



## Notice of meeting of

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

**To:** Councillors Horton (Chair), Reid (Chair), Crisp,  
Steve Galloway, Galvin, Gillies, Sunderland, B Watson,  
Morley and Bowgett (Substitute)

**Date:** Wednesday, 19 January 2011

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00am on  
Tuesday 18 January 2011 at Memorial Gardens.**

#### **1. Declarations of Interest**

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

#### **2. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of annex A to agenda item 6 on the grounds that this item contains information which is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

#### **3. Minutes (Pages 5 - 18)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 18 November 2010 and 15 December 2010.

#### **4. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5:00pm on Tuesday 18 January 2011**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

#### **5. Plans List**

To determine the following planning applications related to the West and City Centre Area.

- a) 31 Harlow Road York YO24 4JR (10/01966/FUL)** (Pages 19 - 24)  
Single storey side and rear extension after demolition of existing extension. *[Holgate Ward]*
- b) Water Works Landing Lane York (10/02519/FULM)** (Pages 25 - 38)  
Construction of water treatment works enclosed within a new building, new sub-station and new motor control centre kiosk. *[Holgate Ward]* **[Site Visit]**
- c) 130 Tudor Road York YO24 3AZ (10/02530/FUL)** (Pages 39 - 44)  
Two storey side extension and dormer to side and rear (resubmission). *[Westfield Ward]* **[Site Visit]**
- d) 18 Jute Road York YO26 5EN (10/02576/FUL)** (Pages 45 - 50)  
Single storey rear extension. *[Acomb Ward]*
- e) 39 St Pauls Square York YO24 4BD (10/02593/FUL)** (Pages 51 - 60)  
Erection of detached two-storey dwelling with front and rear dormer windows to side of 39 St Pauls Square. Alterations to existing front wall / railing to create access to 2no. car parking spaces. (revised scheme). *[Holgate Ward]*

**6. Enforcement Cases Update (Pages 61 - 174)**

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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

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

### **Scrutiny Committees**

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

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

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

**SITE VISITS**

**Tuesday 18 January 2011**

**Members of the sub-committee to meet at Memorial Gardens at  
11.00am**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>11:10</b>	<b>130 Tudor Road</b>	<b>5c</b>
<b>11:30</b>	<b>Water Works, Landing Lane</b>	<b>5b</b>

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 NOVEMBER 2010
PRESENT	COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, B WATSON AND MOORE (AS A SUBSTITUTE FOR CLLR SUNDERLAND)
APOLOGIES	COUNCILLORS SUNDERLAND AND MORLEY

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**30. INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
9 Lynwood View, Copmanthorpe	Councillors Galvin and Gillies	As objections had been received and the officer recommendation was for approval.
Cedar Court Grand Hotel, Station Rise	Councillors Crisp, Gillies, Galvin and Horton.	To familiarise Members with the site.
31 Fossgate	Councillors Crisp, Gillies, Galvin and Horton.	As objections had been received and the officer recommendation was for approval.
Café Nero, 2B Kings Square	Councillors Crisp, Gillies, Galvin and Horton.	As objections had been received and the officer recommendation was for approval.

**31. DECLARATIONS OF INTEREST**

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

Councillor Moore declared a personal non prejudicial interest in Plans Item 4F (31 Fossgate, York) as a member of York Youth Council had attended a meeting of the Parish Council on which he is a member and the Parish Council had agreed to pledge a sum of money to a (non specific) youth related project.

Councillor Horton declared a personal and prejudicial interest in Plans Item 4a (9 Lynwood View, Copmanthorpe) as the applicant's architect is a neighbour of his (and was speaking at the meeting) and he plays golf with the main objector to the application. He stood down from the chair and left

the room for this item and took no part in the debate or vote on this application.

Councillors Crisp and Gillies declared a personal non prejudicial interest in Plans Item 4h (Cedar Court Grand Hotel, Station Rise) as they are both members of the Visit York Board and letters of support had been received from Welcome to Yorkshire.

**32. MINUTES**

RESOLVED: That the minutes of the meeting of the West and City Centre Planning Sub Committee held on 21 October 2010 be approved and signed as a correct record subject to Minute 29 (Enforcement Cases Update) being amended to include the following "Some Members raised concern at the high level of enforcement cases".

**33. PUBLIC PARTICIPATION**

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

**34. 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.

**34a 9 Lynwood View, Copmanthorpe, York, YO23 3SW (10/01921/FUL)**

Members considered a full application by Mr Paul Horsman for one and two storey extensions to the front and side of the property.

Officers provided a verbal update on this application. They advised that a further letter of objection had been received from the occupant at number 3 Lynwood Close stating that the plot was too small, the extension would be an eyesore and it would impact on parking in the cul-de-sac.

They advised that paragraph 4.3 of the report which refers to the City of York Council's Supplementary Planning Guidance does not refer directly to building lines and quoted from paragraph 1.13 of the guidance which states that extending forward of the building line should be avoided: Only in exceptional circumstances will this be appropriate for example, where the building line is not well defined. They noted that a revised plan had been received which showed the proposed front bay window on plan and

revised the fence detail with the neighbour, and condition 3 (approved plans) would be suitably amended .

Representations were received from a neighbour at 8 Lynwood Close in objection to the application due to concerns over massing. He stated that the extension would extend the whole width and height of the house and bring the front forward by over 2 metres (stating that it would be a 100 cubic metre increase to the frontage of house) thereby dominating his own property. Furthermore he stated that the design and scale was not appropriate to the original building. He advised that the light assessment which had been carried out indicated that it would affect the amount of light to his own property during the afternoon and stated that the proposals would cause significant harm to the amenity of neighbours.

Representations were also received from the applicant's architect in support of the application. He stated that the design for the extension had been put together with the Village Design Statement in mind and that the proposals would not dramatically change the nature of the area, would not impose on other properties detrimentally and would have a minimal effect of overshadowing. He confirmed that the stepping of the building line would be maintained and obscured glazing would be used where required to prevent overlooking. In response to a question regarding the potential reduction in a car parking space, he confirmed that there would be one garage space and one driveway parking space.

Members acknowledged neighbours concerns regarding overlooking but were of the opinion that this issue had been resolved through the design and a high fence. They discussed the issue of overshadowing and whether there would be a loss of light to some properties and noted that this would be minimal and only affect the front of some properties noting that the neighbours all have reasonable sized plots. They also raised concerns about the loss of an off road parking space but acknowledged that condition 5 required the garage to be retained for parking vehicles and bicycles.

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

**REASON:** The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the dwelling, streetscene and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan, the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance and the Copmanthorpe Village Design Statement.

**34b Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01927/FUL)**

Members considered a full application by Miss Julie Bell-Barker for a replacement shop front at Thorntons Plc, 15 Parliament Street, York.

Members agreed that the proposed changes would benefit the street.

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

Reason: In the interests of the visual amenity of the Central Historic Core Conservation Area and the listed building.

REASON The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interests, character, and appearance of the listed building. As such the proposal complies with Policies HE4 and HE6 of the City of York Council Development Control Local Plan.

**34c Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01939/LBC)**

Members considered an application for listed building consent by Miss Julie Bell-Barker for a replacement shopfront, fascia sign and hanging sign at Thorntons plc, 15 Parliament Street, York.

Officer advised of some errors in paragraph 3.6 of the report and stated this should read that the individual cut lettering on the fascia sign is 5mm deep and would protrude from the fascia by 75mm. They advised that the protruding lettering on the fascia sign had been reassessed and it was considered that the lettering protrudes rather too far and may appear awkward and not fit in with the proportions of the shop front, therefore advised an additional condition in respect of this.

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

Additional Condition

The lettering to the fascia sign shall be mounted directly onto the fascia and not on locators. The letters shall have a maximum thickness of 5mm.

Reason: In the interests of the visual amenity of the Central Historic Core Conservation Area and the listed building.

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged

importance, with particular reference to the special interests, character, and appearance of the listed building. As such the proposal complies with Policies HE4 and HE6 of the City of York Council Development Control Local

**34d Thorntons Plc, 15 Parliament Street, York, YO1 8SG (10/01928/ADV)**

Members considered an advert application by Miss Julie Bell-Barker for the display of a numbered fascia sign and numbered hanging sign at Thorntons plc, 15 Parliament Street, York.

Officer advised of some errors in paragraph 1.2 and 3.7 of the report and confirmed this should state that the individual cut lettering on the fascia sign is 5mm deep and would protrude from the fascia by 75mm. They advised the Committee that the protruding lettering on the fascia sign had been reassessed and it was considered that the lettering protruded rather too far and may appear awkward and not fit in with the proportions of the shop front, therefore advised an additional condition in respect of this.

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

Additional Condition

The lettering to the fascia sign shall be mounted directly onto the fascia and not on locators. The letters shall have a maximum thickness of 5mm.

Reason: In the interests of the visual amenity of the Central Historic Core Conservation Area and the listed building.

REASON: The proposal, subject to the conditions listed in the report and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the host/listed building, the streetscene, and conservation area. As such the proposal complies with Policies GP21 and HE8 of the City of York Development Control Local Plan.

**34e 2B Kings Square, York, YO1 8BH (10/02045/FUL)**

Members considered a full retrospective application by Nero Holdings for a change of use from a shop (use Class 1) to a coffee shop (mixed use A1/A3) at 2B Kings Square, York.

Members discussed the proportion of retail and non retail premises in Kings Square and were advised that, for the purposes of assessing the

amount of non-retail premises in the primary shopping street, the Local Plan advised that Kings Square be calculated alongside Colliergate.

Officers explained that the application was for mixed use due to a high proportion of sales of takeaway drinks which meant it fell between café use and retail use and because it was non retail use it was subject to policy S3a of the Local Plan.

Some Members raised concern that if this application was approved it would alter the relationship between retail and non retail in this area and specifically would lead to the loss of retail premises on Kings Square. Other Members acknowledged that Kings Square already contained a mixture of uses and stated that it would not make a great difference to the area.

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

**REASON:** The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the retail function of the area, amenity, highway safety and the character and appearance of the conservation area. As such the proposal complies with Policies S3, S6, GP1 and HE3 of the City of York Development Control Local Plan.

**34f 31 Fossgate, York, YO1 9TA (10/01303/FUL)**

Members considered a full application by Mr Paul Herring, the City of York Council's Head of Young People's Services, for the change of use from an estate agents (use class A2) to a youth cafe at ground floor and associated meeting and training space at first floor level.

Representations were received from the applicant in support of the application. He expressed surprise at the requirement for the premises to close at 8.00pm which he stated he was not aware of. He advised Members that the previous week he had submitted a letter addressing some of the concerns raised by objectors and traders but which, due to an administrative error, had not been circulated to Members of the Committee at the meeting.

He advised the Committee that the proposals had received a lot of support and would provide a much needed meeting place for young people aged 13 to 18 in the city centre. In response to concerns raised about potential for anti social behaviour, he assured Members that any cases of such would be dealt with quickly and robustly. In respect of the recommendation that the premises should close at 8pm, he stated that this would appear to be treating the young people like children, not young adults, and could encourage them to hang around outside the facility after it closed. He advised he was happy with the proposal for a three year temporary permission with the opportunity to carry on after this period.

Members raised concerns about the impact it may have on Space 109, another facility on Walmgate but the applicant assured them that the two facilities had different target groups and focuses. Members also expressed caution over people congregating in front of the building and those arriving on mopeds and pointed out that this was a popular street with drinkers, but agreed that good management would deal with these issues.

Members agreed that the proposal would provide under 18s with a central location in which to meet friends from other areas of the city in a safe environment and expressed their support for a three year temporary arrangement. They agreed that the 10pm closing time requested by the applicant was acceptable acknowledging that by asking them to close at 8pm and send the young people home would not treating the young people with respect and giving them trust and agreed to amend condition 3 to reflect this.

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

Amended Condition 3

The premises shall only be open to customers/non-staff members between the hours of 09:00 and 22:00 each day of the week.

Reason: In the interests of the amenity of surrounding occupants.

REASON: The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, the vitality of the street, and the amenity of surrounding occupants. As such the proposal complies with policies GP3, HE3, S5 and S6 of the City of York Development Control Local Plan.

**34g Acomb Branch Library, Front Street, York, YO24 3BZ [10/01187/FUL]**

Members considered a full application from the Yorkshire Ambulance Service for the siting of a temporary portakabin for use as an ambulance stand by point to the rear of Acomb Branch Library, Front Street, York.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the adjacent conservation

area. As such, the proposal complies with Policy GP23 of the City of York Development Control Local Plan (2005).

**34h Cedar Court, Grand Hotel, Station Rise, York (10/02132/FUL)**

Members considered a full application by Acropolis Hotels Ltd for the erection of a temporary marquee on the rear garden deck of the hotel.

Officers circulated a written update which recommended an amendment to draft condition 3 which relaxes the timescale for introducing the landscaping on the lower deck to April 2011 on cost grounds as requested by the applicants. Officers also advised that draft condition 5 should be deleted based on comments received from the Environmental Protection Unit.

Officers informed Members that a licence under the Licensing Act, would be required to operate any amplified entertainment in the marquee. They stated they were content that through the Licensing Act, the Local Authority could take adequate steps to control the amenity of the adjacent office building's occupants and that it would be a management issue, in the interests of the hotel, to ensure their own guests were not disturbed in the evenings.

They advised that letters in support of the application had been received from Mulberry Hall on Stonegate and Welcome to Yorkshire. They advised that they considered the hotel to be an asset for the city and this would assist in its viability, providing valuable assistance in maintaining the listed building and that the proposed use would enhance the facilities the city could offer as a destination.

Representations were received from the applicant's agent in support of the application. He advised the Committee that the hotel had now been restored to a high standard and was now open for business. It would host conferences, exhibitions and events which would attract new business to York from customers who had perhaps not considered York as a destination before. He stated that the main function room was not large enough for this purpose and the proposed marquee would provide additional space for summer and Christmas events, with the intention to apply for a permanent single storey extension on the deck in due course. He confirmed that the hotel was aiming for a 5 star classification and it would provide wider tourism benefits for York, contribute to the local area and provide additional trade for other local hotels.

Some Members questioned the need to retain draft condition 5 which required a noise management scheme as they understood that the licence granted only allowed for amplified music to be played indoors. Officers advised that their suggestion to remove this condition had been based on comments received by EPU but that they would look into the issue and the condition would be retained if required.

Members agreed that the proposals had been well considered and were a good solution for the building.

RESOLVED

(i) That delegation be given to officers to approve the application after the consultation period has expired, subject to the conditions listed in the report and the amended condition below.

Amended Condition 3

The landscaping scheme listed in the approved plans shall be implemented as follows:

Landscaping to the upper deck shown on drawing L13 updated by R Smith, received 2.11.2010 (which introduces further evergreen species) to be implemented before 1.1.2011.

The planting schedule for the lower deck as shown on vector drawing VL10187 L14C received 7.10.2010 to be implemented before 1.5.2011. Any trees or plants which 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: In the interests of the historic setting and visual amenity.

(ii) That clarification be sought by officers to determine whether a noise management scheme condition is required or not and draft condition 5 be included/excluded based on the result of this.

REASON:

The proposal, subject to the conditions listed in the report, and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the historic setting and amenity. As such the proposal complies with Policies GP1, GP23, HE3 and HE4 of the City of York Development Control Local Plan.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.40 pm].

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 DECEMBER 2010
PRESENT	COUNCILLORS HORTON (CHAIR), REID (VICE-CHAIR), CRISP, STEVE GALLOWAY, GALVIN, GILLIES, SUNDERLAND, MORLEY AND BOWGETT (AS A SUBSTITUTE FOR CLLR B WATSON)
APOLOGIES	COUNCILLOR B WATSON
IN ATTENDANCE	COUNCILLOR ALEXANDER

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### **35. DECLARATIONS OF INTEREST**

Councillor Horton declared a personal and prejudicial interest in plans item 3a (Bright Street Post Office, 37 Stamford Street East) as the architect is a neighbour of his. He stood down from the Chair and left the room for this item and took no part in the debate or vote on this application.

### **36. PUBLIC PARTICIPATION**

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

### **37. 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.

#### **37a Bright Street Post Office, 37 Stamford Street East, York, YO26 4YE (10/02360/FUL)**

Members considered a full application from Mr Chris Cook for the conversion and alterations of the existing post office and dwelling to create two dwellings.

Officers briefed Members on the proposal and stated that although concerns had been raised about the loss of a three bed house, the Strategic Housing Market Assessment showed a need for both two and three bed houses and this proposal would lead to a net gain of one dwelling.

Representations were received from the applicant's architect in support of the application. He drew Members attention to a similar development of a betting shop on Bright Street which had been successfully divided into two units. He indicated that the cost of retaining the property as a three bedroom house would be prohibitive and not therefore economically viable and that amenity space was also tight. He stated that the property had been on the market since 2008 and this proposal was for an affordable scheme.

Representations were also received from Councillor Alexander on behalf of residents. He raised concerns that a lot of planning applications were being received for the subdivision of houses and there was a need to retain family housing in the area. He stated that dividing this property into two units would prevent it being used as a family home in the future.

In response to a query from Members, officers explained that development costs, ie the fact that the cost of the development of a property into a family house would make it unviable, could be taken into consideration as a planning issue but that it was up to Members how much weight they placed on this issue. They also confirmed that the Strategic House Market Assessment did not take account of sub areas when looking at housing need.

One Member expressed her concern about the size of the planned accommodation, particularly the first floors of the properties. She stated that the plans showed two double bedrooms but stated these were very small rooms with no outlook for one of the flats other than the back yard. She voiced the opinion that more respect should be given to the amount of space a person needs to live in.

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

**REASON:** The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to: principle of development; design; residential amenity; sustainability; and flood risk. As such the proposal complies with Policies GP1, GP4a, GP15a, H4a, L1c and S9 of the City of York Development Control Local Plan.

### **38. APPEALS PERFORMANCE REPORT**

Consideration was given to a report, which was also being presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31 October 2010. The report also provided a summary of the salient points from the appeals determined in that period together with a list of outstanding appeals as at 31 October 2010.

RESOLVED: That the report be noted.

REASON: To update Members on appeal decisions within the City of York Council area and inform them of the planning issues surrounding each case for future reference in determining planning applications.

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 3.20 pm].

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### **3.0 CONSULTATIONS**

#### INTERNAL

##### 3.1 NONE

#### EXTERNAL

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

### **4.0 APPRAISAL**

#### KEY ISSUES:-

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

#### RELEVANT PLANNING POLICY

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

4.2 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.3 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. Proposed extensions should have pitched roofs and the materials should match those of the main property. For single storey extensions, obscured glazing should be fitted to any essential windows facing the neighbouring boundary where there may be a loss of privacy for neighbours.

#### VISUAL IMPACT ON THE DWELLING AND AREA

4.4 The proposal seeks to replace the flat roof conservatory with a brick built extension which will join onto the existing brick extension to the front. A pitched roof will replace the existing flat roof. The extension will wrap around part of the rear elevation with the flue being re-positioned from the side to the rear. The design and scale of the extension is considered in keeping with the dwelling in line with policy

requirements set out in GP1 and H7. The extension and re-positioning of the flue is considered an improvement on the current structure, however due to the conifer hedging neither the existing or proposed extension is/will be particularly visible from the street.

#### IMPACT ON NEIGHBOURING PROPERTY

4.5 Due to the location and replacement nature of the extension there will be no impact on residential amenity of adjacent neighbours.

#### 5.0 CONCLUSION

5.1 The proposal, by virtue of its scale, design and location is in keeping with the appearance of the dwelling and will not harm residential amenity. Approval is recommended.

**6.0 RECOMMENDATION:** Approve

- |   |        |   |
|---|--------|---|
| 1 | TIME2  | Development start within three years        |
| 2 | PLANS1 | Approved plans - Drawings received 10.09.10 |
| 3 | VISQ1  | Matching materials                          |

#### 7.0 INFORMATIVES:

##### Notes to Applicant

##### 1. REASON FOR APPROVAL

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

##### Contact details:

**Author:** Elizabeth Potter Development Management Assistant  
**Tel No:** 01904 551477

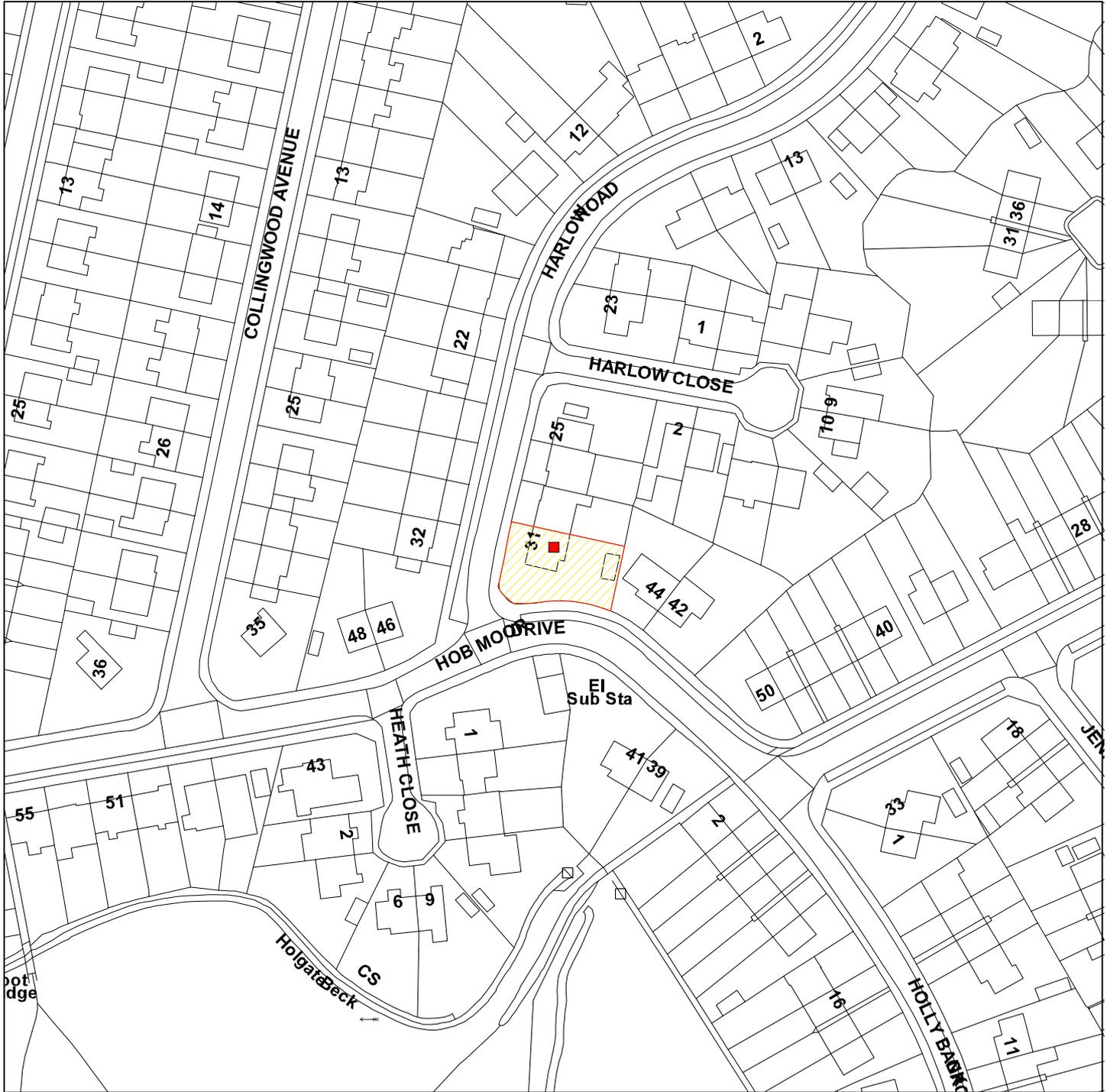
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# 31 Harlow Road, YO24 4JR

10/01966/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	06 January 2011
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 January 2011                      **Ward:** Holgate  
**Team:** Major and Commercial      **Parish:** No Parish  
Team

**Reference:** 10/02519/FULM  
**Application at:** Water Works Landing Lane York  
**For:** Construction of water treatment works enclosed within a new building, new sub-station and new motor control centre kiosk.  
**By:** Mr Mark Hewison  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 February 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application site is situated off Landing Lane within Acomb Landing Water Treatment Works in Holgate. The application site area is approximately 0.33 hectare, although the overall area of the site owned by Yorkshire Water is approximately 19 hectares. The Treatment Works provides the City of York with potable drinking water. The site has been used for water treatment since the nineteenth century. Over the years the water treatment works has been extended to meet supply and water quality regulations needs.

1.2 The main east coast railway lines are situated approximately 15m to the west of the development proposals. Beyond the existing water treatment plants to the east of the site lies River Ouse. On the opposite side of the Ouse lies an existing public footpath and cycleway. RSPCA and Water End are situated to the south, and Acomb, Poppleton and Clifton Ings to the north.

1.3 The purpose of the proposals is to construct a new Water Treatment Works to meet current drinking water standards. The proposals would consist of a new treatment plant building and associated access road, a high voltage sub-station building and a pump control panel kiosk, all of which would be situated within the existing flood protection wall.

1.4 In addition it is proposed to install new underground intake pipes by river Ouse. These operational development fall outside the consideration of this planning application as by virtue of part (g), Class E, Part 17, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, the proposed intake pipes do not require planning permission.

1.5 To reduce its scale and visual impact and to break up its overall massing the main water treatment plant as shown on the revised plans would consist of differential ridge heights which is reflected by its roof design. Whilst its maximum height of 11.55m would remain (as measured from the lowest ground level) the pitched roof which covers a large part of the building would reduce its overall height to 7.45m. The twin

steel silos adjacent would measure 13.6m high. The gross floor area of the building would remain unchanged (51.3m x 46.7m max).

1.6 The sub-station brick building to the west of the proposed water treatment works would measure 8.75m x 8.55m with an overall height of 3.7m, and the proposed pump control panel kiosk to the south of the treatment works would be a 2.5m high 'Holly Green' fibreglass structure. It would measure 3.65m x 9.15m.

1.7 The proposed treatment plant building would be partially situated above a disused slow sand filter. Prior to construction the abandoned slow sand filter will be filled by spoil imported from outside the treatment works site.

1.8 Existing access arrangements and car park would remain unchanged.

#### RELEVANT PLANNING HISTORY:

1.9 Acomb Landing Water Treatment Works has been the subject of a number of planning applications, none of which are directly related to the development proposals.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYGP15 Protection from flooding

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

## 3.0 CONSULTATIONS

EXTERNAL

Neighbours

3.1 Neighbours notified and site notice posted. One response received expressing the following concerns:

- the proposals would have a detrimental effect on the visual appearance of the area due to its height and the even higher silos adjacent;
- the proposed use of materials would detract the appearance of the area.

#### Environment Agency

3.2 No objections, although the following recommendations should be taken into consideration:

- there should be no raising of site levels;
- in areas at risk of flooding consideration should be given to the development of flood proofing measures
- emergency planning and rescue implications should be considered.

#### Network Rail

3.3 No objections subject to the following requirements:

- All surface and foul water must be diverted away from Network Rail property;
- all operations must be carried out in a “fail safe” manner such that no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line;
- all excavations and earthworks must not interfere Network Rail property or structures;
- security of the railway boundary will need to be maintained at all times;
- method statements may require to be submitted to Network Rail for approval prior to the commencement of development.
- if lighting is proposed adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated;
- all roads, paths and ways providing access to any part of the railway undertaker’s land must be kept open at all times

#### British Waterways

3.4 No response received.

INTERNAL

#### Highway Network Management

3.5 No highway objections. In reaching this decision the following were noted and considered relevant:

- the use is an extension of an existing and very well established use;
- access would remain unaltered;

- the site already has an existing network of concrete/tarmac roadways and these would be extended;
- site traffic is confined to maintenance, monitoring and sampling personnel;
- approximately 3500 tonnes of sludge cake (waste) is proposed annually and this volume would not substantially alter;
- it is not considered that construction traffic likely to be associated with this development would adversely affect the volume of traffic using Landing lane, Water End, A19 or A59.

### Countryside Officers

#### 3.6 No objections:

- The proposed scheme, including the new treatment plant building and associated sub station and MCC centre would have limited effect on local ecology and biodiversity.
- Nevertheless in terms of the site as a whole there are a number of opportunities for mitigation work and enhancement in the form of creation of new wildflower grassland and/or the management of existing habitats on site, including the control of invasive species. Such enhancement work would be particularly beneficial adjacent to the River Ouse, Poppleton Ings to the north and Clifton Ings floodplain meadow grassland across the river.
- Also of interest within this site are some of the old buildings associated with the treatment works.
- Many of these buildings have bat roost potential and whilst they are vacant at the moment, it may be proposed in the future to refurbish or convert some of these redundant buildings.
- If this is the case then bats will need to be taken into account with any proposed work and bat surveys will likely be needed, especially as there is also excellent foraging habitat on site. - The lagoons to the north of the site which are no longer used are also likely to have considerable wildlife interest and again this will need to be taken into consideration with any future plans for this area.

### Drainage Consultancy

3.7 Note that the proposed development is in high risk Flood Zone 3b, and defined as 'functional floodplain' in City of York Council's 2007 Strategic Flood Risk Assessment. This 'water-compatible' class of development is permitted within this Flood Zone, although the requirements set out by the Environment Agency must be satisfied. Drainage Engineering consultancy objected as insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

### York Northwest team

3.8 The development does not appear to impact on the York North West sites in terms of access and arrangements. Nevertheless the development should be as fully screened as possible to its northern elevation. The level of screening seems too low. Screening should be secured by condition.

Environmental Protection

3.9 No objections, standard informatives recommended.

**4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Scale, Design and Appearance
- ii. Highway considerations
- iii. Environmental considerations and residential amenity
- iv. Nature conservation
- v. Flood protection and drainage
- vi. Environmental Impact Assessment
- vii. Network properties

**SCALE, DESIGN AND APPEARANCE**

4.2 The main element of the proposals is a large 51.3m x 46.7m (max) water treatment plant building with a maximum height of 11.55m. It is the first of its kind within Acomb Landing Water Treatment Works, in that if approved it would be the first fully enclosed large scale water treatment plant in York. Whilst the site contains a number of water treatment plants and associated reservoirs, slow sand filters and tanks, many of which are currently disused and/or abandoned the screening provision afforded by these plants and structures are unlikely to be effective due to the overall scale and massing of the proposed treatment plant building. As such the building is likely to be highly visible when viewed especially from within the carriages of passing trains, Water End road embankment and the residential area on the opposite side of the railway lines. It may also have some visual implications, albeit to a much lesser extent, on wider areas including the public walkway and cycle path on the opposite side of River Ouse, Poppleton, Clifton and Acomb Ings to the north and beyond. In assessing the acceptability of the proposals in this location the following points have been taken into considerations:

i. Need:

4.3 According to the information provided the plant capacity has been down rated since 1999 due to process limitations. Currently only two of the four treatment streams on the site are operational. The remaining treatment streams require a high level of manning to maintain the required quantity and quality of water going into supply due to the equipment age and obsolete treatment processes on the site. To address the treatment and supply risks associated with the existing plant, the feasibility study commissioned by Yorkshire Water recommended that a new fully enclosed water treatment work is required to meet the current drinking water standards.

ii. Alternative locations:

4.4 Sites outside Acomb Landing Water Treatment Works have been explored by Yorkshire Water. Nevertheless due to restrictions relating to water abstraction Yorkshire Water have a license to abstract water from the River Ouse in this location only. They cannot abstract water from other locations in York.

4.5 Furthermore, it is considered not possible to locate the Water Treatment Work outside York as water would have to be pumped from the existing site to a new location and then pumped back to Acomb Landing for distribution into the water supply system. The energy wasted in doing so is considered to be unfeasible. Equally due to operational restrictions and environmental implications it is not considered practical, in the long term to balance the current demand by importing water from Elvington Water Treatment Works as this would affect water supply elsewhere.

iii. Mitigation measures:

4.6 The scheme as originally proposed was a large single pitched building with a maximum ridge height of 11.55m as measured from the lowest ground level. Due to its scale, massing and dominance in relation to the surrounding settings together with its bland appearance the original scheme was deemed unacceptable. To reduce its scale and to break up its overall massing without harming the operational requirements of the treatment plant the latest plans show the proposed building would consist of differential heights which is reflected by its roof design. Whilst the overall footprint of the building would be unaltered and the maximum height cannot be reduced due to the need for an overhead crane to travel horizontally along the gallery a separate and much lower pitched roof is proposed to cover the rest of the building outside the gallery. To fully enclose the 'air scour blowers' and 'GAC feed pumps' a small localised raised roof is also proposed on the northern part of the building. The result is a scheme which its scale has been reduced as much as it is reasonably possible while the differential heights reflected by the roof design has helped to break up its overall massing and reduce its blandness.

4.7 To further reduce its visual impact and to address the concerns raised by York North West team a landscaping scheme facing the railway lines is proposed within the grassed area, details of which will be secured by a standard landscaping condition if approval is recommended (condition 4).

4.8 Whilst the latest revised scheme would remain visible from various viewpoints it is considered, having taken the above into account, that the need for a new water treatment plant of the scale proposed in this location is necessary in order to provide a sustainable and long term solution to drinking water supply in York. Due to economic, environmental, legal, logistical and other operational reasons the proposed water treatment plant cannot be located elsewhere. Furthermore, as mentioned above the overall size and scale of the building has been reduced as much as it is reasonably possible without harming the operational requirements and compromising the current drinking water standards. Overall it is considered that very little can be achieved other than that described above to reduce its visual impact and at the same time maintain sufficient quantity and improve the quality of drinking water for York's residents.

4.9 The design, scale, appearance and location of the associated high voltage sub-station building and pump control panel kiosk are considered to be acceptable.

Notwithstanding the overall height of the twin silos adjacent to the proposed water treatment plant due to their diameters (3.5m each), it is unlikely that the proposed silos would have an adverse effect on the visual appearance and amenity of the locality.

### HIGHWAY CONSIDERATIONS:

4.10 In considering the impact of the scheme upon the existing highways it is noted that the proposal is an extension, and to a large extent, a replacement of an existing and very well established water treatment works. Furthermore, once the scheme is in full operation the site traffic would be confined to maintenance, monitoring and sampling personnel where the number of visits is unlikely to be more frequent than the existing arrangements. In addition the site has an existing network of concrete/tarmac roadways and these would be extended. It is also considered by the Highway Network Management team that the existing roads serving Acomb Landing Water Treatment Works are suitable for all classes of vehicles. Given the above, and the fact that access into the site would not be altered, it is unlikely that any traffic associated with the proposals before or after the construction process would adversely impact on the volume of traffic using the public highways and create conditions prejudicial to highway safety. No objections have been raised by Highway Network Management.

### ENVIRONMENTAL CONSIDERATIONS AND RESIDENTIAL AMENITY.

4.11 The purpose of the application is merely to upgrade/replace the existing old water treatment equipment. Given the nature of the proposals and its distances from the residential area on the opposite side of the railway line (approximately 120m away from the nearest residential property 37 Lavender Grove and over 180m away from 25 Priors Walk) it is not considered that any nuisances relating to the proposals would be materially greater than that exist within the existing Water Treatment Works site. No objections have been raised by Environmental Protection subject to the imposition of informatives. In the interests of residential amenity a condition has been recommended to restrict the hours of construction and demolition works (condition 7).

### NATURE CONSERVATION

4.12 It is considered that the site where the building would be situated does not have any Great crested newt or other ecological interests. Although meadow species are present in the grass area around the application site they would not be affected by the proposals. As such the proposed scheme including the new treatment plant building and associated sub station and pump control kiosk would have limited effect on local ecology and biodiversity. Whilst there are a lot of interests within the site as a whole and there are a lot of opportunities for mitigation work and enhancement across the site these areas fall outside the application sites. Thus for the purpose of assessing the merits of the proposals these potentials and opportunities cannot be imposed by way of planning conditions, bearing in mind that planning conditions can only be imposed on matters which are directly relevant to the development proposals. This applies also to the bat roosting potential in some of the old buildings within the treatment works site.

### FLOOD PROTECTION AND DRAINAGE

4.13 According to Environment Agency most of the proposed water treatment building would be set above the modelled 1 in 100 year flood level. Furthermore the proposals, including the associated sub-station building and MCC kiosk are situated within Yorkshire Waters flood protection wall. As such no objections have been raised by Environment Agency, although regard should be had on the adequacy of emergency response and evacuation procedures in the case of a flood. In the interests of site safety these recommendations will be secured by condition (condition 8). An informative has also been recommended to advise the applicant to take into consideration flood proofing measures in areas at risk of flooding.

4.14 The drainage details requested by York Drainage Consultancy are expected to be submitted and approved in writing by the local planning authority prior to the commencement of development. These are recommended to be secured by condition (condition 9)

#### NETWORK RAIL PROPERTY

4.15 Network Rail have no objections to the principle of the development. Nevertheless due to the distance between the development proposals and the electrified railway issues regarding drainage, the use of crane and plant, excavations and earthworks, security, method statements, lighting and access to railway have been raised to ensure works associated with the proposals would meet Network Rail's requirements. These requirements have been drawn to the applicants' attention by way of informatives, although in the interests of railway safety and to minimise disruption and inconvenience conditions requiring method of work statement and external lighting details to be submitted prior to the commencement of development have been recommended (conditions 5 and 6).

### 5.0 CONCLUSION

5.1 Given the demonstrated need and the functional requirement of the proposal it is considered that the revised proposals are acceptable and accord with policies CYSP3 (Safeguarding the Historic Character and Setting of York), CYGP1 (Design), CYNE2 (Rivers and Stream Corridors), CYGP15 (Protection from flooding), CYNE6 (Species protected by law), CYNE7 (Habitat protection and creation) of the Development Control Local Plan.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

D5001 - 2002 Rev A4 Treatment building elevations sheet 2 of 2;  
D5001 - 2001 Rev A4 Treatment building elevations sheet 1 of 2;

D5001 - 2000 Rev A4 Proposed treatment works location and site plans;  
D5001 - 2004 Rev A1 HV building and MCC kiosk plans and elevations; and  
D5001 - 2008 Rev A1 Proposed treatment building floor plan

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

3 VISQ8 Samples of exterior materials to be app

4 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.

5 Prior to the commencement of the works hereby permitted, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented and complied with unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption and inconvenience to the users of the adjacent railway and public highways.

#### INFORMATIVE

To satisfy this condition the applicant is expected to enter into an asset protection agreement with Network Rail to ensure works will be carried out in a "fail-safe" manner. Full details of the agreement is expected to be included in the method of works statement. The statement should also include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations.

6 Prior to the commencement of development details of the external lighting shall be submitted to and agreed in writing by the local planning authority. Thereafter the external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenities of the area and in the interests of railway safety.

7 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenities of adjoining occupants.

8 Prior to the commencement of development details setting out the emergency responses and evacuation procedures in the case of a flood shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented and complied with before, during and after a flood.

Reason: So that the Local Planning Authority may be satisfied that adequate procedures and responses associated with flooding is achieved.

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 carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

#### INFORMATIVE

To satisfy this condition the following information is expected to be submitted to and approved in writing by the Local Planning Authority:

i. Details to include calculations and invert levels of the existing surface water system together with details to include calculations and invert levels of the proposals for the new development.

ii. A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties.

iii. The development should not be raised above the level of the adjacent land. Existing and proposed surfacing should be specified.

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

v. Peak run-off from developments should be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, should accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model should also include an additional 20% allowance for climate change. The modelling should use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

10 HT1 11.55m

#### 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 visual amenity, highway considerations, environmental protection, residential amenity, protection against flood risk, nature conservation and drainage. As such the proposal complies with Policies SP2, SP3, GP1, GP15, NE2, NE6, NE7 and NE5a of the City of York Development Control Local Plan.

### 2. NETWORK RAIL

The applicant is advised to comply with the following Network Rail's requirements, and if further information is needed please contact Network Rail's Asset Protection Engineer Team at Network Rail, Floor 1B, George Stephenson House, Toft Green, York, YO1 6JT:

i. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

ii. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

iii. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

iv. Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

v. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

vi. Network Rail is required to recover all reasonable costs associated with facilitating these works.

### 3. CONTAMINATED LAND

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

#### 4. CONTROL OF POLLUTION ACT 1974

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

- i. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- ii. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- iii. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- vi. 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 on the site.

**Contact details:**

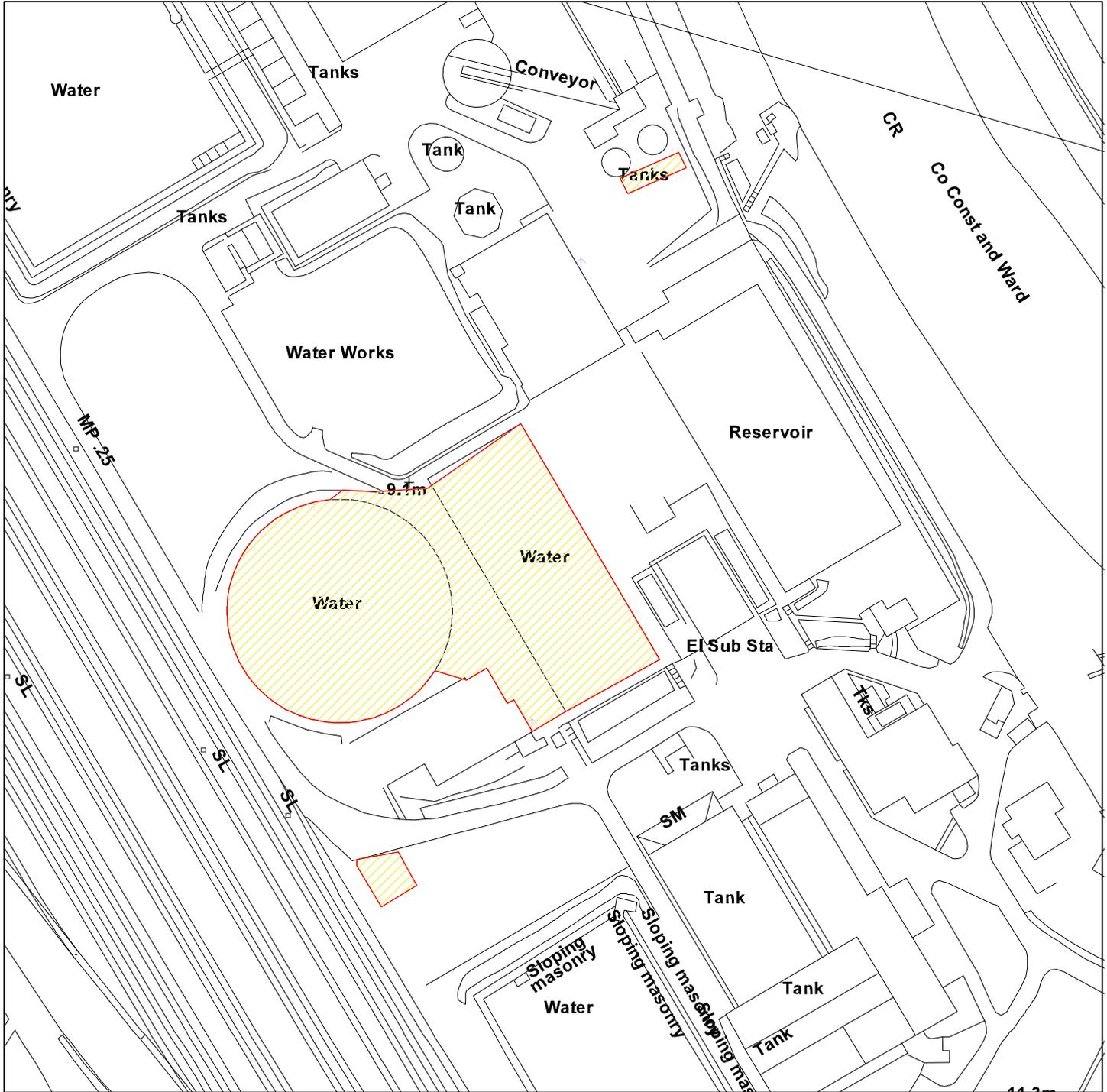
**Author:** Billy Wong Development Management Officer  
**Tel No:** 01904 551344

# Water Works, Landing Lane

10/02519/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	06 January 2011
<b>SLA Number</b>	Not set

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### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - No objections in principle subject to condition.

#### EXTERNAL

3.2 PUBLICITY - The application was advertised by neighbour notification letter. One response has been received from 75 Gale Lane objecting to being overlooked by the proposed side dormer.

A revised drawing has subsequently been submitted removing the window from the dormer.

### **4.0 APPRAISAL**

#### KEY ISSUES:-

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

#### RELEVANT PLANNING POLICY

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

4.2 Draft Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.3 The City of York Council Supplementary Planning Guidance - Guide to extensions and alterations to private dwelling houses (2001) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling and should also appear subservient. The appearance of the side extension will be improved if it is set back from the main building. The scale of the new extension should not dominate the original building, it should be set back by at least 0.5m and have a lower ridge height than the main dwelling. Proposed extensions should have pitched roofs and the materials should match those of the main property. Dormers should not extend more than one third of the roof span and should not dominate the existing roof.

## VISUAL IMPACT ON THE DWELLING AND AREA

4.4 The two storey side extension will provide a garage and utility room to ground floor and a bedroom and bathroom to first floor. A fourth bedroom is to be created in the loft. The extension has been designed to reflect the appearance of the dwelling and has been set back by 0.5m from the front elevation and set down so that it appears subservient to the main dwelling as required by CYC Supplementary Planning Guidance. The garage to the front will provide storage for cycles and bins with an access through the utility room to the rear garden if necessary. There are at least two off street car parking spaces currently provided to the front of the dwelling and drive to side, with the front garden remaining gravelled in order to provide 2no. car parking spaces.

4.5 The side dormer extends the full width of the two storey extension and has been set down from the ridge of the extension. The originally proposed window has been removed from the scheme to prevent a loss of privacy to neighbouring properties. The rear dormer, whilst measuring 2.8m in width, is well proportioned within the rear roof slope, due to the additional width of the two storey extension and both dormers are to be constructed in matching materials. Due to their scale and design the dormers are not considered to be inappropriate additions to the dwelling, given that there are examples of similar styled dormers and roof extensions in the locality.

## IMPACT ON NEIGHBOURING PROPERTY

4.6 The neighbouring properties, 75 Gale Lane and the new dwelling which has been constructed in the garden of this property are situated to the west of the application site. The extension will be positioned along the rear boundary wall with these dwellings. Due to the 9m separation distance and orientation of the properties there will be limited impact to these neighbouring properties with regard to overshadowing - the submitted sunlight daylight assessment shows that approx. 2.5m of additional garden will be overshadowed during early mornings only.

4.7 There are no windows proposed to the side elevation and as such there will be no loss of privacy to neighbouring properties. Due to the dormer's proximity to the boundary it is considered that it will appear as a dominant and relatively overbearing addition to the two storey extension when viewed from the rear of these two properties. However as the objection from the neighbour with regard to overlooking has been addressed by removing the window from the dormer, it is considered that the overall harm to residential amenity is not so significant as to warrant refusal. It is also noted that there are examples within the area of similar sized dormers (with windows) overlooking rear gardens, however it is acknowledged that they are not as close to neighbouring properties as the proposed dormer.

## 5.0 CONCLUSION

5.1 The proposed extension, by virtue of its scale, design and location, is not considered to harm the appearance of the dwelling and will not cause significant harm to residential amenity. Approval is recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Revised drawing 01/22/05A received 05.01.11
- 3 VISQ1 Matching materials
- 4 HWAY30 Non-protruding garage doors
- 5 PD5 No additional openings in side elevation

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

1. REASON FOR APPROVAL

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

**Contact details:**

**Author:** Elizabeth Potter Development Management Assistant  
**Tel No:** 01904 551477

# 130 Tudor Road, YO24 3AZ

10/02530/FUL



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	06 January 2011
<b>SLA Number</b>	Not set

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

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

4.4 The proposed extension is to be sited within the rear garden, and sufficient amenity space will be retained. Though the extension is relatively long, at approx. 4.7 metres, it is still considered to be an acceptable scale in relation to the original dwelling. The height proposed is relatively modest, and matching materials and fenestration are proposed. Being sited to the rear it will not be open to public view, and it is not considered to harm the appearance of the dwelling nor surrounding area.

4.5 High hedging abuts the site along the rear boundary and fencing approx. 2 metres high are sited along the common side boundaries with Nos. 16 and 20 Jute Road. The extension will set more than 3 metres off the common boundary with No. 16 Jute Road, taking this into account, along with the boundary treatment in place and modest height of the proposal, it is not considered any loss of neighbouring amenity will occur due to loss of privacy; visual amenity nor loss of light/overshadowing.

4.6 The major impact will be upon No. 20 Jute Road - the length of the extension, being sited along the common boundary is considered to be significant, however taking into account the modest height proposed, along with the hipped roof design; and taking into account permitted development rights for a fence along a common boundary up to 2 metres high, and a rear extension projecting 3 metres being permitted; it is not considered to be so detrimental as to warrant refusal. Only high level windows (1.7m above floor level) will face this neighbouring dwelling, thus no significant loss of privacy will occur. Due to the orientation of the dwellings no overshadowing will occur.

## 5.0 CONCLUSION

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

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 VISQ1 Matching materials
- 3 PLANS1 Approved plans - DNJ-AP-001 received on 10.11.10.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001)

**Contact details:**

**Author:** Carolyn Howarth Development Management Assistant

**Tel No:** 01904 552405

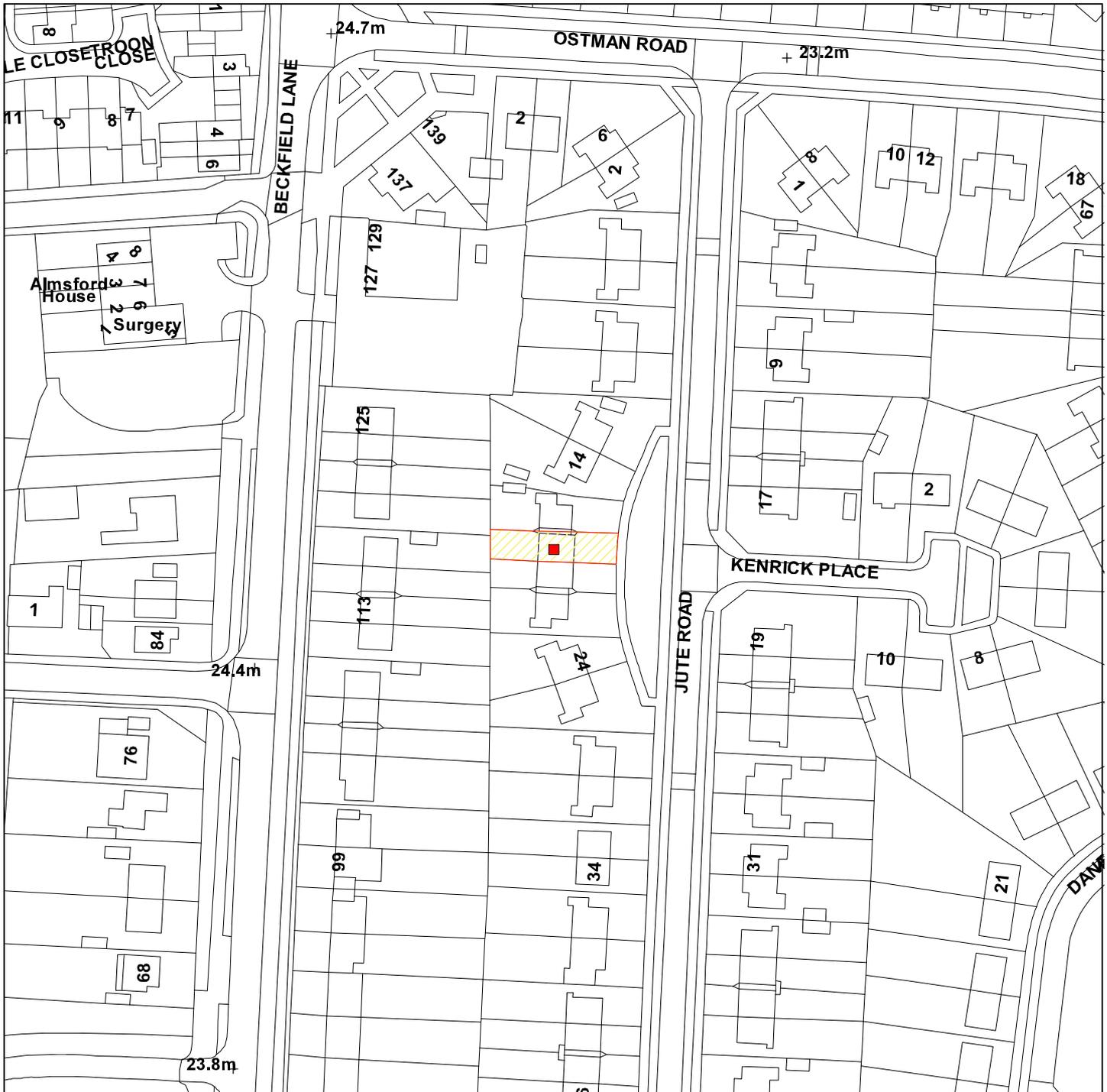
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# 18 Jute Road, YO26 5EN

10/02576/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	06 January 2011
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 19 January 2011                      **Ward:** Holgate  
**Team:** Major and Commercial      **Parish:** No Parish  
Team

**Reference:** 10/02593/FUL  
**Application at:** 39 St Pauls Square York YO24 4BD  
**For:** Erection of detached two-storey dwelling with front and rear dormer windows to side of 39 St Pauls Square. Alterations to existing front wall / railing to create access to 2no. car parking spaces. (revised scheme)  
**By:** Mr and Mrs Gardiner  
**Application Type:** Full Application  
**Target Date:** 11 January 2011  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The application site is approximately 429 square metres in size and is related to a group of service buildings to the rear of a large house (No.128) on Holgate Road. Currently used as a vegetable garden, the site has a frontage to the one way access road linking Holgate Road to St. Paul's Square.

1.2 Located to the south west of St. Paul's Square, the front boundary comprises a low brick retaining wall surmounted with original railings approximately 1 metre above pavement level. Immediately adjacent to the southern boundary is No.40 St. Pauls Square, a single storey dwelling converted from a former workshop. To the north, are a pair of Grade II listed 19th Century houses and on the western boundary, lies No.1 Enfield Crescent, a two storey dwelling converted from a 19th century coach house. The site lies within the Holgate Road / St. Paul's Square conservation area.

1.3 Members may recall that an application for the erection of a six bedroomed two storey dwelling with accommodation in the roof was considered at the August 2010 Committee. The proposal involved the refurbishment of the existing front boundary walls and railings and as such, provided no vehicular access / off street parking. Members refused the application on the basis that the proposed development would result in an increased demand for on-street parking in an area where present demand for available on-street parking in the vicinity of the site is high.

1.4 This application is a revised scheme which details off street parking set behind wrought iron drive gates.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: St Paul's Square / Holgate Road CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: St. Paul's CE Primary 0229

## 2.2 Policies:

CYGP4A  
Sustainability

CYT4  
Cycle parking standards

CYH4A  
Housing Windfalls

CYL1C  
Provision of New Open Space in Development

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYHE2  
Development in historic locations

CYH4  
Housing devp in existing settlements

CYGP15  
Protection from flooding

## 3.0 CONSULTATIONS

Internal

Design Conservation and Sustainable Development

3.1 In principle the proposed siting and design of the new dwelling would preserve the character and appearance of the conservation area and the setting of listed buildings within the square.

3.2 With respects to revised parking, boundary and frontage proposals, it is noted that there is no other frontage parking in the square. Concerned that the level of car parking area and associated retaining wall will result in predominantly hard landscaping. The visual relationship of entrance gates with front elevation is visually poor. There are 2-3 houses in square which are not listed. Concerned that granting permission for frontage parking would be seen as a material consideration should an application be made for frontage parking at the unlisted properties. Since vehicles will be restricted from parking in the street in front of the property, it appears there will be no net gain in the number of parking spaces available. As a consequence, do not see the provision of parking spaces as outweighing the harm to the character of the conservation area.

#### Highway Network Management

3.3 No highway objections subject to conditions that the proposed dwelling is to be accessed via a new dropped vehicular crossing, which provides access to 2 No. car spaces. Covered and secure cycle parking is to be provided and should be secured through a condition.

#### Environmental Protection Unit

3.4 No objections.

#### Lifelong Learning and Culture

3.5 As there is no on site open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

#### York Consultancy (Drainage)

3.6 Object to original submission on the grounds of insufficient information. Comments awaited with respects to additional information received.

#### External

3.7 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 31.12.2010.

3.8 Comments have been received from the occupants of 40 St. Paul's Square expressing concern that it is now proposed to provide off street parking. This could mean disturbing the wall of their house due to the extent of earth that would need to be moved. Also, one of the parking spaces to the front of the property would be lost in providing access and as the proposed house is large, there may be further pressure for more parking.

### **4.0 APPRAISAL**

4.1 The key issues are considered to be:

- principle of residential development
- sustainability
- impact on conservation area / setting of listed building
- highway safety
- residential amenity
- flood risk and drainage

#### POLICY CONTEXT:

4.2 Relevant Central Government guidance is contained in the following documents:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Planning Policy Statement 3: Housing (PPS3) was re-issued in June 2010 to accommodate two main changes: the exclusion of private residential gardens from the definition of previously developed land and the deletion of a national indicative density of 30 dwellings per hectare. The objectives of the document remain the same. That is, to make effective and efficient use of land and achieve high quality mixed housing that is suitably located.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) aims to conserve the historic environment and its heritage assets.

Planning Policy Statement 25: Development and Flood Risk (PPS25) aims to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk. It sets out a risk-based approach with the submission of flood risk assessments and a sequential approach for determining site suitability.

4.3 Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

#### PRINCIPLE OF DEVELOPMENT

4.4 The site comprises the historic garden curtilage of a dwelling house that fronts onto Holgate Road. The site constituted brownfield land at the time the previous application was submitted, but the recent changes to PPS3 have removed private residential gardens from the definition of previously developed land. However, the garden to 126 Holgate Road is large, extending behind the rear of 40 St. Paul's Square, and has a frontage to the road linking Holgate Road with St. Paul's Square. The development would constitute infilling of an underused plot located within the urban area of the City, in a largely residential area and with good access to public transport routes and local facilities.

4.5 The density of development is considered to be acceptable and compatible with the surrounding area, taking into account the various site constraints of flood zones, protected trees, conservation area status, and residential amenity. As a result, it is considered that the principle of development of the site for one dwelling would be appropriate in terms of the aims of PPS1 and PPS3 and policy H4 and GP10 of the local plan.

## SUSTAINABILITY

4.6 Local Plan Policy GP4a states that proposals for all development should have regard to the principles of sustainability such as accessibility of the site by means other than private car, high quality design, the use of new non renewable resources and the use of renewable resources on site. The application is supported by a sustainability assessment, albeit brief, which refers to the accessibility of the site and the intention to minimise pollution and the use of non renewable resources. The agent states that solar panels are to be considered as a renewable source of energy and should the application be approved, conditions could be attached to the approval to ensure compliance with the requirements of the Council's Interim Planning Statement on Sustainable Design and Construction, which seeks dwellings to meet as a minimum Code for Sustainable Homes Level 3 and for a minimum of 5% of the energy demand for the development to be met through on site renewable generation for heat and/or electricity.

## IMPACT ON CONSERVATION AREA

4.7 The application site is located in the St. Paul's Square / Holgate Road Conservation Area and is sited to the south west of the square. It is quite distinct in character from the formal square, instead related to a group of service buildings to the rear of the large house on Holgate Road. The service buildings, attractive boundary wall and railings and the relationship of the use to the main house are considered to make a positive contribution to the character of the conservation area. Due to the distinct character of the site, it is recognised that its development could have a significant impact on the surrounding area and consider that a high quality design and materials are essential, particularly as the character of the site is to be changed with a dwelling designed to be more reflective of the formality of the square. Policy HE2 of the local plan requires that within conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.8 The proposed dwelling has been designed to reflect the prevailing neo-classical style of the majority of the dwellings within the square and is distinctly separate and of different character from sites on the southern side of the square, the frontages of which face onto Holgate Road. It is considered that the proposed dwelling neither defers to, nor dominates the scale of its neighbours and sits comfortably with the historic character and appearance of houses fronting the square. The eaves and ridge height correspond fairly closely to those of the neighbouring property and the articulation of the front elevation reflects the rhythm of both the neighbouring pair of dwellings and the prevailing pattern in the square. With the exception of submitted details relating to the brackets at either end of the gutters, the large scale details

submitted with this application, which were of concern in the consideration of the previous scheme, are deemed to be acceptable.

4.9 Although Officers are satisfied with the principle of a dwelling on this site and consider that the proposed siting and design of the dwelling would preserve the character and appearance of both the conservation area and adjacent listed buildings, there are concerns with respect to the proposal to incorporate frontage parking. This would involve alterations to the existing front boundary wall and railings with the provision of wrought iron gates behind which would be two on site car parking spaces.

4.10 In the consideration of the previous scheme, Officers balanced the problems of introducing a 6 bedroomed dwelling with no off street parking into an area which is already under pressure from on street parking against the harm which would be caused to the character of the conservation area, through the provision of off street parking. A defining characteristic of this part of the Conservation Area is considered to be that properties in the "formal" square do not have frontage parking. Front gardens are enclosed and there is a predominance of soft landscaping. It is considered that comparisons cannot be made with houses with off street parking on the south side of the square which front onto Holgate Road or with No 40 Holgate Road, which comprises a converted former service building to a large house fronting Holgate Road, which are distinctly separate and of different character from the houses fronting onto the square.

4.11 Implications of introducing frontage parking include the impact of the alterations to the front boundary walls and railings which, in themselves contribute to the historic character of the street, and also through the levelling of the car parking area and the associated retaining wall, a predominance of hard landscaping. Also of concern is the visual relationship of the entrance gates to the front elevation, which rather than being centred on the front door as with the rest of the square, line up with a window to the side of the entrance door.

4.12 With the creation of a vehicular access to the proposed dwelling, it is noted that one on street parking space would be lost as a result of this proposal. Therefore the harm to the appearance of the conservation area resulting from the creation of off street parking would only be offset by one additional parking space overall.

4.13 For the above reasons, it is considered that the proposal to create off street parking would be harmful to the character and appearance of the Conservation Area and as such conflicts with Local Plan Policy HE2 and policies 7.2 and 9.4 of PPS5, by undervaluing the significance of the heritage asset as a whole, and by failing to acknowledge the contribution of the proposals to the wider setting and views of some of York's most valued heritage assets.

## HIGHWAY SAFETY

4.14 The Highways Officer had recommended refusal to the previous scheme on the basis that in the absence of any off-street parking provision, parking demands would

be displaced onto the adjacent public highway, which is already under pressure from on street parking, which in turn would be detrimental to the free flow of traffic and safety. Given that this revised scheme details 2 No. car parking spaces with storage in the garden shed for up to 4 No. cycles, there are no objections to this revised scheme on highways safety grounds.

#### RESIDENTIAL AMENITY

4.15 The proposed dwelling would be built 1.2 metres from the southern elevation of 39 St. Paul's Square, a Grade II listed semi detached Victorian property. There is one small window to the gable end of this property, set high up within the roof area, but due to the height of the window in relation to the roof pitch of the proposed dwelling, the reduction in both sunlight and daylight to this window would be minimal. Due to the orientation of the properties and to the fact that the rear elevation of the proposed dwelling aligns with the main rear elevation of No.39 St. Paul's Square, there is no significant impact on the potential daylight and sunlight enjoyed by its occupants.

4.16 With reference to the distance to the gable wall of 39 St. Paul's Square and concerns with respects to the consequences of the build on the structure of No.39 and on No.40, the applicant has confirmed that due to ground conditions, the proposed building would use either a raft foundation or a piled/ring beam solution. Both methods are less disruptive in the ground than conventional strip foundations. All ground works remain subject to control by the Building Regulations, work method statements, conditions surveys of adjacent properties and party wall agreements.

4.17 No. 40 St. Paul's Square, a single storey converted coach house, lies on the southern boundary of the application site. With the exception of two rooflights, no windows overlook the application site. Furthermore, a cross section drawing has been submitted to illustrate that the staircase landing windows of the proposed dwelling would not overlook the courtyard of No.40. No.1 Enfield Crescent comprises a two storey converted coach house on the western boundary of the application site. This property, which would be sited approximately 14 metres from the two storey element of the rear elevation of the proposed dwelling, has a half glazed door feature and window at ground floor and a single window at first floor, all of which, by agreement with the owners are obscure glazed and would remain so.

4.18 In terms of its impact on residential amenity the proposal is considered to accord with the requirements of policy GP1 which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

#### FLOOD RISK AND DRAINAGE

4.19 The development is in low risk Flood Zone 1 and should not suffer from river flooding. With reference to the impact of the proposal on the existing drainage systems, additional information has been requested. It is anticipated that this information, together with comments from Council's Drainage Engineer, will be available at the meeting.

### 5.0 CONCLUSION

5.1 In the consideration of the previous scheme, Officers balanced the problems of introducing a 6 bedroomed dwelling with no off street parking into an area which is already under pressure from on street parking against the harm which would be caused to the character of the conservation area, through the provision of frontage parking. It was a finely balanced recommendation and Members refused the application on highway grounds.

5.2 Officers are satisfied with the principle of a dwelling on this site and consider that the proposed siting and design of the dwelling would preserve the character and appearance of both the conservation area and adjacent listed buildings. Notwithstanding this, Officers are concerned that not only do the front boundary walls and railings contribute to the historic character of the street but that no other properties in the "formal" square incorporate frontage parking. This is considered to be a defining characteristic of this part of the conservation area.

5.3 Although the revised scheme overcomes concerns relating to highway safety by providing 2 off street spaces (one additional parking space if the loss of the on street space is taken into account), on balance, the proposal is recommended for refusal on the basis of the harm to the character and appearance of the Conservation Area.

**6.0 RECOMMENDATION:** Refuse

1 The proposed introduction of frontage parking conflicts with a defining characteristic of this part of the Conservation Area which is of enclosed front gardens and soft landscaping. The proposal would involve alterations to the front boundary wall and railings, which are considered to contribute to the character of the streetscene, and would involve an increase in hard surfacing and the siting of entrance gates at odds with the entrance to the dwelling. It is therefore considered that the proposal would harm the character and appearance of the St. Paul's Square / Holgate Road Conservation Area, contrary to national advice in Planning Policy Statement 5: Planning for the Historic Environment and Policy HE2 of the City of York Local Plan Deposit Draft.

**7.0 INFORMATIVES:**

**Contact details:**

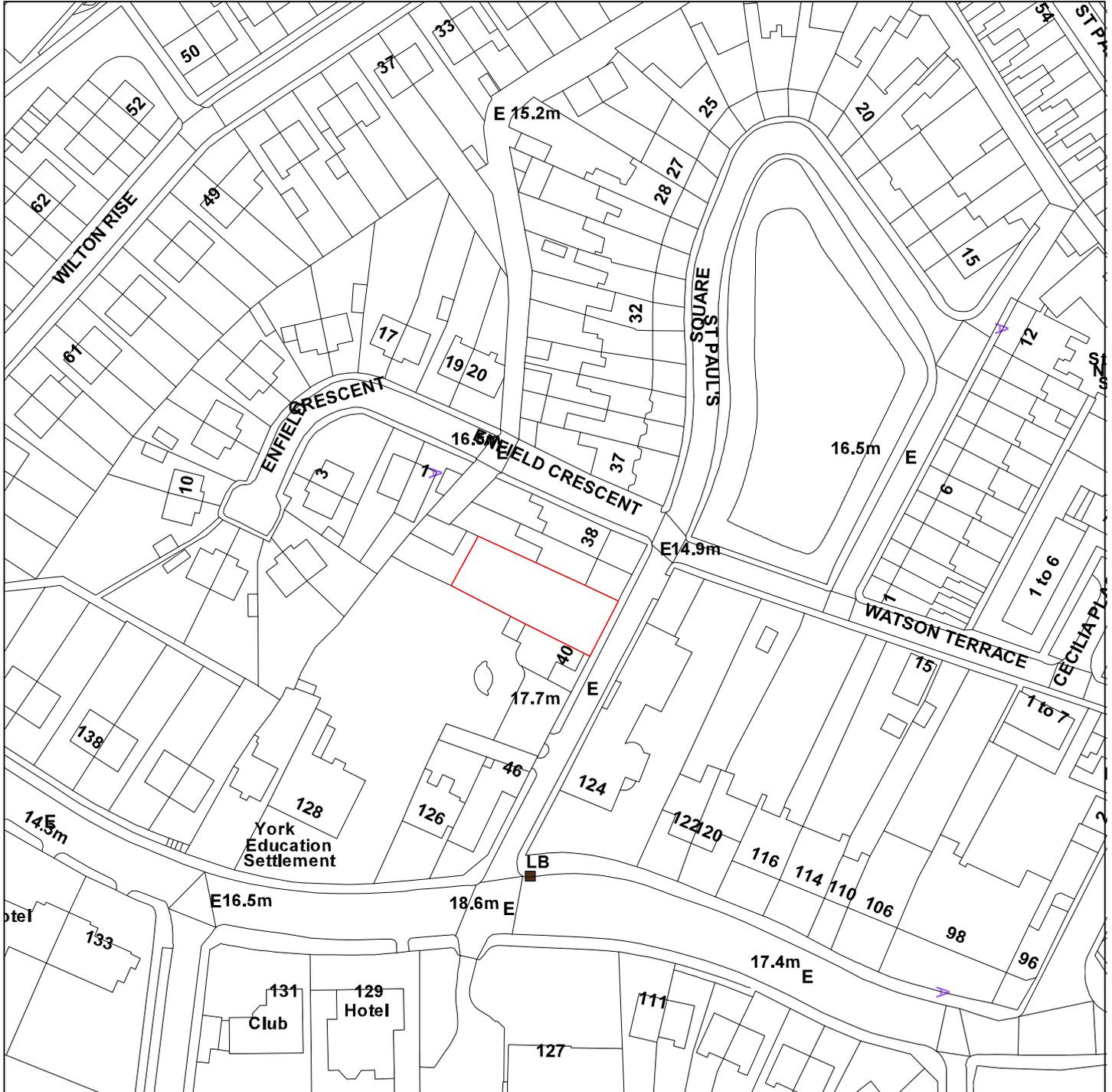
**Author:** Rachel Tyas Development Management Officer (Wed - Fri)  
**Tel No:** 01904 551610

# 39 St Pauls Square

10/02593/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>	10 January 2011
<b>SLA Number</b>	Not Set

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

**19 January 2011**

Report of the Director of City Strategy

### **Enforcement Cases - Update**

#### **Summary**

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

#### **Background**

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

#### **Current Position**

5. Members should note that 53 new cases were received for this area within the last 3 months. 63 cases were closed and 191 remain outstanding. There are 70 Section 106 Agreement cases outstanding for this area after the closure of 16 for the last 3 months.

### **Consultation**

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

### **Options**

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

### **Corporate Priorities**

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

### **9. Implications**

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

### **Risk Management**

10. There are no known risks.

### **Recommendations**

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

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

**Contact Details**

**Author:**

Hilary Shepherd/  
Andy Blain  
Planning Enforcement Officers

**Chief Officer Responsible for the report:**

***Chief Officer's name***

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

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

**Report Approved**

**Date** 29.12.2010

**Specialist Implications Officer(s)**

None

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

**All**

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

**Background Papers:**

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

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

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

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