

**Notice of meeting of**

**West & City Centre Area Planning Sub-Committee**

**To:** Councillors Watson (Chair), Gillies (Vice-Chair), Crisp, Galvin, Gunnell, Jeffries, Orrell, Reid and Semlyen

**Date:** Thursday, 19 April 2012

**Time:** 3.00pm

**Venue:** The Guildhall, York

**AGENDA**

**Site visits for this meeting will commence at 11.00am on Wednesday 18 April 2012 at Memorial Gardens.**

**1. Declarations of Interest**

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

**2. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of annex A to agenda item 7 (Enforcement Cases Update) on the grounds that this item contains information which is classed as exempt under Paragraphs 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 5 - 12)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday 15 March 2012.

#### **4. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 18 April**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee. To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

#### **5. Plans List**

To determine the following planning applications related to the West and City Centre Area.

**a) Playing Field, Millfield Lane, Nether Poppleton, York (12/00381/FUL) (Pages 13 - 22)**

Removal of condition 15 (restricted to football use only) of application 09/00474/FUL for erection of club house with associated parking [*Rural West York Ward*] **[Site Visit]**

**b) National Trust Regional Office, Goddards, 27 Tadcaster Road Dringhouses, York (12/00939/FUL) (Pages 23 - 32)**

Part change of use from office (Use B1) to a visitor attraction [*Dringhouses and Woodthorpe Ward*] **[Site Visit]**

**c) Knavesmire Primary School, Trafalgar Street, York, YO23 1HY (12/00399/GRG3) (Pages 33 - 48)**

Erection of school hall, first floor and two storey extension to south wing to create extra classrooms, and single storey reception, cloakroom and toilet extensions [*Micklegate Ward*] **[Site Visit]**

#### **6. Appeals Performance and Decision Summaries (Pages 49 - 70)**

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 28 March 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at that date is also included.

## **7. Enforcement Cases Update (Pages 71 - 242)**

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

If Members have any specific queries or questions regarding enforcement cases, please e-mail or telephone Andy Blain or Matthew Parkinson by **5pm on Tuesday 17 April 2012** if possible so that officers can bring any necessary information to the meeting.

If Members identify any cases on the list which they consider are not now expedient to pursue and / or could now be closed e.g. due to a change in circumstance on site or the alleged breach no longer occurring, please could they advise officers either at the meeting or in writing, as this would be very helpful in reducing the number of cases, particularly some of the older ones.

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(If contacting us by e-mail, please send to both democracy officers named above)

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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### Further information about what's being discussed at this meeting

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## **Holding the Cabinet to Account**

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

## **Scrutiny Committees**

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

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

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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**

**SITE VISITS**

**Wednesday 18 April 2012**

**Members of the sub-committee meet at Memorial Gardens at 11.00**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
11.15	Knavesmire Primary School, Trafalgar Street	5c
11.45	Goddards, National Trust Offices, Tadcaster Road	5b
12.20	Playing Field, Millfield Lane, Nether Poppleton.	5a

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 MARCH 2012
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, JEFFRIES, ORRELL, REID AND SEMLYEN

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**48. INSPECTION OF SITES**

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Turf Tavern, 277 Thanet Road	Councillors Watson, Gillies, Crisp, Galvin, Jeffries, Orrell, Reid and Semylen	As objections had been received and the officer recommendation was to approve.
32 Lord Mayors Walk	Councillors Watson, Gillies, Crisp, Galvin, Jeffries, Orrell, and Semylen	As objections had been received and the officer recommendation was to approve.

**49. DECLARATIONS OF INTEREST**

At this point in the meeting, members were invited to declare any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

**50. MINUTES**

RESOLVED: That the minutes of the last meeting of the West and City Centre Area Planning Sub Committee held on 9 February 2012 be approved and signed by the chair as a correct record.

**51. 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 Sub-Committee.

**52. PLANS LIST**

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

**52a Turf Tavern, 277 Thanet Road, York, YO24 2PE (12/00087/FULM)**

Members considered a major full application (13 weeks) by JH Bryan and Union Pension Trustees Ltd for the erection of 12 two and three storey dwellings with a garage block.

Officer advised the committee that revised plans had now been received detailing the dropped crossing at the Jervis Road access to the satisfaction of Highways Officers. They also advised that the Safer York Partnership welcomed the changes detailed in the revised plans with respect to the gated access, the removal of the bin collection assembly area, the provision of boundary fencing and gates and the provision of secure covered cycle storage sheds advising that they should help to ensure that this development provided a safe and secure environment for any future residents.

Officers advised that a neighbour living at 2 Jervis Road strongly objected to the revised plans which have dormer windows to the rear on the basis of loss of privacy to his back garden and loss of light to his bathroom window.

With regard to paragraph 4.9 of the report, regarding the restrictive covenant, officers advised this should state *“The Council sold off the current Turf Tavern site in 1954 with a restrictive covenant that the site had to be used as a pub. The Council have agreed to release the restrictive covenant on the basis that the owner obtains permission for not less than 8 houses together with two affordable units, which would be transferred to a RSL and available for affordable rent”*.

Officers responded to issues regarding the parking at the rear of the site and the use of permeable paving which had been raised at the site visit. Officer’s stated the applicant had confirmed that permeable paving would be used if the Code for Sustainable Homes assessment required it, and pointed out that the

development would result in a reduction of about 28% of the amount of hard surfacing currently on the site.

Members raised concerns about the maintenance of the shared parking area. Officers advised that an estate management committee would be set up, with 12 shareholders which equated to the number of units, who would have shared responsibility for the management of this area.

Representations were received from the agent in support of the application. He advised Members that there was a high demand for low cost housing, which this development would satisfy. He confirmed that he was aware of 18 people wanting to buy these properties, 11 of whom currently lived in the immediate vicinity. He provided clarification on how the management committee would operate.

Members noted that the covenant was not a matter for the committee to consider but acknowledged that some residents had felt aggrieved by the way in which the covenant had been lifted as they felt the process had excluded them from having their opinions heard. Members acknowledged that the amenity space for each property was very small when you took into account storage for bicycles and bins and noted the lack of privacy in back gardens as these opened onto the communal parking area.

However Members commented that this was an admirable use of the site and agreed there was a demand for low cost housing in the area.

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

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Principle of development
- Impact on visual and residential amenity
- Sustainable development
- Highway safety

- Site drainage
- Archaeology
- Loss of pub
- Contamination
- Effect on Local Facilities

As such the proposal complies with Policies GP1, GP3, GP4a, GP6, GP15, HE10, H3c, H5, T4, L1b and L1c of the City of York Development Control Local Plan.

**52b 32 Lord Mayors Walk, York, YO31 7HA (12/00100/FUL)**

Members considered a full application by Mr Adam Bennett for the change of use from offices with flat above to a 10 bedroom house in multiple occupation.

Officers advised that three additional objections had been received including comments from the owner and occupier of the property at the rear, 12 High Newbiggin Street and from another interested party raising the following issues:-

- Noise from use affecting neighbours; impact on adjacent patio from smoking and noise from residents, boiler; noise from internal doors
- Excess rubbish from 10 residents in patio area
- No parking provision
- Loss of individual house to student accommodation; over supply of student accommodation in city
- Insufficient amenity space
- Retrospective works require listed building consent

Officers also circulated a list showing the variety of uses of properties along Lord Mayor's Walk for Members' information.

They advised that condition 6 be amended to include details of the external air supply unit and grills.

Members queried the means of escape from the top floor. Officers advised that the fire safety procedure was within the remit of building control not planning but noted that the applicant had provided information on the fire detection system which was in place.

Representations were received from the agent in support of the application. He assured Members that the works had been carried out to a good standard. He confirmed there was adequate provision for cycle storage and waste storage at the rear of the site and agreed to address any concerns regarding noise and air quality issues.

Representations were also received from a neighbour in objection to the application. She explained to Members that she owned the property behind this one on High Newbiggin Street, which she also rented out to a middle aged married couple. She explained that use of the building as an HMO would affect the privacy of her small patio area and well as lead to an increase in noise for her tenants. She noted that as wheelie bins were not used in the street, rubbish from the HMO would be left in bags which could encourage rats. She stated the use of the building was out of character for the area as the houses in the terrace were either occupied by families or had been divided into a maximum of two flats.

The applicant advised Members that the cycle/bin store would act as a barrier offering privacy to the property to the rear and some trellis work could be used to offer further privacy. He advised that he had worked together with his neighbour to resolve issues in the past. He explained that wheelie bins would be used to store bin bags in until collection day to protect the bags from vermin. Officers added that this issue was covered by proposed condition 3 which required a management plan for waste storage and recycling arrangements.

Members discussed the privacy of the neighbours in High Newbiggin Street and officers suggested that a fencing panel could be fixed to the existing low wall secured by amending condition 3.

In response to a request for clarification regarding air quality measures, officers confirmed that the amendment to condition 6 required details of grills to be submitted and the Head of Environmental Protection had advised that the vent should be at the rear of the property rather than in the passageway.

Members expressed concerns that this was a retrospective application but agreed that the quality of workmanship in the property was of a high standard. They agreed that they were

happy to delegate authority to officers to deal with the application for listed building consent.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended conditions below.

Amended condition 3

Within a month of the date of this decision notice details of the items listed below shall be submitted to the Local Planning Authority for approval and the works shall be carried out in accordance with the approved details within two months of the agreement of the details,

i/ cycle storage

ii/ a fence panel to the boundary wall with no. 12 High Newbiggin Street

The fence and cycle store shall thereafter be retained and used for no other purpose except with the written permission of the Local Planning Authority.

Reason: In the interests of sustainability and compliance with Policy T4 of the City of York Development Control Local Plan and in the interests of the living conditions of the neighbouring property.

Amended condition 6

Details of the air supply unit and any external grilles shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details.

Reason: To ensure that the details would be acceptable in the interests of the visual amenity and historical and architectural interest of the Listed Building and the amenity of the wider conservation area.

REASON FOR APPROVAL: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to-

- The supply of residential and employment accommodation in the City
- Impact of proposed changes on the visual amenity and the historic character of the listed building/ conservation area
- The residential amenity of the neighbours and occupiers
- Cycle and bin storage
- The provision of open space facilities

As such, the proposal complies with Policies HE3, HE4, H12, E4b, H8, GP4a), GP4b), GP1, T4 and L1c of the City of York Development Control Local Plan ( 2005); and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development, " Planning Policy Statement 3 " Housing " and Planning Policy Statement 5 " Planning for the Historic Environment " and Planning Policy Guidance Note No 24 " Planning and Noise. "

**52c Lime Tree House, Main Street, Upper Poppleton, York YO26 6DL (11/03230/FUL) - WITHDRAWN**

This application, for extensions to the ground floor to provide an extension to the lounge and en-suite facilities to existing bedrooms as well as alterations to the roof to provide 7 additional bedrooms at first floor level (revised scheme), was withdrawn by the applicant, Roseville Carehomes Ltd, prior to the meeting.

Councillor B Watson, Chair  
[The meeting started at 3.00 pm and finished at 3.45 pm].

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**COMMITTEE REPORT**

**Date:** 19 April 2012                      **Ward:** Rural West York  
**Team:** Major and                              **Parish:** Nether Poppleton Parish  
Commercial Team                              Council

**Reference:** 12/00381/FUL  
**Application at:** Playing Field Millfield Lane Nether Poppleton York  
**For:** Removal of condition 15 (restricted to football use only) of application 09/00474/FUL for erection of club house with associated parking  
**By:** Mr Val Duggan  
**Application Type:** Full Application  
**Target Date:** 29 March 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application is for the removal of Condition 15 of planning permission 09/00474/FUL. Application 09/00474/FUL for the erection of a football club house with associated parking was approved by West and Centre Planning sub Committee on 16 July 2009, the development has been built. Condition 15 restricted the use of the club house to a football use only. The removal of the condition is too allow other activities such as fitness classes, seminars and meetings (max 40 persons), art classes, craft classes, weight watchers, chess and dominoes, children's fitness classes, bingo, beetle drives, afternoon tea dances, baby ballet and signing groups and other baby activities, and children's parties. Much of these activities are already taking place.

**2.0 POLICY CONTEXT**

CYSP2 The York Green Belt  
CYGP1 Design  
CYGP4A Sustainability  
CYGB1 Development within the Green Belt  
CYGB3 Reuse of buildings  
CYC1 Criteria for community facilities

**3.0 CONSULTATIONS**INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No comment

COMMUNITIES AND CULTURE - No comments received at the time of writing the report

### EXTERNAL CONSULTATIONS/REPRESENTATIONS

NETHER POPPLETON PARISH COUNCIL - Support the application

AINSTY INTERNAL DRAINAGE BOARD - No objections

SPORT ENGLAND - No comment

#### 1 LETTER OF OBJECTION

- Concerned that the removal of the conditions would have a detrimental impact regarding noise disturbance, traffic safety, and additional light pollution
- In the initial planning permission various departments raised concerns that the operation of the facility into the evening and at night would cause noise and have a detrimental effect on the amenity of the nearby neighbours.
- There was an objection on the original application "Essential facilities are considered to be small changing rooms or unobtrusive spectator accommodation for sport. The proposed facilities cannot be regarded as being small as they accommodate a large footprint within a currently green site". Would a change of condition fit into the expectation of a building that was built on greenbelt for a specific purpose being changed when there is adequate facilities within the village and surrounding areas for other activities at the community centre, two church halls, and Manor School. Is moving away from the initial reasons for the facilities
- Poppleton Football Club has not complied with Condition 15 and concerned that other conditions will not be complied with.
- Night time functions are causing noise disturbance
- They have only applied as there is an enforcement investigation
- Ignore the condition regarding illumination of the building

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

- 10/01914/FUL - Variation of Condition 1 of 09/00474/FUL to allow development to proceed without the proposed grasscrete surfacing. - Approved
- 09/00474/FUL - Erection of one storey club house, extended car parking, cycle park, and bin store. Retention of 1no. storage building - Approved

## KEY ISSUES

1. Green Belt Policy
2. Impact to residential amenity

## ASSESSMENT

### PLANNING POLICY

4.1 The recently published National Planning Policy Framework (NPPF) has superseded PPG2, the greenbelt policy contained within the NPPF reiterates the previous policy set down in PPG2 and it establishes specific categories of development that are appropriate within Green Belts. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (DCLP) and this site clearly falls within the Green Belt.

4.2 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. Although the Coalition Government has made clear its intention to revoke Regional Strategies this has not been concluded and the RSS remains part of the Development Plan. The York Greenbelt is specified in PPG2 and the boundaries of the Green Belt are clearly detailed on the Proposals Map of the Development Control Local Plan. This is further supported by the emerging CYC Core Strategy Policy CS1.

4.3 Policy SP2 'The York Green Belt' in the DCLP states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.4 Policy GP4a 'Sustainability' of the DCLP states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments.

4.5 Policy GB1 'Development in the Green Belt' complies with the advice contained within the NPPF in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.6 Policy GB3 'Reuse of Buildings' states that proposals for the reuse of buildings outside of existing settlements in the Green Belt will be granted permission where a number of criteria are met:

- (a) the reuse would not have a materially greater impact on the openness of the Green Belt than the present use;
- (b) the buildings are permanent and capable of conversion without major reconstruction;
- (c) the proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension;
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings;
- (e) the buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building;
- (f) there is already a clearly defined curtilage.

4.7 Policy C1 'Community Facilities' states that a planning application for social, health, community and religious facilities will be granted permission providing that the proposed development is of a scale and design appropriate to the character and appearance of the locality and it would meet a recognised need. Policy GP1 states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise.

4.8 Planning permission was granted for the clubhouse in 2009. A small hall was considered acceptable under policy GB1 and GB13 (Sports Facilities Outside Settlement Limits). The previous application was made on the basis that it would be for football use only. If the additional uses been submitted as part of the application they would not have been considered to constitute essential ancillary facilities for outdoor sport or recreation.

4.9 As the building has been constructed the use of the building is considered to fulfil the 'reuse of existing buildings' purpose for appropriate development in the greenbelt set out in NPPF and Policy GB3. The uses put forward by the agent are considered to be of a benefit to the community. The proposed additional uses would take place within the building and as such while there would be intensification in the use of the site it is not considered to impact on the openness of the greenbelt, nor would there be further impact on the coalescence of development between York and Poppleton. There is an existing large car park to accommodate vehicles and it is not expected that any of the proposed uses would create more traffic than the football use. The car park exit is located about 90metres from the nearest house. The size of the hall restricts the size of the classes that can be undertaken. The conditioned hours of use on the original permission are not proposed to be varied (Monday to Fridays 09.00 to 22.00hours, Saturday and Sunday 09.00 to 18.00 hours). The windows of the rooms where the community uses would take place face into the

field and away from the nearest neighbouring houses. An additional condition is recommended to control noise breakout from the premises, this condition was not considered to be necessary when the original football-only related use was considered.

4.10 Poppleton has a number of sites than can accommodate the additional uses proposed such as Poppleton Community Hall, two church halls, and Manor School. No recognised need for additional facilities has been demonstrated by the applicant. Whilst the proposal does not fully comply with Policy C1 the additional community facilities are not considered to cause harm to the range of other community facilities within the Poppleton area.

## **5.0 CONCLUSION**

5.1 Condition 15 was imposed so that there could be no permitted change of use to any other use within the D2 use class which may impact on the openness of the green belt but also on the residential amenity of the occupants of the neighbouring dwellings. It is considered that the removal of this condition would open the building up to a number of uses that could impact on the openness of the greenbelt and cause harm to the residential amenity of the occupants of neighbouring dwellings. As such it is considered that the condition should not be removed but varied so that the primary use remains the football use but that community uses outlined in paragraph 1.1 above can also take place.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 The proposed building shall be restricted to the use of football clubhouse and those community uses listed in the applicant's "Statement in support of Application" and repeated in informative 2 below and for no other purpose, including any other use falling within D2 of the Town and Country Planning (Use Classes) Order 1987, (or any provision equivalent to the Class in any Statutory Instrument revoking or re-enacting that Order with or without modification) unless a further change of use is granted planning permission by the Local Planning Authority.

Reason: To protect the openness of the greenbelt and to protect the residential amenity of the occupants of the nearby dwellings in accordance with policy GB3 and GP1 of the Local Plan.

2 The hours of operation of this approved use shall be confined to

Monday to Fridays 09.00 hours to 22.00 hours

Application Reference Number: 12/00381/FUL

Item No: 5a

Page 5 of 7

Saturdays 09.00 hours to 18.00 hours  
Sunday 09.00 hours to 18.00 hours

In addition up to 12 football training courses per annum may be carried out (Monday to Friday only) which shall cease by 23.00 hours.

Reason: To safeguard the amenities of adjoining occupants.

3 No live or amplified music shall be played that is audible outside of the application site.

Reason: In the interests of the living conditions of nearby residents in accordance with policy GP1 of the Development Control Local Plan which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise.

4 Any trees or plants planted as part of the landscaping scheme approved under condition 8 of planning permission 09/00474/FUL which within a period of 5 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: In order to retain an appropriate landscaped setting for the development.

5 The areas shown on the plans approved as planning permission 09/00474/FUL for parking and manoeuvring of vehicles and cycles shall be retained solely for such purposes.

Reason: In the interests of highway safety and the maintenance and promotion of cycling as an alternative to the use of the car.

6 The areas shown on the plans approved under condition 14 of planning permission 09/00474/FUL for the storage of refuse and recyclable materials shall be retained solely for such purposes.

Reason: In the interests of the visual amenity of the area and to encourage recycling of materials.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the locality, impact on the openness of the green belt and highway safety. As such, the proposal complies with Policies GP1, GB1, and GB3 of the City of York Council Development Control Local Plan (2005); and the National Planning Policy Framework (2012).

## 2. APPROVED "COMMUNITY USES"

Pilates, Yoga, Cake decorating, Seminars and meetings (max 40 persons), Art classes, Weight watchers, Zumba, Dance classes, Chess and dominoes, Table tennis, Crochet and crafts, Children's parties, Children's fitness classes, Baby ballet and signing groups and other baby activities, Mums and toddlers, Afternoon tea dances, Beetle drives, Community Bingo

### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

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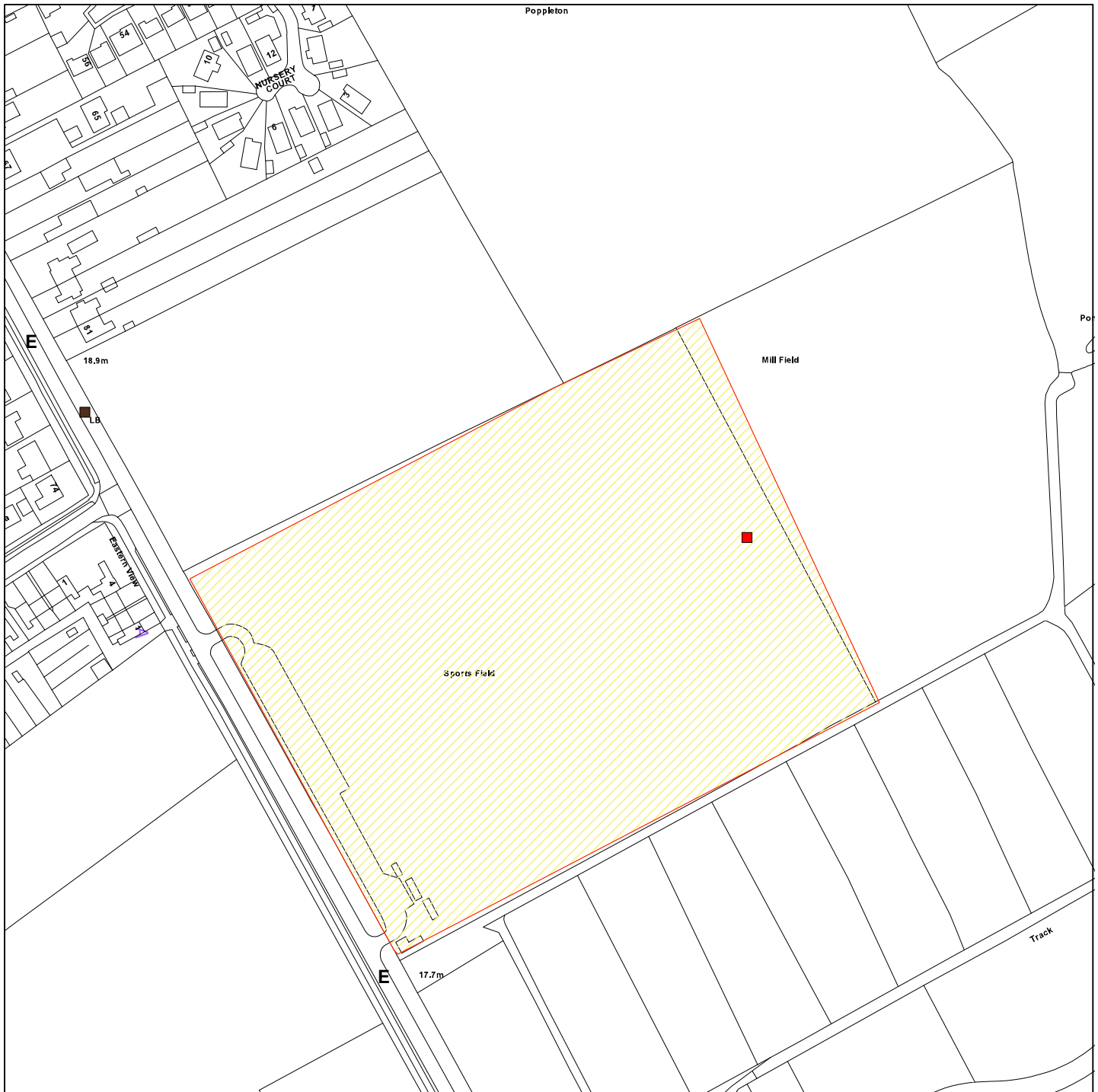


# Playing Field, Millfield Lane, N Poppleton

12/00381/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	City and Environmental Services
<b>Comments</b>	
<b>Date</b>	10 April 2012
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 April 2012                      **Ward:** Dringhouses And  
Woodthorpe  
**Team:** Major and                      **Parish:** Dringhouses/Woodthorpe  
Commercial Team                      Planning Panel

**Reference:** 12/00939/FUL  
**Application at:** National Trust Regional Office, Goddards, 27 Tadcaster Road  
Dringhouses, York  
**For:** Part change of use from office (Use B1) to a visitor attraction  
**By:** Mrs Jenny Ludman  
**Application Type:** Full Application  
**Target Date:** 26 April 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to the National Trust owned Goddards site. Access into the site is through the gatehouse, which fronts Tadcaster Road, the access road then leads to the main house and it's gardens, and there is a car parking area to the north of the main house. The house is grade 1 listed, it was built in 1926-27 by Brieley for Katherine and Noel Goddard Terry. It is recognised as the finest surviving work by the architect.

1.2 The site is surrounded by the quiet residential area of St Edwards Close to the south, the Knavesmire to the east and the grounds of the Marriott Hotel to the north. It is within the Tadcaster Road Conservation Area.

1.3 Planning permission was granted in 1983 for a change of use to convert the buildings on site from residential to office use. The permission was exclusive to the National Trust. Before 1983 the site was still resided at by the Terry family. The gatehouse reverted back to residential use from offices in 1999.

1.4 Planning permission is sought to use part of the main house as a visitor attraction. This would allow public access to ground and first floor rooms, those which are of the most historic and architectural interest.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest: Dringhouses Area

Application Reference Number: 12/00939/FUL

Item No: 5b

Page 1 of 7

Conservation Area: Tadcaster Road

Listed Buildings:

- Grade 1; Goddards 27 Tadcaster Road
- Grade 2 Star; 25 Tadcaster Road

2.2 Policies:

CYV1	Criteria for visitor related development
CYGP1	Design
CYHE3	Conservation Areas
CYHE4	Listed buildings

### **3.0 CONSULTATIONS**

#### Highway Network Management

3.1 The access is currently 3.5m wide which only allows for single vehicular passage. In order to provide safe passage of vehicles and to prevent congestion on Tadcaster Road associated with vehicles entering or exiting the site officers recommended that the access is increased to 5m wide, from the back of the highway up to the gate house.

#### Public consultation

3.2 A public consultation event was held on site in Sept 2011 and attended by 87 persons. All were in favour of the visitor attraction, and saw the proposed use as an important part of York's history. Feedback asked that the site could be made available for local residents, providing community facilities, and it was suggested the outdoor space would be suitable for events and functions.

#### Publicity

3.3 No written representations to date.

## 4.0 APPRAISAL

### 4.1 Key issues

- Principle of the proposed use
- Amenity of surrounding occupants
- Impact on heritage assets
- Highway Network Management

#### Relevant planning policy

4.2 One of the core planning principles in the National Planning Policy Framework (NPPF) is to promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas. The framework advises that proposals are expected to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Development proposals will be expected to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation.

4.3 The NPPF advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Sustainable economic development involves promoting cities' tourism industry and economy when there is no adverse impact on amenity and the setting

4.4 Local Plan policy V1: Visitor related development advises that visitor related development will be encouraged provided; there are adequate servicing arrangements, the site is accessible by public transport, highway safety would not be compromised, and where the proposals would have no adverse impact on amenity and the setting.

4.5 Local Plan policy E3b seeks to retain an adequate supply of office space within the city, both in terms of size and type. According to E3b premises in office use will only be granted permission for a different use if it is demonstrated that there are adequate alternative facilities within the city.

#### Principle of the proposed use

4.6 The opportunity has arisen to enable part of the site to be used as a visitor attraction/community facility as the National Trust has a reduced need for office

space, as more staff work from home and other offices. It is proposed to open up rooms on the ground and first floor to the public. The gardens are already open to the public, for recreation, but potentially the permission could allow these to be used for events etc.

4.7 Around 250 sq m of office space within the building would be lost to allow the proposed use. The building was constructed as a family home and is grade 1 listed. The scheme would keep the building in viable use, ensure its preservation and open it to the public. These are significant benefits for the listed building, in compliance with the thrust of the National Planning Policy Framework which seeks to encourage sustainable economic development. The loss of office space would not have a material impact on the overall supply of space in the city. According to the York Enterprise database there are similar sized premises available in the city, the typology of which ranges from small historic buildings in the city centre, to purpose built premises, both in the city and within business parks around. Overall the economic and heritage benefits of the scheme outweigh the loss of office space.

4.8 The scheme is deemed to comply with Local plan policy V1:-

- Servicing arrangements - there would not be a material change in servicing arrangements. There would potentially be some additional deliveries for the ancillary tea rooms, the times of which can be covered by condition.
- Accessibility - the site is on local bus routes from the city centre and also the Coastliner route which runs from Leeds.
- Highway safety would not be compromised; the access will be widened where possible. Further details are at 4.12.
- Impact on amenity and the setting - discussed in 4.9 - 4.10.

#### Amenity of surrounding occupants

4.9 There are houses to the southwest of the application site. The type of use applied for would give the applicants flexibility to use the main building and its gardens for a variety of events. As such it is deemed that conditions are necessary, to control opening hours in the interests of amenity, asking that the premises is not open to the public after 20:00 hours (it is only intended to open the premises to the public between 9:30 and 16:30). Times of deliveries (for catering) and any playing of recorded/audible music can also be controlled.

4.10 The car park area is to the north of the site, adjacent to the car park that serves the hotel to the north. The car park area is around 75m from the rear elevation of 73 Tadcaster Road and screened by surrounding trees. The existing car park and access arrangements would remain. There could be occasions when there would be more traffic in comparison to the extant office use. However given the site

circumstances and proposed opening hours it is not considered that there would be a material impact on the amenity of surrounding occupants.

### Impact on heritage assets

4.11 The proposals have a positive impact on the listed building in that they will keep it in a viable use which will increase public enjoyment and understanding of its historic and architectural importance. No works to the listed building are proposed. Highway Network Management have suggested minor adjustments to the access onto Tadcaster Road, to make it wide enough for 2 cars to pass. The works can be dealt with as a condition in order to strike a balance between improving the access and preserving the garden setting. Proposals are considered to sustain the character and appearance of the conservation area.

### Highway Network Management

4.12 The site has 30 car parking spaces for typical use, overspill areas can accommodate a further 40 spaces. The offices will have 35 hot-desks for staff. To manage traffic, visitors (apart from disabled persons) will be required to gain advance permission from the National Trust to bring their vehicle into the site. This information will be portrayed in the National Trust handbook and a condition is suggested so the applicants develop and adhere to a travel plan which will include traffic management.

4.13 The access is only a single lane although there are opportunities for cars to pass, at the site entrance and immediately beyond the gatehouse. A condition is suggested to increase the access road immediately within the site, an area of around 5m by 5m would enable cars to enter and exit the site simultaneously.

4.14 The National Planning Policy Framework requires planning to deliver development which reduces the need to travel and encourages sustainable travel. Travel plans are recommended as a tool to promote sustainable travel. It would be reasonable to require the applicants to develop a travel plan to promote bus travel and cycling to the site, by informing visitors and providing adequate cycle parking. The applicants propose that they restrict private car travel, as visitors need to book in advance to secure access. This measure can also be contained within the travel plan. The site is accessible by public transport given its location on a main bus route from the city centre.

## **5.0 CONCLUSION**

5.1 Approval is recommended. The proposal constitutes the type of sustainable economic development the National Planning Framework seeks to deliver; the development would enhance the viability of, and secure the conservation of a grade

1 listed building, the site can be accessed by sustainable transport modes and there would not be undue harm to the setting or the amenity of surrounding occupants.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans - Proposed floor plans 101C, 102C, 103C

3 The use hereby permitted shall not be open to customers outside the hours of 8:30 - 20:00 each day of the week.

Reason: To protect the amenity of nearby occupants.

4 A travel plan, developed and implemented in line with local and national guidelines (see Department for Transport good practice guidelines), shall be submitted and approved in writing by the Local Planning Authority prior to first opening of the facility hereby approved. The development shall thereafter operate in accordance with the aims, measures and outcomes of said Travel Plan. In particular the travel plan shall include traffic management measures for guests and details of provision for covered and secure cycle parking.

Reason: To encourage sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

5 The facility hereby approved shall not come into operation until details of works to widen the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans (the works shall allow two vehicles to pass on the access road).

Reason: In the interests of road safety.

6 Upon completion of the development, delivery vehicles to the development shall be confined to the following hours:

Monday to Saturday 08.00 to 18.00

Sundays and Bank Holidays 09.00 to 17:00

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

7 There shall be no playing of recorded or amplified music which would be



audible beyond the site boundary.

Reason: To protect the amenity of nearby residents.

## **7.0 INFORMATIVES:**

### **REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the supply of office space within the city, impact on heritage assets, amenity and highway safety. As such the proposal complies with Policies GP1, HE3, HE4 and V1 of the City of York Development Control Local Plan.

### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

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# Goddards, 27 Tadcaster Road

12/00939/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	City and Environmental Services
<b>Comments</b>	
<b>Date</b>	10 April 2012
<b>SLA Number</b>	Not Set

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## 2.0 POLICY CONTEXT

### 2.1 Policies:

- CYED1 Primary and Secondary Education
- CYGP1 Design
- CYHE10 Archaeology
- CYNE1 Trees, woodlands, hedgerows
- CYNE6 Species protected by law
- CYNE7 Habitat protection and creation

## 3.0 CONSULTATIONS

### Design, Conservation and Sustainable Development

#### Countryside Officers

3.1 No objection to the scheme. Recommend conditions to mitigate for the loss of trees and to secure bat roosting opportunities within the buildings on site.

3.2 A bat survey was carried out in September (2011), it involved a scoping survey and an evening emergence survey. No evidence of roosting bats were found, and no bats were seen to emerge from any part of the school during the evening activity survey. There was however a fairly large amount of commuting and foraging activity within the site, particularly along the tree lined southern boundary along Campleshon Road, and to the east of the building (where the new hall is to be located). All recordings were of Common Pipistrelles, and the first bat was observed fairly early on in the evening which would suggest that there is a roost close by.

3.3 Particular care will need to be taken during building works (protective measures and sensitive working practices, such as the careful removal of any slates or ridge tiles by hand), to ensure that bats have been fully taken into consideration during all stages of the work, and that any potential impacts are minimised should any bats take up residence in the future (i.e. before construction works begin).

3.4 Habitat enhancement work to benefit bats, and other wildlife species known to use the surrounding area, should be carried out as part of this scheme; to ensure that any suitable habitat potentially lost through the modification of the roof structure and the extension work is fully mitigated for. New roosting habitat can easily be created as part of the building works, for example special tiles, bricks, soffit boards, bat boxes and bat lofts. Such features would not affect the use of the building in any way.

3.5 The loss of the foraging habitat due to the proposed hall would need to be mitigated for through suitable replacement planting. Proposed lighting will also need to be considered and agreed, as this can have a significant impact on bat foraging and roosting behaviour.

### Archaeology

3.6 It is recommended that all groundworks for the proposed development are accompanied by an archaeological watching brief designed to record archaeological deposits. The site has the potential to produce significant archaeological features and deposits. The archaeological significance of the site relates to: (a) the potential for the survival and recovery of environmental and cultural material from peat deposits in and around the former Campleshon Pond; (b) the potential for the survival and recovery ditches and other features associated with occupation of this area during the Roman period (1st and 5th century AD) outside the area of the former Campleshon Pond; (c) potential for the survival and recovery of remnants of ridge and furrow preserved outside the area of the former Campleshon Pond; (d) potential for the survival and recovery of 19th century domestic refuse possibly used to backfill Campleshon Pond

### Highway Network Management

3.7 No objections. Advise that a travel survey undertaken by the School in November 2011 indicates that 78% of pupils arrive either by walking or cycling. Cycle parking is to be increased from 30 to 60 spaces in order to accommodate the likely increased demand and details of these facilities need to be agreed. The amount of cycle parking proposed accords with the Authority's parking standards.

3.8 An additional 7 full time members of staff are expected to be employed as a result of the School's expansion making 32 in total. Car parking space within the grounds is limited and it is not intended to increase it from the 25 spaces there at present. Whilst this remains sufficient to meet staff demand, some visitors may be required to park on adjacent streets on occasions. The School has prepared a Green Travel Plan with the assistance of the Council's sustainable transport officer and as the School expands, attention will need to be given to minimising the numbers of parents dropping off children by car in order to avoid congestion on adjacent roads.

### Micklegate Planning Panel

3.9 No response to date.

### Publicity

3.10 No written representations have been made.

## 4.0 APPRAISAL

### 4.1 Key issues

- Principle of the proposed development
- Visual impact on the locality and school buildings
- Amenity of surrounding occupants
- Highway safety and sustainable travel
- Biodiversity and impact on protected species
- Archaeology

#### Principle of the proposed development

4.2 Local Plan policy ED1 advises extensions to schools will be granted permission provided that they would meet a recognised need and; the development is of an appropriate scale and design; there is adequate open space and playing fields for pupils; community use is incorporated where possible.

4.3 The school is due to increase in capacity from 260 to 420 due to demand and already accommodates more pupils than the existing building is fit for. There are currently 2 temporary classrooms within the site which were granted permission in 2010. A condition of that consent required a scheme to come forward for permanent buildings (assuming there would still be demand) by 2015. As such there is a demonstrable requirement for the new facilities. The extensions would retain the main playground area although there would be a loss of some outside play/recreational space to accommodate the new hall. The applicants have been encouraged to locate new facilities to the north side of the school, in an area which is used as a car park service area, though this has been discounted (and there would be a loss of on site car parking facilities). The facilities within the school; learning resources, new hall and sports facilities will be available for community use, as recommended by policy ED1. The application broadly complies with policy ED1, although due to the location of the hall there would be a loss of an area which could be used for outdoor play space and recreation.

#### Visual impact on the locality and school buildings

4.4 The National Planning Policy Framework advises 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. Developments should function well and add to the overall quality of the area over the lifetime of the development and be visually attractive as a result of good architecture and appropriate landscaping. Developments should re-enforce or promote local distinctiveness.



4.5 The host building was constructed in the early C20 and is predominantly of brick with a series of gable roofs. The school building was originally surrounded by open space. The building is now organised so the nursery school is along the east wing, with its playground on the east side of the site. The main playground is to the southeast of the buildings and servicing/car parking takes place to the north.

4.6 The proposed reconfiguration of the school necessitates the need for extra classroom space for the younger pupils who are based in the west wing of the building (classrooms 1-3). Phase 1 of the proposed extensions to the building involve a single storey extension to the west wing which would accommodate replacement w/c's, cloakrooms and independent access.

4.7 The other works are intended to commence in summer 2013. These would involve single storey extensions at the school's existing main entrance, to provide a reception area and heads office, an extension to the south wing, including raising the roof volume, to provide 4 extra classrooms, and a school hall to the east side of the south wing.

#### Phase 1

4.8 The first phase of work involves a single storey flat roof extension on the west side of the school. The extension would connect to the single storey dining hall wing in the northwest corner of the site and extend out to be immediately against the footpath. The railings and entrance gates/pillars would be removed in this area. It may be that the access gates will be re-used on the replacement entrance. The dining hall is a later extension that is connected to the main building by a single storey link with a lean-to felt roof.

4.9 Whilst attempting to fit in with the main school building and the later dining hall extension, the proposed extension would remove the spaciousness around the building and the gates and railings. It would arguably detract from the appearance of the existing buildings which are of a higher architectural interest.

4.10 The applicants have been asked to look at alternatives which would be more sympathetic to the host building and its setting. However extending to the north of the building has been discounted, and an extension to the south would lead to the loss of play space. Consideration therefore must be given to the scheme as submitted. Officers consider that there is some harm to the setting but the works are minor in scale (in footprint and as the extension is single storey) and there would not be undue harm to the character and appearance of the host building or the locality.

Phase 2

4.11 The extension at the main entrance would have a part flat roof concealed behind a parapet wall where it would connect to the main building and a front gable roof which would overhang the glazed frontage. The extension would improve legibility, giving a stronger identity to the entrance and the building shape and materials would be reasonably sympathetic to the main building.

4.12 The extension proposed to the south wing would add 5m to its length. The extension would have a higher roof than the existing building and part of the existing roof (for a distance of around 14.5m) would be raised, with the eaves and ridge levels increased by 1m and 2m respectively, to provide 2 additional classrooms at first floor level. An accessible w/c and lift to the upper floor would be provided also. Materials (brickwork and slate) would be to match. The extension would increase in height where a triangular shaped front gable on the east facing elevation interrupts the arched gables. On the playground facing elevation a new entrance would be formed through the existing window reveal. The extension, due to its design, scale and materials would be a sympathetic addition.

4.13 The new hall would sit parallel to the extended south wing and the buildings would read as a pair being of comparable shape, materials and detailing. The extensions would respect the appearance of the main building and the trees which align the southern boundary would not be harmed by the works. A link would be provided between the two buildings and a more direct, seamless and lightweight link (rather than the pitched roof proposed), designed to retain the original reveal through which access will be provided would have been preferred, to maintain the architectural integrity of the main building. However the building is not listed and this area is hidden from view by surrounding buildings and trees. The works, as proposed, are deemed to be acceptable as there would not be a material impact on the appearance of the building, either from within its grounds, or from the public realm.

4.14 To accommodate the new hall 7 trees would be sacrificed. The trees are young and in a good condition. Their loss and the loss of space around the school would be regretful. However this is presently an underused part of the site and the school have prioritised retaining, and not reducing, the size of the main playground. Due to the size of the trees predominantly their value is to the setting of the school, rather than the wider area. In accordance with Local Plan policy NE1 a condition will require replacement planting to account for the loss of trees.

4.15 The National Planning Framework advises that design should also be used to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The Police Architectural Liaison Officer has been consulted on the scheme and recommendations will be incorporated in the design. It is recommended access is

restricted between the cottage and the proposed hall, as this area would not have any natural surveillance. This shall be required as a condition.

#### Amenity of surrounding occupants

4.16 Local Plan policy GP1 relates to all development proposals and requires that they ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.17 The extension to the west side of the school (Lorne Street side) would be single storey and the extension to the south would be around 32m from the nearest residential facade. As such these extensions would not impact neighbours amenity. The proposed hall would sit between the south wing and the cottage which abuts the footpath along Trafalgar Street. It would be around 10m longer than, and 2m taller than the cottage building (the height comparison also applies to the existing south wing of the school). The hall would be 18m from the closest residential facade. The building would not appear overly dominant or out of scale with those in the surrounding area and would not have an unacceptable impact on neighbour's amenity due to its location and scale. A condition is suggested with regards the construction and insulation of the building to ensure that any noise breakout is inaudible at the nearest noise sensitive facade. It is proposed to allow the hall to be used by the wider community, which is encouraged in the National Planning Framework as well as Local Plan policy ED1. In order to manage associated traffic movements it shall be required that the travel plan (which will be agreed to by the LPA) includes measures to discourage private car use by users of the facility, and has a management plan in place to control car parking so residents are not unduly disturbed in the evening.

#### Highway safety and sustainable travel

4.18 Around 80% of pupils cycle to the school. It is proposed that the amount of cycle spaces is increased from 30 to 60. The spaces will be covered and secure. It is proposed they are located along the south of the site, conveniently near the main entrance and reasonably overlooked. The amount of cycle provision is over the minimum requirement set in the local plan (which would be 42) and is welcome in this case given the popularity of cycling among pupils.

4.19 The staff car park has 25 spaces. There are presently 19.8 F.T.E staff, and an extra 7 would be employed as a consequence of the proposed increase in capacity. The current school travel plan does not divulge staff travel habits. Measures to encourage and enhance sustainable travel by staff should be incorporated in future travel plans. According to the Local Plan 18 staff parking spaces would be the maximum requirement (2 spaces per 3 staff) although it also recognises visitor spaces are desirable.

4.20 The transport assessment carried out projects that the increased capacity would lead to around 35 extra car trips to the school during peak hours before and after school. The school's policy is that parents are encouraged to drop off children by the Little Knavesmire to avoid congestion on the streets immediately around the school. Officers are content that the increase in traffic would not in this case have an undue impact on the highway network.

### Biodiversity

4.21 The National Planning Policy Framework advises that local planning authorities should aim to conserve and enhance biodiversity and opportunities to incorporate biodiversity in and around developments should be encouraged. Applications should be refused if significant harm from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

4.22 Local Plan policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. NE7 advises development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In new developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme.

4.23 The lines of trees along the east and south sides of the application site provide commuting routes for bats. Although there are not known to be any bats roosting within the building (based on the 2011 survey) the south wing of the building (the roof of which would be altered) does have suitable features for bat roosts. 7 trees would be removed to accommodate the new hall.

4.24 In accordance with the National Planning Policy Framework and Local Plan policies NE1 (when trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss) and NE6 and NE7 the applicants will be asked to provide roosting opportunities for bats within the building. In addition details of the proposed lighting will be required to ensure it does not effect bats commuting. Replacement trees/planting will be required to compensate for the loss of trees required to accommodate the new building.

### Archaeology

4.25 National Planning Policy Framework advises that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to

submit an appropriate desk-based assessment and, where necessary, a field evaluation. Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ. Sites should be developed so valuable deposits are retained in situ. 4.26 At least 95% of archaeological deposits should be preserved otherwise an excavation of deposits will be required. A watching brief on groundworks is required as the site has the potential to produce significant archaeological features and deposits.

## 5.0 CONCLUSION

5.1 The extensions proposed are required to accommodate the expanding school. The National Planning Policy Framework advises that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. They should give great weight to the need to expand or alter schools.

5.2 The scheme proposed, whilst considered by officers not to be the optimum solution, would not have an undue impact on the surrounding occupants, and there would not be undue harm to the appearance of the school or the surrounding area. Conditions are deemed to be necessary, to require the ongoing travel plan to promote sustainable modes of transport, and to replacement trees and features to encourage bats, to compensate for the loss of features within the building and trees due to the expansion.

## 6.0 RECOMMENDATION: Approve. Committee to visit.

1 TIME2 Development start within three years -

2 PLANS1 Approved plans

- PO3A – Floor plans
- PO4A – Site plan
- PO5A - Elevations
- PO6A – New hall
- PO7B – New classrooms and link to new hall.
- PO8 – Phase 1 extension.

3 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

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

- a) Phase 1 extension to the west side of the building: capping to top of parapet wall, windows and their surrounds (windows to be set within their reveals).
- b) New access from Lorne Street to include retention of existing materials where possible (entrance gate, pillars and railings).
- c) Any alterations to gates and railings along Trafalgar Street.
- d) Bin store on Trafalgar Street side of site
- e) Extension to south wing and new hall: eaves and verge details.

Reason: In the interests of visual amenity.

4 VISQ7 Sample panel external brickwork to be approved

5 VISQ8 Samples of exterior materials to be approved

6 Prior to development of the new main hall hereby approved a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted, including replacement planting to compensate for the loss of the trees due to the new hall, shall be submitted to and approved in writing by the Local Planning Authority.

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 in accordance with policy NE1 of the Local Plan.

#### 7 Tree Protection

All trees shown as being retained on drawing PO4A (read in conjunction with Popplewells drawing 2306/1) shall be protected during construction works in accordance with BS 5837 2005: Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology;

Application Reference Number: 12/00399/GRG3                      Item No: 5c

type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and finalised construction details for the retaining wall and paving shall also be included. The development shall be implemented in accordance with the approved statement.

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

## 8 Bat Mitigation

The construction of the extension to the south wing, and the new hall shall not commence until details of bat mitigation and conservation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

The measures shall include:

a) A detailed plan of how construction work is to be carried out to accommodate the possibility of bats being present.

b) Details of provision to be made within the re-development of the site to replace the features lost through demolition and conversion work. Features suitable for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

c) Details of what lighting is proposed within the site, including location, and how any potential impacts on bats and other wildlife will be minimised. The scheme shall show how light spillage will be minimised, and ensure that any roost sites, foraging or commuting areas are not directly illuminated.

d) The timing of all operations

Reason: To take account of and to enhance the habitat for a protected species in accordance with Local Plan policies NE6 and NE7.

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

## 9 ARCH2 Watching brief required

## 10 Cycle Parking

At least 60 covered and secure cycle parking spaces shall be provided onsite prior to completion of the extension to provide extra classrooms on the south wing of the school. The spaces shall be retained onsite thereafter unless an alternative

arrangement is agreed to in writing by the Local Planning Authority. Details of the storage area, including locations shall be approved in writing by the Local Planning Authority, and the development carried out in accordance with the approved details.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan.

11 The school travel plan, which shall be developed and implemented in line with local and national guidelines (see Department for Transport good practice guidelines), shall be submitted to and approved in writing by the Local Planning Authority within 3 months of completion of the development hereby approved and shall include measures to encourage staff to use sustainable methods of transport. Subsequently it shall be reassessed and updated as necessary on an annual basis at the commencement of the school year. The development shall operate in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

12 Prior to first use of the main hall hereby approved a traffic management plan to explain arrangements for visitors/guest users of the hall shall be approved in writing by the Local Planning Authority. The management plan shall include measures to discourage private car use, provide information on visitor parking, and details of how the plan will be publicised.

Reason: In the interests of highway safety and to avoid disturbance to surrounding residents, in particular in times of any evening events.

13 The hall hereby approved shall be constructed so any noise originating from the building shall be inaudible at the nearest noise sensitive facade. Details of expected maximum noise levels and the method of insulation proposed shall be approved in writing by the Local Planning Authority prior to construction commencing on this building and the development implemented accordingly.

Reason: In the interests of the amenity of surrounding occupants.

14 A gate shall be provided between the rear elevation of the existing cottage and side of the new hall. This shall be provided within 1 month of completion of the hall and retained, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of safety and crime prevention, given that this area has no natural surveillance.

15 The temporary classrooms shall be fully removed from site upon completion of



the works hereby approved.

Reason: In the interests of visual amenity.

## **7.0 INFORMATIVES:**

### **REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual impact, residential amenity, highway safety, biodiversity and heritage assets. As such the proposal complies with Policies ED1, GP1, HE10, NE1, NE6, NE7 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

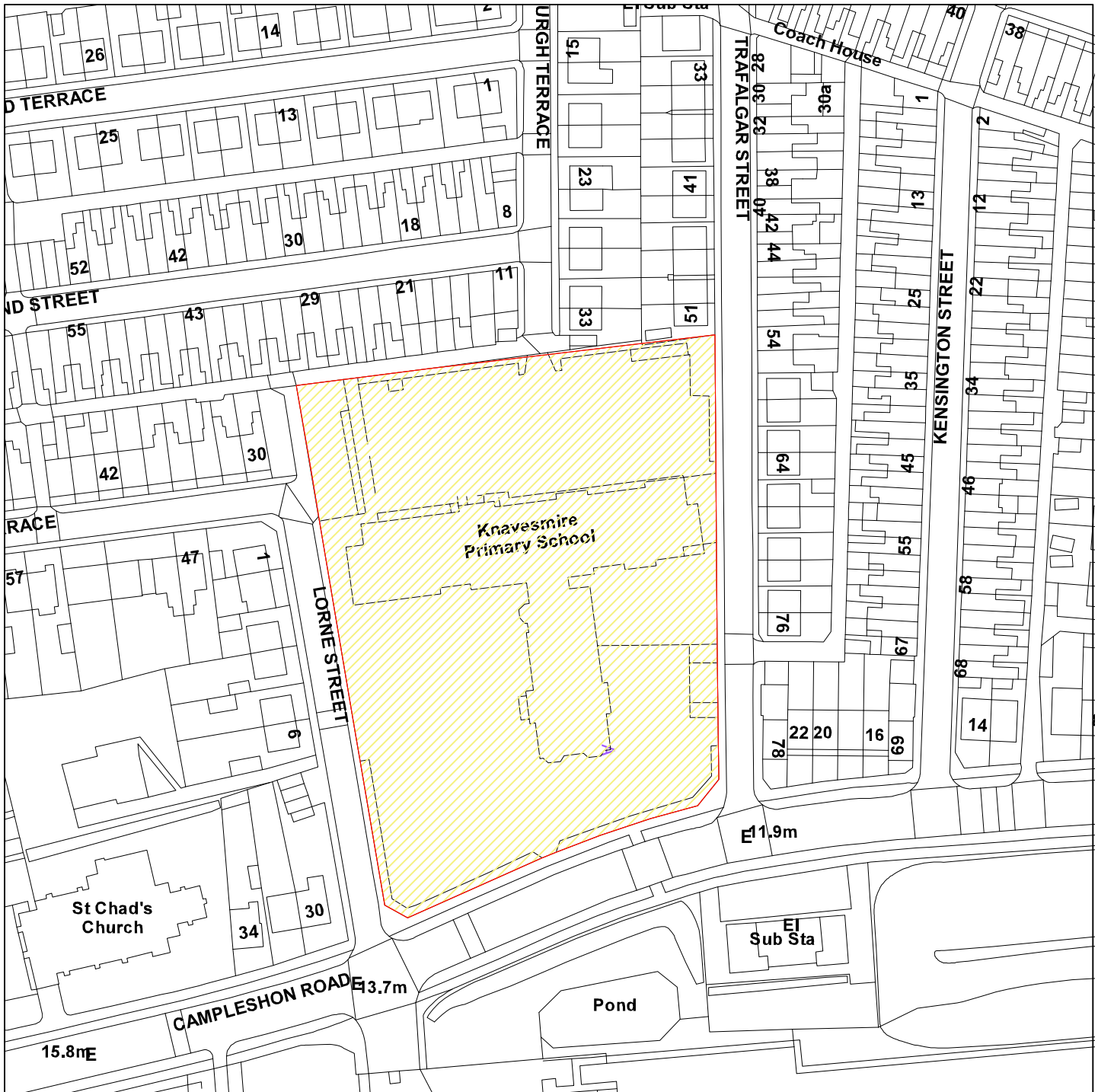
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# Knivesmire Primary School, YO23 1HY

12/00399/GRG3



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City and Environmental Services
<b>Comments</b>	
<b>Date</b>	10 April 2012
<b>SLA Number</b>	Not Set

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

## **Appeals Performance and Decision Summaries**

### **Summary**

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

### **Background**

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

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

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

### Analysis

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

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

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

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

### **Consultation**

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

### **Corporate Objectives**

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

### **Implications**

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

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

**Risk Management**

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

**Recommendation**

- 15 That Members note the content of this report.

**Contact Details**

**Author:**

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

**Chief Officer Responsible for the report:**

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

01904 551303

**Report  
Approved**



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

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

**Wards Affected:**

All  Y

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

**Annexes**

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

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



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

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

**Decision Level:** DEL

**Outcome:** ALLOW

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

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

**Decision Level:** DEL

**Outcome:** ALLOW

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

---

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

**Decision Level:** DEL

**Outcome:** DISMIS

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

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

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

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

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

**Decision Level:** DEL

**Outcome:** DISMIS

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

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

**Decision Level:** DEL

**Outcome:** ALLOW

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

---

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

**Decision Level:** DEL

**Outcome:** DISMIS

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

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

**Decision Level:** DEL

**Outcome:** DISMIS

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

---

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

**Decision Level:** DEL

**Outcome:** DISMIS

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

---



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

**Decision Level:** DEL

**Outcome:** DISMIS

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

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

**Decision Level:** CMV

**Outcome:** DISMIS

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

---

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

**Decision Level:** DEL

**Outcome:** DISMIS

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

---

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

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

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

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

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

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

**Decision Level:** CMV  
**Outcome:** ALLOW

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

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

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

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

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Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

## Outstanding appeals

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

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



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

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**West & City Centre Area Planning  
Sub-Committee****19 April 2012**

Report of the Director of City Strategy

**Enforcement Cases - Update****Summary**

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

**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 Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, 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. 63 new cases were received for this area within the last 3 months. 66 cases were closed and 204 remain outstanding. There are 85 Section 106 Agreement cases outstanding for this area after the closure of 7 in the last 3 months. These closed cases brought in a total of £42799 of outstanding financial contributions required as part of approved developments in the west and centre area.

This period has also coincided with the continued loss of Hilary Shepherd on a temporary secondment to Union facility time and as yet this full time equivalent post has not been backfilled. It has recently been advertised with a view to filling this vacancy in the enforcement team until at least the end of September. Hopefully officers will have an update on this for members at the meeting.

We have served 1 breach of condition notice in the last quarter . There is still one enforcement appeal against a notice pending at 93 Micklegate.

### **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 Matthew Parkinson or Andy Blain by 5pm on Wednesday 18<sup>th</sup> April. Please note that the cases are now presented in Parish 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.

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

**Contact Details**

**Author:**

Matthew Parkinson  
Andy Blain  
Planning Enforcement  
Officers

**Chief Officer Responsible for the report:**

**Chief Officer's name**  
Michael Slater  
*Assistant Director (Planning and Sustainable Development)*

**Dept Name** City Strategy  
Tel No. 551647/551314

**Report Approved**



**Date** 04/04/2012

**Specialist Implications Officer(s)**

None

**Wards Affected:** *All Wards in the West and City Centre area*



**For further information please contact the authors of this report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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