear of the garage. As such it will be mostly hidden from view by the occupants of 23 The Orchard and should not have any impact on this property.

4.7 Due to the layout of the cul de sac there is no property to the north/side boundary of the property. No. 24 The Orchard is situated approx. 18m from the location of the proposed conservatory and as such there will be little impact to their residential amenity. Whilst the conservatory will be mostly glazed, the 1.8m fencing to the side boundary will prevent any significant loss of privacy or overlooking.

5.0 CONCLUSION

5.1 The design and scale of the proposal is considered to be sympathetic to the main dwelling and will not cause harm to residential amenity. It is considered that the proposal complies with the requirements of policy GP1 and H7 of the Local Plan and the guidelines contained within the SPG.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS1 | Approved plans - Drawing bdc 09.73.1 received 15.12.09 |

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 appearance of the dwelling and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to

private dwelling houses' Supplementary Planning Guidance.

Contact details:

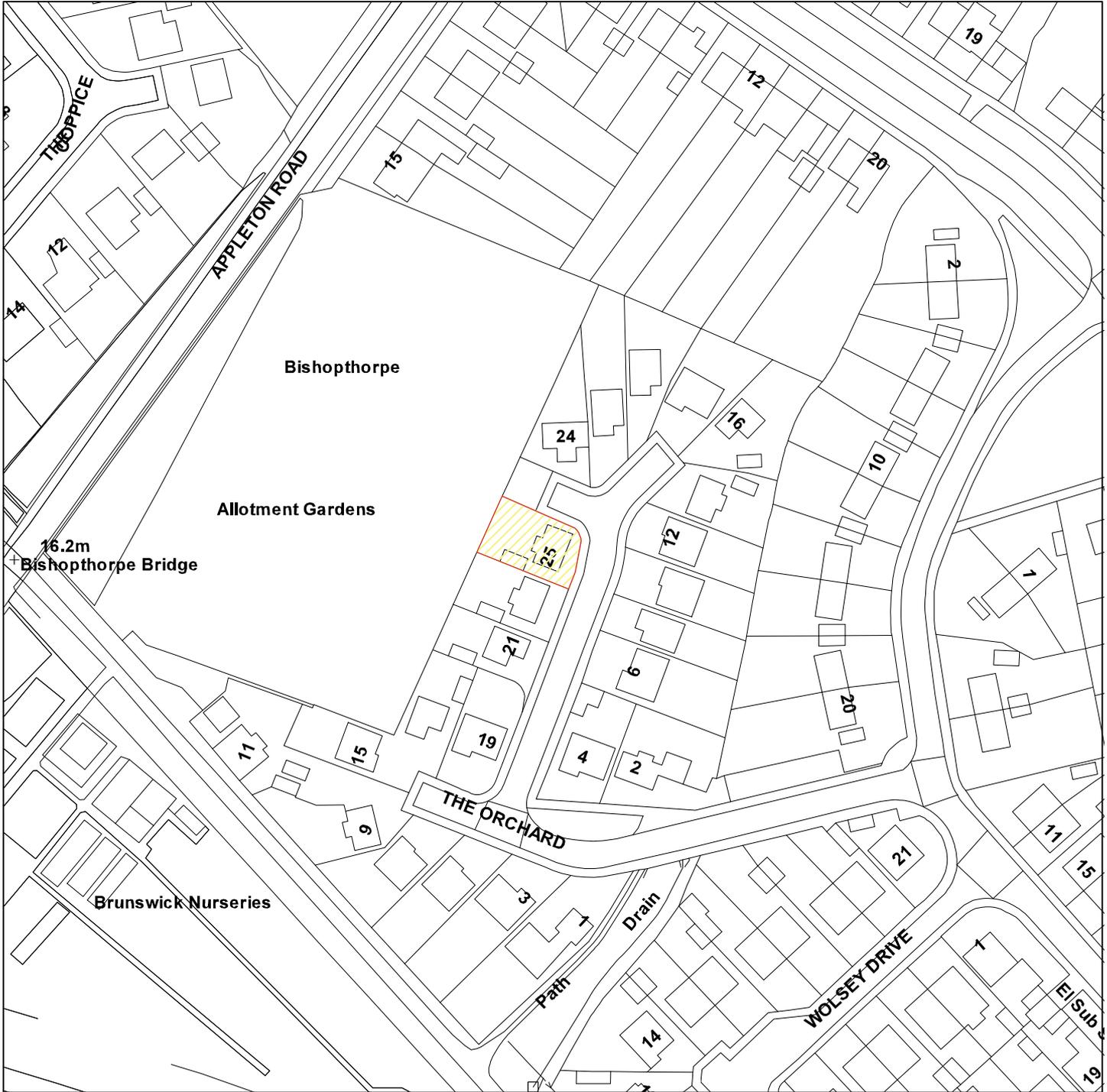
Author: Elizabeth Potter, Development Control Assistant
Tel No: 01904 551350

25 The Orchard, Bishopthorpe

09/02269/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 February 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Dringhouses and Woodthorpe
Date:	18 February 2010	Parish:	Dringhouses/Woodthorpe Planning Panel

Reference: 10/00020/FUL
Application at: 43 West Thorpe York YO24 2PP
For: First floor rear extension. Boundary wall to front and side. Change of use and extension of garage to form retail unit (resubmission)
By: Mr John McGarry
Application Type: Full Application
Target Date: 17 March 2010

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a first floor rear extension, the change of use and extension of the existing garage to form a locksmiths store, with sales, and the erection of a boundary wall to the front and side.

1.2 Property History

- 05/2664/FUL - Two storey pitched roof side and rear extension - Refused on the following grounds:

'The proposed extension to the dwelling by reason of its size, mass and scale would fail to be sympathetic to the original appearance of the dwelling. It would appear as an un-harmonious addition that would be detrimental to the visual amenity of the host dwelling and the surrounding area. As such the proposal is at variance with policies GP1 and H7 of the 2005 Local Plan.'

'The proposed extension to the dwelling by reason of its size, mass and scale would have a significant adverse impact on the residential amenity enjoyed by No.41 West Thorpe, at variance with policies GP1 and H7 of the 2005 Local Plan.'

- 06/0722/FUL - Two storey pitched roof side extension and single storey rear extension with detached garage - Approved
- 07/0798/FUL Erection of 2.03m high boundary wall, railings and gate to side and part of rear boundary - Approved
- 09/1912/FUL - First floor rear extension, new boundary wall to front and change of use of garage to retail unit - Withdrawn following a recommendation of refusal

1.3 The application is being brought to committee at the request of Cllr A Reid as the Residents Association are concerned about the retail element.

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

2.2 Policies:

CYH7

Residential extensions

CYS10

New local and village shops

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objections in principle. A general permission for A1 use could attract future developments, with a lot greater servicing and customer requirements it is recommended that a personal permission be added.

3.2 Environmental Protection Unit - No objections

External

3.3 Dringhouses and Woodthorpe Planning Panel – Response will be reported verbally.

3.4 Neighbours – Any letters will be reported verbally.

4.0 APPRAISAL

4.1 Key Issues

- Design of extension
- Impact upon residential amenity
- Impact of proposed workshop/sales area on residential amenity

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are H7 and S10. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.3 Policy S10 states that planning permission will be granted for the development or extensions of an existing local/village shop provided that the proposal is within defined settlement limits; the shop is intended to serve a local need, and the scale of provision is appropriate to the locality; and there is no adverse effect on the amenity of neighbouring properties or on the character of the area.

FIRST FLOOR REAR EXTENSION

4.4 The application site is a semi-detached property located at the junction of Chaloners Road and West Thorpe. In 2005 planning permission was refused for a two storey pitched roof side and rear extension. This scheme indicated a two storey rear extension, which projected up to the shared boundary with the adjoining neighbours and the roof being constructed with a gable end to the rear. However, in 2006 planning permission was granted for the erection of a two storey side extension and single storey rear extension with detached garage.

4.5 This application seeks to erect a first floor extension over the previously approved rear single storey element. It would project out to the rear by 3.5m and, unlike the previous refusal, would be set away from the shared boundary by 3.5m. It would be constructed with a hipped roof with an eaves height of 5.2m and a ridge of 6.8m, which is 500mm lower than the existing ridge height of the host dwelling. The main impact would be to the adjoining residents at 41 West Thorpe, who lie to the East of the application site. The first floor extension has been pulled away from the boundary by 3.5m and hipped in order to reduce its impact in terms of visual dominance and overshadowing. The extension is not considered to be visually detrimental to the neighbour's property. There may be a loss of light to the rear of the neighbour's property during the late afternoon but this would not be sufficient to warrant a refusal.

EXTENSION AND CHANGE OF USE OF GARAGE

4.6 In addition the application also seeks permission to extend the existing detached garage and convert it to a workshop and sales area in connection with the applicants business as a locksmith. The garage would be extended in width from 2.9m to 4.5m. As a result the ridge height would be raised from 3.5m to 4m. A storage area would be created to the rear with a counter and sales area to the front. A pedestrian door and shop front, with security shutter, would be installed within the front elevation. The garage is sufficiently back from the highway to allow for a single vehicle to park clear of the highway. The existing gates would be retained, which could be closed during the hours the shop is shut.

4.7 The applicant has stated that the shop would be used for the sale of locks and padlocks together with small scale key cutting. It would be used by passing trade and for internet enquiries and orders. There is potential for noise disturbance from the site in terms of vehicle movements and noise from the key cutting equipment. However, the garage sides onto an existing electricity substation, which gives an adequate degree of separation to the neighbouring residential property at 144 Chaloners Road. However, the site backs onto the rear garden to 41 West Thorpe and with the existing window to the rear elevation of the garage noise disturbance may arise. However, due to the small scale of the operation and subject to

conditions controlling the hours and use of the premises it is considered to be acceptable.

4.8 No highway objections have been received based on the small scale of the unit and business proposed. However, it is suggested that the use be made personal to the applicant to prevent a change of use occurring, which may result in increased vehicle movements arising.

4.9 It is considered that the provision of a shop within this location would not have any detrimental impact upon the amenity of the area. The unit would be small scale, and whilst the applicant has not demonstrated that there is a local need for the unit it would be unlikely to generate sufficient visitor numbers to be considered inappropriate within this location.

BOUNDARY FENCE

4.9 At present the site is secured to the side, along Chaloners Road, by an existing 754mm wall with 2030mm brick piers, which support curved timber panels and terminates in line with the front elevation of the dwelling. Planning permission was granted for this in May 2007. As part of this current application permission is sought to carry the wall around the front of the property, facing West Thorpe, but at a reduced height. This would be constructed of a 825mm wall with 1460 brick piers supporting matching timber panels. Due to the fact that the proposed boundary wall is set behind the pavement and deep grass verge it doesn't appear overly prominent. It is in keeping with the originally approved scheme and it is considered that it would not detract from the character of the area or the street scene. In addition it would partially mask the vehicles, which currently park within the large open area to the front.

5.0 CONCLUSION

5.1 It is considered that the proposed extension, whilst relatively large, would not have any detrimental impact upon the character of the area or the neighbouring property. The proposed retail element would be small scale and would not generate unacceptable levels of traffic. The boundary wall to the front is considered to be in keeping with the character of the area and would not have any detrimental impact upon the character of the area or the streetscene.

COMMITTEE TO VISIT

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 and other submitted details:-

Drawing numbers MWT/1/01, 02, 04, 05 and 06 received 6th January 2010

Drawing numbers MWT/1/08 received 19th January 2010

Drawing number MWT/1/03A received 1st February 2010

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

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

3 VISQ1 Matching materials

4 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

5 The retail unit shall operate for the benefit of Mr John McGarry only and shall be used only for the sale of locks, padlocks and associated items and for key cutting, the use hereby approved shall be terminated at such time as Mr John McGarry ceases to occupy the dwelling at 43 West Thorpe.

Reason: Given the residential surroundings of the site the retail unit would not be acceptable if exercised by other persons or for other retail purposes without the prior written permission of the Local Planning Authority because of the potential for an intensification of the use leading to noise and disturbance and parking problems.

6 The hours of operation of the retail unit shall be confined to 08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

7 The shutter shall be painted a colour to be approved in writing by the local planning authority.

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

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 character of the area, residential amenity or vehicular movements. As such the proposal complies with Policies H7 and S10 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer

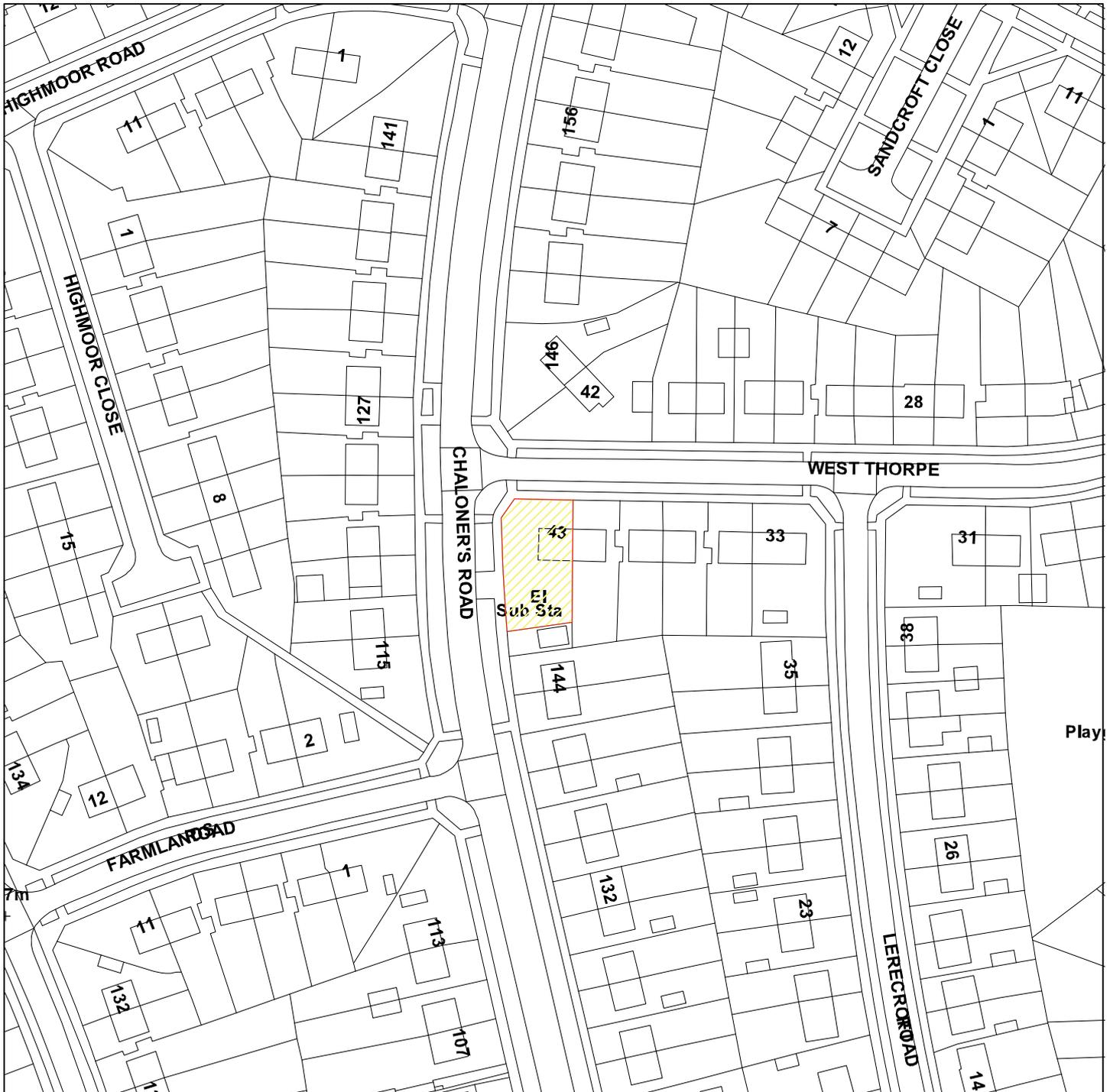
Tel No: 01904 551668

43 West Thorpe, YO24 2PP

10/00020/FUL



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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 February 2010
SLA Number	Not set

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COMMITTEE REPORT

Committee:	West/Centre Area	Ward:	Dringhouses Woodthorpe	And
Date:	18 February 2010	Parish:	Dringhouses/Woodthorpe Planning Panel	

Reference: 10/00035/FUL
Application at: Doctors Surgery 40 Moorcroft Road York YO24 2RQ
For: Erection of 2 storey GP surgery building after demolition of existing building
By: The Partners York Medical Group
Application Type: Full Application
Target Date: 8 March 2010

1.0 PROPOSAL

1.1 The application seeks planning permission for the demolition of the existing doctors surgery and its replacement with a new two-storey surgery. The current surgery is located close to a bend along Moorcroft Road. It sits immediately adjacent to 38 Moorcroft Road and sides onto the rear gardens of 42 to 46 Moorcroft Road. The building still retains its domestic character, with the exception of a timber porch to the front, which serves as the reception area. A single storey flat roof extension is also present to the rear, which projects out some 3.7m. A single off-street car parking space is provided to the front. The highway immediately outside does not have any parking restrictions. The surgery currently operates with two consulting rooms and a treatment room at ground floor with the first floor unable to be used by patients.

1.2 The application site has been in use as a doctor's surgery for over 25 years, being converted from a residential property. In support the applicant has stated that patient needs and the National Health Service and the Primary Care Trust (PCT) services have changed considerably over this time and the building is no longer considered suitable to meet the current needs. North Yorkshire and York PCT undertook a suitability report in 2008, which severely criticised the existing building. The report graded the physical condition, functional suitability, energy performance, development capacity, location and quality at "D", being at risk of imminent breakdown, unacceptable in present condition and falling dangerously below the acceptable "B" rating. The practice has looked at relocating within the vicinity for a number of years with no acceptable sites coming forward. As such the application seeks permission to redevelop the existing site.

1.3 The application has been called to Committee by Cllr Anne Reid due to concerns raised by local residents.

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

2.2 Policies:

CYGP1
Design

CYC1
Criteria for community facilities

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objections in principle to the scheme. However, there were initial concerns regarding vehicular parking due to the additional patients. The site currently has one parking space, which would not be increased and therefore does not meet the Council parking standards for medical practices. However, it is likely that the patients will be from the surrounding area so vehicle movements would be kept to a minimum. There are also car parking facilities available close by at the shopping parade.

3.2 Environmental Protection Unit - No objections but suggest hours of opening condition

External

3.3 Neighbours - Letters of objection received from 29, 38, 46 and 49 Moorcroft Road, 108 Bramble Dene on the following grounds:

- Two storey building would not fit with the character of the area
- Loss of privacy from first floor rear windows
- Parking on Moorcroft Road, Bramble Dean and alongside the shops caused problems, especially with buses and delivery vans
- Double yellow lines are present at the junction of Moorcroft Road and Bramble Dene but this only pushes the parking further down the road
- Visitors should park to the rear of the shops but it appears that patients are unaware these spaces exist
- Increase in consulting rooms will lead to increased number of patients being seen to at one time and increased parking problems
- Disturbance caused by construction
- Nesting birds should be protected either in the undergrowth or nesting boxes
- Staff and patients park in the public house car park leaving no space for its own clients

- Existing gap (about 3m) should be kept between no.38 Moorcroft Rd and the application site, if narrowed it would create a rubbish trap and possible noise problems
- Existing surface water drainage problems need to be taken into account
- The proposed medical training could take place elsewhere, allowing the scheme to be scaled down
- Given the nil increase in the number of employees, and the need to consider the impact on adjacent property, the proposal for two additional consulting rooms is excessive

3.4 Dringhouses and Woodthorpe Planning Panel – Do not object but wish to make the following comments:

- Support the demolition of the existing building which is not fit for purpose
- Provides better healthcare and consulting services with more space and facilities within the same location
- Parking and road marking should be addressed as this is a busy road and a bus route
- Rear extension should be pitched roof rather than flat roof

4.0 APPRAISAL

4.1 Key considerations

- Design and impact on residential amenity
- Highway Implications

4.2 The relevant City of York Council Draft Deposit Local Plan policies are GP1 and C1. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area. Policy C1 states that planning applications for social, health, community and religious facilities will be granted permission provided that; the proposed development is of a scale and design appropriate to the character and appearance of the locality; and it would meet a recognised need.

DESIGN

4.3 The proposed replacement building has been designed to appear as a residential property. The main section would have a ridge height at 7.9m (500mm higher than existing) stepping down to 7.2m for a section adjacent to number 38 Moorcroft Road, which is at this height. The existing property takes the form of a dormer bungalow with low eaves. The proposed surgery would increase the eaves to create a more usable first floor area. The eaves would be at 4.7m. Due to this increase in height two windows would be located to the first floor rear elevation, where none were

previously present. The building would sit on a similar footprint to the original, although an increase of 10m² is proposed by single storey flat roofed elements to the front and rear. The existing carport to the side would be removed and the two-storey structure moved closure to number 38, still leaving 1m to its blank side elevation. The new surgery would provide two consulting rooms and a treatment room at ground floor and two consulting rooms at first floor.

4.4 The application property is part of a run of 4 similar detached houses. Whilst a more traditional two-storey structure, it is considered that the proposed building has been designed to reflect the surrounding residential properties. It has retained a ridge height at a similar level to neighbouring properties and a similar footprint to the existing. It would sit closer to number 38 Moorcroft Road but this is not to the detriment of the street scene.

4.5 A sustainability statement has been submitted detailing carbon emissions, use of sustainable, renewable and recycled materials and water resources. The Sustainable Design and Construction IPS would not require a BREEAM assessment for this development.

RESIDENTIAL AMENITY

4.6 As the existing property is a dormer bungalow and the proposed surgery is more of a traditional two-storey property with higher eaves there would be an increase in the bulk of the structure. This would have an impact upon the amenity of 42, 44 and 46 Moorcroft Road, which lie immediately to the north of the application site. These properties are located around a 90-degree bend in Moorcroft Road and as such they back onto the application site. The rear elevations of these properties lie at a distance of 13m to the proposed side elevation of the new surgery. However, number 40 Moorcroft Road has an existing single storey extension, containing a dining room and a playroom, which brings it to within 10m of the proposed surgery. Due to the orientation the overshadowing which already occurs to these properties would be slightly increased, especially within the winter months. However, this increase would not appear to be so severe as to warrant a refusal based solely on these grounds.

4.7 The flat roof rear element projects further to the rear and marginally closer to number 38 Moorcroft Road than at present but it will be located 2m from the common boundary and being located to the north of no.38 is not considered that it would have any detrimental impact in terms of loss of light or over-dominance.

4.8 Concerns have also been raised regarding loss of privacy from the proposed first floor windows. However, these would overlook the rear section of the garden of no.108 Bramble Dene and would not look directly onto any nearby residential properties.

HIGHWAY IMPLICATIONS

4.9 Concerns have been raised in connection with the lack of off street parking. The plans indicate the provision of a single off road car parking space. The current parking standards would require a maximum of one space per professional staff, one

per four other staff and two per consulting room. The proposed surgery would double the current consulting rooms and would likely increase patient numbers and trips to the surgery. At present on street parking occurs to both sides of the road, due to no parking restrictions immediately to the front, and visitors often park within the public house car park opposite and adjacent side streets. However, public car parking facilities are available to the rear of the local shopping parade, some 70m from the surgery. It is considered that many of the visitors to the surgery would live within the vicinity and as such it should be easily accessible by foot. It is also considered that if alternative sites for the proposal could not be found within the immediate area and the surgery were to relocate out of its catchment area it would considerably increase vehicular movement to the alternative facility forming a less sustainable form of development.

4.10 Whilst objections from neighbours have been taken into account it is considered that the lack of car parking within the site should not result in the refusal of the scheme. Highway Network Management have stated that if parking problems worsen as a result of the new surgery parking restriction could be placed on Moorcroft Road. In addition the surgery should be encouraged to direct patients to park within the public car park and not on the highway.

5.0 CONCLUSION

5.1 It is considered that the proposed replacement surgery would not have any detrimental impact upon the character and appearance of the area. The design is in keeping with neighbouring properties and whilst a certain loss of light would occur to neighbours the distance between the rear elevation of the properties and the surgery is considered acceptable. Increased traffic movements and the lack of on site parking provision do give rise for concern. However, on balance, it is considered that relocating the facility outside of the catchment area would be detrimental to the patients and would create additional vehicle movements, creating a less sustainable scheme. If parking on the highway were to increase and cause potential vehicle conflicts placing parking restrictions on the highway could be investigated. The proposal is considered to comply with policy GP1 and C1 of the Development Control Local Plan.

COMMITTEE TO VISIT

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 and other submitted details:-

Drawing numbers FOX/0001/09/1001 Rev A and FOX/0001/09/1002 Rev A received 1 February 2010

or any plans or details subsequently agreed in writing by the Local Planning

Authority as an amendment to the approved plans.

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

3 VISQ8 Samples of exterior materials to be app

4 The doctor's surgery shall not be open except between the hours of 0800 and 1800 on Mondays to Fridays and 0800 to 1000 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

5 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

6 DRAIN1 Drainage details to be agreed

7 HT1 7.9m

8 HWAY18 - Cycle parking details to be agreed

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 residential amenity, the character of the area or highway safety. As such the proposal complies with Policies GP1 and C1 of the City of York Development Control Local Plan.

2. PARKING AND INFORMATION FOR VISITORS

The applicant is requested to make patients aware of the nearby car park, cycle parking facilities and bus routes in order to minimise parking on the public highway. Reference to these facilities could be given in surgery literature and letters to patients, information for new patients, on appointment cards etc.

. DEMOLITION AND CONSTRUCTION

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the

following guidance should be followed, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- i. 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".
- ii. 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.
- iii. 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.
- v. 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.
- vi. There shall be no bonfires on the site

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer
Tel No: 01904 551668

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Doctors Surgery, 40 Moorcroft Road, YO24 2RQ

10/00035/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application site
Date	05 February 2010
SLA Number	Not set

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**Committee Update in Respect of Application Ref:09/02103/OUT Outline
Application for Erection of 4 Semi-Detached Town Houses on cleared site of
No 76 Beckfield Lane.**

Additional Conditions:

i) The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plan ref:BDC/MB/08.1B , have been removed by reinstating the verge and footway to match adjacent levels.

Reason: In the interests of good management of the highway and of road safety.

ii) Prior to the development first coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to work on site commencing.

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

Officer Update - Plans Item 4d.

Updates for 18th February Committee

43 West Thorpe 10/00002/FUL

One letter of objection from 41 West Thorpe, the adjoined neighbour, objecting on the following grounds:

- Proposed first floor extension would still overshadow and still be in view from the lounge window
- Hipped roof does little to reduce the extensions dominant size
- Dominant sight on the corner of West Thorpe
- Extending the width of the garage will decrease the space between the garage and existing extension and will disrupt the light entering the garden
- Noise intrusion from the proposed workshop

Dringhouses/Woodthorpe Planning Panel – No objections, but:

- While the retail outlet will be very minor it must be sanctioned by council officials who may have rules regarding such isolated uses in residential areas
- Should be a condition preventing enlargement of the retail until in case of change of ownership

Updates for 18th February Committee

40 Moor Lane – Doctors Surgery – 10/00035/FUL

Additional letters of objection from 29, 42 and 44 Moorcroft Road raising the following issues:

- Double yellow lines should be laid to the front of the surgery and around the corner with Bramble Dene. This should be considered as part of the planning application and not after any plans have been passed.
- Design of the building is not in character with the surrounding buildings
- Loss of privacy from the windows in the upper floor
- Increased traffic and parking problems
- Trees and shrubs had to be removed when the rear extension to the existing surgery was added
- Damage to adjacent garden and noise and disturbance, loss of privacy during building works
- If permission is granted hours of construction should be restricted to between 9 – 5, with no weekend working.

Clarke, Catherine

From: Cllr. T. Holvey
Sent: 18 February 2010 13:07
To: Cllr. Stephen Galloway; Cllr. Susan Galloway; Cllr. Brian Watson; Cllr. A. Reid; Cllr. D. Horton; Cllr. J. Galvin; Cllr. I. Gillies; Cllr. S. Crisp; Cllr. S. Sunderland
Cc: Fairy, Heather; Cook, Louise; Clarke, Catherine
Subject: Agenda Item 4e ; Woodthorpe Doctor's Surgery

Unfortunately I won't be able to make this afternoon's meeting however I would be grateful if this could be circulated at the meeting and councillors would take on board the following points before coming to a decision, I shall be brief and to the point!

Whilst I recognise that this application is of benefit to the wider area and that the surgery is a valuable resource to the community there are aspects of this application that will have negative impacts on neighbours and I would be grateful if these could be addressed. I do believe that there is grounds for refusal with the building changing to a full 2 storey, moving much closer to existing properties and also now overshadowing a neighbour (in para 4.6), also with the increased parking that will worsen an already problematic situation. However, if the committee is minded to approve I would be grateful if the following could be looked into.

- 1) There is a significant issue of parking on the road outside the property which is on the No.12 bus route, the Highways comments should be taken on board and a full consultation should occur with local residents (funded by the scheme) which will allow the issue of restrictions to be looked into. I would suggest that the restrictions should be the full length of the road either side (from the no12 bus stop outside the garage to the next corner) which would ensure that people would use the car parking facilities behind the shops. Using single lines rather than double yellow, with restrictions between 8am and 6pm Mon-Fri and 8am-11am on Saturday, would also lessen the impact on local residents.
- 2) There are issues around privacy with the surgery being so close to other properties, steps should be taken regarding the windows being partly open and also translucent glass where needed.
- 3) Construction needs to be of minimal impact to neighbours, I welcome the restrictions regarding times of work but there are also concerns around impact on surrounding gardens and wildlife (with an RSPB recognised garden in situ), could the committee please address these concerns.

Thank you for your time

Regards
Cllr Tom Holvey
Dringhouses and Woodthorpe Ward