

## Notice of meeting of

### Planning Committee

**To:** Councillors Cunningham-Cross (Chair), Galvin (Vice-Chair), Ayre, Boyce, D'Agorne, Doughty, Firth, Funnell, King, McIlveen, Merrett, Reid, Simpson-Laing, Watson, Watt and Williams

**Date:** Thursday, 26 April 2012

**Time:** 4.30 pm

**Venue:** The Guildhall, York

### AGENDA

**Site Visits will commence at 9.30am on Tuesday 24<sup>th</sup> April, meeting at Carmelite Street.**

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

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

#### **2. Minutes (Pages 5 - 8)**

To approve and sign the minutes of the meeting of the Planning Committee held on **22<sup>nd</sup> March 2012**.

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

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is **5pm on Wednesday 25<sup>th</sup> April 2012**. Members of the

public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

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

This item invites Members to determine the following planning applications:

**a) Land Lying to the West of Metcalfe Lane, Osbaldwick , Phase 2, Derwenthorpe (12/00242/REMM) (Pages 9 - 30)**

A reserved matters application for details of siting, design and external appearance of 123 dwellings (phase2), granted under outline permission 03/02709/OUT. [*Osaldwick Ward*] [Site Visit].

**b) Works (Vacant), Carmelite Street, York (12/00327/FULM) (Pages 31 - 54)**

A major full application for student accommodation comprising of 258 study bedrooms/studios within an 8 storey building. [*Guildhall Ward*] [Site Visit]

**c) Poppleton Garden Centre, Northfield Lane, Upper Poppleton, YO26 6QF (12/00402/FULM) (Pages 55 - 74)**

A major full application for the erection of a sales building and canopies and the restoration of a nursery growing area and new landscaping following the demolition of buildings and removal of hardstanding. [*Rural West York Ward*] [Site Visit]

#### **5. Planning Appeals Update and Decision Summaries. (Pages 75 - 96)**

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> January to 28<sup>th</sup> March 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to that date is also included.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@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
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Contact details are set out above.

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**PLANNING COMMITTEE****SITE VISITS****TUESDAY 24 April 2012**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>9.30am</b>	Meet on Site at Carmelite Street	4b
<b>10.10am</b>	Poppleton Garden Centre, Northfield Lane.	4c
<b>10.45am</b>	Phase 2 Derwenthorpe, Metcalfe Lane.	4a

**Members please note that the minibus will leave  
from Carmelite Street for the other Site Visits.**

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

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## **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

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

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

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## City of York Council

## Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	22 MARCH 2012
PRESENT	COUNCILLORS CUNNINGHAM-CROSS (CHAIR), AYRE, BOYCE, D'AGORNE, DOUGHTY, FIRTH, FUNNELL, KING, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT, WILLIAMS AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS GALVIN

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**41. DECLARATIONS OF INTEREST**

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

Councillor Merrett declared a personal non prejudicial interest in respect of the potential educational contribution as a Governor of Nunthorpe School.

**42. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 16 February 2012 be approved and signed by the Chair as a correct record.

**43. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**44. PLANS LIST**

Members considered the report of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, which outlined the proposal and relevant planning considerations and set out the views of the consultees and officers.

**44a Tarmac Limited, Ouse Acres, York (11/02943/REMM)**

Members considered a major reserved matters application submitted by Mr. Andy Cramer for the erection of 57 dwellings following demolition of existing buildings following previous approval of outline application 07/00056/OUTM.

Outline planning permission for residential development had been granted in August 2009. At the committee meeting of 19 January 2012, the committee deferred the reserved matters application pending clarification by Officers of the status of a possible sustainable transport route along the north-east(railway) boundary.

Updated information was circulated at the meeting relating to the following points, full details of which were outlined by Officers and have been attached to the online agenda for the meeting:

- Revised plans showing the latest site layout for approval
- Public Open Space – since January, the applicant had agreed to offer the play space for adoption.
- The applicant is willing to transfer to the council at no charge, the freehold of his adjoining land to the north, in particular part of the un-adopted road between the application site and British Sugar site. This is to assist the Council in providing pedestrian and cycle links between the city centre and British Sugar site.
- A financial contribution towards off-site provision would be spent locally, but has not been allocated to a specific project. Officers provided details of some suitable options.
- Legal Officers are in the process of agreeing a new Section 106 agreement with the applicant.

Members commented and questioned a number of points including:

- The possibility of specifying a point in time by which the land subject to the Section 106 agreement has to be transferred to the Council.
- The distance of the site from Network Rails boundary.
- Some Members felt that some of the locations suggested in the Officer update to receive the off-site provision money were not suitable.

- Confirmation that the new site layout was acceptable to all parties.
- An informative to advise that potential purchasers of homes on the site should be made aware that there is a cycle link.

#### REASON FOR APPROVAL:

The proposal subject to the conditions listed in the report and the additional condition detailed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design and streetscene, transport and access, sustainability, affordable housing, education, open space, drainage, environmental protection, occupier and neighbour amenity and landscaping. As such the proposal complies with policies GP1, GP4a, GP6, GP9, GP15A, H2A, H5A, L1C and ED4 of the City of York Local Plan Deposit Draft.

CLLR L CUNNINGHAM-CROSS, Chair

[The meeting started at 4.30 pm and finished at 4.50 pm].

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**COMMITTEE REPORT**

<b>Date:</b>	26 April 2012	<b>Ward:</b>	Osballdwick	
<b>Team:</b>	Major and Commercial Team	<b>Parish:</b>	Osballdwick Council	Parish

**Reference:** 12/00242/REMM

**Application at:** Land Lying To The West Of Metcalfe Lane Osballdwick York  
**For:** Reserved matters application for details of siting, design and external appearance of 123 dwellings (phase 2) granted under outline permission 03/02709/OUT

**By:** Joseph Rowntree Housing Trust

**Application Type:** Major Reserved Matters Application (13w)

**Target Date:** 30 April 2012

**Recommendation:** Approve

**1.0 PROPOSAL****SUMMARY**

1.1 This application seeks reserved matters approval for the second phase of the larger residential development by Joseph Rowntree Housing Trust on land west of Metcalfe lane, Osballdwick, referred to as 'Derwenthorpe'. It covers the siting, design and external appearance of Neighbourhood C, located in the south-west quadrant of the site and accessed from Temple Avenue. The application has been publicised and the comments received taken into consideration. Revisions have been made to the scheme in light of the responses. The application is considered to be in compliance with the outline planning permission. As such, it is recommended for approval subject to conditions. Committee to visit.

**SITE HISTORY**

1.2 Outline planning permission (ref. 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540 dwellings on land to the west of Metcalfe Lane, Osballdwick. Means of access and the general landscaping structure were approved as part of the outline consent. The general layout of the development, its division into four neighbourhoods each with its own individual vehicular access point, the size and shape of these neighbourhoods and the approximate number of dwellings within each one, along with the general location of public open space, were established through an illustrative Masterplan and design documents submitted in support of the outline planning application.

1.3 As part of this planning consent, the developer was required to submit details for approval of the following reserved matters not considered at the outline planning stage: siting, design, external appearance and landscaping. Conditions 2 and 4 of

the outline planning permission set out the requirements for these reserved matters applications. Condition 2 stipulates that such reserved matters applications shall comply with Lifetime Homes standards and the general design principles set out in the Design Code and Design Guide documents that were submitted on 1 August 2003 as part of the application and amended by the Illustrative Masterplan dated July 2004.

1.4 Phase 1 of the development (Neighbourhood D), accessed from Osbaldwick Village, was granted reserved matters approval in 2008 and is currently under construction (ref. 07/02789/REMM). It included a 'Village Green Area' with drainage ponds and equipped play areas to the west of the 64 dwellings. A number of applications will be submitted to cover the remaining reserved matters for each phase of the development.

## PROPOSAL

1.5 The application currently under consideration seeks consent for siting, design and external appearance for the second phase of the development, being the south-west neighbourhood of the site accessed via Temple Avenue (referred to as Neighbourhood C in the outline approval). It is bounded on the north and east by Neighbourhoods A and D beyond areas of planned public open space, to the south by Osbaldwick Beck and to the west by the housing estate accessed off Temple Avenue. Two prototype houses were given full planning approval in 2007 and have been completed - these are located at the end of Temple Avenue at its junction with the application site and face the street on either side of it.

1.6 A phasing scheme was submitted at the same time as the reserved matters application for Phase 1. It confirmed that the second phase of the development would be Neighbourhood C. This phase includes ancillary works relating to the laying out of the water bodies within the area of open space to the south of the housing in this neighbourhood and the laying out of the crescent park to the north of the housing. These areas are shown on the plans, but the details are not submitted for approval under this reserved matters application. A subsequent reserved matters application for the landscaping of the land around Neighbourhood C as well as the planting within the neighbourhood itself will be submitted for separate approval.

1.7 The application is accompanied by a Supporting Statement, Statement of Crime Prevention Measures (as required by Condition 10 of the outline planning approval), Lighting Design Proposal and a Landscape Principles report (noted as being illustrative). The Supporting Statement outlines the design philosophy of the scheme and the consideration that was given to key matters as part of the detailed design. It confirms that all of the Phase 2 houses have been designed to the Joseph Rowntree Foundation Lifetime Homes standard, with two being wheelchair accessible dwellings.

1.8 There are 123 dwellings proposed as part of this reserved matters application, laid out around a circular outer road and internal cruciform street pattern. There are seventeen house types arranged in a mix of terraced, semi-detached and detached properties. The houses have accommodation on three floors with the exception of house type C (1 and 4), which are two storey. House type C4, of which there are two, is a wheelchair accessible home. Of the remaining properties that have accommodation on three floors, the design of house types A, B, G and H are such that the third floor is within the roof space (ridge heights 10.8m, 9.95m, 11.4m and 10.45m respectively), whereas house types G and J are three storey (ridge heights 12.35m and 13.05m respectively). The eaves height of the two storey properties is approximately 5.7m regardless of whether the house type has accommodation within the roof space. That of the three storey properties is approximately 8m. The house types are of a contemporary design, with a palette of red brick, painted brick and stone external facing materials and projecting timber window surrounds and dormer features. Some of the properties have garages, which are either individual or in short runs and are to be red brick with plain clay tiles to the roof. All properties have a parking space, whether within a garage, parking court, in-curtilage or on-street. Visitor parking spaces and two car club spaces are accommodate within the neighbourhood. Two Local Areas of Play are shown on the plans, one in the central square and one adjacent to the Sustrans cycle track.

1.9 Revisions have been made to the scheme since it was submitted, which involved:

1. Changes to the roadway design changes of the outer circular road, layout of the central square and entrance arrangements to the east-west internal road;
2. Parking provision changes to the layout of parking courts, allocation of on-street vehicle parking spaces, provision of car club spaces and incorporation of parking spaces in-curtilage;
3. Repositioning of plots 62-69 to allow a 9m separation distance between the site boundary and plot 62 in order to take account of a mature Oak tree; and
4. Revised drawings for House Types B3 and B4 to correct reference to plot numbers on drawings.

The proposal description has also been changed to take account of the reserved matters referred to in the relevant outline planning permission condition.

## ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

1.10 As part of the amendment to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a request for a scoping opinion was sought on behalf of the applicant in July 2011 (ref. 11/01988/EIASP). This considered whether any further information to the original Environmental Statement was required by the Local Planning Authority in order that the environmental information before it was adequate to assess the environmental effects of the development. The Local Planning Authority gave its opinion in August 2011 confirming that with

regards the various topics of the Environmental Statement, no further information was required.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: St. Aelred's RC Primary 0223

### **2.2 Policies:**

CYGP1 - Design

CYGP3 - Planning against crime

CYGP4A -Sustainability

CYNE1 -Trees, woodlands, hedgerows

CYNE6- Species protected by law

CYNE7 - Habitat protection and creation

CYT4- Cycle parking standards

## **3.0 CONSULTATIONS**

### **PUBLICITY**

3.1 The application was publicised by means of a press advert, the posting of two site notices at entrance to the site on Temple Avenue and the Sustrans cycle track and letters to local residents and Osbaldwick Parish Council. Consultation has taken place with internal and external consultees, giving until the 5 March 2012 for comments to be made. A further consultation was undertaken with CYC Network Management and Environment and Conservation, the Police and Osbaldwick Parish Council as a result of minor revisions to the scheme. This period expired on 6 April 2012. The following comments have been received.

### **INTERNAL**



### 3.2 Highway Network Management

The detail submitted in the application accords with the principles set out in the outline application for the site. As all issues relating to traffic generation and off site highway works were secured and addressed at the outline application stage all that is being considered is the detailed design of the scheme.

Much of the highway layout is based around 'Home Zone' principles where the road space is shared amongst users and as such does not have a formal kerbed carriageway/footway construction. The highway has been designed to restrain vehicle speeds through a variety of recognised measures including the use of planting in the highway, varying the width of the highway and restricting forward visibility.

The outer perimeter track varies in width with localised narrowing's restricting traffic flow to one-way. This route will serve the majority of residences. The main Avenue through the scheme is a secondary route with greater emphasis on use of the area as a public space with design measures to discourage high levels of traffic or its use as a throughfare.

Car parking is in accordance with CYC Annex E maximum standards with the layout being carefully designed to create areas of managed on-street parking whilst avoiding the potential for indiscriminate parking to occur.

Refuse collection will be a mixture of kerbside collection and pick up from dedicated bin drop off points. Vehicle swept paths have demonstrated that refuse vehicles can successfully traverse the site.

### 3.3 Environment and Conservation (Landscape Architect)

The layout has been altered slightly to accommodate a neighbouring, attractive, mature Oak, of excellent form, in the rear gardens of Coniston Drive. The exact site boundary is difficult to visually ascertain on site; and the illustrated location and size of the tree has not been recently measured and checked. The closest proposed unit is shown at a distance of 9m from the boundary, which is probably okay, but an accurate plotting of unit 62 would be necessary in order to be certain of compatibility between the two.

The first 8 units, in the northwest corner, back onto the Sustrans route, rather than face it. However this is along a fairly limited length. The remaining two thirds of the development frontage then opens up to the cycle route and wider open space. Nonetheless the detailing of the rear garden boundary at the top of the bank will need suitable attention to provide a pleasant, yet secure, uniform, green boundary. Also, a number of existing attractive Hawthorns appear to be located on the

proposed fence line. These should be retained and accommodated to perpetuate the natural character of this green corridor.

The overall scheme pays attention to home zone principles; it incorporates a range of good paving materials, and accommodates a high number of narrow street trees (approximately one tree per two parking spaces) and small trees within rear and front gardens, plus a large central feature tree in the LAP, all of which will make a substantial contribution to the integral amenity of the development.

The application is accompanied by an illustrative landscape masterplan (ref: LA/WS/L/-/90/01 Rev. A). This includes a suggestion of tree species. These details will be secured through a subsequent reserved matters application. The latter should also address subtle measures such as planting to deter parking on the grass verges around the southern, curved perimeter.

Request for conditions to cover boundary treatments and protection of the neighbouring Oak tree and other trees worth retaining along the top of the bank.

### 3.4 Environmental Protection Unit

At outline planning permission (03/02709/OUT) stage a number of conditions were placed on the planning inspectorate approval in relation to environmental matters (hours of working, environmental management scheme and contamination). The applicant should be reminded of his obligations to comply with the outline planning permission.

Following consultations, a Low Emissions Strategy is expected to be presented for formal adoption in August 2012. Also supplementary guidance on Air Quality/Low Emissions will be in place, which will formalise requirements for electric vehicle recharge points on new developments. Whilst there is currently no requirement under the outline approval, it is understood that the applicant is investigating whether further provision for vehicle charging points is feasible and viable.

The draft Low Emission Strategy seeks 'best endeavours' for reducing emissions during both construction and operational phases to be demonstrated. This would include ensuring the energy choices for heating and powering the buildings are the right ones for both carbon/CO<sub>2</sub> and local air quality emissions (NO<sub>x</sub>/Particulates).

Informatives are requested to draw the developer's attention to the draft document and the guidance within them.

EXTERNAL

### 3.5 North Yorkshire Police (Architectural Liaison Officer)

Application Reference Number: 12/00242/REMM

Item No: 4a

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Confirms that a Secured by Design Award Scheme application for phase 2 has been received. The officer stresses that he is having to compromise his position in respect of rear parking courts which are a predominant feature of the design and layout. Such car parking courtyards are discouraged because they introduce access to vulnerable rear elevations of dwellings, are often unlit thereby increasing the fear of crime and provide areas of concealment which can encourage anti-social behaviour. Cites research about rear courtyard parking areas that supports his concerns. No other 'designing out crime' concerns and the physical security measures incorporated into the scheme will fully comply with the Secured by Design Award Scheme.

### 3.6 York Natural Environment Panel

Advocates small clumps of trees of different species to create mosaic of different habitats. Advises retention of remnants of meadow and old hedge system where possible to be bolstered by a high proportion of naturalistic planting. Queries unnecessary removal of hedge line in the proposed public open space to the north of the Sustrans track.

### 3.7 Sport England

Does not wish to comment.

### 3.8 Environment Agency

No objections providing surface water from the site discharges to the previously agreed Sustainable Drainage System and there is no increase in the previously agreed rate of discharge into Osbaldwick Beck.

### 3.9 Foss Internal Drainage Board

States that Osbaldwick Beck, which is adjacent to the site, is a Board maintained watercourse. No objection to proposed development provided that all surface water discharges from this development are directed to the previously agreed sustainable drainage system and that no increase in the agreed rate of discharge of Osbaldwick Beck occurs.

### 3.10 Natural England

States this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. The lack of further comments should not be interpreted as a statement that there are no impacts on the natural environment. Would expect

the LPA to assess and consider the possible impacts resulting from this proposal on protected species, local wildlife sites and biodiversity enhancements.

### 3.11 Yorkshire Wildlife Trust

Would like to see the lighting design not increase light pollution within the open areas of the development, improvement of the environment of the Sustrans cycleway and a management plan for the open spaces designed to ensure that the nature conservation interest of the area is maintained.

### 3.12 Osbaldwick Parish Council

Maintains the longstanding objection to the principle of the development of Public Open Space with undoubted wildlife value and contribution to York Greenbelt. With regards to Reserved Matters Application raises following objections:

- close proximity of dwellings nos. 54-63 to existing Temple Avenue properties and overbearing, unorthodox designs leading to unacceptable compromising of neighbourhood amenity;
- provision of three storey dwellings given visual impact (cites phase 1);
- inadequate provision of open space for projected number of new residents and existing local residents;
- developer and planning authority need to follow the sustainability guide for developers and insist on native species hedgerows as garden boundary treatments;
- self clinging climbers should be used rather than climbers supported by wires;

Request a site visit is conducted that views phase 2 in context of phase 1.

Officer Note - A site visit is recommended for this application.

### 3.13 Response from local resident:

Objection on basis of close proximity and overbearing and un-orthodox design of new dwellings No 54-63 to existing Temple Avenue properties, leading to unacceptable compromise of neighbourhood amenity. A difference in height of almost 20% is quoted (10m high properties as opposed to 8m of the existing dwellings on Grasmere Drive). Concerns about overlooking and overshadowing and effect on landscape. Suggest the following amendments:

- House types B4 from 54-63 are redesigned to make them similar in proportion to the existing neighbouring properties.
- Houses from 54-63 are thinned out keeping the height but making the spaces between them broader to lessen the visual impact.
- Gardens are made lengthier for houses 54-63 to lessen the impact of overshadowing/overlooking.

Whilst accepting of additional housing in York, considers the extra height will have an adverse effect on their property and the future relationship (both architecturally and socially) between the existing and the emerging communities.

## **4.0 APPRAISAL**

4.1 The appraisal is separated into sections focusing on the individual reserved matters - siting, design and external appearance - in order to aid clarity of the issues and structure the report. However, it should be noted that there is a degree of overlap within each category and thus each section cannot be read in isolation.

### **POLICY CONTEXT**

4.2 Relevant Central Government planning guidance is contained in the recently published National Planning Policy Framework (March 2012). The heart of this framework is a presumption in favour of sustainable development. It contains a set of twelve core land-use planning principles to underpin plan-making and decision-taking, including securing a high quality design and a good standard of amenity for all. The framework encourages the delivery of a wide choice of high quality homes; the promotion of good design with great weight being given to outstanding or innovative designs; and, the promotion of healthy communities through the creation of safe and accessible environments, where crime and disorder do not undermine quality of life, and clear and legible pedestrian routes and high quality public space to encourage active public areas.

4.3 The Council has prepared its Local Development Framework Core Strategy, which has reached submission stage and is moving towards examination. The weight of the policies within it are commensurate to the stage it has reached in terms of publication and where they reflect national guidance. The relevant policies are Policy CS21, which encourages on-site renewable energy production and Level 3 of Code for Sustainable Homes as a minimum.

4.4 City of York Draft Local Plan policies are material to the consideration of the application where they reflect the National Planning Policy Framework. The relevant policies are summarised in section 2.2. Policy GP1 of the Local Plan states that new developments should respect or enhance the local environment and should be of a suitable scale and mass using appropriate materials. Policy GP3 requires consideration of measures to reduce opportunities for crime.

### **COMPLIANCE WITH OUTLINE CONSENT**

4.5 Outline planning permission was granted by the Secretary of State for residential development of the site with the principle of developing the whole site for

approximately 540 homes being established. The general layout of the whole development was approved in part by the outline planning permission through the Illustrative Masterplan dated July 2004. The approximate size and shape of the four neighbourhoods has been approved as well as the approximate number of dwellings within each neighbourhood. The location of the public open space areas and basic details of the facilities to be found within them has also been agreed. The design approach for the scheme as a whole was established at the outline planning stage and is contained in the Design Code and Design Guide documents that were submitted on 1 August 2003 as part of the application and amended by the Illustrative Masterplan.

4.6 The outline planning permission indicated 125 dwellings within Neighbourhood C. This reserved matters application relates to 123 dwellings, but Neighbourhood C includes the two prototype dwellings already constructed at the end of Temple Avenue. Condition 2 of the outline consent specifically requires the reserved matters applications to be in compliance with these documents. In terms of the reserved matters submission for Phase 2 of the development, it appears to be consistent with the terms of the approved outline consent, the approach and philosophy of the design documents and the Illustrative Masterplan.

4.7 The density of the neighbourhood and housing mix has been set through the outline planning permission. Condition 8 of the outline approval refers to Neighbourhood C having 125 dwellings with a 10% tolerance - with the TAP houses included, Phase 2 equates to this figure. The density is, therefore, as envisaged and previously agreed. The development proposed family housing in response to the City's identified need and with this in mind the houses are three and four bedroom properties. Phase 2 was intended to provide smaller housing units than Phase 1 and, therefore, eleven of the seventeen house types are 3 bedroom properties with 112 of the 125 properties being three bedroom and only 13 being four bedroom. The four bedroom properties are spread throughout the phase, being typically sited at corner locations in the highway network or facing over the 'Village Green Area' and would act as focal point buildings thereby assisting legibility through the development. All properties are proposed to be built to Lifetime Homes standards as required by condition 2 of the outline consent, with two wheelchair accessible houses (type C4) is proposed, to be located at the rear of the southern TAP house. The range of housing, with varying house types and external amenity space, offers choice and is consistent with the outline planning permission.

## SITING

4.8 Siting is concerned with the layout of the scheme, including its roads and footpaths, housing and public spaces.

4.9 The layout of Phase 2 appears consistent with the Illustrative Masterplan in that it includes a neighbourhood of housing set within a green area. It has a circular

perimeter road as the main vehicular route with an internal cruciform street pattern providing pedestrian priority. At the meeting point of these internal streets is a central space and focal square in the form of a local area of play (LAP). The houses would front onto the road network in perimeter blocks with parking largely on street or in mews courtyards.

4.10 It is noted that the Masterplan was intended to be illustrative and, therefore, there is a degree of flexibility in the layout shown providing it is within the parameters of the Design Code and Design Guide documents. The supporting statement submitted with this reserved matters application highlights some changes to the detailed layout now proposed that have been made as a result of feedback on Phase 1 of the scheme and a reassessment of the parking approach prompted by the principles of Secured by Design. These changes include: aim of 9m deep gardens where possible; increased on-street parking; houses introduced into rear parking areas or making areas single access; increased space to improve setting of Sustrans route; and, three storey houses to overlook Sustrans route.

4.11 There are three key differences to siting as shown on the Illustrative Masterplan. Firstly, the whole neighbourhood has been moved southwards by approximately 5m to allow an increased distance from the houses to the Sustrans cycle route. Secondly, houses are now shown backing on to the Sustrans route at its western end where it emerges into the development site for a distance of just over 67m. Thirdly, the internal roadway arrangement has been simplified with the omission of a secondary east-west crescent secondary road and its replacement with a straight north-south route. It is considered that these changes are still consistent with the outline planning permission granted.

4.12 The plans show the rear gardens to the houses backing on to the cycle track that are at least 10m in length (with the exception of plot 66, which has an average length of 8m), beyond which is an embankment leading from the site down to the cycle route that would be planted. At the end of the run of these eight houses backing on to the cycle route is a second Local Area of Play and beyond this to the east, as well as to the north of the cycle route, is the proposed Crescent Park. This increased degree of enclosure to the cycle track continues that experienced to the west on the approach to the site and is considered to be an appropriate response to the difference in land levels and a suitable transition from the enclosure of the Sustrans route to the west and the opening up of its setting eastwards.

4.13 However, careful consideration, through condition, will need to be given to the boundary enclosure to the rear of the gardens in the interest of security and visual amenity. A uniform approach to the boundary treatment is required to avoid the continuation of the poor environment along the Sustrans route at the rear of the Coniston Drive houses, which is a myriad of boundary enclosures of varying quality and condition. The Statement of Crime Prevention Measures refers to a 2m high open mesh fence along this boundary, though the inclusion of some planting or

hedging will help to provide a softer green edge. The planting details for the cycle route embankment will form part of the landscaping reserved matters application.

4.14 The siting is such that the dwellings are set within a green area to allow an attractive open character to the wider area and reinforce the sense of community within this neighbourhood. The dwellings are shown to back on to the existing houses on the cul-de-sacs off Ambleside Avenue (Coniston Drive and Grasmere Drive), as shown on the Illustrative Masterplan, in order to link this neighbourhood to the existing community it adjoins and has vehicle access from. The layout embraces a high degree of permeability by non-car modes within the neighbourhood, with adjacent neighbourhoods both existing and proposed and with the wider area through the Sustrans cycle route that runs to the north of it. The housing is arranged around a central feature square containing a local area of play (LAP), though a second LAP is shown to the north of the housing and adjacent to the Sustrans cycle route. An amphitheatre is to be created within the Village Green Area to the east of this neighbourhood and the internal road layout has been designed to ensure that this is an additional focal point and meeting place. Dwellings are proposed to be close to the road network with a high proportion of on-street parking bays and communal parking courts. The north-south orientated streets within the circular outer road are intended to be Home Zones. The creation of features combined with a highly permeable layout and communal parking is considered good planning practice and encourages a sustainable and inclusive community.

4.15 The Police Architectural Liaison Officer (PALO) has raised concerns with the degree of permeability and provision of parking within rear communal parking courts. Details of recent research have been submitted to support these concerns, which identify poor examples of on street parking and parking courts. The PALO considers that alleyways and parking courts should be gated. However, the high degree of permeability and the inclusion of parking courts is an accepted part of the design philosophy of the scheme as agreed at outline planning stage and conditioned by the Secretary of State through condition 2. Permeability remains a key design objective of the scheme, thereby promoting an inclusive community. This reserved matters application is also supported by a Statement of Crime Prevention Measures, which has been produced in consultation with the PALO, and a letter from the officer has been submitted with the statement that confirms that the development should achieve Secured by Design status. The statement confirms that Phase 2 has been designed with the emphasis on surveillance and controlled permeability to attempt to address the concerns. This has involved making access to parking courts single access only or increasing surveillance by providing mews houses within larger courtyards. The scheme has been revised further following negotiation including removal of one of the parking courts, improvement of the relationship of on street and courtyard parking to dwellings and increased in-curtilage parking.



4.16 The original drawing submitted did not show the presence of a mature Oak tree within the rear gardens of the end houses on Coniston Drive. This has since been corrected and the house on plot 62 moved to the east so that it is 9m from the site boundary. The Council's Landscape Architect has confirmed that a distance of 9m from the gable wall of the house to the boundary should be an acceptable distance from it to avoid harm to the tree and to maintain its setting, providing the tree is plotted correctly. The agent has been asked to confirm this prior to determination by Committee.

4.17 The scheme shows a run of houses backing onto the existing houses to the west on Coniston Drive and Grasmere Drive as is shown on the Illustrative Masterplan. The houses at the end of these cul-de-sacs are angled to the site boundary. There was no minimum separation distance or building height restriction conditioned by the Secretary of State as part of the outline approval. However, the scheme adopts a 20 metre minimum distance from existing to proposed houses and in most cases there is more than a 25 metre distance where the proposed houses directly face the site boundary. The separation distances are considered to be acceptable, particularly given the angle of the houses on Coniston Drive and Grasmere Drive to the site boundary and consequently the proposed houses.

4.18 The LAP in the centre of the housing site would act as an informal meeting place, as would that on the northern side of the housing. Their location would have natural surveillance from the surrounding housing. The LAPs would have a low level hedge to define its boundary and retain good natural surveillance from surrounding areas. The landscaping of the areas around the housing will form part of a separate reserved matters application.

## DESIGN

4.19 Design relates to a wider view of the development and how the place will work and look.

4.20 There are seventeen house types within Phase 2 of similar though different design, which will give interest to the street scene. The form of the houses is traditional in that they are dual-pitch properties that are detached, in semi-pairs or in terrace rows. The terraced properties are generally along the internal roads to provide more formality and cohesion to the street scene. More space has been allowed between the buildings around the perimeter to provide a more informal approach that relates better to the landscaped areas surrounding the neighbourhood.

4.21 The height of the properties differs to that of existing housing to the west, as can be seen from the prototype houses and those within Phase 1. However, the intention of the scheme was never to replicate the existing housing, but develop an urban extension that had its own character, adopting an innovative and

contemporary approach whilst reflecting the traditional features of the surrounding area. The scheme also reflects the aim for more energy efficient housing.

4.22 Osbaldwick Parish Council and occupants of a property on Grasmere Drive have objected to the 'overbearing' height of the proposed dwellings and close proximity of plots 54-63 to the existing housing to the west as well as to the provision of three storey dwellings. The proposed dwellings on plot 54-63 are three storeys internally with ridge heights of 9.95m (as opposed to 8m of those on Grasmere Drive), but have been designed to appear as two storeys with accommodation in the roof and only roof lights in the roof slope. The eaves height is 5.85m. It is accepted that the roof height of the new dwellings is different to that of the existing properties to the west, due to the stepper roof pitch and accommodation of bedrooms within the roof space. However, it is noted that the roofs of the new dwellings slope away from the site boundary and that the existing houses are angled away from the site boundary. In light of this, their separation distance from the proposed properties referred to in 4.14 and the orientation of the proposed houses to the existing (to the north-east), it is considered that there is unlikely to be any significant adverse affect on residential amenity than envisaged during consideration of the principle of development of the site. A condition is recommended to remove the permitted development rights for the new properties to add dormer windows to the rear roof slopes.

4.23 Each dwelling would have its own private outdoor amenity space and car parking space. The aim is for the private gardens whenever possible to be 9m long. Parking spaces are to be provided either in-curtilage for the larger properties, on-street as close to the dwelling it serves or in communal parking courts. A number of vehicle parking spaces and a car club space are provided. One of the key principles in the design of the development is that of giving cars a lower priority than that of pedestrians and cyclists. Car parking spaces are at a level of just 1.1 per dwelling on average, to discourage private vehicle ownership. A car club is to be set up as part of the development where motor vehicles can be hired as and when needed - two car club spaces are proposed as part of Phase 2. A bus travel pass or a voucher towards the purchase of a bicycle will further encourage sustainable transport choice.

4.24 The design of the roads has been revised to provide pinch points on the roads, including both the perimeter and internal streets, to encourage a reduction in vehicle speeds to give priority to pedestrians as well as to create interest in the street scene. Planted is shown on the submitted Illustrative Landscape Masterplan. A super semi mature tree is proposed in the central LAP. Further trees are shown to be planted along streets and within the parking courts. Rear gardens would largely be grassed with some tree planting. Front garden areas, where possible, are shown to be planted with shrubs.

## EXTERNAL APPEARANCE

4.25 External appearance is concerned with the details of the design and the materials to be used.

4.26 The design of the dwellings is contemporary in its approach and is reflective of Phase 1. The use of consistent design features and building materials would create a unity and sense of identity to the scheme as well as a link to Phase 1. The materials chosen would provide an attractive and cohesive built environment. The dwellings would be predominantly red brick with some areas of painted brick, stone and wood boarding to create visual interest. Roofs would be clay tiles. Whilst an indication of the building materials has been submitted as part of the application, a condition is recommended to be attached to any approval to ensure physical samples of the materials are submitted for approval prior to the commencement of development. As with Phase 1, a number of road surfacing materials would be used. These would indicate to drivers of vehicles an appropriate speed and within the internal streets show that pedestrians and cyclists have priority. Streetlighting would be housed in pole mounted or wall mounted fittings of a simple and modern design. The lighting within the parking courts would be bollard lights, again of a modern design.

4.27 The buildings have been designed to take advantage of natural solar gain and will incorporate good levels of air tightness and insulation. The large window openings would allow natural surveillance as well as providing solar gain to reduce energy to be used for heating and lighting. Winter gardens are included in some of the house types, to assist with summer cooling and winter warming of the dwellings. These features were included in some Phase 1 properties. However, the drawings make reference to these 'sunspaces' being possibly omitted. The agent has confirmed that this is to allow some flexibility in their provision in the event that they are shown not to be beneficial following the testing of the Phase 1 dwellings or if there is not demand from purchasers. Their omission would not affect the sustainability credentials or performance of the houses.

4.28 The boundary treatments to the front areas of the dwellings would consist of a variety of railings and walls in materials consistent with the house to which they are related. Boundary treatments within plots vary between 1.5m high close boarded fencing to 1.8m high hit and miss fencing above dwarf walls.

## 5.0 CONCLUSION

5.1 It is considered that the proposed layout, design and external appearance for Phase 2 of this residential development is acceptable. The general design principles are consistent with those set out in the Design Code and Design Guide and as shown on the Illustrative Masterplan approved as part of the outline planning permission. It follows the 'vision for Derwenthorpe to create a vibrant, supportive and sustainable community' established under the outline approval and adopted for

Phase 1. The site-specific design details are thought to be well considered and suitable for a development of this type within this location. Furthermore, it complies with the key objective, principles and relevant policies of the recently published National Planning Policy Framework.

5.2 Therefore, in light of the above, this application is recommended for approval subject to conditions relating to materials, cycle parking, means of enclosure to the cycle track, tree protection and removal of Permitted Development rights.

5.3 A number of conditions were attached to the outline planning permission. Some of the conditions were required to be discharged prior to the commencement of development and details were submitted and agreed prior to the commencement of Phase 1. Specific conditions relate to Phase 2/Neighbourhood C and will need to be agreed prior to work starting on this phase of the development as well as those recommended below. In addition, a Section 106 agreement was signed which requires the submission of various details to be agreed by the Council. In line with the usual Council practice, conditions and Section 106 requirements are to be discharged at Officer level.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

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

Drawing no. 2228\_PL\_001C Site Plan, dated 22.03.2012 and received 22 March 2012;

Drawing no. 2228\_PL\_002B Material Layout dated 16.3.2012 and received 20 March 2012;

Drawing no. 2228\_PL\_003B Refuse and Recycling Strategy dated 16.3.2012 and received 20 March 2012;

Drawing no. 2228\_PL\_004B House Type Layout dated 16.3.2012 and received 20 March 2012;

Drawing nos. 2228\_PL\_101 and 2228\_PL\_401 House Type A1 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_102 and 2228\_PL\_402 House Type A2 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_113A and 2228\_PL\_413A House Type B3 plans and elevations, dated 16.3.2012 and received 20 March 2012;

Drawing nos. 2228\_PL\_114A and 2228\_PL\_414A House Type B4 plans and elevations, dated 16.3.2012 and received 20 March 2012;

Drawing nos. 2228\_PL\_115 and 2228\_PL\_415 House Type B5 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_121 and 2228\_PL\_421 House Type C1 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_124 and 2228\_PL\_424 House Type C2 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_141 and 2228\_PL\_441 House Type E1 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_142 and 2228\_PL\_442 House Type E2 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_161 and 2228\_PL\_461 House Type G1 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_162 and 2228\_PL\_462 House Type G2 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_163 and 2228\_PL\_463 House Type G3 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_164 and 2228\_PL\_464 House Type G4 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_171 and 2228\_PL\_471 House Type H1 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_181, 2228\_PL\_481 and 2228\_PL\_482 House Type J1 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_182, 2228\_PL\_483 and 2228\_PL\_484 House Type J2 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_183, 2228\_PL\_485 and 2228\_PL\_486 House Type J3 plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing nos. 2228\_PL\_190 and 2228\_PL\_490 Typical Garage plan and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing no. 2228\_PL\_191 Typical Substation plans and elevations, dated 17.1.2012 and received 20 January 2012;

Drawing no. 10010-1-C Illuminance Plot, dated 15.12.2011 and received 20 January 2012.

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

2 VISQ8 Samples of exterior materials to be app -

3 VISQ7 Sample panel ext materials to be approv -

4 Prior to the development commencing details of the cycle parking facilities serving each dwelling, 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 facilities 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.

5 Before development commences, details of the means of enclosure between the Sustrans cycle track and the rear of plots 62-69 and the northern Local Area of Play shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the dwellings, plots 62-69, and shall thereafter be retained.

Reason: In the interests of visual amenity along the Sustrans cycle route and the security of the dwellings.

6 Prior to the commencement of development, including site clearance, importing of materials and any excavations, a method statement regarding protection measures for the existing trees within and immediately adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan in accordance with BS 5837; phasing of works within the zones of influence; type of construction to be used; locations for storage of materials. The method statement shall also include details of existing and proposed ground levels such that there are no changes within the potential rooting zones of the trees. The protective fence line shall be adhered to at all times during development operations

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, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, 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 and/or development.

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, C and E of Schedule 2 Part 1 of that Order shall not be erected or constructed at dwellings referred to on the approved plans as Plots 54-62.

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

## **7.0 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 layout, design and external appearance. As such the proposal complies with the National Planning Policy Framework and Policies GP1, GP3, NE1, T2a and T4 of the City of York Development Control Local Plan.

#### **Contact details:**

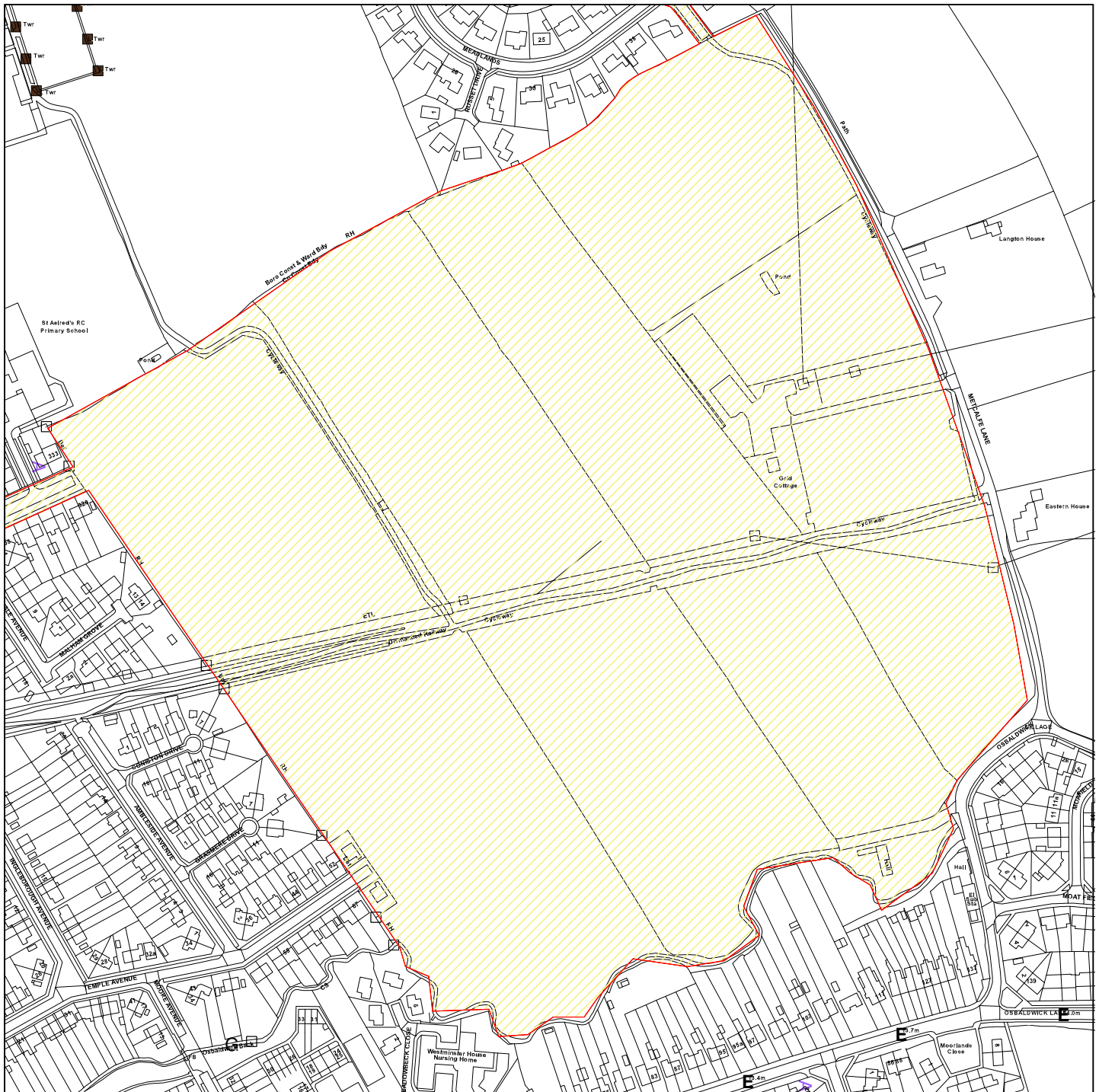
**Author:** Hannah Blackburn Development Management Officer  
**Tel No:** 01904 551325

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**12/00242/REMM**

## Land Lying to The West Of Metcalfe Lane



**Scale :** 1:3500

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	16 April 2012
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 26 April 2012  
**Team:** Major and Commercial Team  
**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 12/00327/FULM  
**Application at:** Works (Vacant) Carmelite Street York  
**For:** Student accommodation comprising 258 study bedrooms/studios within 8 storey building  
**By:** S Harrison Dev. Ltd And Queens House Joint Venture  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 27 April 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to a vacant, unkempt site between Carmelite Street and the Shambles multi-storey car park. The site is at the edge of the Hungate site, which is currently being developed in phases. According to the approved masterplan the proposed building would front onto St John's Square, a public space and focal point at the centre of Hungate, across Carmelite Street would be a 4-6 storey (6-storey facing the application site) building comprising of shops and business at ground floor level and residential above. To the southeast would be a 5-6-storey residential building and a 4-storey car park.

1.2 The site is outside the Central Historic Core Conservation Area which terminates at the River Foss and includes the land to the west of the telephone exchange building. The site is designated as an area at high risk of flooding and is included in the Hungate action area, where the local plan seeks to deliver 1 hectare of premier employment land and a mix of residential, retail, community, cultural and leisure uses.

1.3 The application proposes an 8-storey building that would provide student accommodation, 258 bedrooms in total. There is an extant permission to develop the site for offices and the proposed building retains the building height approved in that scheme.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:  
Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

## 2.2 Policies:

CYSP9 Action Areas

CYGP1 Design

CYGP4 Environmental sustainability

CYGP15 Protection from flooding

CYHE2 Development in historic locations

CYHE10 Archaeology

CYED10 Student Housing

CYT4 Cycle parking standards

## 3.0 CONSULTATIONS

### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

#### Design

3.1 Officers support the revised scheme. The alterations address initial concerns about the elevation that would face St John's Square and distant views of the building's roof.

3.2 The Central Historic Core Conservation Area Appraisal Historic Core Conservation Area Appraisal demonstrates that there are a few places in the city which are capable of absorbing moderately tall buildings without harming the historic skyline and views. Hungate has been judged as such a place due to its relatively low datum (9-10), though this would be raised slightly to reduce flood risk.

3.3 The telephone exchange building and the car park form a visual buffer between the proposed building and the smaller grained 2-4 storey high buildings of Fossgate and Walmgate and therefore the immediate setting of the conservation area would

not be affected. The proposed building would also be masked from The Stonebow and from Foss Islands Road by the scale of future developments on Hungate.

3.4 The open setting of Rowntree Wharf is a recent phenomenon. The Conservation Area appraisal illustrates that the best views of Rowntree Wharf are from the northern bank of the Foss. The two buildings would be separated by a gap of over 60m at their closest point and views from public areas along the northern bank would not be affected.

3.5 The simplicity and scale of the elevation facing the Stonebow elevation is considered to be sympathetic to previous industrial character of the area which is drawn out in the master-plan documents for Hungate.

3.6 The proportions of the entrance elevation have been altered to reduce the effect of the upper floors, which were considered to be overbearing, also the central area of the upper storeys has been set back. The simplification of this elevation has allowed the entrance zone to be angled and it would become more important within the elevation as a whole, thereby reducing the perceived height of the whole building in relation to the scale of the entrance which would become double height. The palette of materials has been simplified with greater use of dressed brickwork. The revisions succeed in unifying the architectural expression of the building and placing greater emphasis at ground level where it will be appreciated by users and from views within St John's Square.

3.7 The management recommendations within the conservation area appraisal state that the Local Authority should seek interesting and sympathetic roofscape design where it contributes to the conservation area and also to key and local views. Although it is outside the conservation area, the top of the building is likely to be seen in local views 14, 15 and 16 (though there would be limited additional effect on view 14 because of the immense distance from the viewpoint and the effect of clustering with other tall buildings).

3.8 The copper coloured roof will be capped and on the elevation facing the Shambles car park the three large bay windows are to be integrated with a termination detail involving a change in material (grey coloured) to provide a stop to the top of the building. Also a balustrade detail has been devised to act as a cornice above the brickwork walls. It is considered due to the materials and detailing, the new building would appear reasonably recessive in views and it would not detract from the skyline of the conservation area.

#### Sustainable construction

3.9 Conditions are requested to ensure a BREEAM Very Good rating is achieved and at least 10% of the proposals energy demand is from LZC sources. In addition, the applicant needs to provide a firm commitment in writing to the Council to source

all timber products from sustainable sources and to register and achieve certification under the Considerate Constructors or an equivalent scheme.

3.10 District / block heating and / or cooling infrastructure should be considered on this site. District heating and / or cooling tends to be most appropriate in areas with high heat demand, close proximity to heat sources and energy infrastructure, and the type / mix of buildings surrounding the proposal. Given the proximity of the proposal to the City Centre and the Hungate development site officers ask further work is undertaken to determine if district heating and / or cooling systems are appropriate.

## HIGHWAY NETWORK MANAGEMENT

3.11 No objection. Officers request a condition which requires a traffic management plan to be agreed. The plan would ensure temporary parking arrangements for when students arrive/depart at the beginning/end of term. Otherwise parking would be restricted as a new Traffic Order is proposed, which will prevent cars parking along Carmelite St and in front of the building (on what would be St John's Square).

## ENVIRONMENTAL PROTECTION UNIT

3.12 Officers have asked for conditions to ensure internal noise levels are appropriate for future occupants, the required mechanical plant/equipment does not harm amenity, and a construction management plan is adhered to, to minimise disturbance.

3.13 Contamination: The Desktop Survey and Site Investigation reports submitted with the planning application are satisfactory with regard to human health. Remediation, as recommended in the reports, should be required as a condition of approval. In addition a controlled waters risk assessment (including a detailed conceptualisation of risk posed to the adjacent River Foss and the principle aquifer) is recommended, along with details of piling, or any other foundation designs, to minimise contamination of controlled waters.

## SPORT AND ACTIVE LEISURE

3.14 The development falls into Guildhall ward. According to the LDF evidence document Open Space, Sport and Recreation Study 2008 Guildhall ward has a shortage of both amenity and sports open space:-

- City Parks and Gardens - Surplus of 3.73 hectares
- Natural and Semi natural open space - Shortage of 4.91 hectares
- Amenity Green Space - Shortage of 5.04 hectares
- Allotments - Shortage of 2.07 hectares
- Outdoor Sports Facilities - Shortage of 7.03 hectares

3.15 Contributions towards open space and sports facilities should therefore be made. The sports provision need not be as an off site contribution if the applicants can demonstrate that provision is being made for the students (that would occupy this development) at the university.

## EMERGENCY PLANNING

3.16 No objection. Content with the flood warning system proposed, which includes use of the EA Flood warnings and their own sensor activated warning system to alert both the occupants and the University to rising river levels.

## FLOOD RISK MANAGEMENT TEAM

3.17 The Flood Risk Management Team has no objections to the development in principle. Officers ask for conditions to ensure surface and foul water drainage are approved, and that surface water run-off is reduced in relation to the existing rate. Officers would also want to agree ground levels to ensure the development does not increase flood risk off site.

## CONSERVATION AREAS ADVISORY PANEL

3.18 The panel felt that materials should be used with honesty and integrity. The panel would prefer all elevations to be consistent with less use of render and cladding and a well detailed brick building would be preferable. The basic roofline was considered inappropriate in this location where it would look out of place when viewed above existing rooftops in long views. The panel were disappointed overall with the elevational treatment of the proposal but recognised the need for managed student housing in the city.

## ENVIRONMENT AGENCY

3.19 To ensure contamination to controlled waters and ecological systems are minimised the EA have asked for a remediation strategy to be prepared for the site and a verification report to confirm contamination has been adequately dealt with. They also ask the foundation design to be agreed.

3.20 The EA consider the supplied flood risk assessment and evacuation plans are acceptable; the development should commence accordingly.

## YORKSHIRE WATER

3.21 Ask that the drainage details be approved by the Local Planning Authority and that foul and surface water drainage have separate systems. It is noted that

drainage may connect to the existing system though the network does not have capacity to accept an increase in surface water drainage.

## POLICE ARCHITECTURAL LIAISON OFFICER

3.22 No objection.

## GUILDHALL PLANNING PANEL

3.23 Object. Consider the building is too large and will dominate the skyline, damaging views of the Rowntree Wharf building. The architectural design of the building and its shape is of poor quality and there is concern the Hungate area, considering that site, the Telephone Exchange and the Stonebow, will be an area where design quality is poor. There is also a lack of parking which will cause disturbance elsewhere.

## PUBLICITY

3.24 A public consultation event was publicised in The Press and held on 11.1.2012 at the National Centre for Early Music, Walmgate. 10 people attended the event and there were 5 feedback responses, these were as follows -

- Praise for the design and use of CHP to power the building.
- Good use of the site.
- Welcome the delivery of purpose built student accommodation rather than converting family housing.
- The developers have delivered a good standard of student accommodation at Navigation Road.
- Can a historic reference to the Carmelite Friars be incorporated into this scheme?

3.25 In response to the consultation carried out during the application stage, 4 objections have been received. The grounds of objection are as follows:-

- Recent development is detracting from the setting of the grade 2 listed Rowntree Wharf building. It is becoming 'hemmed in' by modern development which is too dense and tall. Examples given are phase 1 at Hungate which ended up with more flats rather than houses, Gray's Wharf which was originally approved at 6 storey and ended up being 7 storey, student accommodation at Navigation Road, which is too high at 6 storey. The previous approval at this site was for a 6 storey office block, the proposed building is 8 storey.
- A loss of views of the Minster from Rowntree Wharf,



-Concern that Hungate is not developing as envisaged in the masterplan; there will be over-development and too much student accommodation rather than squares, shops and high quality housing.

-There has been increased noise disturbance and litter due to the amount of students already in the area.

-The applicants have not demonstrated that the loss of the employment site can be accommodated without an adverse effect on the supply of office space within the city.

-Overlooking over the future occupants of the proposed residential development on the opposite side of Carmelite Street.

-Impact on highway network due to lack of car parking and drop off points for students at beginning/end of term.

-Inadequate amount of cycle parking.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 The key issues are:

- Principle of the proposed development/use of the building
- Visual impact
- Impact on the amenity of surrounding occupiers
- Sustainability
- Highway safety
- Flood risk
- Archaeology
- Open space
- Contamination

### **PRINCIPLE**

Loss of employment site

4.2 The site is allocated in the Local Plan as being within the Hungate Action Area. The Local Plan advises that the site will be expected to deliver mixed use development, including employment land and residential uses.

4.3 The site has been vacant for sometime but was previously in business use. Policies CS16: Employment Land of the Core Strategy and E3 of the Local Plan

advise that proposals for non-employment uses which involve the loss of land which was last used for employment uses, will only be permitted where it can be demonstrated that the proposal would not have a detrimental effect on the future supply of employment land in either quantitative or qualitative terms.

4.4 The Council's Employment Land Review identifies adequate land to accommodate future need. It allocates the Hungate Action Area to deliver 12.062 sq m of office space. An area of Hungate not including this site was originally given outline permission for mixed use development in 2002 under application 02/03741/OUT. The permission was renewed in 2008 - 08/00737/FUL. The scheme included 12.062 sq m of office space. As such development of this site, without providing any office space, would not have an adverse effect on the supply of employment land within the city. In addition the site has been unsuccessfully marketed for office use since 2008, when planning permission was approved for an office building on site.

Need for university accommodation

4.5 Local Plan policy ED10 advises that student accommodation should only be provided where there is identified need. The proposed accommodation would be operated by St John University. The university is currently expanding in capacity (application numbers have risen by 50% in the last 3 years) and subsequently there is need for additional student accommodation. Increasingly purpose built and managed sites are seen as desirable, which according to policy ED10 the Council encourages, and the university has recently had two sites developed nearby, at Percy's Lane and Gray's Wharf.

## VISUAL IMPACT

4.6 The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development and is indivisible from good planning. Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

4.7 The NPPF advises Local Planning Authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. Development must conserve or enhance conservation areas. Locally the Central Historic Core Conservation Area Appraisal sets parameters for development which will impact

upon the conservation area. The appraisal identifies key views within the city which must be protected, to preserve the dominance of the Minster on the skyline. It also notes that the roofscape is a key part of the conservation area's character. The management strategy within the appraisal advises that development will be expected to:

- Respect local building heights
- Place importance on the design of roofs and the roofscape: which are often highly visible from raised viewpoints (walls, Clifford's Tower, the Minster). New development should contribute positively to the character of York's distinctive skyline
- Preserve existing views and look to create interesting new ones
- Seek to add to the variety and texture of the Conservation Area, which is one of its defining characteristics
- Use materials appropriate to the status and context of the building

4.8 Development at the Hungate site will be based upon the approved design code document. The document looked at building elements within York, included details on massing and roof detailing, to which the buildings within Hungate will reference.

## Massing

4.9 A study was carried out which informed the approved building heights within the Hungate site, considering the site context and its lower AOD (around 5m) in comparison to the Minster area. The building heights within Hungate will be varied, predominantly between 4-6 storey. According to the approved masterplan for Hungate, the block which would sit between Carmelite Street and The Stonebow will be 29.3 / 32.3 m high, the block which would be next to the application site and the Shambles car park would be 32 m high. The proposed building would be 32.5 m at its highest point, comparable to the typical height of the Telephone Exchange building and Rowntree Wharf.

4.10 The height of the proposed building has not increased in comparison to the office scheme which was previously proposed on the site and has planning permission. The additional storeys have been accommodated through the reduction of floor to ceiling heights. The building would not appear over-dominant, or impede key views of the city centre and the Minster due to its height and location. The building will be of comparable height to the existing buildings in the area; Navigation Wharf and the Telephone Exchange building and those envisaged for the remainder of the Hungate development.

## Roof form

4.11 A variety of roof styles were found in the city centre, including roofs concealed by parapets and the inclusion of upper floors concealed by setting them back from

the main elevation, and behind parapets. Within Hungate the design code advises that buildings will have a variety of roof styles, to respect the varied roof styles within the city. The Central Historic Core Conservation Area Appraisal advises that the design of new development should incorporate roof design which sits comfortably in its context and contributes positively to key views. This does not mean new developments must have pitched and tiled roofs.

4.12 The elevations of the proposed building will visually terminate with a parapet wall. A top floor is proposed above the main structure which will be recessed and clad in a copper coloured cladding, the variation in material intended to add to the varied roofscape within the Central Historic Core. The approved scheme had a comparable building height with a flat roof. The upper level of the roof would be seen in distant views, from around the city and the City Walls. It is considered it would be an acceptable addition to the city skyline.

## Elevations

4.13 The expectation established within the Hungate Design Code is that buildings would have a vertical emphasis, achieved through minimal changes in building line, downpipes, changes in material or colour and variations in height and fenestration. The proposed building would face onto St John's Square and it was expected to be a 'key building' of a scale, height and architectural style that creates the sense of enclosure and grandeur appropriate to the new public space.

4.14 The scheme has been revised since the original submission, with changes to all elevations, apart from the one which would face Carmelite Street. Consequently the building appears more cohesive and less over-bearing; it would predominantly be of brick, a warehouse type building, which integrate visually with the phase 2 building at Hungate and similar buildings along the River Foss. There is one area of white render, to give light to the courtyard. The elevation would predominantly be screened by the Shambles Car Park. The vertical emphasis, sought within the Hungate scheme, is achieved through (deeply recessed) fenestration, downpipes, and subtle changes in building line. The main entrance would front onto the Square, helping to create an active frontage at this level.

4.15 There would be a small courtyard area with landscaping between the side elevation and the Shambles car park. White render has been introduced on this elevation to help bring light into the enclosed area. Planting will be used to help screen views of the bin store from the public realm.

## AMENITY OF SURROUNDING OCCUPANTS

4.16 Local Plan policy GP1 refers to design, for all types of development. It requires that proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures. Policy ED10:

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Student Housing advises applications for off-campus accommodation must not be detrimental to the amenity of nearby residents.

4.17 The nearest affected building within the masterplan for the Hungate area would be the block to the northwest, between Carmelite Street and the Stonebow. The block would be 6-storey in height (with a recessed top floor), with residential units on the upper floors. The proposed development would have 1m wide windows throughout and maintains the 10m separation distance and the same typical building height as the approved 2008 scheme. The building would be at least 60m from the nearest existing residential building and it would not therefore appear unduly over-bearing or over-dominant over these buildings. The Hungate area (according to the Hungate Design Statement) is intended to be an extension of the city centre, with mixed use development and a 'vibrant' spaces, a student housing development would not conflict with this aspiration.

## SUSTAINABILITY

4.18 In accordance with York's Core Strategy Document, which will be adopted as policy following approval from the Secretary of State, the development will achieve a BREEAM rating of Very Good and carbon emissions will be reduced as a CHP: combined heat and power system (an identified low/zero carbon technology) will be used which will reduce emissions by 25%. CHP will generate electricity on site while utilizing the waste thermal energy to heat the domestic hot water. The accommodation proposed is ideally suited CHP, as the use generates significant demand for water and electric space heating.

4.19 A District heating system has been discounted as the development is intended to be ready for the beginning of term in September 2013. The developers of the adjacent Hungate site have been unable to give a planned start date for the construction of phase 2, or the remainder of the development for which has yet to seek reserved matters approval. The application site is adjacent the last phase of Hungate, and so it could be many years before a CHP system would be available for connection to the proposed student accommodation.

## HIGHWAY SAFETY

4.20 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.21 The development would provide inclusive access. 129 cycle parking spaces are proposed which would be covered and secure (1 per 2 students). At Gray's Wharf and Navigation Road (the applicants other student housing developments),

there has been demand for no more than 1 space per 10 students. The development would be in a comparable location, within walking distance of the university, the city centre and transport links. It is likely the provision provided will be more than adequate to meet demand.

4.22 Two disabled parking spaces are proposed. Maximum car parking standards in the Local Plan for student accommodation within the city centre, but outside the footstreets, is 1 vehicle space per 5 units. The parking provision is not objected to given the type and location of the development. The NPPF advises planning should encourage sustainable transport methods through locating development where the need to travel is minimised. As this development is for student accommodation and within walking distance of the university and city centre, there is no need to require private car parking for occupants. The site is next to a multi-storey car park (open all day) which could be used by any staff.

4.23 Although there is no need for permanent parking, arrangements are required at the beginning and end of term when students are moving in and out. The university will prepare a management plan to deal with this period to ensure there is no undue disturbance to the highway network at such times. The management plan can be agreed through a condition. The details will ensure that vehicle movements are limited accordingly, and it will be agreed with Highway Network Management the extent of parking that will be able to occur along Carmelite Street (where parking will be restricted by double yellow lines otherwise).

## FLOOD RISK

4.24 The NPPF advises that schemes should ensure flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant, including safe access and escape routes where required.

4.25 The application site is within flood zone 3a. Student accommodation is classed as a more vulnerable use which can only be permitted in flood zone 3a when the sequential and exception tests have been passed (apart from where sites are allocated for the proposed use in an up to date Local Plan).

4.26 There is a demonstrable need for university accommodation within the city and the scheme passes the sequential test as there are no other available sites in more suitable locations, considering flood zone classification and proximity to the university and the city centre.

4.27 To pass the exception test the development must a) Provide wider sustainability benefits (environmental, social and economic). b) Be located on previously developed land. c) Be safe, without increasing flood risk elsewhere. The development passes the exception test on the following grounds:-

Criteria a and b) The development would make effective use of previously developed land in a central location, which is need of, and designated in the Local Plan for regeneration, and meet local requirements in terms of sustainable design and construction, and renewable energy targets.

c) The internal ground floor level would be above 10.6AOD, which is 590mm above the 1 in 100 year flood level and consistent with the requirement set for buildings at the Hungate site. The university would adopt a flood evacuation plan, which would monitor water levels in the Foss and ensure the building would be evacuated before the site were inundated with flood water. The Council's Emergency Planning team is content that this approach is suitable and would not place any additional burden on the emergency services in times of flood.

4.28 In accordance with York's Strategic Flood Risk Assessment surface water drainage from the site would be reduced, to 70% of the existing rate. This shall be achieved through the installation of underwater storage tanks and a hydrobrake system, which would accommodate and restrict surface water run-off accordingly.

## ARCHAEOLOGY

4.29 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. The policy seeks to asses and preserve (at least 95% of) important archaeological remains. The development is intended to be constructed with pile foundations, which will not disturb more than 5% of the underground archaeology. This can be secured as a condition of approval. An underground storage tank is also required to hold surface water run-off before it is discharged. A condition can ensure that this can be accommodated without damage to archaeology of importance, which is located below 7.0AOD.

## OPEN SPACE

4.30 Local Plan policy L1c requires developments to make provision for the open space needs of future occupiers. The type of open space required is dependent upon whether the existing open space in the locality is adequate, and whether it has the capacity to accommodate the proposed development. For student accommodation open space and sports pitches provision is to be assessed. According to the 2008 open space study, there is a shortage of both in the Guildhall ward. The proposed development is arranged in a series of clusters (x42) and self contained rooms (x6). For the purpose of calculating the amenity open space contribution each cluster has been deemed equivalent to a 3-bed flat and the self-contained rooms a 1-bed flat. This gives a contribution of £18,612. The contribution toward sports pitches can be secured by a financial contribution or agreed to if the university agrees to dedicate funds towards either enhancing university facilities or increasing public access to their facilities. This can be secured through a suitably worded condition.

## CONTAMINATION

4.31 A desk top study and ground investigation have been carried out which have determined that the level of contamination on site is low. Remediation has been recommended by the applicants, which Environment Protection Unit officers deem to be adequate. The appropriate remediation recommended and validation of such can be secured through conditions. To avoid contamination of controlled waters details of piling for foundations will need to be agreed and an appropriate risk assessment undertaken.

## 5.0 CONCLUSION

5.1 The development is welcome in that it will continue the regeneration of the Hungate area, and develop a site that has been derelict for sometime. The area is appropriate for student housing, which would contribute to the envisaged vibrant character of Hungate. The building would be of acceptable appearance, of sustainable construction and safe from flooding. There would be no undue effect on heritage assets, amenity and highway safety. Approval is recommended subject to conditions, in particular to require that the building is used for student accommodation only, and not private housing, and that it is operated in accordance with the agreed flood risk management plan.

## 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:-

Site layout D 103

Floor Plans D 201 - 206

Elevations D 401 - 404

Sections D 301 - 303

External levels D 104

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 development hereby approved shall be let to or hired by and occupied by either students engaged in full time or part time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the City, the details of which shall be included within an occupational management plan to be submitted and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

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Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, in accordance with Policy H2a of the City of York Draft Local Plan.

4 The development shall not be occupied unless and until details of provision for public open space (amenity open space and sports pitches) facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

#### INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of: amenity open space - £18,612, sports pitches provision - £51,342.

#### 5 Sustainable design and construction

The development hereby approved shall achieve at least a BREEAM Very Good rating (or equivalent) and at least 10% of the predicted energy requirements for the building shall be obtained from low or zero carbon technologies. The Considerate Construction scheme or equivalent shall be adhered to during construction and all timber products used in construction shall be from sustainable sources.

Details of how the building shall at least meet the 10% requirement shall be approved in writing by the Local Planning Authority prior to development commencing and the development carried out in accordance with the approved details thereafter.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of first occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local

Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

6 Materials: 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.

A sample panel of the brickwork shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved

Reason: So as to achieve a visually cohesive appearance.

7 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 the development and the works shall be carried out in accordance with the approved details.

- a) Windows and their surrounds (typical detail, to include bay windows)
- b) Substation and cycle store entrance
- c) Eaves
- d) Parapet including railings
- e) Balconies
- f) Elevation of top floor level
- g) Glazed stairwell on Carmelite Street elevation and its surrounds
- h) Rainwater goods
- i) External railings and gates.
- j) External lighting including location and fittings

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

## 8 Cycle parking

The cycle parking as shown on the ground floor plan drawing D-201 shall be provided prior to occupation (129 spaces). Cycle parking shall be secure. Details of the means of enclosure for the external spaces shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved plans for the lifetime of the development

unless otherwise agreed by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

9 Highway layout: The building shall not be occupied until the areas shown on the approved plans for footpaths, parking and manoeuvring of vehicles 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 Highway management: 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 prior to development commencing. The a statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing

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.

11 Waiting restrictions on Carmelite Street/St John's Square: The development hereby permitted shall not come into use until the following highway works: Traffic Regulation Order on Carmelite Street to be revoked and replaced with a new Traffic Regulation Order for waiting restrictions on Carmelite Street and Hungate/St John's Square, have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority (extent of waiting restrictions shown on drawing D-104), or arrangements entered into which ensure the same.

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

## 12 Student Arrivals Traffic Management Plan

The development hereby approved shall occur in accordance with a Student Arrivals Traffic Management Plan. Prior to the occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to manage student arrivals and departures on the adjacent public highway at term change-over times. The arrangements shall be submitted to and approved by the Local Planning Authority on an annual basis thereafter.

Reason: in the interests of highway safety and to ensure the free flow of traffic.

13 Landscaping: The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures) which shall illustrate the number, species, height and position of trees and shrubs to be planted. 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 overall appearance and variety, suitability and disposition of species within the site.

14 The development shall not be occupied until details of the following foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, carried out in accordance with the approved details and reasonable managed and maintained for the lifetime of the development.

a) Peak surface water run-off from the proposed development restricted to a maximum of 14.0 lit/sec.

b) Site specific details of the flow control device manhole limiting the surface water to the 14.0 lit/sec.

c) 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 is required.

d) 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.

Reason: To reduce flood risk in accordance with York's Strategic Flood Risk Assessment.

15 The development shall be occupied in accordance with the flood risk management measures detailed in the AECOM Flood Evacuation Plan dated January 2012. In addition finished floor levels shall be set no lower than 10.6 m above Ordnance Datum (AOD) and a floodable void shall be provided between the existing ground level and proposed floor levels.

Reason: To mitigate against flood risk and in the interests of the safety of future occupants.

16 Contaminated land

To ensure that the site is fit for occupation the following measures shall be approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details:-

a) Prior to commencement of development, a controlled waters risk assessment (including a detailed conceptualisation of risk posed to the adjacent River Foss and the principle aquifer) shall be approved in writing by the Local Planning Authority.

Reason: The site is located adjacent to the river Foss and over a principal aquifer. Given the previous industrial use of the site and adjacent land, detailed consideration should be given to the potential for contamination impacting controlled waters.

b) Prior to commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

c) Prior to final occupation, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be approved, in writing by the local planning authority. The report

shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

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.

17 In the event that any contamination that was not previously identified is found when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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.

18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To avoid contamination as piling can create preferential pathways to the aquifer (given the sensitive nature of the underlying groundwater in this area care should be taken when choosing foundation solutions).

19 ARCH1 Archaeological programme required -

20 ARCH2 Watching brief required -

21 Archaeology: To ensure the reasonable preservation of archaeological remains the following measures shall be adhered to:

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- a) No development shall take place until a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, have been approved in writing by the Local Planning Authority.
- b) No development shall commence until the applicant has submitted a method statement detailing the creation of a piling platform, the piling methodology, a methodology for identifying and dealing with obstructions to piles and these have been approved by the Local Planning Authority.
- c) No destruction or disturbance shall be made to archaeological deposits below the level of 7.0m AOD except for that caused by the boring or auguring of piles for the building foundation and except for that caused by any other operations which have been agreed in writing by the Local Planning Authority in advance of such other operations being carried out.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. INFORMATIVE:**

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:  
Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### **2. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact, impact on heritage assets, impact on the amenity of surrounding occupiers, sustainability, highway safety and flood risk. As such the proposal complies with Policies SP9, GP1, GP4, GP15, HE2, HE10, T4, T13 and T20 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer  
**Tel No:** 01904 551323

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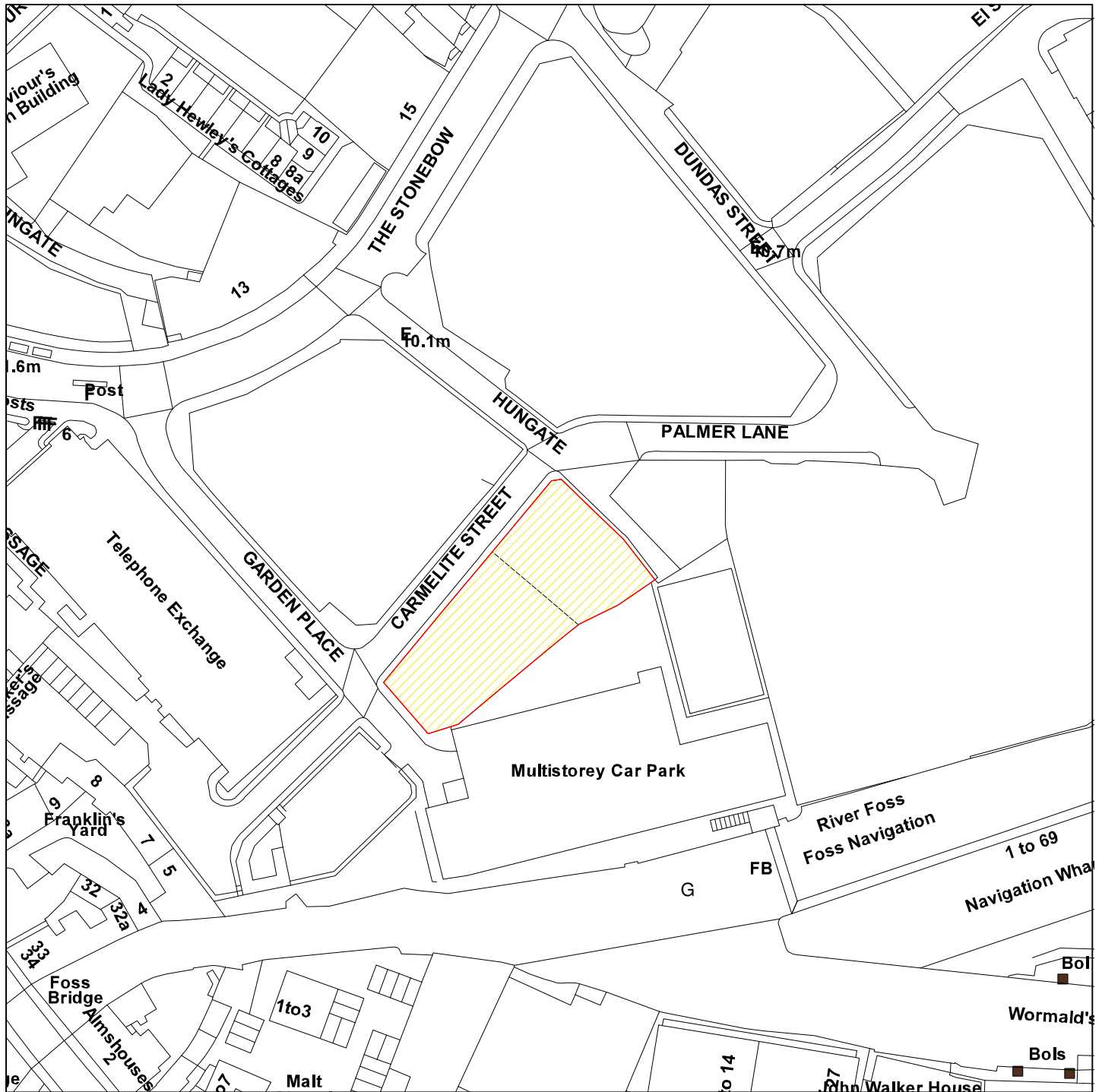


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## Works (Vacant) Carmelite Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	16 April 2012
SLA Number	Not Set

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**COMMITTEE REPORT**

<b>Date:</b>	26 April 2012	<b>Ward:</b>	Rural West York
<b>Team:</b>	Major and Commercial Team	<b>Parish:</b>	Upper Poppleton Parish Council

**Reference:** 12/00402/FULM

**Application at:** Poppleton Garden Centre Northfield Lane Upper Poppleton York YO26 6QF

**For:** Erection of sales building and canopies, restoration of nursery growing area and new landscaping following demolition of buildings and removal of hardstandings

**By:** Poppleton Garden Centre

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 14 May 2012

**Recommendation:** Approve after referral to Secretary of State.

**1.0 PROPOSAL**

1.1 The application is for the erection of a sales building following the demolition of the existing garden centre building. The rectangular building measures 56.4 metres along the north and south elevation and 74.4 metres along the east and west elevations. There would be two canopies; to the north and east elevations. The garden centre building would include a restaurant/cafe area. The footprint of the building would be 4688sqm; including the canopies it would be 6116sqm. The external plant sales area excluding the canopies would be 2850sqm. The existing garden centre building has a footprint of 3760sqm and the canopies are 515sqm. In addition it is the intention to use the land to the south of the building for the growing plant stock for the garden centre. There would be a reduction in the size of the car park from 266 spaces to 246 spaces to provide more landscaping in the north western corner of the site adjacent to the vehicle junction. The site plans shows trees planted within the car park. In addition a pedestrian access point would be added in the northern boundary next to the existing crossing island on the A59.

1.2 The site is within the Greenbelt and just outside the Poppleton Settlement Limit. There are dwellings and a plant nursery to the north and east. There is a restaurant and veterinary practise to the west of the site. Park and Ride facilities have been granted planning permission to the west of the site on the other side of Northfield Lane (09/02994/FULM). To the south of the site are fields.

1.3 Planning permission has recently been granted for an extension to the existing garden centre building. The application was granted approval by West and Centre Planning Sub Committee in January 2012; because of its Green Belt location the

decision was referred to the Secretary of State who decided not to call-in the application by letter dated 20 March 2012. The extension gave the subsequent building a footprint of 4730sqm and the canopies would be 680sqm.

1.4 The applicant has not submitted a statement of community involvement.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding  
York North West Boundary GMS Constraints: York North West Boundary

2.2 Policies:

CYGP1	Design
CYSP2	The York Green Belt
CYGB12	Shopping Development Outside Settlement Limits
CYT4	Cycle Parking Standards
CYS12	Garden Centres
CYT13A	Travel Plans

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

#### Highway Network Management

3.1 No objections.

- There is to be no increase in gross floor area and the same number of car parking spaces as the previously approved scheme. Employment levels are expected to rise from 30 staff to 80 in total as a result of the development.
- The accompanying transport assessment report identifies that trip generation from these types of facilities peaks during the middle part of each day and there is only likely to be a minimal impact on the adjoining highway network during the traditional am and pm peaks.
- The slightly reduced number of car parking spaces still accords with this Authority's maximum standards
- The cycle parking facilities need to be increased and this should be a condition of any approval granted.

Flood Risk Management Team

3.2 Object. Insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems. There is no surface water sewer in Northfield Lane. It is a foul sewer only.

Environmental Protection Unit

3.3 No objections

- Request condition for details of renewable energy
- In line with the Council's draft Low Emission Strategy, any developer of the site should demonstrate how they are meeting 'best endeavours' for reducing emissions during both construction and operational phases. This should include ensuring the energy choices for heating and powering the buildings are the right ones for both carbon/CO2 and local air quality emissions (NOx/Particulates).
- The 'preliminary report on renewable energy/heat generation technologies', submitted in support of the application, states that a biomass heating solution may be appropriate for the site. Should this technology be considered for the new garden centre, the following would be required: an assessment of emission, Information about operation and maintenance of any biomass installations including cleaning regime.
- Any developer should strive to obtain as much modal shift away from private cars as possible, and should aim to promote the uptake of low emission vehicles on site via provision of necessary infrastructure and incentives for their use such as access to electric plug in points etc. The Environmental Protection Unit would like to see a number of electric vehicle recharge points installed within the development site boundary to promote the uptake of low emission vehicles on the site. Facilities for 2 electric vehicles to recharge simultaneously should be provided. These should be freestanding, outdoor, weatherproof, publically available recharging posts, capable of charging at 16A per car simultaneously. These should be situated next to dedicated parking spaces, marked for electric vehicle use only.
- Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority.

Integrated Strategy

3.4 Any comments will be reported verbally.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Upper Poppleton Parish Council

3.5 No objection.

### Environment Agency

3.5 Any comments will be reported verbally.

### Ainsty (2008) Internal Drainage Board

3.6 The applicant states that surface water is to be discharged into a main sewer which is in conflict with the applicant's own Flood Risk Assessment which suggests that surface water disposal will be to an infiltration system. The Board recommends conditions regarding the prior approval of surface water drainage works.

### Publicity/Neighbour Notification

3.7 One letter received, objecting to the proposal on the following grounds:

- Concerned about the proposed boundary treatment, resulting in loss of light to the house and garden of Restholme and will undermine the existing wall
- Concerned the hedge will not be maintained, as current boundary has not been maintained
- Will be a sales area next to the objector's dwelling, concerned regarding the noise disturbance and request a sound barrier to the height of the current wall.

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

11/02637/FULM - Erection of extension to building and bedding canopy with associated landscaping following demolition of existing buildings - Approved

09/01221/FUL - Erection of horticultural plant shade and two canopies - Approved

08/02024/FULM - Erection of garden centre (5,823 sq metres) with associated landscaping and extended car park following demolition of existing - Withdrawn

6/127/64J/PA (1987) - Erection of glasshouse and pergola for garden centre use - Approved

6/127/64H/OA (1983) - Proposed development for the purposes of shopping facilities to include Class 1 retail store (4,600 sq m supermarket and 280 sq m unit shops gross floor space) garden centre and outdoor display area, nursery production and wholesale packing store and dwelling 3.250 sq m gross floor space) car parking, landscaping, service roads and alterations to existing vehicular accesses - Refused for the following reasons (the appeal of this decision was dismissed):

- Approval of the proposal would be contrary to the fulfilment of Structure Plan Policies S1 and S3 and the Greater York Shopping Policy which make a presumption against a large shopping development which are not located, either at an existing local centre, or at locations where substantial current neighbourhood shopping deficiencies can be demonstrated or at locations where future residential development would result in such deficiencies
- Insufficient details has been submitted to prove a satisfactory outfall for surface water discharged from the proposed development
- This site lies within an area identified in the Approved North Yorkshire County Structure Plan as being part of the Greater York Green Belt, wherein development is strictly controlled in order to maintain the character of the area. Accordingly, the proposal is considered to be contrary to the provisions of the approved Country Structure Plan and to specific policies E9 and E10
- The increased traffic generated by the proposal will result in severe overloading of the junction of Boroughbridge Road, principal road A59 Beckfield Lane and the junction of Beckfield Lane with Wetherby Road Class II County Road B1224

## KEY ISSUES

1. Impact on the greenbelt
2. Increase in retail floor space
3. Visual amenity of proposal
4. Impact to occupants of neighbouring dwellings
5. Highways
6. Surface water drainage
7. Sustainability

## ASSESSMENT

## PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) was published in March 2012 and contains a presumption in favour of sustainable development and national planning policies relevant to this application in respect of the Green Belt, retail and economic development and sustainable transport. The NPPF indicates that due

weight should be given to relevant policies in emerging core strategies according to their stage of preparation.

4.2 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. However the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies and s.109 of the Localism Act 2011 grants powers to the Secretary of State to revoke the RSS which is a material consideration. The extent of the Green Belt is detailed on the Proposals Map of the City of York Council Development Control Local Plan. This is further supported by Policy CS1 of the emerging Core Strategy.

4.3 The Core Strategy Submission (Publication) went out for consultation between 26th September - 7th November 2011. The Submission stage of the Core Strategy follows on from the Issues and Options stage which was consulted on in June 2006 (Core Strategy: Issues and Options 1 (2006) and again in August 2007 (Core Strategy: Issues and Options 2 (2007) and the Preferred Options stage (Core Strategy: Preferred Options (2009), which was consulted on from June until October 2009. The emerging Core Strategy document draws from the responses that were received during the consultation events as well as feeding in the evidence base findings and higher level policy such as national planning policy. As such it is considered to be a material consideration. The Development Control Local Plan (DCLP) 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.

4.4 The site is just outside the Poppleton settlement limit. The Poppleton Village Design Statement (2003) contains a number of design guidelines which are considered to be relevant. The design guidelines state that the village's rural character /atmosphere should be maintained and that there should be open land between Poppleton and York, to prevent unsightly urban sprawl. Expansion of Poppleton towards the ring road and other principal road links such as the A59 should be discouraged (Guideline 2). Any new development on the village periphery should be in keeping with both the surrounding properties and the countryside and should give high priority to landscape design, to protect and enhance the external views of the village (3). Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed the existing height, and should protect the open views of the surrounding flat landscape (28). The attractive green corridor approach to York along the A59 should be protected and development along this road should be discouraged (30). The effects on the villages of any planned expansion of industry around the ring road, especially concerning road traffic, should be carefully examined before any planning permission is given (43).



## IMPACT ON THE GREENBELT

4.5 The site is within the Green Belt. The National Planning Policy Framework (NPPF) sets out the purposes of including land within Green Belts including safeguarding the countryside and preserving the setting of historic towns and restates policy in the superseded PPG2 regarding types of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. The NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt; exceptions to this include the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Core Strategy Policy CS1 'The Role of York's Greenbelt' states that development in the greenbelt should not prejudice the setting and special character of the City. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply. Policy GB1 of the DCLP, in line with the superseded PPG2, does not allow for the re-development of non-residential Green Belt sites. Because of the change in Government policy it is considered that GB1 carries no weight in respect of the current proposal.

4.6 The proposed redevelopment is not in accordance with the replacement building category in the NPPF as the proposal would be materially larger than the building it replaces. However planning permission has been granted for an extension to the building and the footprint of the proposed building (excluding the canopies) would be slightly less than the footprint of the previous approved scheme.

4.7 The proposed building would be taller than the existing (5.8 metres to the roof ridge), the roof ridge of the main building would be 7.1 metres (the canopies would be 5.9 metres in height). The external materials of the building would be glazing and grey metal cladding. Whilst the proposal would result in a slight increase in visual mass it is not considered that it significantly impacts on the openness of the greenbelt. The proposed building repeats the existing ridged glasshouse appearance and would be closed to the northern boundary with the A59 than the existing building. There is a line of Cherry Tress along the elevation with the A59 and there is the intention for planting screening at the Junction of the A59 and Northfield Lane together with the proposed trees to be planted within the car park. The additional landscaping within the car park is considered to have a positive visual impact on the development helping to partially screen the appearance of the car park from a distance. The land to the south would be used for the growing of plants for the garden centre. The proposed development does not fulfil some of the design criteria of the Poppleton Village Design Statement set out in paragraph 4.4 above, however the redevelopment of the site within the greenbelt is considered to result in a more positive visually cohesive appearance. For these reasons the proposed building is not considered to result in any harm to the visual amenity nor the

openness of the greenbelt. Neither is it considered to harm the setting of York or Poppleton nor one of the main transport routes and entrances into York.

## INCREASE IN RETAIL FLOORSPACE

4.8 The aim of the NPPF is to create sustainable economic and to ensure the vitality of town centres by applying a sequential test to proposals for main town centre uses that are not in an existing centre. However it is considered that a garden centre is not generally a town centre use by virtue of the amount of land required and their core retail offer. In addition there is an existing retail garden centre on site.

4.9 Policy GB12 of the DCLP 'Shopping Development Outside Settlement Limits' states that planning permission will only be granted for shopping development outside defined settlement limits in the Green Belt and open countryside where: it can be demonstrated that all potential locations in existing centres have been thoroughly assessed; and it is small scale and ancillary to an existing use (e.g. agriculture, tourism, manufacturing, etc); and it involves the reuse of existing buildings; and it would not undermine the vitality and viability of York City Centre or district centres. Policy CS17 'Distribution of Retail Growth' of the emerging Core Strategy states that out of centre retail development will need to be considered in light of the sequential approach and the impact on existing centres and retail allocations

4.10 Policy S12 of the DCLP 'Garden Centres' state that Planning permission will be granted for garden centres within or adjacent to defined settlement limits, provided: (a) the site is sufficiently screened to minimise any adverse effect on the character of the area; and (b) the majority of the site is used for the cultivation or sale of plants; and (c) the type of goods sold is restricted to those directly related, or ancillary, to horticultural purposes.

4.11 The proposal would result in an increase in floorspace over the existing building of 928sqm (not including canopied areas) which is a 24.7% increase in usable retail floorspace. The plan shows an area for a store room (320sqm) which could also be used as retail space. The plans show a restaurant area of 550sqm. However as mentioned above a recent planning permission for an extension of the existing garden centre would provide an internal floorspace similar to that proposed in this application. It is considered that the proposed garden centre building by virtue of the products sold will not impact significantly upon the retail facilities of the city centre and surrounding district centres and as such is in accordance with the NPPF, policies GB12 and S12 of the DCLP and policy CS17 of the Core Strategy.

4.12 A condition restricting the sale of garden related goods only, to prevent any diversification into other types of retail which may impact upon the city and district centres is recommended.

#### IMPACT OT OCCUPANTS OF NEIGHBOURING DWELLINGS

4.13 DCLP policy GP1 'Design' states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, over shadowing or dominated by overbearing structures. The proposed building will be about 36m (27m from the canopy) from the nearest dwelling to the east (Restholme); the increased height of the building is not considered to have a material impact upon the amenities of this dwelling or other surrounding buildings. The plans do not show outside seating/eating areas in connection with proposed cafe however there is the potential in the future and it is considered that it would be prudent to prevent a seating area close to the shared boundary. A hedge is proposed along part of the boundary with Restholme, the occupants of the dwelling are concerned regarding the upkeep of the hedge and future impact on their amenity. If the hedge was to be evergreen then other legislation would cover the optimum height of the hedge however if the hedge is deciduous this is not the case, the height of the proposed hedge could be conditioned. There is existing deciduous hedging and wall along the boundary and the hedge would be planted adjacent to this wall.

4.14 The proposed goods-in yard would be adjacent to the shared boundary with Luigi's restaurant. It is not considered that the deliveries would cause an impact the amenity of the users and workers at the restaurant. Delivery times can be subject of condition.

#### HIGHWAYS

4.15 Policy CS18 'Strategic Transport Priorities' of the Core Strategy states Developments that will employ more than 30 employees, will be required to submit a travel plan, including; modal split targets, time scales, measures and sanctions to be taken to meet these targets as well as measures to monitor the effectiveness of the plan.

4.16 Highways Network Management team have not objected to the proposed building in terms of any impact on the A59 and its junction with the ring road. As such they consider that any changes to customer levels and thus journeys would be limited. The accompanying transport assessment identifies that trip generation from this type of facility peaks during the middle part of each day and there is only likely to be a minimal impact on the adjoining highway network during the traditional am and pm peaks. The information submitted indicates that there would be an increase of 50 additional staff and as such it is considered that a Staff Travel Plan should be required, this can be secured via a condition in accordance with DCLP policy T13A.

4.17 The slightly reduced number of car parking spaces accords with the Authority's standards, and the applicant has submitted revised plans showing an increase in cycle parking facilities which accords with DCLP policy T4. There are off-road cycle routes already in place linking Northfield Lane with Boroughbridge Road and the developers propose to create a new pedestrian/cycle access point to the Garden Centre from the A59 road frontage.

## SURFACE WATER DRAINAGE

4.18 The National Planning Policy Framework sets out how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change. This is further supported by the CYC Strategic Flood Risk Assessment (2011).

4.19 The Flood Risk Management Team have objected to the scheme on the grounds of insufficient information, the team do not believe their concerns can be overcome via conditions. At the time of writing additional information was awaited from the applicant, an update will be provided at Committee.

## SUSTAINABILITY

4.20 The NPPF states that proposals for all development should have regard to the principles of sustainable development. The definition is split into three categories; the economic and social roles have been assessed into the other sections this section will look at the environmental role.

4.21 The applicant has shown on the elevations and roof plan solar panels attached to the south facing roof slopes of the proposed building. The agent has confirmed that at least 10% of the total energy requirements of the resulting building can be created from on-site renewables. It is considered that further details of these methods can be conditioned to ensure they form part of the development and comply with the CYC Interim Planning Statement on Sustainable Design and Construction.

4.22 The proposed development is over 1000sqm and to comply with the CYC Interim Planning Statement on Sustainable Design and Construction and the emerging Core Strategy Policy CS21 'Sustainable Design and Construction' the building should be built to BREEAM 'Very Good'. It is considered that this can be conditioned.

## 5.0 CONCLUSION

5.1 The proposed building by virtue of the current use of the site and the scale of the proposed building in the greenbelt is not considered to have undue impact on the openness of the greenbelt. The proposed building reflects the design of the existing glasshouses. The proposal is not considered to result in a significant increase in traffic to the site. The proposed garden centre building by virtue of the goods sold is not considered to result in a significant impact on the vitality of the city and district centres. For these reasons the application is considered to be in accordance with the National Planning Policy Framework, DCLP policies GP1, T4, T13A, GB12 and S12 and Core Strategy policies CS1, CS17 and CS18. An update will be provided at Committee on surface water drainage issues which may affect the recommendation.

5.2 If Members are minded to approve the application, the decision will need to be referred to the Secretary of State under the 2009 Consultation Direction as the size of the proposal exceeds 1000 sqm within the green belt.

## 6.0 RECOMMENDATION: Approve after referral to Secretary of State

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

Drawing Number T657-127 Revision A received 5 April 2012

Drawing Number T657-130 Revision A received 5 April 2012

Drawing Number T657-131/1 Revision A received 27 February 2012

Drawing Number T657-131/2 Revision A received 27 February 2012;

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

2 TIME2 Development start within three years -

3 VISQ8 Samples of exterior materials to be app -

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. The areas of landscaping to be included shall include north west corner of the site adjacent to the junctions of the A50 and Northfield Lane and the tree planting shown within the car park in Drawing Number T657-127. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 10 per cent of the development's predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the CYC Interim Planning Statement 'Sustainable Design and Construction'.

6 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the CYC Interim Planning Statement 'Sustainable Design and Construction'.

7 Within six months of occupation of the site, a Green Travel Plan will be submitted and approved in writing by the Local Planning Authority. The Green Travel Plan for employees and guests, will set out measures to promote sustainable travel and reduce dependency on private car journeys, in accordance with current advice issued by the Department of Transport.

Reason: To promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport policies and comply with Policy CS18 of the emerging Core Strategy and the National Planning Policy Framework.

8 All deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays

Reason: To protect the amenities of the occupants of the neighbouring dwellings.

9 No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, or overnight/weekend storage of vehicles or any other item shall be stacked or stored outside of the 'goods in' area as specified in drawing number T657-127 without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity in this prominent open countryside and Green Belt location.

10 Sales from the garden centre shall be limited to the following goods, products and services:

- (a) goods and services related to gardens and gardening,
- (b) horticultural products, trees, plants, shrubs, house plants and flowers of any type including fresh and dried flowers,
- (c) garden and gardening equipment, tools and accessories,
- (d) machinery for garden use and servicing of it,
- (e) barbeques and their accessories,
- (f) conservatories,
- (g) outdoor and conservatory furniture, furnishings and accessories,
- (h) sheds, garden buildings, greenhouses, summerhouses, gazebos, pergolas, garden offices,
- (i) ponds and materials and fittings for their servicing,
- (j) fencing, trellis and landscaping materials,
- (k) aquatics, water garden equipment, and their accessories, water recycling products,
- (l) garden ornaments and statuary, baskets and other containers for the growing and display of indoor and outdoor plants and flowers,
- (m) pets, pet accessories, pet care and advice,
- (n) Christmas trees (live and artificial) and decorations,
- (o) ancillary restaurant/coffee shop
- (p) live poultry and bird care products
- (q) wood /biomass burning products and wood burning stoves

The following range of goods shall be limited to 15% (918 sqm) of the total internal floorspace (6119 sqm) including the canopies/polytunnels:

- (i) books, magazines, periodicals, videos and CD and DVDs; all relating to gardening,
- (ii) hobbies, camping equipment, toys, games, crafts and garden play equipment,

- (iii) baskets, wickerwork and country crafts,
- (iv) china, glass, vases and pots,
- (v) outdoor clothing and footwear, including wellington boots, garden aprons and smocks, gardening boots and clogs, gardening gloves, gardening hats, gardening rainproofs and gardening overalls,
- (vi) Gift lines and greetings cards
- (vii) eco living, solar and environmental products
- (viii) Unspecified garden centre retail goods

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site and to ensure the protection of the vitality and viability of other existing retail centres in the York urban area in accordance with the objectives of National Planning Policy Framework, policy CS17 of the Core Strategy and policy GB12 of the Development Control Local Plan.

11 The cafe/restaurant shall not exceed 550 sqm floor area as specified on drawing number T657-130.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities to ensure the protection of the vitality and viability of York city and district centres and in accordance with the objectives of National Planning Policy Framework.

12 There shall be no outside eating/seating areas to the east of the proposed cafe/restaurant (Drawing Numbers T657-130 and T657-127).

Reason: To protect the residential amenity of the occupants of the neighbouring dwellings.

13 The land to the south of the garden centre shown in Drawing Number T657-127 to be used for the growing of plant stock shall be used for this purpose only.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of National Planning Policy Framework, policy CS17 of the Core Strategy and policy GB12 of the Development Control Local Plan.

14 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.



Reason: In order to protect the character and appearance of the area from excessive illumination. In the interests of the visual amenity of the greenbelt and the rural location and to protect the character of the area.

15     HWAY9     Vehicle areas surfaced -

16     HWAY18     Cycle parking details to be agreed -

17     Details of any renewable energy technologies to be installed in or located on the site and hereby permitted and are likely to result in noise being emitted shall be submitted to the local planning authority for approval. These details shall include maximum (LA<sub>max</sub>(f)) and average sound levels (LA<sub>eq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: to protect the amenity of neighbouring residents.

18     Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction materials, and the hours during which this will be permitted site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To protect the amenity of local residents and to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent highway.

19     There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the cooking extraction plant or machinery and any filtration systems required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of future residents and local businesses.

20     All construction and demolition or refurbishment works and ancillary

operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays

Reason: To protect the amenities of the occupants of the neighbouring dwellings.

21 The proposed unit shall not be subdivided in to smaller retailing operations.

Reason: In the interests of the amenities of occupants of nearby residential properties and prevent any impact to the openness of the greenbelt that subdivision may have and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of National Planning Policy Framework, policy CS17 of the Core Strategy and policy GB12 of the Development Control Local Plan.

22 The hours of operation of this approved use shall be confined to:

Mondays to Saturdays 09.00 hours to 18.00 hours  
Sundays and Bank Holidays 10.30 hours to 16.30 hours

Reason: To safeguard the amenities of occupants of the nearby dwellings and buildings.

## **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 the residential amenity of the neighbours, the visual amenity of the building and the locality, the impact on the city and district centres, and the openness and purposes of the green belt. As such the application is considered to be in accordance with the National Planning Policy Framework, Development Control Local Plan policies GP1, T4, T13A, GB12 and S12 and Core Strategy policies CS1, CS17 and CS18.

#### **2. INFORMATIVE: 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:

Application Reference Number: 12/00402/FULM      Item No: 4c  
Page 16 of 17

(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:**

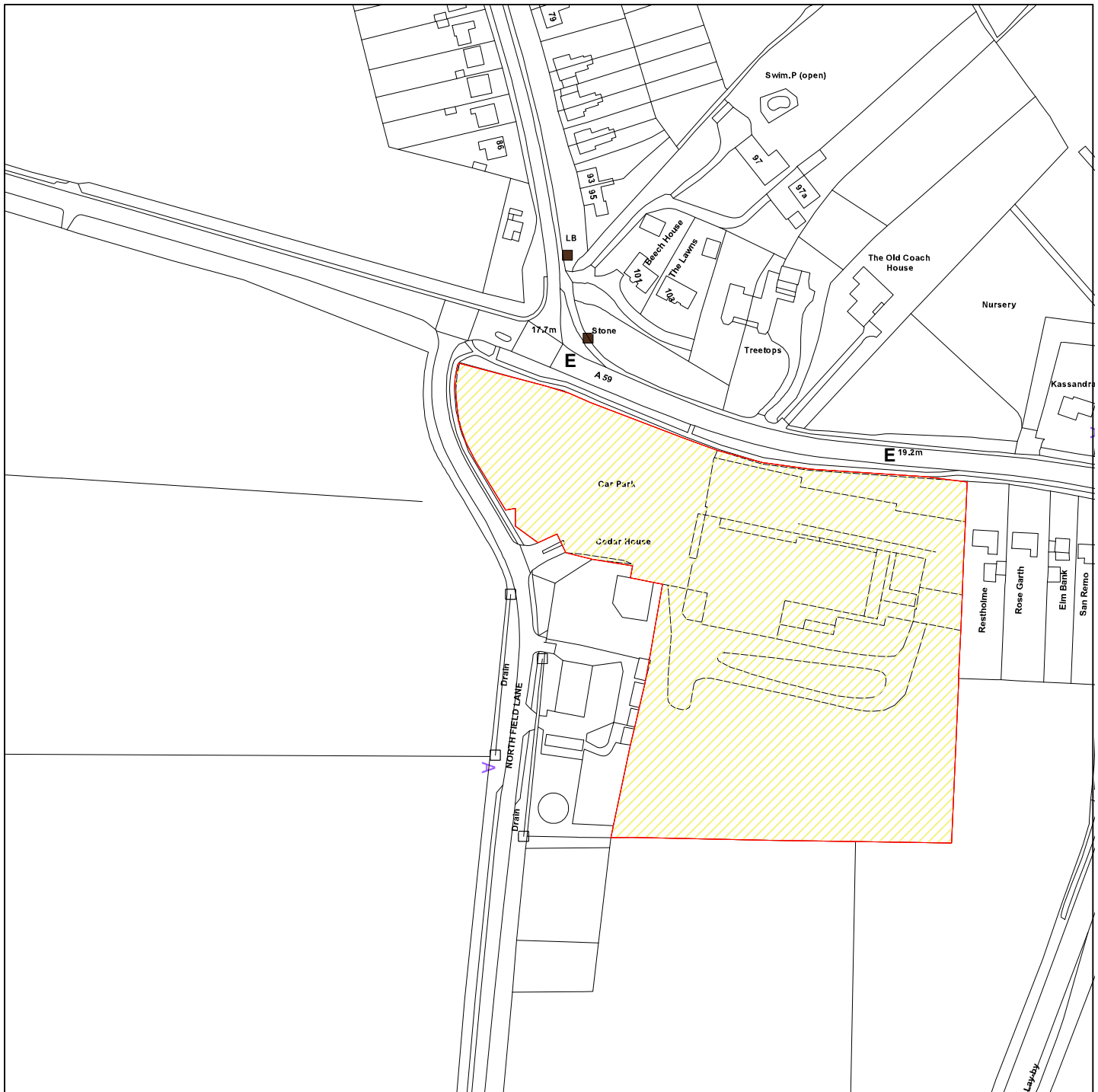
**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

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12/00402/FULM

## Poppleton Garden Centre



Scale : 1:2495

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	16 April 2012
<b>SLA Number</b>	Not Set

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<b>East Area Planning Sub Committee</b>	12 <sup>th</sup> April 2012
<b>West and City Centre Area Planning Sub Committee</b>	19 <sup>th</sup> April 2012
<b>Planning Committee</b>	26 <sup>th</sup> April 2012

## **Appeals Performance and Decision Summaries**

### **Summary**

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> January to 28<sup>th</sup> March 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to that date is also included.

### **Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, from periods from 1st April 2011 and 1<sup>st</sup> January 2012, to 28<sup>th</sup> March 2012.

**Fig 1: Appeals Decided by the Planning Inspectorate  
To 28<sup>th</sup> March 2012**

	1/1/12 to 28/3/12			1/4/11 to 28/3/12		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	2	2	4	6	7	13
Part Allowed	0	0	0	0	0	0
Dismissed	6	6	12	17	18	35
Total Decided	8	8	16	23	25	48
<b>% Allowed</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>26.09</b>	<b>28.00</b>	<b>27.08</b>
% Part Allowed	0	0	0	0	0	0
Withdrawn	0	0	0	3	2	5

### Analysis

- 4 The table shows that between 1<sup>st</sup> January and 28<sup>th</sup> March, a total of 16 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 4 were allowed. At 25.0%, this rate of appeals allowed is significantly lower than the 33% national average.
- 5 Between 1<sup>st</sup> April 2011 and 28<sup>th</sup> March 2012, CYC performance was 27.08% allowed, slightly higher than the previously reported 12 month period of 26.67% but still below the national average.
- 6 The summaries of appeals determined since 1<sup>st</sup> January are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 4 of the appeals determined related to applications refused by Committee.



**Figure 2: Appeals Decided against Refusals by Committee 1<sup>st</sup> January to 28<sup>th</sup> March 2012**

Reference	Site	Proposal	Outcome	Officer Rec.
<b>11/00860/OUTM</b>	Grain Stores Clifton	Mixed Use Development	Dismissed	Refuse
<b>11/01831/OUTM</b>	Bonneycroft Strensall	Residential Development	Dismissed	Approve
<b>11/01937/FUL</b>	111 Newland Park Drive	Extensions	Dismissed	Approve
<b>11/02745/FUL</b>	111 Newland Park Drive	Extensions	Allowed	Approve

- 7 The list of current appeals is attached at Annex B. There are 20 appeals lodged with the Planning Inspectorate, 8 in the West and City Centre Sub Committee area and 12 in the East Sub Committee area. 11 are proposed to be dealt with by the Written Representation process (W), 2 by Informal Hearing (I), 5 by the Householder procedure (H) and 2 by Public Inquiry (P).

### **Consultation**

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

### **Corporate Objectives**

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

### **Implications**

- 10 Financial – There are no financial implications directly arising from the report.
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.

- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

- 14 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

### **Recommendation**

- 15 That Members note the content of this report.

Reason: So that Members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference when determining planning applications.

### **Contact Details**

**Author:**

Jonathan Carr,  
Head of Development  
Management,  
Directorate of City Strategy

**Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director Planning &  
Sustainable Development, Directorate of  
City Strategy

01904 551303

**Report  
Approved**



**Date** 28<sup>th</sup> March  
2012

**Specialist Implications Officer(s)** None.

**Wards Affected:**

**All**

**For further information please contact the author of the report**

### **Annexes**

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> January  
and 28<sup>th</sup> March 2012**

**Annex B – Outstanding Appeals to 28th March 2012**

## **Appeal Summaries for Cases Determined 01/01/2012 to 28/03/2012**

**Application No:** 10/01714/FUL  
**Appeal by:** Mr Pready  
**Proposal:** Retrospective application for amendments to single storey extension granted under application 06/00552/FUL  
**Address:** 4 Scarcroft Lane York YO23 1AD

**Decision Level:** DEL  
**Outcome:** ALLOW

he appeal related to a detached cottage along Scarcroft Lane which is grade 2 listed. The cottage had two small single storey lean to extensions prior to 2006. Permission was granted for an L - shaped extension, which would sit behind the boundary wall that runs parallel with Scarcroft Lane. It was also proposed to enclose the opposite side of the yard area (parallel with the alley behind Dale St) but this part of the scheme was omitted as the high rendered wall on this side was deemed to be too dominant in relation to the cottage (higher than the window cill at first floor level) and as boundary walls in the area were all brick and around 1.7m high. A C - shaped extension was then built without permission and the yard enclosed with rendered walls around 2.4m high. Retrospective applications for retention were refused, deemed to be harmful to the appearance of the listed building and the setting. Inspectors opinion was that the setting of the building was defined by its shape and generous size of the plot. The extension built would not harm this setting, given that public views are from Scarcroft Lane only (the other alley is now gated).

---

**Application No:** 10/01715/LBC  
**Appeal by:** Pready  
**Proposal:** Retrospective application for amendments to single storey extension granted under application 06/00690/LBC and internal alterations.  
**Address:** 4 Scarcroft Lane York YO23 1AD

**Decision Level:** DEL  
**Outcome:** ALLOW

The appeal related to a detached cottage along Scarcroft Lane which is grade 2 listed. The cottage had two small single storey lean to extensions prior to 2006. Permission was granted for an L - shaped extension, which would sit behind the boundary wall that runs parallel with Scarcroft Lane. It was also proposed to enclose the opposite side of the yard area (parallel with the alley behind Dale St) but this part of the scheme was omitted as the high rendered wall on this side was deemed to be too dominant in relation to the cottage (higher than the window cill at first floor level) and as boundary walls in the area were all brick and around 1.7m high. A C - shaped extension was then built without permission and the yard enclosed with rendered walls around 2.4m high. Retrospective applications for retention were refused, deemed to be harmful to the appearance of the listed building and the setting. Inspectors opinion was that the setting of the building was defined by its shape and generous size of the plot. The extension built would not harm this setting, given that public views are from Scarcroft Lane only (the other alley is now gated).

---

**Application No:** 11/00449/FUL  
**Appeal by:** Mr G Topping  
**Proposal:** Change of use from office (use class B1) to 2no self contained flats (use class C3) with external alterations to rear (resubmission)  
**Address:** 70 The Mount York YO24 1AR

**Decision Level:** DEL

**Outcome:** DISMIS

Officers refused an application for the change of use of 70 The Mount from offices to 3 flats as based on the noise report submitted and the context of the surrounding area, it was considered that future occupants would constantly be disturbed by noise. The appeal premises occupy a corner plot adjacent to the junction of Holgate Road and The Mount and a public house. The submitted noise impact assessment indicated that the building fell within Noise Exposure Category C, where permission should not normally be granted. The appellants noise assessment detailed a sound attenuation scheme which would achieve satisfactory levels of noise within the proposed flats. This would involve non opening acoustic double glazing on both the front and rear elevations and proposed the use of acoustic wall ventilators which could provide natural ventilation without the need to open windows. This was disputed given the sites location within an Air Quality Management Area. The Inspector accepted that it would be technically possible to overcome the issue of noise and the effects of poor air quality within the building but only through the use of mechanical ventilation and agreed with the Council that sealed windows and a reliance on mechanical ventilation would not be a particularly sustainable development and would not offer the same level of amenity provided in most dwellings with the external environment in terms of both noise and air quality being below normally recommended and required standards. The Council contention that the demand for flats is well provided for elsewhere within the City was noted. The Inspector concluded that in the absence of evidence demonstrating a significant need for such accommodation, the proposed development would not normally be permitted given the sites noise level classification and stated that there are no other factors put forward which are sufficient to outweigh that general approach. The Inspector dismissed the Appeal.

---

**Application No:** 11/00860/OUTM  
**Appeal by:** Water Lane Ltd  
**Proposal:** Outline application for redevelopment of site for uses including offices (B1c), hotel (C1), residential institutions (C2), dwelling houses (C3) and non-residential institutions (D1) including parking and new access arrangements after demolition of existing warehousing units (application to extend time period for implementation of 07/01992/OUTM allowed on appeal dated 15/09/08)  
**Address:** Grain Stores Water Lane York

**Decision Level:** COMP  
**Outcome:** DISMIS

The appeal relates to an application for extension of time for submission of reserved matters and implementation of a mixed use development including a significant residential element previously granted on appeal in 2008 at the former York Grain Stores, Water Lane. At the previous public enquiry the appellant had submitted a Unilateral Undertaking indicating that he would be willing to support a quantum of 38% affordable housing as part of the proposal. The previous appeal inspector had accepted this and it was taken forward as part of the permission. In the application for extension of time a revised Unilateral Undertaking was submitted which deleted all reference to affordable housing although the applicant indicated a willingness to negotiate a lower figure. In the meantime the Interim Target Figures had been adopted based upon the Dynamic Viability Model and the detailed study of the housing market in the City by Richard Fordham Associates. The applicant initially took exception to having a target set through the Dynamic Viability Model though they were eventually persuaded to consider a target in the range of 19%. Then without warning he appealed non-determination and submitted a twin-track planning application. The twin track planning application was refused at Committee in December. The appeal duly went to public inquiry at which the applicant took issue with the Council's Five Year Housing Land Supply also. The Inspector after due deliberation dismissed the appeal ruling that there should be no impediment to an affordable housing target at the adopted figure of 25% for the site. She did however take issue with the Authority's mode of establishing a Five Year Housing Land Supply which she felt wasn't properly compliant with Central Government Guidance outlined in PPS 3 as a consequence the Five Year Supply was in fact a 3.6 year supply.

---

**Application No:** 11/00909/LBC  
**Appeal by:** Mr Peter Mandy  
**Proposal:** Erection of two storey dwelling to rear attached to retained outbuilding  
**Address:** 25 The Green Acomb York YO26 5LL

**Decision Level:** DEL  
**Outcome:** DISMIS

The application was for a two storey dwelling the rear garden of 25 The Green. The dwelling would be attached to an existing small outbuilding. The division of the site had already been undertaken. The site is within the Acomb Conservation Area and the host dwelling is Grade II listed. The application was refused on the following grounds: the proposed dwelling by virtue of its scale, design, subdivision of the plot, and expanse of hardstanding would be prominent in views of the site, appear incongruous with the scale of the outbuilding and the setting of the listed building. The development would fail to preserve or enhance the character and appearance of the curtilage listed out building, parent dwelling, and their setting; In addition there was no evidence that the applicant has assessed the significance of the designated heritage asset. The proposed development has not been adequately justified. The proposed plans of the outbuilding were inadequately detailed. As such the information submitted failed to demonstrate that there would not be harm to the historic, architectural interest, and setting of the listed building. The Inspector dismissed the appeal and agreed with both reasons for refusal. The Inspector agreed that the proposed dwelling overwhelmed the existing outbuilding by virtue of its design and scale. Its greater presence would alter the subordinate visual relationship with the listed building, while its design to suggest a range of outbuildings would give a false perspective to the historic relationship. The subdivision of the rear garden into separate plots was considered to disrupt the integrity of the garden's relationship with the listed building. Fences would form visually intrusive features and the large area of hardstanding at the centre of the garden would adversely affect its contribution as a garden space. As such the Inspector considered that the proposed development would not preserve the interest of the appeal building or of the lis

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**Application No:** 11/01477/FUL  
**Appeal by:** Mr & Mrs Whitford  
**Proposal:** Two storey rear and single storey side extensions  
**Address:** 27 Church Street Dunnington York YO19 5PP

**Decision Level:** DEL

**Outcome:** ALLOW

The appeal related to an application to erect a wide single-storey side extension (incorporating a garage and conservatory) to a cottage in Dunnington conservation area. The application was refused as it was felt that the large amount of development would detract from the linear character of the former burgage plot. The Inspector allowed the appeal stating that as the extensions were set well back from the frontage they would not be prominent and trees to the rear would still be clearly visible. She also referred to other similar developments in the area and felt that the linear character of the former burgage plot would remain.

---

**Application No:** 11/01562/LBC  
**Appeal by:** Punch Partnerships Ltd  
**Proposal:** Installation of extract/intake vents and cellar cooling system to the rear (retrospective)(resubmission)  
**Address:** Royal Oak Inn 18 Goodramgate York YO1 7LG

**Decision Level:** DEL

**Outcome:** DISMIS

This joint listed building and planning application for the retention of a ducting/flue, intake unit and condenser unit at the rear of the Royal Oak Public House was recommended for refusal given the adverse visual impact on the listed building without sufficient justification and compelling evidence that a more suitable system could not be provided. The Inspector considered that the combination of the three additions, with their disparate shapes, proportions and finishes, amounted to a clutter of equipment, functional and utilitarian in appearance, out of keeping with the special character of the building. The effect was exacerbated by their proximity, in a narrow and constrained wall area, immediately adjacent to two windows and a door. Whilst the Inspector considered that the equipment was required to allow the business to operate effectively, he did not consider that more suitable alternative measures had been fully investigated. The visual impact would be aggravated by the requirements of the Noise Impact Assessment which are necessary to ensure that the living conditions of the occupiers of the adjacent flat would not be harmed. The appeals were dismissed.

---



**Application No:** 11/01564/FUL  
**Appeal by:** Punch Partnerships Ltd  
**Proposal:** Installation of extract/intake vents and cellar cooling system to the rear (retrospective) (resubmission)  
**Address:** Royal Oak Inn 18 Goodramgate York YO1 7LG

**Decision Level:** DEL

**Outcome:** DISMIS

APP/C2741/E/11/2161856 is the main appeal reference number - teamp p16, case officer Debbie Smith direct line 0117 372 8607 This joint listed building and planning application for the retention of a ducting/flue, intake unit and condenser unit at the rear of the Royal Oak Public House was recommended for refusal given the adverse visual impact on the listed building without sufficient justification and compelling evidence that a more suitable system could not be provided. The Inspector considered that the combination of the three additions, with their disparate shapes, proportions and finishes, amounted to a clutter of equipment, functional and utilitarian in appearance, out of keeping with the special character of the building. The effect was exacerbated by their proximity, in a narrow and constrained wall area, immediately adjacent to two windows and a door. Whilst the Inspector considered that the equipment was required to allow the business to operate effectively, he did not consider that more suitable alternative measures had been fully investigated. The visual impact would be aggravated by the requirements of the Noise Impact Assessment which are necessary to ensure that the living conditions of the occupiers of the adjacent flat would not be harmed. The appeals were dismissed.

---

**Application No:** 11/01656/FUL  
**Appeal by:** Mr Sukhvinder Dhillon  
**Proposal:** Demolition of out-buildings to rear and erection of single-storey building comprising 3no. bedsits  
**Address:** Bridge Fisheries 4 Intake Avenue York YO30 6HB

**Decision Level:** DEL

**Outcome:** DISMIS

Bridge Fisheries occupies a two storey semi-detached shop unit with a large rear yard and ancillary service buildings to the north west of the District Hospital. The owner had applied for planning permission to clear the service buildings and erect a series of single storey bed-sit type properties within the yard but with the take-away use continuing. The existing substantial boundary wall and gate would also remain to seal off the site from the adjacent highway. Planning permission was refused on the grounds that the development would create unacceptable living conditions for future occupiers of the site and that it would appear cramped oppressive and represent over development of the site. The appellant duly appealed on the grounds that the first reason for refusal was highly subjective and that the second was contrary to the general thrust of emerging government policy. The Inspector totally disagreed indicating that the proposed bed-sits would provide a standard of accommodation well below that usually accepted and that the form of the development would appear cramped and highly incongruous within the wider street scene. The appeal was dismissed.

---

**Application No:** 11/01720/FUL  
**Appeal by:** Mr Will Cook  
**Proposal:** First floor side extension  
**Address:** 112 Hamilton Drive York YO24 4LD

**Decision Level:** DEL  
**Outcome:** DISMIS

The Inspector considered the main issues in this case are the impact of the proposed extension on the street scene and on the amenity of adjacent residential occupiers. The side boundary to the appeal property is angled to the frontage, with the space narrowing towards the rear of the house. The proposed extension would follow the boundary so that it would be around 4m wide along the frontage. The ground floor would project forward of the building line, whilst the first floor would be set back. The Inspector felt that since the roof of the extension would exceed the ridge height of the existing roof, the result would be an unbalanced appearance to the semi-detached pair of houses which would appear incongruous in the street scene. From the east the side elevation and roof of the extension would appear prominent, with a significant impact on the street scene contrary to Local Plan Policy H7 (a) and (e). Secondly he felt the extension would have a significant adverse impact on the neighbouring property through an overbearing appearance. This would be contrary to Policy GP1 (i) in the Local Plan, specifically criterion i).

---

**Application No:** 11/01831/OUTM  
**Appeal by:** Bonneycroft LLP  
**Proposal:** Residential development of 10 dwellings (amended scheme)  
**Address:** Bonneycroft 22 Princess Road Strensall York YO32 5UD

**Decision Level:** CMV

**Outcome:** DISMIS

Inspectors Main Findings. The loss of trees would be unfortunate but would be mitigated by replacement planting and retaining the main trees. The height and mass of the terrace, the main concern of local residents, would not look out of place in the street scene nor would it have an unacceptable impact on the conservation area. Locating the private amenity space alongside the public highway would also be acceptable in terms of the street scene and conservation area. However, it is unclear whether the amenity space on the highway frontage could be termed private because it would be largely open and overlooked. The only truly private space available to the occupiers would be on the west side of the terrace, i.e. away from the public highway. However, this space was small, cramped and out of keeping with the spacious, suburban character of the rest of the development. For this reason, only, the inspector dismissed the appeal. The appellant applied for costs. The inspector concluded that despite the officer recommendation to approve the application, none of the three reasons for refusal was unreasonable and all were supported by adequate evidence in the councils appeal statement. He said it was not unreasonable for members to disagree with their officers on the impact of the proposed terrace of three houses. The landscape officer had commented that the revised scheme was on the side of acceptable. That, said the inspector, reads as a close decision and, on that basis, it cannot be unreasonable for members to have come to an equally close but different view. The application for costs was refused.

---

**Application No:** 11/01836/ADV  
**Appeal by:** Cloverleaf Restaurants Limited  
**Proposal:** Display of 4no. externally illuminated fascia signs, 2no. freestanding signs and 2no. panel signs on proposed new restaurant  
**Address:** Plot 5 Monks Cross Drive Huntington York  
  
**Decision Level:** DEL  
**Outcome:** DISMIS

A split decision was issued in relation to signage for a new restaurant at Monks Cross. The fascia signage and two freestanding signs were granted consent however a refusal was issued in relation to two freestanding signs proposed along the Monks Cross Drive frontage. The Inspector agreed with the Council that although predominantly commercial, the area in the vicinity of the proposed restaurant has an open and spacious feel complemented by the high quality of landscaping. Existing signing is minimal and non-illuminated and has little impact on the character of the area. The Inspector considered that the addition of two further illuminated signs on the site frontage, in close proximity to one another, would be excessive and cause significant harm to the character and appearance of the area. Although one sign could be accommodated (as we also accept) the Inspector felt (like us) unable to issue a split decision because neither position proposed would be appropriate if there is to be only one sign.

---

**Application No:** 11/01902/FUL  
**Appeal by:** Mr John Palmer  
**Proposal:** Siting of portable building and use of adjacent car parking spaces as car wash (retrospective)  
**Address:** Site Adjacent To Burger King And Junction Of A1237  
Stirling Road York  
**Decision Level:** DEL  
**Outcome:** DISMIS

Inspectors Main Findings. The car wash and valeting business is operated from a steel container near the top corner of the car park. The container is small in comparison with the units in the retail park and its location within the car park avoids congestion. However, the container occupies a very open position adjacent to the access road into the retail park and well away from buildings. It is clearly visible from the car park, the access road and the A1237 ring road. Planting along the roadside and on the edge of the car park is limited in height and does little, if anything to screen the container. The appellant is willing to consider additional landscaping it would need considerable time to mature and may in itself be out of keeping with the area. The utilitarian design of the container and its rather cluttered appearance are out of keeping with the otherwise open nature of this part of the car park and the backdrop provided by the retail and commercial units. Whilst I appreciate that the appellant appears willing to adapt the external appearance of the container, I must determine the appeal on the basis of the proposal before me. I find therefore that given its siting and design, the container is an unduly prominent and obtrusive feature.

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**Application No:** 11/01937/FUL  
**Appeal by:** Mr Colin Packer  
**Proposal:** Two storey side extension and single storey rear extension  
**Address:** 111 Newland Park Drive York YO10 3HR

**Decision Level:** CMV  
**Outcome:** DISMIS

This application was to erect a two-storey side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbour at 113 Newland Park Drive. The inspector dismissed the appeal on the basis that the single storey extension at 4.0 metres in length would appear over bearing and dominant for the adjacent neighbour at 113 Newland Park Drive. The inspector confirmed that the proposal was for a residential extension and the local objections relating to student occupation could not be considered as part of the application.

---

**Application No:** 11/02745/FUL  
**Appeal by:** Mr Colin Packer  
**Proposal:** Two storey side extension and single storey rear extension (revised scheme)  
**Address:** 111 Newland Park Drive York YO10 3HR

**Decision Level:** CMV

**Outcome:** ALLOW

The application is revised version of an earlier proposal for the erection for a two storey side extension of a semi-detached dwelling in order to form an en-suite bedroom and utility room at ground floor with a further bedroom and en-suite facilities at first floor. The proposed single storey rear extension proposed on the previous application (11/01937/FUL) has been reduced in length and repositioned to comply with the rules of householder permitted development. The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbour at 113 Newland Park Drive. The inspector considered the single storey permitted development extension in connection with the refused application because this was under construction at the time of the site visit. The Inspector allowed the appeal on the basis that the application would not harmfully affect the living conditions of the neighbours at (no.113) subject to a condition for the erection of a close boarded boundary fence of approx 1.8 metres in height. The inspector confirmed that the proposal was for a residential extension and the local objections relating to student occupation could not be considered as part of the application.

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**Application No:** 11/02904/FUL  
**Appeal by:** Mr S Chisholm  
**Proposal:** Single storey side extension and two storey rear extension - resubmission (revised scheme)  
**Address:** 3 Beech Grove Upper Poppleton York YO26 6DS

**Decision Level:** DEL

**Outcome:** DISMIS

The dwelling lies within the Conservation Area, within a cul-de-sac of semi-detached houses, of two basic designs, many of which largely unaltered, retaining their original form size and symmetrical appearance. This application was the third refused submission. seeking permission for a single storey side and two-storey rear extension. One appeal has also previously been dismissed. The application was refused on the grounds that it would erode the setting of the house and unbalance the symmetry of the group, by virtue of the scale and design. The inspector agreed noting that leaving only 1m space to the side boundary would significantly diminish the open character of the area and that the two-storey rear extension would form a bulky and large addition, dominating the rear elevation and would unbalance the symmetry of the pair of dwellings.

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Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed



## Outstanding appeals

<b>Officer:</b>	<b>Andy Blain</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice		
<b>Officer:</b>	<b>Chris Newsome</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
26/09/2011	11/00050/REF	APP/C2741/A/11/2161507	P	Arabesque House Monks Cross Drive Huntington	Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)		
<b>Officer:</b>	<b>Diane Cragg</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
10/02/2012	12/00008/REF	APP/C2741/H/12/2170797	W	Sainsbury Plc Monks Cross Drive Huntington York YO32	Display of 4no. timber frame banner signs		
<b>Officer:</b>	<b>Erik Matthews</b>					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
12/01/2012	12/00003/REF	APP/C2741/A/12/2168056/NWFF	W	36 Beech Grove York YO26 5LB	Two no. dormer bungalows to rear of 36 Beech Grove and 30 Carr Lane with access from Rosedale Avenue (resubmission)		
07/03/2012	12/00010/REF	APP/C2741/A/12/2171993	W	9 Landalewood Road York YO30 4SX	Conversion of dwelling into 2no. flats with alterations to front elevation (resubmission) (retrospective)		
<b>Officer:</b>	<b>Gareth Arnold</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
23/01/2012	12/00007/REF	APP/C2741/A/12/2169412/NWFF	W	Holly Tree Farm Murton Way York YO19 5UN	Conversion of stable to 2 bed holiday let (resubmission)		
<b>Officer:</b>	<b>Heather Fairy (Mon - Wed)</b>					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
16/02/2012	12/00016/REF	APP/C2741/D/12/2170925	H	42 Dikelands Lane Upper Poppleton York YO26 6JF	Single storey side and rear extension with rooms in roof (amended scheme)		

<b>Officer:</b>	<b>Kevin O'Connell</b>				<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
19/01/2012	12/00006/REF	APP/C2741/A/12/2169123/NWFF	W	Yew Tree House Vicarage Lane Naburn York YO19	Removal of condition 7 (open space) for approved outline application 10/02271/OUT for erection of detached bungalow	
27/02/2012	12/00009/REF	APP/C2741/X/12/2170664	W	2 St Aubyns Place York YO24 1EQ	Use of property as a House in Multiple Occupation	
<b>Officer:</b>	<b>Michael Jones</b>				<b>Total number of appeals:</b>	<b>3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
13/12/2011	11/00059/REF	APP/C2741/A/11/2167241/NWFF	W	The Market Garden Eastfield Lane Dunnington	Erection of 2no. pig rearing units to rear (retrospective)	
04/01/2012	12/00001/REF	APP/C2741/A/11/2166686/NWFF	W	St Catherine's House 11 Clifton York YO30 6AA	Erection of two storey dwelling to the rear	
13/03/2012	12/00015/REF	APP/C2741/A/12/2170530	W	12 Malton Way York YO30 5SG	Two no. 2 storey detached dwellings with garages after demolition of existing bungalow and outbuildings (amended scheme)	
<b>Officer:</b>	<b>Matthew Parkinson</b>				<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
<b>Officer:</b>	<b>Neil Massey</b>				<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
15/03/2012	12/00013/REF	APP/C2741/D/12/2172258	H	Kilburn View Murton Way York YO19 5UW	First floor side extension	
<b>Officer:</b>	<b>Rachel Tyas</b>				<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
26/01/2012	12/00004/REF	APP/C2741/A/12/2168876/NWFF	I	Relay Recruitment 116 Micklegate York YO1 6JX	Change of use of recruitment consultancy (Class A2) to bar/restaurant	

<b>Officer: Simon Glazier</b>						<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
06/02/2012	12/00012/REF	APP/C2741/D/12/2170289	H	1 Meam Close Osbaldwick York YO10 3JH	First floor side extension		
12/03/2012	12/00014/REF	APP/C2741/D/12/2172426	H	93 Newland Park Drive York YO10 3HR	First floor side and rear extension.		
<b>Officer: Sharon Jackson</b>						<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
07/03/2012	12/00011/REF	APP/C2741/D/12/2171540	H	40 Fordlands Road York YO19 4QG	Single storey rear extension		
<b>Officer: Victoria Bell</b>						<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>		
02/09/2011	11/00038/REF	APP/C2741/A/11/2159809	W	25 The Green Acomb York YO26 5LL	Erection of two storey dwelling to rear attached to retained outbuilding		
30/12/2011	11/00060/REF	APP/C2741/A/112167481/NWF	I	Plot 6 Great North Way Nether Poppleton York	Erection of 3 storey 64 bed care home for older people		
<b>Total number of appeals:</b>						<b>20</b>	

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