

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Rural West York
Date: 27 February 2007 **Parish:** Nether Poppleton Parish Council

Reference: 07/00088/FUL
Application at: Dodsworth Hall Millfield Lane Nether Poppleton York YO26 6HR
For: Single storey rear extension and 4 no. Velux rooflights in existing rear roof
By: Honeypots (Dodsworth Hall)Ltd
Application Type: Full Application
Target Date: 12 March 2007

1.0 PROPOSAL

1.1 SITE

1.1.1 Dodsworth Hall is located within the defined development boundary of Nether Poppleton. The old school house is located adjacent Millfield Lane (southwest) and is also adjacent 11 Millfield Lane to the northwest and 13 Millfield Lane to the southeast, which are residential dwellings. To the rear (northeast) is 16 Hillcrest Avenue. At present the property is vacant, however the applicant has commenced works to refurbish the property. A mature hedge originally bounded the property to both side boundaries and at the rear, however this has now been removed and a close boarded wooden fence has been erected.

1.2 PROPOSAL

1.2.1 Full planning permission is sought for the erection of a single storey rear extension, formation of rooflights in the front and rear roof slopes of the property and the erection of a close boarded wooden fence to the side and rear boundaries.

1.2.2 The extension is required to increase the floor area of the property to create an area for pre-school children. It is proposed that the single storey rear extension will be designed with a pitched roof. The extension will measure approximately 6.00 m in length x 2.50 m in height to eaves level and 3.60 m in height to its highest section. The extension would be principally glazed with Welsh slates proposed for the roof covering and brickwork to match the existing building.

1.2.3 This application relates to abovementioned works only and does include change of use. Permission is only required for the aforementioned alterations and extension. Change of use permission is not required for a nursery as the property already has the benefit of an 'historic' use as D1 (non-residential institutions). Nursery's also fall within this use class.

1.2.4 Previously a similar application was submitted on 12 October 2006. This application was withdrawn in December, due to the Council's recommendation for refusal. The application was recommended for refusal principally on design grounds, however concerns were also raised regarding parking provision and road safety.

1.2.5 The applicant has continued to carry out works and alterations to the property/site in contradiction of officer recommendation. However it is acknowledged that the majority of the works undertaken do not require planning consent.

1.3 HISTORY

04/04049/OUT - Erection of a new dwelling and garage after demolition of Dodsworth Hall - Refused - 07.01.2005.

Appeal APP/C2741/A/05/1182647 - Dismissed - 20.09.2005

06/02233/FUL – Single storey rear extension and vehicle access and car-parking also the insertion of rooflights – Withdrawn – 19/12/2006

1.4 This application is reported to sub committee at the request of Cllr Hopton.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP9
Landscaping

CYGP11
Accessibility

CYT4
Cycle parking standards

CYT5
Traffic and pedestrian safety

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 HIGHWAYS

3.1.2 The highways department consider it likely that many of the pupils will arrive by car, as facilities such as this one are used extensively by working parents. Highways further state that the typical time taken to 'drop off' and 'pick up' children would be approximately 10 minutes (each time). Furthermore, the 'dropping off' and 'picking up' times will coincide with morning and evening peak travel times. As a consequence highways consider this would result in a flurry of activity at these peak times which would cause traffic congestion.

3.1.3 The highways department further consider that the section of road immediately fronting the site can only accommodate the parking of 2 vehicles at any one time safely. Consequently other vehicles 'dropping off' and 'picking up' will have to park elsewhere along Millfield Lane, which, in the opinion of the highways department would cause further congestion.

3.1.4 Highways also indicate that there are other elements which would cause traffic congestion, namely;

- There are no estimates of the number of children to be catered for;
- There is no dedicated dropping off/picking up area for children;
- The site is directly opposite a bus stop and within approximately 30m of a road junction; and
- The proposed stand for 4 no. bicycles does not appear to be covered and secure.

3.1.5 Taking the above into consideration, highways consider it would be likely that parked vehicles associated with the development would therefore cause localised conditions, which would be prejudicial to road safety, disrupt the safe operation of the bus stop and the junction of Ebor Way with Millfield Lane, and also result in damage to the verges within Millfield Lane. As a consequence of the above points raised they recommend that the application should be refused.

3.1.6 ENVIRONMENTAL HEALTH (EPU)

3.1.7 The Environmental Protection Unit raised a number of concerns with regards to this application. These first concern related to noise disturbance to local residents whilst the demolition, construction work and deliveries occur. EPU recommend a condition restricting the hours of construction.

3.1.8 EPU also recommend, that should the application be approved, a watching brief regarding the discovery of any unsuspected contamination should also be attached.

3.1.9 Finally EPU recommended that should the application be approved an informative should be attached which encompasses noise and vibration control, operation of plant and machinery, control of pollution, minimise dust emissions and no bonfires on site.

3.1.10 URBAN DESIGN AND CONSERVATION SECTION (UDC)

3.1.11 The Council's Conservation Officer commented that the building is not listed and is not sited within a Conservation Area. However it does have historical merit and character. The Conservation Officer welcomed the continued use of the building and considered that the proposed alterations (original plans, not amended) did not detract from the character of the building.

3.1.12 The Council's Countryside Officer commented that a bat assessment is not required.

3.2 EXTERNAL.

3.2.1 Nether Poppleton Parish Council

3.2.2 The Parish Council raised no objection to this proposal.

3.2.3 Neighbours/Interested parties

3.2.4 Objections have been received from 5 neighbouring residents in connection with this scheme. The objections related to:-

- Increase in noise from activities related to the use would detrimentally impact upon adjacent neighbours residential amenity;
- Traffic movements at the rear and side of the hall are inappropriate and would further impact upon residents amenity in terms of noise and fumes, etc.;
- The applicant has included part of the hedge which belongs to an adjacent neighbour;
- The mature hedge has been removed and replaced with a fence;
- Part of the verge and footpath has been acquired by the applicant and does not belong to them;
- The rear extension should not be built to increase traffic movements;
- The use would increase traffic congestion in the area and traffic nuisance, especially near the bus stop and at peak times; and
- The fence (recently erected) will create a traffic hazard due to obscuring the view of vehicles leaving Dodsworth Hall and pedestrians using the public footpath.

4.0 APPRAISAL

4.1 POLICY

4.1.1 Draft Local Plan Policy CYGP1: states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public

views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.1.2 Policy E4 of the North Yorkshire County Structure Plan states that buildings of special townscape, architectural or historic interest will be afforded the strictest protection

4.1.3 Poppleton Village Design Statement: aims to guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Poppleton. All developments should retain and enhance site features and should be carried out with great sensitivity, to respect its historic buildings and their settings. Grass verges should be retained. Ancient hedgerows should be identified, registered and protected. Car-parking should be concealed as far as possible and be provided within the curtilage of the building. The use of bland fencing such as interwoven and lap as a quick-fix boundary should be discouraged. Adopting more traditional boundaries such as hedging, low brick, wrought iron and post and rail should be encouraged.

4.2 The main considerations are:

- Design;
- Impact upon adjacent neighbours;
- Highways; and
- Other issues.

4.3 DESIGN:

4.3.1 Dodsworth Hall was built in 1850 and is a simple brick and slate hall with porch and modern kitchen extension to rear. The property retains its original character.

4.3.2 The design of the existing property is very simple/ plain and retains its rudimentary character of a turn of the century utilitarian building. Whilst it is noted that the property is not listed. Local plan policy GP1 requires development to retain and/or enhance landmarks and other townscape features which make a significant contribution to the character of the area. PPS1 emphasises the importance of good design and requires developers to demonstrate that they have taken into account design in their proposals and have had regard for local plan policies. The Poppleton Village Design Statement requires that development is of a scale, design which is sympathetic and also uses appropriate materials. Also policy E4 of the North Yorkshire County Structure Plan seeks buildings of special townscape, architectural or historic interest be afforded the strictest protection

4.3.2 The proposed extension previously had the appearance of a conservatory and the design did not emulate the existing single storey rear projection. However

the amended design is more sympathetic. It is also considered that the amended proposed design and materials now sympathetically retain the character of this property and consequently satisfy the aforementioned policies.

4.3.3 Previously the applicant proposed to install 8 no. rooflights in the roof of the property. 4 were to be installed in the front roof slope and 4 in the rear roof slope. This was considered excessive and the Council considered it would alter the appearance of this turn of the century property. It was negotiated to remove all rooflights from the front elevation and to retain 4 to the rear.

4.3.4 However concerns were raised by the neighbour directly to the rear of Dodsworth Hall (16 Hillcrest Avenue), that the rear rooflights would allow for overlooking and cause loss of privacy to rear rooms in her property and her rear private garden. The Council therefore negotiated that the rear rooflights should be obscurely glazed and also permanently fixed to prevent loss of privacy to no.16. However in return, it was agreed that 2 rooflights could be inserted into the front roof slope to allow for adequate levels of light and ventilation into the upper floor of the hall.

4.3.5 The proposed introduction of hard paving, if carried out in an unsympathetic manner, at the front of the property is not encouraged by the Council with regard to impact upon the visual appearance and setting of the property and the area. However it is acknowledged that the property is not located within a Conservation Area and is not listed. It is further acknowledged that some form of surfacing would need to be laid to prevent the grassed surfacing from degrading due to use by employees, customers using the nursery.

4.3.6 The final issue regarding design concerns the erection of the close boarded wooden fence to both sides and the rear of the site. The fence appears stark in contrast with the established area and Dodsworth Hall and is highly visible within the street. Whilst in isolation, it is not considered sufficient reason to refuse this application on the basis of the visual impact of the fence, it is considered appropriate to attach a condition requiring the fence to be stained a suitable colour so as to reduce it's impact within the area.

4.4 IMPACT UPON ADJACENT NEIGHBOURS:

4.4.1 Objections have been received from 5 adjacent neighbours regarding loss of privacy and noise intrusion and the impact the scheme would have upon highway safety and congestion. Again it should be borne in mind that this application pertains to physical works and alterations only. Change of use permission is not required as the property already has the benefit of an 'historic' use as D1 (non-residential institutions). As a consequence of this, it is difficult to consider objections regarding loss of amenity, as the applicant only requires permission for the relatively minor extension and the other aforementioned work.

4.4.2 One could make a case, that the increase in floor area (and therefore children) could create additional intrusion to adjacent neighbours, above and

beyond that which one would reasonably expect if the property was operated as a nursery, without the introduction of these works. However, on balance, it is considered that due to the minor scale of the proposed extension, this would not create such an additional loss of amenity to adjacent neighbours so as to refuse the application on these grounds.

4.4.3 The issue of vehicular movements and highway congestion are discussed below.

4.5 HIGHWAYS

4.5.1 Previously the Council's highways department objected to the conversion of Dodsworth Hall to a nursery, on the grounds that further development of this property would have detrimental impact upon road safety. In particular highways objected to vehicular movements to the side and rear of Dodsworth Hall on the grounds that the internal driveways were of insufficient width to allow for the adequate movement of vehicular traffic. Such an awkward arrangement would, in the opinion of the highways department, most likely result in the need for some staff vehicles to be parked on the public highway, which would cause parking congestion. Whilst the agent confirms that the applicant no longer intends to use the rear of the hall for parking, the concern still remains regarding parking provision for staff.

4.5.2 Highways considered that, in conjunction with customers, etc 'picking up' and 'dropping off' children at the nursery and associated visitors, it is likely that parked vehicles associated with the development would cause unacceptable localised conditions, which would be prejudicial to road safety, disrupt the safe operation of the bus stop and the junction of Ebor Way with Millfield Lane, and also result in damage to the verges within Millfield Lane.

4.5.3 Whilst it is acknowledged that the development may have an impact upon highway safety, especially in terms of parking congestion, it should be borne in mind that the applicants are entitled to use the hall as a nursery without additional planning consent. Planning permission is only required for the rear single storey extension, rooflights and fencing. As a consequence, it is considered that the Council has little control over this matter in terms of applying planning conditions to regulate the use of this site/building. Planning conditions cannot be retrospectively attached to the existing building/site, in terms of controlling parking and other associated highway matters. It is considered that, in this instance, it would be inappropriate to seek control the use of the whole site through the relatively minor proposed works. In mitigation the agent states, that the applicant hopes to employ local people to work at the nursery, which would reduce parking congestion. Also a number of local residents have already enquired as to places for their children at the nursery. However both matters cannot be conditioned or controlled and are for information only.

4.6 OTHER ISSUES

4.6.1 Highway signs and loss of part of the public footpath

4.6.2 A number of residents have commented that the applicant appears to have encompassed some of the adjacent public footpath within the site confines of Dodsworth Hall. The Council's assistant Public Rights of Way Officer commented that the overall width of the footpath has not been altered by the removal of the hedge and the subsequent erection of the close boarded wooden fence.

4.6.3 With regards to the issue of loss of a highway sign, the Council's highways infrastructure section have been contacted with a view to installing a replacement sign. All other matters relating to alteration of the grass verge and new fence blocking visibility and creating a hazard to persons using the footpath are currently being investigated by the highways department.

5.0 CONCLUSION

5.1 The proposed extension and other associated works, in the opinion of the Local Authority, are now acceptable in terms of design, appearance and impact upon neighbours. Whilst the Council has concerns regarding the impact of the scheme upon parking congestion in the area, it is considered that this matter cannot be controlled through planning legislation.

5.2 As a consequence the proposal is recommended for approval as it satisfies policies GP1, GP11 and T4 of the City of York Draft Local Plan and the Poppleton Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

(1) Existing and proposed site plan, floor plans, elevation and section - drawing no. 07:02:01 - Revision A

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

- 3 Notwithstanding the hereby approved details, the 4 rooflights in the rear roof slope of the property shall be glazed in obscure glass and permanently fixed

prior to the development hereby permitted being occupied and shall thereafter be so retained.

Reason: To protect the residential amenity of surrounding neighbours

- 4 Notwithstanding the hereby approved scheme, details of a paint treatment or stained finish for the fence which bounds both sides and the rear of the site shall be submitted to and approved in writing by the Local Planning Authority. The fence shall then be painted/stained in accordance with the approved details and thereafter so retained.

Reason: In the interest of minimising the visual impact of the proposed fence by painting/treating/coating it in a colour that would blend with its surroundings.

- 5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- 6 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

- 7 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants.

- 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 building 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.

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

1. Reason For Approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to amenity of neighbouring dwellings and impact upon the area . As such the proposal complies with Policies CYGP1 and GP11 of the City of York Local Plan Deposit Draft.

2. Control of Pollution

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

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:

- (a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (b) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (e) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- (f) There shall be no bonfires on the site.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610