

**Notice of meeting of  
East Area Planning Sub-Committee**

**To:** Councillors Galvin (Chair), Douglas (Vice-Chair), Fitzpatrick, Funnell, King, McIlveen, Cuthbertson, Watson, Firth and Warters

**Date:** Thursday, 9 August 2012

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Betts know by **5pm** on **Tuesday 7 August 2012** on **(01904) 551078**.

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare any personal, prejudicial interests and disclosable pecuniary interests they may have in the business on this agenda.

**2. Minutes**

(Pages 4 - 20)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 5 July 2012.

### **3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 8 August 2012 at 5.00pm**.

### **4. Plans List**

To determine the following planning applications related to the East Area.

- a) **House of James, Stamford Bridge Road, Dunnington, York. YO19 5LN (12/01259/FULM)** (Pages 21 - 26)

This application is for the retention of a loading bay extension at the centre of the site. Planning permission, ref:-12/00473/FULM had previously been refused in respect of the retention of a lorry park at the front of the site linked to the loading and unloading operation taking place at the site. [Osbaldwick] **[Site Visit]**

- b) **Tyree, 97 York Street, Dunnington, York YO19 5QW (12/01840/FUL)** (Pages 27 - 47)

This application seeks planning permission for the erection of four houses within the garden of Tyree at 97 York St, Dunnington. [Derwent] **[Site Visit]**

- c) **Howards of Clifton, 61 Clifton, York. YO30 6BD (12/01807/FUL)** (Pages 48 - 55)

The application is for the change of use of a 2-storey hairdressers (class A1) to a mixed use bakery/cake shop and tea room.

The application is before Members because the applicant is an employee of the Council. [Clifton] **[Site Visit]**

**5. Appeals Performance and Decision Summaries** (Pages 56 - 73)

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> April to 30<sup>th</sup> June 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

**6. Urgent Business**

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

**Democracy Officer:**

Name- Judith Betts  
Telephone – 01904 551078  
E-mail- judith.betts@york.gov.uk

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

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

Contact details set out above.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the 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 following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, 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

### **Who Gets Agenda and Reports for our Meetings?**

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**EAST AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 8th August 2012****Members of the Sub Committee to meet at Union Terrace Car Park  
at 10.00 am.**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:10	Howards of Clifton (61 Clifton)	4c)
10:50	House of James, Stamford Bridge Road	4a)
11:20	Tyree, 97 York Street, Dunnington	4b)

City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	5 JULY 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, KING, MCILVEEN, WATSON, WARTERS, BOYCE (SUBSTITUTE FOR COUNCILLOR FUNNELL), ORRELL (SUBSTITUTE FOR COUNCILLOR FIRTH) AND REID (SUBSTITUTE FOR COUNCILLOR CUTHBERTSON)
APOLOGIES	COUNCILLORS FIRTH, FUNNELL AND CUTHBERTSON
IN ATTENDANCE	COUNCILLORS DOUGHTY, RICHARDSON AND WISEMAN

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Site Visited	Attended by	Reason for Visit
Manor House, Sherriff Hutton Road	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site as the application had been called in by the Ward Member, due to concerns from local residents relating to sustainability and drainage issues,
238 Strensall Road	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site following the application being called in by the Ward Member due to its sensitive nature.

29 Sandringham Close, Haxby	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site as the application had been called in by the Ward Member following residents concerns.
72 The Old Village, Huntington	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site.
1 Hazelwood Avenue	Councillors Douglas, Fitzpatrick, Galvin, King, Warters and Watson.	To familiarise Members with the site as the application had been called in by the Ward Member.

## 5. DECLARATIONS OF INTEREST

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

Councillor McIlveen declared a personal and non prejudicial interest in Agenda Item 5g) (1 Hazelwood Avenue) as the manager of an House in Multiple Occupation (HMO) in The Groves area of the city. He added that this was on behalf of his brother, who was the owner of the property and he did not collect rent from the occupants.

Councillor Orrell declared a personal and prejudicial interest in Agenda Item 5d) (238 Strensall Road) as he knew the owner of the property. He withdrew from the meeting during the consideration of this item.

No other interests were declared.



**6. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information 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.

**7. MINUTES**

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 7 June 2012 be signed and approved by the Chair as a correct record.

**8. PUBLIC PARTICIPATION**

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

**9. 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.

**9a Manor Park, Sheriff Hutton Road, Strensall, York. YO32 5TL  
(11/02460/FUL)**

Members considered a full application by Nelson Park Lodges for the retention of a show lodge and siting of 14 no. holiday lodges.

Officers informed the Committee that following the preparation of the report, it had come to light that the existing and proposed lodges on the site were being marketed for permanent residential occupation, not for holiday use as required under condition 5 of planning permission 10/1945/FUL. It was noted that the current application was for 14 no. holiday lodges and Members were informed that an agreement made with the Environment Agency in respect of foul drainage related to a pattern of intermittent holiday usage on the site.

As a result of this, Officers recommended that Members deferred the application to allow for further investigations to take place, before reconsideration at a future meeting.

RESOLVED: That the application be deferred.

REASON: In order to investigate the marketing of the cabins for sale as permanent dwellings, contrary to the approval of the holiday park.

**9b Bonneycroft, 22 Princess Road, Strensall, York. YO32 5UD  
(12/01013/OUT)**

Members considered an outline application by Bonneycroft LLP for a residential development of 9 detached dwellings (amended scheme).

Officers circulated an amended plan of the site to Members. This was subsequently attached to the agenda, which was republished following the meeting.

In response to a question from a Member regarding comments raised by the Parish Council regarding the retention of a grass verge along the highway boundary, Officers responded that a condition could be attached to planning permission if the application was approved.

Representations in support were received from the agent for the applicant. He spoke about the reasons for why a previous application on the site had been dismissed by a Planning Inspector, following the dismissal of appeal against a previous refusal in September 2011. He stated that amendments had been made to the application including;

- The gardens of the dwellings would be facing each other.
- That the gardens would be screened from the conservation area.
- The unit 9 had been moved further back from its original proposed location in order to protect trees on the site.

Representations were received from a local resident who spoke about the removal of Permitted Development rights from any approval as the proposed dwellings were adjacent to bungalows. He also added that residents were concerned about overshadowing from the proposed dwellings on to their properties and suggested that the ridge heights of the roofs be lowered. He also wished to receive confirmation about the distance of the trees away from the dwellings.

Further representations were received from a representative of Strensall with Towthorpe Parish Council. Further to a Member's earlier comment about the retention of the grass verge, he explained that this would avoid a footpath being built on the boundary. He also asked if the owners of the proposed dwellings would deal with the maintenance of the existing trees on the boundary. Officers confirmed this to be the case. In response to a Member's query about what the removal of Permitted Development Rights would mean in regards to what could be done to the dwellings, Officers gave a brief explanation.

It was reported that, their removal would allow householdersthe right to alter or extend their properties within certain limitations without planning permission.

Officers deemed that Permitted Development Rights should be removed due to the close proximity of the proposed dwellings to existing properties and trees.

Members were informed that the removal of Permitted Development Rights would mean that if the owners wished to carry out development on their property, that they would have to apply for planning permission. It was also noted that any such application would not be subject to a planning administration fee.

It was also noted that if approved, condition 8, as detailed in the Officer's report would include the necessity for street lighting to be installed.

RESOLVED: That the application be approved.

REASON: The proposal subject to the conditions listed in the Officer's report, would cause undue harm to interests of acknowledged importance, with particular reference to:

- The Principle of Development for Housing
- Impact on Protected Trees
- Access and Highway Safety
- Cycle Parking
- Density of Development
- Design and Street Scene
- Neighbour Amenity
- Flood Risk and Drainage
- Bio-Diversity
- Sustainability
- Public Open Space
- Education

As such the proposal complies with the National Planning Policy Framework and policies GP1, GP4a, GP10, GP15a, H4a, H5a, NE1, NE6, NE7, L1c, T4 and ED4 of the City of York Local Plan.

**9c Site Adjacent to 1 Straylands Grove, York. (12/00140/FUL)**

Members considered a full application by Mr Chris Carline for a two storey detached dwelling to side (resubmission).

In their update to Members, Officers highlighted a few errors in their report which included;

- That on page 40 in Paragraph 3.5, that the proposal to replace the Copper Beech tree with a Beech tree was incorrect, and that the replacement tree would be a Norway Maple.
- That on page 44 in Paragraph 4.10, where it stated that the proposed house would be a little taller than the previously approved application, this was incorrect as the current application would be lower in height.

They also informed Members of the response which had been received from the Council's Landscape Architect in relation to a revised landscaping scheme which included additional tree planting and retention of the existing holly bushes and fruit bushes which had Tree Preservation Orders (TPO) on them.

Officers also suggested that, if Members were minded to approve the application, that Condition 14 in the report should be removed as this requirement had been removed from the Council's Interim Planning Statement on Sustainable Design and Construction.

Representations in objection were received from a local resident. He felt that the design of the property was not in keeping with the area as other properties in the vicinity were built of brick and tile, and as a result its appearance would distract drivers.

Representations in support were received from the applicant. He informed the Committee that the features for the property were taken from other houses in the vicinity. He added that following comments, he had amended his original proposals to remove the mono-pitched roof, that the scheme would allow for sustainable materials to be used and that there would be reduced glazing and render used. He also informed Members that trees would be planted along the boundary in advance of construction.

During discussion, some Members expressed their appreciation at how the applicant had taken into consideration the size and scale of the proposed building to its surroundings. Some Members added that they liked the design.

Councillor Warters requested that his vote against approval of the application be recorded.

RESOLVED: That the application be approved

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, and positively addresses the site circumstances, with particular reference to:

- Impact on the Street Scene;
- Neighbouring Amenity;
- Highways;
- Sustainability; and
- Drainage

As such the proposal complies with Policies GP1, GP4a, GP10, L1c, and H4A of the City of York Development Control Local Plan.

**9d 238 Strensall Road, York. YO32 9SW (12/01059/FUL)**

Members considered a full application by Mr and Mrs R Binns for the part retention of an existing building and alterations to create a single storey dwelling (revised scheme).

Representations in support were received from the agent for the applicants. He spoke about the personal family circumstances of the applicants, and passed on the applicant's apologies that they had not obtained planning permission before the existing building had been constructed. He added that he did not feel that the annex would have a detrimental impact on the green belt and its amended size would not constitute inappropriate development.

Further representations were received from the Ward Member Councillor Doughty. He raised a number of points including;

- That in his view, the National Planning Policy Framework stated that both social needs and redevelopment of previous sites which did not harm the green belt were permissible.

- That as the dwelling would be of a single storey height that that it would be out of view from neighbouring properties.
- That the removal of the dilapidated piggery nearby would contribute to the openness of the site.
- That, if approved, a condition should be added on to planning permission to not allow for the annex to sold separately to the main dwelling.

Some Members felt that the building would not have a detrimental impact on the green belt. They added that the proposed shelter belt at the rear of the property would allow for screening of the building.

Other Members expressed concern that approval of the application might set a precedent and felt that they had not heard feasible planning reasons for approval of the application. Additionally, they raised concerns as to the future use of the building if the current occupiers did not reside there, for instance for letting out purposes.

Some Members pointed out that the existing building had been on the site for a number of years, and that permission was previously given to allow for the building to be used as a holiday let, which was supported by a decision from a Planning Inspector. They added that even if there was some linkage between the main building and the annex, that this might not prevent the building being let out. Other Members suggested that a condition to put a timescale on construction works should be added to permission, if the application was approved.

RESOLVED: That the application be approved with the following conditions;

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

Drawing Numbers A1-A3 received 13 March 2012  
Drawing Numbers 201102/100 received 13 March 2012  
Drawing Numbers 201102/101 received 13 March 2012;

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

2. The proposed additional accommodation shall only be occupied and used in conjunction with the occupancy of the existing main dwelling, and shall not be occupied, sold, leased, rented or otherwise disposed of, as a separate dwelling unit.

Reason: To prevent the building from being used as a separate residential unit. A dwelling to the rear of the linear development along Strensall Road would be at odds with the prevailing character of development, and would not fall within development considered to be appropriate in the Green Belt as set out in the National Planning Policy Framework and Policy GB1 of the City of York Development Control Local Plan. The use of the building as a separate dwelling with the potential for associated domestic paraphernalia and development this entails would also increase the visual impact of the building within the Green Belt causing harm to the openness of the Green Belt and therefore contrary to the national policy contained in the National Policy Framework.

3. The alterations to the building including the removal of the first floor and the garden fence as so to comply with Drawing A1-A3 (received 13 March 2012) shall be completed within 6 months of the date of this planning permission. The rubble and other materials resulting from the removal of the first storey that are not reused in the alterations shall be removed from the site within 6 months of the date of this planning permission.

Reason: To ensure that the unauthorised development is altered to conform to this permission and so that its impact on the green belt is reduced.

4. There shall be no habitable rooms in the roof space of the approved single storey building.

Reason: The accommodation hereby approved is for use as an annex only; further development of the building may result in disproportionate



accommodation above what is reasonably expected of annex accommodation.

5. The roof tiles of the existing building shall be reused for the building hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D, E, F and G of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interest of openness of the Green Belt, and the building is to be used as an annex to the main accommodation of 238 Strensall Road therefore the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995) (or any Order revoking or re-enacting that Order), no fences, gates, walls or any other means of enclosure shall be erected around the annex building.

Reason: The creation of an enclosed garden around the building together with the level of accommodation provided within the annex building would conflict with the approved use as an annex to the main dwelling. The creation of an enclosure around the building with potential for domestic paraphernalia would increase the impact of the development within the Green Belt causing

harm to the openness of the Green Belt and therefore contrary to the national policy contained in the National Planning Policy Framework.

8. Within 3 months of the date of this permission a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to supplement existing vegetation along the boundaries of the property within the control of the applicant shall be submitted to the Local Planning Authority. Thereafter the scheme as may be agreed in writing by the Local Planning Authority shall be implemented within a period of 9 months of the date of this permission. Any trees or plants which within a period of five years, 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 along the boundaries, in the interests of the additional screening of the development from the adjacent open countryside and green belt.

9. The trees and hedging along the southern and northern boundary of the whole site as shown by the blue line on Drawing Number 201102/100 shall be retained.

Reason: The trees and hedging create screening of the proposed annex from the wider area.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, the proposed building is not considered to have a further impact than the previous outbuilding that was on the application site and as such these are considered to be very special circumstances and that outweigh the harm to the greenbelt and the presumption against inappropriate development in the greenbelt. Therefore it is considered to comply with the National Planning Policy Framework.

Informative: It is noted that the applicants offered to remove the caravan on the site. For clarification no application has been received for the siting of a caravan on this site and as such the siting of the caravan is unauthorised. The applicants are advised to remove the caravan and submit a timetable for its removal to the Local Planning Authority.

**9e 29 Sandringham Close, Haxby, York. YO32 3GL  
(12/01153/FUL)**

Members considered a full application by Mr P Brown for a single storey rear extension with replacement attached garage to side and canopy to front.

In their update to Members, Officers reported that there were inaccuracies in terms of the floor plans for the application.

Representations in objection were received from a next door neighbour. She spoke about how the proposed extension would be in very close proximity to her kitchen and back door and that the garage window would overlook her bathroom. She also added that she had received conflicting information on the proposals and questioned the reasons for the height of the extension.

Further representations were received from the Ward Member, Councillor Richardson. He felt that there were several concerns about the application including;

- That the development was extremely large in relation to others in the local area.
- There would only be a 1 metre gap between the neighbour's property and the proposed extension.
- That the extension would have a corridor which would exclude light from the neighbour's kitchen and bathroom which were located immediately opposite.

- That the impact on the shared local amenity space to the rear of the property would be too great due to the size of the development.

Some Members reported that they felt that they smelt damp on the neighbouring properties, and they questioned if the close proximity of the extension could cause further problems in relation to this.

Members felt that the application should be refused due to it being overbearing, that it would have a detrimental impact on the streetscene and that there would be a negative impact on the neighbour's amenity due to a loss of light and overdominance.

**RESOLVED:** That the application be refused.

**REASON:** It is considered that the proposed extension by virtue of its height scale and proximity to the side boundary with 31 Sandringham Close would result in a significant loss of light to the side of the adjacent property which contain a number of window openings, and would overdominate the side elevation of that bungalow. The proposal would therefore have a detrimental impact upon the living conditions of the adjacent resident, contrary to the provisions of Council's Development Control Local Plan policy H7, which requires, inter alia , there to be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

**9f 72 The Old Village, Huntington, York. YO32 9RB  
(12/01461/FUL)**

Members considered a full application by Mr Thackray for a two storey rear extension (resubmission).

Representations in objection were received from an adjoining neighbour to the property. She felt that the extension would be detrimental because it would cast a large shadow over her garden, overshadow the bathroom of the property on the other side of the applicant's property.

She also added that she felt that the guttering on the proposed building would be unattractive, the extension would be dominant in the surrounding area. Finally she felt concerned about the noise and disturbance that would be caused, as she reported that the party wall between the two houses was particularly thin.

Some Members asked questions about parking and storage for the property, as they felt that this was a particular issue in the neighbouring area. Officers informed the Committee that the property had off site parking.

Other Members felt that the extension would be overbearing on the adjacent properties and also pointed out that the bedroom would not receive any light in the Autumn and Winter months from 9 am onwards.

RESOLVED: That the application be refused.

REASON: The proposed full height two-storey rear extension projects 2.4m beyond the original rear building line of the property and is located immediately on the side boundary (south) of 74 The Old Village. At 3.6 m, the single storey element projects a 2.1 m beyond the adjoining extension at no 74. It is considered that the height, length and proximity of the extension is such that it would unduly dominate and overshadow the rear first floor living accommodation and rear external amenity space of number 74 and create a structure which is out of scale with the original cottage and its densely developed location. As such it is considered that the proposal conflicts with policy GP1 (criterion b and i) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.

**9g 1 Hazelwood Avenue, Osbaldwick, York. YO10 3PD  
(12/01963/FUL)**

Members considered a full application by Mr Mark Ramsey for a change of use from a dwelling house (Use Class C3) to a house in multiple occupation (Use Class C4).

Additional information in regards to the application was circulated to Members, this was attached to the agenda following the meeting, which was subsequently republished online.

Councillor Warters urged the Committee to defer consideration of the application as he felt that the facts and figures relating to the concentration of HMO's in the area were not correct.

Officers informed the Committee that the proposal would sit below the maximum level of HMOs allowed in the area. Some Members asked if incorrect figures could be used as a basis for refusal of the application. Others felt that the decision on the application could only be taken on what its current use was, not on what it could be used for in the future.

Other Members felt that as the property under consideration was a bungalow that with alterations it would remove a starter property from the market. Others felt that the application did not constitute overdevelopment as parking for the property was available.

Councillor Warters felt that the loss of the front garden from the property would significantly change the streetscene. He asked for his vote for refusal of the application be recorded.

RESOLVED: That the application be approved.

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 residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policies GP1 and H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

**10. ENFORCEMENT CASES-UPDATE**

Members considered a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

**RESOLVED:** That the report be noted.

**REASON:** To update Members on the number of outstanding enforcement cases within the Sub Committee's area.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 4.40 pm].

## COMMITTEE REPORT

**Date:** 9 August 2012  
**Team:** Major and Commercial Team  
**Ward:** Osbaldwick  
**Parish:** Murton Parish Council

**Reference:** 12/01259/FULM  
**Application at:** House of James Stamford Bridge Road Dunnington York YO19 5LN  
**For:** Erection of extension to cover existing loading area (retrospective)  
**By:** House of James Transport  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 21 August 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 House of James comprises a substantial profiled steel clad warehouse building lying in an open countryside location within the York Green Belt to the east of the City Centre and accessed from the A166. The building is presently used as an intermediate storage facility for a major component supplier for Jaguar/ Land Rover cars. Planning permission is presently sought for retention of a loading bay extension at the centre of the site. Planning permission, ref:-12/00473/FULM had previously been refused in respect of the retention of a lorry park at the front of the site linked to the loading and unloading operation taking place at the site.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGB1  
Development within the Green Belt

CYGB11  
Employment devt outside settlement limits



### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Structures and Drainage Engineering Consultancy object to the proposal on the grounds that insufficient information has been submitted with the proposal in order to assess its impact upon the local surface water drainage network.

#### **EXTERNAL:-**

3.2 Murton Parish Council object to the proposal on the grounds of its retrospective nature and its impact upon the open character of the Green Belt.

### **4.0 APPRAISAL**

#### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- \* Impact upon the open character and purposes of designation of the Green Belt;
- \* The need to support local employment and economic growth.

#### **IMPACT UPON THE GREEN BELT:-**

4.2 Policy GB 1 of the York Development Control Local Plan sets out a firm policy presumption that within the Green Belt planning permission will only be granted where the scale and location of development 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 be for one of a limited range of purposes felt to be appropriate within the Green Belt. This generally follows Central Government planning guidance in respect of Green Belts outlined in paragraphs 80 to 89 of the NPPF. Any development deemed to be inappropriate within the Green Belt is by definition harmful to it and a clear case to demonstrate "very special circumstances must be advanced in order to overcome the usual presumption against such development. Furthermore any development which is permissible within the Green Belt must also demonstrate that it would safeguard the openness of the Green Belt".

4.3 The development relates to a substantial profile steel clad extension to provide a covered, secure loading bay infilling a semi open , east facing area within the building complex. The profiled steel cladding of the extension matches that of the existing building as does its scale and massing. However the development as being for employment, albeit a relatively low intensity employment use, is by definition inappropriate within the Green Belt. The applicant has submitted a detailed case in respect of "very special circumstances" for the erection of the development.

This focuses on the client base of House of James which is primarily a motor component supplier called McKechnie Plastics based in Pickering. McKechnie Plastics is a primary component supplier to Jaguar/Land Rover cars and has been closely involved in the development of a new model the Range Rover Evoque. In order to support the development and manufacture of the Rover Evoque McKechnie Plastics require an intermediate storage and distribution facility with a secure, all weather loading and unloading facility at an intermediate location between the component manufacturing site and the vehicle production facility. The extension, which provides a secure cover for the previous open-air loading bay, enables the complex to provide such a capability. It is considered that the relationship of the development to McKechnie Plastics does amount to a case for "very special circumstances."

4.4 In terms of impact upon the openness of the Green Belt the extension it appears modest. It is only readily visible in views from the east and south east and its scale and massing together with the use of a matching palette of materials cause it to blend in with the surrounding building. However, in order for the storage and distribution operation to work effectively a holding/turning area between the building and the road frontage is required, which would have its own impact upon the openness of the Green Belt. The previous application for the retention of a parking area on this site was refused on the grounds of impact upon the openness of the Green Belt caused by the large number of trailers and some open storage clearly visible in long and short distance views along the line of the A166. The applicant has proposed a solution to restrict both the number of and time which trailers can be on the site so that they genuinely serve the operation of the depot. The applicant has also suggested a layout which incorporates a degree of dense landscaping which would effectively mitigate the impact upon the openness of the Green Belt if made the subject of a condition on any approval. It is considered, therefore, that the terms of Policy GB1 of the Draft Local Plan can be satisfied.

#### LOCAL EMPLOYMENT AND ECONOMIC GROWTH:-

4.5 Central Government Planning Policy as set out in the National Planning Policy Framework paragraphs 21 and 28 sets out a requirement to support existing business sectors and to support the sustainable growth and expansion of all types of business and enterprise in rural areas. The application site has been used as a warehousing and distribution hub since its initial permission in the late 1980s and together with its sister facility at Dunnington developed close links with a range of local businesses as well as supporting local employment. The provision of the extension to allow for secure all weather loading and unloading to provide a distribution hub for a major component supplier based in Pickering, has underwritten the long term future of the operation as well as securing the employment of a further 10 additional staff. The applicant has submitted detailed information with the application clearly demonstrating that the company's other premises at Dunnington and other non-Green Belt sites within the City would not be suitable for this facility.

As a consequence without the extension the contract and consequent employment generation for the City would have been lost.

**OTHER ISSUES:-**

4.6 Concern has been expressed in respect of the surface water drainage implications of the development, however no additional hard surfacing has been undertaken and the extension is connected to the existing surface water drainage network as the previous open air loading area had been. Any impact is not therefore felt to be material to the determination of this application.

**5.0 CONCLUSION**

5.1 Planning permission is sought for the retention of a covered loading bay extension located within the main building complex. The development is considered to be "inappropriate" within the Green Belt; however, a clear case for "very special circumstances" has been advanced by the applicant. This focuses on the need to provide a secure all weather loading and unloading area in connection with a long term contract as an intermediate distribution centre for a motor component supplier based in Pickering. The supplier McKechnie Plastics is closely engaged with Jaguar/Land Rover cars in the development of a new model which has at the same time resulted in a major investment at the company's manufacturing plant in the West Midlands. The case for "very special circumstances" is accepted however, there is a clear issue in respect of the "openness" of the Green Belt arising from the parking and turning of vehicles within the site associated with the functioning of the operation. Planning permission for retention of a parking area for trailers on the road frontage of the site has previously been refused on the grounds of impact upon the openness of the Green Belt. Any permission should therefore be conditioned to require the submission and approval of a suitably landscaped turning and waiting area in order to secure the openness of the Green Belt. Subject to such a scheme being agreed the development is felt to be acceptable and approval is therefore recommended.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

Drawing Refs: - BS2870-02 Rev A and BS2870-01 Rev A. Date Stamped 5th April 2012.

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

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2 The extension hereby authorised shall be used solely for the purpose of loading and unloading of vehicles parked within and for no other purpose connected with the operation of the site.

Reason: - To ensure that the extension is used as a covered loading bay and to ensure that loading and unloading activities do not take place in the open air to the detriment of the openness of the Green Belt.

3 Within 28 days of the date of this permission full details of a turning and waiting area for the usage of no more than 8 vehicles operating from the site including full details of landscaping and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved within 56 days of the date of this permission. The waiting and turning area shall be kept free of obstruction at all times.

Reason: - To protect the openness and visual amenity of the Green Belt and to secure compliance with York Development Control Local Plan Policies GB1 and GB11.

4 No HGVs or associated trailers shall be parked at the site other than inside of the loading bay overnight or at other times when the depot is in operation.

Reason: - To protect the openness of the Green Belt and to secure compliance with Policies GB1 and GB11 of the York Development Control Local Plan.

## **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. In particular, it is considered that the potential harm to the Green Belt by reason of inappropriateness is outweighed by other considerations, specifically the safeguarding of local employment and economic growth. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GB11 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

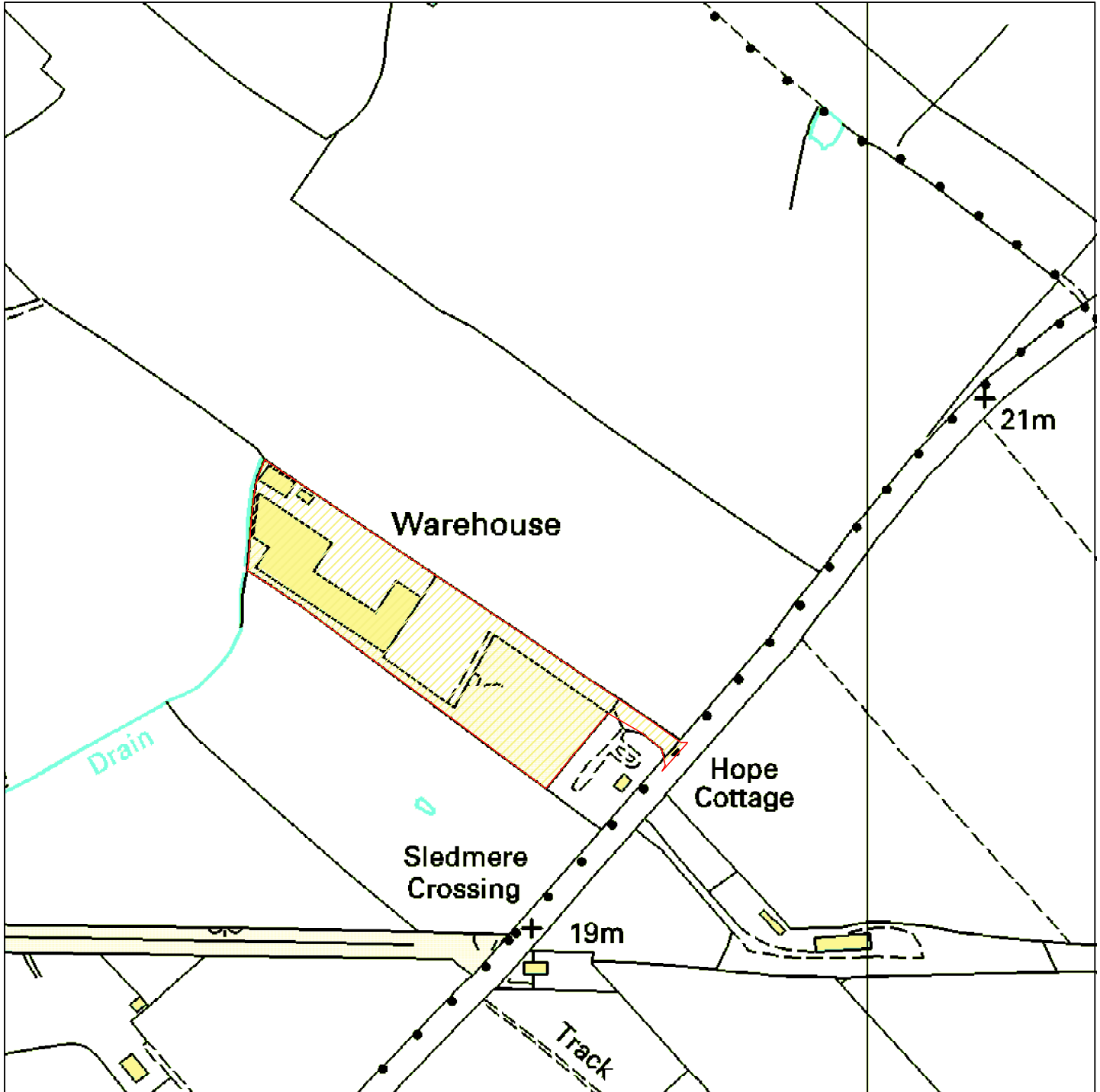
### **Contact details:**

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## House of James Transport



Scale : 1:3590

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	30 July 2012
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 9 August 2012  
**Team:** Major and Commercial Team  
**Ward:** Derwent  
**Parish:** Dunnington Parish Council

**Reference:** 12/01840/FUL  
**Application at:** Tyree 97 York Street Dunnington York YO19 5QW  
**For:** Erection of 4no dwellings with associated garages, new site access and pond extension  
**By:** MDL Land Ltd & Mrs K Wheeler  
**Application Type:** Full Application  
**Target Date:** 13 July 2012  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of four houses within the garden of Tyree at 97 York St, Dunnington. Tyree is a semi-detached dormer bungalow set with an extensive garden which extends west to the old railway line and bridge and east to the rear of dwellings at 91 to 95 York St. The site measures approximately 0.44 ha in size.

1.2 The application site is unallocated 'white land' on the Local Plan Proposals Map and is within the settlement limit of Dunnington. The boundary with the Green Belt runs along the south boundary of the site. Although none of the application site is within Dunnington Conservation area, the boundary runs along York St to the north of the site. York St rises up from the east to the west as one goes over the old railway bridge. Views are afforded over the application site from these raised positions on York St.

1.3 The proposed houses would be served off a new private drive. This would be created to the north west of 97 York St. The existing vehicular access to 97 York St would be removed and the front garden landscaped. A new garage would be built to the rear of 97 York St for use by its occupants. Three of the four proposed houses are to the west of the 97 York St, these consist of two semi-detached three bedroom houses with detached garages and one detached three bedroom house with integral garage. To the east, behind 95 York St a four bedroom house is proposed with integral double garage. All four dwellings are two storeys in height of traditional design and would be constructed of red brick with stone cills with red concrete pantiles as the roof covering. The windows and doors are proposed to be uPVC. An existing pond to the west of the access drive would be enlarged and a new pond created to the west of Plot 4.

Additional landscaping is proposed along the north boundary of the site and within the vehicle turning area. The existing car port connected to 97 York St would be demolished to make way for the access drive.

1.4 The application site has been subject of a previous planning application for residential development. In 2005 an application was refused for the erection of 11 dwellings with garages after the demolition of 95 and 97 York St. The application was refused on three grounds which were:

- 1) The proposed access onto York St was considered to have insufficient sight lines which could cause a road safety issue for highway users;
- 2) The application site contains Great Crested Newts and a full survey to assess the impact of the development on these protected species was not carried out; and
- 3) The proposed layout of the houses was considered unacceptable and would result in a cramped visual appearance and poor relationships between dwellings. It was considered that the occupants of the proposed dwellings would have a poor standard of residential amenity due to the lack of separation distances.

1.5 This revised application has been brought before East Area Planning Sub-Committee at the request of Cllr. Brooks on the grounds of highway safety and inappropriate and uncharacteristic development density at the entrance to the village. A site visit is recommended to understand the visual impact of the proposed development, the relationship between the proposed houses and existing dwellings, and the proposed access arrangements.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Dunnington Conservation Area CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: Dunnington CE Primary 0194

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYNE6  
Species protected by law

CYNE7  
Habitat protection and creation

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYHE2  
Development in historic locations

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Housing Strategy and Enabling - A commuted sum towards off-site affordable housing of £46,282.50 is required.

3.2 Adults, Children and Education - A contribution of £11,984 is required to fund one place at Dunnington Primary School.

3.3 Drainage - The application is in Flood Zone 1 and should not suffer from river flooding. There are no objections to the application subject to a condition requiring foul and surface water drainage details to be approved.

3.4 Countryside/Ecology - A Great Crested Newt (GCN) survey was carried out in 2010 and 2012 and showed that a small population was present in the existing garden pond. The 2012 survey identified the pond as a breeding pond. Much of the rest of the site provides suboptimal habitat for GCN. The old railway line acts as a good commuting corridor to suitable habitat elsewhere. As part of the application the garden pond would be retained and enhanced for GCN.



The pond would be extended and deepened in sections. A new pond would also be created with marginal planting around the site and new terrestrial habitat to provide suitable foraging and refuge and hibernation piles. The mitigation scheme proposes dropped or angled kerbs throughout the development to ensure there are no barriers to newt movement. A management plan would need to be drawn up and implemented in order for Natural England to grant a license for the works. The old railway line provides good foraging and commuting habitat for bats which are present in the local area. There are opportunities within the development for work to be carried out for the benefit of the local bat population.

3.5 Landscape - In response to the original proposal - The belt of hedgerow and trees along the southern perimeter of the site creates a valuable green edge to the village. At the most westerly point, adjacent to the farmer's access gate, is a multi-stemmed Ash of no great stature. The western section of the southern boundary is mostly conifers, the middle section mostly Blackthorn, Laurel and Cotoneaster plus a young mature Acer and mature Lombardy Poplar. The eastern section contains a tight line of Lombardy poplars. Unit 4 is close to one Acer and one Poplar. The Acer could be retained and would be compatible with unit 4. The roots of the single Poplar are likely to be affected by the development, and such a tree would not be compatible with a dwelling at such close proximity. Nonetheless, the single Poplar is quite separate from the remaining group and its loss would not have a significant impact on the overall public amenity.

Whilst the steep driveway may have to be in bitmac, the remainder could be in resin bound gravel with setts to soften the appearance of the hardstanding. The pond would create a pleasant attractive central feature however this is severely compromised by the garages for plots 1 and 2, which is thus detrimental to the amenity of the development, and gives the pond a rather ridiculous restricted setting. York Natural Environment Panel (YNEP) suggested the replacement pond should be located at the bottom of the rear gardens of unit 4 where it would have a better relationship with the wider habitat. Thus the central area could be planted up with a large-species tree as a central focal point, within a planted/grassed area. There is an existing long conifer hedge (maintained at a reasonable height) at the lower level along the boundary of York Street. I suggest that any of this that lies to the west of the proposed private drive is removed and replaced with a native mixed hedge or shrubbery, including some trees.

In response to the revised scheme - The additional planting presents an improvement to the scheme. As mentioned previously, the surface treatment of the drive would have a significant effect on the visual quality of the development. This could be conditioned. It is unfortunate that no changes have been made to the garage locations for units 1 and 2 as these significantly detract from the central pond feature and setting of the proposed properties.

3.6 Environmental Protection Unit - There are concerns that some of the land will have been filled with unknown material which may have been contaminated. Therefore conditions are recommended to ensure any contamination, if discovered, is addressed through remedial action.

3.7 Parks and Open Spaces - There is no on-site communal open space and therefore a commuted sum payment towards off-site provision/improvement in the local area is sought.

3.8 Highway Network Management - Access to the proposed development is to be via a new dropped vehicular crossing approximately 30m west of the existing access which serves 93-97 York St. The sight lines that are proposed have been assessed against both the prescribed speed limit for York St, together with the results of a speed survey. The annotated achievable sight lines are in accordance with national guidance and are therefore considered acceptable. Vehicles travelling along York St will have sufficient time to react should a vehicle pull out of the proposed junction or be waiting to turn right into the site. Vehicles leaving the site will have sufficient visibility to judge the speed of traffic and pull out when appropriate. In order to maximise and protect the sight lines at the access, it is proposed to set back the existing fence line and dedicate the intervening land as public highway. The applicant has also agreed to fund the provision of warning signage in the vicinity of the bridge, the detailed design and location of which would be agreed. The levels of traffic that can be expected to be generated by the scheme are considered to be negligible and will not have a material impact on the adjacent highway. Parking and turning has been provided in accordance with maximum standards and will enable vehicles (including refuse vehicles) to enter the site, turn and leave in a forward gear.

## EXTERNAL

3.9 Dunnington Parish Council - Comments were received regarding the initial plans consulted on, comments in respect of the revised plans which are under consideration had not been received at the time of writing this report. The following comments were made in response to the initial submission:

- There are no objections to the house designs and garage layouts, landscaping removed should be mitigated against by new planting in appropriate locations;
- The building line should not be brought forward as this would change the character of the entrance to the village;
- The access would cause serious problems to those living in Derwent Estate who walk their children to school via Pear Tree Lane and cross at the access point. The access has poor visibility in both directions;
- Traffic travels at high speeds past the application site and traffic levels have increased 69 per cent since the traffic lights were installed at the junction of York Road and A1079.

Traffic lights are needed at the junction of Common Road and the A1079 to discourage people from using York St and York Rd, the applicants should be asked to contribute towards these much needed traffic lights.

3.10 York Natural Environment Panel - Regret the loss of a green corridor only for the majority of it to be replaced with hard standing and buildings. The proposals would isolate the existing pond by hard standing with minimal connection for Great Crested Newts to access suitable surrounding vegetation/terrestrial habitat. There may be confusion in terms of ownership and responsibility of the pond. The Panel would suggest the creation of a new pond to the rear of the garden in plot 4 which isn't surrounded by hardstanding and would be in one ownership and have good connectivity to terrestrial habitat. The Panel advocate planting to soften and screen the proposals to mitigate for the loss of green space.

3.11 Local Residents - Two separate consultations were carried out, the first when the application was received, and the second when the revised plans under consideration were received. Ten letters were received in respect of the first consultation, eight in objection, two not objecting but raising concerns, and the following comments were made:

- The proposed access would have poor visibility;
- The proposed access is close to Pear Tree Lane which causes potential highway safety problems;
- Visibility of cars coming over the bridge from the west is poor;
- The proposal would make crossing the road at Pear Tree Lane more difficult;
- The proposed access would make it very difficult to turn right and head towards the main part of the village;
- Building new houses in an existing garden is contrary to the Village Design Statement and would detract from the attractiveness to the entrance to the village;
- The proposed removal of trees and shrubs would detract from the current attractiveness of this important part of the village;
- Water runs down York St off the bridge and into the front gardens of 91 and 93 York St, if the proposed road accessing these properties is higher than the driveways of 91 and 93 York St it could make the drainage/potential flooding problem worse;
- The removal of trees and shrubs from the site would not improve the appearance of the village;
- Building in back gardens de-values existing properties;
- The proposal does not respect the existing building line along York St, positioning two properties closer to the road;
- The site is a gateway and entrance to the village, and the level of development would detract from its current green appearance;
- The house (plot 4) proposed to be built behind 95 York St is unreasonable as it is too close to the boundary and the height of the house (8m) would cut out sunlight currently enjoyed at number 95;

- Plot 4 is by far the largest house and it would be more reasonable for this to be a bungalow and smaller given its close proximity to the rear boundary of 95 York St.

Four letters of objection were received in respect of the second consultation regarding the revised plans, the following comments were made:

- The revised plans make visibility from the west even more difficult as it is closer to the bridge;
- Unclear how the access would work as it seems to be half way up the bridge on York St, would the bridge need to be flattened;
- A highway warning sign would have no effect, most vehicles travel in excess of the 30 mph speed limit;
- The revised plans do not remove the concerns expressed previously about traffic risks;

## **4.0 APPRAISAL**

4.1 The key issues are:

- Principle of development;
- Density, design and visual impact including the impact on the setting of the Conservation Area;
- Impact on neighbouring amenity;
- Access and highway safety;
- sustainability;
- ecology;
- drainage;
- open space, affordable housing and education provision;

## **PRINCIPLE OF DEVELOPMENT**

4.2 Paragraph 49 of the National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' However, Paragraph 53 requires local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst written significantly before the NPPF the Development Control Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' follows this theme by stating that planning permission will be granted for sub-division of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where:

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- the site is in the urban area and is vacant or underused; and
- the site has good accessibility to jobs, shops and services by non-car modes; and
- it is of an appropriate scale and density to surrounding development; and
- it would not have a detrimental impact on existing landscape features.

4.3 The application site is within the settlement limit of Dunnington. It is therefore considered to be within a sustainable location and has access to services and facilities by non-car modes. Whilst the site is used as a domestic garden, its size in relation to the host dormer bungalow is very large. The proposed residential development would make more efficient use of this sustainable site. York has a shortage of housing, particularly family sized housing. Given the need for new housing, the size and sustainability of the site and the NPPF's presumption in favour of sustainable development, it is considered that the broad principle of development is acceptable. The previously refused application from 2005 was not considered unacceptable on the grounds of the principle of development and there is no reason to contradict this view in light of current policy guidance.

## DESIGN AND VISUAL APPEARANCE

4.4 Whilst there are houses on the west side of the old railway bridge, the application site makes a contribution to the visual entrance to Dunnington. The site is green and open and provides an appropriate visual transition from agricultural land to the west to the more built up appearance of York St and Dunnington Village to the east. New residential development on this site would have some impact on this character. The planning application which was refused in 2005 did not cite visual impact of development on this site. The proposal was considered to be cramped due to the amount of development on site, but no issue was raised in terms of the impact of development on the setting and entrance to the village. Dunnington Village Design Statement was completed and published in 2006, whilst containing a number of design principles the application site is not specifically mentioned as needing to be retained as an open or green area. The application site provides a green setting to the village, however it is not considered that objections to some form of appropriately scaled residential development on this site could be sustained given the previous planning decision.

4.5 The NPPF encourages Local Authorities to set their own policies in relation to housing density to reflect local circumstances. Policy H5a 'Residential Density' states that in locations such as the application site, a density of 30 dwellings per hectare should be achieved. However, this target contains a caveat which states that the scale of any proposed development should be compatible with the surrounding area and not harm residential amenity. The proposed development of five houses (existing dormer bungalow plus four houses proposed) on a site of 0.44 ha represents a density of just 11.4 dwellings per hectare. The previously refused scheme was 25 dwellings per hectare.

4.6 Given the characteristics of the site and its setting it would clearly be inappropriate to create a high density residential development in this area. Additionally the constraints of the site severely restrain the amount of land which is potentially developable. These constraints include a significant change in levels from the road and a site shape of which includes a narrow strip of land which runs along the rear of 91 to 95 York Street. It is therefore considered that a low density development is the most appropriate in this location.

4.7 The proposed houses are traditional in design. The houses would be constructed of brick with pantile roofing. The houses would be two storeys in height, measuring between 7.2m and 8.2m in height to the ridge and between 5m and 5.1m to the eaves. The area around the application site contains a variety of building design, no one style dominates and it is considered that the traditional design of the proposed houses would appear appropriate within this location. Plot 4 is set significantly back from the road and is behind an existing bungalow at 95 York St, it would therefore only be visually prominent from a small number of vantage points. Plots 1 to 3 are further towards the west of the site. Therefore they would be partially screened by the bank which leads from the site to the raised sections of York St. The proposed house at Plot 1 is set back approximately 6m from the site boundary and would have a finished floor level 2.3m lower than York St. The separation from the footpath and road has enabled the applicants to incorporate additional planting to further reduce and soften the visual impact of this house.

4.8 The application site contains significant areas of hardstanding which is the result of the need for a refuse vehicle to enter the site, turn around and leave in a forward gear. However, swept paths showed an area of land which could accommodate a substantial new tree which would help to break up the visual appearance of the hardstanding. Little of the landscaping within and around the site is being removed and there is plenty of scope for supplementary landscaping in both public and private areas of the development. The Landscape Architect is content with the proposals and it is recommended that a condition is added to any approval whereby a good quality landscaping scheme is agreed and implemented. Overall it is considered that the visual impact of the proposed development would be acceptable. It is not considered that the proposal would harm the character or setting of the Conservation Area which runs along York Street.

#### IMPACT ON NEIGHBOURING AMENITY

4.9 The revised plan has moved the vehicular access away from the front of 95 and 97 York St. The proposed access is now to the west of number 97. One of the primary benefits is that the access has moved substantially further away from neighbouring houses.

Given the level of use of the proposed access road and the separation distance from the main habitable living accommodation in number 97, the proposed access arrangement is suitable in terms of maintaining a reasonable level of amenity.

4.10 The proposed houses at plots 1 to 3 are a significant distance from any existing houses and would not unduly affect amenity. The proposed house at Plot 4 is located closer to existing neighbouring dwellings. The revised plans have moved plot 4 further away from the boundary with 95 York St and the roof has been hipped away from the neighbouring curtilage. It is considered that this house would not cause significant harm to neighbouring amenity. At the nearest point the proposed house is 18m away from number 95. Given that Plot 4 is not directly behind number 95 this separation distance is considered acceptable. The revised plan has increased the separation distance between the proposed house at Plot 4 and the rear garden boundary of number 95 to approximately 4m. The roof of Plot 4 has also been hipped away from the boundary to reduce the visual bulk of this house as viewed from this neighbouring house and garden. 95 York St has a substantial garden and it is not considered that the proposed development would unduly harm the enjoyment of this garden. There are two windows within the north elevation of Plot 4, one at ground and one at first storey level. Both of these windows would serve wc's/shower rooms. Therefore it would be reasonable to require these windows to be obscure glazed to protect privacy and a separate condition restricting the insertion of any additional windows within the north elevation.

#### ACCESS AND HIGHWAY SAFETY

4.11 The majority of concerns raised by local residents in respect of the proposed development relate to highway safety and the proposed access. The proposed access would serve five dwellings and is located between the Pear Tree Lane access to the east and the railway bridge to the west. The access sits on a slight bend in the road. The applicants carried out a vehicle speed survey prior to submitting the application to understand how people currently use the road. Whilst some vehicles were travelling at speeds in excess of the 30 mph speed limit at the site, the mean average speed was 30.5 mph.

4.12 The Council's Highway team propose that the existing fence line to the west of the access be moved into the site in order to allow greater visibility to the west. As is stated in the consultation response received from Highway Network Management the 'annotated achievable sight lines are in accordance with national guidance and are therefore considered acceptable. Vehicles travelling along York St will have sufficient time to react should a vehicle pull out of the proposed junction or be waiting to turn right into the site. Vehicles leaving the site will have sufficient visibility to judge the speed of traffic and pull out when appropriate.' The applicants are also willing to fund a new concealed entrance sign close to the bridge. The location and design of this sign would be agreed at a later stage and this could be covered by condition.

The proposed development is relatively small in scale and would not make any noticeable difference to the local highway network in terms of vehicle numbers.

## SUSTAINABILITY

4.13 The most recent change to the Sustainable Design and Construction Interim Planning Statement removes the requirement for developments of less than 10 dwellings to achieve Code for Sustainable Homes Level 3 and 10 per cent on site renewable energy. However, a sustainability statement continues to be a requirement under Policy GP4a.

4.14 The applicants' statement promotes the sustainability of the site's location, which is within 400m of shops, a primary school, and a medical practice. There is a bus stop within 200m of the application site which serves a 30 minute frequency bus service to Stamford Bridge and Nether Poppleton and an hourly frequency service to York and Bridlington. In terms of building and site design, the applicant states that the use of non-renewable materials will be minimised and energy efficient lighting and heating would be used. Recycling and bike storage is proposed and there would be a general landscape enhancement. From an economic perspective, the development would create jobs within the building trade. It is considered that the applicants have considered sustainability in line with Policy GP4a.

## ECOLOGY

4.15 Draft Local Plan policies NE6 and NE7 seek to protect and enhance existing natural habitats, particularly on sites where there are protected species. There is a small existing pond on the application site which is known to be a breeding pond for Great Crested Newts (GCN). The applicants are proposing to retain this pond and to enlarge it in terms of both its depth and footprint. An additional pond is also proposed to the south of the site to aid with GCN habitat enhancement. Additionally the application site is proposed to be developed in a way which removes any restrictions to GCN movement. For example kerbs would be angled to allow a newt to walk across it. The Council's Countryside Assistant believes that the proposal is acceptable from an ecological perspective. The applicants would require a license from Natural England to develop this site. Such a license would only be given if an acceptable management plan for the future maintenance of the site and pond is provided. It is therefore considered that a planning condition relating specifically to newts is not required as the Natural England licensing procedure would adequately cover this. An informative is proposed to highlight to the applicants that approval is required from Natural England. The application site is currently undeveloped and contains some areas which are of wildlife value, such as hedges and unmown grassland to the site edges. A general wildlife enhancement condition is proposed to help create a better wildlife environment for bats and invertebrates.



## DRAINAGE

The application site is within Flood Zone 1 and should therefore not suffer from river flooding. At present the site is green and undeveloped. The proposed development would reduce the amount of land within the application site which is permeable. The applicants are proposing to create separate systems for foul and surface water drainage. The surface water drainage system would limit surface water runoff to a level equivalent to a green field site. This would include underground storage tanks to ensure that water is released from the site at a suitable and controlled rate. The Council's drainage engineer raises no objections to the proposed drainage system subject to detailed design which can be secured by condition.

## OPEN SPACE, AFFORDABLE HOUSING AND EDUCATION PROVISION

4.16 The applicant is not proposing to provide on site communal open space. Therefore in line with Policy L1c of the Draft Local Plan and the supporting planning guidance (July 2011) a commuted sum payment is required to fund the provision or improvement of children's equipped play space, informal amenity open space, and outdoor sports facilities. The application is for three no. 3 bedroom houses and one no. 4 bedroom house. The required commuted sum payment is £8848.

4.17 Given the number of houses proposed and the location within a rural village, there is no requirement for on site affordable housing provision. However, a commuted sum payment is sought under current interim affordable housing targets. The commuted sum required to satisfy this policy £46,282.50.

4.18 Policy ED4 of the DC Local Plan seeks financial contributions towards local education facilities to meet the additional demand created by a new residential development. The consultation response from Adults, Children and Education confirmed that the development needs to fund one primary school place at the local school. This sum is £11,984.

4.19 The applicants have confirmed that they are happy to pay the required commuted sums. These sums would be sought through a S106 with the above heads of terms used as the basis for drawing up the agreement should Committee Members is minded to approve the application.

## 5.0 CONCLUSION

5.1 The application is recommended for approval subject to the conditions listed below and the completion of a Section 106 agreement requiring the developers to pay to the Council:

- £8848 towards open space
- £46,282.50 towards affordable housing
- £11,984 towards education

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Proposed Site Plan 10:33:02 Rev H received 18/07/12

Proposed Plans and Elevations - Plots 1 - 3 Rev C received 24/07/12

Proposed Plans and Elevations - Plot 4 10:33:04 Rev C received 10/07/12

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

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

Reason: So as to achieve a visually acceptable appearance.

4 Prior to the construction of any dwelling hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the occupation of the final dwelling. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.2 metres, as measured from existing ground level.

Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the two window openings within the north elevation of Plot 4 shall at all times be obscurely glazed to a minimum level of Pilkington Level 3 (or the equivalent standard), prior to occupation of the property. No windows, doors or other openings shall be inserted into this elevation without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of occupants of the adjacent residential property.

7 Prior to the construction of any dwelling hereby approved, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- Peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Therefore maximum surface water discharge = 0.7 l/sec

Details of surface water flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 0.7 l/sec.

Site specific details of the 80.1 m<sup>3</sup> attenuation tanks must be provided.

- These details shall be provided with a topographical survey showing the proposed ground levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent

runoff from the site affecting nearby properties.

- Details to prove suitability of existing piped watercourse by way of CCTV survey and to carry out any remedial works necessary.
- Details of the future maintenance/management of the drainage system.

The drainage works shall be carried out in complete accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

8 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

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

9 The development shall not be begun until details of 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.

Reason: In the interests of road safety.

10 The initial 10m of the access, measured from the nearside highway boundary, shall not exceed a gradient of 1 in 20 (5%). Elsewhere within the site the gradient of pedestrian and vehicular areas shall not exceed 1 in 12 (8.3%).

Reason: To ensure vehicles safely approach and enter the public highway and that the site is accessible to people with disabilities.

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

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

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

Reason: In the interests of highway safety.

13 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

14 Prior to the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

15 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works)

- realignment of fence line along site frontage in accordance with sight lines and provision of warning signage

have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

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

16 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway.

17 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include the following information:

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

18 The hours of loading or unloading on the site and construction work which is audible at the site boundary shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday with no working on Sundays or public holidays

Reason: To protect the amenities of adjacent residents

19 No development shall take place until details have been submitted to and approved in writing by the Council of the measures that are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the area. The work shall be completed in accordance with the approved details.

Reason: In order to enhance the habitat and biodiversity of the locality.

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

a. Site Characterisation

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

- a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments.

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

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

#### b. Submission of Remediation Scheme

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

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

### **1. REASON FOR APPROVAL**

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

- principle of development;
- density, design and visual impact including the impact on the setting of the Conservation Area;
- impact on neighbouring amenity;
- access and highway safety;
- sustainability;
- ecology;
- drainage;
- open space, affordable housing and education provision.

As such the proposal complies with the overall aims and objectives of the National Planning Policy Framework, and Policies GP1, GP4a, GP9, GP10, NE6, NE7, HE2, H4a, H5a, and L1c of the City of York Development Control Local Plan.

### **2. INFORMATIVES:**

#### Highways

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Improvement/Increasing width of highway - Section 62/72 - Michael Kitchen 551336

### **3. INFORMATIVE:**

In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters

Application Reference Number: 12/01840/FUL

Item No: 4b



within the garage, it is recommended that the applicant should install a standard domestic 13A electrical socket on an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket. Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

#### 4. DEMOLITION AND CONSTRUCTION

The construction work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

There shall be no bonfires on the site

#### 5. GREAT CRESTED NEWTS

A license is required from Natural England to carry out the development hereby approved due to the presence of Great Crested Newts on the application site. Work shall not commence until a license for the work and the management and maintenance of the habitat has been received from Natural England.

#### **Contact details:**

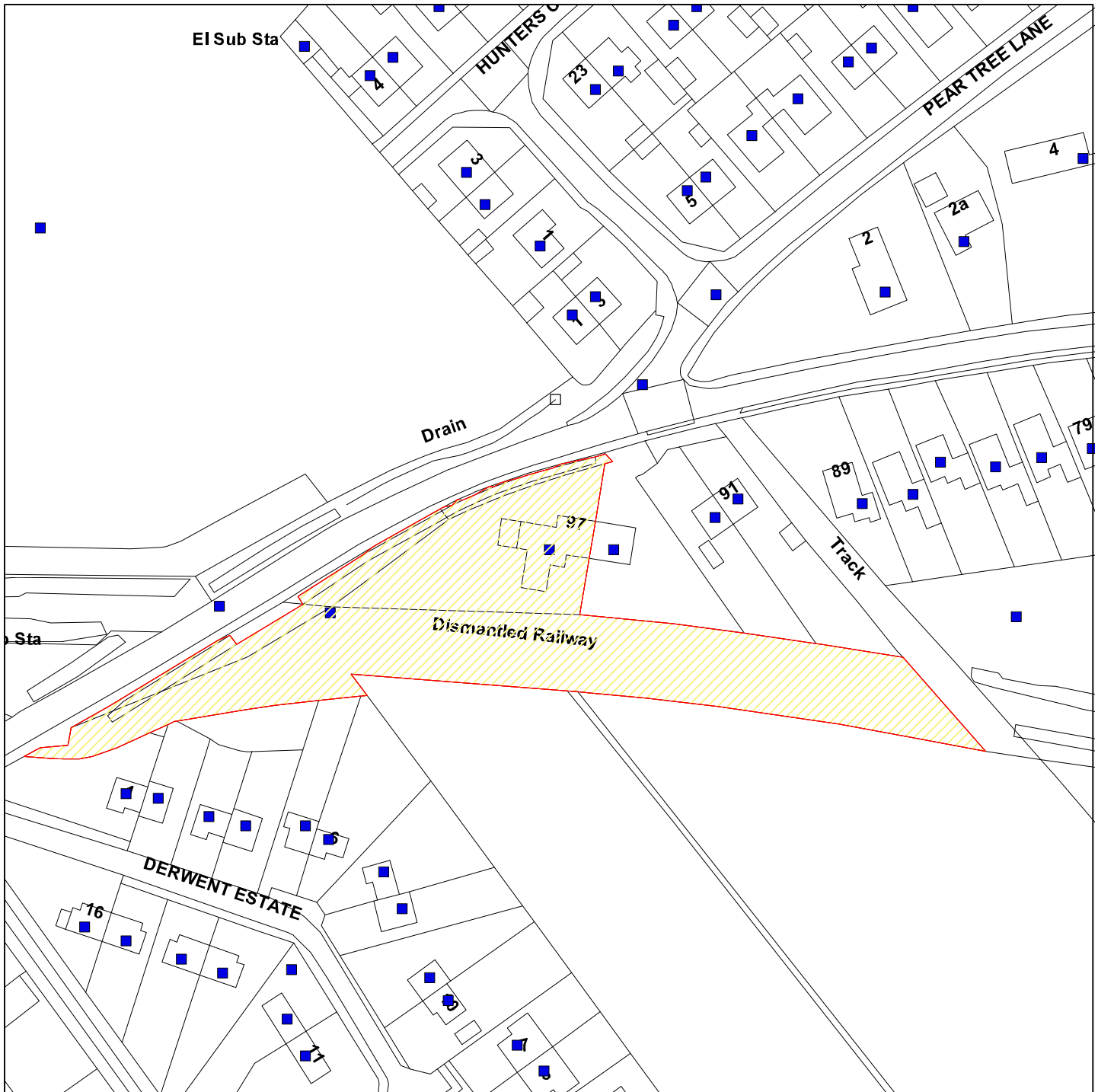
**Author:** Michael Jones Development Management Officer  
**Tel No:** 01904 551339

# 12/01840/FUL

Tyree, 97 Howard Street



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	30 July 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 9 August 2012                      **Ward:** Clifton  
**Team:** Major and                              **Parish:** Clifton Planning Panel  
                    Commercial Team

**Reference:** 12/01807/FUL  
**Application at:** Howards Of Clifton 61 Clifton York YO30 6BD  
**For:** Change of use from hairdressers (Use Class A1) to a mixed use  
                    retail bakery/cake shop and tearoom  
**By:** Mrs Nelson  
**Application Type:** Full Application  
**Target Date:** 26 July 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to the change of use of 2-storey hairdressers (class A1) to a mixed use bakery/cake shop and tea room. Cakes would be baked and sold at the ground floor front of the shop. The ground floor rear of the shop and possibly the first floor landing would operate as a tea room for up to 30 covers. The application states that the business would provide/sell 'cakes, scones, pastries, sandwiches, soup, jacket potatoes, quiches, toast, etc.' There would be no external alterations to the building. The food would be prepared in a kitchen at the back of the property. Refuse/recycling facilities would be under cover in the enclosed yard to the rear of the building.

1.2 The application is before Members because the applicant is an employee of the Council.

1.3 In 2002 planning permission was refused (02/02592/FUL) for the change of use from a butchers to a "food and drink" use (Class A3). No details about the use were provided. The use was considered unacceptable due to the location of the site in a mainly residential area which could lead to an unacceptable impact on neighbouring properties from noise disturbance and smells, particularly late in the evening.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Clifton CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Floodzone 2 GMS Constraints: Floodzone 2

## 2.2 Policies:

CYS6  
Control of food and drink (A3) uses

CYS9  
No loss of local or village shops

CYGP1  
Design

CYT4  
Cycle parking standards

CYHE3  
Conservation Areas

CYHE2  
Development in historic locations

## 3.0 CONSULTATIONS

### 3.1 INTERNAL

Environmental Protection Unit - No objections to the change of use to a tearoom. However we would not want to see other types of A3 use, such as a takeaway, opening in this property at some point in the future, as there is totally inadequate kitchen extraction for that purpose. Also it is likely that commercial kitchen extraction equipment would affect the amenity of nearby residents due to noise and/or vibration. In addition, due to the proximity of residential premises, any business wanting later opening hours would more than likely affect the amenity of residents. Therefore I would recommend that any permission given should restrict the use to the tearoom use only and the hours of use applied for. The type of (non-commercial) kitchen extraction they plan to use has been discussed with the Food Safety Unit who say it is adequate.

Design, Conservation and Sustainable Development - The works appear to be internal to the building. If no flue is required, assess the application on grounds of amenity.

### 3.2 EXTERNAL

Clifton Planning Panel - No objections.

Public Consultation - The consultation period expired on 4 July 2012. One objection has been received from a local business: Another food establishment would not benefit Clifton. It would put more pressure on the existing shops, who are struggling to keep afloat.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

Loss of retail use  
Highway issues  
Impact on the conservation area  
Neighbour amenity.

### 4.2 POLICY CONTEXT

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

4.22 Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 186). Local planning authorities should look for solutions rather than problems and seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.23 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

The following local plan polices are still applicable:

4.24 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.25 S6 - Planning permission for the extension, alteration or development of food and drink uses will be granted provided: (i) any impact on surrounding occupiers would be acceptable; and (ii) the opening hours of takeaways and premises where alcohol is consumed are to be restricted as necessary to protect the amenity of surrounding occupiers; and (iii) car and cycle parking meet council standards; and (iv) acceptable flues and means of extraction have been proposed; and (v) security issues where the consumption of alcohol is involved have been addressed.

4.26 S9 - Planning permission will only be granted for a change of use that would result in the loss of a local or village shop where it can be demonstrated that (a) the need for the shopping facility no longer exists or (b) appropriate facilities exist within the local area.

4.27 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.28 HE2 - Within or adjoining conservation areas and in locations that affect the setting of listed buildings, scheduled monuments or archaeological remains, development proposals must respect adjacent buildings open spaces, landmarks, and settings and have regard to local scale, proportion, design and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landscapes and other townscape elements that contribute to the character or appearance of the area.

4.29 HE3 - Within conservation areas demolition of a building, external alterations or changes of use that are likely to cause environmental or traffic problems will only be permitted where there is no adverse effect on the character and appearance of the area.

### 4.3 THE APPLICATION SITE

4.31 The property is a vacant, 2-storey retail shop fronting onto a main road. The building is set back from the public footway by 2m-2.5m. To the rear is a small enclosed yard. The building is unlisted but is within the conservation area. The area is mixed including residential, retail and commercial. The immediate neighbours to the sides and rear are residential.

#### 4.4 LOSS OF RETAIL

4.41 The shop is not in a protected retail frontage and alternative retail facilities exist in the area. Policy S9 allows for the loss of a local or village shop where a local need for the shop no longer exists or appropriate alternative facilities exist within the local area. Whilst the shop is not in a predominantly retail frontage other retail premises exist locally and within easy reach by public transport. Part of the building would stay in retail use.

4.42 One local business is concerned that the establishment of another food business would not benefit Clifton and would put more pressure on the existing shops in the area. Commercial competition in unprotected retail frontages is not a planning matter and is not a factor in determining this planning application.

#### 4.5 HIGHWAY ISSUES

4.51 The application has no material highway implications. Traffic and parking generated by the use are unlikely to differ significantly from the existing lawful retail use. The site is in a sustainable location within walking distance of local facilities and the city centre. It is also served by frequent public transport. A condition should be attached requiring cycle stands in accordance with council standards to be provided on the front forecourt.

#### 4.6 IMPACT ON THE CONSERVATION AREA

4.61 The building contributes to the character of the conservation area. The external appearance of the building would not change. The only material alteration to the appearance of the site would be the provision of cycle stands on the forecourt, to which the Council's Conservation Officer has no objections.

#### 4.7 NEIGHBOUR AMENITY

4.71 The scale of the proposed business is small and does not require a commercial extraction system. The use is unlikely to cause a significant impact on neighbouring occupiers. Nevertheless a different food and drink use could have an unacceptable impact, particularly on the residents to the sides and rear of the site. If the application had been solely for a food and drink use (no retail bakery or cake shop) a condition would be needed to prevent other (more-intrusive) food and drink uses occupying the premises. However, as the current application is for a mixed use any other use or uses would need planning permission, so a condition preventing their use of the premises is not necessary. In order to protect local residents from noise and other nuisance the hours of use should be restricted to those sought by the applicant, i.e. 08.30-18.00 Monday to Friday, 08.30-16.00 Saturday and at no time on Sunday.

## 5.0 CONCLUSION

5.1 The proposal accords with the National Planning Policy framework and relevant policies of the City of York Local Plan Deposit Draft and is acceptable.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with the un-numbered floor plans received by the City of York Council on 30 April 2012.

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

3 Prior to the development commencing details of secure cycle storage for four cycles shall be submitted to and approved in writing by the Local Planning Authority. The use shall not be commence until the cycle facilities have been provided in accordance with such approved details and shall not be used for any purpose other than the parking of cycles.

Reason: In the interests of sustainable transport.

## INFORMATIVE

Suitable cycle facilities to satisfy this condition would comprise two Sheffield-type cycle stands located on the front forecourt of the site, close to the boundary with 63 Clifton, 1m apart and parallel to the front elevation of the building.

4 The hours of operation of this approved use shall be confined to 08.30-18.00 Mondays to Fridays, 08.30-16.00 Saturdays with no opening on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

5 There shall be no primary cooking or preparation of food on the site that would result in a requirement for any kitchen extraction or ventilation outlets.



Reason: To protect the amenity of adjacent residential occupiers and to avoid an adverse impact on the character and appearance of the conservation area.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance with particular reference to the loss of a retail use, the control of food and drink uses, the impact on the character and appearance of the conservation area, highway issues, cycle parking and neighbour amenity. The application therefore complies with the overall aims and objectives of the National Planning Framework and policies GP1, S6, S9, T4, HE2 and HE3 of the City of York Local Plan.

#### **Contact details:**

**Author:** Kevin O'Connell Development Management Officer

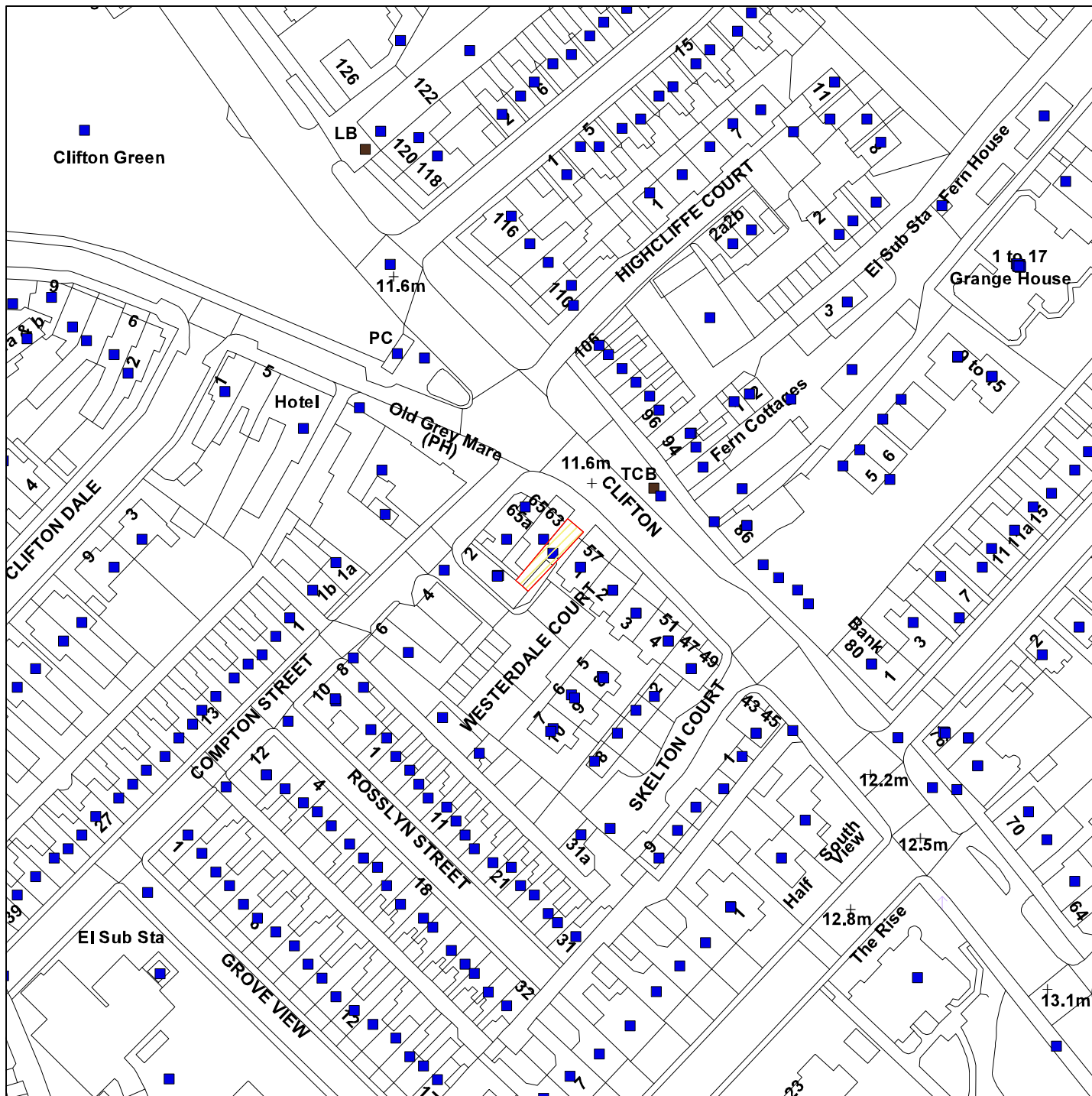
**Tel No:** 01904 552830

# 12/01807/FUL

## Howards of Clifton



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	30 July 2012
<b>SLA Number</b>	Not Set




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<b>East Area Planning Sub Committee</b>	9 <sup>th</sup> August 2012
<b>West and City Centre Area Planning Sub Committee</b>	16 <sup>th</sup> August 2012
<b>Planning Committee</b>	23 <sup>rd</sup> August 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> April to 30<sup>th</sup> June 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

### **Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, 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 (and usually above) the national average for a number of years.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, from periods from 1st July 2011 and 30<sup>th</sup> June 2012, and 1<sup>st</sup> April 2012 to 30<sup>th</sup> June 2012.

**Fig 1: Appeals Decided by the Planning Inspectorate To 30<sup>th</sup> June 2012 in Quarter and 12 month Period**

	1/4/12 to 30/6/12 (Last Quarter)			1/7/11 to 30/6/12 ( Last 12 months)		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	6	1	7	9	6	15
Part Allowed	1	0	1	1	0	1
Dismissed	4	1	5	16	15	31
Total Decided	11	2	13	26	21	47
<b>% Allowed</b>	<b>54.0</b>	<b>50.0</b>	<b>53.85</b>	<b>34.61</b>	<b>28.57</b>	<b>31.91</b>
% Part Allowed	16.67	0	7.69	3.85	0	2.13
Withdrawn	0	0	0	2	2	4

## Analysis

- 4 The table shows that between 1<sup>st</sup> April and 30<sup>th</sup> June 2012, a total of 13 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 7 were allowed. At 53.85%, this rate of appeals allowed is significantly higher than the 33% national annual average. The appeals that were allowed in the quarter highlighted certain issues

i) The Council decided the related applications decided prior to the publication of the National Planning Policy Framework. However the appeals were decided following its publication and so the guidance within the Framework was taken into account by the Inspectorate. In particular the lack of a formal local plan and the employment land strategy within the draft Core Strategy were highlighted as issues.

ii) In one appeal, the use of conditions to secure contributions towards open space provision was considered contrary to Circular 11/95 related to the use of conditions. It was suggested that a Section 106 legal agreement was the appropriate method for securing financial contributions. Other appeal decisions have accepted the use of the condition, which is constructed to allow financial contributions as one option for provision of a contribution (the other being on or off site land). Nonetheless officers have produced a draft template for a Section 106 Unilateral Obligation for completion by an applicant and to be used as part of the pre-application and application process, which can more readily allow payments to be agreed prior to issue of the planning permission, rather than delay the issue of a consent pending the formulation and completion of full Section 106 Agreements.

Between 1<sup>st</sup> July 2011 and 30<sup>th</sup> June 2012, CYC performance was 31.91 % allowed, higher than the previously reported 12 month period of 27.08% but still below the national average.

- 5 The summaries of appeals determined since 1<sup>st</sup> April 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, one appeal determined related to applications refused by Committee.

**Figure 2: Appeals Decided against Refusals by Committee 1<sup>st</sup> April to 30th June 2012**

Reference	Site	Proposal	Outcome	Officer Recom.
11/01468/OUT	Arabesque House, Monks Cross Drive	Retail warehouse after demolition of existing offices	Allowed	Refuse
11/02371/FUL	93 Newland Park Drive	Extensions	Allowed	Approve
11/02371/FUL	1 Meam Close	First floor extension	Dismissed	Approve
11/02318/FULM	Plot 6b Great North Way Poppleton	Care Home	Allowed	Refuse

- 6 The list of current appeals is attached at Annex B. There are 26 appeals lodged with the Planning Inspectorate, 9 in the West and City Centre Sub Committee area and 17 in the East Sub Committee area. 16 are proposed to be dealt with by the Written Representation process (W), 4 by Informal Hearing (I), 5 by the Householder procedure (H) and 1 by Public Inquiry (P).

### **Consultation**

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

### Council Plan

- 8 The report is relevant to the furthering of the Council Plan priorities of Protecting the Environment as it relates to actions taken to safeguard against unacceptable impacts upon the environment, and to Building Strong Communities through the opposition of development which have an adverse impact within a local area or community.

### Implications

- 9 Financial – There are no financial implications directly arising from the report.
- 10 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.
- 11 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 12 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### Risk Management

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

### Recommendation

- 14 That Members note the content of this report.

### Contact Details

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#### Chief Officer Responsible for the report:

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

Report  
Approved



Date 30<sup>th</sup> July  
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> April and 30<sup>th</sup> June 2012**

**Annex B – Outstanding Appeals to 30<sup>th</sup> July 2012**

## Appeal Summaries for Cases Determined 01/04/2012 to 30/06/2012

**Application No:** 11/00497/FUL  
**Appeal by:** Mr Robert Winston  
**Proposal:** Conversion of stable to 2 bed holiday let (resubmission)  
**Address:** Holly Tree Farm Murton Way York YO19 5UN

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

The application was refused because the site was in the functional flood plain (zone 3b). As part of the appeal the applicant commissioned a Flood Zone Investigation which re-categorised the land within Zone 3a. This was accepted by the Environment Agency and the City Council and as such the appeal was contested only in respect of an inadequate flood risk assessment and the raising of ground levels around the site. The Inspector concluded that the conversion of the building could proceed without an unacceptable increase in flood risk in the area, and as such would not conflict with the NPPF, its associated Technical Guidance of the Council's Strategic Flood Risk Assessment. In imposing conditions he considered it necessary and reasonable to restrict the use of the building to holiday accommodation and that a further flood risk assessment was necessary to safeguard future users of the accommodation. He also required that the existing ground levels be retained to prevent the displacement of water in the event of flooding. An application for the Council to pay the appellant's costs was refused.

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**Application No:** 11/00869/FUL  
**Appeal by:** Miss J Graves  
**Proposal:** Erection of 2no. pig rearing units to rear (retrospective)  
**Address:** The Market Garden Eastfield Lane Dunnington York YO19 5ND  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application sought retrospective planning permission for the erection of two pig rearing units at the Market Garden in Dunnington. The application was refused on the grounds that the development is harmful to neighbouring amenity through odour generated within the pig rearing units and the associated storage of waste. The pig rearing units are in close proximity to a large number of residential dwellings and evidence provided by local residents clearly identified that the units have a significantly harmful impact on the living conditions of local residents and their ability to enjoy their homes and gardens. The Inspector concluded that the proposed pig activities at the site represented a substantial business venture which is in close proximity to a large number of residences. Despite weather conditions on the day of the site visit resulting in relatively low odour levels, the Inspector concluded that the proposal could cause significant odours which would harm the amenity of local residents. The Inspector stated that the number of objections received highlighted the odour problems which the pig enterprise creates. The appeal was dismissed.

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**Application No:** 11/01015/FUL  
**Appeal by:** St Peters School  
**Proposal:** Erection of two storey dwelling to the rear  
**Address:** St Catherines House 11 Clifton York YO30 6AA

**Decision Level:** DEL

**Outcome:** DISMIS

The application sought planning permission for the erection of a two storey dwelling to the rear of 11 Clifton. The application site would be occupied in connection with St Peter's School and the proposed house would be accessed via the school grounds. The application was refused on two grounds. The first was the visual impact on the character and appearance of Clifton Conservation Area. The second was that the proposed building could result in the loss of two trees within the curtilage which were considered to positively contribute to the character and appearance of the area. The appeal was dismissed on the grounds of the Council's reasons for refusal. The Inspector concluded that the application site is an important open space and provides a suitable interface between the older residential developments along Clifton and the later higher density developments to the south west. Views of the site from North Parade were considered to be particularly important as the application site provides a green open outlook from what is an enclosed victorian street. The proposed development would erode this. The Inspector agreed with the Council that the Sycamore and Copper Beach trees on the site are of importance and contribute to the character and appearance of the area. Whilst the applicants specialist stated that the development could be created without harming these trees, the Inspector felt that the plans had no margin for error and the trees could be damaged despite tree protection measures. It was also felt that the size of the trees and their closeness to the proposed house would result in pressure for them to be felled in the future. For the reasons above the Inspector did not feel that the application represented sustainable development and the appeal was dismissed.

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**Application No:** 11/01468/OUTM  
**Appeal by:** Smith And Ball LLP  
**Proposal:** Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)  
**Address:** Arabesque House Monks Cross Drive Huntington York

**Decision Level:** COMPV

**Outcome:** ALLOW

The was an appeal against the refusal of planning permission for the demolition of an office building and erection of retail warehouse development at Monks Cross. The reason for refusal related to the need to maintain a menu of office properties around different sites in the city, of varying sizes and quality providing for the immediate and longer term employment requirements of York. The Inspector allowed the appeal considering spatial terms that the site is as much a part of the retail area as the partially developed office area. Weight attached to RSS diminished by forthcoming likely abolition but in any event its relevance, other than in the broadest sense is minimal. Inspector says relying on the core strategy policies at the stage when it has not been independently examined and tested against the evidence base is counter to the intention of national policy that decision taking should be genuinely plan-led. The draft local plan does not accord with Paragraph 215 of the NPPF and so little weight can be afforded to it, but the employment aims of E3b are similar to the framework requirements. The Inspector's view was that the choice and churn required by the core strategy policies have not been sufficiently tested through the independent assessment process and little weight could therefore be attached to having an excess of supply to provide choice in the office market. The Inspector attached weight to the fact that the building could be demolished even without any new scheme being brought forward and to the fact that employment would come from the retail use of the site despite the proposal being speculative and such employment not be certain. Despite objections from third parties the Inspector saw no reason why a bulky good retail could not be acceptable on the site. The view was that when the core strategy got closer to adoption policies within it may preclude further such developments

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**Application No:** 11/02318/FULM  
**Appeal by:** Miss Tracey Kay  
**Proposal:** Erection of 3 storey 64 bed care home for older people  
**Address:** Plot 6 Great North Way Nether Poppleton York

**Decision Level:** CMV

**Outcome:** ALLOW

The decision was recommended for refusal following a strong objection from City Development and their concerns that the loss of the site would cause the loss of usable employment land that was immediately available for development (CD argued that the usable employment land figure availability was less than the figure for employment land availability) and that the use was not considered an employment use as set out in PPS4. Committee refused the application on the same grounds. Between the decision and the appeal the NPPF was issued which stated that policies should avoid the long term protection of employment use sites. The definition of employment that was in PPS4 was not carried over into the NPPF. The Inspector considered that as a garden centre has been allowed on the neighbouring site and that the Monks Cross Stadium site was being considered that the loss of this site was not considered to be significant. The Inspector concluded that the benefits of the provision of employment opportunities through the provision of a care home, together with the community benefits associated with that provision, outweighs any disbenefit from the loss of a relatively small area of B1, B2 or B8 employment use land.

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**Application No:** 11/02371/FUL  
**Appeal by:** Mr And Mrs Luke-Wakes  
**Proposal:** First floor side extension  
**Address:** 1 Meam Close Osbaldwick York YO10 3JH

**Decision Level:** CMV

**Outcome:** DISMIS

The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbours and impact on the street scene. On the basis that the proposal would create an incongruous feature by occupying part of the gap above the adjoining garages. The inspector dismissed the application because of the extension would articulate the overall facade of the building creating a poorly proportioned gap that would be incongruous in the street scene. However, the inspector ruled out the neighbour amenity issues.

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**Application No:** 11/02711/FUL  
**Appeal by:** Mr And Mrs Pierson  
**Proposal:** Removal of condition 7 (open space) for approved outline application 10/02271/OUT for erection of detached bungalow  
**Address:** Yew Tree House Vicarage Lane Naburn York YO19 4RS

**Decision Level:** DEL

**Outcome:** ALLOW

Outline planning permission was granted for a bungalow (10/02271/OUT). The permission included the council's standard open space condition requiring a financial contribution of #1172. A s.73 application later sought to remove the condition on the ground that there was sufficient open space in the area. The council acknowledged that, in the interim, a children's play area had been provided in the village. Nevertheless there remained a shortfall in the other categories of open space. The council therefore did not remove the condition but reduced to #680 the amount quoted in the informative. The applicant appealed. The inspector quoted paragraph 83 of Circular 11/95 which states that, when granting planning permission, a local planning authority cannot require, by means of a planning condition, a financial contribution from the developer. As such, condition 7 was clearly contrary to the advice. He said that if a contribution were justified the council should have negotiated it by means of a s.106 obligation. Notwithstanding this, and even if it were reasonable to seek a contribution by means of a planning condition, there was no certainty or specificity as to the sorts of open space to which the money would have contributed. The council indicated only that any money would probably be spent on improving sports pitches in Fulford without any details of what this might entail or the necessity for it. Condition 7 was neither necessary nor reasonable, contrary to the tests in Circular 11/95. Accordingly, the appeal was allowed and condition 7 was removed.

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**Application No:** 11/02774/FUL  
**Appeal by:** Mr And Mrs Rodwell  
**Proposal:** Single storey side and rear extension with rooms in roof (amended scheme)  
**Address:** 42 Dikelands Lane Upper Poppleton York YO26 6JF

**Decision Level:** DEL

**Outcome:** DISMIS

Two main issues regarding the effects of the proposed extension. The effect upon the appearance and character of the host bungalow and the surrounding area. Second, the effect upon the living conditions of the neighbouring residents at No 2 Montague Walk with particular regard to levels of sunlight and visual impact. The proposed rearward extension would be intrusive in views from Dikelands Lane. It would not appear subservient to the modest bungalow but instead disproportionate and unduly dominating the host building in views from Dikelands Lane. The Inspector concluded that the rear extension would harm the appearance and character of the host bungalow and the surrounding area. The works to the front garage elevation would add interest and be more in keeping but does not outweigh the detrimental impact of the rear section. The Inspector also concluded that there would be an increased overshadowing effect upon the secondary kitchen/breakfasting window and a reduction in afternoon/evening sun to the adjoining section of rear garden of the neighbouring property. The enlarged structure would in addition have an intrusive and overbearing effect upon the neighbours rear rooms and garden. He concluded there would be unacceptable harm to the living conditions that the neighbours at No 2 could reasonably expect to enjoy.

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**Application No:** 11/02949/FUL  
**Appeal by:** Mr Richard Pearce  
**Proposal:** Garage to side after demolition of existing sheds (resubmission)  
**Address:** Glencoe Main Street Elvington York YO41 4AG

**Decision Level:** DEL

**Outcome:** DISMIS

Planning permission was refused on the basis that the garage because of its size and scale would have a negative visual impact on the character and appearance of the conservation area by virtue of its mass, design and inappropriate detailing. The inspector considered that Glencoe is an important component within this part of the Conservation Area, where built development is characterised by cottages in the local vernacular and larger period properties surrounding the open expanse of The Green. The inspector dismissed the appeal on this basis the scale and proportions of the building and the inappropriateness of the garage door would be evident, resulting in a disruptive feature in the Conservation Area.

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**Application No:** 11/03052/FUL  
**Appeal by:** Mr And Mrs Poole  
**Proposal:** Single storey rear extension  
**Address:** 40 Fordlands Road York YO19 4QG

**Decision Level:** DEL

**Outcome:** ALLOW

permission was refused for the following reason. 'The proposed rear extension would project approximately 5 metres from the rear elevation of the application property, in close proximity to the boundary with the adjoined semi-detached property at no. 42 Fordlands Road. It is considered that the size and scale of the extension is such that the development would unduly dominate the side boundary and would cause significant harm to light levels and outlook. As such the proposal conflicts with policy GP1 (criterion i) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.' The inspector stated that the existing high hedge between the properties, although a less permanent, solid feature than the extension proposed, should be taken into account when assessing the impact. He asserted that an extension projecting 3 metres could be erected under permitted development, which together with a 2 m high fence beyond, would not be significantly different to the proposed extension. He considered that the necessary removal of the hedge to make way for the extension would be an improvement to the outlook from the adjoining property.

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**Application No:** 11/03187/FUL  
**Appeal by:** Mr And Mrs Prescott  
**Proposal:** Extension to garage and erection of boundary wall  
(retrospective / resubmission)  
**Address:** 4 Springbank Avenue Dunnington York YO19 5PZ

**Decision Level:** DEL

**Outcome:** PAD

The appeal related to alterations to a previously approved garage and retention of a front boundary wall. The Council was not opposed to the alterations to the approved garage. However, planning permission was refused for the retention of the boundary wall as it was considered that the higher section of the wall and timber infill panels would, as a result of its design and scale, appear as an unduly imposing and incongruous feature, which would be out of character with other front garden boundaries within Springbank Avenue. The Inspector concurred, asserting that along Springbank Avenue front boundary walls are generally very low, which gives the street an open and uncluttered character, with views over front gardens. He concluded that amidst such surroundings the front boundary wall at 4 Springbank Avenue looks incongruous and unduly imposing. It makes this part of the road appear far more built up and obscures views of front gardens. As a result it detracts from the streetscene. The appeal was allowed insofar as it related to the alterations to the approved garage, but was dismissed in respect of the retention of the wall. It is understood that the wall has subsequently been reduced in height and now falls within permitted development tolerances.

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**Application No:** 11/03191/FUL  
**Appeal by:** Mr Steve Oates  
**Proposal:** First floor side extension  
**Address:** Kilburn View Murton Way York YO19 5UW

**Decision Level:** DEL

**Outcome:** ALLOW

The application was for a first floor rear extension with balcony. The application property is a recent back land development in the conservation area. The area still has in parts the visual character of an agricultural settlement. It was felt that the development would further encroach on open land and that the balcony would appear unduly ornate in its context. The Inspector allowed the appeal. He considered that there was a wide variety of building styles in the conservation area and that the first floor rear extension would have minimal impact on the open character.

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**Application No:** 12/00091/FUL  
**Appeal by:** Mr D Rose  
**Proposal:** First floor side and rear extension.  
**Address:** 93 Newland Park Drive York YO10 3HR

**Decision Level:** CMV

**Outcome:** ALLOW

This application was to erect a first floor side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the visual appearance within the street scene. The inspector allowed the appeal on the basis that it was felt the extension would be in accordance with the councils SPD, thus it would harmonise with the visual appearance of the surrounding area. Furthermore there would be no impact on residential amenity. 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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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: Andy Blain</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>	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
<b>Officer: Carolyn Howarth</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>	
14/03/2012	12/00020/REFL	APP/C2741/E/12/2172676	W	36 Clarence Street York YO31 7EW	Single storey outbuilding to rear	
04/05/2012	12/00027/REF	APP/C2741/A/12/2174584	W	7 The Horseshoe York YO24 1LY	Dormers to front and rear	
<b>Officer: Diane Cragg</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>	
10/02/2012	12/00008/REF	APP/C2741/H/12/2170797	W	Sainsbury Plc Monks Cross Drive Huntington York YO32	Display of 4no. timber frame banner signs	
<b>Officer: Heather Fairy (Mon - Wed)</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>	
17/07/2012	12/00039/REF	APP/C2741/D/12/2178222	H	21 Wolsey Drive Bishopthorpe York YO23	Erection of 6ft boundary fence (retrospective)	
<b>Officer: Jonathan Kenyon</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>	
26/04/2012	12/00028/REF	APP/C2741/A/12/2173369	W	Site To Rear Of 22A Huntington Road Dennison	2no. semi-detached dwellings	
<b>Officer: Kevin O'Connell</b>						<b>Total number of appeals: 4</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
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	
14/03/2012	12/00017/REF	APP/C2741/X/12/2172646	W	25 The Avenue Haxby York YO32 3EH	Certificate of lawfulness for proposed siting of caravan/mobile home within the curtilage	

12/06/2012	12/00034/REF	APP/C2741/A/12/2174807	W	Fleurdelys 5 Princess Road Strensall York YO32 5UE	Erection of dwelling following demolition of existing dwelling (resubmission)
12/06/2012	12/00035/REF	APP/C2741/A/12/2174807	W	Fleurdelys 5 Princess Road Strensall York YO32 5UE	Demolition of dwelling (resubmission)

**Officer: Michael Jones** **Total number of appeals: 1**

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

**Officer: Matthew Parkinson** **Total number of appeals: 6**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
20/03/2012	12/00023/EN	APP/C2741/C/12/2172765	I	238 Strensall Road York YO32 9SW	Appeal against Enforcement Notice
20/03/2012	12/00024/EN	APP/C2741/C/12/2172766	I	238 Strensall Road York YO32 9SW	Appeal against Enforcement Notice
11/05/2012	12/00030/EN	APP/C2741/C/12/2176016	W	House Of James Stamford Bridge Road Dunnington	Appeal against Enforcement Notice issued 10 April 2012
11/05/2012	12/00031/EN	APP/C2741/C/12/2176005	W	House Of James Stamford Bridge Road Dunnington	Appeal against Enforcement Notice dated 10 April 2012
19/06/2012	12/00036/EN	APP/C2741/C/12/2178152	W	The Market Garden Eastfield Lane Dunnington	Appeal against Enforcement Notice

**Officer: Neil Massey** **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
04/07/2012	12/00040/REF	APP/C2741/D/12/2179080	H	27 Wigginton Road York YO31 8HJ	Single storey side extension

**Officer: Paul Edwards** **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
24/07/2012	12/00041/REF	APP/C2741/D/12/2179414	H	29 Sandringham Close Haxby York YO32 3GL	Single storey rear extension with replacement attached garage to side and canopy to front

<b>Officer: Rachel Tyas</b>						<b>Total number of appeals: 3</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	
25/04/2012	12/00026/REF	APP/C2741/E/12/2172471	W	Athena 5 Feasegate York YO1 8SH	New shopfront and signage (retrospective)	
09/07/2012	12/00038/REF	APP/C2741/A/12/2172469	W	Athena 5 Feasegate York YO1 8SH	New shop front (retrospective)	
<b>Officer: Sharon Jackson</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>	
13/06/2012	12/00033/REF	APP/C2741/D/12/2177140	H	8 Rowley Court Earswick York YO32 9UY	Two storey and single storey side extensions	
28/06/2012	12/00037/REF	APP/C2741/D/12/217894	H	16 Vicarage Lane Naburn York YO19 4RS	Detached garage to rear (retrospective)	
<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>	
20/03/2012	12/00021/REF	APP/C2741/A/2172764	I	238 Strensall Road York YO32 9SW	Erection of two storey live/work annex (retrospective) (resubmission)	
31/05/2012	12/00032/REF	APP/C2741/A/12/2177126	W	Unit 2 Moor Lane Bishophorpe York YO23	Change of use from storage unit (use Class B8) to vehicle workshop (use Class B2)	
<b>Total number of appeals: 26</b>						