



**Notice of a public meeting of
Area Planning Sub-Committee**

- To:** Councillors Watson (Chair), Galvin (Vice-Chair), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett and Watt
- Date:** Thursday, 5 February 2015
- Time:** 2.00pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

The mini-bus for Members of the Sub-Committee will depart from Memorial Gardens on Wednesday 4 February 2015 at 10.00am

1. Declarations of Interest

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

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

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

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annexes to agenda item 7 on the grounds that these are classed as exempt under Paragraphs 1,2 and 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. Minutes (Pages 3 - 14)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Thursday 8 January 2015.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 4 February 2015 at 5.00pm**.

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

5. Plans List

To determine the following planning applications:

a) City of York Council, West Offices, Station Rise, York YO1 6GA (14/02320/FUL) (Pages 15 - 26)

Use of car park and forecourt to traveller site with three caravan pitches and associated bin storage area. [Micklegate Ward]

- b) Traffic Island, Station Rise, York (14/02465/FUL)** (Pages 27 - 34)
Erection of statue. [Micklegate Ward]
- c) 5 The Leyes, Osbaldwick, York, YO10 3PR (14/02515/FUL)** (Pages 35 - 42)
Change of use from residential (use Class C3) to House of Multiple Occupation (use Class C4) (retrospective).
[Osbaldwick Ward] **[Site Visit]**
- d) 11 Halifax Court, York, YO30 5ZE (14/02333/FUL)** (Pages 43 - 60)
Erection of one detached dwelling.
[Skelton, Rawcliffe and Clifton Without Ward] **[Site Visit]**
- e) Former Car Repair Garage, To Rear Of 70 To 72 Huntington Road, York (14/02713/FUL)** (Pages 61 - 74)
Variation of conditions 2 and 20 and removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow previously proposed integral garages to be used as habitable rooms and for the construction of 4 no. garages adjacent to western boundary. [Guildhall Ward] **[Site Visit]**
- 6. Appeals Performance and Decision Summaries** (Pages 75 - 82)
This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.
- 7. Planning Enforcement Cases Update** (Pages 83 - 412)
The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.
- 8. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail [_louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)
[/catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) (when emailing please send to both addresses)

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 4 February 2015****The mini-bus for Members of the sub-committee will depart
Memorial Gardens at 10.00am**

TIME (Approx)	SITE	ITEM
10:15	5 The Leyes, Osbaldwick	5c
10:45	11 Halifax Court	5d
11:20	Former Car Repair Garage To Rear Of 70 To 72 Huntington Road	5e

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	8 January 2015
Present	Councillors Watson (Chair), Galvin (Vice-Chair), Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen, Merrett, Watt and Doughty (Substitute for Councillor Douglas)
Apologies	Councillor Douglas

Site	Visited by	Reason for visit
11 Ascot Court	Councillors Galvin, Looker, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
Hunter House, 57 Goodramgate	Councillors Galvin, Looker, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
32 Tranby Avenue	Councillors Galvin, Looker, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.
12 Barley View	Councillors Galvin, Looker, McIlveen, Merrett, Watson and Watt.	As the recommendation was for approval and an objection had been received.

36. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have had in the business on the agenda. None were declared.

37. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 4 December 2014 be approved and signed by the Chair as a correct record.

38. Public Participation

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

39. Plans List

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

39a) 11 Ascot Court, York YO24 3AE (14/02576/FUL)

Members considered a full application for the erection of a balcony (retrospective) from Mr Shaun Barley.

Representations in objection were received from Mr Peter Barry who lived in the flat above the balcony in question. He expressed concerns about security, noise and smoke pollution, the danger of the balcony being struck by high vehicles and the safety of the construction. He felt that the presence of the balcony compromised the security of the next door flat as it provided a good view into that property. The way the windows in the flat had been designed also meant that they tilted inwards and upwards which meant that smoke from beneath the flat wafted inwards.

Representations in support were received from Shaun Barley the applicant. He responded to the security and privacy concerns raised. He disagreed with Mr Barry and felt that the next door's property could not be seen from the balcony.

He stated that the balcony had been constructed correctly and that high sided vehicles could not access the rear parking area because of the entrance archway.

During discussion comments were raised about the design and types of window that had been used in the flat, whether the particular design had acted as funnel to take any smoke produced from below upwards and whether it was worth deferring making a decision in order to seek comments from Environmental Health Officers.

Officers reported that Environmental Health Officers would not normally comment on applications of this type and the decision was one of judgement about harm to living conditions which was within the remit of the sub-committee.

Councillor Merrett moved deferral of the application in order to receive comments from Environmental Health Officers on whether Members could make a decision on the design of the windows used in the flats. Councillor Fitzpatrick seconded deferral. On being put to the vote the motion fell.

Resolved: That the application be approved.

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

39b) Hunter House, 57 Goodramgate, York (14/02446/FULM)

Members considered a full major application for the conversion of first, second, third and fourth floors from offices to 14 no. apartments (use class C3) from S Harrison Developments Ltd.

In their update to Members, Officers advised Members that if they were minded to approve the application that condition 3 should now read:

- Clarification on the required energy efficiency requirements (as the development would not achieve BREEAM Very Good).

Details of measures to improve energy efficiency within the building shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the apartments and the development shall be carried out in accordance with the approved measures. The details shall be in the form of SAP calculations, which demonstrate the improvements as a consequence of roof insulation and lining to the walls in apartments 6 and 11.

Unless agreed otherwise the development shall incorporate the measures detailed within the BREEAM pre-construction assessment estimator (statement - no further detail is required with regards this aspect of the condition).

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

They also recommended condition 8 (Hours of construction) be reworded to:

- No construction work, which would exceed background noise levels at the site boundary, shall take place on site except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

If approved, an additional condition (regarding deliveries) should also be added to planning permission:

- Prior to development commencing, a method statement to agree the management of deliveries, loading or unloading, in association with construction work shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

The method statement shall include the following measures –

- The expected times and frequencies of deliveries, and confirmation that such practice will be monitored;
- the procedure for informing local residents of the programme of works and for dealing with any complaints;
- measures to prevent noise disturbance during any such works undertaken, in particular prior to 07.00;

Reason: To safeguard the amenities of local residents.

Representations in support were received from the agent for the application Mr Gavin Douglas. He felt that the application provided much needed housing in the city centre, was confident that it reinvigorated the building and the surrounding area and that homes with character would be created.

A question about gating on the site was raised by the Chair towards the agent. The agent responded that although this was not part of the proposals the applicant did want the area gated to deter rough sleepers. The Chair suggested that if the Committee were minded to approve the application that an informative be added to planning permission.

Representations were received from a neighbour Mr Martin Bingley. He supported the application for the reuse of Hunter House but also wanted the entrances to it gated. He made reference to comments raised by the Chair in regards to the activities that had taken place in the area and commented that needles and syringes left around were dangerous for families. He added that he did not know of any residents who would object to gates being put in.

Resolved: That the application be approved subject to the amended conditions detailed above, an informative and a Section 106 agreement.

Informative:

CRIME AND DISORDER

To prevent anti social behaviour, it is recommended that gates are installed, to restrict access into the rear parking/courtyard area.

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

39c) Hunter House, 57 Goodramgate, York (14/02447/LBC)

Members considered a listed building consent for a conversion of first, second, third and fourth floors from offices to 14 no. apartments from S Harrison Developments Ltd.

Members were informed that if they were minded to approve the application that the following minor alterations were needed to wording to clarify locations in which further details were required.

Condition 3 (Large Scale Details)

- Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details.
 - a) Vent stack to Hunter House.
 - b) Grills to front elevation shown in context
 - c) New front door to Hunter House and its side panel
 - d) Sections through the attic of no 57 (roof 4), to show how the roof insulation would be upgraded without harming the existing structure, how the existing floor structure would be protected, how new partitions would relate to the existing roof structure, and where the retained historic door would be fixed
 - e) New/replacement screens within the existing staircase (retail stair) in 57A (to include section and elevation)
 - f) New opening to the kitchen/dining room in apartment 1, shown in context and to show existing and proposed elevations
 - g) Secondary glazing to first floor front windows in no57 (apartment 1)
 - h) Blocking of internal doors

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

Condition 4

Illustrated method statements showing where services (for mechanical ventilation) would be integrated into the buildings and what their effect would be on historic detailing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details. Such works shall avoid affecting the front rooms within apartment 1.

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

Condition 5 Fire/acoustic strategy

Strategies for achieving fire and acoustic separation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works and the works shall be carried out in accordance with the approved details. Proposals shall detail the impact on any features or historic and/or architectural interest. In accordance with the application details there shall be no suspended ceilings to the front rooms within apartment 1.

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

Discussion of this item took place at the same time as Agenda Item 4b) Hunter House, 57 Goodramgate.

Resolved: That the application be approved.

Reason: The works proposed would have no undue impact on features of special or historic interest, they would allow comprehensive use of the upper floors throughout the buildings and be in the interests of its vitality. The level of harm will be low and given the overall benefits of the scheme, there are deemed to be outweighing material considerations that justify the harm.

**39d) 32 Tranby Avenue, Osbaldwick, York YO10 3NB
(14/02443/FUL)**

Members considered a full application for a part two storey part single storey side extension by Mr and Mrs K Blade.

Officers informed the Committee that they had been in discussions with solicitors in regards to highway damage issues that had been raised by the Ward Member. They clarified that this matter was covered by the Highways Act and as such it was not appropriate to attempt to control the issue through the planning permission.

Some Members felt that if permission was granted the suggested informative should be amended to include wording "including the verges" alongside the public highway.

The Chair reported that he had received apologies from Councillor Warters, as the Member who had called in the application for consideration by the Committee, for not attending the meeting.

Resolved: That the application be approved.

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

39e) 12 Barley View, Wigginton, York YO32 2TY (14/02173/FUL)

Members considered a full application from Mr D Leeper for the erection of a detached dwelling to the side of 12 Barley View with detached double garage and new vehicular access from Rye Cross.

Some Members pointed out the distance between the proposed and existing house was only one metre and questioned whether this was sufficient. It was reported that there was no access shown on the drawing from the garage to the rear garden of the existing property.

Representations in objection were received from Mr Jonathan Atkinson, a neighbour. He felt that the application was inappropriate, out of character and unsympathetic with the area. He added that he felt it constituted massive overdevelopment as the site was very cramped, there would be a flooding risk and that there would be an increase in parking due to an increase in the number of residents.

Representations in support were received from the agent Mr David Chapman. He informed Members that there would be separation distance of a metre between 12 Barley View and 12A but that the applicant was willing to move the proposed building in order to widen this gap. Mr Chapman confirmed that he would be willing to resubmit drawings to show this if requested. He commented that he felt that the appearance of the building reflected the area which was a mixture of architectural styles.

Discussion took place during which some Members felt that the application was overdevelopment, would detract from the area and meant that 12 Barley View would have a very narrow and overshadowed garden.

Some Members felt it was better to accept the recommendation as long as 12 was moved further away from 12A, whilst others felt that it should be deferred in order for Members to be given the chance to seek revised plans.

Councillor Galvin moved deferral of the application in order to move 12A to the west of the boundary to address the access to the garage from 12 Barley View. Councillor Merrett seconded this.

Resolved: That the application be deferred.

Reason: In order to seek revised plans from the applicant in regards to the separation distance between the proposed house and number 12.

39f) 1-12 Kensal Rise, York (14/01857/FUL)

At their meeting on 6 November 2014, Members considered a full application from Mr David Jones for an additional floor to accommodate six roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking. Officers had recommended that members approve the application subject to a section 106 unilateral undertaking to secure a contribution towards off-site open space and Members resolved to grant permission subject to the completion of the undertaking and an additional condition to control the management of construction works in the interests of highway safety.

Members were advised that the section 106 unilateral undertaking had not been completed to date and the planning permission had not been issued.

As a result of a revision in national planning practice guidance on 28 November 2014, section 106 planning obligations should no longer be sought from developments of 10 units or less. As such part of policy L1c (provision of new open space in development) of the Development Control Local Plan, which required that for sites of less than 10 dwellings a commuted sum to be paid towards off-site provision, was no longer in accordance with national planning policy.

It was therefore considered that the previous sub-committee resolution no longer complied with the National Planning Policy Framework. The Committee were therefore asked to consider a revised conclusion and recommendation for approval to that contained in the original report.

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

Reason: In order that the Committee's decision complies with the National Planning Policy Framework.

39g) The Memorial Hall, 16 The Village, Haxby, York YO32 3HT (14/01982/FUL)

At their meeting on the 6 November 2014, Members considered a full application by Haxby Town Council for alterations and

extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, erection of 5 no. craft workshops to rear of 66 North Lane and 3 no. dwellings (use class C3) between 66 and 68 North Lane (resubmission).

Officers had recommended that members approve the application subject to a section 106 unilateral undertaking to secure a contribution towards off-site open space traffic regulation measures and Members resolved to grant permission subject to the completion of the undertaking.

Members were advised that the section 106 unilateral undertaking had not been completed to date and the planning permission had not been issued.

As a result of a revision in national planning practice guidance on 28 November 2014, section 106 planning obligations should no longer be sought from developments of 10 units or less. As such part of policy L1c (provision of new open space in development) of the Development Control Local Plan, which required that for sites of less than 10 dwellings a commuted sum to be paid towards off-site provision, was no longer in accordance with national planning policy.

It was therefore considered that the previous sub-committee resolution no longer complied with the National Planning Policy Framework. The Committee were therefore asked to consider a revised conclusion and recommendation for approval to that contained in the original report.

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

Reason: In order that the Committee's decision complies with the National Planning Policy Framework.

Councillor B Watson, Chair
[The meeting started at 2.05 pm and finished at 4.05 pm].

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COMMITTEE REPORT

Date: 5 February 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 14/02320/FUL
Application at: City Of York Council West Offices Station Rise York YO1
6GA
For: Use of car park and forecourt to traveller site with 3no.
caravan pitches and associated bin storage area
By: Cllr. Mark Warters
Application Type: Full Application
Target Date: 5 January 2015
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks planning permission for the use of part of the curtilage of the council's headquarters building (West Offices) as a gypsy/traveller site. The proposal would provide three caravan pitches, horse grazing, a dog run, washing lines, refuse/recycling facilities and areas for the open storage of scrap metal. Access would be as existing from Station Rise. The applicant proposes that three of the eight disabled parking spaces displaced by the application would be relocated closer to the front entrance to the building. The location of these three spaces is outside the application site and outside the applicant's control. It does not form part of the current application.

1.2 The application is reported to Sub-Committee because the applicant is a serving Councillor.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
Listed Buildings: Grade 2; Gates, Gate Piers And Railings To Old Station Toft Green

2.2 Policies:

CYGP1 - Design
CYHE2 - Development in historic locations
CYHE4 - Listed Buildings

Application Reference Number: 14/02320/FUL

Item No: 5a

CYH16 - Residential sites for gypsies/travellers

CYNE1 - Trees, woodlands, hedgerows

3.0 CONSULTATIONS

Design Conservation and Sustainable Development (Conservation)

3.1 The change of use as illustrated would fail to sustain the significance of the listed building or the conservation area. The proposals would also harm the amenity and legibility of the forecourt which gives access to an important civic building with a public function. The proposals would disadvantage customers with mobility problems.

Design Conservation and Sustainable Development (Landscape)

3.2 The horse grazing, dog area and scrap metal would have an unacceptable impact on the mature trees and ornamental planting, which was designed to provide an attractive approach and reception area for the council's headquarters. The proposed relocation of the disabled parking spaces has the potential to impact on the rooting zone of a mature Plane tree next to the public entrance at the front of the building.

Planning and Environmental Management

3.3 York does not have an approved 5-year supply of sites for gypsies and travellers. To address this need the council has identified a 5-year supply which is considered to be viable and deliverable. The application proposals are inadequate and fail best practice in terms of pitch size, storage provision, recreation space, amenity space, privacy and landscaping.

Housing

3.4 Objection - The application fails to meet current standards/best practice for gypsy and traveller sites particularly regarding provision of amenity blocks, storage, amenity space, utilities, horse grazing, privacy and general amenity.

Highway Network Management

3.5 No objections. Access and turning for the site is accommodated via a council-owned, privately-maintained highway (Station Rise). Secure covered cycle parking should be provided. This could be made a condition of approval. We do not envisage an increase in traffic above that of the existing lawful use as a parking bay for 8 vehicles.

Environmental Protection Unit

3.6 No objections.

EXTERNAL

Micklegate Planning Panel

3.7 Objection. The application does not consider how to remedy the loss of disabled parking space currently provided. It is not obvious how access to the West Offices building will be managed or how security of the proposed sites would be maintained. No details are given of how waste treatment, water and electrical supplies would be provided.

English Heritage

3.8 Objection. The proposal would fail to sustain and enhance the significance of this Grade II* building or of the conservation area within which it sits. It would harm the appearance of the setting of West Offices, in particular the main formal approach to the building. It would therefore harm the aesthetic value of the building which is an important aspect of its significance. This harm lacks the clear and convincing justification required by paragraph 132 of the National Planning Policy Framework.

Police Architectural Liaison

3.9 No comments.

Public Consultation

3.10 The consultation period expired on 8 December 2014. Three objections have been received from neighbouring occupiers raising the following planning issues:

- Impact on the amenity of neighbours;
- Poor level of amenity for the gypsies/travellers ;
- Detrimental to the character of the area;
- Visual impact on the conservation area;
- Visual impact on the council's headquarters;
- Inadequate access for caravans.

3.11 One 'no objection' response has received.

4.0 APPRAISAL

4.1 KEY ISSUES

- Provision of sites for gypsies and travellers
- Impact on heritage assets
- Impact on trees
- Impact on the functioning of the council's offices

PLANNING POLICY CONTEXT

4.2 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.3 The City of York 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 National Planning Policy Framework. Relevant local plan policies are listed in section 2.2 of the report.

THE APPLICATION SITE

4.4 The site comprises part of the grounds of City of York Council's headquarters (West Offices). To the north is the front elevation of the headquarters building. To the south, at higher level, is the public highway at Toft Green, separated from the site by railings. The site currently provides the setting and public pedestrian access to the front of the building. The north side of the access has a row of mature Plane trees and the southern side provides eight disabled parking bays. The access is from Station Rise at the eastern end of the site. The site is landscaped with trees, ornamental planting, lawn, paving and resin bonded gravel. The headquarters building is listed grade II*. The railings along the south and east boundaries are listed grade II. The whole of the site and surrounding area lie within the Central Historic Core Conservation Area.

PROVISION OF GYPSY/TRAVELLER SITES

4.5 National planning policy on provision of sites for gypsies and travellers is set out in Planning Policy for Traveller Sites (2012). It states that the Government's overarching aim is to ensure fair and equal treatment for travellers. To achieve this local planning authorities should, inter alia, make their own assessment of need, develop fair and effective strategies to meet that need, plan for sites over a reasonable timescale, increase the number of travellers sites in appropriate locations, enable provision of suitable accommodation from which travellers can access education health, welfare and employment infrastructure and have due regard to protecting local amenity and local environment. When considering planning applications for traveller sites local planning authorities should consider the existing level of local provision and need (paragraph 4).

4.6 Paragraph 24 at policy H of the guidance requires planning applications to be determined in favour of: sustainable development; this planning policy for traveller sites; and specific policies in the National Planning Policy Framework. It requires local authorities to attach weight to, among other things: the effective use of previously developed, untidy or derelict land; good site planning and landscaping to enhance the environment; and promoting opportunities for healthy lifestyles such as ensuring adequate landscaping and play areas for children.

4.7 In 2014 the council commissioned the Gypsy, Roma, Traveller and Travelling Showpeople Accommodation Assessment for York. It identified a current need for 28 gypsy and traveller pitches and a total future need for 72 gypsy and traveller pitches up to 2030. To address this need the council has identified a 5-year supply which is considered to be viable and deliverable.

4.8 National guidance for the design of sites is provided in Department for Communities and Local Government (DCLG) good practice guide 'Designing Gypsy and Traveller Sites' (2008). The application fails these national and local design criteria in a number of fundamental respects:

4.9 None of the sites would provide an amenity block (usually containing a kitchen/ living space and bathroom) or sufficient space for a large trailer and parking for at least one vehicle. These are minimum space requirements for a gypsy/traveller site as set out in the good practice guide and in the view of housing officers.

4.10 There would be very little storage and amenity space.

4.11 No details have been provided of how water, waste treatment and electrical supplies would be provided (other than that foul sewage would be disposed of by 'caravan toilet'). These are essential requirement for permanent pitches.

4.12 The narrow gateway (3.5m) to the site and the very constrained manoeuvring space within it would prevent it being used by most caravans typically used by gypsies and travellers.

4.13 The site is too small to include storage of scrap metal without health and safety implications for the residents.

4.14 National guidance recommends a separation distance between caravans to be at least 6m to prevent noise nuisance and to provide privacy. The proposed separation distance is just 2.5m. Furthermore the caravans would be overlooked by members of the public visiting the council offices and by pedestrians/drivers in Toft Green, which is (on average) 2m above the ground level of the site.

4.15 The pitches would be severed from the horse grazing area by the pedestrian walkway to the council offices. The walkway is used by large numbers of people throughout the working day. The proximity of this public walkway and the absence of any clearly defined and protected boundary to the pitches would be likely to have a significant impact on the residents' peaceful enjoyment of the pitches and have safety implications for resident children.

4.16 The Department for Environment, Food and Rural Affairs (DEFRA), in its code of practice for the welfare of horses, advises that, in general, one horse requires 0.5-1.0 hectare of grazing land. The total area of grazing land to be provided (which includes mature trees) would be just 3% of the minimum area recommended for one horse. The applicant's proposals for grazing are wholly inadequate for the purpose.

4.17 In summary, whilst there is a shortfall in the number of pitches available for gypsies and travellers in York the current proposals are incompatible with the existing land use, wholly unsuitable for their intended purpose and would provide a very poor standard of amenity for the occupiers.

IMPACT ON HERITAGE ASSETS

4.18 The whole of West Offices, including the application site, lies within the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act states that in determining planning applications for development which affects a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.19 Whilst paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development this presumption does not apply to listed buildings and conservation areas if, as in York, the development plan is absent or out-of-date. In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132).

4.20 Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134).

4.21 The courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

4.22 The council's headquarters building dates from 1841 when it was built as York's first permanent passenger station. A railway hotel was added at the Station Rise end in 1853. The station building has high historical and architectural value as one of the first generation of railway stations, the form of which was experimental. It established a pattern for later station buildings. The addition of a railway hotel was similarly innovative and was possibly the first integrated railway hotel in the world. The station and its site ceased to function as a passenger terminal when the new railway station opened outside the city walls. The building was successively altered and extended for use as railway offices until its recent conversion to a new headquarters for City of York Council (10/00613/FULM). The building is listed at grade II* for its special architectural and historic interest as one of Britain's pioneering railway stations. Its principal frontage facing Toft Green is of high aesthetic value. The site is within the city walls and forms part of the Central Historic Core conservation area. The surrounding railings and gates were added c1850 and are separately listed at grade II. The site of the current application is at the heart of this historic context -in front of the main elevation of the building and enclosed on two of its other sides by the listed gates and railings.

4.23 In addition to the building's historic significance it has high significance for its architectural design, especially the elevations fronting onto the gardens and Station Rise. The main frontage, facing the application site uses high quality materials in a symmetrical and classically inspired design with stone colonnades flanking the centralized entrance. The courtyard (the application site) in front of the building is relatively intimate in scale and its formality is enhanced by the avenue of trees and the open green setting.

4.24 The caravan site use is incompatible with the civic function of the building and with the formal architecture of the main frontage. It would adversely affect the significance and setting of the building and displace important ancillary functions. The caravans and ancillary paraphernalia within the forecourt would clutter the area, eroding its openness, its legibility and its amenity value to customers and office workers. This formal, quiet green approach to the listed building would be harmed.

4.25 The existing car parking is relatively low, positioned away from the building and contained by planting and high retaining walls. The caravan homes would be larger and bulkier and therefore more highly visible. They would have a much greater adverse effect, than existing, on views from Station Rise, Toft Green and from within the site.

4.26 The existing landscape enhances the setting of the building and is visible through the listed gates and railings abutting Station Rise. The refuse/recycling facilities would be positioned close to these railings thereby undermining the contribution of the designed landscape to the public approach.

4.27 The caravan pitches would displace accessible parking spaces. The applicant's intended replacement spaces, on a new hardstanding (currently lawned) within 5m of the building's main entrance, would result in further erosion of the landscape setting.

4.28 The forecourt can be seen in relation to the grouping of designated heritage assets at the junction of Tanner Row and Station Rise (listed at grade II) and also in relation to the former NER headquarters building (Cedar Court Hotel, listed at grade II*) on Station Rise. The proposals would harm the wider setting of these structures which are of high aesthetic value.

4.29 In summary the proposals would adversely affect the setting and views of the formal classical frontage of the listed building, which is of high aesthetic value. They would also harm the character and appearance of the conservation area where a cluster of buildings and structures, also of aesthetic value, combine to create an area of high townscape value within a small urban area. This harm lacks the clear and convincing justification required by paragraph 132 of the NPPF. Furthermore the use of the site as a caravan site for gypsies and travellers does not have sufficient public benefits to outweigh the harm to the designated heritage assets (required by paragraph 134 of the NPPF).

IMPACT ON TREES

4.30 Whilst no trees would be removed to facilitate the development the applicant proposes to graze horses on the lawn beneath the mature plane trees on the north side of the entrance to West Offices. This is an unsuitable location as horses can strip bark and cause compaction over the rooting zone. These plane trees are worthy of a tree preservation order and contribute to the setting of the listed building and the character of the conservation area. Furthermore, the existing herbaceous ornamental planting to the perimeter of the lawn was designed to provide an attractive approach and reception area for the council's headquarters. This planting should be retained - a further reason to exclude horses from the lawn.

4.31 The dog run and piles of scrap metal would result in the loss or damage to ornamental planting alongside the Toft Green railings. This planting is integral to the visual amenity of the forecourt area. The young plane trees between the proposed pitches are not expected to be affected by the parking of caravans or other vehicles, as this area is already a hardstanding. The proposed relocation of the disabled parking spaces has the potential to impact on the rooting zone of the adjacent mature plane tree close to the public entrance to the council's headquarters.

4.32 In summary, the proposals would have an unacceptable impact on the protected trees and the landscape, which contribute to the setting of the listed building and the character of the conservation area.

5.0 CONCLUSION

5.1 Whilst there is a clear shortfall in the number of currently-available Gypsy and Traveller pitches, the proposals are incompatible with the existing land use, wholly unsuitable for their intended purpose and would provide a very poor standard of amenity for the occupiers. The presence of the caravan pitches and ancillary paraphernalia would harm the setting of designated heritage assets for which there is no clear and convincing justification and which is not outweighed by public benefits of the scheme.

6.0 RECOMMENDATION: Refuse

1 The caravan site, due to its location, size and design would provide an unacceptably poor standard of accommodation for the occupiers contrary to paragraphs 4 and 24 of national planning policy guidance in Planning Policy for Traveller Sites 2012.

2 The use as a caravan site would, due to the visual impact of the caravans, horse grazing, bin stores, outside storage and ancillary paraphernalia cause harm to

the setting of designated heritage assets for which there is no clear and convincing justification and which is not outweighed by public benefits of the scheme, contrary to paragraphs 132 and 134 of the National Planning Policy Framework 2012 and policies HE2 (Development in Historic Locations) and HE4 (Listed Buildings) of the 2005 City of York Draft Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. However, in this case, the shortcomings of the application were too fundamental to enable a satisfactory solution to be found. The application was therefore refused planning permission for the reasons stated.

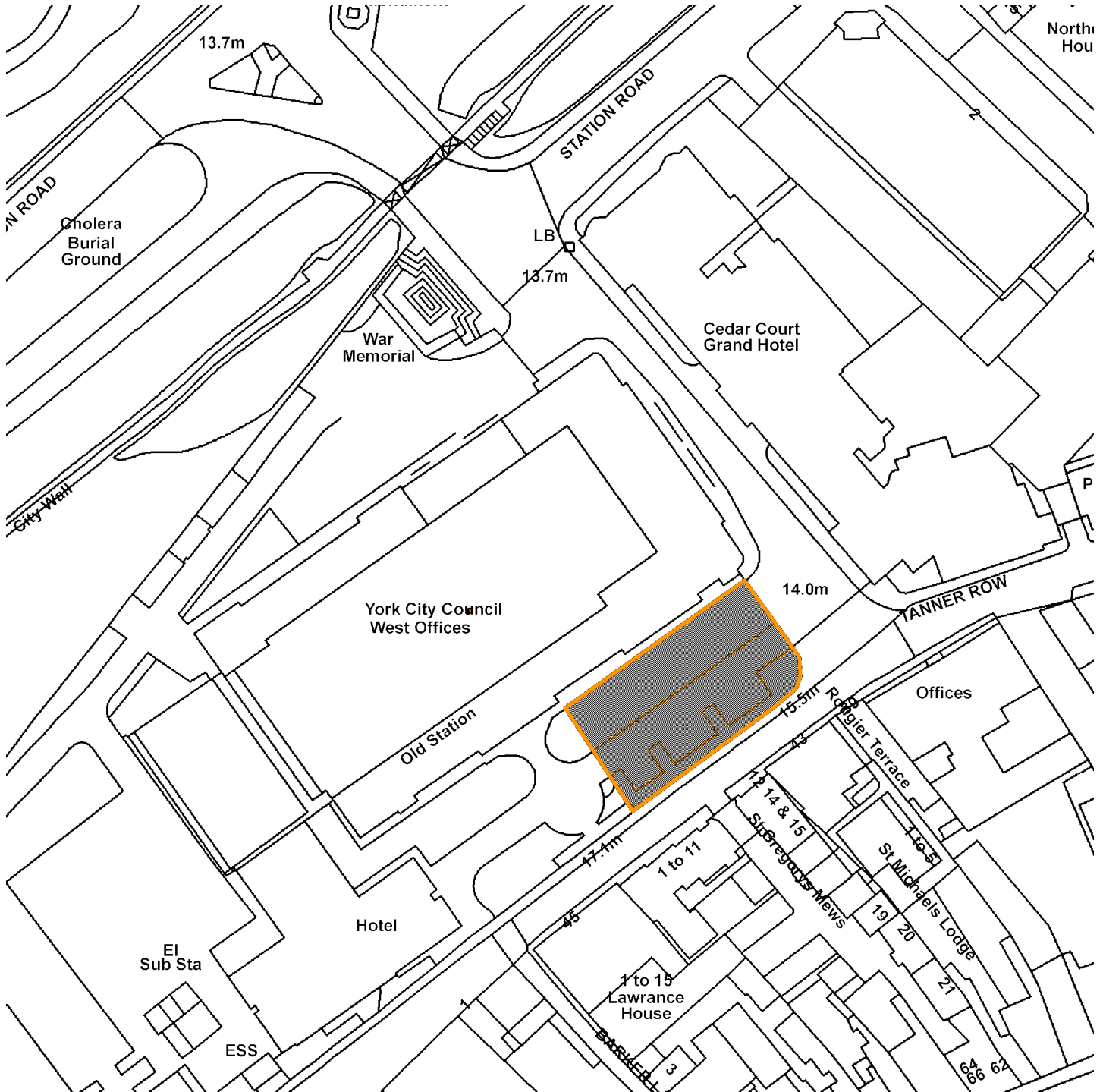
Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

14/02320/FUL

City of York Council, West Offices, Station Rise



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	26 January 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 February 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 14/02465/FUL
Application at: Traffic Island Station Rise York
For: Erection of statue
By: Cllr Mark Warters
Application Type: Full Application
Target Date: 20 January 2015
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a statue on Station Rise, York within the Central Historic Core conservation area. It would be situated on a traffic island located immediately outside a gateway through the City Walls in close proximity to the Railway Station and a statue of George Leeman. The statue would be mounted within the raised planting beds and would comprise a white marble figure mounted on top of a red granite base. The actual figure represented and the inscription on the pedestal plaque would be open to public consultation by the applicant.

1.2 The application is reported to Sub-Committee for decision as the applicant is a serving Councillor.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Business

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF
Listed Buildings Grade 2 Star; North Eastern Railway Co Offices Toft Green 0097

2.2 Policies:

CYHE2 Development in historic locations
CYGP1 Design

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

3.1 Objections. The proposal will harm the character and appearance of the conservation area and the setting of nearby listed buildings.

Highway Network Management

3.2 No objections.

EXTERNAL

Micklegate Planning Panel

3.3 Consider that the application is purely vexatious, wasting the time of the panel, and should be rejected.

English Heritage

3.4 General observations that raise no objection "in principle" to the erection of statue in suggested location, although the detail of subject and inscription are not matters for English Heritage. The applicant has not referred to national policy guidance, does not identify adjacent heritage assets, and does not provide any assessment of the impact of the proposal on the significance of those heritage assets. This should be addressed and the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Publicity

3.5 One letter has been received following public consultation which supports the statue at this location, as it will form a matching pair with the George Leeman statue.

4.0 APPRAISAL

4.1 Key issues:

- Impact on the character and appearance of the conservation area and adjacent listed buildings
- Highway Safety

PLANNING POLICY CONTEXT

National Policy Guidance

4.2 The National Planning Policy Framework has a stated presumption in favour of sustainable development. Relevant specific policy topics include ensuring the vitality of town centres, conserving and enhancing the historic environment, and encouraging good design.

Local Planning Policy

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Policy HE2 seeks to protect heritage assets from inappropriate development. Policy GP1 is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND ADJACENT LISTED BUILDINGS

4.4 The application site lies within the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on local planning authorities to have special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act states that in determining planning applications for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.5 In the National Planning Policy Framework, listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of any proposed development on such assets, local authorities should give great weight to the conservation of the asset (paragraph 132). When a local planning authority finds that a proposed development would harm the character or appearance of a conservation area it must give that harm considerable importance and weight. The courts have held that when a local planning authority finds that a proposed development would harm a heritage asset, the authority must give considerable importance and weight to the desirability of avoiding such harm. The finding of harm to a conservation area gives rise to a strong presumption against planning permission being granted.

4.6 The proposed statue would be sited in an area of the Central Historic Core Conservation Area which is already rich in statues and memorials. These include the two Lutyens War memorials (listed at grade 2* and grade 2), the gates and gate-

piers to Memorial Gardens (listed at grade 2) and the George Leeman statue (listed at grade 2). The existing memorials are of high communal significance and enduring quality. They honour York citizens. By adding the proposed new statue to the group, it is considered that the meaning of each of the sculptures would be devalued. This significant approach and entrance to the City Centre would also become over-saturated with monuments. The visual quality and key views of important nearby heritage assets such as the City Walls, nearby listed buildings, and the wider conservation area would be adversely affected by the introduction of the visually prominent statue on the nearby traffic island.

4.7 The proposed statue would only be 15 metres away from the particularly important C19th statue of George Leeman, Chairman of the North Eastern Railway Company, Alderman, and three times Lord Mayor of York. The close juxtaposition of any statue sited within the "radiance" of the existing statue would undermine the importance of this distinguished standalone figure. Generally statues should be site specific, and figures necessarily require space around them to be fully appreciated. The George Leeman statue is situated within the pavement, at the end of a grassed area that abuts the City Walls, which gives a dignified setting. The proposed similarly proportioned statue, situated within a raised traffic island, with its unceremonial setting would detract from the more distinguished setting of the George Leeman statue.

4.8 The conceptual approach to the proposed statue is to copy the late C19th statue sculpted by artist George Milburn. The Arts Council England's approach to new public art is that it should make an artistic contribution in its own right. This statue fails to add to York's artistic legacy as it copies a C19th tradition, and would be contrary to planning guidance in the National Planning Policy Framework and Local Plan Policies HE2 and GP1 which require good design.

4.9 Public space is a limited resource in the compact city centre of York, and it is important that works of art proposed for public places enrich the civic environment and have enduring meaning. To this effect, it would be expected that some time should elapse between a proposal for a commemorative statue coming forward for consideration following public consultation, and a decision being made by the Council. Although the City of York Council has no specific planning guidance on the time period associated with the erection of statues and monuments, there is no indication that any consultation has been undertaken by the applicants.

HIGHWAY SAFETY

4.10 The proposed statue would be situated on a traffic island that does not form part of the publicly maintained highway. Highway Network Management raises no objections to the erection of the statue in this location. The location and size of the statue would not affect pedestrian/ traffic inter-visibility, nor it is considered that the proposed statue would distract users of the adjacent highways.

5.0 CONCLUSION

5.1 It is concluded that the proposed statue would undermine and harm the high communal and artistic significance of C19th and C20th statues, memorials and other heritage assets within the immediate area of the application site in the conservation area. In particular the statue would undermine and harm the setting of the George Leeman statue which has high historic significance, by being too close to it and by copying its C19th artistic style in a less dignified setting. The statue would harm the settings of the existing heritage assets and therefore fail to preserve the character and appearance of the conservation area as required in legislation, and be contrary to Policies HE2 and GP1 of the City of York Development Control Local Plan and national planning guidance as contained in the National Planning Policy Framework. Whilst there are no highway objections to the location and size of the statue, the significant harm to the conservation area would outweigh this consideration given that considerable importance and weight must be placed on the desirability of preserving the character and appearance of the conservation area, and it is recommended that planning permission is refused.

6.0 RECOMMENDATION: Refuse

1 The proposed statue would undermine and harm the high communal and artistic significance of C19th and C20th statues, memorials and other heritage assets within the immediate area of the application site which enrich the lives of citizens and visitors to York. In particular, the statue would undermine and harm the setting of the George Leeman statue which has high historic significance, by being too close to it and by copying its C19th artistic style in a less dignified setting. It would harm the settings of the existing heritage assets and therefore fail to preserve the character and appearance of the conservation area as required in legislation, and be contrary to Policies HE2 and GP1 of the City of York Development Control Local Plan and national planning guidance as contained in the National Planning Policy Framework.

7.0 INFORMATIVES:

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH
In considering the application, the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. However, in this case, the shortcomings of the application were too fundamental to enable a satisfactory solution to be found. The application was therefore refused planning permission for the reasons stated.

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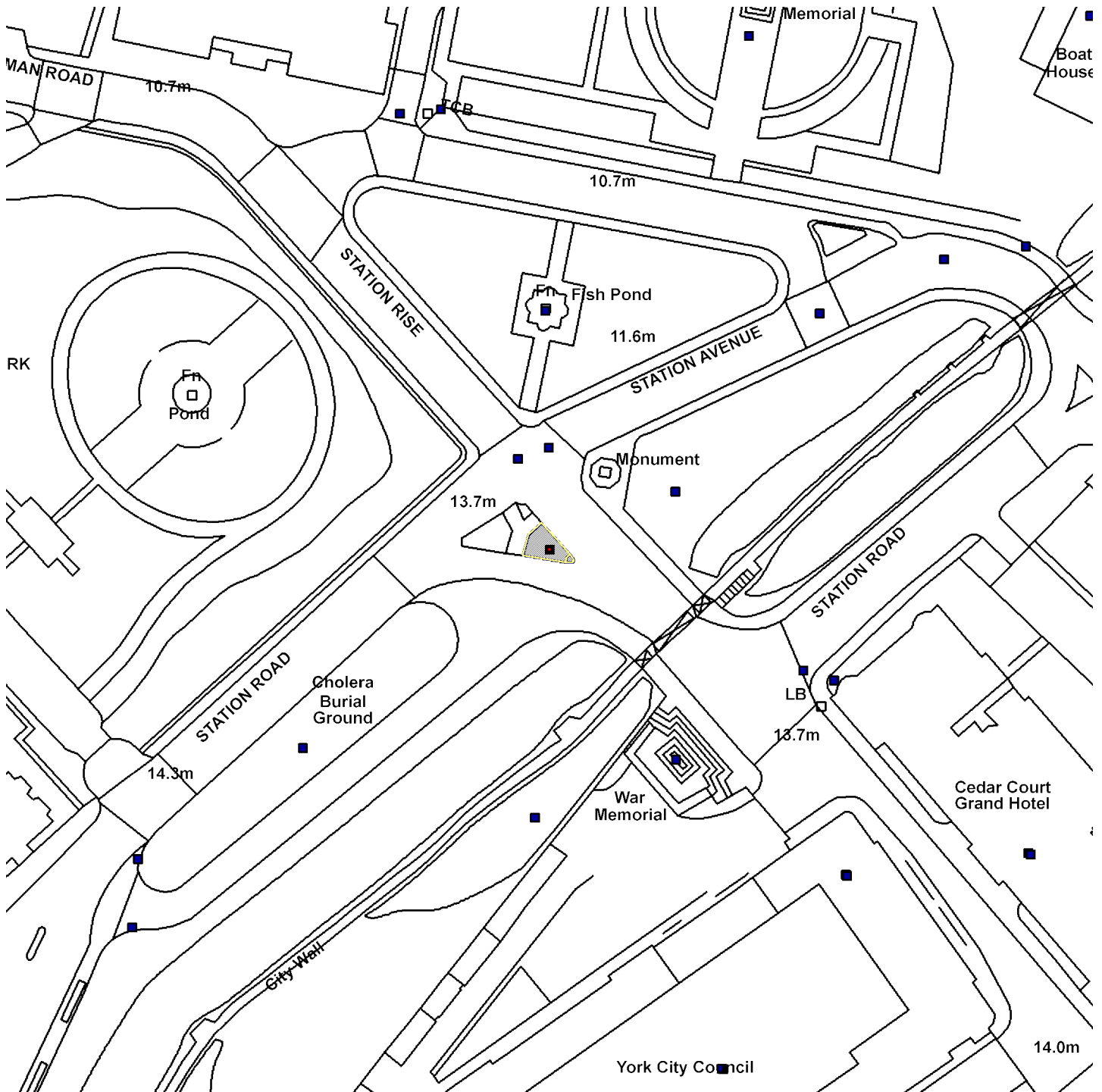
Application Reference Number: 14/02465/FUL

Item No: 5b

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14/02465/FUL

Traffic Island, Station Rise.



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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	26 January 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 February 2015 **Ward:** Osbaldwick
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 14/02515/FUL
Application at: 5 The Leyes Osbaldwick York YO10 3PR
For: Change of use from residential (use Class C3) to House of
Multiple Occupation (use Class C4) (retrospective)
By: Mr James Featherstone
Application Type: Full Application
Target Date: 12 February 2014
Recommendation: Approve

PROPOSAL

1.1 This application seeks retrospective planning permission to convert a three bedroom single occupancy dwelling house (Use Class C3) into a four bedroom house in multiple occupations (HMO) (Use Class C4). The current layout provides accommodation at ground floor for the owner of the property with three rooms on the first floor for the occupation of tenants. The application site is a semi -detached dwelling incorporating a detached sectional garage to the rear of the dwelling and conservatory on the side elevation. The outside areas host a paved front garden, side driveway and spacious rear garden.

PROPERTY HISTORY:

1.2 Larger House Extension application (ref: 13/03723/LHE) for the erection of single storey extension extending 3.5 metres beyond the rear wall of the original house with a total height of 4 metres. This application was refused on 15.01.2014 because of neighbour amenity issues.

COUNCILLOR CALL IN:

1.3 This application has been called in to the Planning Sub Committee by Councillor Mark Warters on the following grounds:

- There is a lack of confidence in the up to date accuracy of the CYC HMO database which can only be addressed by determination in public.
- This property currently operates as a HMO and has done so for some time now.
- The problems with associated with the increase of vehicular traffic opposite a school.

- The impact on the street scene.
- Concern over level of amenity provided to occupants of the property should the proposals be implemented.
- The loss of neighbour amenity.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
Schools GMS Constraints: Osbaldwick Primary 0212

2.2 Policies:

CYGP1 Design
CYH8 Conversion to flats/HMO/student accommodation

3.0 CONSULTATIONS

INTERNAL:

Planning and Environment Management Team

3.1 The Draft Supplementary Planning Document establishes a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level (within 100m of an application property). No.5 The Leyes falls within a neighbourhood area where 66 out of 1215 properties are HMOs (5.43%) and within 100m of the property 1 out of 26 properties are HMOs (3.85%).

EXTERNAL:

Osbaldwick Parish Council:

3.2 Objections raised on the following grounds:

- Over concentration – There are five properties in total that are currently used as HMOs, four on Hambleton Avenue and one on The Leyes.
- Application opposite Primary School / property is located in an area close to parking restrictions.
- The lack of meaningful Enforcement conditions relating to bin storage and garden maintenance.
- Neighbour amenity
- Inaccuracy of HMO data base.

Neighbour Notification

3.3 No objections received.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;

4.2 The NATIONAL PLANNING POLICY FRAMEWORK (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

4.3 SUPPLEMENTARY PLANNING DOCUMENT - Controlling the concentration of Houses in Multiple Occupancy. This document was approved by cabinet members on 15 April 2012. This guidance has been prepared in connection with an Article 4 Direction that City of York Council placed on all houses within the defined urban area, bringing within planning control the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4). The new SPD advises applications for change of use from dwellings to HMO's will be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.4 DRAFT LOCAL PLAN POLICY CYH8 - "Conversions". Where a material change of use has occurred, for properties changing use from C3 (dwelling house) to the new use class C4 (H.M.O). Policy H8 sets out the current criteria in conjunction with the new (SPD) by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

4.5 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected, amongst other things, to respect or enhance the local environment, be of a density, layout, scale, mass and design that are compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

PRINCIPLE OF CHANGE OF USE:

4.6 The information received from the Council's Planning and Environment Planning Team has confirmed that 5 The Leyes falls within a neighbourhood area where 66 out of 1215 properties are HMOs (5.43%) and within 100m of the property 1 out of 26 properties are HMOs (3.85%). The application is in accordance with the provisions of the Draft HMO SPD as the neighbourhood and street level threshold have not been breached. As such the change of use to an HMO at this property is considered to be acceptable avoiding a harmful concentration of HMOs in the area and maintaining a balanced and mixed community.

4.7 Osbaldwick Parish Council states that there are currently four HMO properties in Hambleton Avenue. The Council's database concurs with this statement, however they are not within 100 m of the applicant property and so would not be included in the calculation for this property.

ACCEPTABILITY OF ACCOMMODATION

4.8 The application seeks permission to provide accommodation for up to four unrelated people. There are three bedrooms on the first floor with one bathroom. The ground floor provides one further bedroom and a living room used solely for the occupation of the owner of the property. In addition the communal facilities situated

on the ground floor consist of a shared dining, kitchen, conservatory and ground floor WC. The detached garage would remain and could be used as a store for cycles and wheeled bins/ recycling boxes. The front garden comprises of a hard standing and with the side driveway would provide off street parking for at least three cars. There is an ample sized enclosed rear garden, which can be used as outdoor amenity space and is screened from the adjacent neighbouring properties at 4 and 6 The Leyes and the playing fields associated with Osbaldwick Sports Club on the rear boundary by a close boarded fence. As such it is considered that the facilities provided are of a sufficient standard to accommodate four individual occupants on a shared basis.

IMPACT ON NEIGHBOUR AMENITY AND THE CHARACTER OF THE AREA

4.9 The location of the property is in close proximity to York University and local public transport links into the city centre, together with local shops. In addressing issues of potential problems of on-street parking in proximity to the nearby school, given the available off-street parking and the existing parking controls, it is considered unlikely that vehicles at the property would park on the street. Furthermore, it would not be envisaged that there would necessarily be a need for high levels of car ownership amongst occupants in this location. In addition there is sufficient cycle parking available within detached garage.

4.10 In order to safeguard the visual appearance of the dwelling and the amenities of the adjacent residents, the implementation of a management plan should be controlled by condition on any planning approval. In this case additional safeguards are given by the owner living at the property. However, should that change in the future the management plan would cover issues such as garden and property maintenance, refuse and recycling collections.

4.11 In terms of managing the number of occupiers and future occupiers of the property and its potential effect on the neighbourhood, a condition has been recommended to remove "permitted development rights" for side/ rear extensions, detached buildings and roof alterations from this property in order to exercise control over any future extensions or alterations. Without this condition further extensions to the house could be erected without the need for planning permission. Clearly, if the overall number of occupants within the dwelling exceeded six, then the local planning authority would need to determine whether a material change of use had occurred taking the property outside Use Class C4 into a "sui generis" use and in those circumstances a further application for planning permission would be required.

5.0 CONCLUSION

5.1 The property is within the urban area, well served by local facilities and close to public transport routes. The dwelling is considered to be of a sufficient size, and with an acceptable internal layout, for use as a HMO. The thresholds within the Council's

Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans - Existing and proposed floor plans

2 A management plan shall be agreed in writing with the Local Planning Authority to demonstrate the control of the following:

- i) Information and advice to residents
- ii) Garden maintenance
- iii) Refuse and recycling collections
- iv) Property maintenance issues

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

3 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 and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the 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:

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

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

Imposition of reasonable and necessary planning conditions

Contact details:

Author: Sharon Jackson Development Management Assistant

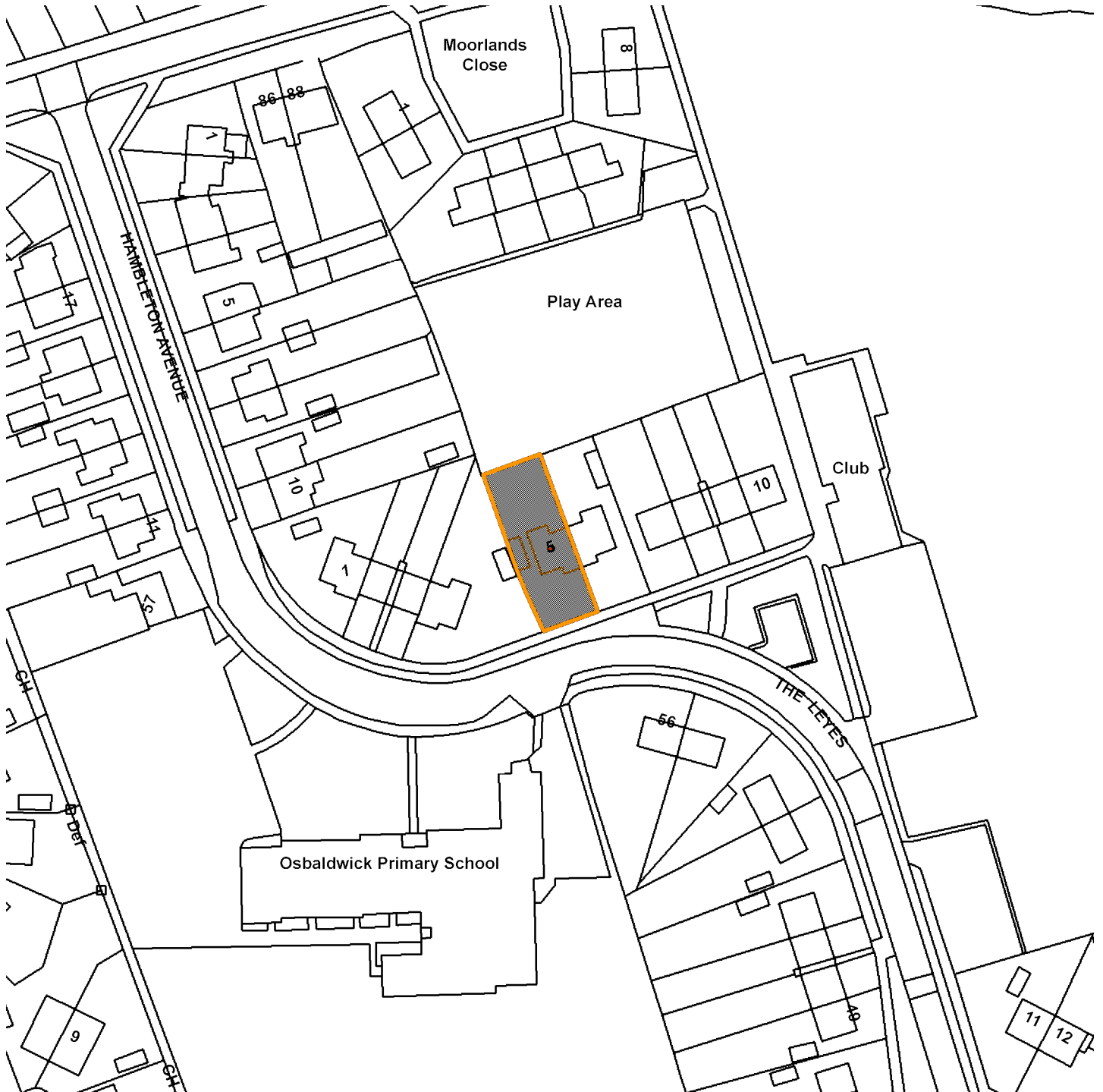
Tel No: 01904 551359

Application Reference Number: 14/02515/FUL

Item No: 5c

14/02515/FUL

5 The Leyes, Osbaldwick



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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	26 January 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 February 2015 **Ward:** Skelton, Rawcliffe, Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 14/02333/FUL
Application at: 11 Halifax Court York YO30 5ZE
For: Erection of 1no. detached dwelling
By: Miss Emma Brownbridge
Application Type: Full Application
Target Date: 5 January 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to an area of land located on the west side of Water Lane, within a predominantly residential area. It is bounded by the residential properties, 187 Water Lane to the south, 9 and 11 Halifax Court to the north and 15 Halifax Court to the west. It is enclosed on these boundaries by a 2m high timber fence. There is a grassed verge to the front of the site, part of the public highway of Water Lane. An outward bound bus stop is situated within the grass verge to the southern end of the site's frontage. An inward bound bus stop is located opposite the site.

1.2 The application proposes the erection of a detached two-storey dwelling house, with a north-east to south-west orientation following that of 185-187 Water Lane. Its dimensions would be 8m long x 5m wide at two-storey with single storey additions at front and rear, and with heights of 6.9m to ridge and 5 m to eaves (measured from the application drawings). Accommodation would comprise a hall, cloakroom, living room and family room/kitchen on the ground floor with three bedrooms and a bathroom on the first floor. The dwelling would be of traditional brick and tile construction with a rendered finish to the first floor elevation and timber finish to the entrance porch and rear single storey projection and a dual pitched tiled roof. Access to the site would be from Water Lane, at the northern end of the site's frontage, leading to a driveway with turning area along the site's northern boundary.

1.3 There is no relevant planning history for the site. According to aerial photographs held by the Council, the land was formerly part of the garden curtilage for 11 Halifax Court.

1.4 The application has been called to Committee by the Ward Member, Councillor Mcilveen, on the following grounds:

- Inappropriate development of back land / amenity land;
- Inadequate vehicular access into a busy thoroughfare - Green Lane;
- Possible flooding and drainage problems.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP10	Subdivision of gardens and infill devt
CGP15A	Development and Flood Risk
CYNE1	Trees, woodlands, hedgerows
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Public Realm

3.1 Request for commuted sum payment in lieu of on site open space.

Highway Network Management

3.2 No objections in principle. A new access is to be formed on to the C5419, Water Lane, away from the bus stop. Visibility is good and pedestrian visibility splays should be included, both of which may be conditioned. There is car parking for one vehicle which does not exceed our CYC Annex E maximum parking standards. There is turning available within the site which will allow the occupants to enter and exit the site in forward gear. Cycle parking has not been detailed so a condition is requested to require a good quality covered and secure facility to house two cycles to comply with minimum standards. Surfacing has not been detailed but is required to be sealed and positively drained to prevent escape of loose material and water on to the highway. Conditions and informative requested.

Flood Risk Management Team

3.3 No objections subject to conditions regarding foul and surface water drainage. There are public surface water sewers recorded crossing the site. In this instance, building-over may take place under the control of Part H4 Building Regulations 2000 or diversion of by way of agreement with Yorkshire Water.

Environmental Protection Unit

3.4 No objection raised subject to condition requiring external electrical socket in line with Council's Low Emission Strategy and informative covering demolition and construction.

Planning and Environmental Management (Landscape Architect)

3.5 Advice in relation to the trees within the garden of 15 Halifax Court. The three trees, presumably Sycamore, immediately adjacent to the site boundary, have large spreading crowns. During the summer months, the trees will cast heavy shade across the entire main garden space of the proposed property as well as the reception rooms on this elevation. A new residential development in such close proximity to adjacent trees would very likely create a neighbour dispute should the owner of the trees wish to retain them in their current form.

3.6 The trees have a public amenity value because they are visible from Water Lane. However it is questionable whether they are worthy of a tree preservation order (TPO) since they are set back from the road, they are fairly close to existing properties, they are not a rare species, nor are they particularly good, balanced specimens. Whilst the loss of the trees would be noticeable, there are several other roadside trees in the vicinity.

3.7 Should the application be approved then a tree protection method statement should be provided under condition to prevent compaction and/or contamination and excavations over the rooting zone of the neighbouring trees which will extend well into the application site.

EXTERNAL

Clifton (Without) Parish Council

3.8 Object, giving following reasons:

- overdevelopment of the plot;
- highways will be an issue as the property is located on a bend and opposite a bus stop;

- drainage will be an issue due to increased development;
- application should be classed as Water Lane, not Halifax Court, as access is from Water Lane.

Neighbour Notification/Publicity

3.9 Three responses have been received by or on behalf of surrounding local residents objecting to the proposal on the following grounds:

Amenity

- Loss of privacy and light from two storey property so close to surrounding houses and gardens;
- Noise and disturbance from building works;
- Noise from vehicles manoeuvring;
- Harm to Water Lane as house forward of established building line;
- Back garden too shallow/plot not big enough for house and vehicle turning;
- Hedging along Water Lane removed and replaced with mesh fencing without planning, which is an eyesore and affects security;
- Space around property too small to allow maintenance of property;
- Right of way for emergencies from number 15 Halifax Court has been blocked;

Highway safety

- Danger to safety of pedestrians as new access is on a bend and close to bus stop thereby affecting visibility for people close to mini roundabout;
- Access would affect the new bus stop;

Trees

- Land was formally woods, becks and ponds relies on trees and vegetation to retain the water table and prevent subsidence;
- Trees, which may have been protected, have been removed affecting wildlife, privacy and security;

Other matters

- Services, including sewers, run just under ground level through the site;
- Common restricted covenants in place which would stop development;
- Service strip along southern boundary needs to be kept clear for service and maintenance to rear of private gardens coming off water lane;
- Persimmons never built on land when estate built so why now;
- Queries over land ownership as has been woodland area for more than 30 years;
- Concern due to short notice, limited notification and unclear plans.

4.0 APPRAISAL

KEY ISSUES

4.1 The key material considerations relevant to the determination of this application are:

- Principle of development;
- Sustainability;
- Design and visual amenity;
- Residential amenity;
- Trees and ecology;
- Flood risk and drainage;
- Access and parking;
- Contamination and pollution;
- Public open space.

POLICY CONTEXT

4.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; taking full account of flood risk; contributing to conserving and enhancing the natural environment and reducing pollution; encourage the effective use of land by reusing previously developed land that is not of high environmental value; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.3 Section 4 of the NPPF promotes sustainable transport. Section 6 sets out the Government's policy for the delivery of homes. Section 7 seeks good design as a key aspect of sustainable development. Section 10 offers advice on meeting the challenge of climate change and flooding. Section 11 contains Government policy that aims to conserve and enhance the natural environment including landscapes, ecology and pollution and land instability.

4.4 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are summarised in Section 2.2. Of particular relevance are the following policies:

4.5 Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping.

4.6 Policy GP4a 'Sustainability' seeks, amongst other things, to ensure that development proposals are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

4.7 Policy H4a 'Housing Windfalls' permits the grant of planning permission for residential development on land not allocated on the Proposals Map, where: a) the site is within the urban area and is vacant, derelict or underused; b) the site has good accessibility to jobs, shops and services by non-car modes; c) it is of an appropriate scale and density to surrounding development; and, d) it would not have a detrimental impact on existing landscape features.

PRINCIPLE OF DEVELOPMENT

4.8 The site lies within the main built-up area of the City and within a predominantly residential area. It was part of the residential curtilage of 11 Halifax Court, though has now been sub-divided from the garden serving this dwelling.

4.9 One of the core planning principles set out in the (National Planning Policy Framework) NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. Annex 2 of the NPPF contains a definition of previously developed land, which excludes private residential gardens in built up areas. Paragraph 53 encourages local planning authorities to consider setting out policies to resist inappropriate development of residential gardens and gives the example of development causing harm to the local area. Policies GP10 and H4a of the Draft Local Plan accord with the NPPF in that they only allow for new development where it would not be detrimental to the character and amenity of the local environment (Policy GP10) and is of an appropriate scale and density and would not impact on existing landscape features (Policy H4a).

4.10 The residential development of the land would be compatible with the surrounding area, which is characterised by suburban interwar and post-war housing developments of varying form, layout and design. The scale and density of the proposed building would be comparable to those surrounding it. The site itself is clear of any existing landscape feature, with the exception of overhanging trees. Subject to there being no detriment to amenity of the local area, as considered

below, the proposal would accord with the general thrust in the NPPF of the efficient use of land.

SUSTAINABILITY

4.11 The NPPF sets out a presumption in favour of sustainable development. Paragraph 49 states that housing applications should be considered in the context of this presumption in favour of sustainable development. Policy GP4a of the Draft Local Plan requires proposals to have regard to the principles of sustainable development as set out in the policy.

4.12 The site is in a sustainable location within the built-up area of the City, on an existing bus route and within easy reach of local services and amenities. There is adequate provision on site for refuse and recycling storage. The Design and Access Statement confirms that sustainable design and construction techniques will be incorporated where possible. Further information is provided in the submitted Sustainability Statement, which refers to the use of renewable construction materials, energy efficient lighting and an air source heat pump.

4.13 In light of the information submitted, the site is in a sustainable location and sustainable construction methods and techniques have been considered as part of the proposal.

DESIGN AND VISUAL AMENITY

4.14 Policy GP1 of the Draft Local Plan accords with the aim of the NPPF in its requirement for high quality inclusive design.

4.15 The scale of the proposed dwelling is comparable to the houses surrounding it. It would have a traditional form and construction with a gabled tiled roof and part brick external walls. Its fenestration, use of render and single storey timber clad extensions would give a more modern appearance to the proposed building. Its external appearance does differ from the other properties in the vicinity and it is set forward of the semi-detached houses to the south. However, it is noted that the proposed dwelling sits between different housing estates, built at different times and with differing form and appearance. There is no uniform established building line at this point of Water Lane as the site represents a transition between the more formally laid out, front facing semi-detached 1930s properties to the south and the more recent housing estates with side and rear elevations facing towards Water Lane. Despite the differences in the scheme to the surrounding houses, the proposal would not detract from the street scene or have a detrimental impact on the general visual amenity of the area. Conditions should be attached to any approval to cover materials, boundary treatments and landscaping, particularly at the front of the site.

RESIDENTIAL AMENITY

4.16 One of the core planning principles cited in the NPPF is to seek to secure a good standard of amenity for all existing and future occupants. This is reflected in Draft Local Plan Policy GP1(i) which requires development proposals to ensure that the amenity of nearby residents is not unduly affected.

4.17 The proposed dwelling would sit forward of 187 Water Lane by nearly 4m at two storey and 5m taking into account the entrance porch, but would be located to the north-west and would be separated by the garage belonging to no.187. There would be approximately 10.7m between the two storey elements of the existing and proposed houses. The access and driveway are to be located on the side boundary away from no. 187. As a result, the impact on the amenities of the occupants of 187 Water Lane, in terms of overshadowing, sense of enclosure, privacy and disturbance, would be limited.

4.18 The nearest property on Halifax Court would be no.11. This property would be located to the north of the proposed house, at a distance of approximately 8m, set at a right angle to it and off-set. The main impact on this property would be in terms of the shadows being cast over the garden area during the middle part of the day. However, the garden of no.11 wraps the side and rear of the house and, therefore, there would always remain an area of the garden free from shadow.

4.19 There would be a distance of approximately 11m from the proposed house to that of no.15, which adjoins no.11. There is the potential for some loss of privacy from the upper floor windows of the proposed dwelling to the rear garden of no.15. However, this is not an uncommon relationship in an urban area and would not affect the main habitable rooms of no.15 nor would there be overlooking from the main habitable rooms of the proposed dwelling given the boundary enclosure.

4.20 The impact on no.9 would be limited given the separation distance of over 21m and in line layout. Whilst the occupants would be aware of vehicles using the new access, any disturbance needs to be balanced against the existing level of activity associated with traffic on Water Lane and the low level of activity likely associated with one dwelling.

4.21 Whilst it is acknowledged that the construction of the proposed dwelling would be a noticeable change to the surrounding properties, it would not unduly affect the amenities that the occupants of the surrounding properties can reasonably expect to enjoy in an urban setting and any impact is considered to be within acceptable limits.

TREES

4.22 Paragraph 118 of the NPPF guides Local Planning Authorities to conserve and enhance biodiversity by refusing significant harm that cannot be adequately mitigated and encouraging biodiversity in and around developments. Policy NE1 of the Draft Local Plan seeks to protect those trees that are of landscape, amenity, nature conservation or historic value, by, amongst others, requiring trees to be retained and adequately protected during development works and making tree preservation orders for trees which contribute to the landscape or local amenity.

4.23 There are no trees within the site itself, though there are mature trees, thought to be Sycamore, in the adjacent garden of 15 Halifax Court that overhang the site. Reference is made in neighbour responses to a large mature tree that has been felled by the applicant. However, neither this tree or those in the garden of the property to the west, are protected by a tree preservation order, and therefore, could have been, and could be, removed without the prior consent of the Local Planning Authority. Whilst the trees do have a public amenity value because they are visible from Water Lane, the Landscape Architect considers that it is questionable whether they are worthy of a tree preservation order since they are set back from the road, are fairly close to existing properties, are not a rare species and are not particularly good, balanced specimens. No approval would have been required for the removal of the vegetation along the site frontage.

4.24 The proposed house would be constructed in close proximity to the mature trees to the west and the trees would cast heavy shade across the main rear garden space and the reception rooms during the summer months. Whilst the current or future owners of the application site could trim back to the boundary those branches that overhang the site, the overall height of the trees could not be reduced without the consent of the neighbour.

4.25 The Landscape Architect has advised that a condition be imposed that requires a tree protection method statement in the event of approval of the application to prevent compaction and/or contamination and excavations over the rooting zone of the trees. Whilst acknowledging the close proximity to the trees, it is considered that it would be difficult to warrant refusal of the application given that the trees are not protected.

FLOOD RISK AND DRAINAGE

4.26 Section 10 of the NPPF gives advice on how to deal with climate change and in particular the risk of flooding. In summary, it seeks to direct development away from areas at highest risk of flooding without increasing flood risk elsewhere (paragraph 100). This advice is reflected in Draft Local Plan Policy GP15a.

4.27 The site is located within flood zone 1 (Low probability) and should not, therefore, suffer from river flooding. A brief flood risk statement is included in the Design and Access Statement to this effect. The application is also supported by a Drainage Assessment Report that concludes that the site can be successfully drained. The Council's Flood Risk Engineer raises no objections to the scheme, but requests conditions relating to foul and surface water drainage arrangements.

4.28 A public surface water sewer is recorded as crossing in the vicinity of the site from the west and connecting with the sewer under Water Lane. The Engineer confirms that building-over or diversion may take place with the agreement of Yorkshire Water. An informative is requested to bring this matter to the attention of the applicant.

4.29 In light of the above, the proposal is considered to accord with the NPPF and Policy GP15a of the Draft Local Plan.

ACCESS AND PARKING

4.30 A new vehicular access is proposed from Water Lane, which is at a sufficient distance from the roundabout junction to the north and the existing bus stop to the south. The new access would be approximately 13m from the bus stop, whereas the bus stop is only approximately 9m from the access to 187 Water Lane. On site parking for two vehicles and associated turning is provided. No details are provided of cycle parking provision, though there is considered to be adequate space on site to accommodate such a facility in a covered and enclosed store at the rear of the house. The Local Highway Authority raises no objection to the scheme on highway safety grounds, subject to conditions about visibility splays, cycle parking and surfacing materials.

PUBLIC OPEN SPACE

4.31 The Council's Public Realm officer requests a commuted sum payment be made in lieu of the provision of on-site public open space in line with Draft Local Plan Policy L1c. However, following recent changes to Planning Practice Guidance, policy L1c is no longer compliant with the NPPF and in lieu payments on sites of less than 10 dwellings can no longer be sought.

OTHER MATTERS

4.32 Residents raise concern about noise and disturbance during construction works, the loss of an access across the land in the event of an emergency, the limited space around the property to allow for maintenance, services that run underground across the site. Reference is made to restricted covenants that

prevent development of the land. The potential noise and disturbance during construction works would apply to all building works that occur, is likely to be during working hours and short-lived. The Environmental Protection Unit have asked for an informative to be added to draw the developer's attention to the requirements under the Environmental Protection Act and Control of Pollution Act. The remaining matters are not material to the consideration of this application as they either require subsequent approvals from interested parties or are separate legal matters.

5.0 CONCLUSION

5.1 The proposal represents the efficient use of land in a sustainable location at low risk of flooding and for a use that is compatible with the surrounding area. The proposed house would be of traditional design and comparable in its scale to surrounding buildings. Its access and parking arrangements are acceptable in terms of highway safety. Drainage from the site could be satisfactorily addressed. The building would not have a detrimental impact on the visual amenity of the area due to the differing housing styles and informal layout of the street. The site could accommodate the dwelling proposed without causing substantial harm to the amenity of neighbouring residents. The property would be in close proximity to mature trees within a neighbouring property and, whilst the dwelling could be built without harm to the trees, it would have a smaller useable garden and experience significant shade from the trees in the summer months.

5.2 However, on balance, the proposal is considered to be acceptable in planning terms, subject to conditions. As such, the proposal is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing no. B163.01.03 'Site Plan as Proposed' dated Sept 2014 and received 9 October 2014;

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

3 Prior to the development coming into use, the initial 3m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

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

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

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

Reason: In the interests of highway safety.

6 Prior to the development coming into use 2.0 x 2.0m sight lines, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be provided both sides of the junction of any access with the footway, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

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

No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuDs.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate

(based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must 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 must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and that no foul and surface water discharges take place until proper provision has been made for their disposal.

Informative: The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

8 The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should also be provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles in accordance with paragraph 35 of the National Planning Policy Framework.

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

10 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials, including surfacing 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.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

11 VISQ4 Boundary details to be supplied -

12 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 for the front of the site. 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.

7.0 INFORMATIVES: Notes to Applicant

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

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

Application Reference Number: 14/02333/FUL

Item No: 5d

- Implementation of conditions to address identified issues.

2. INFORMATIVE:

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

3. INFORMATIVE:

There are public surface water sewers recorded crossing the site. In this instance, building-over may take place under the control of Part H4 Building Regulations 2000 or diversion of by way of agreement with Yorkshire Water.

4. INFORMATIVE:

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

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

Contact details:

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Tel No: 01904 551325

14/02333/FUL

11 Halifax Court



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	26 January 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 5 February 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 14/02713/FUL
Application at: Former Car Repair Garage To Rear Of 70 To 72 Huntington Road York
For: Variation of conditions 2 and 20 and removal of condition 15 of permitted application 13/00349/FUL to amend approved plans to allow previously proposed integral garages to be used as habitable rooms and for the construction of 4 no. garages adjacent to western boundary
By: Dimmack Brothers Ltd.
Application Type: Full Application
Target Date: 29 January 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission was granted for the development of this former garage site at Gladstone Street, Huntington Road York on the 10th July 2013. The approval related to the erection of a terrace of four dwellings with two detached and two integral garages.

1.2 Planning permission has subsequently been given for various minor material amendments to the scheme in September 2014. These amendments included change to the external materials, removal of an upper floor projection which marginally reduced the upper floor area and marginally increased the lower floor area, change to the top floor terraces to a simplified design, change to the balconies to introduce support (rather than being cantilevered) and subdivision of the external outdoor community space to provide separate gardens for plots 2 and 3.

1.3 The application site is to the north end of land which formerly accommodated Minster Engineering, now redeveloped for housing. To the north of the site is the residential garden of 74 Huntington Road; to the west are existing properties along Huntington Road and to the south vehicular access from Gladstone Street, the garden area to 68 Huntington Road and the redeveloped engineering site.

1.4 The land is immediately adjacent to the Heworth/Heworth Green/East Parade/Huntington Road conservation area which was designated in 1975. The conservation area encompasses the Huntington Road frontage and the River Foss corridor. The site itself is a former industrial site, which was last used as a car repair garage. The entrance to the land is via a single width access from Gladstone Street.

The entrance is currently gated. The plot is 21 metres deep (north to south) and between 20 and 40 metres wide (west/east) with an area of 0.065 of a hectare.

1.5 The construction of the four dwellings is now well under way. This application relates to amendments to the scheme which seek to change the approved garage layout, so that two additional detached garages are provided and approved integral garages changed to additional living space consisting of improved kitchen/ dining areas. These amendments require the variation of condition 2 which relates to the approved plans, condition 20 which requires full elevation details of the garages and bin store to be provided and subsequently implemented in accordance with the submitted details and the removal of condition 15 which prevents the alteration of the integral garages to living accommodation.

1.6 The amended garage layout and two additional garages are to be located on the western boundary of the site. The garaging is to be provided in a single block of four garages with the rear elevation running along the western boundary. The block is just over 11 metres wide, designed with an uneven pitched roof so that the rear wall of the garage block is 1.89m in height rising to maximum height of 3.8.m at the ridge and dropping to 2.5 metres at the front elevation. The change to the integral garages involves the removal of the garage doors, insertion of new windows to the front elevation of the building and the introduction of patio doors on the side elevation of plot 1 and the rear elevation of plot 4.

1.7 The application has been called in to Sub-committee by Councillor Brian Watson as the previous application was decided by committee and this proposal is for further development which may impact on surrounding residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams Central Area 0002

2.2 Policies: CYGP1 Design

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections. Parking and turning are acceptable.

Flood Risk Management Team

3.2 Any comments will be reported verbally.

EXTERNAL

Guildhall Planning Panel

3.3 Any comments will be reported verbally.

Police Architectural Liaison Officer

3.4 No objections

Environment Agency

3.5 Any comments will be reported verbally..

Neighbour notification/Publicity

3.6 Four letters of objection have been received covering the following points:-

- There was a site meeting about this proposal 8 months ago and it was indicated by the Planning Officer that further applications for amendments would not be welcomed.
- The applicant departed from the approved details at ground floor level and has now inserted two windows overlooking the garden of the property to the north of the site.
- The amendments will further undermine the amenity of neighbouring properties
- Concerned that the builders have not approached the development of the site in a professional way and that the amenity of properties will be adversely affected by the new location of the garages.
- The proposal now proposes to double the area of permeable ground space to be used for garaging thus creating more of a flood risk.
- The original development was allowed at three storeys to allow garages to be integral
- Find the approach of the builders to be disingenuous
- Felt that the original proposal was over-development the proposals will only make the flooding and congestion worse.
- Original, revised proposals were supported but struck a fine balance - compromise between the competing interests of the height, volume and footprint of development, permeability to prevent flooding, adequate car parking, sufficiency of open space and the interests of residents to secure reasonable privacy and avoidance of loss of sunlight & daylight.
- No objection to the re-siting of the garages. However, object most strongly to the material imbalance between competing interests created by the change of use of the integral garages to living rooms. This will reduce the permeability of the (reduced area of) open land, reduce the size of the open space and reduce the capacity of the site to accommodate the two+ cars likely to be generated by the four houses.

- The application should be refused and enforcement action taken over any deviations from the approved plans.
- This development has spoiled views over the river Foss. The proposed garages will further restrict light from the rear of properties on Huntington Road.

4.0 APPRAISAL

4.1 The key issues for this minor material amendment application are:

- The impact of the additional garages and other amendments on the amenity of adjacent dwellings
- Design and layout
- Highway, access and parking arrangements
- Flood risk
- Impact on the setting of the conservation area

RESIDENTIAL AMENITY IMPACT OF THE ADDITIONAL GARAGES AND OTHER AMENDMENTS

4.2 The core principles set out in paragraph 17 of the National Planning Policy Framework (NPPF) include the expectation that development will always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. GP1 of the Development Control Local Plan (DCLP) includes similar expectations.

4.3 The garden area and properties of no. 74, 72, 70 and 68 Huntington Road share a common boundary and are located to the north, west and south of the application site. The site boundaries are delineated by existing boundary walls which in some cases have previously formed the wall to a building within the application site. The approved scheme proposed no new built development adjacent to the western boundary wall. The amended proposal is for garaging adjacent to this boundary. The garage design with uneven pitch would mean that the rear eaves of the building would be just visible above the wall with the height of the garages set off the boundary. The garage block would provide a further building within the development site which would be visible from the houses on Huntington Road and would give an appearance of the site being more developed. However the garage block would not detract from the existing properties amenities because its height and design would not dominate existing windows in the properties or dominate the garden areas and thus it is not considered that the existing properties residential amenities would be significantly affected by the garage proposal.

4.4 The garage block is set away from the southern boundary between 1 and 1.5 metres and is set away from the northern boundary by over 6 metres. The

relationship between the garage block and properties to the north and south is considered acceptable.

4.5 The changes to the houses to provide ground floor kitchen/dining areas will involve new window openings. An additional patio door in the gable end of plot 1 facing the western boundary is proposed. The additional doors will not detract from the amenity of adjacent properties because they are at ground level and separated from adjacent development by existing walls.

4.6 Concerns raised about additional windows being placed in the northern elevation have been resolved. These opening have been blocked up and the detail on the upper southern elevation accords with the approved scheme.

4.7 It is considered that the scheme is acceptable in relation to residential amenity having regard to paragraph 17 of the NPPF and GP1 of the DCLP.

DESIGN AND LAYOUT

4.8 Section 7 of the NPPF requires good design. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.9 The proposal will result in more built development on the site. The site is enclosed and set to the rear of Huntington Road so that the additional built development will not be visible in the wider context of the Huntington Road area. Having concluded that the development will not impact on the residential amenity of adjacent properties because of the design of the garage block it is considered that in the context of the current approval the development complies with the requirements of section 7 of the NPPF.

HIGHWAY, ACCESS AND PARKING ARRANGEMENTS

4.10 The amended layout provides adequate space for the provision of parking and turning of vehicles. Highway Network Management raise no objections to the amended scheme.

4.11 The requirement, secured through a section 106 agreement, for the provision of a sum to ensure exclusion of the site from the adjacent residents parking scheme has been paid.

IMPACT ON THE SETTING OF THE CONSERVATION AREA

4.12 The approved scheme was considered to change the impression of the site from the river frontage and hence the setting of the conservation area but overall the design of the scheme was considered to have a neutral impact on the conservation area. The amendments will not significantly change the impression of the scheme and does not affect the original conclusion that the scheme will have a neutral impact on the conservation area.

FLOOD RISK

4.13 The application site falls within Flood Zone 3a where the risk of flooding is high. The Council's Strategic Flood Risk Assessment of April 2011 shows the site to be within Flood Zone 3a and is protected up to a 1 in 50 year flood event. Within such areas dwellings are classified as 'more vulnerable' within the NPPG (this superseded the technical guide to the NPPF which was in place at the time of the consideration of the application has very similar requirements). The NPPF refers to the Sequential Test and exception tests against which development in flood zone 3a should be considered. The original application considered the sites location and concluded that the development could be supported in Flood Zone 3a. The additional development will increase the amount of buildings on the site and concerns have been raised that this will increase the risk of flooding for existing properties as more of the site will be built on. The application proposes permeable surfacing within the garage areas and there are slight reductions in the levels on site adjacent to the houses. It is not anticipated that the additional garages will increase the risk of flooding to adjacent properties. The Environment Agency have initially commented that they have no objections to the scheme however further clarification has been sought given the sensitive location of the site in flood zone 3a. Any further comments received will be reported direct to committee.

4.14 The comments of our Flood Risk Management Team are awaited on the application. The scheme shows an increase in the storage capacity of the attenuation tank for surface water drainage to account for the increase in built development.

5.0 CONCLUSION

5.1 The amended layout and additional garages are considered to provide an acceptable relationship with the adjacent properties and therefore there is no basis to resist the application on residential amenity grounds. The new garage arrangement provides for the turning and parking of vehicles and is acceptable. It is not anticipated that the additional garages will increase the risk of flooding to adjacent properties. This minor material amendment application is considered to be

acceptable and in accordance with the relevant paragraphs of the NPPF and policy GP1 of the Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 The development shall be begun not later than the 9th July 2016.

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

- 2 PLANS 2 Approved plans and other submitted details

- 3 VISQ8 Samples of materials to be approved

- 4 LAND1 Landscaping to be submitted

- 5 HWAY18 Cycle parking details to be agreed

- 6 HWAY19 Car and cycle parking laid out

- 7 HWAY40 Dilapidation survey

- 8 No gates shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 9 Prior to the commencement of the development a detailed plan showing all proposed works (new build or repair and alterations) to boundary walls shall be submitted to and approved by the Local Planning Authority. Thereafter the approved detail shall be implemented to the satisfaction of the Local Planning Authority before any dwelling is first occupied.

Reason: To ensure the scheme complies with the flood risk Assessment requirements and in the interest of visual amenity and the residential amenity of adjacent residential dwellings.

- 10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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.

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, 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.

12 The development shall be carried out in accordance with the submitted Flood Risk Assessment (by Yew Tree Associates, dated 03/06/13) and the following mitigation measures it details:

- i. Finished floor levels will be set no lower than 9.7m above Ordnance Datum (AOD).
- ii. The development should incorporate the flood proofing measures detailed on pages 8, 9 & 10.
- iii. Permeable surfaces will be used parking and footpath areas; there will be a reduction in the impermeable surfacing area from 100% of the existing site to

approximately 40%.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to reduce the overall amount of surface water runoff by the introduction of permeable surfaces.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Classes A to F of Schedule 2, Part 1 of the Order shall be erected or provided.

Reason: The site is closely related to adjacent residential properties and provides close relationships within the site. Any further development would need to be considered in this context and taking into account the introduction of further impermeable areas into an area of flood risk.

14 The ground floor area of the dwellings hereby approved shall not be used for bedroom accommodation.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

15 Large scale details at a scale of 1:20 (and where appropriate cross sections) of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

- a) Roof cappings/flashings, edge details, soffits
- b) Windows, and external doors.
- c) Balconies.

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

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be inserted in the rear elevation of unit 1 facing the garden area of 70 Huntington Road without the prior written approval of the Local Planning Authority.

Reason: To protect the residential amenity of the occupants of 70 Huntington Road

17 Individual flood gates/water tight external doors shall be fitted to each dwelling.

Reason: To ensure that possible future flood flows are not pushed onto others and so that the Local Planning Authority may be satisfied that adequate flood protection measures have been provided.

18 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

(i) Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.

(ii) The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. Where existing ground levels are to be raised to satisfy the EA's minimum ground floor level requirements then details should be provided to prevent surface water discharging onto nearby properties.

Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(iii) An appropriate assessment should be carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself.

Please note that City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

(iv) If the above permeable paving proves to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must 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 must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-

case volume required.

Please note that the introduction of landscaped areas within the scheme only provides a 20% reduction in surface water run-off.

(v) Construction details of the proposed flood protection wall to the eastern boundary tied into the wall from the adjacent development by Barrett Homes and constructed to 10.81m AOD.

(vi) Construction details of the Individual flood gates/water tight external doors to be fitted to each dwelling

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and adequate flood protection measures have been provided.

7.0 INFORMATIVES:

Notes to Applicant

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

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

- Amended plans received following consideration and discussion of initial amendments

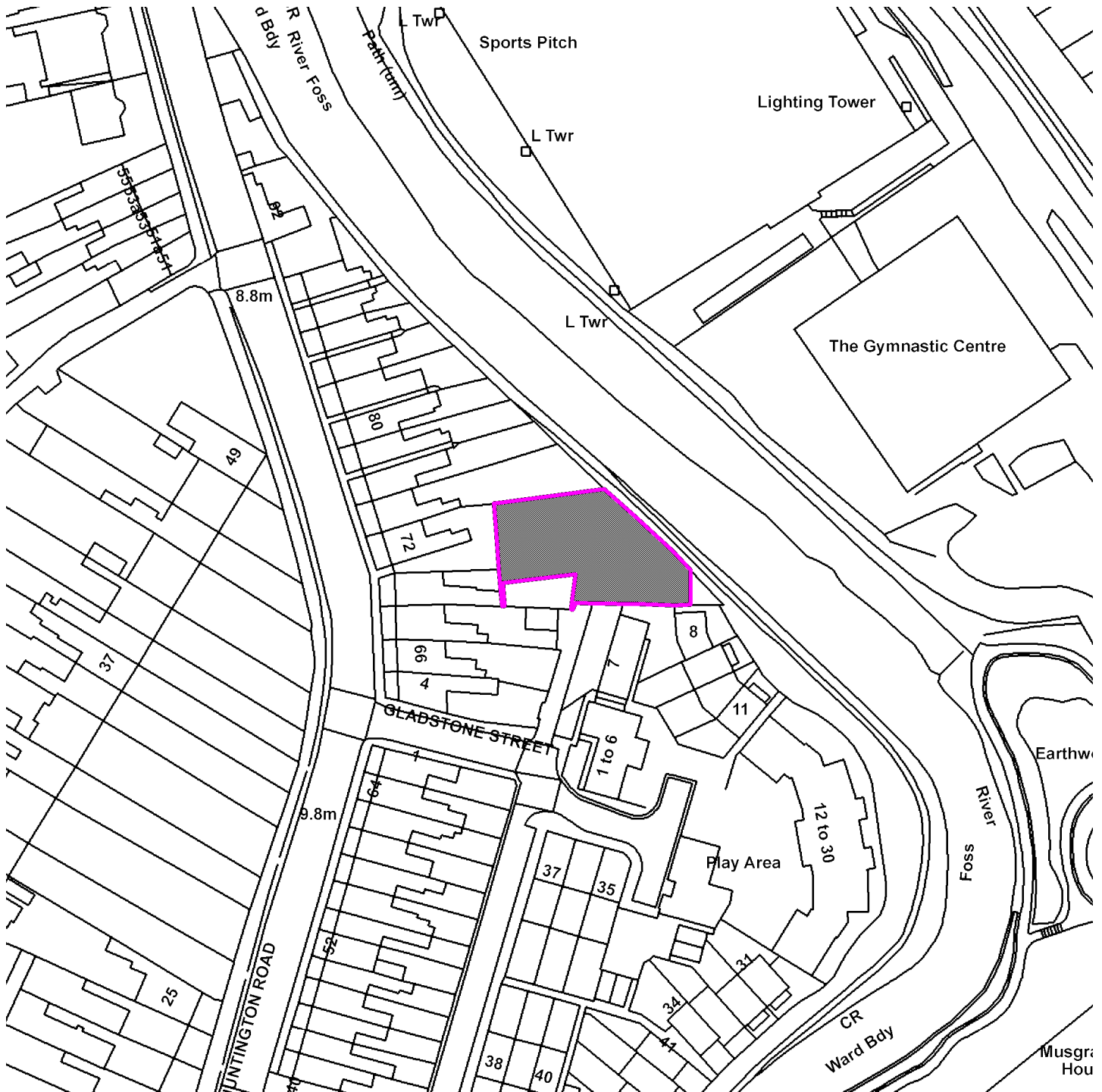
Contact details:

Author: Diane Cragg Development Management Officer (Mon/Tues/Wed)

Tel No: 01904 551351

14/02713/FUL

Former Car Repair Garage to rear of 70 - 72 Huntington Road



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	26 January 2015
SLA Number	Not Set

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Area Planning Sub Committee

5 February 2015

Planning Committee

19 February 2015

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing 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, the Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 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, for the last quarter 1 October to 31 December 2014, and for the 12 months 1 January to 31 December 2014.

4 **Fig 1: CYC Planning Appeals Performance**

	01/10/14 to 31/12/14 (Last Quarter)	01/01/14 to 31/12/14 (Last 12 months)
Allowed	3	14
Part Allowed	0	2
Dismissed	7	23
Total Decided	10	39
% Allowed	70%	36%
% Part Allowed	0%	5%

Analysis

- 5 The table shows that between 1 October and 31 December 2014, a total of 10 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 7 were allowed. At 70% the rate of appeals allowed is above the national annual average of around 34% and higher than our previous quarter figure of 0%. By comparison, for the same period last year, 0 out of 7 appeals were allowed, 1 was part allowed. None of the appeals allowed between 1 October and 31 December 2014 related to “major” applications.
- 6 For the 12 months between 1 January and 31 December 2014, 36% of appeals decided were allowed, slightly higher than the national average, and higher than the previous corresponding 12 month period of 27%. None of the appeals allowed in the year 1 January and 31 December 2014 related to “major” applications.
- 7 The summaries of appeals determined between 1 October and 31 December 2014 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee (and in those cases, the original officer recommendation) are included with each summary. In the period covered, no appeals related to applications refused by committee.
- 8 The list of current appeals is attached at Annex B. There are 16 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals). Also in the table is the Public Inquiry for the application for 102 houses at Land to the North of Brecks Lane, Strensall which has been called-in for determination by the Secretary of State. The inquiry was held in October/November 2014 and a decision is awaited.
- 9 The quarter performance at 70% allowed is higher than for recent quarters. Whilst the number of appeals allowed in the quarter is disappointing, it should be looked at in the context of the previous quarter where no appeals were allowed. The 12 month figure at 36%

allowed is slightly higher than the national average of 34% of appeals allowed.

10 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:

i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the National Planning Policy Framework (NPPF) and Development Control Local Plan Policy.

ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.

iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

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

Council Plan

12 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

13 Financial – There are no financial implications directly arising from the report.

14 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.

15 Legal – There are no known legal implications associated with this report or the recommendations within it.

- 16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 18 That Members note the content of this report.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Contact Details

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Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning &
Sustainability, Directorate of City and
Environmental Services

**Report
Approved**



Date 21 January
2015

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 October 2014 and 31 December 2014

Annex B – Outstanding Appeals at 21 January 2014

Abbreviations

NPPF - National Planning Policy Framework
CYC – City of York Council

Appeal Summaries for Cases Determined 01/10/2014 to 31/12/2014

Application No: 13/01973/FUL
Appeal by: Mr Jim Cutajar
Proposal: Erection of single storey dwelling to rear
Address: Fair Oaks Sandy Lane Stockton On The Forest York YO32 9UT
Decision Level: DEL
Outcome: DISMIS

Planning permission was sought for the erection of a dwelling on agricultural land behind a row of houses. The site mainly comprised redundant agricultural buildings and farm machinery. The houses were within the settlement limit but the application site was in the green belt. The application was refused mainly due to impact on the green belt, no open space contribution, no justification for cesspool and no justification for soakaway. The inspector found that : (1) the site should be treated as being in the green belt despite absence of a defined green belt boundary (2)The development was inappropriate development in the green belt, would have an adverse impact on openness and would conflict with the encroachment purpose (3) sufficient evidence had been submitted by the council to justify the principle of the open space contribution and the specific sum required (4) no conclusive evidence had been submitted by the appellant to justify a cesspool in preference to a septic tank (5) as the suitability of soakaways had not been demonstrated a condition requiring details of surface water drainage would not pass the preciseness test and lastly [the inspector had already referred to the Court of Appeal overturning the Redhill Aerodrome decision] (6) there were no very special circumstances to outweigh harm by reason of appropriateness or any other harm. The appeal was dismissed.

Application No: 14/00099/FUL
Appeal by: Mr Martin Sledmore
Proposal: Conversion of detached garage to 1no. dwelling
Address: 105 Temple Lane Copmanthorpe York YO23 3TE

Decision Level: DEL

Outcome: ALLOW

The application site comprises a former orchard lying directly to the west of a modest detached Victorian property within the Green Belt to the south east of Copmanthorpe village. The proposal related to an application to convert a garage/workshop building of very recent construction into a dwelling. The garage building was unusually large when related to the adjacent domestic property and had been constructed in 2009 in short succession following on from the grant of permission to convert the previous garage at the site into a dwelling in 2006. The application site also lies within Flood Zone 3b). Planning permission was refused on the basis that in view of the design of the garage and the extremely short elapse of time since construction, that it had been built with the intention of conversion to circumvent the policy restrictions on building within the Green Belt and within an area deemed to be at high risk of flooding. A further reason for refusal was based upon the increased intensity of use of the site impacting upon the open character of the Green Belt in that area. Whilst he agreed that the increased intensity of use would impact upon the openness of the Green Belt he felt that, that impact would not be such as to warrant refusal of the proposal. At the same time whilst he agreed that the length of time the building had been in use as a garage had been extremely short and whilst he understood the logic behind the measure of time chosen to establish whether or not a building had been built for the stated purpose, he felt that this had no formal basis and as such could be afforded little weight. In terms of the Flood Zone designation the applicant had contended that there was no historic evidence of it having flooded and in the absence of information to challenge it this was discounted and the appeal as a whole allowed.

Application No: 14/00362/FUL
Appeal by: Mrs Biba J Reid
Proposal: Erection of detached dwelling with associated access
Address: Tree Tops Nursery To Red Lion Upper Poppleton York
YO26 6QB
Decision Level: DEL
Outcome: ALLOW

The application was for a dwelling in the back garden of an existing dwelling. The site is at the edge of the settlement. The green belt boundary is such that the location of the approved house was not in the green belt, but its rear garden was. A part of the condition challenged would not allow extensions under parts D (porches), E (out-buildings) and F (hard-standing); additions which could have been added in the green belt. The appeal was allowed. The condition also removed PD rights for extensions under Classes A, B and C of the Town and Country Planning (General Permitted Order) 1995. There was no dispute with the removal of these PD rights and therefore the inspector did not address this part of the condition. The inspector referred to Paragraph 017 of the NPPG, which states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. The setting was referred to, in that it was noted that domestic outbuildings could clearly be seen in the adjoining gardens beyond the well-vegetated boundaries. The inspector advised that the location of a site simply by being in the Green Belt does not constitute the exceptional circumstances necessary for the withdrawal of permitted development rights.

Application No: 14/00364/FUL
Appeal by: Mr D Robinson
Proposal: Erection of a bungalow with rooms in the roofspace
Address: 31 Carter Avenue York YO31 0UL

Decision Level: DEL

Outcome: DISMIS

The appeal related to a proposal to erect a 3 bedroom bungalow (with a room in the roof space) in the long rear garden of 31 Carter Avenue. This is an end terraced property on a mid-to-low density housing estate in Tang Hall. The application was refused for the following reasons: The existing housing in the surrounding area was built as a single development and has a very ordered form. The block of 30 adjoining gardens located between Carter Avenue and Seventh Avenue create an open area at the rear of homes that remains free from significant development. It is considered that the introduction of a 6.2m high and 12m long house (and associated access) in to this location would detract significantly from the important and attractive openness of the land and change its form, use and character in a way that would detract unduly from the amenities that residents could reasonably expect to see retained at the rear of their homes. As such the proposal conflicts with policy H4a and GP10 of the 2005 Development Control Local Plan and advice contained in paragraphs 58 (bullet points 1 and 4), 60 and 64 of the National Planning Policy Framework. The Inspector dismissed the appeal agreeing that the proposal would harm the areas character and undermine the established building form.

Application No: 14/00613/FUL
Appeal by: Mr Waldron
Proposal: Demolition of existing house, garages and outbuildings and the construction of a replacement dwelling and garages (resubmission)
Address: Raddon House 4 Fenwicks Lane York YO10 4PL

Decision Level: DEL

Outcome: ALLOW

Planning permission was sought to demolish a modest detached house in large grounds and replace it with a larger, wider, grander house and large detached outbuildings. The site is in a part of Fulford Village Conservation Area that has a rural and verdant character. Consent was refused because, in essence, the dwelling would detract from the spacious character and appearance of the site and the contribution it makes to the historic setting of the adjacent (unlisted) house at Gate Fulford Hall. Whilst acknowledging the rural and verdant character of the area the inspector concluded that the new house would more probably add to it than detract from it. He acknowledged that the adjacent Gate Fulford Hall was grandiose and made a positive contribution to the character of the conservation area but considered that the size and scale of the proposed house compared to the existing Raddon House would not result in a materially greater and harmful visual impact. The appeal was allowed.

Application No: 14/00926/FUL
Appeal by: Mr Mark Davison
Proposal: Alterations to shopfront including new serving counter and canopy
Address: Gourmet Burger Kitchen Limited 7 Lendal York YO1 8AQ

Decision Level: DEL

Outcome: ALLOW

Permission was refused for alterations to the shopfront at The Gourmet Burger King, 7 Lendal, which forms part of a modern terrace within the Conservation Area. The proposal included a serving hatch comprising of a solid timber clad infill panel. The reason for refusal was centred on its poor design which was not considered to respect the fenestration pattern of the building, detracting from the appearance of the host building and the Conservation Area. The Inspector noted that as the hatch would be modestly proportioned, made use of an existing opening and utilised timber materials, it would not be disharmonious on the property and would not appear out of character in an area that comprises of a broad range of frontages. The application was also refused for two awnings, for the reason that by virtue of their location, design, fittings and associated advertisement, they would appear intrusive and discordant to the street scene and would detract from the character and appearance of the Conservation Area. The Inspector noted that the location and design of the awnings, which would be in proportion with the existing fenestration would provide a complimentary modern, clean look to the property. In agreeing that its location within a historic environment requires consideration, the Inspector drew attention to the awning on the adjacent property and whilst noting that the Council state that this was justified on the basis that the premises displayed food, noted that it is nevertheless a feature within the Conservation Area. The Inspector therefore did not agree that the awnings would appear as intrusive features in the streetscene. For these reasons, the Inspector concluded that the awnings and the serving hatch would preserve the character and appearance of the host building and the Conservation Area and the appeal was allowed.

Application No: 14/01014/FUL
Appeal by: Claire Bradley
Proposal: 2no. dormer windows to front and obscured glass to first floor side window
Address: 32A Park Crescent York YO31 7NU

Decision Level: DEL

Outcome: DISMIS

This application sought permission for a front dormer on an end terrace victorian dwelling sited outside of the Conservation Area. The dormer proposed was of poor design and did not relate well to the original dwelling being of horizontal emphasis and being sited high in the roofslope. The materials were also at odds with the original dwelling. The Inspector agreed with these points. No other front dormers are in place within this row and it was also considered that the principle of a dormer would harm the simple rooflines of the row of dwellings, which is characterised by this uniformity. The Inspector agreed again, and noted that whilst CYC had granted permission for a front dormer opposite the site, this feature was considered to be inappropriate and out of keeping with the established street scene.

Application No: 14/01155/FUL
Appeal by: Mr A Cairnes
Proposal: Boundary fence following removal of hedge
Address: 23 Church Lane Wheldrake York YO19 6AS

Decision Level: DEL

Outcome: ALLOW

The appeal related to the refusal of planning permission for a 1.8 metres feather boarded fence following the removal of a long section of mature hedgerow on the side return of this property adjacent to Beck Lane . The fence incorporated an initial a height of approx. 1.5 metres extending to approx 1.8 metres after approx. 8m. The application was refused on its impact to the character of the rural area. The Inspector allowed the appeal on the basis that the location of the fence is not in the Conservation area, it would be adjacent to a wide grass verge and that there is no evidence to suggest the protection of the fence so its removal could be achieved without planning permission . The Inspector concluded that the fence provided additional security and privacy for the occupiers.

Application No: 14/01351/FUL
Appeal by: Mr Michael Taylor
Proposal: Two storey side extension (resubmission)
Address: 21 Hawthorne Avenue Haxby York YO32 3RL

Decision Level: DEL

Outcome: ALLOW

The application site is on the corner plot of Hawthorne Avenue, which turns at 90 degrees. The proposed two storey side extension projected more than 50% of the original width, did not incorporate a set down from the ridge and projected significantly forward of the established front building lines east along Hawthorne Avenue. Though the proposal was a revised scheme, it still constituted a clear breach of design guidance. The Inspector disagreed, though conceded the extension was not a 'subordinate addition' and the result would be 'akin to a short terrace' He also conceded that the properties running east along Hawthorne Avenue have a uniform front building line (though not the properties opposite) He did not consider the extension to be 'out of keeping in this area' but considered it to be of 'good design', an efficient use of side garden and considered the size of the plot as being adequate to house a house.

PE. 21.01.2015

Application No: 14/01498/FUL
Appeal by: Mr Gary Crosby
Proposal: Variation of condition 2 of permitted application 12/01877/FUL to introduce gable to north elevation and alter roof lights
Address: Grantchester Stripe Lane Skelton York YO30 1YJ

Decision Level: DEL

Outcome: ALLOW

The attached appeal related to a replacement dwelling in the Greenbelt. The dwelling is located on the west side of the A19 in Skelton. Planning permission had been granted for a new replacement dwelling in 2012. The replacement dwelling (which has not been built) had a significantly larger footprint and instead of a flat roof like the existing dwelling had a pitched roof with dormers within it. In justifying the larger footprint regard was given to permitted development rights. It was also felt unreasonable to seek a replacement dwelling that retained a flat roof. The new building was set further from the road which removed the conflict with mature trees located around the perimeter. It was felt essential that the property appeared as a bungalow with rooms in the roof space rather than a conventional two-storey dwelling. In 2014 the applicant submitted an application to incorporate a two-storey gable in part of the front of the property to replace a dormer within the roof space. The screened nature of the site meant it would not be prominent. The proposal was refused because, the proposed introduction of a two-storey gable to the previously approved dormer bungalow would significantly increase the scale and bulk of the proposed dwelling beyond that of the approved scheme and very significantly beyond that of the existing low profile single storey-dwelling that is proposed to be replaced. The Inspector allowed the appeal stating that she felt that the changes would not alter the existing impression that living accommodation was located within the roof space. She did not feel that the proposed scheme was sufficiently different to the approved scheme to justify refusal.

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

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Outstanding appeals

Officer: Carolyn Howarth						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
13/01/2015	15/00001/REF	APP/C2741/D/15/2230057	H	9 Church Street Copmanthorpe York YO23	Dormer window to rear		
04/12/2014	14/00049/REF	APP/C2741/D/14/2228780	H	Holme Lea 57 Temple Lane Copmanthorpe York YO23	Installation of dormer windows to front and rear of granny annexe (resubmission)		
Officer: Diane Cragg						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
14/04/2014	14/00014/CALL	APP/C2741/V/14/2216946	P	Land Lying To The North Of Brecks Lane Strensall York	Residential development of 102 dwellings with associated highways infrastructure, landscaping and public open space		
27/06/2014	14/00023/REF	APP/C2741/A/14/2221021	W	Blue Coat Farm Murton Lane Murton York YO19	Outline application for 9no. dwellings with associated garages and parking		
Officer: Esther Priestley						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
28/10/2014	14/00041/REF	APP/TPO/C2741/4159	W	5 Milford Mews Haxby York YO32 3HY	Fell Oak protected by Tree Preservation Order No 191/1992		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		
Officer: Hannah Blackburn						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
13/11/2014	14/00046/REF	APP/C2741/A/14/2228703	W	Land To The North Of Twinam Court Intake Lane	Erection of 5no. dwellings with associated parking and access (resubmission)		
Officer: Heather Fairy (Mon - Wed)						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
07/07/2014	14/00026/REF	APP/C2741/D/14/2221759	H	Holmedene Intake Lane Acaster Malbis York YO23	Two storey front, first floor side, single storey front extensions and balcony to side		

13/01/2015 15/00002/REF APP/C2741/D/14/2229902 H 6 Northfield Lane Upper Poppleton York YO26 6QF Two storey and single storey rear extension

Officer: Jonathan Kenyon **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/07/2014	14/00027/REF	APP/C2741/A/14/2222238	W	Laura Ashley Ltd 11 Little Stonegate York YO1 8AX	Change of use to a restaurant and/or drinking establishment (A3 and/or A4 use class) and associated external alterations
15/10/2014	14/00042/REF	APP/C2741/H/14/2226343	W	Swan Court Piccadilly York	Display of 1no. externally illuminated timber fascia sign

Officer: Kevin O'Connell **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
26/09/2014	14/00036/EN	APP/C2741/C/14/2225236	P	Land At OS Field No 9122 Holtby Lane Holtby York	Appeal against Enforcement Notice dated 31 July 2014

Officer: Matthew Parkinson **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
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

Officer: Neil Massey **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
19/12/2014	14/00050/REF	APP/C2741/W/14/3001011	W	15 Green Dykes Lane York YO10 3HB	Change of use from residential (use Class C3) to large house in multiple occupation (Sui Generis) (retrospective)
04/11/2014	14/00045/NON	APP/C2741/X/14/3000132	W	Hendwick Hall Farm Scoreby Lane Scoreby York	Certificate of lawfulness for conversion of stables/outbuildings to habitable annexe

Officer: Rachel Tyas **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
23/09/2014	14/00039/EN	APP/C2741/C/14/2226046	W	9 Feasegate York YO1 8SH	Appeal against Enforcement Notice dated 11 August 2014

Officer: Sandra Duffill	Total number of appeals: 1
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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
29/10/2014	14/00044/REF	APP/C2741/A/14/2228022	W	13 Margaret Philipson Court York YO1 7BT	Replace existing windows and doors to various different properties at Margaret Philipson Court and Aldwark, York

Officer: Will Steel	Total number of appeals: 2
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Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/12/2014	14/00051/REF	APP/C2741/D/14/2228668	H	2 Westholme Drive York YO30 5TH	Single storey front, side and rear extensions
17/11/2014	14/00047/REF	APP/C2741/A/14/2228472	W	Apartment 4 Neptune House Olympian Court York	Change of use from residential (use class C3) flexible use house in multiple occupation and residential (use class C3/C4)

Total number of appeals: 20

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Area Planning Sub-Committee

5 February 2015

Planning Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases. Members should note that this report covers a 4 month period.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore “The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment”.
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

6. Across the City of York Council area 124 new investigation cases were received in the period October 2014 to 26 January 2015. During the same period 133 cases were closed. A total of 532 ongoing investigations remain open.

Consultation

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

The Council Plan 2011-2015

9. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

10. Implications

- Financial - None
- Human Resources (HR) - None
- Equalities - None
- Legal - None
- Crime and Disorder - None
- Information Technology (IT) - None
- Property - None
- Other - None

Risk Management

11. There are no known risks.

Recommendations

12. That Members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if Members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Gareth Arnold Development Manager before 5pm on Tuesday 3 February 2015. Please note that the cases are presented in Ward order so hopefully this will make it easier for Members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases, particularly older ones.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

Contact Details

Author:

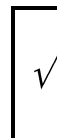
Gareth Arnold
Development Manager
Tel. No: 551320

Dept Name: City and
Environmental Services

Chief Officer Responsible for the report:

Michael Slater
Assistant Director (Planning and
Sustainable Development)

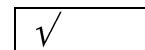
Report
Approved



Date 26/01/2015

Specialist Implications Officer(s) *List information for all Implications:*
Financial Patrick Looker
Legal: Andrew Docherty

Wards Affected: *All Wards*



Annexes- Enforcement Cases (Confidential)

Annex A - Cases Closed (confidential) p97-161

Annex B - Ongoing Investigations (confidential) p163-421

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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