



**Notice of meeting of
East Area Planning Sub-Committee**

To: Councillors Hyman (Chair), Cregan (Vice-Chair),
Douglas, Firth, Funnell, King, Moore, Orrell, Taylor and
Wiseman

Date: Thursday, 13 August 2009

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

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

2. Minutes

(Pages 5 - 13)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 23 July 2009.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. The deadline for registering is **Wednesday 12 August at 5 pm.**

4. Plans List

To determine the following planning applications related to the East Area.

- a) **Warehouse and Premises, Malton Road, (Pages 14 - 22)
Stockton on the Forest, York YO32 9TN
(09/00845/FUL)**

This is an application for the change of use of an existing agricultural building into a waste sorting station at the above site. [Strensall] **[Site Visit]**

- b) **Jubilee Mills, Murton Lane, York YO19 5UT (Pages 23 - 30)
(09/00856/FUL)**

The application seeks planning permission to erect a grain store at the site of Thompsons Animal Feed Contractors, Jubilee Mill, Murton Lane, York. [Osbalwick] **[Site Visit]**

- c) **7 Steadings Yard, Thompson Drive, (Pages 31 - 35)
Strensall, York, YO32 5WT(09/01257/FUL)**

The proposal relates to the installation 7 velux roof lights within the roof of a mid-terraced property of modern construction. [Strensall]

5. **Urgent Business**

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

a) **Plans List**

To determine the following planning application related to the East Area. This is deemed urgent due to the expiry date of the application, which is 14 August 2009.

- b) **64 Upper Newborough Street, York, YO30 (Pages 36 - 39)
7AR**

This application seeks planning permission for a first floor mono-pitched roof rear extension on an end terraced property at 64 Upper Newborough Street, Clifton. [Clifton]

6.

Democracy Officer:

Name- Judith Cumming

Telephone – 01904 551078

E-mail- judith.cumming@york.gov.uk

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

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- Business of the meeting
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- 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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**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****Wednesday 12 August 2009**

TIME	SITE
10:00	Depart Union Terrace Car Park
10:15	Malton Road (3a)
10:45	Jubilee Mills, Murton (3b)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	23 JULY 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, MOORE, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS ORRELL

11. INSPECTION OF SITES

Site	Attended by	Reason for Visit
Sainsbury's, Monks Cross	Cllrs Hyman, Douglas, Moore and Wiseman.	To familiarise Members with the site.
18 Brentwood Crescent	Cllrs Hyman and Moore. Cllr Pierce as Ward Member.	To familiarise Members with the site.

12. DECLARATIONS OF INTEREST

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

None were declared.

13. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on the 9 July 2009 be approved as a correct record by the Chair and signed by the Chair.

14. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

15. 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.

15a Sainsbury's

Members considered a full application for the erection of an extension to the existing Sainsbury's store together with the reconfiguration of the existing car park and internal alterations.

The Officer circulated an update to Members which included certain corrections to the written report in the agenda. Firstly, the location of the site on the plan attached to the agenda was incorrect. Secondly, the figure agreed by Sainsbury's in a unilateral undertaking towards highway works identified by the Monks Cross Masterplan Highways Network Management, was £12,300 not £12,500 as stated in Paragraph 5.3 of the Officer's Report. The Officer explained that a unilateral undertaking was a legal agreement submitted by the applicant to pay the required amount and would not need to be covered by a condition.

The Officer explained that the architect had agreed to the planting of additional trees within the car park and that this requirement could be incorporated into a landscaping condition for the whole site. A condition was also required to ensure that the Framework Travel Plan submitted with the application was expanded into a Full Travel Plan. The Officer also commented on a previous application for the redevelopment of the existing petrol filling station which included a car wash within the existing car park. The car wash proposal could still be implemented and would involve the loss of 8 car parking spaces. However, the applicant is now examining the alternative locations for the car wash as they had no wish to lose any further car parking.

Members commented on the briefing note delivered to Members by Sainsbury's and questioned the decision to have this document presented in a non recyclable plastic folder.

Members questioned the Officer on the type of trees that were to be planted in and around the car park and wished to ensure that substantial specimens are planted whilst not restricting visibility within the car park.

Members remarked that they had noticed on the site visit that the location of the disabled parking spaces was not particularly convenient and asked the applicant's agent whether any changes could be made.

The agent for Sainsbury's, answered the Members' query by saying that the car parking for disabled customers will be located in their current position in the new car park. She added that there will be an additional eight spaces regardless of location within the car park, and pointed out that the larger dimensions required by the disabled spaces made them difficult to move without compromising the car parking layout as a whole. If the spaces were to move closer to the area occupied by the ATM machines this could also cause potential conflict due to the narrowness of the path in this area. She reiterated that Sainsbury's had a good record of reviewing customer feedback and would continue to do this should any specific issues arise.

Some Members commented that mobile disablement is not the only form of disability and this meant that it was not always necessary to locate disabled parking spaces immediately adjacent to the store entrance.

Certain Members expressed their dissatisfaction at the application for encouraging greater out of town shopping, promoting greater car use through the extension of the car park and at the loss of trees for the site.

RESOLVED: That the application be approved subject to the conditions listed in the Officers' Report.¹

The following additional conditions were as follows:

- i) The Scheme of Landscaping and tree planting shown on Drawing No. MP001 PO2 dated 7 July 2009 shall be carried out in its entirety with the period of twelve months beginning with the date of commencement of the scheme, or within such longer period as may be agreed in writing with the Local Planning Authority. Additional trees shall be planted as part of the scheme within the car park in numbers and locations, and in accordance with bio-engineering details, that have first been agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of the scheme and during that period all losses shall be made as and when necessary.

REASON: To provide a satisfactory appearance to the development in the interests of amenity.

- ii) Before the commencement of development, including demolition, site clearance, building operations, excavation, or the importing of materials, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works, site access during demolition/construction; type of construction machinery/vehicles

to be used (including delivery and collection lorries and arrangements for loading/off loading); parking arrangements for site vehicles, locations for storage of materials; location of site cabin. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs or other construction related activity.

REASON: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

- iii) Within six months of occupation of the site, a full company travel plan developed and implemented in accordance with national guidance and guidance currently published by the City of York Council, shall have been submitted and approved in writing by the Local Planning Authority.

REASON: To ensure the development complies with the Central Government advice contained with Planning Policy Guidance Note 13- "Transport" and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cyclists and other modes of transport to and from the site, together with provision of parking on the site for these users.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- Policy background
- The principle of the development
- Design and Landscape considerations
- Traffic, highways and access issues
- Drainage
- Sustainability

As such the proposal complies with Policies SP7a, GP1, GP4a, GP9 and NE1 of the City of York Development Control Local Plan and policies E2, Y1, H4 and ENV5 of the Yorkshire and Humber Regional Spatial Strategy adopted in May 2008.

ENVIRONMENT AGENCY INFORMATIVE:

The Water Resources Act 1991, s85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters unless you are in possession of a discharge consent or other relevant permit. Controlled waters include all waters below the surface of the ground. This legislation is not restricted to any listed substances. Discharge consents issued under the Water Resources Act 1991 constitutes authorisations for the purposes of the Groundwater Regulations provided the relevant conditions have been applied.

Action Required

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

SS

15b 18 Brentwood Crescent

Members considered a full application to erect a two storey side extension and single storey rear extension to a semi-detached house at 18 Brentwood Crescent.

The Officer provided an update for Members in which it was noted that there had been;

- two further letters of objection to the application received from neighbours, mainly regarding the loss of privacy
- information that the applicant owns and lets other properties within the area
- that internal alterations that were due to be made were not included in the plan

A written representation in opposition of the application was circulated amongst Members from two neighbours at number 15 Brentwood Crescent. The main objection contained in the submission was that of parking issues should there be an increase in the number of car users at the application site.

Further representations against the application were heard. The first was from a neighbour who lived at number 19 Brentwood Crescent who commented on the angle and proximity of the extension and her view that its dominant nature will negatively affect her property. She added that the terracing effect of the extension would block out light from her son's bedroom and the hallway. She added that there were major parking issues that needed to be addressed as numbers 15, 16, 19 and 20 Brentwood Crescent do not have road frontages to allow parking. The neighbour stated that currently the residents of number 21 have four cars and that she has been blocked from leaving her property by these cars. The neighbour also added that she did not think that the extension would fit in with the already existing buildings on the cul de sac.

The second representation in opposition of the application was from a neighbour who lived at number 17. He told Members that he had lived there for seventeen years and was devastated that developers could spoil the area again. He commented that the application site will house four students this coming academic year, but that with the extension could house two additional people, taking the occupancy up to six. He suggested that the additional numbers of student residents in the area have caused the current parking problems. He added that on a previous application for a conservatory the applicant had incorporated a glass panel on top of the brick wall to reduce the loss of light. He was concerned that the proposed structure was a more solid construction with a tiled roof and would reduce light to his property. He remarked that this conservatory and an existing en-suite had not been shown on the site plan.

The third representation in opposition to the application was from the Ward Member, Councillor Pierce. He urged refusal of the application on the grounds of overdevelopment and the adverse impact on the streetscene. He suggested that if the application was not refused then he recommended that it be deferred and delegated to the Assistant Director in

order to obtain assurances from the applicant that no more than two cars are kept outside houses that are owned by the applicant on Brentwood Crescent, and that if this is ignored that the applicant should pay for a prohibition waiting order.

The Officer reminded Members that the nature of the occupants, whether students or otherwise could not be taken into account in determining the application. He also added that it would not be appropriate to seek assurances from the applicant on his other properties given that this is not directly related to the current application.

In relation to a question from Members on the plans for the conservatory, the Officer remarked that it would have a pitched tiled roof at a height of 3.2 metres instead of a glass-panelled roof. Another question was asked of the Officer in relation to the difference in height between the conservatory and the new proposal. The Officer responded that the highest point of the proposed extension was 3.5 metres in comparison to 2.5 metres for the existing conservatory. In relation to the side extension, the highest point would be 6.8 metres in comparison to 2.7 metres for the existing garage.

Members asked the Officer on what grounds an applicant could build an extension without asking permission from neighbours. The Officer replied that under new regulations, a home owner could extend from the rear wall of a semi-detached property by up to 3 metres without seeking planning approval. Consent would also be required under the Party Wall Act, but this is a separate piece of legislation and not related to planning legislation.

Members suggested that the focus needed to be on the current plans and even though they accepted that the extension would be slightly smaller than previously refused, the impact of it would remain the same, and considered that it would constitute overdevelopment of the site.

Members added that there was nothing unique about the property that would merit granting an application and that overdevelopment of this kind was a growing problem throughout the city. They suggested that the application should be refused on the grounds of:

- overdevelopment
- the impact on neighbours
- parking and traffic issues

Certain Members disagreed and remarked that although they had sympathy with neighbours concerns that they thought as a result of their experiences from the site visit that the impact on the adjacent property will be minimal, the garden will not be greatly impacted and in answer to a representation about noise, that this was not in the remit of the Committee. They added that there would be an impact during the construction phase of the extension but that a condition could be added to restrict the hours of construction and ensure that there is construction management.

Members remarked that it must be stated that the University does not discourage students from bringing their cars to York which can cause

pressure on traffic problems in residential areas. Additionally Members mentioned that one of the plans for the property was to replace the garage with a cycle store and questioned the wisdom of this alongside the apparent parking problems on Brentwood Crescent.

Certain Members spoke about how the proposed extension was not going to create a terracing effect and that they had noticed that the existing extension on the property at number 13 had already created such an effect within the street. They added that the impact on light entering the adjacent bedroom and hallway would be marginal. Finally, they added that the Committee cannot restrict traffic using Brentwood Crescent and that whoever is resident at number 18 has a right to park their car in the street.

Members reiterated their reasons for refusal on visual impact grounds and commented that even if an appeal was lost that this does not necessarily mean that the Committee had taken the wrong decision.

RESOLVED: That the application be refused.¹

- REASON:
- (i) It is considered that the proposal would constitute overdevelopment of the site by virtue of an unacceptable reduction in the spacings between dwellings at the head of the cul de sac and thus would have an adverse impact on the streetscene. Thus the proposal would conflict with Policies GP1(criteria a, b and c) and H7(criterion e) of the City of York Draft Local Plan.
 - (ii) It is considered that the proposed extension would result in an unacceptable loss of amenity to the occupiers of the adjacent dwelling (19 Brentwood Crescent) by virtue of its size, scale, massing and proximity to the boundary and the loss of light and outlook that would result. Thus the proposal would conflict with Policies GP1(criterion I) and H7(criterion d) of the City of York Draft Local Plan.
 - (iii) It is considered that the proposal would increase the likelihood of vehicles being parked outside the site within the public highway, restricting access to adjacent properties and adversely affecting the amenity of the adjacent occupiers at the head of the cul de sac, where there are a number of properties with narrow frontages and where there are only limited opportunities for vehicles to park within the highway.

Action Required

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

SS

K HYMAN, Chair

[The meeting started at 2.30 pm and finished at 3.35 pm].

COMMITTEE REPORT

Committee: East Area
Date: 13 August 2009
Ward: Strensall
Parish: Stockton-on-the-Forest
Parish Council

Reference: 09/00845/FUL
Application at: Warehouse And Premises Malton Road Stockton On The Forest
York YO32 9TN
For: Change of Use of Existing Agricultural Building into a Waste
Sorting Station
By: Mr Lea Barker
Application Type: Full Application
Target Date: 21 July 2009

1.0 PROPOSAL

1.1 This is an application for the change of use of an existing agricultural building into a waste sorting station at the above site. Members may be aware that a retrospective application for the use of an area of land to the east of this site was withdrawn in April 2009 following advice that the use of the site was unlikely to be acceptable in planning terms. The applicant is still operating from the unauthorised site pending the outcome of this planning application.

1.2 The site is located to the north-east of York. Parkers Pig Farm is located and accessed from the east side of Malton Road. The application site forms part of an area that is occupied by a number of buildings and uses, a range of buildings across the middle of the site having been granted permission for industrial use in January 2007. Some of the other uses of the land appear to be operating without the benefit of formal planning permissions.

1.3 The proposal is for a skip hire and waste sorting station. It involves the use of a redundant agricultural building, which has been more recently used for the production of bio-diesel, on the south side of the site. The building occupies an area of 1700 square metres and is large enough to accommodate approximately 20 to 30 skips allowing sufficient manoeuvring space for the transportation vehicles. The business involves the collection of full skips and the manual sorting of the skips into the various reclaimable waste types and transfer into receptacle skips ready for transportation to larger collection and recycling points and transfer stations. The waste consists of dry materials, mostly from construction trade but also some industrial and domestic non-hazardous and non-liquid wastes. Once sorted the materials are transported to larger collection and recycling points and transfer stations.

1.4 The former agricultural building is a steel framed structure which has been extended and altered. The building is clad with profiled sheet steel in dark green with a brick wall below standing to 1.7 metres. The main entrance to the building is a roller shutter door at the centre of the north east elevation.

Planning History

1.5 The following applications are considered to be relevant to the current proposal and relate to developments granted within the former pig farm site:-

- Outline planning permission for employment development with associated access and parking was refused on the site in April 2003 and subsequently dismissed on appeal in June 2004.
- Change of use of redundant farm buildings to general industrial (Class B2) and storage/distribution (Class B8) use was approved in 2007 for a range of building located within the central part of the pig farm site.
- No objections were raised to the construction of an agricultural building under the AGNOT(Agricultural Notification) process in 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGB3
Reuse of buildings

CYGP11
Accessibility

3.0 CONSULTATIONS

INTERNAL

Highways Network Management - Point out that the bus service to the site is not regular - there is one bus four times a day. The verge crossings at the accesses are not laid out to a formal bonded construction and this has resulted in an uneven and potholed surface and some trafficking of loose materials onto the main carriageway of the trunk road. It is anticipated that the Highways Agency will seek to control these issues.

Environmental Protection - No objections. The hours of use proposed are unlikely to affect the amenity of nearby residents, the building is constructed of an inner wall of breeze blocks and an outer wall of bricks up to a height of approximately 1.5 metres with the upper part of a single skin cement sheet. Between the nearest resident and the building there is a single storey pig shed running continuously. The sorting will not happen all day every day I would recommend that the sorting of materials is done as near to the entrance as possible in order to give additional sound insulation from the nearest properties.

EXTERNAL

Highways Agency - No objections in principle on the basis that the land use classification is formalised and that any intensification is applied for. The Highways Agency does not accept the assertions within the Design and Access Statement that the previous use of the site sets a precedent for this use.

4.0 APPRAISAL

4.1 Key Issues

- The principle of the development within the green belt
- Highways
- Impact on neighbouring amenity
- Drainage
- Other matters

4.2 Paragraph 3.7 of Planning Policy Guidance Note2 (PPG2) Green Belts (1995) states that with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.

4.3 Paragraph 3.8 continues by adding that the re-use of buildings inside a Green Belt is not inappropriate development providing:

(a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

(b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

(c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and

(d) the form, bulk and general design of the buildings are in keeping with their surroundings (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).

4.4 Paragraph 3.9 continues by adding that even if these criteria are not met or there are other specific and convincing planning reasons for refusal (for example on environmental or traffic grounds), the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes.

4.5 Policy GB3 of the City of York Draft Local Plan (CYDLP) reflects the advice within PPG2

4.6 Central Government advice contained within Planning policy Statement 7 ("Sustainable Development in Rural Areas") (PPS7) recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. It states that Local Planning Authorities should set out in local development documents the criteria to be applied to planning applications for farm diversification, be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location and where relevant, give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may contribute to the 'very special circumstances' required by PPG2 for a development to be granted planning permission. PPS7 goes on to say at Paragraph 31 that a supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. Planning authorities should:

- (i) encourage the re-use or replacement of existing buildings where feasible, having regard to paragraphs 17-21; and
- (ii) have regard to the amenity of any nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.

4.7 Paragraph 17 sets out criteria to be considered when drawing up policies for LDF documents in relation to the re-use of rural buildings these are:-

- the potential impact on the countryside and landscapes and wildlife;
- specific local economic and social needs and opportunities;
- settlement patterns and accessibility to service centres, markets and housing;
- the suitability of different types of buildings, and of different scales, for re-use;
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

4.8 Policy GB11 of the CYDLP says that permission will only be granted for new industrial and business development outside defined settlement limits in the green belt and open countryside where it involves the re-use or adaptation of an existing building and it provides a direct benefit to the rural economy and the local residential workforce.

Principle of the Development

4.9 The proposal is to use the existing building to house all the skips and the skip wagons so that sorting of waste, emptying of skips, turning of vehicles and storage of waste is all undertaken within the building. In terms of the openness of the Green Belt the only visible element of the proposals will be the coming and going of vehicles to the site and the visitor parking which is located to the front of the building. The existing structure forms part of a cluster of buildings that have formerly been used for agriculture. The external areas of the former Parkers Pig Farm are very cluttered and there is much outside storage not associated with the application site but for which officers are unclear about whether there is any planning permission. It is important that the proposal is judged against the context of the existing structures, rather than other activities which officers are unclear about in terms of their lawfulness. On this basis it is considered that the principle of the development accords with the advice within PPG2, PPS7 and the CYDLP in that it will not have a materially greater impact than the present use on the openness of the Green Belt and it involves the re-use/adaptation of an existing building. Conditions will be necessary to ensure that the operation of the site is carried out inside the building.

Highways

4.10 The design and access statement supporting this application says that there will be in the region of 15 deliveries to the site per day. There will also be 3 people employed at the site. The site is served directly off the A64 trunk Road, and the highway authority for the site is therefore the Highways Agency. The Highways Agency has no objections to the principle of the development on the basis that any intensification of the use of the site is applied for separately. No conditions are suggested to control the development or to require the upgrade of the entrance to the site from the trunk road. The Council's Highways officers make reference to the possible need to improve the existing verge crossing, however in the absence of a requirement from the Agency for such a condition it is not proposed to make this requirement of any planning permission. It is, however, proposed to limit the number of skips which can be kept at the site to 30 to ensure, in accordance with the Agency's requirements, that the use of the site is not intensified without further permission being sought.

Impact on Neighbouring Amenity

4.11 Adjacent to the site is a cluster of residential dwellings which are or have formally been associated with the agricultural use of the surrounding area. The nearest dwelling is a detached bungalow known as 'Gardenia'. This property is located to the west of the site approximately 35 metres away. The Environmental Protection Officer considers that because of the position of intervening buildings between the bungalow and the application site there will be no adverse impact on

the amenity of the occupiers of the bungalow. Initially the Environmental Protection Officer requested a condition which would require skips to be sorted near to the front of the building. Such a condition would be difficult to enforce and further clarification has been sought as to whether without this condition they would still support the application. Environmental Protection have subsequently confirmed that they are confident that noise from the proposed business will not affect the amenity of the nearest residential property but ask that an informative be attached advising that sorting of materials should be carried out towards the front of the building. Officers consider that a condition controlling the times of operation of the business within the building will be the more effective in preventing disturbance to neighbours.

Drainage

4.12 The Environment Agency have not raising any objections to the proposal subject to a condition which requires details of how the disposal of foul drainage will be addressed. The Foss Internal Drainage Board recommend conditions to control surface water drainage; however the proposal does not involve any new hard surfaces and therefore surface water drainage will not be affected by the proposals.

Other Matters

4.13 The site is currently operating from a compound located on an open site on the east side of the Parkers pig farm site. There is no planning permission for the current operation and the site has no licence to operate from the Environment Agency. It is necessary to ensure that the existing use ceases to operate because the site is located within the Green Belt and the waste transfer station is considered to conflict with Green Belt policies. The removal of the compound will need to be secured through formal enforcement action unless this application is successful and the compound is removed from the site following its implementation. An informative has been included requiring the existing compound be removed within two months of the date of the permission, failing which formal enforcement action will be considered.

5.0 CONCLUSION

5.1 Judging the proposal against the context of the existing structures, it is considered that the principle of the development accords with Central Government advice contained within PPG2 and PPG7 and Policies GB3 and GB11 of the CYDLP in that it will not have a materially greater impact than the present use on the openness of the Green Belt, and it involves the re-use/adaptation of an existing building.

5.2 Conditions are proposed to ensure, among other things, that the operation of the site is carried out inside the building, that the hours of the use are controlled and that a maximum of 30 skips are stored within the building. With these conditions it is considered that the proposal can be operated without impact on the adjacent highway network or without detriment to adjacent residential properties.

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 No.BAR-162-01-02 rev A dated May 2008
Design and Access Statement dated 8th May 2009

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 No parts, containers, waste materials or equipment connected with any process undertaken on the premises shall be placed or stored on any part of the site other than within a building.

Reason: To protect the openness of the Green Belt and the appearance of the site.

4 No more than 30 skips shall be kept within the building at any one time.

Reason: In order to restrict the scale and intensity of the use in the interests of highway safety

5 The hours of operation of this approved use shall be confined to 0800 hours to 1700 hours Mondays to Fridays, 0800 hours to 1200 hours Saturdays, with no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

6 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved in accordance with a timescale to be agreed as part of the submitted scheme.

Reason: To protect the surface and ground water quality from pollutants and to accord with the advice contained within Planning Policy Statement 23: Planning and Pollution Control.

7.0 INFORMATIVES:
Notes to Applicant

1. EXISTING SITE COMPOUND TO THE EAST OF PARKERS PIG FARM

You are advised that unless the existing compound from which the site currently operates is vacated and cleared of all materials, fencing and surfacing associated with the use within 2 months of the date of this permission, formal enforcement action will be considered to secure the cessation of the use.

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the openness of the Green Belt, highway considerations, and the impact on residential amenity. The application relates to the re-use of an existing building, and no objections are raised by the Highways Agency or by the Council's Environmental Protection Unit. As such the proposal complies with Policies GB3 and GB11 of the City of York Development Control Local Plan.

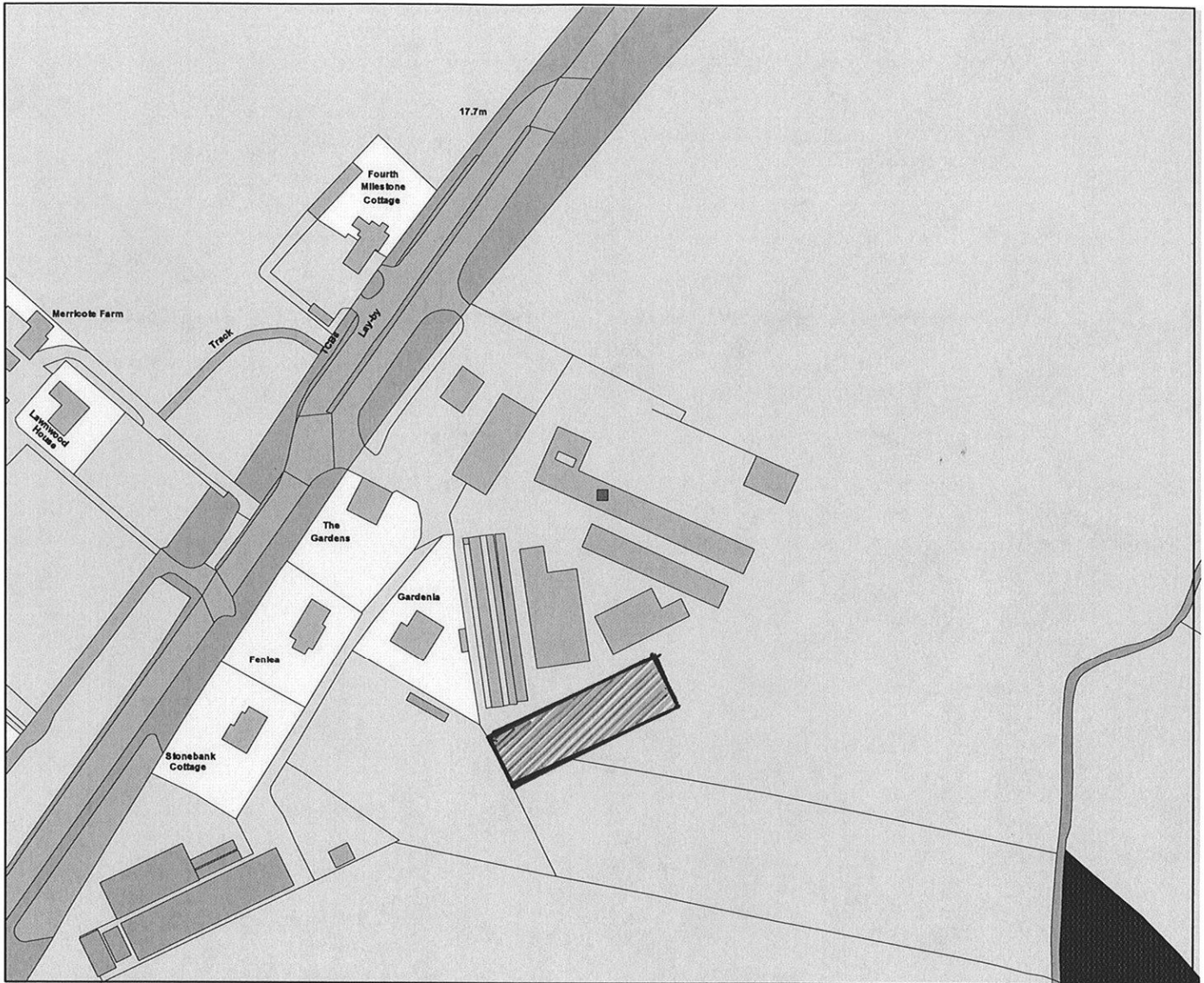
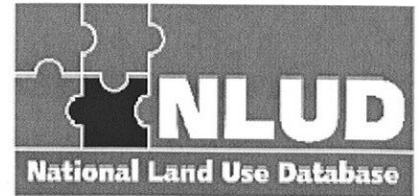
Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

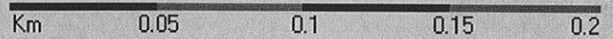
Tel No: 01904 551657

Warehouse and Premises, Malton Road

09/00845/FUL



Legend



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	10 August 2009
SLA Number	Not Set

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP15
Protection from flooding

CYE3B
Existing and Proposed Employment Sites

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections.

Environmental Services - No objections.

York Consultancy - Awaited.

3.2 External

Parish Council - None received.

Internal Drainage Board - No objections subject to controls on surface water run-off rates and the use of sustainable drainage methods.

Environment Agency - Awaited.

Neighbour Representatives

1 letter has been received from the occupier of a house approximately 180 metres to the east. Concerns have been expressed in respect to additional noise and light pollution. It was stated that more trees need to be planted around the site and that Members should visit the site. (case officer response - these issues are addressed in the appraisal).

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Policy Context
- Transport
- Impact on Visual Amenity
- Impact on Residential Amenity.
- Drainage and Flood Risk
- Sustainability
- Transport

4.2 Policy Context

The site is allocated in the City Of York Local Plan for employment Use. The proposal is in line with this allocation.

4.3 Transport

The proposed grain store will allow the site to run more efficiently and allow the frequency of lorry movements related to the transport of grains and foodstuffs to be reduced as lorries will be able to transport fuller loads. No objections to the proposal have been received from the Council's Highway Network Management officers.

4.4 Impact on Visual Amenity

The proposed store is functional in design and its appearance relates to other buildings on the site. The site as a whole is clearly industrial in nature and the Local Plan allocation of the application site for employment use indicates that this is seen as acceptable. The ridge of the proposed building would be 13m above ground level. The height of the building is considered to be the minimum required to allow lorries to enter the building and unload grain through raising their rear loaders. The ridge of the store would be around 3 metres lower than the taller buildings on the site which are located immediately to the north.

Within the local context it is considered that the proposed building is acceptable. The main views of the store would be from a southerly and easterly direction including from Stamford Bridge Road (A166). To help soften the outline of the building it is considered that it would be reasonable to seek additional tree planting around the southern and eastern boundaries of the site. The applicant has confirmed that he agrees to a condition requiring this to be implemented following construction.

4.5 Impact on Residential Amenity

The proposed warehouse would be largely screened from nearby employment uses by existing buildings on the site. The closest dwelling to the proposed warehouse is 'Wayside' approximately 70 metres to the west. No objections have been received from the occupier of this property. It is considered that the distance is adequate to avoid the warehouse appearing oppressive. Given that it is proposed for storage purposes it is not considered that any additional noise above the existing usage of the site will be significant.

A letter of objection has been received from the occupier of The Poplars. This is a house approximately 180 metres to the east. It is considered reasonable to address concerns in respect to additional planting. However, it is not considered that the proposal will lead to additional light pollution concerns. Concerns in respect to light and noise pollution were raised with the Council's Environmental protection Officers. They have not raised any objections to the proposals.

4.6 Drainage and Flood Risk

The site is located in an area of low flood risk, however, to accord with the Council's Flood Risk assessment and Policy GP15a it is essential that the run-off rate of the site post development is below the existing Greenfield rate to avoid increasing flood risk elsewhere in the city and wider area. The applicants have stated that they agree to create on-site storage to reduce run-off rates to below those that exist at present and pursue sustainable drainage methods where applicable. This will be covered by condition.

4.7 Sustainability

The proposed store will allow the site to run more efficiently and reduce its carbon footprint. The building itself is not heated and will be lit during the daytime largely through natural light. The increased size of grain storage bins that will be achieved through the development will mean that storage areas will be better related to the capacity of in-coming and out going lorries. This will enable the number of vehicle journeys to be reduced.

5.0 CONCLUSION

5.1 The proposed development is in accordance with its Local Plan allocation for employment use. By its nature the store is relatively large, however, the scale equates to other buildings on the site and is slightly lower than the tallest adjoining buildings. New additional planting will in time help soften the visual impact of the new building and the site as a whole. It is not considered that the building will generate additional noise or traffic movement. The proposed new storage space will allow the site to run more efficiently with opportunities to reduce lorry movements and energy use.

5.2 For the reasons outlined above it is recommended that the application be approved.

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:-

Revised plan T02/932/01 received by the Local Planning Authority on 26 June 2009 and drawing TO2/932/02 received by the Local Planning Authority on 12 May 2009.

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

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 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 to be planted along the southern and eastern boundary of the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 No development approved by this permission shall commence until a scheme for sustainable drainage and/or the on-site storage of surface water is agreed in writing with the Local Planning Authority. The scheme shall reduce surface run off rates to 70 % of the existing calculated rate and be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter.

Reason: To prevent increased risk of flooding.

6 Unless otherwise agreed in writing with the Local Planning Authority the proposed building shall only be used for the storage of grain and other foodstuffs and

shall not be used for other industrial purposes.

Reason: Any proposal to use the building for other potentially more intensive purposes should be judged on its individual merits

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on highway safety, noise and light pollution of nearby land and buildings, flood risk to the wider area and the appearance of the building within its context as an allocated industrial site. As such the proposal complies with Policies GP1, GP4a, GP9, GP15a and E3b of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 1("Delivering Sustainable Development")

2. Contaminated Land

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

3. Demolition and Construction - Informative

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted and acted upon. 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 despatch from the site shall be confined to the following hours:

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

(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

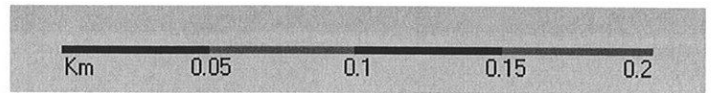
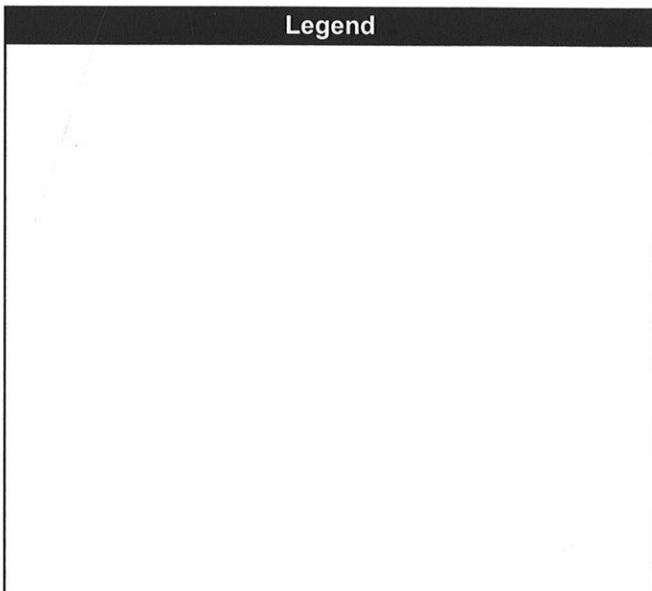
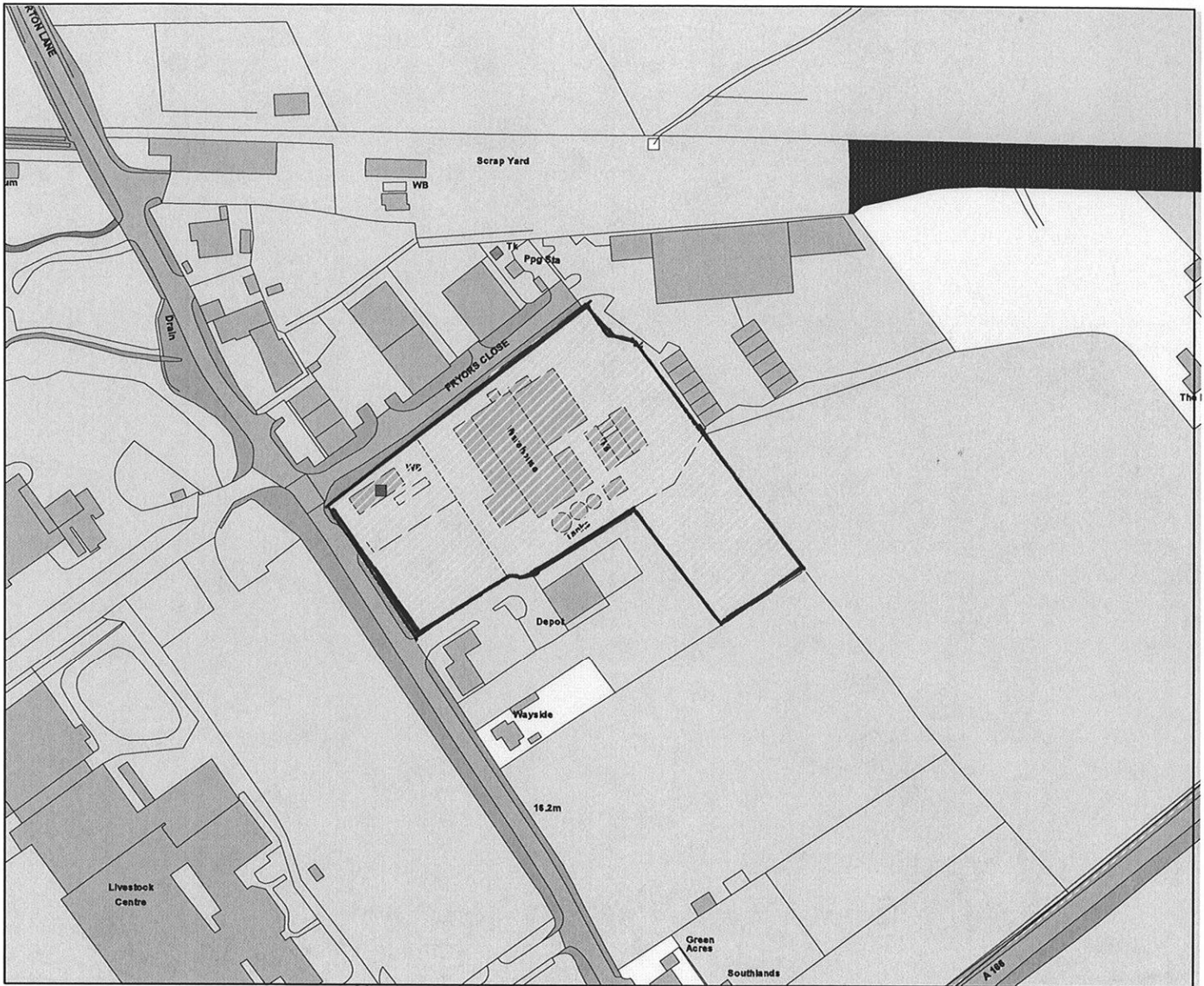
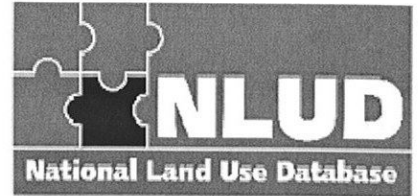
Contact details:

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

Tel No: 01904 551657

Jubilee Mills, Murton Lane

09/00856/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	10 August 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 13 August 2009
Ward: Strensall
Parish: Strensall And Towthorpe
Parish Council

Reference: 09/01257/FUL
Application at: 7 Steadings Yard Thompson Drive Strensall York YO32 5WT
For: Loft conversion with roof lights.
By: Mr And Mrs Feetenby
Application Type: Full Application
Target Date: 26 August 2009

1.0 PROPOSAL

1.1 The proposal relates to the installation 7 velux roof lights within the roof of a mid-terraced property of modern construction. The works would facilitate the formation of an additional bedroom and en-suite bathroom within the roof space. Six of the roof lights would be installed within the rear roof slope, with an additional roof light located in a side facing roof slope forming part of a two storey gable extension on the front elevation of the property. The roof lights on the rear elevation would consist of a group of four located centrally within the roof slope, with a single additional roof light located at each end of the roof. Planning permission is required because Permitted Development Rights were removed for such alterations on the original planning approval for proposed residential development (Ref No: 3/131/191A/PA & 3/131/191AD/PA).

1.2 The application site is a modern attached dwelling situated in the centre of a block of three similar styles properties, located within an established residential area

1.3 This application has been brought to Committee as the applicant is an employee of the City Of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

Internal

3.1 None

External

3.2. Strensall And Towthorpe Parish Council - No comments at the time of writing (03.08.09)

3.3 Neighbour Response - None received within statutory consultation period.

4.0 APPRAISAL

4.1 Key issues:

- impact on the character and appearance of the area
- impact on neighbouring properties

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

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

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001.

4.5 Assessment:

The purpose of this application is to provide light into the loft space of the existing dwelling, in order to facilitate its conversion to an additional bedroom and en-suite bathroom. In terms of visual impact the roof lights on the rear roof slope are considered to be of an acceptable scale in comparison to the overall size of the roof slope. They would be positioned approximately 0.6 metres below ridge level. The group of 4 roof lights positioned in the centre of the roof slope would have a combined width and length of approx 1.5 metres. It is considered that the roof lights would be well related to the existing first floor windows on the rear elevation of the property.

4.6 The roof light situated on the eastern side on the roof slope of the principal gable is small in scale, situated approx 1.5 metres above eaves level and would be an adequate distance from neighbouring first floor windows.

4.7 Impact on the surrounding area:

In terms of impact on the surrounding neighbourhood the roof light situated to the side gable overlooks the public court yard, however due to the size and position would not impact on the modern character of the surrounding area. The proposed roof lights on the rear roof slope will not be prominent from the street, nor is it not considered that they would result in significant visual harm when viewed from surrounding rear gardens.

4.8 Impact on neighbours

The centre position of the roof lights on the rear roof slope would provide minimal views over surrounding rear gardens resulting in a small amount of increased overlooking. However it is noted during the recent site visit that surrounding gardens on Steadings Yard and Littlethorpe Close are already overlooked from rear first floor windows.

4.9 The roof light on the principal gable elevation by virtue of its size and position would provide additional light into the corner loft space with an acceptable distance from surrounding first floor windows with particular reference to the closest window at no 9. The proposed plans indicate that the roof light would serve an en-suite bathroom and thus would be likely to be obscure glazed. However, due to its side facing position within the roof and its relationship to adjacent properties, it is not considered that a condition requiring the roof light to be obscure glazed is necessary.

5.0 CONCLUSION

The proposal is not considered to conflict with Policy H7 or GP1 and no significant adverse effects would be created.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drwg nos 8656-001&2 received on 30 June 2009

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

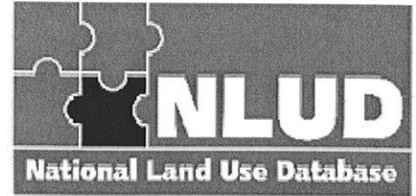
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual impact on the surrounding area and the impact on the amenity of adjacent occupiers. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the Council's 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

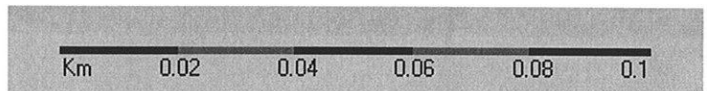
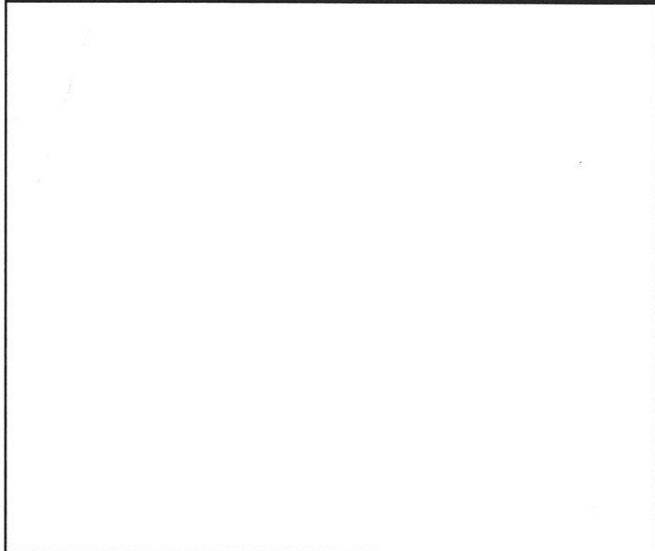
Author: Sharon Jackson Development Control Assistant
Tel No: 01904 551359

7 Steadings Yard, Thompson Drive

09/01257/FUL



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	10 August 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 13 August 2009

Ward: Clifton
Parish: Clifton Planning Panel

Reference: 09/00821/FUL
Application at: 64 Upper Newborough Street York YO30 7AR
For: First floor pitched roof rear extension
By: Mr D Brookes
Application Type: Full Application
Target Date: 14 August 2009

1.0 PROPOSAL

1.1 This application seeks planning permission for a first floor mono-pitched roof rear extension on an end terraced property at 64 Upper Newborough Street, Clifton.

Size. Projects approx 6.8m to rear. Width, approx 2.4m. Height, approx 4.3m to the eaves and approx 6.0m to the ridge.

1.2 Relevant property History : None.

Note: the applicant is a current 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: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal - none

3.2 External

3.2.1 Clifton Planning Panel - No objections - 02.07.2009.

3.2.2 Neighbour Response - No response from consulted neighbours.

4.0 APPRAISAL

4.1 Key issue(s): Effect upon neighbouring property and the street scene

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

4.3 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.4 The Application Site. The property is an end terrace, with an alley-gated access road to the side and rear. There are no issues in terms of off-street parking, cycle storage, or refuse storage. There will still be sufficient amenity space following development.

4.5 Effect upon the Street Scene. The proposed extension will barely be visible from Upper Newborough Street. It will be visible from the rear of properties on both Ratcliffe Street and Filey Terrace. However, given its modest scale, it will not impact adversely on the surrounding area. Matching materials are proposed.

4.6 Effect Upon Neighbouring Property. The proposed extension will be set back a minimum of approx 3.4m from the shared boundary of no 62 Upper Newborough Street. Given the application site lies north of this neighbouring property, there will be no serious impact as a result of overshadowing, or over-dominance. An access road of approx 2.2m wide separates the application site from properties to the north and east. Given the extension is only approx 2.4 metres in width, there are again no

serious issues in terms of over-dominance, or overshadowing. The only fenestration proposed would consist of four velux rooflights, and thus no issues arise in terms of loss of privacy.

5.0 CONCLUSION

The proposal is unlikely to detract from the character and appearance of the area or have a detrimental impact on the neighbours within close proximity to the proposal.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | VISQ1 | Matching materials |
| 3 | PLANS1 | Approved plans - Drawing no. 01/14/08 received on 05/05/2009 |

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

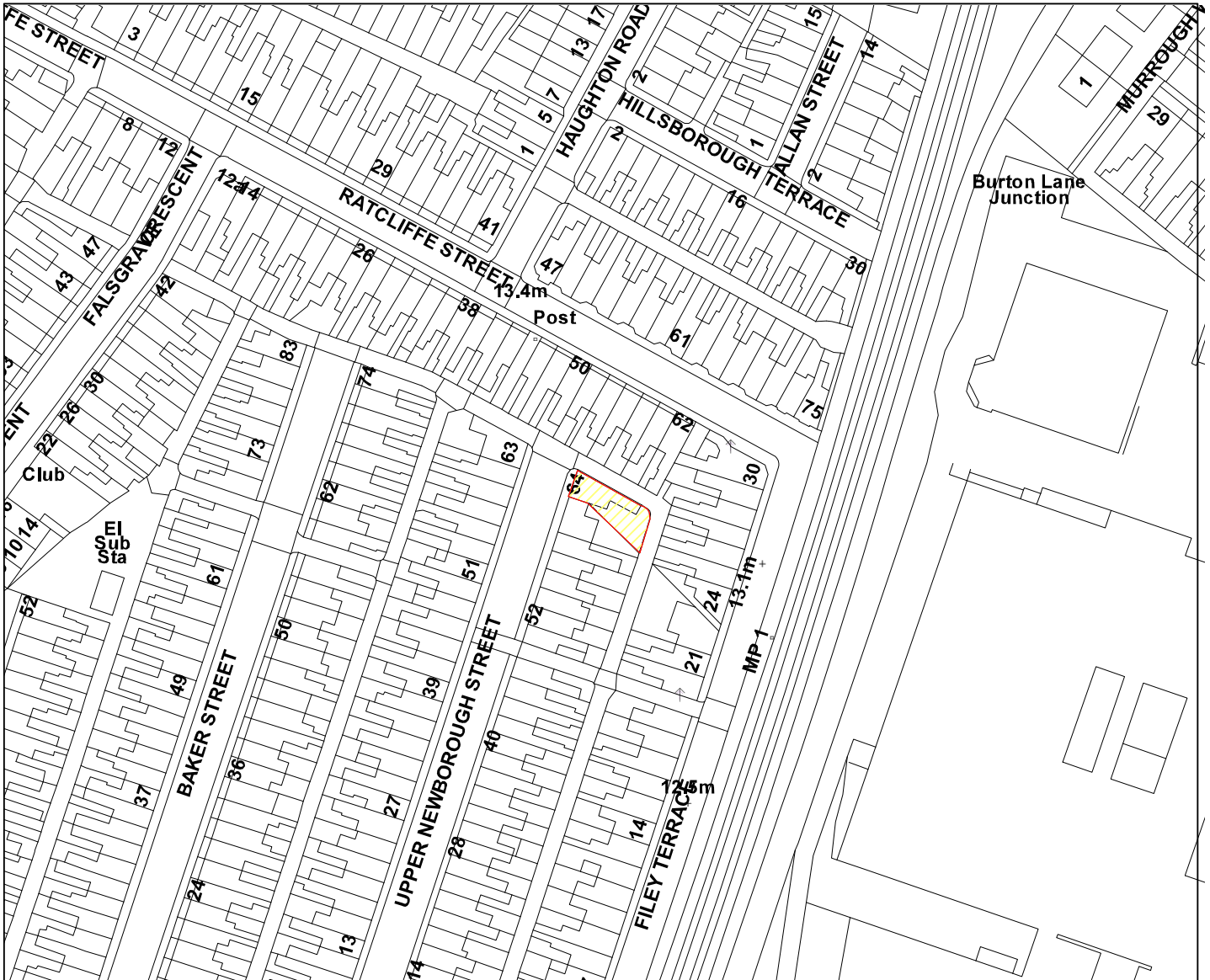
In the opinion of the Local Planning Authority, subject to the conditions listed above, the proposed first floor mono pitched rear extension would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Draft Local Plan.

Contact details:

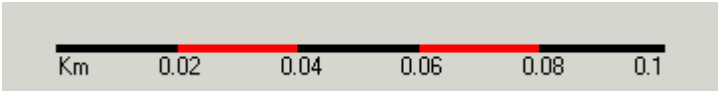
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09/00821/FUL



Legend



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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	07 August 2009
SLA Number	Not Set