



**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, 11 March 2010

**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 - 11)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 11 February 2010.

**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. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Thursday 10 March at 5pm.**

**4. Plans List**

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

**a) 52 School Lane, Fulford, York YO10 4LS** (Pages 12 - 18)

This is an application to erect a two-storey extension to a small bungalow fronting onto School Lane. The building is located within what was originally the rear garden of 65 Main Street. Several amendments have been submitted since the application was originally submitted in August 2009. [Fulford] **[Site Visit]**

**b) Store to the Rear Of 69 Fourth Avenue, (Pages 19 - 28)  
York YO31 0UA**

This is a full planning application for the erection of 2 dwellings following the demolition of existing outbuildings at the above site. The site forms the rear area of 69/71/73 Fourth Avenue.[Heworth] **[Site Visit]**

**c) 49 Muncastergate, York YO31 9JX (Pages 29 - 33)**

The applicant seeks planning permission to erect a two-storey side extension to the property. The ground floor of the extension is proposed to be used as a garage (with an access door to the front and rear), with the first floor providing an en-suite bedroom. [Heworth] **[Site Visit]**

**d) 5 and 6 Northfields, Strensall, York YO32 (Pages 34 - 46)  
5XN**

This is a full planning application for the erection of three terraced properties on land to the rear of 5 and 6 Northfields, Strensall. [Strensall] **[Site Visit]**

**5. Urgent Business**

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

**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

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

Contact details set out above.

**EAST AREA PLANNING  
SUB-COMMITTEE****SITE VISITS****Wednesday 10 March 2010**

<b>TIME</b>	<b>SITE</b>	
<b>10:00</b>	<b>Depart from Union Terrace Car Park</b>	
<b>10:15</b>	<b>5 and 6 Northfields, Strensall</b>	<b>(4d)</b>
<b>10:45</b>	<b>49 Muncastergate</b>	<b>(4b)</b>
<b>11:05</b>	<b>Store to the Rear of 69 Fourth Avenue</b>	<b>(4c)</b>
<b>11:30</b>	<b>52 School Lane, Fulford</b>	<b>(4a)</b>

**Could Members please contact the Democracy Officer by Thursday 4th March if they require transport to the Site Visits.**



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The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

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

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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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City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 FEBRUARY 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), FIRTH, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND BROOKS (SUBSTITUTE)
APOLOGIES	COUNCILLORS DOUGLAS AND WISEMAN

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**INSPECTION OF SITES**

Site	Attended by	Reason for Visit
Dormary Court	Cllrs. Hyman, Orrell, Firth, Moore and Brooks	In view of the application being called in and to familiarise Members with the site.

**46. DECLARATIONS OF INTEREST**

Members were asked to declare any personal or prejudicial interests they have in the business on the agenda. None were declared.

**47. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 10 December 2009, be signed as a correct record by the Chair.

**48. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**49. 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.



**49a Dormary Court, 445 Huntington Road, York, YO32 9PY.  
(09/02051/FUL)**

Members considered an application for the erection of 6 dwellings on the site of the former Dormary Court residential care home on Huntington Road, adjacent to its junction with the New Earswick Link Road.

Officers advised Members of the following amendments to conditions (by reference to the agenda page number):

- Page25 Condition 2 (Plans Schedule) Drawing Numbers – 07534/PO1, 07534/PO2 Rev G, 07534/P04 Rev A, 07534/P05 Rev B, 07534/P07 Rev B, 07534/P08 Rev A, 07534/P09 Rev A, 07534/P10.
- Page 26 Condition 9 – Drawing number 07534/P02 Rev G
- Page 26 Condition 10 – Prior to construction works starting on the site.....
- Pages 26/27 – Condition 12 (Bat Mitigation) to be split into 2 parts to reflect the demolition work and the construction work as follows:
  - (i) No construction shall take place until full details have been submitted to and approved by the Council of what measures will be in place during the demolition work to accommodate the possibility of bats being present and to ensure that any potential impact is minimised.
  - (ii) No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the designs of the new buildings/conversion to accommodate bats. The work shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

REASON – To take account of and enhance the habitat for a protected species.

INFORMATIVE – If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

INFORMATIVE – It should be noted that under guidance contained within Planning Policy Statement 9 the replacement/mitigation proposed should provide a net gain in wildlife value.

- Page 27, Condition 14 , Surface Water Drainage amended to read as follows:  
No construction shall 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 approved details.

REASON – So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement

- Page 28 – Condition 16 (Code for Sustainable Homes) be amended to read as follows: The development hereby approved shall aim to achieve Level 4\*\*\*\* of the Code for sustainable (CSH), and shall achieve a minimum of Level 3 \*\*\*.....Should the development fail to achieve Level 3 \*\*\*.
- Page 28 – Condition 17 (Renewable Energy) be amended to read as follows: No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide a minimum of 5%.
- Condition 18 (Noise Attenuation) be amended to begin with the following: Unless otherwise agreed in writing with the Local Planning Authority.....

Members expressed concern over the trees in the area close to the beck and queried whether Condition 20 (Landscaping) would incorporate the trees in the beck area. Officers advised that as the area is not part of the application site, Condition 20 would not cover the trees although Condition 19 (Tree Protection) does refer to trees adjacent to the site. Members also raised concerns regarding the management of the site due to its location on a busy road.

Representations were heard from the applicants agent who was present to answer any queries from Members. She advised that the trees close to the beck would not be felled and that the Joseph Rowntree Housing Foundation would require contractors to supply waste management, traffic and site management plans. She assured Members that the development would be sustainable.

RESOLVED: That the application be approved subject to the conditions listed in the Officers report and the following additional conditions:

Condition 19 Before the commencement of any construction works, the importing of materials, any excavations, installation of utilities, and building operations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings (including trees outside of the site but adjacent to the site boundary) shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, 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 materials storage, location of site cabin.

REASON – to protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the vicinity and/or development.

Condition 20 – No construction work shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed landscape scheme which shall include the species density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

REASON – So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

Condition 21 – The area of amenity open space shown on Drawing no. 07534/P02 Rev G shall be laid out and made available for use by residents of the proposed development, and shall be thus maintained, in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority prior to the occupation of any dwellings hereby approved.

REASON – In the interests of the amenity of future occupiers of the proposed development.

Condition 22 – 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 - 08:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON – To safeguard the amenity of surrounding residents.

Condition 23 – No construction works shall commence unless and until all 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 alternative 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 L1 of the City of York Draft Local Plan.

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 calculated at £6,264.

No construction works 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.

REASON:

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above and in the officers report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the existing area of open space, the maintenance of visual separation between Huntington and New Earswick, housing windfalls, affordable housing need, impact on the River Foss Green corridor, protected wildlife, trees within and adjacent to the site, local residential amenity, highway safety, flooding and sustainability. As such the proposal complies with Policies GP7, H4a, H2a, C1, HE1, HE2, NE8, GP1, GP15 and GP4a of the City of York Development Control Local Plan.

2. There are records of otter breeding in the immediate area close to the proposed development. The development must not encroach on the river corridor and materials resulting from or used during the site clearance or construction must not be stored or disposed of in the river corridor.

Design details should ensure that future residents are discouraged from using the river corridor for waste

disposal (e.g. disposing of garden waste or other materials) and lighting should not illuminate the river corridor.

3. INFORMATIVE - You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. INFORMATIVE – You are advised that prior to starting on the site consent will be required from the Highway Authority for the works being proposed, under Highways Act 1980 (unless alternatively specified under the legislation or Regulations as follows: Works on the Highway Section 38/S278 and Vehicle Crossing Section 184).

5. 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) The work shall be carried out in such a manner so as to comply with the general recommendation 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 fitted employed at all times, in order to minimise noise emissions.
- (iv) 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.
- (v) There shall be no bonfires.

**49b Suncliffe House, 157 New Lane, Huntington, York, YO32 9NQ.  
(09/02186/FUL). - WITHDRAWN.**

This item was withdrawn prior to the meeting, by the applicant.

Councillor K Hyman, Chair

[The meeting started at 2.00 pm and finished at 2.25 pm].

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 11 March 2010

**Ward:** Fulford  
**Parish:** Fulford Parish Council

**Reference:** 09/01324/FUL  
**Application at:** 52 School Lane Fulford York YO10 4LS  
**For:** Two storey pitched roof extension to rear  
**By:** Mr J Walker  
**Application Type:** Full Application  
**Target Date:** 29 September 2009  
**Recommendation:** Refuse

### 1.0 PROPOSAL

#### Proposed Development

1.1 The application property is a small bungalow fronting onto School Lane. The building is located within what was originally the rear garden of 65 Main Street.

1.2 It is proposed to erect a two-storey extension to the rear of the property. This would increase the internal floor area of the property by approximately 66% and result in the bungalow becoming a two bedroomed part two storey, part single storey dwelling.

1.3 Several amendments have been submitted since the application was originally submitted in August 2009.

#### Application site

1.4 The property would front School Lane. It is located within the Fulford Conservation area. One of the main historic characteristics is the existence of "burgage" plots to the rear of the properties on Main Street. On the opposite side of School Lane is a playing field. The area is predominantly residential in character with School Lane containing a mix of house styles.

#### Planning History

1.5 Planning permission for the erection of the bungalow was granted in August 1983 (8/1/181). The application description was "Proposed erection of building for use as granny flat and erection of detached garage at 65 Main Street, Fulford". No occupancy conditions were put in place in respect to its relationship to the host property. In this context it is considered to be acceptable for the bungalow to be occupied as an independent unit

1.6 In 2004 (04/02273) outline planning permission was granted for the erection of a two-bedroom bungalow on the adjoining section of rear garden (67 Main Street). This has not been constructed; planning permission expired in December 2009. The

approved plans show a bungalow with no openings facing to the north. It would have been located a little further back from School Lane than the property subject to this application.

1.7 The application is being brought to committee at the request of a local Member given the concerns raised by neighbours and its location within a conservation area.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford 0041

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYH7  
Residential extensions

CYGP1  
Design

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

## **3.0 CONSULTATIONS**

3.1 Internal

Highway Network Management - Although the manoeuvring area is unduly tight this does not raise highway concerns. Cycle storage facilities should be provided.

Conservation Officer - Whilst emphasis should be placed on the preservation of burgage plots, particularly where they remain intact, in this instance, the site has already been developed to some extent with a small dwelling and car port, the latter truncating views through the site. By virtue of its height, the two-storey extension will be more prominent in the street scene, but due to its scale, orientation and narrow width, will allow views over the plot to historic frontage development on Main Street.



I am concerned that the position, and width of the car port in relation to the width of the plot, effectively truncates the burgage plot; in this respect, the proposal fails to preserve the character of the conservation area. Replacement of hedges with timber fences lends a suburban appearance to the site, further eroding the contribution it makes to the character of the conservation area.

Landscape Architect - No objections.

Archaeology - Watching brief required on all groundworks.

### 3.2 External

Parish Council

Object: The development would lead to the loss of one of the few remaining burgage plots facing School Lane. Such plots are crucial to the area's character and history.

The extension is not subservient, the design is unsympathetic, the blank side elevation unduly dominant and vegetation will be lost.

External amenity space is inadequate.

The extension would cast shadow on to the garden of 50 School Lane and side windows would overlook the house.

65 Main Street will lose much of its off-street car parking and will have access difficulties. This is of particular concern given congestion on Main Street.

Neighbours

Objections were received from the occupants of 3 properties and a local Member. The issues raised were:

It could harm development potential of 67 Main Street.

It overhangs the garden of 67 Main Street and the access path is on the garden of 63 Main Street.

It is contrary to the council's guidance on house extensions as it overdevelops the site, is not subservient to the existing house, the design is alien and there is little garden space.

It harms the conservation area and burgage plot.

## 4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

Impact on neighbours living conditions

Impact on the streetscene and conservation area.  
Quality of living accommodation created.

4.2 Policy H7 (Residential extensions) and GP1 (Design) of the Draft Local Plan set out design and amenity criteria when assessing proposals for extensions. The site is within Fulford Conservation Area. When determining planning applications within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. This is reflected in national planning advice contained within Planning Policy Guidance Note 15 (Planning and the Historic Environment). Policy HE2 (Development in Historic Locations) and HE3 (Conservation Areas) of the Draft Local Plan state that developments must respect the form of the local area and not have an adverse impact on its character and appearance.

4.4 The key issues in assessing the application are:

Impact on neighbours living conditions

4.5 It is considered that there is adequate separation to the rear with a distance of approximately 35-40 metres to the rear of houses on Main Street. Immediately to the south is the narrow rear garden of 67 Main Street. The length of the garden of 67 Main Street is such that the overall living conditions would not be unduly affected.

4.6 The 2004 planning permission for the bungalow on land at the rear of 67 Main Street facing School Lane has now lapsed. Without prejudice to any application that might be submitted in the future, it is not considered that the design of the extension is such that it would necessarily compromise residential development on the adjoining site (no windows are proposed facing this site).

4.7 Number 50 School Lane is to the north. It has windows on the side elevation facing the extension, however, these are either non-habitable or secondary (the house was visited internally). Although there will be some loss of light/sunlight to the house and garden, the overall living conditions will still be maintained. Any overlooking from the extension landing window could be avoided by the use of obscure glazing.

4.8 There is a private path between number 50 and the extension. This serves as a pedestrian access to several properties that front Main Street. It is not considered, given the limited usage of this route and the space retained to the side of the extension, that the change in its character would justify the refusal of planning permission.

4.9 Number 52 School Lane is to the south. The only side opening is a secondary window to the living room. As such, it is not considered that the overall impact on living conditions is unacceptable.

4.10 Some neighbours have raised concerns in respect to overlooking from the rear first floor opening of the extension. However, the level of overlooking from the proposed extension would be broadly the same as that which can be viewed from surrounding properties. It is noted that the rear opening at the first floor is relatively

large, however, the overall opportunity for overlooking would not be significantly different than that from other properties.

#### Impact on the streetscene and conservation area

4.11 The proposed extension would be relatively distinctive in style given its narrowness, the single storey element to the front and the 'barn-like' form. It is not considered, however, that it would detract from the appearance of the conservation area. This section of School Lane contains a mix of house sizes and roof forms and in this context it is considered that the development would contribute to the local character. The position of the two-storey element relative to the road is broadly in line with adjoining properties and the height is substantially lower. The narrow width of the development will ensure that a significant gap will remain between the side of the proposed extension and the side of number 50 School Lane. This will emphasise the linear nature of the burgage plots and retain views through to the rear of Main Street. The relatively low height of the two-storey element and its limited fenestration also suggests that it is a secondary building within the original long rear plot fronting Main Street. It is accepted that there is a degree of conflict with guidance contained within the Council's Supplementary Planning Guidance on residential extensions. However, this is generalised guidance that will not always be applicable to unconventional or historic settings.

4.12 A car port was proposed to the rear of the extension, however, following concerns from the Council's conservation officer in respect to its width and the preference for a natural landscaped boundary, the applicant has agreed that this can be deleted.

#### Quality of accommodation created.

4.13 The proposed extension would create a reasonably proportioned two-bedroom house from the existing small one-bedroom chalet bungalow. It is considered that the level of internal space and light levels are acceptable.

4.14 As part of the scheme one parking space for 65 Main Street and one space for the application property is proposed to the rear of the extension. Access to this space will run alongside the proposed accommodation and its small garden. It is not ideal to bring a vehicle past the side of a property in this way, however, a vehicle access to 65 Main Street already exists and goes past the small bungalow. The extension has been designed with no main habitable room windows facing the access and as such it is not considered that vehicles passing so close to the property would constitute a reason for refusal.

4.15 The existing small size of the property is such that it would normally be occupied by one person. The historic arrangement between 65 Main Street and 52 School Lane has appeared to be fairly informal with a relative of the occupant of the main house living in the bungalow. The proposed works will increase the size of the accommodation by approximately two thirds. The proposed works make it much more likely that occupancy levels will increase and the property will no longer be occupied as a 'granny flat'.

4.16 Despite the proposed increase in size of the house the garden space is limited. There is no space for cycle parking and manoeuvring for vehicles is also tight. It is considered that this is unsatisfactory for creating satisfactory living conditions and has the potential to create future conflict between the occupants of both properties.

4.17 The planning permission that was granted for a bungalow on the adjacent plot incorporated all car parking to the front of the house with the garden to the rear. A pedestrian route to 67 Main Street ran along the side of the property.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed design would not appear out of context in a varied streetscene and the narrow width of the development would help to retain the linear character of the existing burgage plot. However, the proposed external amenity space and parking area at the rear of the property is extremely cramped and considered inadequate to serve the enlarged property.

5.2 It is recommended therefore that the application be refused.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Refuse

1 The proposed extension would result in a significant increase in the size of the existing dwelling, however, the external amenity space to serve the extended property is extremely limited and contains no provision for cycle storage. In addition, the shared space for vehicle manoeuvring is unduly tight. It is considered that this would create a poor living environment for the occupiers 52 School Lane and have the potential to cause conflict with the occupants of 65 Main Street. It is considered, therefore, that the proposed extension conflicts with policy GP1 (criterion g) and H7 (criterion g) and appendix E of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and advice contained within paragraph 1.23 of the City of York Council's Guide to extensions and alterations to private dwellings March 2001.

## **7.0 INFORMATIVES:**

### **Contact details:**

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

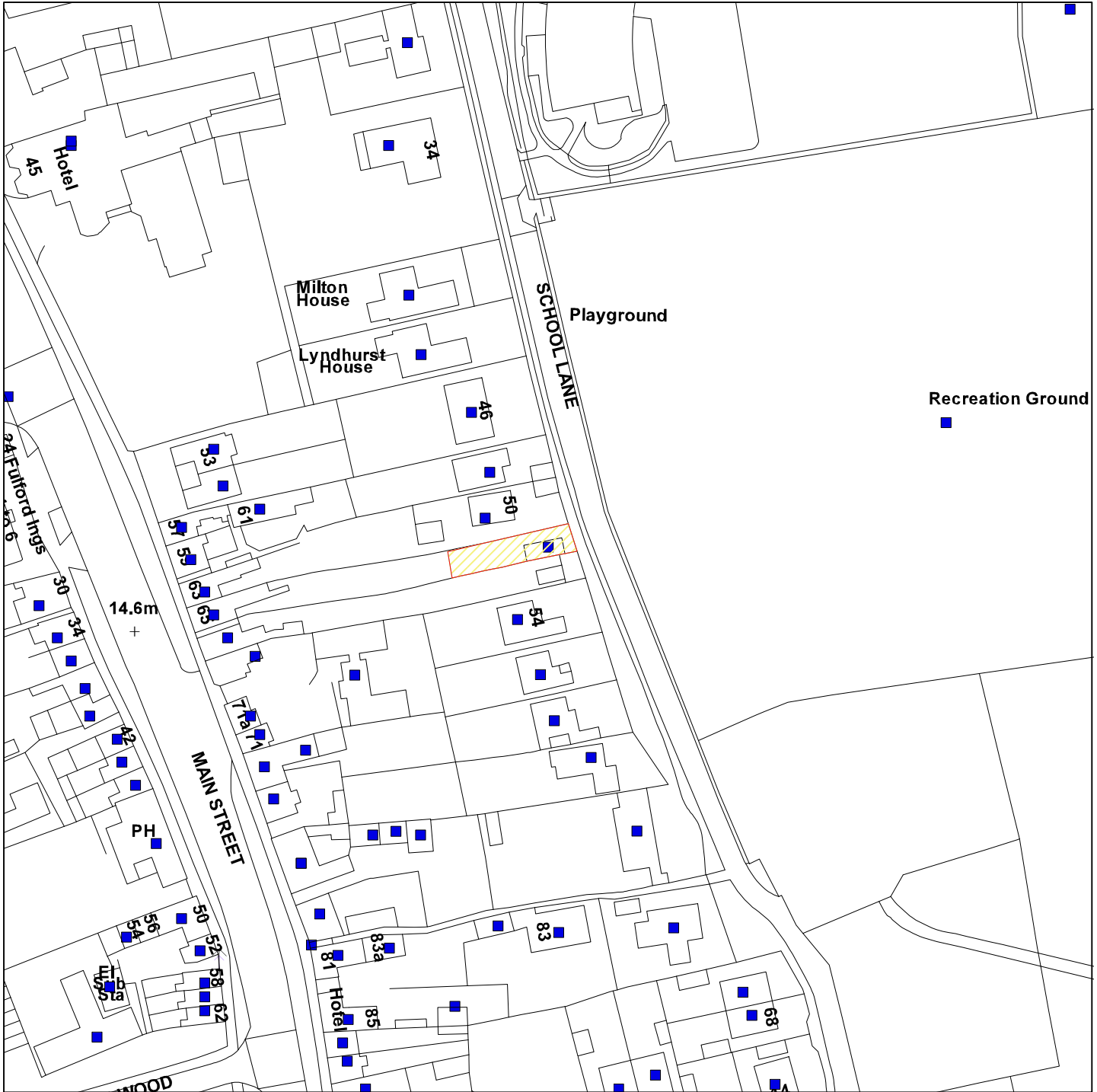
**Tel No:** 01904 551657

# 52 School Lane

09/01324/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	01 March 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT****Committee:** East Area**Ward:** Heworth**Date:** 11 March 2010**Parish:** Heworth Planning Panel**Reference:** 10/00006/FUL**Application at:** Store to the Rear Of 69 Fourth Avenue York YO31 0UA**For:** 2no. dwellings on land to rear of 69 Fourth Avenue following demolition of existing outbuildings (resubmission of 09/01791/FUL)**By:** Mr G Harrison**Application Type:** Full Application**Target Date:** 12 March 2010**Recommendation:** Refuse**1.0 PROPOSAL**

1.1 This is a full planning application for the erection of 2 dwellings following the demolition of existing outbuildings at the above site.

1.2 The site forms the rear area of 69/71/ 73 Fourth Avenue. There is an existing part single, part two-storey structure on the site. The existing building, which is in a poor state of repair, is now disused but has previously been used for storage with a first floor office. The building consists of a single storey flat roofed garage linked to a two storey store with a pitched slate roof and brick and render walls. The site is accessed via an alleyway, which also serves the other shop units along the Fourth Avenue frontage and the rear of properties on Fourth and Ninth Avenue and Melrosegate.

1.3 69/71/ 73 Fourth Avenue are shops at ground floor level. The upper floors of the buildings have been extended and converted into 15 flats, which the current owner of the site lets out.

1.4 The proposal, which has been amended since first submission, is to demolish the existing office and storage/garage building on the site and to replace it with 2 no. one bedroomed semi-detached houses. The area to the rear of 71/73 Fourth Avenue is to be altered to provide cycle storage for the site and existing flats as well as small areas of external amenity space for the ground floor existing flats and the new dwelling units.

**Planning History**

1.5 The following applications are considered to be relevant to the current proposals :-

- Planning permission was refused in May 2006 for the erection of 2 one bedroomed semi-detached dwellings. The reasons for refusal related to the proximity of the proposed dwellings to 65,67,69,71,and 73 Fourth Avenue and the location of the

development within a back alley, close to the rear of 69 Fourth Avenue and without any external amenity space being detrimental to the living conditions of future occupiers of the site.

- A similar proposal was submitted in October 2009 and was subsequently withdrawn.

- There have also been a number of applications related to the alteration and extension of the flats within 69 Fourth Avenue.

1.6 The application has been called into committee by Cllr Funnell to consider the impact of the development on neighbouring properties and the access arrangements.

## **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

Schools GMS Constraints: Tang Hall Primary 0232

### 2.2 Policies:

CYH4A  
Housing Windfalls

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYL1C  
Provision of New Open Space in Development

CYNE1  
Trees, woodlands, hedgerows

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 Highways Network Management - The access is only just wide enough for two cars to pass. The car parking spaces have inadequate space for manoeuvring, however, the site is adjacent to a regular bus service and close to local facilities therefore a refusal based on the inadequacies of the car parking or access could not be substantiated. Five cycle lockers are shown of the vertical stacker type two further cycle spaces are depicted but they lack any detail of security and cover. It is assumed that the total number of cycle storage units would cover replacement storage for the existing flats as well as the proposed development. Having regard to the constraints of the site it is considered that details of cycle parking should be submitted and agreed rather than conditioned.

3.2 Highways Network Management raise no objections to the amended plan considering the site to be in close proximity to local services and transport links to the city but it is recognised that although at times the local streets can be heavily "parked-up" it is not considered that the addition of two extra one-bed units will have a significant impact on congestion. A condition to ensure cycle parking is provided at the site is proposed.

3.3 Environmental Protection - No objections in principle however there is concern that existing air conditioning and refrigeration units situated on the roof to the rear of 70 Fourth Avenue may affect the amenity of residents by reason of noise through the windows facing the east. A condition is recommended to require noise attenuation on the east facing bedrooms of the proposed development.

#### EXTERNAL

3.4 Heworth Planning Panel- No objections but wish to comment that the proposal could be considered to be overdevelopment of the area.

3.5 Letter of objection has been received covering the following points:-

- Reason for rejection of previous application should be used in the consideration of this application
- The road serving the site is a service road, not well maintained and with no footpaths and is therefore hazardous to pedestrian occupiers
- Unclear whether the parking /access demands can be sustained with limited access on to the service road
- Concerned about light levels into 69 Fourth Avenue



- The proposal will set a precedent in the area for development of rear gardens on to service roads.

3.6 One letter of support has been received covering the following points :-

- Existing buildings look neglected
- Area would benefit from redevelopment
- Would enjoy rebuild as living room window looks on to site
- Would provide more affordable rented accommodation

#### PUBLICITY

3.7 The application has been advertised by means of a site notice posted on the 1st February 2010 and via neighbourhood notification. Those who have made comments, the Parish Council and Highways Network Management have been reconsulted on the amended proposals. The reconsultation exercise expires on the 9th March 2010.

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage

#### Policy Background

4.2 This planning application is for the erection of two 1-bedroomed dwellings

4.3 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but also over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.4 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing

dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development. In terms of design PPS3 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However when well designed and built in the right location it can enhance the character and quality of an area. Paragraphs 12 to 19 sets out further criteria for achieving high quality design.

4.5 Policy SP6 of the Draft Local Plan, 'locational strategy', requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

4.6 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features. Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the city centre, new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

4.7 Other Local plan policies relevant to the consideration of the detail of this application are:-

- Policy GP1 'Design' 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 GP3 'Planning Against Crime' requires new development where deemed appropriate to incorporate crime prevention measures

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

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

- Policy SP3 'safeguarding the historic character and setting of York' of the City of York Council Development Control Local Plan (CYCDCLP) gives a high priority to the protection of the historic character and setting of York. The policy requires the protection of the environmental assets and landscape features which enhance the historic character and setting of the City as well as the protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment.

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

#### Principle of residential development on the site

4.8 The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. Policy H4a deals with housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. GP10 says that permission will only be granted for subdivision of existing garden areas (or plots) where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of new residential development on the site conforms with local and national policies.

#### Design and Landscaping

4.9 The area to the rear of 69/71/73 Fourth Avenue is dominated by the existing dilapidated building. The replacement of this building with a new structure and the reorganisation of the outside space around the structure will improve the visual appearance of the rear area of the property. However it is clear that the existing structure is fairly imposing and the new structure being slightly taller and wider will have a similar if not slightly greater visual presence. The removal of the parking area from the scheme and its replacement with a structure for cycle parking, fencing and landscaping will introduce more built form overall. In terms of the design of the building and the landscape features proposed it is considered that the development overall will be beneficial to the visual quality of the area and is supportable in planning terms having regard to advice within PPS1 and Policy GP1 of the Local Plan ,

#### Highways, Access and Car parking

4.10 Access to the site is via a rear alley, which serves shops/properties to the Fourth Road frontage and the rear of properties on Ninth Avenue/ Melrosegate. Highways Network Management comments on the proposal as originally submitted were that the access is tight and car parking provides insufficient turning and manoeuvring space. However, because of the location of the site in close proximity to local services and on a good bus route it is felt that the inadequacies of the parking and access did not warrant refusal of the application. There was also concern in Highway Network Management's original response that the cycle parking is inadequate and poorly designed. The application has been amended, following discussions between the applicant and Highways Network Management, to remove car parking and introduce a cycle store building in this area to provide cycle storage available to the existing flats and the new dwelling units. There is presently no dedicated cycle store for the existing flats of which there are 15. The proposed development will provide 9 spaces in total.

4.11 Highways Network Management now raise no objections to the application subject to the provision of the cycle store before the dwellings are first occupied.

#### Impact on Surrounding Properties

4.12 The existing building on the site is part two, part single storey. The single storey element is located on the boundary between the site and no.s 65/67 Fourth Avenue. The proposal will result in a slightly larger massing than the existing structure. The building is to be moved so that it is approximately 1.5 metres off the boundary with 65/67 Fourth Avenue placing the new structure 1.5 metres further in to the rear yard. The new position of the building, its height and roof shape will, in Officers view, result in there will be no detrimental impact on 65/67 Fourth Avenue in terms of overlooking or dominance of the structure.

4.13 As with the consideration of the 2006 refusal the design is considered to be acceptable in terms of the relationship of the development to properties on Ninth Avenue.

4.14 In terms of the impact of the development on the existing flats within 69/71/73 Fourth Avenue the refusal in 2006 considered that the changed bulk of the building on that scheme, loss of outdoor space to car parking and location of ground floor windows made the proposal unacceptable. This application shows the repositioning of the building off the boundary and a small increase in the overall bulk of the building this will change the way the new structure will relate to the existing flats/bedsits within 69/71/73 Fourth Avenue when compared with the existing building. The distance between the new/existing structure and the existing bedsits/flats is only between 4.5 to 5.5 metres; the existing structure already dominates the ground floor windows of the building. The new structure with its new position and increase in size will mean light will fall in a different way than at present on to windows in the rear elevation of the existing building and will in officers opinion significantly reduce the already limited light and outlook of the existing windows. The flats will benefit from the reorganisation of the external space to provide cycle parking and better amenity areas, however, this is not considered to be of sufficient benefit in itself to outweigh the harm caused by the impact of the structure on the rear facing windows of the flats.

4.15 The rear yard area currently provides individual outside space for ground floor flats at 69/71/73 Fourth Avenue. It further provides the only area for refuse and any other outdoor amenity requirements for all 15 flats within the existing buildings and the shop on the Fourth Avenue frontage. There is already considerable pressure on the use of this outdoor space. The introduction of two new dwellings would not reduce the need for the existing flats to continue to use the area. Whilst the design submitted organises the use of space well and has designed the buildings to minimise the impact of movements within the area on future occupiers, officers remain concerned that the inevitable comings and goings within the site to the bin area and cycle area, when added to the location of the structure along a 4.1 metre wide rear alley which services the rear of shops on Fourth Avenue and the rear of other residential properties, will be detrimental to the living conditions of future occupiers of the new dwellings. This is considered to be contrary to Central Government advice set out within PPS1 and Policy GP1 of the Draft Local Plan.

4.16 Environmental Protection raise no objections to the proposal although they request a condition to ensure that the east facing bedroom window be sound attenuated to protect it from noise from air conditioning units and refrigeration units on 70 Fourth Avenue.

#### Sustainability

4.17 The application is supported by a short statement, which indicates sustainability measures have been considered. The applicant's agent has further confirmed that conditions to ensure code for sustainable homes level 3 is achieved and 5% on site renewables are sought are acceptable. With the proposed conditions sustainability proposals for the application are considered to satisfy the requirements of local plan policy GP4a

#### Open Space

4.18 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or by a section 106 agreement.

#### Drainage

4.19 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy however further information is sought about drainage details. It is considered that a suitable drainage scheme could be achieved for the site and appropriate conditions could secure the information required.

## **5.0 CONCLUSION**

5.1 In officers opinion the principle of new residential development on the site conforms with local and national policies.

5.2 In terms of the design of the building and the landscape features proposed it is considered that the development overall will be beneficial to the visual quality of the

area and is supportable in planning terms having regard to advice within PPS1 and GP1 of the Local Plan.

5.3 The application has been amended since first submission to remove car parking facilities and provide improved cycle facilities. Highways Network Management raise no objections to the application subject to the provision of the cycle store before the dwellings are first occupied.

5.4 The new structure with its new position and increase in size will mean light will fall in a different way than at present on to windows in the rear elevation of the existing building and will in officers opinion significantly reduce the already limited light and outlook of the existing windows. The existing flats will benefit from the reorganisation of the external space to provide cycle parking and better amenity areas however this is not considered to be of sufficient benefit in itself to outweigh the harm caused by the impact of the structure on the rear facing windows of the dwelling units.

5.5 Furthermore officers remain concerned that because of the number of existing dwelling units already at the site, the inevitable comings and goings within the site when added to the location of the structure along a 4.1metre wide rear alley which services the rear of shops on Fourth Avenue and the rear of other residential properties, will be detrimental to the living conditions of future occupiers of the new dwellings. This is considered to be contrary to advice set out within Planning Policy Statement 1 and Policy GP1 of the Draft Local Plan.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 It is considered that the new dwellings, by virtue of their massing, siting and proximity to windows on the rear elevation of existing dwelling units within 69/71/73 Fourth Avenue, will result in unacceptable loss of light and dominance which will be detrimental to the living conditions of the occupiers of the existing dwelling units. This is considered to be contrary to national planning advice contained within Planning Policy Statement 1 "Delivering Sustainable Development" and Policy GP1 of the City of York Draft Local Plan.

2 The rear yard area of 69/71/73 Fourth Avenue provides the outdoor amenity and servicing space for 15 flats, and the introduction of two further dwelling units would not diminish this need. It is considered that the comings and goings within the service yard area and location of the site on the front of a service road, which also serves the rear of shops, and properties within the area, will be detrimental to the living conditions of future occupiers of the site. This is contrary to advice on design set out in paragraphs 33 to 39 of Planning Policy Statement 1 'Delivering Sustainable Development' and Policy GP1 of the City of York Draft Local Plan.

### **Contact details:**

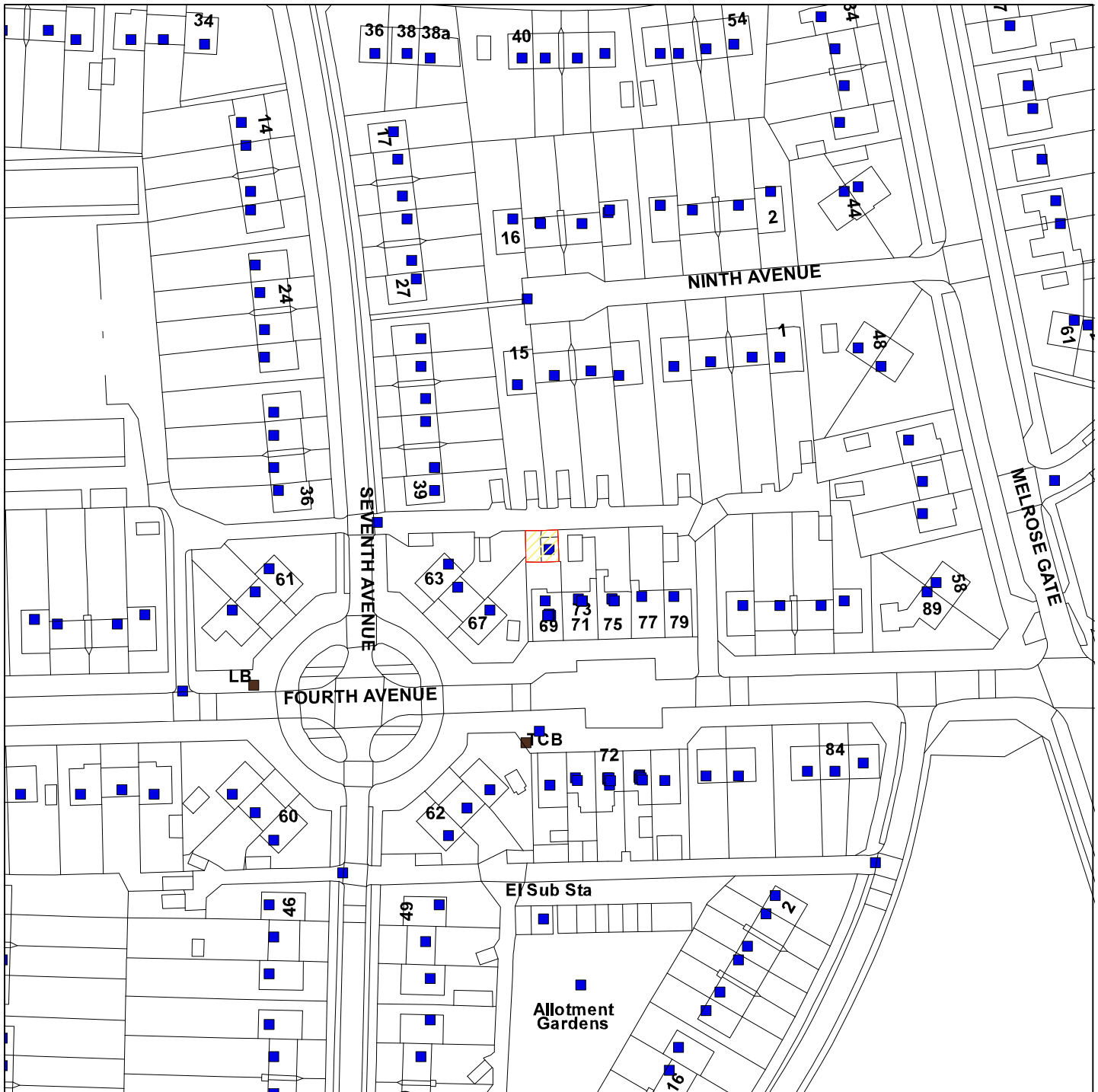
**Author:** Diane Cragg Development Control Officer (Mon/Tues)  
**Tel No:** 01904 551657

# Store - rear of 69 Fourth Avenue

10/00006/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	01 March 2010
<b>SLA Number</b>	Not Set





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

2.2 Policies:

CYH7  
Residential extensions

CYGP1  
Design

**3.0 CONSULTATIONS**

3.1 Internal

None

3.2 External

Planning Panel - No objections

Neighbours

Objections have been received from the occupier of 47 Muncastergate as well as a resident of Leeds. The objections raised below relate to the plans as originally submitted. The two objectors have been re-consulted in respect to the amended plans - any further comments will be reported to committee.

The issues raised are:

The daylight and sunlight assessment contains inaccuracies and does not indicate the degree of harm to light and outlook.

The development would reduce light to the dining room, a landing that is used as a study, the hallway and the workshops to the side of the house. The impact in respect to sunlight will be particularly significant in the summer as the development is to the west.

Construction work on the extension could damage nearby buildings.

The development is not sensitive to the house and has an overbearing expanse of side wall. Other extensions in the area are smaller in scale.

**4.0 APPRAISAL**

4.1 The key issues in assessing the proposal are:

- Impact on the amenity and living conditions of neighbours.

- Impact on the appearance of the street.

#### Impact on Neighbours

4.2 Policies GP1 and H7 of the Local Plan seek to ensure that developments do not unduly affect the living conditions of nearby residents. The proposal will be no closer to properties to the front and rear and it is considered that separation distances to these properties are adequate to avoid harm.

4.3 The main neighbour affected is to the side, 47 Muncastergate. This property has several openings on the side elevation facing the site of the proposed extension. The key openings are an arched window serving a landing area on the first floor and a large ground floor opening serving a kitchen. The case officer visited the property internally. The proposed extension will reduce the level of light reaching the landing. However, notwithstanding the fact that its size makes it possible to accommodate a desk, it is not considered to be a truly habitable area and it is the case that the large arched window is obscure glazed and as such has no significant outlook.

4.4 To the ground floor side elevation is a kitchen window. This will look towards part of the rear side of the proposed extension. It was requested by the case officer that both the depth and width of the extension be reduced to reduce its impact. Because of the desire to retain a suitably sized bedroom the applicant only reduced the width. On balance it is considered that this is sufficient to avoid the development now causing unreasonable harm. In considering this, regard has been given to the fact that an outlook past the rear of the extension will remain (it does not run the full depth of the house) and there is secondary south facing glazing in an external rear door in the kitchen that will not be affected. The kitchen is of a scale that could incorporate a small dining table, however, the house also contains two reception rooms on the ground floor.

#### Impact on streetscene

4.5 The Council's Supplementary Planning Guidance relating to house extensions seeks to avoid terracing though requiring two-storey side extensions that abut a boundary to be set back at least 500mm from the front elevation. Because the spacing between the sides of properties in Muncastergate is relatively generous and because the spaciousness is an important local characteristic it was felt that a gap should also be retained to the side elevation of the house.

4.6 The applicants have amended their plans to retain a gap of around 1 m to the side garden boundary. The extension is also set back from the front elevation and set down below the main ridge height. It is considered that this is sufficient to ensure that the extension would appear subservient to the house and would not detract from the appearance of the area. It has been conditioned that the materials and detailing of the main house are followed through to the extension.

## 5.0 CONCLUSION

5.1 It is considered that the amended application is acceptable in respect to the impact on the adjacent occupiers and the impact on the streetscene. It is recommended that the application be approved.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The first floor of the extension shall be rendered to match the first floor of the existing dwelling and the adjacent horizontal brick course followed through into the extension.

Reason: To achieve a visually acceptable form of development.

3 VISQ1 Matching materials

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

Revised drawings DO1/877/03A and DO1/877/05 received by the Local Planning Authority on 24 February 2010.

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

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene and the amenity and living conditions of adjacent occupiers. As such the proposal complies with Policies H7 and GP1 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:** Neil Massey Development Control Officer (Wed/Thurs/Fri)

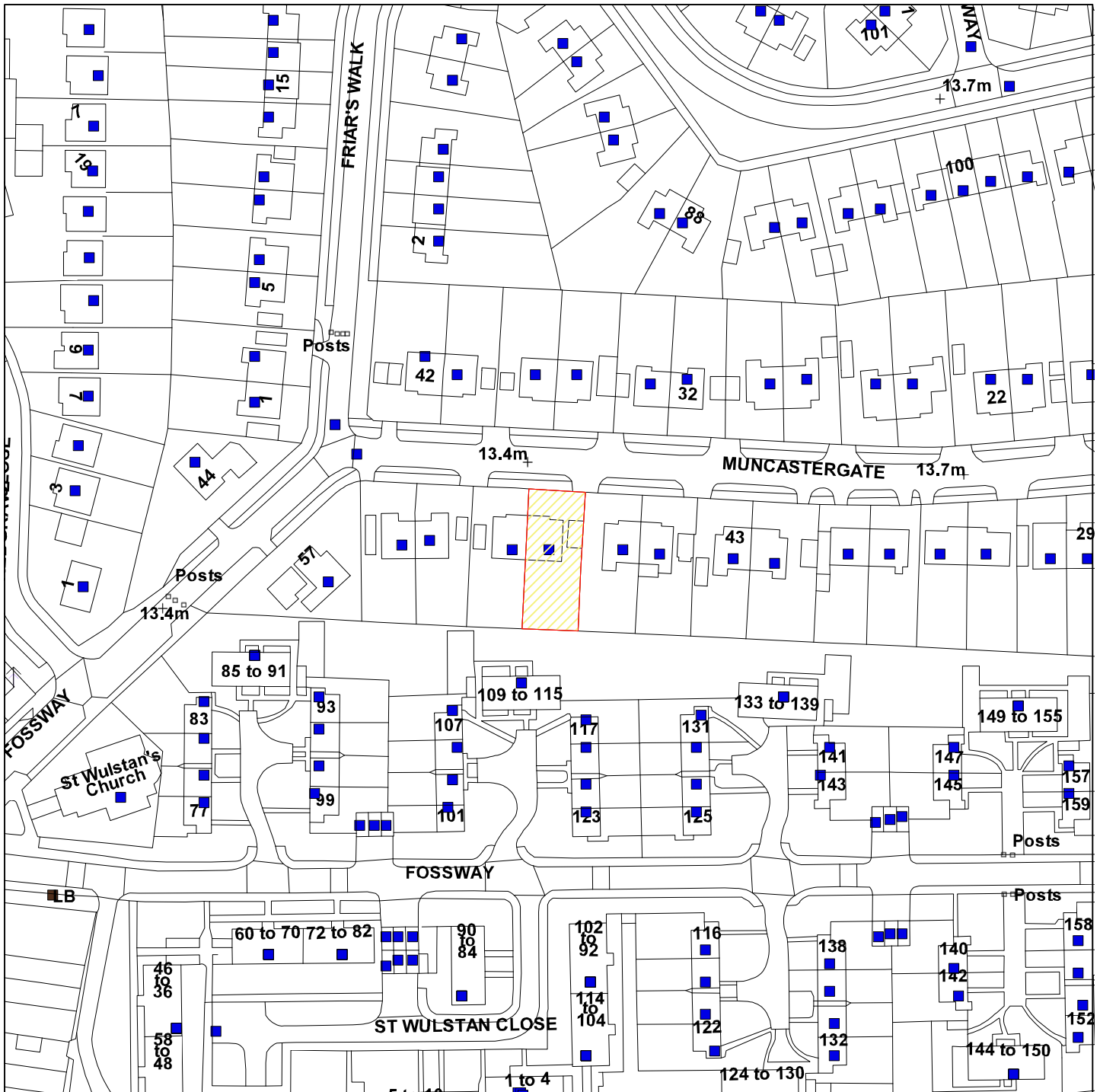
**Tel No:** 01904 551657

# 49 Muncastergate

09/02266/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	02 March 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 11 March 2010  
**Ward:** Strensall  
**Parish:** Strensall With Towthorpe  
Parish Council

**Reference:** 10/00087/FUL  
**Application at:** 5 Northfields Strensall York YO32 5XN  
**For:** Erection of 3no. dwellinghouses to rear of 5 and 6 Northfields (amended scheme) (resubmission)  
**By:** Moorside Developments Ltd  
**Application Type:** Full Application  
**Target Date:** 18 March 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full planning application for the erection of three terraced properties on land to the rear of 5 and 6 Northfields, Strensall.

1.2 The site is an area of land that was previously part of the rear garden area of 5 and 6 Northfields. The land has a frontage to Netherwoods, a small cul-de-sac located to the south of Northfields, from which it is proposed to access the site. The site extends to an area of 0.0424 ha.

1.3 The proposal is to construct a terrace of three, two bedroomed, dwellings running east to west on the site, although referred to as two bedroomed two of the units include stair cases to the second floor which is indicated as a "work from home" space but could effectively function as a third bedroom. Access to the dwellings will be via three single access points serving parking spaces in front of each unit. Cycle storage is provided in the rear garden of each unit and bin/recycling storage is to be provided in two areas on the west and east sides of the site. Cycle storage is within three separate timber, vertically boarded, buildings each measuring 1.2 metres by 2.2 metres with a mono pitched roof with a maximum height of 2.7 metres.

1.4 The details of the terrace scheme have been amended since first submission to lower the height of the dwelling to the west of the site thus reducing the overall massing of the scheme. The proposal as amended shows a terrace with a built frontage to Netherwoods of approximately 16.5 metres and the units being approximately 8.5 metres deep. The terrace is designed with a pitched roof, so that the units are two storey with a second floor in the roof space of two of the units on the east side and centre part of the terrace, standing 5 metres high to eaves and 8.2 metres to apex. The unit on the west of the site is two storey with no room in the roof space with a height to eaves of 4.3 metres and a height to the ridge of 7.2 metres.

## Planning History

1.5 Planning permission was refused for the erection of two semi detached houses in February 2006 (planning reference 05/02597/OUT). The reasons for refusal related to the density of the development being out of character with the street scene, the loss of landscape features on the site, proposed access to the site and relationship with properties on Northfields.

1.6 Planning permission was granted of a single dwelling on the site in April 2007 (planning reference 06/02710/FUL).

1.7 Planning permission was refused in August 2009 and dismissed on appeal in for the erection of a terrace of four properties. The reason for refusal on this application was the density of the development leading to an excessive area of hard surfacing to the front of the site, and the positioning of cycle and bin storage being located in a visually prominent location, would be detrimental to the visual quality of the area. The appeal supported the view that the amount of hard surfacing to the front of the site would be detrimental to visual amenity of the location.

## **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:

CYH4A  
Housing Windfalls

CYGP1  
Design

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYL1C  
Provision of New Open Space in Development

CYNE1  
Trees, woodlands, hedgerows

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 Highways Network Management - Comments awaited

3.2 Life Long Learning and Leisure - A contribution is required for off- site amenity space

3.3 Landscape Architect - This latest application for three units, instead of four, presents greater scope for planting within front gardens, thereby enabling a better street frontage.

3.4 Structures and Drainage - No objections in principle further detailed information about water run off, levels and attenuation measures is however required

#### EXTERNAL

3.5 Strensall with Towthorpe Parish Council - A development of three terraced houses is not in keeping with the style, design and layout of other buildings in Netherwoods, the bulk and massing of the proposed development would dominate the houses opposite, the level of car parking generated by this development and visitors to these properties will obstruct the road and increase the numbers of trips arising. If approval were to be given to this application green planting as proposed should be conditioned to be retained and the hedge and edge of the road should be replanted as a permanent feature of the development.

3.6 Six letters of objection have been received covering the following points :-

- Objection submitted on the basis of a resident's wish to preserve the nature and aesthetics of the local environment.
- The original permission for one dwelling was only granted after amendments were submitted
- The objections to 4 units pertain to 3 units and the inspectors appeal decision is relevant
- Detrimental to Netherwoods by virtue of number of units and overall density
- 3 units have larger footprint than the original approval
- 50% of the frontage would remain tarmac. This is totally out of keeping with the site's surroundings. New residents will use low planting areas for parking
- The wider parking issue remains. Netherwoods Close is narrow. If properties have more than one car this will result in parking on the road

- The developer has no altruistic 'starter home' motive for pursuing this development, it is purely financial. An application that is to minimise loss and which states may not go ahead demeans the planning process.
- Waiting for the housing upturn, which it is considered, has already started to allow the approved and started scheme to be completed seems the most reasonable course of action.
- The development is not considered to comply with policy GP1 of the local plan
- Does not comply with requirements of PPS1
- These houses would not fall in to the low cost housing category
- Majority of houses on Netherwoods have two cars. These houses have the potential to generate 6 or more cars. The development as proposed could not take the parking of vehicles adequately and vehicles would park on the road. Netherwoods is not designed to take this type of parking on the road and such parking would be a hazard to road users.
- The developer should proceed with his permission for one dwelling.
- If approved a condition should ensure hedges are planted and can not be removed at a future date, if removed should be replaced immediately
- The amended plan does not address that a total of eight bedrooms will require more than three car parking spaces
- The development will result in on-road parking, which cannot be accommodated with the design of the road into Netherwoods.
- On street parking will prevent normal services and emergency fire cover along Netherwoods.

Any further comments received as a result of the amended scheme will be reported direct to committee.

#### Publicity

3.7 The application has been advertised by means of a site notice posted on the 1st February 2010 and via neighbour notification. Further objector notifications were undertaken following the receipt of an amended plan. This further notification expires on the 9th March 2010.

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage

#### Policy Background

4.2 This planning application is for the erection of a terrace of three no. 2 bedroomed dwellings. Two of the dwellings have a "work from home" room within the roof space.



4.3 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but also over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments, which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.4 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development. In terms of design PPS3 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However when well designed and built in the right location it can enhance the character and quality of an area. Paragraphs 12 to 19 sets out further criteria for achieving high quality design.

4.5 Policy SP6 of the Draft Local Plan, 'locational strategy', requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

4.6 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features. Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the city centre, new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

4.7 Other Local plan policies relevant to the consideration of the detail of this application are:-

- Policy GP1 'Design' 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 GP3 'Planning Against Crime' requires new development where deemed appropriate to incorporate crime prevention measures

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

- Policy SP3 'safeguarding the historic character and setting of York' of the City of York Council Development Control Local Plan (CYCDCLP) gives a high priority to the protection of the historic character and setting of York. The policy requires the protection of the environmental assets and landscape features which enhance the historic character and setting of the City as well as the protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment.

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

#### Principle of residential development on the site

4.8 The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. Policy H4a deals with housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. GP10 says that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of new residential development on the site conforms with local and national policies.

#### Design and Landscaping

4.9 The previous application for the four dwellings consisted of a similar footprint to the original approval for one dwelling. The development was also lower in height and had a smaller volume. The scheme now submitted has a slightly bigger footprint than the original house but has a lower height and, according to the applicant's Design and Access statement, is overall the same volume. In design terms the structure proposed and that approved as a single plot are still considered to be visually similar, particularly since the submission of an amended plan which reduces the height of the eastern part of the block.

4.10 The decision on the application for the four units which was refused and dismissed on appeal, in addressing the totality of the scheme, concluded that the hardsurfacing for parking access and storage areas for bicycles and refuse was detrimental to the character and quality of the area, which in the Council and the Inspectors view, failed to respect the existing character and appearance of Netherwoods. The character of Netherwoods is to a significant extent defined by the quality of the landscape settings of the dwellings. The current proposal, by virtue of the reduced number of dwellings to three compared with the previous scheme for four dwellings, incorporates a reduced level of hardstanding to the street frontage, which allows for the inclusion of additional landscaping. The plans show that there will be a vehicular access for each property of approximately 3 metres in width, giving a total hard surface of 9 metres along the frontage with approximately 11metres of hedged boundary, behind which will be landscaped areas. Although this would still result in the ratio of planting to hardsurfaced area being less than that of the surrounding properties, officers consider that the level of planting will be sufficient to maintain the character of the area, and as a result the scheme could no longer be said to detract from the character and amenity of the area. The Landscape Architect indicates that the amended scheme enables a better street frontage to be provided.

## Highways, Access and Parking

4.10 Highways Network Management comments are awaited on this scheme. The concerns raised by local residents and the Parish Council regarding this development from a highways perspective are considerable. The main concerns focus on the lack of parking within the site leading to additional hazards for on street parking on a road that is narrow and located at the entrance to a cul-de -sac. The previous application for four properties on this site, which included four parking spaces for four houses, was considered to be acceptable on highway grounds. It is not anticipated that a different view will be advanced in respect of this revised application.

It will, however, be of importance that Highways Network Management consider whether the size of the parking space shown for each property (which measure 3 metres by 5.5 metres and which would extend right up to the front of the houses) is sufficient to accommodate a vehicle. If the parking spaces are of insufficient size (particularly width), it could result in future residents wishing to extend the parking areas into the areas of landscaping. The comments of Highways Network Management and their view on the size of parking spaces will be reported direct to Committee. Conditions are recommended to ensure that hardsurfacing is not extended without permission by both requiring full details to be submitted and agreed prior to the commencement of the development and by removing permitted development rights for future hardsurfacing areas.

## Impact on surrounding properties

4.11 The depth of the building is increased on this application meaning that the overall footprint is slightly larger. The depth on the western side will increase from 6.8 metres to 8.4 metres when compared with the original scheme for one house. One metre of the new depth is at single storey only, the remaining part of the end elevation facing the west boundary has been reduced in height to 4.3 metres at the eaves and 7.2 metres to the ridge, reflecting the original height of the permission for the single dwelling. Officers consider that the impact of the proposed development on the adjacent property to the west of the site, 12 Netherwoods, will remain similar to the approved scheme. On the eastern side of the site the building is again slightly deeper at 8 metres compared with 7.5 metres for the original dwelling, with one metre of the proposed structure at single storey only. The structure on the east side has also been moved back into the site by 1.5 metres. The end elevation on this side will be the same height to eaves as the single dwelling approved (5 metres) and about 0.5 of a metre lower at the ridge. Officers are satisfied that the changes in terms of impact of this scheme when compared with the approved dwelling are minimal and would not justify refusal of this proposal. The impact on properties to the north and south of the site would also be broadly the same as the approved single dwelling.

## Sustainability

4.12 The application is supported by a sustainability statement, which indicates that the development will achieve Code for Sustainable Homes level 3. The scheme also

includes photovoltaic panels to the roof and rainwater harvesting system for the units. The submitted information is considered to meet the requirements of GP4a and the Interim Planning Statement on Sustainable Design and Construction.

#### Open Space

4.13 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or a section 106 agreement.

#### Drainage

4.14 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy however further information is sought about drainage details. It is considered that a suitable drainage scheme could be achieved for the site and appropriate conditions could secure the information required.

### **5.0 CONCLUSION**

5.1 In officers opinion the principle of new residential development on the site conforms with local and national policies.

5.2 The particular design of the scheme for three dwelling units in terms of the bulk of the building and its relationship to adjacent properties is considered to reflect the approved single dwelling and is considered to be acceptable.

5.3 In terms of landscaping the plans show that there will be vehicle opening of approximately 3 metres wide giving a total hard surface of 9 metres and approximately 11metres of hedged boundary behind which will be landscaped areas. This still means that the ratio of planting to hardsurface area will be less than that of the surrounding properties, however in officers view the level of planting will be sufficient to reflect the character of the area such that the scheme no longer could be said to detract from the character and amenity of the area in this respect. The Council's Landscape Architect indicates that the amended scheme enables a better street frontage to be provided.

5.4 The comments of Highways Network Management are awaited, however, it is not anticipated that there will be any objections to the principle of the development given their comments on the previous proposals for this site. Officers do wish to be clear, however, that the hardsurfacing provided within each unit is satisfactory for the parking of a vehicle. Subject to clarification on this point it is considered that the current proposal can be supported in planning terms.

### **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

NS21 January 2010

NS22 January 2010

NS23 January 2010

NS24 January 2010

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 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.

4 VISQ8 Samples of exterior materials to be app

5 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 L1 of the City of York Draft Local Plan.

#### 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 £3726

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.

6 The development hereby approved shall be constructed to at least Level 3\*\*\* of CSH standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3\*\*\* of the Code a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the LPA.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

7 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development and a written letter from the installer of the technology, post build, verifying the installation has been installed should also be submitted to the Local Planning Authority. The site thereafter must be maintained to the required level of generation'.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

8 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, D, E and F of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: The proposal provides for a substantial amount of accommodation within a small site and 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.

9 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 thereafter the development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and that provision has been

made to maintain the proposed drainage system.

10 Prior to the commencement of the development details of all hard surfacing proposed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the hard surfacing shall be carried out in accordance with the approved details and shall be thus maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and surrounding area.

Note: condition 8 removes permitted development rights for any additional hard surfacing at this site.

11 Before development commences details of existing ground levels and finished floor, eaves and ridge heights shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual and residential amenity

## **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:

- Principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage.

As such the proposal complies with Policies H4a, H5a, GP1, GP10, GP4a, of the City of York Development Control Local Plan.

### **Contact details:**

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# 5 Northfields, Strensall

10/00087/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	01 March 2010
<b>SLA Number</b>	Not Set