

COMMITTEE UPDATE – 13 May 2010
Plans Item 4a – 4 Derwent Road, York (10/00287/FUL)

Additional conditions

1. As stated in paragraph 4.6 of the committee report, the Highway Authority has not objected on the basis that no additional bedrooms are proposed. Paragraph 4.7 states that the use of the basement could be reasonably restricted through a condition. Such a condition has been omitted from the recommendation by error. Therefore, if the Committee are minded to approve the application, it is requested that the following condition be added:

The basement level of the properties hereby approved, shall be used as home offices, ancillary accommodation and plant rooms in connection with the occupation of the respective dwellings only and at no time for additional bedroom accommodation.

Reason: To ensure adequate parking provision to serve the development in the interests of highway safety.

2. It is requested that a further condition controlling height of the development be attached in light of the ground excavation that would be required, to read:

Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.9 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

Additional comment from applicant

An additional letter has been received from the applicant, in response to comments made by a group of local residents. It responds to the points made by the objectors. It concludes by pointing out that:

- the application seeks to enable the implementation of a 'sustainable homes' planning condition;
- the visual impact on the street scene is the same;
- the application continues to comply with key planning policies – density and parking provision;
- the application does not require a change of use for the site;
- a requirement to obtain building regulations approval before granting planning would run contrary to the proper administration of the planning application;
- the planning authority has sufficient powers to introduce planning conditions to address any legitimate concerns that local residents may have.