



## Notice of meeting of

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

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

**Date:** Wednesday, 16 February 2011

**Time:** 3.00pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00am on Tuesday 15 February 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. Minutes (Pages 5 - 12)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 19 January 2011.

#### **3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Tuesday 15 February 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.

#### **4. Plans List**

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

- a) **Volunteer Arms, Watson Street, York, YO24 4BH (10/02730/FUL)** (Pages 13 - 26)

Conversion and two storey side extension of public house to form 2 dwellings [*Holgate Ward*] **[Site Visit]**

- b) **15 Sherwood Grove, York, YO26 5RD (10/02740/OUT)** (Pages 27 - 38)

1no detached dwelling and 2no new garages [*Acomb Ward*] **[Site Visit]**

- c) **Decorative Plaster, 136 Boroughbridge Road, York, YO26 6AL (10/02524/FUL)** (Pages 39 - 46)

Conversion of first floor flat and roof space to create 2no flats with first floor rear extension to comprise a self contained office, new pitched roof to existing side extension, rear dormer and conservatory and external alterations including new shop front and rear windows. (resubmission)(retrospective) [*Acomb Ward*]

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

**SITE VISITS**

**Tuesday 15 February 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>15 Sherwood Grove</b>	<b>4b</b>
<b>11:40</b>	<b>Volunteer Arms, Watson Street</b>	<b>4a</b>

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	19 JANUARY 2011
PRESENT	COUNCILLORS REID (CHAIR), CRISP, GALVIN, GILLIES, B WATSON, MORLEY, MOORE (AS A SUBSTITUTE FOR CLLR SUNDERLAND) AND BOWGETT (AS A SUBSTITUTE FOR CLLR HORTON)
APOLOGIES	COUNCILLORS HORTON, STEVE GALLOWAY AND SUNDERLAND

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**39. INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
130 Tudor Road	Councillors Crisp, Gillies, Morley and Reid.	As objections had been received and the officer recommendation was for approval.
Water Works, Landing Lane	Councillors Crisp, Gillies, Morley and Reid.	As objections had been received and the officer recommendation was for approval.

**40. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

**41. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That members of the press and public be excluded from the meeting during consideration of Annex A to agenda item 6 (Enforcement Cases Update) (Minute 45 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local

Government (Access to information) (Variation) Order 2006.

**42. MINUTES**

RESOLVED: That the minutes of the meetings of the West and City Centre Planning Sub-Committee held on 18 November and 15 December 2010 be approved and signed by the Chair as a correct record.

**43. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

**44. 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.

**44a 31 Harlow Road York YO24 4JR (10/01966/FUL)**

Members considered a full application from Mr Ian Graham, for a single storey side and rear extension as a replacement to an existing side extension, after demolition of the existing extension.

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

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

**44b Water Works Landing Lane York (10/02519/FULM)**

Members considered a major full application (13 weeks) from Mr Mark Hewison, for the construction of a water treatment works enclosed within a new building, new substation and new motor control central kiosk.

Officers updated Members on the application. They advised that a response had now been received from British Waterways who confirmed they had no objection to the application. They recommended an alteration to condition 10 to reflect the fact that a site survey had been carried out and AOD data was now available. They circulated a smaller scale (1:1250) plan to Members which showed the nearby residential areas more clearly than the plan which had been included with the agenda papers.

Representations were received from a local resident of Priors Walk, 200m from the site, in objection to the application. He circulated a photograph to Members which showed the view of the site currently and how it would appear if the proposals were approved. He stated that the proposals would create an imposing structure which would be highly visible to those living nearby including residents of Lavender Grove, Prior's Walk and neighbouring streets and would also be seen from the proposed development on the former British Sugar site. He raised concerns that the high buildings may require high level lighting which could cause an increase in light pollution in the area. He also questioned whether the tanks could be placed underground in order to reduce the height of the building by 5m.

Representations were received from the agent in support of the application. He advised Members that the current water treatment works had been in operation for over a 100 years and were out of date and needed to be replaced in order to meet current standards. He stressed that options for the location of the plant were extremely limited. In response to the previous speaker's suggestion to locate the tanks underground in order to reduce the overall height of the building, he explained that this was not possible for operational reasons and explained these reasons to Members. He confirmed that there would be no external lighting except for when maintenance is required.

Members agreed that this was a necessary development noting that the applicant had done as much as possible to reduce the height of the structure and accepted the reasons why the tanks could not be placed underground. They acknowledged that the views would be affected for some residents living nearby but accepted that this was the only place where it could be located.

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

Amended Condition 10

The height of the treatment building shall not exceed 22.250m AOD. The height of the silos shall not exceed 24.4m AOD.

Reason: In the interests of the visual amenity of the area in accordance with policy GP1 (Design) of the Local Plan.

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

**44c 130 Tudor Road York YO24 3AZ (10/02530/FUL)**

Members considered a full application from Ms Samantha Judd, for a two storey side extension with dormers to the side and rear.

Officers advised the Committee that the a neighbour had objected to the application on the grounds of overlooking by the proposed side dormer window and subsequently the plans had been amended to remove the window from the dormer.

Officers recommended that an additional condition be included to remove permitted development rights for any future conversion of the garage into accommodation as this was the only available cycle parking for the house and would remove access to the rear garden.

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

Additional Condition

Notwithstanding the provisions of Article 3, Schedule 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no alterations shall be made to the extension to convert the garage to habitable accommodation and the garage shown on the approved plans shall be retained as such so that it can be used for the primary purpose of parking motorised vehicles and bicycles.

Reason: The Local Planning Authority considers that it should exercise control over any future alterations to the garage which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995 to ensure that adequate cycle parking is provided to maintain and promote cycle usage in order to encourage more environmentally friendly means of transport than the car.

Date:20 January 2011

**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 appearance of the dwelling, residential amenity and cycle parking. 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.

**44d 18 Jute Road York YO26 5EN (10/02576/FUL)**

Members considered a full application from Mr Dave Nelson for the erection of a single storey pitched roof rear extension to provide a garden room.

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

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

**44e 39 St Paul's Square York YO24 4BD (10/02593/FUL)**

Members considered a full application from Mr and Mrs Gardiner, for the erection of a detached two-storey dwelling with front and rear dormer windows to the side of 39 St Paul's Square, with alterations to the existing front wall/railing to create access to two parking spaces.

Officers advised Members that the application was identical to the application considered in August 2010 except for the breach in the boundary wall and the creation of two onsite parking spaces enclosed by gates. They stated that a further letter of objection had been received from the occupants of 39 St. Paul's Square objecting to the proposal on the grounds that there would be a loss of on street parking spaces in order to create access for off street parking, that the creation of onsite parking with hard landscaping would harm the character of the conservation area and that the requirement for significant retaining walls to create the parking spaces would be detrimental to the building at no 40. They advised that a letter had also been received from St Paul's Square Association which reiterated their views that the proposals represented overdevelopment of

the site and suggested a smaller dwelling would be more appropriate. They also raised concerns about the aesthetics of the house due to it being detached at the end of a terrace and also about the potential damage that may be caused to foundations on either side.

Representations were received from a local resident representing St Paul's Square Association, in objection to the application. He advised that they had no objections in principal to the design of the building but that it was due to the design approach taken that problems with parking and foundations were evident. He stated that the proposals should be reconsidered and suggested that a more sensible solution would be for a smaller property located at one side of the site which, if set further forward, would allow more room for the provision of parking and a garden at the rear of the site with a driveway down the other side of the site for access.

Representations were received from the architect/agent in support of the application. He reminded Members that the initial application had been refused in August 2010 on the basis that it would result in an increased demand for on-street parking. He stated that he had taken on Members concerns raised and in response to these, the new proposals included two onsite parking spaces enclosed by wrought iron gates to match the railings. With regard to the suggestion put forward by the previous speaker, he advised that creation of a side driveway would require a considerable amount of excavation along the boundary to no 40 and the engineering works would be disproportionate to the result therefore the only option for onsite parking was at the front of the property.

Councillor Moore moved and Councillor Morley seconded a motion to refuse the application on the grounds that there was not sufficient space in which to park and manoeuvre vehicles within the parking area. On being put to the vote, the motion fell.

**RESOLVED:** That the application be approved and delegation be given to officers, in liaison with the Chair and Vice Chair of the Committee, to determine the necessary conditions.

**REASON:** The proposal, subject to conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to:- the principle of the development; sustainability; impact on conservation area; affect on residential amenity; highway safety; flood risk and drainage; and impact on local facilities. As such the proposal complies with Central Government guidance in Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS3: Housing, PPS5: Planning for the Historic Environment and PPS25: Development and Flood Risk and policies GP1, GP4A, GP10, GP15A, HE2, HE11, T4, H4A, H5A and L1C of the City of York Development Control Local Plan.

**45. ENFORCEMENT CASES UPDATE**

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

Members thanked officers for their hard work during the last quarter in dealing with enforcement cases.

RESOLVED: That the report be noted.

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

Councillor D Horton, Chair

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

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**COMMITTEE REPORT**

**Date:** 16 February 2011      **Ward:** Holgate  
**Team:** Major and Commercial      **Parish:** No Parish  
Team

**Reference:** 10/02730/FUL  
**Application at:** Volunteer Arms Watson Street York YO24 4BH  
**For:** Conversion and two storey side extension of public house to form  
2 dwellings  
**By:** Punch Taverns plc  
**Application Type:** Full Application  
**Target Date:** 1 February 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Planning permission is sought for the conversion of the Volunteer Arms Public House to 2 No. three bedroom dwellings. The Volunteer Arms comprises a part two storey, part single storey public house with an attached outbuilding dating from the mid-19th Century sitting in a visually prominent corner site to the west of the City Centre. The area surrounding the property comprises densely developed residential development dating from a similar period. The site lies opposite a maintained public open space and the car park for St Paul's Church. At the rear of the property, there is an access from Watson Terrace that leads to the rear of surrounding properties.

1.2 The public house consists of a ground floor public bar, kitchen facility and customer toilets with a courtyard and smoking area at the rear. The upper floor of the property is in associated residential use with 3 No. bedrooms. The attached outbuilding is currently incorporated in the public house use and is attached to the frontage buildings by a single storey flat roofed extension.

1.3 The property abuts the boundary of St Paul's Square/ Holgate Road Conservation Area and the site lies within an Area of Archaeological Importance.

1.4 It is proposed to convert the main building to 2 No. three bedroom dwellings with individual rear gardens and car parking space accessed from Watson Terrace. A two storey extension would be built above the existing single storey element incorporating a step- down ridge maintaining subservience with the main two storey building and the reducing ground levels to Watson Terrace. The proposal would involve the demolition of the existing outbuilding and flat roof rear extension to allow for the formation of the proposed parking spaces and enclosed amenity areas with cycle and bin storage. The existing access to the cellar area would be removed. In addition to minor fenestration changes at the rear of the building, it is intended to replace the windows and doors, and re-render the full facade of the property.

1.5 The applicant has submitted a Sustainability Statement that details measures that aim to provide efficient use of energy in the design of the dwellings. The main external alteration would involve the installation of photovoltaics on the roof slopes. It is also intended to incorporate permeable surfaces to the rear courtyards to reduce surface water run-off and provide water butts.

1.6 The applicant has submitted supporting information that addresses the loss of the public house. It advises that the landlord, Punch Taverns, seeks an alternative use for this building as a result of poor trading history, location factors, local demographics, the shift in the pub market, the impact of the smoking ban, local competition including competition from cheap alcohol at nearby supermarkets. The Public House has been operating for 6 years on short term leases, with 8 tenants in the past 3 years. Over the past two years, it has been marketed with three companies resulting in no offers due to the highlighted factors and the requirement for significant investment. The accompanying information states that there are many other pubs within easy walking distance of the Volunteer Arms- the Crystal Palace (272m) and the Fox (495m) on Holgate Road, with edge of City Centre pubs around 700-800m away.

1.7 Planning permission has recently been granted for the demolition of the Locomotive Public House and its outbuilding (situated opposite at the corner of Watson Street and Watson Terrace) and its replacement with 4 No. town houses - LPA Ref.10/02007/FUL.

1.8 The application has been called-in to sub-committee by Councillor Alexander as the Holgate Ward Councillors have received written concerns from local residents, who have reservations about the loss of the only remaining pub serving their immediate locality. This follows the loss of another pub on the same street relatively recently.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

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

2.2 Policies:

CYH4A Housing Windfalls

CYL1B Loss of local leisure facilities

CYGP1 Design

CYL1 Open spaces in new residential devts

CYT4 Cycle parking standards

CYHE10 Archaeology

CYGP4A Sustainability

CYGP15 Protection from flooding

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

3.1 LIFELONG LEISURE AND LEARNING- No objections subject to a commuted payment being made in lieu of on-site open space provision;

3.2 HIGHWAY NETWORK MANAGEMENT- No objections to revised plans subject to a range of detailed conditions

3.3 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT- No objections to conversion but concerned about the visual impact of the photovoltaic panels

3.4 SUSTAINABILITY OFFICER- No objections provided 5% renewable target is met

3.5 CITY ARCHAEOLOGIST- Condition required

#### EXTERNAL REPRESENTATIONS

3.6 St Paul's Church- Object to the loss of a community facility and in process of registering an interest in the purchase of the building to continue its community use.

3.7 CAMRA ( Pub Preservation Officer for the York Branch ) - Object to the loss of the pub, especially given the loss of the Locomotive Public House in the same street when it was hoped that this would save the Volunteer Arms. Considers that a private buyer could make a success of a freehold business given the range of local pubs in a better economic climate. There are contributing factors such as the current state of the building, low level of trade, little appeal to local residents, proximity to high quality pubs on Holgate Road and Blossom Street, loss of local industries removes traditional customer base, absence of Council policy on community and town pubs in York area. Councillors will have to decide whether the other pubs in the area offer the variety and meet local needs. The Council seems to disregard suburban pubs concentrating on city centre entertainment. There are other residential areas where similar pubs are under pressure and new housing areas that are devoid of pubs, with the potential for social problems. Greater York Area has a large number of pubs compared to surrounding cities and the Council should formulate guidelines and ensure communities are not denied access to good local pubs that provide a social focal point. Requests deferral of the application given the outstanding offer from a local publican to operate the premises along traditional lines that would serve the local community involving gradual refurbishment.

3.8 St Paul's School- Object to residential use of the building and would welcome the availability of additional community facilities that could be used by the school.

3.9 A representation has been received from a local publican that objects on the grounds of loss of amenity to the community, and the fact that it is still viable as a public house. Currently investigating the possibility of an offer for the premises as believe the pub could be run as a high quality, community public house.

#### **4.0 APPRAISAL**

##### 4.1 Key Issues

- loss of public house
- acceptability of proposed use
- impact on the visual amenity of the street scene and the character and appearance of abutting conservation area
- highway and parking issues
- residential amenity

##### RELEVANT PLANNING POLICY-

4.2 Central Government planning policy is set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25).

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

4.4 POLICY L1b of the City of York Draft Local Plan states that planning permission will only be granted for a change of use that would result in the loss of a leisure facility (including pubs) where it can be demonstrated that a need for the leisure facility no longer exists, or appropriate alternative facilities exist within the catchment area. The written justification states that in considering applications for the change of use of such facilities, an assessment of provision in the area will be required to identify whether there are any alternative facilities which can be accessed using sustainable transport methods. Evidence of vacancy or attempts to lease, let or sell will also be taken into account.

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

4.6 POLICY H4a sets a firm policy presumption in favour of new residential development on land not previously allocated where the site is within the urban area and is vacant, derelict or underused, it has good accessibility to jobs, shops and

services by non-car modes and is of an appropriate scale and density to surrounding development.

4.7 POLICY GP1 'Design' Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.8 POLICY GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development.

4.9 POLICY GP15a 'Development and Flood Risk' sets a firm policy requirement that developers ensure that any flood risk be successfully managed whilst ensuring that the site can be developed , serviced and occupied safely

4.10 POLICY T4 sets out the Council's standards for on--site cycle parking provision in association with new developments, in order to maintain and promote cycle provision.

4.11 Policy HE10 " Archaeology " seeks to ensure that development in areas of archaeological interest respects the presumption in favour of the physical preservation of remains.

## ASSESSMENT

### LOSS OF EXISTING PUBLIC HOUSE:-

4.12 Policy L1b, as detailed above, seeks to protect community facilities that make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is available within the catchment area. The policy requires the applicant to demonstrate that the need for the pub no longer exists, OR, appropriate alternative facilities exist within the catchment area.

4.13 It would appear that the Volunteer Arms is presently operated with daytime and evening opening hours. The property is quite poorly located in relation to potential markets with local residents no longer seeking out lunchtime drinking opportunities offered by such a facility. The premises have restricted passing trade as they are now located away from principal employment and tourist areas, and located in a densely residential area restricts the opportunities for an economical expansion of the premises and the range of its business activities.

4.14 The applicant has submitted a description of the marketing details that have been carried out and lease details. This information indicates that there has been no offers to buy the premises and a high turnover of landlords and short term leases

demonstrates limited success in securing its long term viability in the licensed trade. The applicant has been asked to provide substantive evidence to support the argument that the building is no longer viable as a public house but the applicant considers that the proposal complies with Policy L1b of the Local Plan as there are alternative facilities in the locality.

4.15 Whilst representations have been received that express an interest in taking on the building or the business as a going concern, neither party is at an advanced stage of pursuing either the retention of the public house business or retaining the building for an alternative community use. There is some local support for the retention of the building for community uses as the local school would be interested in using the building nearby for occasional school use. However, no representations have been received from local residents or customers that demonstrate that there is a groundswell of support for the retention of the premises as a public house. CAMRA objects to the closure of the public house but appreciates that increasing pressures and factors are resulting in the loss of local public houses to the detriment of the character of residential areas often with little local opposition or city wide support.

4.16 On balance, and despite the limited evidence to support the applicant's attempts to retain the premises as a viable concern, it is considered that in the absence of significant local opposition to the local planning authority and the tentative stage of alternative solutions to the loss of the public house, that the proposal would not conflict with Policy L1b, part a) of the Local Plan. The supporting information demonstrates that there are other facilities within a 2000m radius. A Planning Inspector in a recent appeal decision in another authority area considered that 2000m is a reasonable walking distance to alternative pubs. Recent appeal decisions also make it clear that the consideration is whether there are alternative establishments in the local area, not whether they offer exactly the same ambience/ facilities as the one which has closed. The Crystal Palace and the Fox (both on Holgate Road) lie within easy walking distance of the application site, with further public houses on Blossom Street/Micklegate offering alternative facilities. Although these are not within immediate walking distance, the area appears adequately provided with alternative facilities.

#### PROPOSED CONVERSION TO HOUSING

4.17 The proposal involves the residential use of buildings in a predominantly residential area, in a sustainable location close to existing local services and facilities as well as accessible by public transport and non-car modes of travel to the city centre. The principle of a residential land use in this location would comply with Policies H4a and GP1 of the Local Plan and related national guidance in Planning Policy Statement 3 " Housing. "

#### IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE/ ADJACENT CONSERVATION AREA

4.18 PPS1 seeks to encourage high quality, inclusive design which takes the opportunity to improve the character of the area and Policy GP1 adds to this and states that proposals should respect the character, pattern and form of the surroundings, not adversely affect the street scene and deter vandalism and crime. The surrounding buildings are mostly residential and are of varying ages and architectural styles, comprising a mix of high density two storey brick built terraced properties dating from the late 19th Century, Post-War Local Authority housing in Cecilia Place and the more formalised Georgian Neo-Classical development of the St Paul's Square Conservation Area a short distance to the north west. Most of the neighbouring houses are two storeys high.

4.19 National planning guidance in relation to housing no longer requires housing developments to achieve a minimum density. The proposed conversion of the pub into two units would be compatible with the density of surrounding development and would comply with the requirements of Local Plan Policy H5a. Each unit would have an amenity area of similar proportions to the nearby terraced housing that would not appear cramped on the site.

4.20 The premises have limited architectural value but the proposed conversion of the building would retain the distinctive appearance and character of the building in the area. The building will have even greater presence in the area following the loss of the Locomotive Public House for residential development. The proposed site layout plan would respect the prevailing character of the immediate area by retaining its principal frontage, and the proposed upper extension would respect the established building line and the road frontage in a sympathetic design.

4.21 Revised plans have been submitted that remove the proposed photovoltaics from the principal elevation of the building relying on the rear photovoltaics to provide efficient energy. The proposed minor fenestration changes occur at the rear of the building and the proposed new windows would match the scale of the existing openings. Further details would be required of the new windows and doors, materials of the extension, design details of the cycle storage and boundary treatments would need to be submitted for the written approval of the Local Planning Authority in the interests of the appearance of the scheme and the wider area if planning permission is granted.

#### HIGHWAY AND PARKING ISSUES

4.22 It is considered that an additional 3 bedroom net gain in residential accommodation would not unacceptably exacerbate existing traffic volumes or safety in the locality, particularly given the established use of the site as a public house. The point of access to Watson Terrace would be shared with surrounding users. However there is a clear demarcation between car parking for the conversion and sufficient visibility at the access. On-street car parking at the front of the property is also available. The proposal incorporates cycle parking provision in accordance with Policy T4 of the Local Plan. The revised plan would allow for safe access for all users to the rear of the proposed dwellings.

#### RESIDENTIAL AMENITY

4.23 The layout of the scheme is such that significant overlooking is unlikely to occur. There would be an acceptable degree of mutual overlooking between each of the new properties. The additional windows and doors would not adversely affect the amenity of nearby neighbours. The addition of an upper storey would increase the height of the single storey by approximately 1.5m. Although the new residential development on the site of the Locomotive Public House has principal windows in the gable elevation opposite the site, the impact from the additional mass in the lea of the two higher elements of the public house would not result in overdominance, overlooking or overshadowing of these windows.

#### OTHER ISSUES-

4.24 The applicant has confirmed that they are willing to make the necessary commuted sum payment in lieu of on-site open space provision in accordance with Policy L1c of the Local Plan. As the site is within the Area of Archaeological Importance that has produced Roman burials, it is considered that any planning permission should have a condition that requires an archaeological watching brief on ground disturbance works (Local Plan Policy HE10). The applicant's Sustainability Report demonstrates how the development would achieve a rating value equivalent to VERY GOOD which would comply with the terms of the Council's Interim Planning Statement, Sustainable Design and Construction and Policy GP4a of the Local Plan. The site is situated in an area of low flood risk and the proposed layout would reduce the amount of impermeable surfaces on the site in accordance with GP15a of the Local Plan and related national guidance on flooding.

### **5.0 CONCLUSION**

5.1 The principle of residential development on the site would be acceptable as the site lies within the settlement boundary of York where there is a presumption in favour of development. The proposal represents efficient use of brownfield land in a sustainable location, with a development that would provide adequate parking provision and private amenity space. The proposed extension and the layout of the dwellings would respect the prevailing character and pattern of development within the locality and as such would not have an adverse impact on the character and appearance of the area. In addition the proposals would not raise any concerns for neighbouring amenity, highway safety, archaeological deposits flooding or sustainability.

5.2 The main concern is the loss of a leisure facility within a predominantly residential area. There are no policy objections to the proposal under current local plan policy and national planning guidance. With the retention of the building, a sympathetic extension and adaptations at the rear of the building, the appearance of the building would not significantly alter and could be reasonably controlled by withdrawing permitted development rights for the proposed dwellings.

5.3 Conditions are required if Members approve the planning application to address materials, landscaping, sustainability, highway matters, public open space provision and archaeology. In addition, due to the relationship to neighbours and the distinctive appearance and form of the building in the locality, it is recommended that any approval be subject to permitted development rights for the dwellings being restricted.

**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 and other submitted details:-

Drawing No. 53343/02 Revision E Received by email on 27.1.11

Drawing No. 5343/01 Revision D Received by email on 27.1.11

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 S106OS IN Section 106 Open Space - £ 2124

5 The development shall be carried out in accordance with the applicant's Sustainability Report dated 26 November 2010 and 27 January 2010, prepared by Eco Energy and Environmental Ltd .

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

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A-E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

7 HWAY9 Vehicle areas surfaced

8 HWAY19 Car and cycle parking laid out

9 Prior to the development coming into use, a 2m x 2m sightline, free of all obstructions above the height of the adjacent footway by 0.6m shall be provided in an easterly direction at the junction of the access with the footway, and thereafter so maintained.

Reason: - In the interest of pedestrian safety

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

Reason: To prevent obstruction to other highway users.

11 ARCH2 Watching brief required

12 Prior to the commencement of the works hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

- a) Secure and weatherproof cycle storage
- b) New boundary treatment
- c) Replacement windows and doors
- d) Cross-section of photovoltaics

Reason: To ensure that the details would be acceptable in the interests of the visual amenity of the development and the wider area.

13 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the dwelling's proposed renewable energy generation, which shall be at least 5 % of total energy generation (ii) measures to reduce energy demand (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of existing licensed premises, the visual amenity of the street scene, residential amenity of neighbouring properties, highway safety, surface water drainage, sustainability and archaeological deposits. As such the proposal complies with Policies L1b, L1c, H4a, H5a, GP1, HE10, GP4a and GP15a of the City of York Development Control Local Plan and national advice contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport

(PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25).

## 2. HIGHWAY WORKS

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

- Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

- The construction of a vehicle crossing will entail the re-siting of traffic signs and this will be to the cost of the applicant and by arrangement with the highway authority

## 3. CONSTRUCTION AND DEMOLITION

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

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

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

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

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

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

vi) There shall be no bonfires on the site.

### Contact details:

**Author:** Fiona Mackay Development Management Officer (Wed - Fri)

**Tel No:** 01904 552407

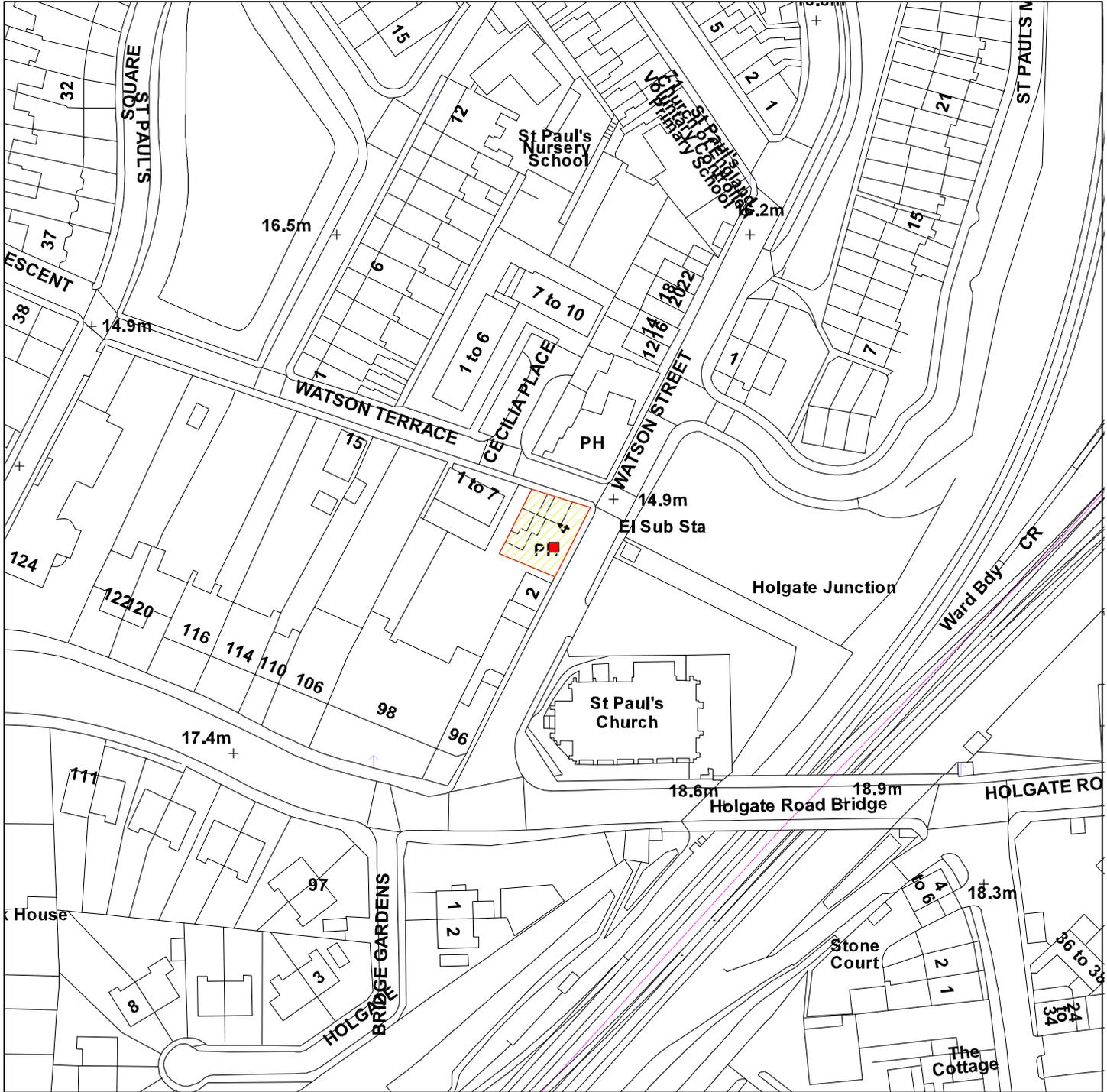
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# Volunteer Arms, Watson Street

10/02730/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	07 February 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 16 February 2011      **Ward:** Acomb  
**Team:** Major and Commercial      **Parish:** Acomb Planning Panel  
Team

**Reference:** 10/02740/OUT  
**Application at:** 15 Sherwood Grove York YO26 5RD  
**For:** 1no detached dwelling and 2no new garages  
**By:** Mr G Willis  
**Application Type:** Outline Application  
**Target Date:** 15 February 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application is for outline planning permission for 1 dwelling and two garages (one for the host dwelling and the other for the proposed dwelling). An indicative layout has been submitted indicating a one and two storey dwelling, 2 garages, and 2 no vehicle accesses. The site at present is part of the garden to 15 Sherwood Grove and has a small single garage with vehicle access to Sherwood Grove. The site is adjacent to a curve in the road, and abuts the green belt boundary. Permission is being sought at this stage for the principle of development with all other matters reserved for determination at a later stage.

1.2 The application comes before committee at the request of Cllr Tracy Simpson-Laing due to the concerns regarding highway safety. There has been objections received and therefore there will also be a committee site visit.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill devt

CYGP15 Protection from flooding

CYNE1 Trees, woodlands, hedgerows

CYH4A Housing Windfalls

CYH5A Residential Density

CYL1C Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT - No objections

3.1 The development would involve the creation of two new vehicle accesses/verge crossings and also the creation of a pedestrian verge crossing (not shown). The resulting remaining short stretches of verge would be considered to be impracticable to maintain and therefore it is recommended that the verge fronting the site between the end of the existing footway and the new pedestrian entrance be converted to an extension of the existing footway.

3.2 The two new vehicle accesses would be closer to the sharp bend and therefore a sightline condition is requested across the frontage of No. 15

3.3 Would like conditions relating to full details of vehicle and pedestrian accesses, parking and cycle storage; visibility splays in a southerly direction (entire frontage of no. 15 should be free of all obstructions over 1 metre in height); HWAY10, HWAY17; HWAY29; and HWAY39; and informative stating that consent is required for the works for a vehicle crossing

#### STRUCTURES AND DRAINAGE – Object

3.4 Insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

#### LIFELONG LEARNING AND LEISURE

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

#### ENVIRONMENTAL PROTECTION UNIT

3.6 No objections subject to informative regarding the Control of Pollution act 1974 and land contamination.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### ACOMB PLANNING PANEL

#### 3.7 No objections

### LETTERS OF OBJECTION

3.8 Five letters have been received (2 from the same address) objecting to the application on the following grounds:

- There have been accidents and near misses on this bend in the road, as witnessed by the repairs to the garden wall and provision of bollards.
- Various national bodies have expressed concern regarding the loss of gardens to housing.
- Not in keeping with the rest of the street.
- Would cause loss of privacy and overlooking to No. 16, although a hedge would screen the single storey element, but the hedge may be removed at a later date, extensions may be built to the proposed dwelling.
- Spoil view of the fields, concerned may de-value property.
- Building will cause noise pollution and disturbance to occupants of neighbouring dwellings.
- The proposed dwelling is much larger than the garage which is currently in the garden both in area and height and appears shoehorned into an unsuitable small site. All other properties in the area have a front garden, pavement and grass verge between the front of the property and the road. There is no pavement outside the proposed dwelling, only a grass verge; therefore it would be much closer to the roadside kerb than other properties which would make it incongruous within the streetscene.
- The hedge described in the application as 'overgrown' has been regularly maintained.
- The bend in the road is not sufficiently wide enough for the vehicles to pass safely and would be further hampered by the manoeuvrability of vehicles crossing the proposed new driveways and also existing driveways on the opposite side of the road.
- There is an existing issue with the external drains becoming blocked to the rear of the properties also on this side of the street, the addition of another dwelling would compound the issue.
- As it is an outline application do not know where the window openings are going to be concerned about the potential impact on privacy.
- The existing houses and bungalows in Sherwood Grove are typical 1950/1960s build and we do not feel that the proposed dwelling on this small site would be appropriate for the area.

## **4.0 APPRAISAL**

### KEY ISSUES

#### 1. Visual impact

2. Impact on neighbouring property
3. Impact on highway safety

### PLANNING POLICY

4.1 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

### PRINCIPLE OF RESIDENTIAL DEVELOPMENT ON THE SITE

4.3 The site is located within the curtilage of an existing dwelling. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 of the Draft Local Plan states that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of new residential development on the site conforms to local and national policies.

### DESIGN AND LANDSCAPING

4.4 Sherwood Grove is a relatively open and suburban in character there is a mixture of housing types within the street e.g. semi-detached hipped roofed dwellings set in similar sized plots, and bungalows set in slightly larger plots. The site is distinguished from the surrounding by having a relatively large side garden area, which is bounded by the road, and a field to the west.

4.5 Policy GP1 of the City of York Development Control Local Plan sets a firm policy presumption that new developments will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The reserved

matters include layout, scale, appearance and landscaping so they are not for consideration at this outline stage. Nevertheless the application includes an indicative layout showing the house footprint, garden, garages, vehicular areas, and plot boundaries. In terms of the built footprint and distribution of buildings the layout shows that a dwelling can be created on the site whilst respecting the density, and pattern of development of the surrounding area. The indicative plans submitted show a detached dwelling of one and two storeys. Whilst this would not be typical of the predominant form of development in the locality, it would not appear stark or create an uncomfortable juxtaposition in the street scene.

4.6 In landscape terms the retention of the hedge to the boundary of the site will do much to integrate the new dwelling into its surroundings. A condition requiring the retention and protection of the hedge during construction is proposed.

4.7 The proposal is considered to be acceptable in terms of its impact on the character and amenity of the local environment in accordance with the requirements of GP10 of the Draft Local Plan and to accord with the requirements of GP1 in terms of density, layout, mass, scale and design. It is proposed to remove permitted development rights to ensure that any future proposals for the site can be controlled and do not result in over development of the site.

### NEIGHBOUR AMENITY

4.8 The indicative layout shows that a development of one dwelling can be created without having an unacceptable impact on local residents. The proposed dwelling would be circa 24 + metres from the front elevations of the dwellings opposite, which is similar to existing face-to-face distances in the street. The side elevation would be 7 metres from the proposed garden of the host property, it is not known if there would be windows in this elevation. Adequate separation distances can be achieved and impact on the neighbouring occupiers can be minimised by, for example, restricting the building heights and careful arrangement of buildings, habitable rooms and windows. These matters would be dealt with at the reserved matters stage.

### SUSTAINABILITY

4.9 A sustainability statement supports the application however Code for Sustainable Homes is not mentioned. For the proposed dwelling to meet the requirements of GP4a and the Interim Planning Statement (IPS) on Sustainable Design and Construction it is recommended that the proposed dwelling meets level 3 of the Code for Sustainable Homes via condition. In addition a condition is proposed to require that the dwelling provides 5% on site renewables in accordance with the Interim Planning Statement.

### OPEN SPACE

4.10 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or section 106 agreement. In this case a condition is proposed to require an off site contribution to open space in accordance with the councils document commuted sum payments for open space in new developments.

## DRAINAGE

4.11 Residents have expressed concern regarding existing drainage proposals and the possibility that an additional dwelling will exacerbate the problem. The development is in low risk flood zone 1 and should not suffer river flooding. However approval of a full drainage scheme is required prior to determination of Reserved Matters in order that it can be satisfactorily demonstrated that the local surface water drainage network may cope with the additional flows.

## HIGHWAYS

4.12 A number of objections have been received regarding the potential impact on road safety of an additional dwellings and the vehicle access points. Details of access are reserved matters for future consideration. Nevertheless the indicative plans show two vehicle access points proposed (one for the parent property and on for the proposed dwelling) sited on the curve in the road. It is not considered that the siting of the vehicle access shown in the plans would impact on road safety: the position of the accesses would allow views of the road in the north direction and a visibility splay condition is recommended to allow views in a southerly direction. It should be noted that there is an existing vehicle access.

## **5.0 CONCLUSION**

5.1 The principle of new residential development on the site conforms with local and national policies. The proposal is considered to be acceptable in terms of its impact on the character and amenity of the local environment in accordance with the requirements of Policy GP10 and H4a of the Draft Local Plan and to accord with the requirements of Policy GP1.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 OUT1 Approval of Reserved Matters

2 OUT2 Full details to be submitted

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space in accordance with the council's advice note Commuted Sums for Open Space in New Developments - A Guide for Developers.

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

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Class A, B, E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

5 VISQ7 Sample panel ext materials to be approv

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

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

7 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the dwelling's proposed renewable energy generation, which shall be at least 5 % of total energy generation (ii) measures to reduce energy demand (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable

development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

8 DRAIN1 Drainage details to be agreed

9 The hedge around the boundaries of the site shown on Drawing Number 10:54:SK1 received 1 December 2010 shall not be removed or lowered below 1.8 metres without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity

10 Vehicular access shall be provided in the location shown on drawing no. 10:54:SK1 and the reserved matters submission shall show a visibility splay from a point measured 2.4m back from the highway boundary along the centre line of the vehicle access to the new dwelling in a southerly direction across the entire frontage of nos.15 Sherwood Grove. The visibility splay shall be provided prior to the occupation of the dwelling and thereafter shall be maintained free of all obstructions in excess of one metre above the level of the adjacent carriageway.

Reason: In the interests of highway safety.

11 HWAY10 Vehicular areas surfaced, details reqd

12 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge and kerb to match adjacent levels.

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

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

Reason: To prevent obstruction to other highway users.

14 HWAY18 Cycle parking details to be agreed

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, highway safety, drainage and sustainability. As such the proposal complies with Policies GP1, GP10 and H4a of the City of York Development Control Local Plan and the aims of Planning Policy Statement 1 'Planning for Sustainable Development' and Planning Policy Statement 3 'Housing'.

2. INFORMATIVE:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. DEMOLITION AND CONSTRUCTION INFORMATIVE

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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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".

(b) 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.

(c) 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.

(d) 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.

(e) There shall be no bonfires on the site.

**Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

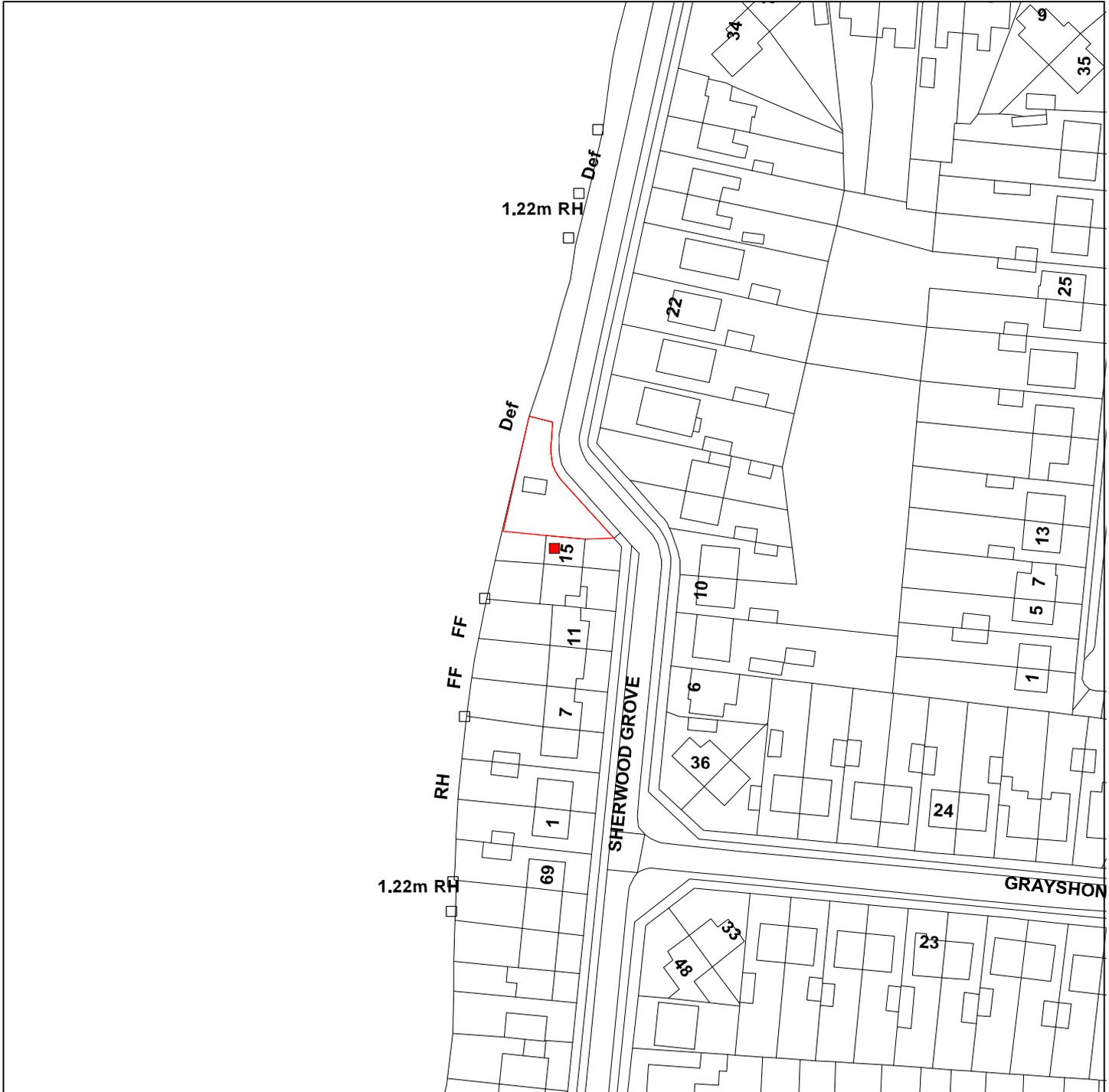
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# 15 Sherwood Grove

10/02740/OUT



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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>	07 February 2011
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 16 February 2011                      **Ward:** Acomb  
**Team:** Major and Commercial            **Parish:** Acomb Planning Panel  
Team

**Reference:** 10/02524/FUL  
**Application at:** Decorative Plaster 136 Boroughbridge Road York YO26 6AL  
**For:** Conversion of first floor flat and roof space to create 2no flats with first floor rear extension to comprise a self contained office, new pitched roof to existing side extension, rear dormer and conservatory and external alterations including new shop front and rear windows (resubmission)(retrospective)  
**By:** Mr Michael Beaufoy  
**Application Type:** Full Application  
**Target Date:** 11 January 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 No. 136 Boroughbridge Road comprises a disused brick built two storey shop unit with flat above dating to the 1920s. It forms part of a wider parade lining the north eastern edge of Boroughbridge Road. Planning permission is sought for conversion of the roof space and existing first floor flat to provide two flats with a first floor rear extension, rear dormer, conservatory and new shop front. The proposal is a revised resubmission of earlier proposals for three flats(ref:10/01389/FUL) and later two flats(ref:10/01822/FUL) which were withdrawn following concerns in respect of the availability of amenity space, design and location of cycle and bin storage and also over development. The application is in part retrospective as work on the development has already commenced. The application has also itself been subsequently been amended to remove the access to amenity space at the rear of the site across neighbouring land and at the same time the bin and cycle storage associated with the proposed flats has been relocated inside of the building.

1.2 The application is being dealt with by Committee to ensure consistency with the handling of other applications at the site.

**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:

CYGP1 Design

CYH8 Conversion to flats/HMO/student accom

CYT4 Cycle parking standards

### 3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management express concern in respect of the location and size of the proposed bin and cycle storage but feel that this would not be viable grounds for refusal.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to the payment of a commuted sum in respect of on site open space.

EXTERNAL:-

3.3 Acomb Planning Panel object to the proposal on the grounds of the location of the parking spaces to service the property and also creation of an access to the amenity space to the rear of the property through land not within the application area.

### 4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Availability of on-site car and cycle parking space;
- \* Impact upon the available amenity space for the occupiers of the proposed properties;
- \* Impact upon the residential amenity of nearby properties.

AVAILABILITY OF ON-SITE CAR AND CYCLE PARKING SPACE:-

4.2 Policy H8 of the York Development Control Local Plan sets a firm policy presumption that permission for conversions into flats will only be given where the internal layout is such as to be suitable for prospective occupants and their future amenity, adequate provision is available for the storage and collection of refuse and recycling and adequate on and off street parking and cycle parking can be provided. The current proposal caters for two flats which in a densely built up street frontage would be considered acceptable. However the proposed off-street parking would be accessed via the restricted area adjacent to a pedestrian crossing and cycle parking and bin storage would be provided within the building. To provide secure cycle

parking elsewhere within the site would have involved construction of building at the front of the site which would have caused significant harm to the visual amenity of the street scene or the establishment of a clear route to the rear of the property which has not currently proved possible. Whilst not ideal the proposed arrangements would provide secure storage and would not result in the construction of unsightly structures within close proximity to the main street elevation or the identification of a fixed route to the rear of the property. On balance it is felt that the proposed bin and cycle storage arrangements would not give sufficient reason to refuse the proposal.

#### IMPACT UPON ON-SITE AMENITY SPACE:-

4.3 The application site as currently laid out incorporates a modest rear yard area accessible by both the ground floor business holder. The proposal indicates that the rear yard would be partially infilled by a glazed conservatory for use by the business holder. The scheme as amended clearly indicates a separate route enabling the two flat occupiers to gain access to the rear yard as amenity space. This effectively deals with earlier objections to the scheme in terms of safeguarding the amenity of future occupiers.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEARBY PROPERTIES:-

4.4 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, provide and protect private, individual or communal amenity space for residential developments and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The current proposal envisages the extension and conversion of the upper floor including roof space of the property into two flats with the continued use of the ground floor as business premises. Concern has previously been expressed in relation to the creation of additional bedrooms in the roof space adjacent to 138 Boroughbridge Road and lit by roof lights in close proximity to the habitable rooms of the adjacent property. The roof lights have been deleted from the scheme as amended and on balance it is felt that the proposed conversion would not give rise to an issue of loss of amenity through overlooking or loss of privacy to nearby properties. The terms of Policy GP1 of the Draft Local Plan would thus be complied with.

## 5.0 CONCLUSION

5.1 136 Boroughbridge Road comprises at present a two storey brick built shop with flat above forming part of a wider shopping parade along the eastern side of Boroughbridge Road. Planning permission is once again sought in respect of a scheme to convert and extend the existing first floor flat to provide an additional two bedroom flat with accommodation in the roof space. A ground floor conservatory extension would also be provided as additional accommodation for the shop unit. A single car parking space exists on the site frontage to service the needs of the property and a rear yard area serves the needs of present flat occupier for amenity space. By reconfiguring the available space it would be possible to create an additional space for the second flat occupier. Cycle parking and bin storage would

take place in a dedicated area within the building itself rather than as a separate structure on the main street elevation. The scheme as previously submitted removed the current direct link between the upper floor of the property and the rear yard area for use as amenity space. The amended scheme restores that link at the same time as dealing with the previous concerns in respect of the proximity of roof lights to habitable rooms in the adjacent property No 138. The proposed parking, bin storage and external amenity space is minimal, however it is felt that on balance a refusal of planning permission on these grounds would not be sustainable and approval is therefore recommended.

**6.0 RECOMMENDATION:** Approve

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

Drawing Ref:- B1(p) Date Stamped 12th January 2011.

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

2 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission and the works shall be carried out in accordance with the approved details.

i) The timber shop front including sections and detailing;

Reason: So that the Local Planning Authority may be satisfied with these details.

3 VISQ4 Boundary details to be supplied

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Notwithstanding the application details hereby approved, full details of the amenity areas to the rear of the site and the street elevation including surfacing materials, layout and planting shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the visual amenity of the site and to secure compliance with Policy GP1 of the York Development Control Local Plan.

6 Prior to the commencement of development, full details of a renewable energy

strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the dwelling's proposed renewable energy generation, which shall be at least 5 % of total energy generation (ii) measures to reduce energy demand (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to availability of on-site car and cycle parking space, impact upon available amenity space for occupiers of the proposed properties and impact upon the residential amenity of nearby properties. As such the proposal complies with Policies GP1, H8 and T4 of the City of York Development Control Local Plan.

#### **Contact details:**

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

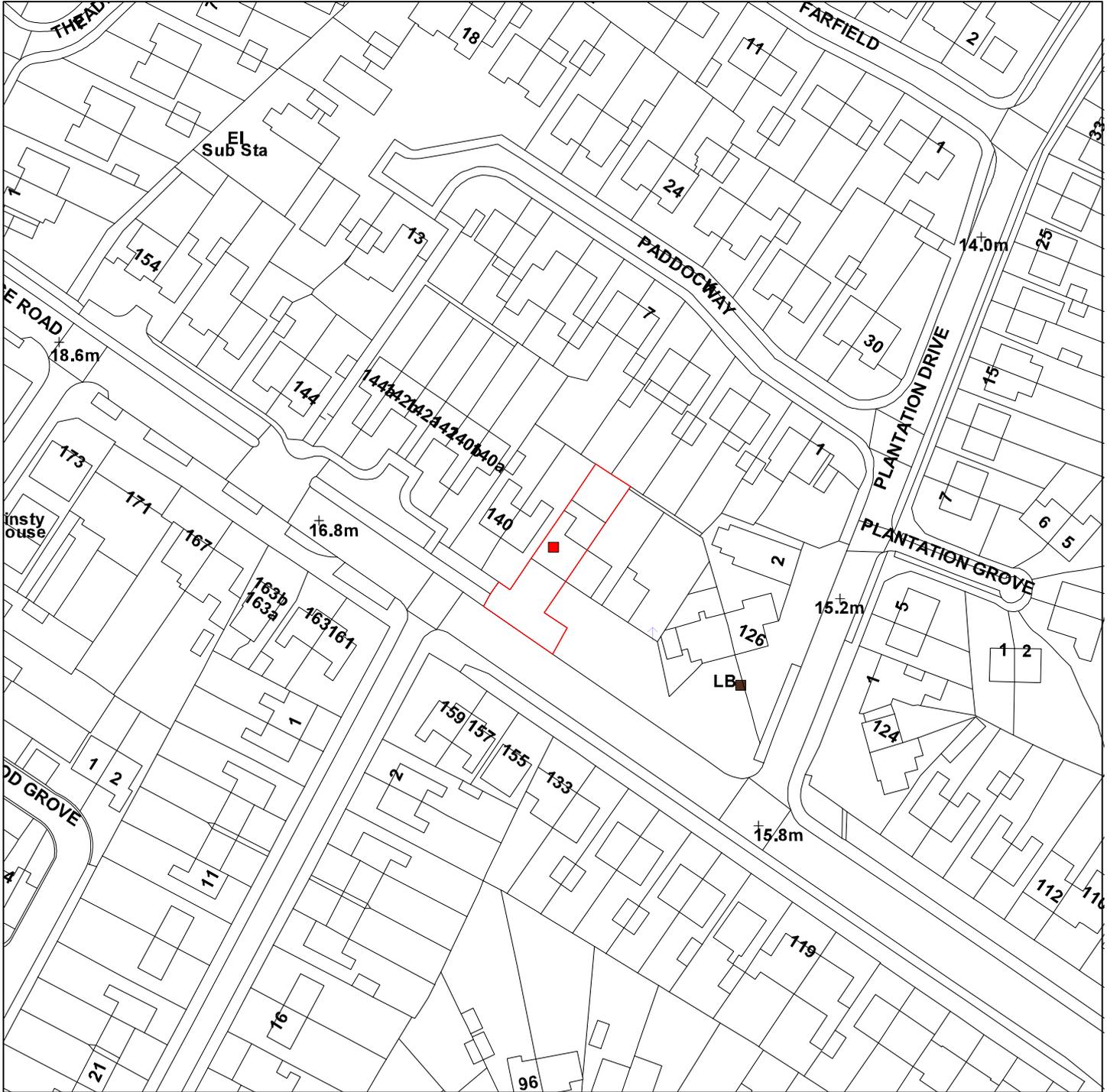
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# 136 Boroughbridge Road

10/02524/FUL



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