



Notice of a public meeting of

Area Planning Sub-Committee

- To:** Councillors Watson (Chair), Galvin (Vice-Chair), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett and Watt
- Date:** Thursday, 8 January 2015
- Time:** 2.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

The minibus for Members of the Sub Committee will depart from Memorial Gardens at 10.00 am.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 3 - 8)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 4 December 2014.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so.

Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 7 January 2015 at 5.00 pm.**

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4. Plans List

To determine the following planning applications:

- a) 11 Ascot Court, York YO24 3AE (14/02576/FUL)**
(Pages 9 - 14)
Erection of balcony (retrospective) [Westfield] **[Site Visit]**

- b) Hunter House, 57 Goodramgate, York (14/02446/FULM)**
(Pages 15 - 28)
Conversion of first, second, third and fourth floors from offices to 14no. apartments (use class C3). [Guildhall] **[Site Visit]**

- c) Hunter House, 57 Goodramgate, York (14/02447/LBC)**
(Pages 29 - 36)
Conversion of first, second, third and fourth floors from offices to 14no. apartments. [Guildhall] **[Site Visit]**

- d) **32 Tranby Avenue, Osbaldwick, York YO10 3NB (14/02443/FUL)** (Pages 37 - 46)
Part two storey part single storey side extension. [Osbaldwick] **[Site Visit]**
- e) **12 Barley View, Wigginton, York YO32 2TY (14/02173/FUL)** (Pages 47 - 56)
Erection of detached dwelling to side of 12 Barley View with detached double garage and new vehicular access from Rye Cross. [Haxby and Wigginton] **[Site Visit]**
- f) **1-12 Kensal Rise, York (14/01857/FUL)** (Pages 57 - 72)
Additional floor to accommodate 6no. roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking to 1-12 Kensal Rise [Fishergate]
- g) **The Memorial Hall, 16 The Village, Haxby, York YO32 3HT (14/01982/FUL)** (Pages 73 - 92)
Alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, erection of 5 no. craft workshops to rear of 66 North Lane and 3no. dwellings (use class C3) between 66 and 68 North Lane (resubmission). [Haxby and Wigginton]

5. **Urgent Business**

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

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- E-mail –judith.betts@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 7 January 2015**

The mini-bus for Members of the Sub Committee will depart from Memorial Gardens at 10.00 am.

TIME (Approx)	SITE	ITEM
10:15	32 Tranby Avenue Osbaldwick	4d)
10:55	12 Barley View Wigginton	4e)
11:35	11 Ascot Court	4a)
12:10	Hunter House 57 Goodramgate	4b) &4c)

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	4 December 2014
Present	Councillors Watson (Chair), Galvin (Vice-Chair), Douglas, Cuthbertson, Hyman, Fitzpatrick, Looker, McIlveen, Merrett, Richardson (Substitute for Councillor Watt) and Boyce (Substitute for Councillor Gunnell)
Apologies	Councillors Gunnell and Watt

Site	Visited by	Reason for visit
6 Westlands Grove	Councillors Galvin & Watson	As the recommendation was for approval, had been called in by the Ward Member and objections had been received.
Sports Centre, Heslington Lane	Councillors Galvin & Watson	To familiarise Members with the site.

32. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have in the business on the agenda.

Councillor Cuthbertson declared a personal interest in Agenda Item 4b) (Sports Centre, Heslington Lane) as a past student at the University. He clarified that whilst a student he did not use the sports facilities.

Councillor McIlveen also declared a personal interest in the same Agenda Item as he had previously used the facilities at the Sports Centre.

No other interests were declared.

33. Minutes

Resolved: That the minutes of the meetings of the Area Planning Sub Committees held on 8 October and 6 November 2014 be approved and signed by the Chair as correct records.

34. 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 Committee.

35. Plans List

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

35a) 6 Westlands Grove, York, YO31 1DR (14/01777/FUL)

Members considered a full application from Mr Nigel Travis for the erection of a two storey detached dwelling including alterations to an existing dwelling.

In their update to Members, Officers clarified a mistake at Paragraph 3.7 to the Officer's report. It was reported that the site was not covered by Heworth Without Parish Council and therefore comments, as referred to in the report, would not be expected in relation to the application.

Further to this it was reported that three further objections to the application had been received.

Two objections in relation to revised drawings stated that;

- The amendments were minor and did not address the main issues raised.
- Development was inappropriate on this sensitive corner plot and the proposal should be rejected.
- Major changes were proposed to the existing house to accommodate the proposal, suggesting that the site is too small and the limited separation gap would be out of keeping with the streetscene.

The other objection spoke about how the proposal would result in the loss of important open space, would be out of character and context with the area and contrary to Local Policies GP1 and GP10 and to the National Planning Policy Framework (NPPF).

Representations were received from a local resident in objection, Mr Bill Woolley. He raised concerns about the loss of open space, the subdivision of the plot and that the dwelling would be located in the front garden not the side garden as stated in the report.

Further representations in objection were received from Alison Rankin who lived in the adjacent property. She expressed concerns regarding overshadowing, loss of light and overdominance. She explained to Members how the proposed dwelling would overshadow her property to the front and rear of her house and that the view from the nearest part of her property to the dwelling would be of a blank wall.

Representations in support of the application were received from Mr Travis the applicant. He confirmed that the garden to the side of the existing plot was not used as amenity space, the hedging to the front and side would be retained and that there would be a nine foot distance between the host property and proposed dwelling. He also added that the proposed dwelling would use existing lines and materials.

During discussion comments were raised about the size of the current garden (which was larger than neighbouring properties) and the proposed garden for the new dwelling, it was suggested that the new garden would be smaller.

Given that the new dwelling would also be located in the front garden it would detract from the streetscene, character of the area which had similar open areas at the front towards the road junctions in the area. It would also be overlooking to other properties. Members felt that this along with demolishing part of the host property constituted overdevelopment and loss of light as the new dwelling would be squeezed on to the existing plot. It was felt therefore that the proposal was contrary to the Council policies on overdevelopment and loss of space.

Resolved: That the application be refused.

Reason: The proposed new dwelling would result in a harmful loss of openness on this prominent corner site which is an important gap within the surrounding development and a characteristic of the locality. This would be detrimental to the character and amenity of the local environment. As such the proposal is contrary to the National Planning Policy Framework in that it fails to provide a positive improvement in the quality of the built environment and policies GP1c) (Design), GP10 (Subdivision of Gardens and Infill Development) and H4a (Housing Windfalls) of the Development Control Local Plan.

**35b) Sports Centre, Heslington Lane, Heslington, York
(14/02245/FULM)**

Members considered a full major application from the University of York for the erection of an indoor sports hall.

In their update to Members, Officers reported that Heslington Parish Council did not have any objections to the application.

Representations in support were received from the agent, Philip Holmes. He spoke about how the sports hall was currently heavily used by both students and community groups and that there was a clear demand for the new hall. He felt that the visual impact of the new building would not be greater than at present but there would be partial views from Heslington Lane.

In response to a series of questions from Members, Mr Holmes confirmed that the applicant hoped to reuse the materials from the demolished temporary structure and that the materials used for the new building, in particular the coating for the roof repelled mould and mildew and was self cleansing.

During discussion some Members commented on the views and landscaping at the west of the site and on the boundary between Walmgate Stray and the University. They felt that if the application was approved that an additional condition be added to reinforce landscaping to this boundary.

Resolved: That the application be approved with an additional condition regarding tree planting to the western boundary of the campus adjacent to the application site.

Reason: The new building would replace an existing structure of utilitarian design and deteriorating visual appearance. The building would ensure that the existing sports provision for the university and local community will continue to be provided. There are no adverse impacts that would outweigh these benefits. The proposals comply with the National Planning Policy Framework and relevant policies of the Development Control Local Plan.

Councillor B Watson, Chair

[The meeting started at 2.00 pm and finished at 3.10 pm].

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COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Westfield
Team: Householder and **Parish:** No Parish
Small Scale Team

Reference: 14/02576/FUL
Application at: 11 Ascot Court York YO24 3AE
For: Erection of balcony (retrospective)
By: Mr Shaun Barley
Application Type: Full Application
Target Date: 31 December 2014
Recommendation: Approve without Conditions

1.0 PROPOSAL

1.1. This proposal seeks retrospective permission for a balcony at first floor level to the rear of a modern 3-storey block of flats.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Neighbour Notification and Publicity

3.1. One letter of objection has been received on the grounds that the balcony causes a breach in security, causes overlooking of their property, that it will cause air pollution through barbeques and smoking, that it increases noise pollution, that it causes vibrations in their flat, that it disrupts the cleaning of their windows, that it is structurally unsound, that it could be hit by high-sided vehicles, that there was no consultation with neighbours prior to the erection of the balcony, and that the balcony should not have received approval from the building owner.

4.0 APPRAISAL

KEY ISSUES:

- Visual impact on the building and surrounding area;
- Impact on neighbouring amenity

POLICY CONTEXT

4.1. The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2. The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. Policy CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours. Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.3. The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. Advice in paragraph 3.4 of this document advises that such developments will normally only be acceptable where they overlook public or communal areas or areas of neighbouring gardens which are not used for sitting out or might have a low level of privacy.

ASSESSMENT

Impact on the surrounding area

4.4. The balcony is already in place. It is considered to be of an appropriate scale and design and utilises appropriate materials, with metal railings finished in black. In relation to the rear elevation of this apartment and of the block it is not considered to harm the visual amenity of the area; in particular longer views towards the building from the playing field behind. It is not visible from the main road.

Impact upon neighbouring properties

4.5. Balconies in the urban area can result in harm to amenity and privacy. The objector raises issues of noise, vibrations, air pollution and overlooking. In this particular case, it is not considered that this addition will cause a materially significant undue loss of outlook nor loss of light/overshadowing to the flat immediately below the host, which only has one window directly below the balcony. The balcony looks out over a communal area and green space to the rear, and is located c.27.5 metres and c. 21 metres from the properties to the south-east and the north-west of the site respectively, therefore not causing a significant loss of privacy. It is considered that there may be a degree of overlooking of the windows at number 14, but that this will be from an oblique angle and not of a sufficient extent to justify refusal. It is considered that the increases in noise, vibrations and air pollution are also not significant enough to warrant refusal given that the windows to the rear of the block of flats look out onto a shared parking area.

4.6. The objector also commented that the balcony disrupts the cleaning of their windows, is structurally unsound and could be hit by high sided vehicles. These are not material planning considerations and thus are not factors for consideration in the assessment of this planning application. It is also noted that the balcony sits within an enclosed section of the parking area adjacent to the entrances to properties and away from the main section of parking spaces. Neighbouring residents have been consulted as part of the assessment of this planning application and the application for the balcony has been assessed objectively, its retrospective status is not a material consideration.

5.0 CONCLUSION

5.1. The balcony is considered to be acceptable for the reasons stated above, that it will not be harmful to the amenity of neighbouring residents or to the character of the area. Therefore the proposal is in compliance with draft policies CYGP1: Design and CYH7: Residential Extensions, and the House Extensions and Alterations SPD.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve without Conditions

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

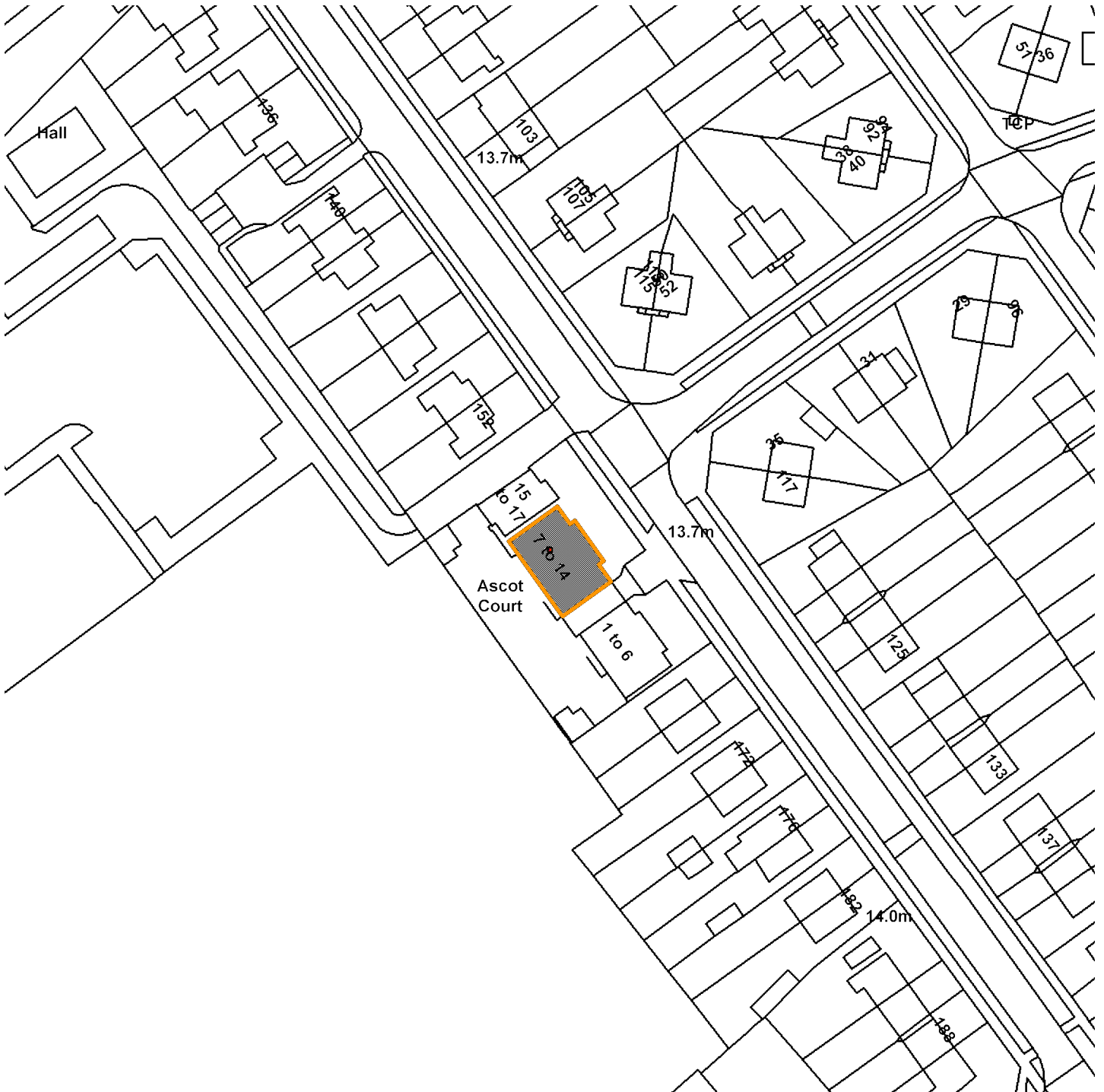
Contact details:

Author: Will Steel Development Management Assistant

Tel No: 01904 551313

14/02576/FUL

11 Ascot Court



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	30 December 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 14/02446/FULM
Application at: Hunter House 57 Goodramgate York
For: Conversion of first, second, third and fourth floors from
offices to 14no. apartments (use class C3)
By: S Harrison Developments Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 26 January 2015
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to Hunter House, which is 5-storeys in height and dates from the late C19 and the two 3-storey units to the north, which date from the C18. The latter buildings are grade 2 listed. There are C19 and C20 extensions at the rear. The upper floors have been inter-connected and were converted to offices in the mid 1980s. The site is within the Central Historic Core Conservation Area.

1.2 Goodramgate is a street with commercial uses at ground floor level. The majority of the buildings within the street are listed although there are some C20 retail units. The host buildings have later extensions at the rear. Beyond the buildings are an associated car parking and service area, after which is Granary Court, which is 3-storey and in residential use.

1.3 It is proposed to convert the upper floor vacant offices into 14 dwellings (10 x 2-bed, 4 x 1-bed), with access from both Goodramgate and from the rear. The ground floor shops would remain. Bin and cycle storage would be underneath the building in the car park/servicing area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF
Listed Buildings Grade 2; 57C Goodramgate York YO1 2LS 0809

2.2 Policies:

CYGP1	Design
CYE3B	Existing and Proposed Employment Sites
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYL1C	Provision of New Open Space in Development
CYGP4A	Sustainability
CYNE6	Species protected by law

3.0 CONSULTATIONS

Communities, Culture and Public Realm

3.1 Commuted sums should be paid to the Council for -

- a) Amenity open space - which would be used to improve a local site such as a closed churchyard, allotments or Clarence Gardens
- b) Play space - which would be used to improve a local site such as a Clarence Gardens
- c) sports pitches - which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

Design, Conservation and Sustainable Development

3.2 Officers support the proposed use, which would be compatible with the conservation area. Minor changes have been requested, otherwise the proposals have officer support.

- On the front elevation ventilation grills would be introduced into the facade at second floor level. The individual grills in no57 are decorative and small scale; nevertheless it is hoped that these can be omitted by diverting the ventilation to the rear of the building or through the roof.
- For the residential entrance, C20th double doors would be replaced by a single door and side panel to a similar design. It is important that the panels are true raised and fielded ones so that the quality of the proposed door screen is similar to existing. The riser compartment door should be removed from such a highly visible location.
- A number of roof-lights would be introduced to serve as both windows and smoke vents. These have been added to the rear of the property and also in between properties where they would be hidden from view. The larger roof-light, on the rear of Hunter House, would be seen in public views, although the impact is deemed to be acceptable.

- It has been asked if the height of the new chimney to Hunter House can be reduced.

Economic Development Unit

3.3 No response.

Education

3.4 Officers advise there is no capacity in schools in the catchment area and the following contributions would be required -

- £23,610 primary (2 additional places at Fishergate Primary)
- £29,512 secondary (2 places at Fulford School)

Environmental Protection Unit

3.5 No response.

English Heritage

3.6 Recommend that all mid C19 and earlier features are retained in situ without any further damage being caused to them, and that they are preferably also on view. The Design and Access and Heritage Statement states that such features will be retained, but that certain features such as the presumably C18 staircase to No 55 and ceilings in the vast majority of rooms are to be covered up. In this respect officers must be content that any such harm to the aesthetic and illustrative historic value of the building can be justified in line with paragraph 132 of the National Planning Policy Framework.

Police Architectural Liaison Officer

3.7 Officers note that the entrance is isolated and secluded. There have been previous complaints from residents about anti-social behaviour. Officers recommend gating the access and using CCTV to cover the bin and cycle stores.

Highway Network Management

3.8 No objection. Officers have recommended the applicants offer future occupants a 1 year membership to the city car club, and planning conditions to secure the car and cycle parking, to agree construction management and for a dilapidation survey in case the highway is affected by construction.

Guildhall Planning Panel

3.9 Support the proposals.

Publicity/Neighbour Notification

3.10 The deadline for comments was 10 December and 4 comments have been received. Issues raised as a consequence of the public consultation were as follows

- Overlooking over Granary Court, in particular new windows which are approx 12m between living/bedrooms.
- Crime and anti-social behaviour which occurs in the car parking area, due to unrestricted access and lack of natural surveillance. It has been recommended that the entrance(s) are gated. It has also been mentioned that access should be retained for all (allowed) users of the area.
- Lack of sound insulation between Hunter House and Granary Court.
- Concerns over disturbance during construction.
- Lack of manoeuvring space in the parking area, and that this would be reduced further due to installing the bin and cycle store.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the proposed use
- Impact on heritage assets
- Residential Amenity
- Open space & Education contributions
- Sustainable design and construction

Principle of the proposed use

4.2 Local Plan policy E3b seeks to retain existing offices in employment use, unless there is a demonstrable alternative supply, over the plan period. The more recent policy in this respect is within the NPPF, in particular paragraphs 22, 49 and 51.

- Paragraph 22 advises that planning should avoid the long-term protection of employment sites, where there is no reasonable prospect for the land being used for such purposes.
- Paragraph 49 states that in dealing with applications for housing, there should be a presumption in favour of sustainable development.
- Paragraph 51 states 'Local Planning Authorities should identify and bring back into residential use empty ... buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change to residential use and any associated development from commercial buildings

where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate'.

4.3 The offices are currently vacant; there have been difficulties achieving long-term occupancy of the building for sometime. The York specific DJD Economic and Retail Growth and Visioning Study advises that only 19% of city centre office space is grade A quality and suggests grade A space will be in greatest demand in future. The host buildings do not provide such space. They are listed and were in part originally residential; the plan form restricts the ability to upgrade the space. The York Means Business website shows that there is alternative office accommodation available within the city centre.

4.4 The city centre location is sustainable, and York does not currently have an identified 5-year housing supply detailed in an up-to-date adopted Local Plan. There are no demonstrable strong economic reasons to resist the proposed change of use and residential development of the upper floors would be a sustainable form of development. In principle the proposed use is compliant with the thrust of the NPPF.

4.5 Paragraph 23 of the NPPF advises that residential development can play an important role in ensuring the vitality of city centres. LPA's should encourage residential development on appropriate sites. This report goes on to assess whether the site is appropriate, considering material considerations such as the impact on heritage assets and amenity.

Impact on heritage assets

4.6 The proposals affect listed buildings and the site is within a designated conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of the area.

4.7 The effect on the listed buildings is discussed in companion application 14/02447/LBC. The key issues raised by English Heritage were that historic features were retained in situ, on view and useable such as staircases, cornices, doors and architraves, skirtings. There will be no loss of historic fabric and detailing in the front rooms of 57 and 57a will remain exposed. The C18 staircase in 57a would still be useable, being accessed from the retail unit in 57. It would only be closed off/separated from the residential uses on the upper floors, and the only

alterative would require a single use for 57a, which is not viable. The arrangement would not harm the architectural of historic interest of the building.

4.8 The external changes proposed are the addition of roof-lights and a chimney, blocking of windows at the rear and alterations to the entrance to the upper floors from Goodramgate. The changes would maintain the character and appearance of the conservation area.

- The roof lights are on the rear and inner sloping roofs. Through condition it can be required they would be conservation type and fitted with recessed flashings. The roof-lights would not unduly dominate the roof or be over-prominent.
- The chimney and entrance alterations are on the least sensitive building - Hunter House, rather than the other buildings, which are listed. The chimney height is for operational purposes and given the overall design and materials, there would not be undue harm. The fire riser is required by the fire officer to be located at the front and be prominent. Negotiations are ongoing, with the intent on agreeing a more discreet approach.
- The windows to be blocked are on a later extension at the rear of Hunter House. The area is of low significance.

Residential Amenity

4.9 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.10 Granary Court to the east of the site has flats on the upper floors which look back towards the application site. Granary Court was converted to residential in the 1980's. Originally new windows were proposed on the eastern facing elevation at 2nd and 3rd floor levels, which would have looked towards living rooms in Granary Court and be around 12m away. The windows are no longer proposed. Window 16 (1st floor) is existing, and would serve a living room; therefore there would be living room windows facing each other within 12m in one event. This is a relatively high density area, for example windows to houses along St Andrewgate and Bedern have similar separation distances, and neighbours can see into each other's houses. To a degree this should be expected in such a city centre location. As such and in particular as the window is existing, this arrangement is considered to be acceptable. Other windows at the rear either do not directly look towards Granary Court (existing windows which are on the side of the lower addition behind Hunter House), or are over 30m from Granary Court (new windows on the rear of no.37). New roof-lights due to their position and design would not cause overlooking.

4.11 No additions/extensions are proposed and thus there would be no adverse impact in terms of light gain and whether the building would be no more over-bearing/over-dominant.

4.12 Noise transmission between buildings has been raised as a concern by neighbours. The standards for insulation for residential buildings are covered by Building Regulations in part E. There are no constraints which would prevent standards being met in the pertinent area.

Amenity of Future Occupiers

4.13 The National Planning Policy Guidance advises that development should be avoided 'where noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise', or where there would be sleep disturbance. The Noise Assessment explains that the installation of secondary glazing would ensure that average noise levels within the development were compliant with World Health Organisation standards. Only in one of the apartments, at the front, would maximum noise levels exceed WHO standards. However the report found max noise levels only infrequently breached the standards, on 2 occasions, at 05:10 and 06:55, and only by around 1dB. It is expected repair of the existing windows would provide extra attenuation and enable compliance with WHO standards. Overall living standards would be acceptable for future residents in this respect. Secondary glazing can be secured via a planning condition; it would not have an undue effect on the listed building.

4.14 The apartments vary in size from 56 to 94 sq m, they would have adequate space and there is also adequate outlook.

Car and Cycle Parking

4.15 Bin and cycle storage is under the building in the car parking area. Cycle parking is covered and secure. The car (8 spaces for the apartments) and cycle parking (1 per dwelling) provisions are compliant with the standards within the Local Plan. The storage would have no adverse visual impact. The proposals have been amended and enclosures would be mesh, not timber, to make them suitably robust and secure. A contribution towards car club has not been requested as this would not meet the tests of the National Planning Policy Framework; as the proposals would not have to be refused without the contribution.

4.16 Officers have raised with the applicants the possibility of restricting access to the car park/servicing area, to deter crime and disorder.

Gating the access will require agreement from 3rd parties though and the applicants cannot commit to such works alone. Crime/disorder is an existing issue, which would not be affected as a direct consequence of the proposal.

Open space & Education contributions

4.17 In accordance with Local Plan policy L1c a contribution would be sought towards amenity space and sports provision in the area. Based on 2014 figures, the contribution is £13,996.

4.18 In accordance with Local Plan policy ED4 a contribution would be required toward education facilities as the primary and secondary schools in the catchment are at capacity. Contributions required are as followed -

- £23,610 primary (2 additional places at Fishergate Primary)
- £29,512 secondary (2 places at Fulford School)

Sustainable design and construction

4.19 As over 10 dwellings are proposed, based upon the York Interim Statement on Sustainable Design and Construction, a BREEAM rating of at least Very Good is expected.

4.20 The applicants have supplied a BREEAM pre-construction assessment, which informs that the scheme is not expected to achieve the typically required very good score. The development fails only in terms of energy efficiency. This is because upgrading the building fabric in certain areas (in front rooms overlooking Goodramgate) to the required amount would have an adverse effect on the architectural importance of the interior (loss of architraves for example). There is also a high amount of glazing on the front elevation. Thin linings will be applied where possible, along with secondary glazing, but we have been informed these enhancements will still not meet the BREEAM requirement. There is a reasonable case as to why BREEAM Very Good cannot be achieved and the buildings insulation will be improved. A planning condition could secure agreement as to how alternative measures would improve the energy efficiency of the building and secure the other proposed measures within the post-construction statement.

Ecology

4.21 Policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures.

4.22 Bat surveys have been undertaken and no evidence of bat roosts were found at the site.

The survey informed that the immediate locality has a 'low value' to foraging and commuting bats. Because the building has potential bat roosts, a planning condition can be applied to ensure works to the roof are undertaken with care.

Other Issues Raised by Objectors

4.23 The Council's Environmental Protection Unit can take action on developers if they are not following best practical means (noise, vibration and dust) and have guidance on the council website in this respect. It is unnecessary to duplicate this activity through planning legislation.

4.24 Construction traffic would have to adhere to local traffic restrictions and be constrained by the existing road layout. There are no grounds to resist the planning application in this respect.

4.25 Any scaffolding on private land would be subject to agreement with interested parties and does not fall within the remit of the planning application.

5.0 CONCLUSION

5.1 In principle of the proposed use accords with the thrust of national planning policy, because there are no strong economic reasons to rest the loss of these offices, there is housing need and this is a sustainable location. There would be no undue harm to heritage assets, protected species, highway safety and amenity.

5.2 Approval is recommended subject to completion of a legal agreement to secure the planning contributions set out below -

Education	£53,122
Open space	£13,996

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

LHL drawings Y-BSP-4132-14

Existing Plans

100a, 101a, 112a, 113a, 114, 115, 116, 117a, 118a, 120a, 121b, 122a

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Demolition plans

503b, 504b, 505b, 506a

Proposed plans

1001a, 1002a, 1003c, 1004a, 1005b, 1006a, 1007b, 1009a, 1010b, 1011a

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

3 Unless agreed otherwise the development shall incorporate the measures detailed within the BREEAM pre-construction assessment. Measures to improve energy efficiency within the building shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and the development shall be carried out in accordance with the approved measures.

Reason: to contribute to the achievement of sustainable development, in accordance with paragraphs 6 and 7 of the National Planning Policy Framework.

4 Prior to occupation of the development hereby approved existing windows shall be repaired and secondary glazing shall be installed, which shall at least meet the specification recommended in section 6 of Dragonfly Noise Assessment DC1555R1v3 and LHL drawings 1020a and 1021.

Reason: To ensure an adequate level of amenity for future occupants.

5 The cycle and bin stores, including the means of enclosure, shall be provided in accordance with the approved site plan 1001 rev. A prior to the occupation of the development hereby approved and retained for the lifetime of the development.

Reason: To promote sustainable transport, to avoid crime and disorder, and in the interests of visual and residential amenity.

6 The development shall commence in accordance with the following measures

- All contractors and all those involved with timber treatment, roofing and building works shall be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats;
- All fixtures and fittings such as guttering, fascias, soffit boards, chimney stacks etc shall be carefully removed by hand where required.
- Roofs which are to be replaced or altered shall be dismantled carefully by hand. Only half of the roof should be removed on the first day and the second half at

least 24 hours later (so any bats still roosting within the roof structure are encouraged to leave on their own accord).

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

Reason: To take account of and to enhance the habitat for a protected species, in accordance with section 11 of the National Planning Policy Framework.

7 Roof-lights shall be of conservation type and fitted with recessed flashings.

Reason: In the interests of the special historic and architectural interest of the listed building.

8 Noise 7 Restricted Hours of Construction

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application advice, secured revised plans and through the use of planning conditions and contributions.

2. INFORMATIVE:

Control of Pollution Act 1974:

3. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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14/02446/FULM

Hunter House 57 Goodramgate



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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	30 December 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8.1.2015 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 14/02447/LBC
Application at: Hunter House 57 Goodramgate York
For: Conversion of first, second, third and fourth floors from
offices to 14no. apartments
By: S Harrison Developments Ltd
Application Type: Listed Building Consent
Target Date: 18 December 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to a group of three buildings along Goodramgate: nos. 57 and 57a, which are grade 2 listed and Hunter House. The buildings each have retail units at ground floor level. On the upper floors, the buildings were amalgamated and converted into offices in the 1980's. The offices are currently vacant.

- No57A is 3-storey, one of a pair of houses (along with no55) dating from the early C18th (1730s). A central passage divides 55 and 57a. The properties in plan form have single rooms at the front and back to each side of transverse staircases.
- No 57 is a late C18th building, 3-storey, built originally as two houses with rooms front and back. The staircases and original back walls have been completely removed to amalgamate the space with later rear extensions. The former stairwells are still detectable in the roof-space. The building was modernized in the early C19th as evidenced in the first floor front rooms by details such as the decorative plasterwork and joinery details.
- Hunter House, not listed, but recognized as a building of merit in the Central Historic Core Conservation Area Appraisal (Nov 2011). It is an unusually tall late C19th building with double tiered display windows with original C19th shop-front surround and cast iron framing face the street. These large windows, the bespoke joinery of the swept internal staircase and the previous open plan all suggest the building was designed as the department store for Hunter and Smallpage whose furniture store was established in 1875.

1.2 The application is for the works required to enable residential use of the upper floors, there is a companion planning application for conversion into 14 dwellings. The residential access, to the upper floors would be from both Goodramgate (Hunter House) and at the rear.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Policies:CYHE4 Listed Buildings

3.0 CONSULTATIONS

Design Conservation and Sustainable Development

3.1 Officers support the scheme in principle. It is noted the upper floor rooms of numbers 57 and 57a remain relatively complete. Officers acknowledge that the plan form proposed is partly a pragmatic response to the deep plan and its interconnected layout. Limitations are imposed by lack of light in the centre of the plan, by lack of direct access from the ground floor of each of the former buildings and by requirements regarding escape distances to fire exits. Ideally, to increase understanding of the historic buildings, the apartment plans would be contained within each separate building unit but this is not possible. The situation particularly affects nos 57A and 57 which are furthest from the point of access.

3.2 Further detail/clarification was requested on the items listed below and officers have provided updated comment on 22 December.

- Staircase at 57a – the approach to blocking the staircase is accepted. There will be no damage to the stair.
- Detailing within front rooms – within 57 and 57a the interiors of the front rooms are almost complete. Full details were required to understand any impact on these rooms. It has been clarified historic detailing will remain in situ and be exposed.
- Plan Form – In 57 at first floor level were the kitchen compartment is proposed there is adequate justification for the enlarged opening.
- The new chimney – it was asked if this could be reduced in height, but it is acknowledged that the proposed height is a building regulation requirement.

English Heritage

3.3 Recommend that all mid C19 and earlier features are retained in situ without any further damage being caused to them, and that they are preferably also on view.

The Design and Access and Heritage Statement states that such features will be retained, but that certain features such as the presumably C18 staircase to No 55 and ceilings in the vast majority of rooms are to be covered up. In this respect officers must be content that any such harm to the aesthetic and illustrative historic value of the building can be justified in line with paragraph 132 of the National Planning Policy Framework.

Guildhall Planning Panel

3.4 Support the proposals.

Publicity

3.5 The deadline for comments was 10 December and one comment has been made, which supports the principle of the proposed use, but notes that the listed building issues raised by English Heritage should be considered.

4.0 APPRAISAL

Key Issues

4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

Assessment

4.2 There have been difficulties in securing permanent and comprehensive occupation of the upper floors as offices and it is acknowledged the space is not well suited, or there is a lack of demand for the space, either as offices or for retail, given the location and size/shape of the floor-plate. The proposals would also restore the original use to the upper floors of the listed buildings (57 & 57a), although the scheme cannot be true to the original plan form, because access to the upper floors is only via Hunter House, and not each individual unit. In principle the proposed use is welcomed as it would be in the interests of the viability of the listed buildings.

C18 staircase

4.4 Part of the staircase within 57a dates from the early C18. The scheme retains the staircase, which would be accessed from the ground floor shop. The staircase is positioned at the centre of the ground floor retail area and it is proposed the first floor front room also remains associated with the retail unit. The staircase could be accessed from the retail unit, but it would be closed off where it terminates, to achieve separation between the retail unit and the upper floor flat.

Separation for noise/fire is a building control requirement. The only means of allowing the staircase to be kept in constant use would be reverting 57a to a single use throughout the 3 floors. Such a retail space is unlikely to be required and full residential use would lead to a loss of commerce on the street. The proposed approach would lead to no loss of historic fabric and the stair would be accessible; it would not be blocked off. As such there is no objection to the approach proposed.

Architectural detailing

4.5 The plan form and architectural detailing remain within the front rooms of 57 and 57a only. No loss of historic detailing is proposed. Details of the proposed changes required for noise insulation and fire safety can be secured by condition. The intent is to paint the ceiling only in this respect and therefore the fabric, such as the cornicing, would be preserved. Secondary glazing is proposed to reduce noise impact and improve insulation. The typical approach has been shown on the proposed plans and would preserve the appearance of the building. A condition can secure the design of the glazing, to ensure it is of appropriate design, for the 1st floor oriel windows within 57.

Plan form

4.6 There would be loss to the plan form in 57 at first floor level, where the kitchen/dining room is proposed. It is proposed to enlarge the existing opening in this location, because in this case the kitchen and living rooms need to be a single room to satisfy building regulations, in terms of providing acceptable means of escape. The new opening would retain evidence of the original plan form as the opening would not be full height. The existing opening has no decorative surround, only the skirting board, and this arrangement would be repeated in the proposed enlarged opening.

Hunter House

4.7 Hunter House itself is not listed and has seen much alteration when it was converted to offices. The internal changes proposed can be accommodated without harm to the special historic or architectural interest of the group of buildings. The 2-stroey shop front would be retained.

5.0 CONCLUSION

5.1 The works proposed will have no undue impact on features of special or historic interest. The staircase in 57a cannot be accommodated within a residential unit, but it will be retained in its extant form and will be useable by the retail unit; historic features will be retained and exposed; there would be a minor loss of the original plan form in 57 where an opening from the front room would be widened, there would be no loss of historic detailing though and there is good reason for the alteration.

5.2 The works would allow comprehensive use of the upper floors throughout the buildings and be in the interests of its viability. The only adverse effect on the listed buildings would be the widening of an historic opening in 57. The level of harm will be low and given the overall benefits of the scheme, there are deemed to outweighing material considerations that justify the harm.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans:- LHL drawings Y-BSP-4132-14

Existing Plans

100a, 101a, 112a, 113a, 114, 115, 116, 117a, 118a, 120a, 121b, 122a

Demolition plans

503b, 504b, 505b, 506a

Proposed plans

1001a, 1002a, 1003c, 1004a, 1005b, 1006a, 1007b, 1009a, 1010b, 1011a, 1020A, 1021

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

3 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details.

- a) Vent stack to Hunter House.
- b) Grills to front elevation shown in context
- c) New front door to Hunter House and its side panel
- d) Sections through the attic of no 57, to show how the roof insulation would be upgraded without harming the existing structure, how the existing floor structure would be protected, how new partitions would relate to the existing roof structure, and where the retained historic door would be fixed

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- e) New/replacement screens within the existing staircase in 57A (to include section and elevation)
- f) New opening to the rear of no57 first floor room, shown in context
- g) Secondary glazing to first floor front windows in no57
- h) Blocking of internal doors

Reason: In the interests of the architectural and historic interest of the listed building.

4 Services- mechanical ventilation

Illustrated method statements showing where services (for mechanical ventilation) would be integrated into the buildings and what their effect would be on historic detailing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details.

Such works shall avoid affecting the front rooms of 57 and 57a.

Reason: In the interests of the architectural and historic interest of the listed building.

5 Fire/acoustic strategy

Strategies for achieving fire and acoustic separation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details. Proposals shall detail the impact on any features or historic and/or architectural interest. In accordance with the application details there shall be no suspended ceilings to the front rooms within 57 and 57a.

Reason: In the interests of the architectural and historic interest of the listed building.

6 Prior to works in the pertinent area commencing a photographic recording of the attic in no57 (to an English Heritage level 2 standard) shall be submitted to an approved in writing by the Local Planning Authority.

Reason: In order that a historical record of the listed building is kept, to record and enhance our understanding of heritage assets, in accordance with paragraph 141 of the National Planning Policy Framework.

7.0 INFORMATIVES:

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

Application Reference Number: 14/02447/LBC

Item No: 4c

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14/02447/LBC

Hunter House 57 Goodramgate



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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	30 December 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Osbaldwick
Team: Householder and **Parish:** Osbaldwick Parish
 Small Scale Team Council

Reference: 14/02443/FUL
Application at: 32 Tranby Avenue Osbaldwick York YO10 3NB
For: Part two storey part single storey side extension
By: Mr and Mrs K Blade
Application Type: Full Application
Target Date: 9 December 2014
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application site is a two storey semi - detached property located in an area of similar property styles set. The property has an ample rear garden and a later single storey rear extension. Planning permission is sought for the construction of a two storey side extension and an extension to the existing single storey rear extension after removal of an existing detached garage. The proposal is subject to a revised plan (drawing number B01/1393/02B - REV B) which has reduced the width of the side extension from approx 4.3 metres to approx 3.7 metres. This additional accommodation would provide a garage and additional living area at ground floor with two bedrooms and en- suite above.

PROPERTY HISTORY

1.2 Erection of single storey extension to rear of dwelling approved on 08.02.1995 (ref:3/100/357/FA).

APPLICATION CALLED-IN

1.3 This application has been called in by Councillor Mark Warters on the basis of impact on the street scene, highway safety and neighbour amenity issues.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Osboldwick Parish Council

3.1 Object for the following reasons:

- Overdevelopment of the site.
- The side extension is far too wide and is not in keeping with the other extensions in the area.
- The front canopy would reduce the available parking space.
- Off road parking could be a problem as there appears to be space for only one vehicle.
- The property is situated on a sweeping bend and is on a bus route parking on the highway would be dangerous and hazardous.

Neighbour Notification/Publicity

3.2 Two objections received on the following grounds

- Total width of extension.
- Proposed windows to the side elevation.
- Total width of side extension.
- Protrusion of garage reducing available parking space to one vehicle.
- Property situated on a sweeping bend on a bus route on street parking would create congestion

3.3 Additional consultation letters were sent out following the submission of the revised drawing. One letter has been received stating that the side extension should be reduced in width by a further 300mm and further commenting on off-street car parking.

Councillor Warters

3.4 Objects for the following reasons:

- Neighbouring amenity - the impact of the proposals on No. 30 Tranby Avenue and the property to the rear with its solar panels which would be adversely affected by the extension.

- The lack of any construction management or enforcement by CYC on similar schemes in Osbaldwick leading to considerable distress to residents over parking of contractors vehicles, deliveries etc. leading to damage to footpaths, verges and other highway infrastructure. This issue must be dealt with at the planning stage to ensure, if approval is granted, that a considerable highway danger is not created during construction works.

4.0 APPRAISAL

4.1 Key issue(s)

- Impact on amenity of neighbours
- Impact on street scene

Planning Policy

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 The Draft City of York Local Plan was approved for development management purposes in April 2005. Its policies carry weight where there are compliant with the NPPF. Policy H7 - "Residential Extensions" states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 Policy GP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important

gaps within development, and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations.

Visual Amenity

4.7 The Supplementary Planning Document seeks that unduly wide extensions should be normally avoided and suggests that typically a two storey side extension should not exceed around 50% of the width of the original house unless its width has been designed to successfully harmonise with architectural features contained in the original property. The proposed two storey side extension would be designed with a set down from the main roof ridge and a 400mm set back from the principal elevation at first floor height. The introduction of the canopy forward of the building line is a design principle often used for two storey extensions, to give continuity between the main house and new development. The extension would be set off the shared boundary by approx 1.3m adjacent to 30 Tranby Avenue. With the use of matching materials the proposal would generally comply with the recommendations contained within the SPD.

4.8 No. 30 Tranby Avenue has a two storey side extension which has been constructed with similar design principles, however this development has a greater set back from the front and the roof height is set lower. Furthermore, property is located on a road with numerous examples of two storey side extensions to both sides of the street. The extension would not detract from the appearance of the dwelling or street scene.

Off Street Parking

4.9 Concerns have been raised by the Ward Councillor, Parish Council and local residents relating to increased on street parking following the construction of the extension causing highway safety implications. However there would be sufficient car parking available within the proposed garage and room to the front for one parking space. Therefore, whilst the extension would remove a large section of available parking at the side of the house, the proposal conforms to the Council's maximum car parking standards and therefore it is considered that a refusal reason could not be justified on these grounds. Conditions are recommended preventing the conversion of the garage under permitted development rights and requiring the use of a non-protruding garage door.

Neighbour Amenity

4.10 In terms of protecting neighbour amenity the Council will have regard for the adjacent neighbours in terms of the impact on sunlight, the relationship of windows, height, massing and dominance. The closest neighbour to the proposed extension is the property at 30 Tranby Avenue. This property has been extended at two storey height to the side elevation incorporating windows to the front and rear aspects. This dwelling has an established rear garden with ample mature garden screening including a six foot fence and detached garage. This proposal would project toward the shared boundary, incorporating two additional windows on the side elevation at ground floor and first floor height adjacent to the shared boundary, serving a bathroom at first floor and a window to the extended living area at ground floor. There is an existing ground floor side window, as such taking in to account the first floor would be obscure glazed the new windows would not materially impact on this occupier's immediate amenity space directly inside or outside of the house. Furthermore, primary windows on the rear elevation would be generally obscured by the detached garage on the shared boundary of (no30). In terms of loss of available light the extension would not exceed the length of the property at first floor height, as such would not cast shadows in to the rear garden of (no.30). On balance, acceptable separation distance would be retained and it is not considered to represent an overbearing structure when viewed from this house nor would it result in a significant loss of light for the adjacent neighbour.

4.11 Councillor Warters has expressed concerns that the position of the extension would block out sunlight which would affect the solar gain to the array of photovoltaics situated on the rear roof slope of the bungalow at 28 Bedale Avenue. The proposed extension is generally south-west of no.28 Bedale Avenue, and there would be about 19m between the two structures, thus it is considered that the distances achieved between this neighbour and the proposed extension would not restrict sunlight and cast shadows that would effect the solar energy reaching this property.

5.0 CONCLUSION

5.1 It is not considered that the proposed extension would create demonstrable harm to the residential character of the street scene. Nor is it considered that the extension would create any significant harm to the amenity of the neighbours in terms of proximity, light or overlooking. For this reason, the proposal is considered to comply with the NPPF and Policies GP1 and H7 of the City of York Draft Local Plan and the Council's Supplementary Planning Document (December 2012).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

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

Revised plans received by email on 27th November 2014 (drawing number B01/1393/02B - REVB)

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

3 VISQ1 Matching materials -

4 EPU1 Electricity socket for vehicles -

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning authority the proposed garage element of the extension shall not be converted to living accommodation.

Reason: To ensure that adequate storage / car parking space would be retained in the interests of highway safety.

6 The garage shall be fitted with doors which shall at no time, even whilst being open or shut, protrude forward of the position of the face of the garage door whilst in the closed position.

Reason: To prevent cars projecting into the public highway and obstructing the free passage of road users.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Revised plans sought and submitted to reduce the width of the extension in order to retain cohesion within the existing street scene and reduce the dominance to the host dwelling.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

3. HIGHWAY REGULATION

The applicant is advised that prior to commencing works on site, they should contact the council (email: highway.regulation@york.gov.uk) to discuss construction management of the project with regards to the use and protection of the public highway. This will include aspects such as any licences which will be required for skips, scaffold or material storage on the highway. Also including good working practise to ensure that the public highway is not damaged or obstructed by traffic associated with the application.

Contact details:

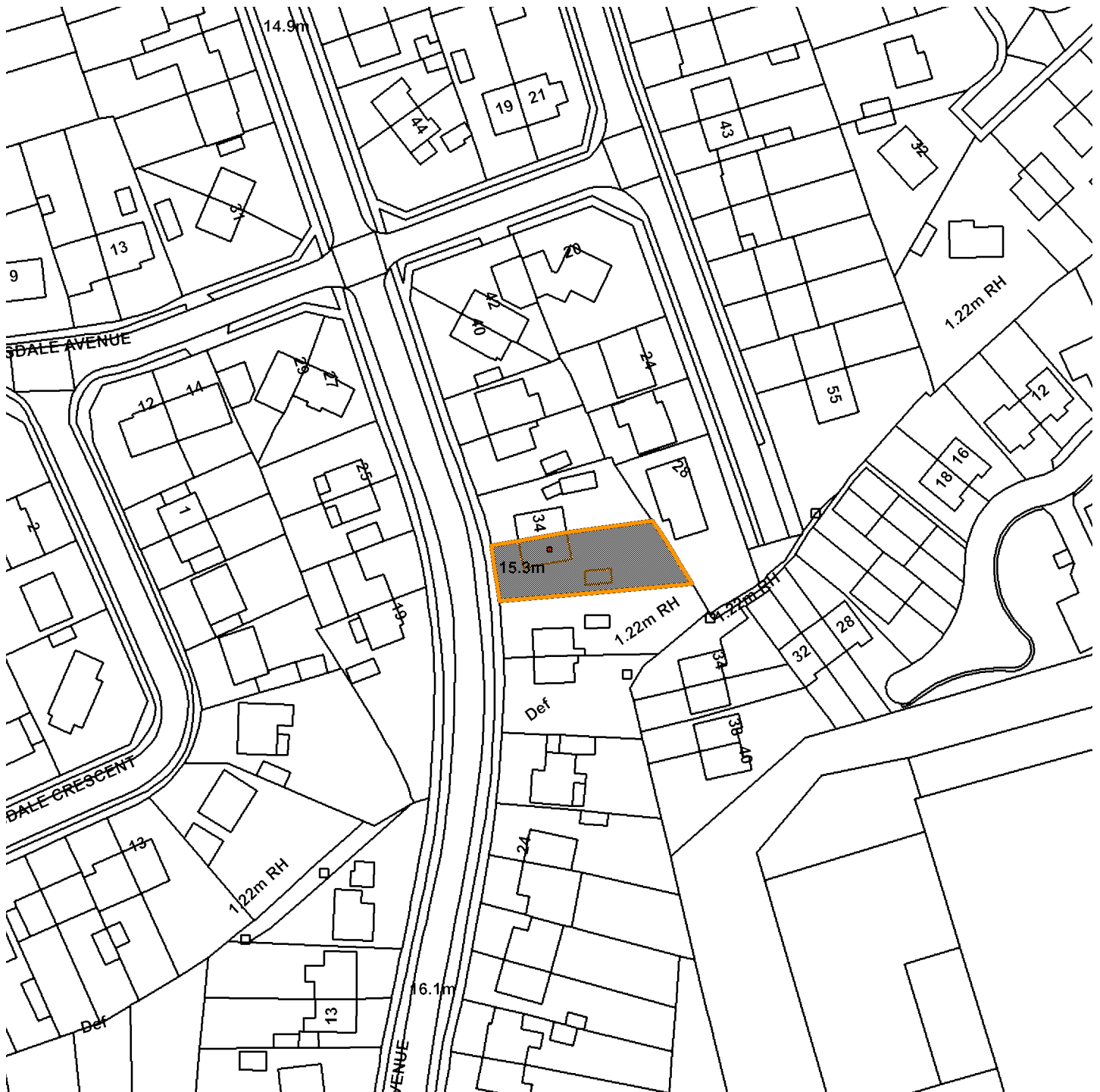
Author: Sharon Jackson Development Management Assistant

Tel No: 01904 551359

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14/02443/FUL

32 Tranby Avenue Osbaldwick



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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	30 December 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Wigginton Parish Council
Commercial Team

Reference: 14/02173/FUL
Application at: 12 Barley View Wigginton York YO32 2TY
For: Erection of detached dwelling to side of 12 Barley View with detached double garage and new vehicular access from Rye Cross
By: Mr D Leeper
Application Type: Full Application
Target Date: 25 November 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Demolition of a detached single garage and erection of a detached, 2-storey, 3-bedroom house measuring approximately 8.6m x 5m x 4.8m to the eaves and 8m to the ridge. A pair of single garages would be erected at the rear of the site with access from Rye Close. One of the garages would serve the new dwelling, the other garage would replace the garage to be demolished. An existing vehicular access from Rye Close would be widened to serve the two garages.

1.2 The application has been called in by Councillor Cuthbertson due to concerns raised by a local resident that the application would constitute overdevelopment of the site, could result in a terracing effect and, when added to the adjacent buildings, would be incompatible with existing properties due to an increase in massing.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1 Design
CYGP4A Sustainability
CGP15A Development and Flood Risk
CYGP10 Subdivision of gardens and infill devt
CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Communities, Culture and Public Realm

3.1 As there is no provision for on-site open space commuted sums should be paid to the council for amenity open space, play space and sports pitches. The contribution to off-site provision is to be based on the latest York formula through a Section 106 Agreement.

Environmental Protection Unit

3.2 No objections. Add the council's standard conditions regarding unexpected contamination and recharging of electric vehicles.

Highway Network Management

3.3 No objections. Add a standard condition requiring car parking to be provided.

Flood Risk Management (Verbal)

3.4 No objections. Add a condition requiring drainage details to be submitted for approval.

EXTERNAL

Wigginton Parish Council

3.5 No objections.

Yorkshire Water

3.6 Clarification has been requested from the agent to show where foul and surface water connects to the public sewer network [and verbally on 19 December 2014:] In the absence of such information add conditions requiring separate systems of drainage and for drainage details to be submitted for approval.

Public Consultation

3.7 The consultation period expired on 7 October 2014. Seven objections have been received raising the following planning issues:

- Overdevelopment of the site;
- Scale, proportions and design are out of keeping with the area;

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Item No: 4e

- Loss of sunlight/daylight to neighbouring houses;
- Loss of outlook from neighbouring houses;
- Would exacerbate existing flooding/drainage problems;
- Would worsen on-street car parking;
- Loss of highway safety due to increased traffic and reduced visibility.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development for housing;
- Visual appearance;
- Neighbour amenity;
- Highway issues;
- Flood risk;
- Highway matters;
- Open space.

THE APPLICATION SITE

4.2 Part of the side/rear garden of a semi-detached, 2-storey house at the corner of Barley View and Rye Close. The area is suburban residential, principally bungalows and 2-storey houses, some of which have prominent extensions, The application site has a detached single garage accessed from Rye Close.

POLICY CONTEXT

4.3 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.4 The City of York Development Control Local Plan was approved for development control purposes in April 2005.

Its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Relevant local plan policies are listed in section 2.2 of the report.

PRINCIPLE OF DEVELOPMENT

4.5 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

4.6 The National Planning Policy Framework states that local authorities should consider policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst garden sites such as this are excluded from the definition of previously-developed land the NPPF does not make them unsuitable for housing development. Local planning authorities are still expected to seek the efficient use of land, which focuses new residential development on sites in sustainable locations, which include the application site. The principle of the use of the land for housing is acceptable.

VISUAL APPEARANCE

4.7 The National Planning Policy Framework acknowledges that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.8 The scale, design and materials of the house are in keeping with the adjacent houses and the area generally. The front elevation would follow the general building line of adjacent houses and would be set back from the side boundary by between 1.5m and 3.5m. This set back is sufficient to maintain the general, open character of the street scene, particularly bearing in mind that two nearby houses have significant side extensions facing Rye Close that extend up to the public footway.

NEIGHBOUR AMENITY

4.9 The main entrance to No.12 and a secondary first-floor window face the proposed house. But none of the windows of the proposed house would face No.12 and a sufficient gap would be retained for access to the front door. There would be no material loss of natural sunlight/daylight to neighbouring properties.

No other occupiers would have their amenity affected by the proposals. Separation distances would be sufficient to prevent significant overlooking or overbearing.

FLOOD RISK/DRAINAGE

4.10 The site is in low risk flood zone 1 and should not suffer from river flooding. The application includes a drainage assessment, which describes how surface water run-off would be attenuated to provide a net gain over the current situation. Drainage details should be made a condition of approval.

HIGHWAY MATTERS

4.11 Four off-street parking spaces would be provided (two for the new and two for the existing house) which is in accordance with the council's maximum parking standards. The proposal would have no material impact on traffic or highway safety.

PUBLIC OPEN SPACE

4.12 The Council's leisure officers have sought a financial contribution towards public open space, in accordance with policy L1C of the 2005 local plan. National Planning Practice Guidance was revised on 28 November 2014 in respect of planning obligations. This states that tariff style planning obligations towards pooled funding 'pots' intended to provide common types of infrastructure for the wider area should not be sought from developments of 10-units or less. This guidance means that the part of policy L1c (Provision of New Open Space in Development) of the Development Control Local Plan which requires, for sites of less than 10 dwellings, a commuted sum towards off-site provision is no longer in accordance with National Planning Policy.

5.0 CONCLUSION

5.1 The proposal as revised accords with the National Planning Policy Framework and relevant policies of the 2005 City of York Draft Local Plan and is acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawings numbered 14:36:03, 14:36:04 and 14:36:05.

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

3 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

4 No development shall take place until details of the proposed means of foul and surface water drainage have been submitted to and approved by the Local Planning Authority. Details shall include:

a. Site specific details of the flow control device manhole, which shall limiting the surface water run-off to a maximum of 2.0 lit/sec.

b. Storage volume calculations, using computer modelling to 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 shall include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.

c. Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

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

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

5 VISQ8 Samples of exterior materials to be app -

6 In the event that contamination is found at any time when carrying out the approved development, the findings shall be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken, and where remediation (clean-up) is necessary a remediation scheme shall be prepared, approved in writing of the Local Planning Authority and implemented in full. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and approval in writing by the Local Planning Authority prior to first occupation of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors.

7 Prior to first occupation of the development the applicant shall install within the curtilage of the development, a three pin 13 amp electrical socket in a suitable position to enable the charging of an electric vehicle within the curtilage using a 3m length cable.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles

NOTE: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations, and be suitable for charging electric vehicles. If located externally the socket shall be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

8 HWAY19 - Car and cycle parking laid out.

9 VISQ4 - Boundary details to be supplied.

10 NOISE7 – Restriction of hours of construction

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority attached appropriate conditions to the approval, thus enabling a positive outcome to be achieved.

2. CONTROL OF POLLUTION

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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

- (b) 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".
- (c) 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.
- (d) 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.
- (e) 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.
- (f) There shall be no bonfires on the site.

3. VEHICLE CROSSING

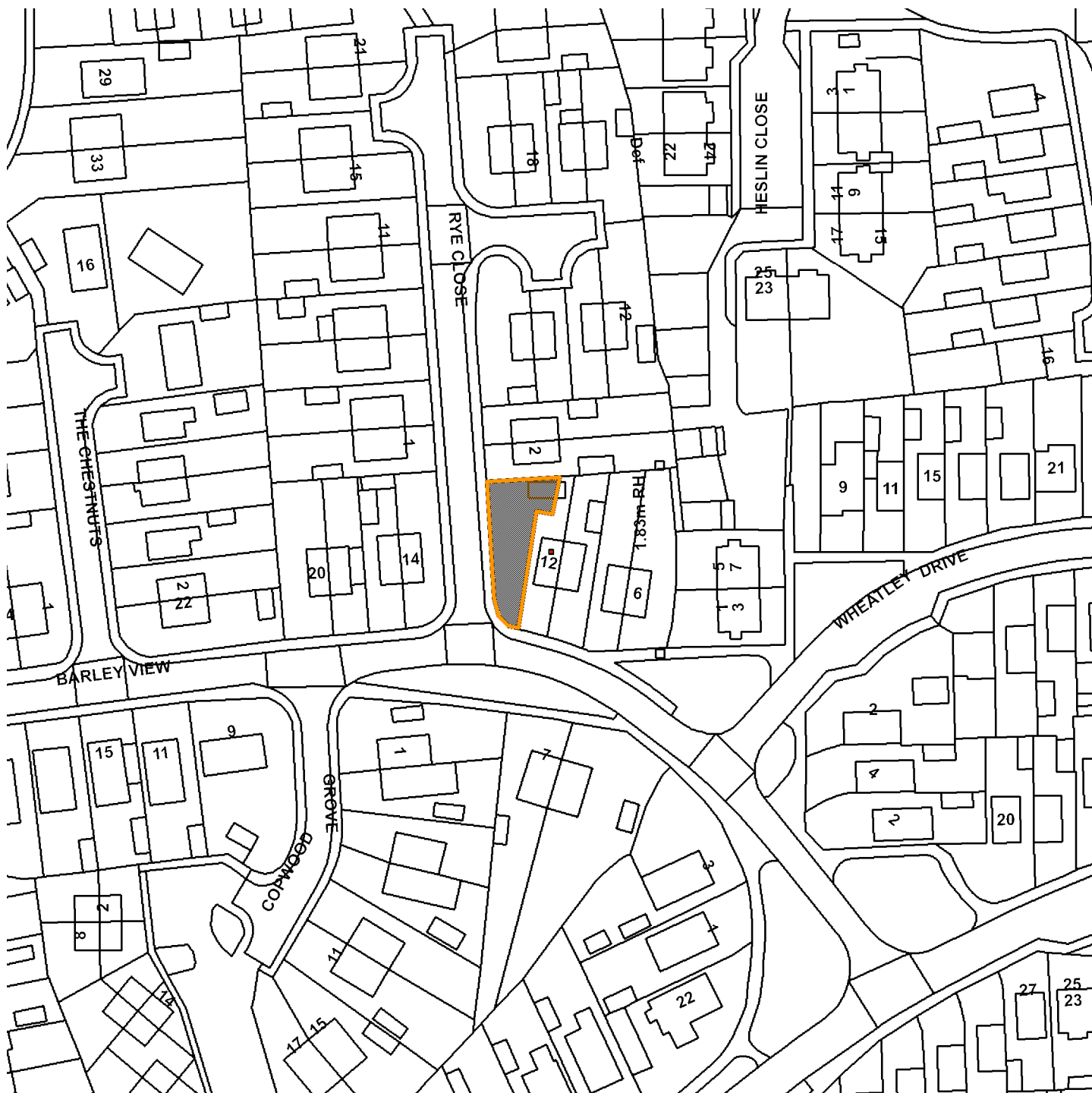
Prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361.

Contact details:

Author: Kevin O'Connell Development Management Officer
Tel No: 01904 552830

14/02173/FUL

12 Barley View Wigginton



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	30 December 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 14/01857/FUL
Application at: 1 - 12 Kensal Rise York
For: Additional floor to accommodate 6no. roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking to 1-12 Kensal Rise
By: Mr David Jones
Application Type: Full Application
Target Date: 6 October 2014
Recommendation: Approve

1.0 BACKGROUND

1.1 This application was reported to the Area Planning Sub-Committee on 6 November 2014 with a recommendation that Members approve the application subject to a section 106 unilateral undertaking to secure a contribution towards off-site open space. A copy of the report is attached as annex 1.

1.2 Members resolved to grant permission subject to the completion of the undertaking and an additional condition 10 to control the management of construction works in the interests of highway safety.

1.3 The section 106 unilateral undertaking has not been completed to date and the planning permission has not been issued.

1.4 National Planning Practice Guidance was revised on 28 November 2014 in respect of planning obligations. This states that tariff style planning obligations (section 106 planning obligations) towards pooled funding 'pots' intended to provide common types of infrastructure for the wider area should not be sought from developments of 10-units or less. This guidance means that the part of policy L1c (Provision of New Open Space in Development) of the Development Control Local Plan which requires, for sites of less than 10 dwellings, a commuted sum towards off-site provision is no longer in accordance with National Planning Policy. As such it is considered that the previous sub-committee resolution would no longer comply with the NPPF.

1.5 A revised conclusion and recommendation to the previous report is below, otherwise there have been no material changes in circumstances since 6 November and therefore no further consultations or notifications have been undertaken.

REVISED CONCLUSION AND RECOMMENDATION TO REPORT AT ANNEX 1

5.0 CONCLUSION:

5.1 The proposal accords with national planning policy set out in the National Planning Policy Framework and relevant policies of the 2005 City of York Development Control Local Plan. The proposal is acceptable.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawings numbered 870.03.A, 870.12.B, 870.13.B, 870.4 and 870.15.A

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

3 The balconies of the two easternmost flats on the on the second floor of the development hereby approved shall be used for maintenance of the building only and for no other purpose.

Reason: In order to protect the occupiers of the adjacent house at No.14 Kensal Rise from unacceptable overlooking.

4 Prior to commencement of development details of the proposed south-facing windows of the two easternmost flats on the second floor of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the occupiers of the adjacent house at No.14 Kensal Rise from unacceptable overlooking.

5 VISQ8 Samples of exterior materials to be app -

6 The proposed 0.5m-high retaining wall and 1.2m-high fence around the proposed visitor parking bays at the eastern end of Kensal Rise shall match the existing boundary wall/fence along Kensal Rise in colour, appearance and materials.

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

7 Before the commencement of development, including the importing of materials, excavations, utility works, a method statement regarding measures to protect the tree the subject of a tree preservation order at the western end of the site shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details and locations of protective fencing, phasing of works, site access during development operations, type of construction machinery/vehicles to be used including delivery and collection lorries and arrangements for loading/off-loading, parking arrangements for site vehicles, and locations for stored materials. It shall also include construction details and methodology for the driveway where it is located within the canopy spread and potential rooting zones of the trees.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area and the development.

8 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The flats hereby approved shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

9 The flats hereby approved shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

10 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the use of Kensal Rise and the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority gave pre-application advice, sought amendments to reduce the impact on the neighbouring occupiers and applied appropriate conditions to the planning approval.

2. CONTROL OF POLLUTION

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

(a). All construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b). 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".

(c). 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.

(d). 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.

(e). 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.

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

Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

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COMMITTEE REPORT

Date: 6 November 2014 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 14/01857/FUL
Application at: 1 Kensal Rise York YO10 5AL
For: Additional storey to accommodate 6no. roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking to 1-12 Kensal Rise
By: Mr David Jones
Application Type: Full Application
Target Date: 6 October 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 This application seeks permission for the construction of an extra storey on top of an existing 2-storey, flat-roofed block of flats to provide six additional flats (four 2-bed and two 1-bed). Four of the flats would have balconies, which would face south. The proposed flats (plus the six existing flats on the first-floor) would be accessed by three new external stair pods/towers on the north side of the building. Access to the six existing flats on the ground floor would be unchanged. The works would have a contemporary appearance with a combination of brick and aluminium cladding for the walls and aluminium cladding to the roof. Windows would be wood/aluminium. The existing car parking would be retained and supplemented by three visitor spaces accessed from the tuning head at the eastern end of Kensal Rise. Six secure cycle spaces for the new flats would be provided within the stair pods. A further 10 secure spaces would be provided within a purpose built lockable store for the use of the existing residents. Bin stores for all the flats would be provided at the rear of the site. The lower floors of the building would be upgraded with improved insulation, new windows and new external doors.

1.2 The application has been amended since submission. The main changes are: removal of the proposed echelon parking at the front of the site; removal of two proposed balconies; removal of proposed porches to the ground-floor flats; provision of more cycle storage; and retention of a detached garage occupied by the resident at existing Flat 1.

1.3 The application has been called in by Cllr Taylor citing loss of amenity space at the front of the flats to create additional parking, and the dangerous highway movements that would result.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

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

Schools GMS Constraints: St. George's RC Primary 0225

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYNE1	Trees, woodlands, hedgerows
CYHE2	Development in historic locations
CYT4	Cycle parking standards
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections to the revised scheme. Add conditions to ensure provision of cycle storage and car parking/manoeuvring.

Communities, Culture and Public Realm

3.2 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 York Cemetery (b) play space - which would be used to improve a local site such as Cemetery Road. This only applies to the 2 beds flats, and (c) sports pitches - which would be used to improve a facility within the South or East 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.

Education

3.3 No financial contribution required.

Environmental Protection Unit

3.4 No objections. No air quality or contaminated land concerns have been identified other than possible noise/dust during the construction phase. Add the standard construction informative.

EXTERNAL

Fishergate Planning Panel

3.5 This is a controversial plan that has safety issues. It should be considered by the planning committee rather than delegated to an officer.

Public Consultation

3.6 The consultation period expired on 26 September 2014. Nine objections have been received raising the following planning issues:

- Highway safety due to number and location of additional parking;
- Traffic congestion in Kensal Rise and at junction with Cemetery Road;
- No need for additional parking;
- Visual impact of additional parking;
- Visual impact of clutter on proposed balconies;
- Loss of shared amenity space due to additional parking;
- Overlooking;
- Flats on lower floors should be upgraded;
- Blind spots created by the proposed porches would increase crime and fear of crime [the porches have since been deleted from the scheme].

3.7 One letter of support has been received commenting that the proposal would provide much-needed modestly-sized flats of modern design in keeping with the existing building. The garden would be put to productive use by providing much-needed parking.

4.0 APPRAISAL

4.1 KEY ISSUES

- Sustainability
- Design and Appearance
- Access and parking
- Neighbour amenity
- Open space

PLANNING POLICY CONTEXT

4.2 National Planning Policy Framework (NPPF) states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted (paragraph 14).

4.3 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The local plan policies that are still applicable are listed at paragraph 2.2 of this report.

THE APPLICATION SITE

4.4 The existing building is a 2-storey, flat-roofed block of flats occupying the north side of a short cul-de-sac. The remainder of the cul-de-sac comprises 2-storey single dwellinghouses. Kensal Rise is a narrow unadopted road. At the western end, within the application site, is a protected tree. The site abuts Fulford Road Conservation Area at its northern extremity.

SUSTAINABILITY

4.5 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The site is in a sustainable location close to the city centre and well served by shops and public transport. The site is already in residential use. The principle of increasing the number of dwellings on the site is acceptable. The improvements to the lower floors of the building, in terms of insulation and upgrading, support the sustainability aspirations of the NPPF and weigh in favour of the application.

DESIGN AND APPEARANCE

4.6 The core planning principles set out in the NPPF include the expectation that planning should always seek to secure high quality design and a good standard of amenity. The Framework also states that whilst permission should be refused for poor design, planning should not attempt to impose architectural styles or particular tastes and should not stifle innovation through unsubstantiated requirements to conform to certain development styles. The appearance of the existing building is uninspiring and would benefit from improvement. The external metal staircases in particular are unsightly. They would be removed and replaced with the stair towers/pods. Whilst the overall design is contemporary and quite different in character and appearance from the existing building the scale and massing of the enlarged building would not look out of place in the street scene. The additional storey and stair pods would increase the visibility of the building, which would affect the setting of the adjacent conservation area, but the effect would be minor. The proposed replacement windows and external doors for the whole building would improve its overall appearance and benefit the existing occupiers.

ACCESS AND PARKING

4.7 The surrounding highway is protected by parking restrictions and residents parking bays, which are unavailable to the residents of Kensal Rise. Existing on-site parking arrangements comprise a court of 10 spaces at the rear of the building plus a single pre-fabricated garage with hardstanding at the western end of the site. Some of the spaces are allocated to the applicant (who is the freeholder and landlord of some of the flats), others are allocated to individual flat owners. Not all residents have a dedicated parking space. The application initially included the demolition of the single garage and provision of eight extra off-street spaces (net increase, seven). Three of the spaces were on land currently used as shared amenity space at the turning head. The other five were laid out in echelon near the junction with Cemetery Road. Local residents objected to the additional parking, especially the echelon spaces, because of the increase in traffic movements, congestion and obstruction of emergency vehicles that they considered would result. Despite Kensal Rise being unadopted the proposed echelon parking was considered to be unacceptable for safety reasons, in particular the risk of drivers reversing out onto Cemetery Road. The applicant has since removed the echelon parking from the scheme and reinstated the single garage and hardstanding. The three proposed parking spaces at the cul-de-sac are acceptable to Highway Network Management, particularly as their presence would reduce the likelihood of cars parking within the turning head, which would increase the risk of cars reversing out onto Cemetery Road. Furthermore the total level of parking for the site is considered to be acceptable because it is within the council's parking standards, reflects the level of car ownership in the ward and is close to public transport and the city centre. The number of additional traffic movements associated with the development, particularly bearing in mind the relatively low level of parking, would be negligible. The surrounding junctions and adjacent highway network can accommodate this negligible increase in traffic without any detriment to either highway safety or the free flow of traffic. Provision of the proposed cycle storage should be made a condition of approval.

NEIGHBOUR AMENITY

4.8 The building is detached and unlikely to have any material impact on adjacent occupiers in terms of loss of sunlight/daylight or overbearing impact. As initially submitted all six of the additional flats would have had balconies facing the houses on the opposite side of the street. The minimum separation distance is 21m, which is acceptable for preventing overlooking. However, the balconies of the two flats at the eastern end of the block would have overlooked the side garden of the house at the end of the turning head, No.14. The applicant has therefore replaced the proposed patio doors with standard windows, thereby preventing access onto the balcony, which would be for maintenance only. This should be made a condition of approval. Revised plans showing the new windows are awaited.

OPEN SPACE

4.9 The application requires a contribution of £5744 towards open space under policy L1C of the local plan. Such payments are normally enshrined in a section.106 unilateral undertaking. Drafting of the undertaking is underway. Members will be updated at the meeting.

5.0 CONCLUSION

5.1 The proposal accords with national planning policy set out in the National Planning Policy Framework and relevant policies of the 2005 City of York Development Control Local Plan. The proposal is acceptable. The application requires a contribution of £5744 towards open space

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawings numbered 870.12.B, 870.13.A, 870.15.A and 870.03.A.

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

3 The balconies of the two easternmost flats on the on the second floor of the development hereby approved shall be used for maintenance of the building only and for no other purpose.

Reason: In order to protect the occupiers of the adjacent house at No.14 Kensal Rise from unacceptable overlooking.

4 Prior to commencement of development details of the proposed south-facing windows of the two easternmost flats on the second floor of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the occupiers of the adjacent house at No.14 Kensal Rise from unacceptable overlooking.

5 VISQ8 Samples of exterior materials to be app -

6 Details of all means of enclosure to the site boundaries shall be submitted to

and approved in writing by the Local Planning Authority before the development commences and shall be provided before the flats hereby approved are first occupied.

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

7 Before the commencement of development, including the importing of materials, excavations, utility works, a method statement regarding measures to protect the tree the subject of a tree preservation order at the western end of the site shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details and locations of protective fencing, phasing of works, site access during development operations, type of construction machinery/vehicles to be used including delivery and collection lorries and arrangements for loading/off-loading, parking arrangements for site vehicles, and locations for stored materials. It shall also include construction details and methodology for the driveway where it is located within the canopy spread and potential rooting zones of the trees.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area and the development.

8 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The flats hereby approved shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

9 The flats hereby approved shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application.

In order to achieve an acceptable outcome the local planning authority gave pre-application advice, sought amendments to reduce the impact on the neighbouring occupiers and applied appropriate conditions to the planning approval.

2. CONTROL OF POLLUTION

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

(a). All construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b). 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".

(c). 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.

(d). 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.

(e). 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.

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

3. SECTION 106 OBLIGATION

The planning permission is accompanied by an undertaking by the applicant to contribute £5744 towards off-site open space.

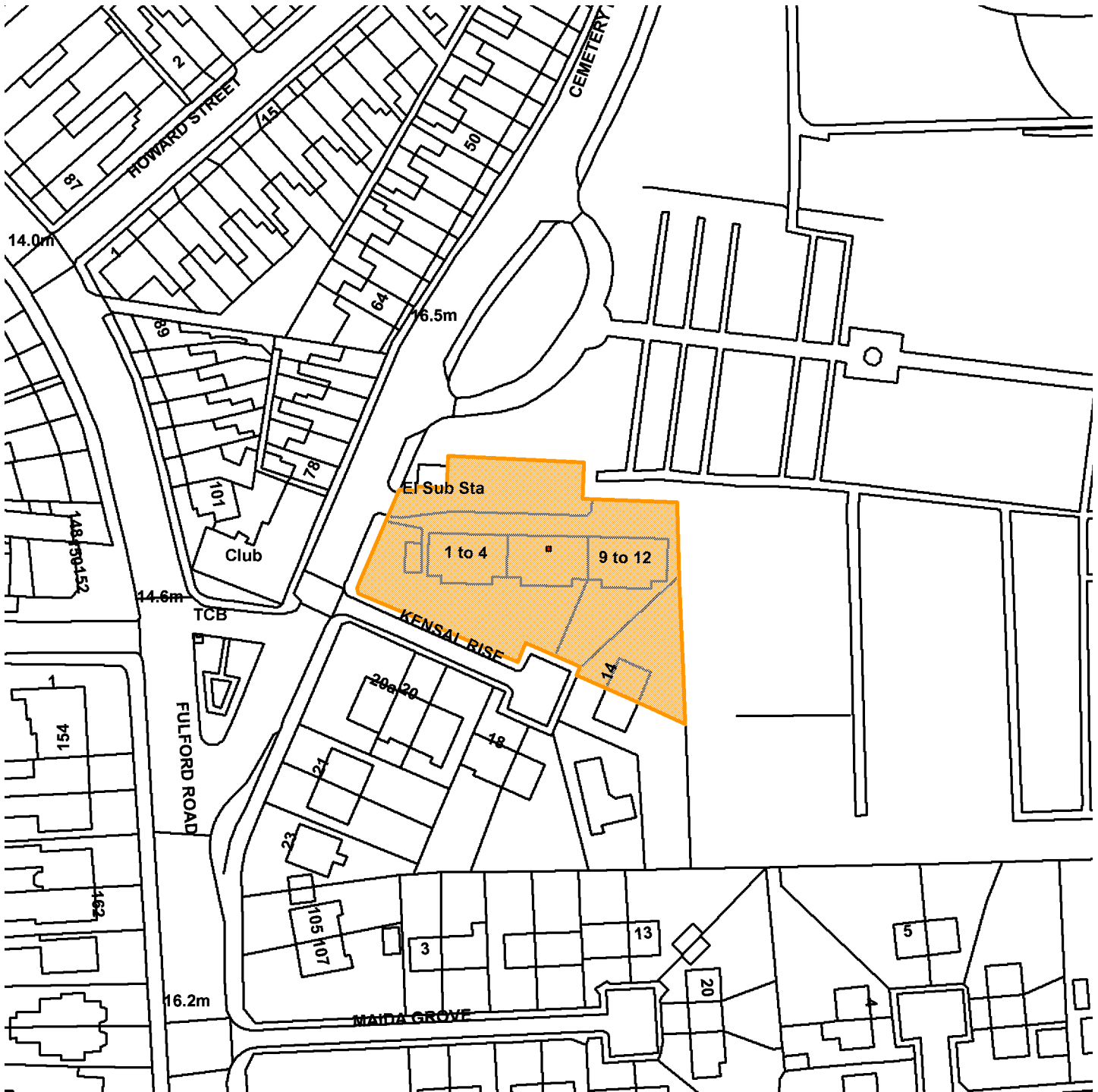
Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

14/01857/FUL

1 - 12 Kensal Rise



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	30 December 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 8 January 2015 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 14/01982/FUL
Application at: The Memorial Hall 16 The Village Haxby York YO32 3HT
For: Alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, erection of 5 no. craft workshops to rear of 66 North Lane and 3no. dwellings (use class C3) between 66 and 68 North Lane (resubmission)
By: Haxby Town Council
Application Type: Full Application
Target Date: 15 October 2014
Recommendation: Approve

1.0 BACKGROUND

1.1 This application was reported to the Area Planning Sub-Committee on 6 November 2014 with a recommendation that Members approve the application subject to a section 106 unilateral undertaking to secure a contribution towards off-site open space and works within the adjacent highway to more clearly delimit the bus stop serving the Hall. A copy of the report is attached as annex 1.

1.2 Members resolved to grant permission subject to the completion of the undertaking.

1.3 The section 106 unilateral undertaking has not been completed to date and the planning permission has not been issued.

1.4 National Planning Practice Guidance was revised on 28 November 2014 in respect of planning obligations. This states that tariff style planning obligations (section 106 planning obligations) towards pooled funding 'pots' intended to provide common types of infrastructure for the wider area should not be sought from developments of 10-units or less. This guidance means that the part of policy L1c (Provision of New Open Space in Development) of the Development Control Local Plan which requires, for sites of less than 10 dwellings, a commuted sum towards off-site provision is no longer in accordance with National Planning Policy. As such it is considered that the previous sub-committee resolution in respect of the open space contributions would no longer comply with the NPPF.

1.5 A revised conclusion and recommendation to the previous report is below, with an additional draft condition to cover the requirement for bus stop improvement works otherwise there have been no material changes in circumstances since 6 November and as such no further consultations or notifications have been undertaken.

REVISED CONCLUSION AND RECOMMENDATION TO REPORT AT ANNEX 1

5.0 CONCLUSION

5.1 Haxby Memorial Hall comprises a two storey brick built Victorian structure occupying a prominent location within street frontage of The Village within the Haxby Conservation Area. Planning permission is sought for a range of extensions and external alterations to incorporate the Haxby Branch Library within the building and to provide enhanced Hall accommodation and seminar rooms to increase the level of public usage. As part of the proposal it is intended to provide a block of three two storey two bed room dwellinghouses accessible from North Lane and five small craft units within the existing rear yard area to the north west. The proposed extensions would be sympathetic to the existing in terms of their pattern of scale and massing and would secure the character and appearance of the Conservation Area. At the same time the proposed dwellings accessible from North Lane and the craft units would be to a subtle traditional design It is felt that the proposed work would have a minimal impact upon the residential amenity of adjoining properties and surface water drainage can be improved from the current situation. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

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:-

Drawing Refs:- PA05 Rev A; PA06 Rev A; PA12 Rev A; PA10 Rev B; PA11 Rev B; PA 07 Rev B and PA 08 Rev B. Date Stamped 16th January 2014 and PA 09 Rev F.

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 VISQ4 Boundary details to be supplied -

5 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 , shrubs and other planting. 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.

6 Trees shown as being retained on the approved plans / drawing PA09 Rev F shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, 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 safeguarding the character of the Haxby Conservation Area the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

8 No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- * Any proposal to discharge surface water to a watercourse from the redevelopment of the site should first establish the extent of any existing discharge to that watercourse.
- * Peak run-off from the site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- * Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- * A 20% allowance for climate change should be included in all calculations.
- * A range of durations should be used to establish the worst-case scenario.

Reason:

To ensure the development is provided with satisfactory means of surface water drainage, to reduce the risk of flooding and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

- 9 EPU1 Electricity socket for vehicles -
- 10 LC1 Land contamination - Site investigation -
- 11 LC2 Land contamination - remediation scheme -
- 12 LC3 Land contamination - remedial works -
- 13 LC4 Land contamination - unexpected contamination -

- 14 HWAY31 No mud on highway during construction -
- 15 HWAY18 Cycle parking details to be agreed -
- 16 HWAY19 Car and cycle parking laid out -
- 17 NOISE7 Restricted hours of construction
- 18 The craft units hereby authorised shall be used for Use Class B1(offices and light industry; and for no other purpose, including any other purpose in Class B1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To safeguard the residential amenity of neighbouring properties.

- 19. No manufacturing, processing, sales or storage activity associated with the units hereby authorised shall be undertaken in the external space within the site.

Reason: - To secure the residential amenity of adjoining properties

- 20. Prior to completion of the development the existing access from No 14 The Village, to the adjacent highway shall be stopped up to the satisfaction of the Local Planning Authority and the verge reinstated.

Reason: In the interests of highway safety.

- 21 .The new library shall not be brought into use until works required (lining, signs and consultation) for the double yellow lines relating to the adjacent bus stop and approach to be made into a clearway have been implemented.

Reason: In the interests of the safe and free passage of highway users.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome to the application:

Requested Submission of a Revised Car Parking Layout to the yard area to the rear.

2. CONTROL OF POLLUTION

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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 552830

COMMITTEE REPORT

Date: 6th November 2014 **Ward:** Haxby and Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 14/01982/FUL
Application at: The Memorial Hall 16 The Village Haxby York YO32 3HT
For: Alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, erection of 5 no. craft workshops to rear of 66 North Lane and 3no. dwellings (use class C3) between 66 and 68 North Lane (resubmission)
By: Haxby Town Council
Application Type: Full Application
Target Date: 15 October 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Haxby Memorial Hall comprises a two storey brick built Victorian structure with more recent additions to the rear situated within a substantial and partially disused site occupying a prominent location within the Haxby Conservation Area.

1.2 Planning permission is sought for a scheme of refurbishment and re-development of the site including the erection of a range of five single storey craft units to the north west, 3no. two storey dwellings to the north, the provision of an extended Hall area with associated equipment storage within the main building and the inclusion of the Haxby Branch Library with associated seminar rooms within the main hall building. The present caretaker's accommodation would be relocated from the main building to one of the proposed dwellings as part of the scheme. The layout has been amended to address concerns in respect of car parking. A second phase to the proposal is also envisaged incorporating a sport hall depending upon further funding becoming available, but is not part of this application.

1.3 The proposal has been called in for consideration by the Area Planning Sub-Committee by Councillor Cuthbertson because of the significance of the development proposed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

DC Area Teams GMS Constraints: East Area (2) 0005
 Schools GMS Constraints: Oaken Grove Primary 0211

2.2 Policies:

CYGP15A	Development and Flood Risk
CYGP1	Design
CYHE2	Development in Historic Locations
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL:-

Environmental Protection Unit

3.1 No objection in principle but wishes to see full remediation of the site in terms of contaminated land as there is evidence of contaminating land uses previously being present on the site.

Public Realm (Strategy and Contracts)

3.2 No objection to the proposal subject to the payment of a commuted sum in lieu of the provision of on-site open space.

Flood Risk Management Team

3.3 Raise concerns in respect of the level of information submitted with the proposal relating to surface water drainage.

Design Conservation and Sustainable Development

3.4 No response.

Highway Network Management

3.5 Raise concern in respect of the manoeuvrability of the proposed car parking layout. The application details have however been amended to address these specific concerns. The closure of the existing access from No 14 The Village is also sought at the same time along with a commuted sum of £500 for improvements to the adjacent bus stop.

EXTERNAL:-

Haxby Town Council

3.6 No response.

Foss (2008) Internal Drainage Board

3.7 No objections to the proposal subject to any permission being conditioned to require the submission and prior approval of a surface water drainage scheme based upon the significant attenuation of flows into the surrounding environment.

Neighbours/Publicity

3.8 Three letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- Concern in respect of the impact upon residential amenity of surrounding properties from the construction of the three residential units on North Lane;
- Concern in respect of the impact of the proposal upon the local pattern of surface water drainage;
- Concern in respect of the impact of the proposed craft units on the residential amenity of neighbouring properties;
- Concern in respect of the impact of the proposal upon the safety and convenience of highway users in the locality.

4.0 APPRAISAL**KEY CONSIDERATIONS:-****4.1 KEY CONSIDERATIONS INCLUDE:-**

- Impact upon character and appearance of Haxby Conservation Area;
- Impact upon the residential amenity of adjacent properties;
- Impact upon local pattern of surface water drainage;
- Impact upon the Safety and Convenience of Local Highway users.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was adopted for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE HAXBY CONSERVATION AREA:-

4.3 Policy HE2 of the York Development Control Local Plan sets out a firm policy presumption that within or adjacent to Conservation Areas new development proposals must respect adjacent buildings, open spaces and landmarks and have regard to local scale, proportion, detail and materials. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that

conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

4.4 Haxby Memorial Hall comprises a two storey brick built Late Victorian structure of some townscape importance lying in a prominent location within the street frontage of The Village within the Haxby Conservation Area. The building is not listed. A substantial yard lies to the rear which is currently used for parking and for open storage associated with adjoining businesses. The proposal envisages the erection of five single storey craft workshops at the western boundary of the site and 3no. two bedroom dwelling houses at the northern boundary of the site fronting on to North Lane. A series of disused out buildings would be cleared in order to facilitate construction of the new buildings with the central section of the rear yard area retained for parking. The proposed craft units would be constructed to a traditional design, in brick with a hipped slate roof. The proposed two bedroom dwellings fronting on to North Lane would similarly be to a traditional design executed in brick and slate with a hipped roof forming a short terrace of three properties with the upper floor absorbed partially within the roof line lit in part by traditional gabled dormers and roof lights. Adjoining residential properties along North Lane are of relatively recent construction with the exception of 68 North Lane which is Victorian and broadly contemporary with the Hall. With the exception of 66 North Lane which is a bungalow gable end to the street and therefore appears lower they follow a similar pattern of scale and massing. The proposed design for both elements of the scheme is felt to be appropriate in terms of its relationship to the Conservation Area.

4.5 In terms of the treatment of the existing Hall building, the caretakers house would become the Haxby branch library with a single storey partially glazed entrance extension incorporating a partially flat roofed element enclosed within a low parapet. A colour coated rolled steel canopy would be provided to demark the entrance. The reception area to the 1970s extension area to the rear would be demolished and the materials reused within library reception area. A partially brick partially cedar clad extension would at the same time be added above the remainder of the 1970s extension which could then easily be modified in the event of the erection of the Sports Hall envisaged in phase 2 of the project. This at the same time, enables the formation of a suitable double height space to allow for the playing of competitive sport in addition to musical and dramatic performances. The entrance to the rear yard area would be partially closed off for the first time with a traditional style black colour coated railing and double gate. Taken together the proposals would match the pattern of scale and massing of the surrounding area and would preserve and enhance the character and appearance of the Conservation Area in accordance with the requirements of Policy HE2 of the York Development Control Local Plan and paragraph 131 of the National Planning Policy Framework.

IMPACT UPON THE RESIDENTIAL AMENITY OF ADJACENT PROPERTIES:-

4.6 Policy GP1 of the York Development Control Local Plan sets out a firm policy proposal in favour of new development which respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" urges Local Planning Authorities to give significant weight to the preservation of a good standard of amenity for all new and existing occupiers of land and buildings.

4.7 Concern has been expressed in respect of the relationship of the proposed craft units and the proposed residential units facing North Lane to other residential property within North Lane. The proposed craft units would be some 8.9 metres from the closest residential property No 66 North Lane at its nearest point. This is however an acceptable gable to rear distance with the residential property to the north east and is characteristic of the wider pattern of development in the locality. The proposed units would not give rise to an overbearing relationship or result in an issue of loss of privacy. In view of the concern about noise and potential late night activity it is recommended that the use of the units be conditioned to B1 (Business) use only (defined in the Use Classes Order as a use that can be carried out in any residential area) and that no external activity associated with the units should be allowed.

4.8 In terms of relationship to the proposed residential property, there is a 2 metre gable to gable gap with 66 North Lane to the west and a 2.4 metre gap to 68 North Lane, Northcote House to the east. There are no principal windows in the associated elevations and there would not be an issue of overlooking or loss of privacy. The new properties would be appreciable higher than 66 North Lane but would be set back from the frontage and would therefore be acceptable. At the same time the relationship reflects the pattern of development characteristic of the locality. There are no residential properties directly to the north of North Lane with a substantial belt of mature landscaping sheltering the rear gardens further to the north. The terms of Policy GP1 of the Development Control Local Plan and paragraph 17 of the National Planning Policy Framework would therefore be complied with.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.9 Policy GP15a) of the York Development Control Local Plan sets out a firm policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely.

Central Government planning policy as outlined in paragraph 103 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight in determining planning applications for new development to the need to ensure that flood risk is not increased elsewhere.

4.10 The application site lies within Flood Zone 1 which indicates the lowest risk of flooding. The site furthermore is presently entirely hard surfaced with the proposed scheme resulting in a material reduction in impermeable surfacing if implemented. The submitted application details provide outline drainage information based upon a scheme to provide attenuation of flows before out-falling into the local sewerage system. Whilst some concern has been raised in respect of localised surface water drainage issues within North Lane, the proposal would represent an improvement upon the existing situation and providing the detail of the proposed attenuation scheme is conditioned for further approval, the proposal is felt to be acceptable.

IMPACT UPON THE SAFETY AND CONVENIENCE OF LOCAL HIGHWAY USERS:-

4.11 Concern has previously been expressed in relation to the proposed car park layout and associated manoeuvrability. The layout has however been amended to address these concerns and the revised layout is felt to be acceptable. In terms of overall parking space numbers the proposal falls well within the Authority's Adopted Maximum Parking Standards and the site is readily accessible in terms of main public transport routes into the City Centre.

SECTION 106 ISSUES:-

4.12 The proposal falls to be addressed against Policy L1c) of the York Development Control Local Plan. This establishes a requirement for payment of a commuted sum in lieu of the provision of on-site open space. Allowing for the re-location of the existing Hall caretaker's accommodation to one of the three units to be constructed on North Lane this creates a requirement for a payment of £2,508. A commuted sum of £500 is also sought in respect of improvements to the adjacent bus stop. This may be secured by means of a Unilateral Obligation.

5.0 CONCLUSION

5.1 Haxby Memorial Hall comprises a two storey brick built Victorian structure occupying a prominent location within street frontage of The Village within the Haxby Conservation Area. Planning permission is sought for a range of extensions and external alterations to incorporate the Haxby Branch Library within the building and to provide enhanced Hall accommodation and seminar rooms to increase the level of public usage. As part of the proposal it is intended to provide a block of three two storey two bed room dwelling houses accessible from North Lane and five small craft units within the existing rear yard area to the north west.

The proposed extensions would be sympathetic to the existing in terms of their pattern of scale and massing and would secure the character and appearance of the Conservation Area. At the same time the proposed dwellings accessible from North Lane and the craft units would be to a subtle traditional design. It is felt that the proposed work would have a minimal impact upon the residential amenity of adjoining properties and surface water drainage can be improved from the current situation. A commuted sum of £2,508 is required in lieu of the provision of open space and a sum of £500 in respect of improvements to the adjacent bus stop which may be secured against a Unilateral Obligation. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Drawing Refs:- PA05 Rev A; PA06 Rev A; PA12 Rev A; PA10 Rev B; PA11 Rev B; PA 07 Rev B and PA 08 Rev B. Date Stamped 16th January 2014 and PA 09 Rev F.

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 VISQ4 Boundary details to be supplied -

5 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, shrubs and other planting. 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.

6 Trees shown as being retained on the approved plans / drawing PA09 Rev F shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection Lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, 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 safeguarding the character of the Haxby Conservation Area the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

8 No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- * Any proposal to discharge surface water to a watercourse from the redevelopment of the site should first establish the extent of any existing discharge to that watercourse.
- * Peak run-off from the site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- * Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- * A 20% allowance for climate change should be included in all calculations.
- * A range of durations should be used to establish the worst-case scenario.

Reason:

To ensure the development is provided with satisfactory means of surface water drainage, to reduce the risk of flooding and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

- 9 EPU1 Electricity socket for vehicles -
- 10 LC1 Land contamination - Site investigation -
- 11 LC2 Land contamination - remediation scheme -
- 12 LC3 Land contamination - remedial works -
- 13 LC4 Land contamination - unexpected contamination -
- 14 HWAY31 No mud on highway during construction -
- 15 HWAY18 Cycle parking details to be agreed -
- 16 HWAY19 Car and cycle parking laid out -
- 17 NOISE7 Restricted hours of construction
- 18 The use of the craft units shall be restricted to uses falling within Use Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area).

Reason: To safeguard the residential amenity of neighbouring properties.

19 No manufacturing, processing, sales or storage activity associated with the units hereby authorised shall be undertaken in the external space within the site.

Reason: - To secure the residential amenity of adjoining properties

20 Prior to completion of the development the existing access from No 14 The Village , to the adjacent highway shall be stopped up to the satisfaction of the Local Planning Authority and the verge reinstated.

Reason: In the interests of highway safety.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome to the application:

Requested Submission of a Revised Car Parking Layout to the yard area to the rear.

2. 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

- (b) 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".
- (c) 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.
- (d) 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.
- (e) 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.
- (f) There shall be no bonfires on the site

Contact details:

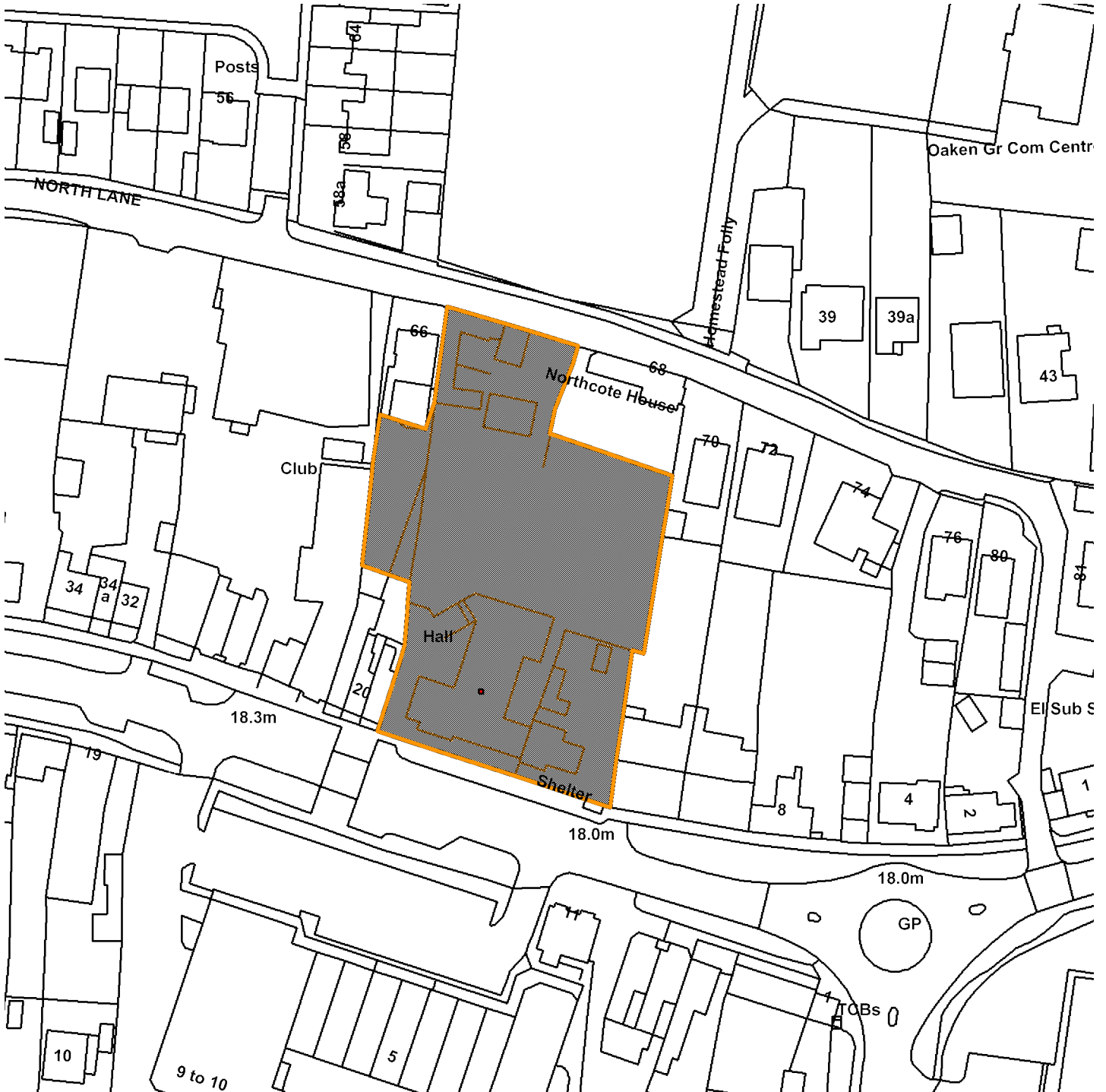
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The Memorial Hall 16 The Village Haxby



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	30 December 2014
SLA Number	Not Set

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