



## Notice of a public meeting of Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
- Date:** Thursday, 24 October 2013
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

Would Members please note that the Minibus for the Site Visits for this meeting will depart from Memorial Gardens at 12.30pm on Tuesday 22<sup>nd</sup> October.

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

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

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

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

#### 2. **Minutes** (Pages 5 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on 19<sup>th</sup> September 2013.

### **3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm Wednesday 23<sup>rd</sup> October 2013**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

### **4. Plans List**

This item invites Members to determine the following planning applications:

**a) Travellers Caravan Site, Outgang Lane, Osbaldwick, York. (13/02704/GRG3).** (Pages 11 - 22)

A General Regulations application for an extension to existing travellers site to accommodate 6 additional pitches with associated amenity buildings, amenity space with 2 metre high fence surround, grazing areas and shelters for horses. Provision of additional land to the south of existing site to allow for expansion of existing pitches and space for future portakabin site office. [Osbaldwick Ward] *[Site Visit]*.

**b) Sessions of York, Huntington Road, York, YO31 9HS. (13/02724/FULM).** (Pages 23 - 62)

A major full application for the erection of 59 dwellings with associated works following demolition of existing buildings (resubmission). [Huntington and New Earswick Ward] *[Site Visit]*

### **5. Appeals Performance Update Report** (Pages 63 - 80)

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> July to 30<sup>th</sup> September 2013.

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

#### Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)

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

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

Contact details are set out above.

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**PLANNING COMMITTEE**

**SITE VISITS**

**Tuesday 22<sup>nd</sup> October 2013.**

<b>TIME</b>	<b>SITE</b>	<b>ITEM</b>
<b>12:30</b>	<b>Minibus leaves Memorial Gardens.</b>	
<b>12:45</b>	<b>Former Sessions Site, Huntington Road.</b>	<b>4a</b>
<b>13:25</b>	<b>Travellers Caravan Site, Outgang Lane, Osbaldwick.</b>	<b>4b</b>





City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	19 September 2013
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Brooks (Substitute), Burton, Crisp, D'Agorne, Doughty, Douglas (Substitute), Firth, McIlveen, Reid, Simpson-Laing and Williams
Apologies	Councillors King, Riches and Watt

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### Site Visits

Site	Reason for Visit	Members Attended
34 Piccadilly	To enable members to familiarise themselves with the site	Boyce, Crisp, Galvin, Horton, Reid.
36-44 Piccadilly	To enable members to familiarise themselves with the site	Boyce, Crisp, Galvin, Horton, Reid.

### 16. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

### 17. Minutes

Resolved: That the minutes of the last meeting held on 19<sup>th</sup> September be approved and signed by the Chair as a correct record subject to the following amendments:

- Councillor Fitzpatrick attended the site visits as a Local Resident not as Ward Councillor.

- That it be clarified that Councillor Watson spoke as Ward Councillor for the Guildhall Ward in respect of City Centre issues on the Monks Cross item.

**18. Public Participation**

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

**19. Plans List**

This item invites Members to determine the following planning applications:

**19a 34 Piccadilly, York, YO1 9NX (13/02064/FULM)**

Consideration was given to a major full application by Mr Martin Burgess for the conversion of ground and first floors to create 10 new flats with associated parking at basement level and external alterations.

Officers reported that there was no update to the committee report, other than to note that the 9 proposed roof lights on the front elevation had been deleted from the application and the proposed solar panels would not be visible from Clifford's Tower.

Members commented that they were happy with the scheme and felt it was more imaginative than the previous application for the site. Approval was moved and seconded.

Resolved: That the application be approved subject to the Section 106 agreement and the conditions listed in the officer's report.

Reason: Since the 2011 application for residential development of the site there are no longer plans from key landowners (Centros and Northminster) to re-develop Piccadilly with large scale retail development, due to a lack of demand and subsequently viability. Retention of the host building and having a mixed use of ground floor commercial and residential on the

upper floors fits with national planning policy, which advises that sustainable development should be approved unless it conflicts with the policies in the National Planning Policy Framework.

**19b 36-44 Piccadilly, York, YO1 9NX (13/02397/FULM).**

Consideration was given to a major full application by Laselle UK Ventures Property for the demolition and partial demolition of existing buildings and the erection of a mixed use development comprising of 2 new ground floor retail units (use class A1/A2/A3/A4) and 37 residential units with associated parking, access and landscaping.

Officers circulated an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- Flood Risk – in particular that the Environment Agency had now withdrawn their objection following proposals to provide flood water storage at the site.
- Residential Amenity – Condition 25 will be omitted and condition 13 reworded to stipulate a noise insulation scheme will need to be submitted by the applicant.
- Air Quality and the applicants preference for windows to be openable at the front elevation. The Council's Environmental Protection Unit preferred a precautionary approach due to poor air quality in the area.
- The front elevation had been amended to omit previously proposed poster cases to the sides of the shop front.

Gillian Kyle had registered to speak as the agent on behalf of the applicant. She advised that the application had been made with design, new homes and regeneration in mind. New homes were important nationally and the scheme would bring 37 homes to York as well as assist in the regeneration of the Piccadilly area.

Members questioned a number of points, including:

- The issue of non-opening windows. Some Members disagreed with the installation of non-opening windows and queried if they were necessary. The Council's Environmental Protection Unit Officer advised that a

precautionary approach had been taken because the air pollution levels at the kerbside in Piccadilly were currently above World Health Organisation thresholds and the Local Authority has a duty to protect the inhabitants of the flats. It was confirmed that the developer could apply to amend or remove the condition if air quality improved.

- Whether the Local Plan would require any amendments as the Piccadilly area is designated for retail. Officers confirmed that the draft Local Plan would be approved in due course and amended if necessary.

Following further discussion, approval with condition 14 removed was moved and seconded. When put to the vote this motion was lost.

Approval was then moved and seconded and it was:

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

Reason: The scheme has officer support as it would provide much needed housing in an appropriate location and there would not be undue harm to the vitality of the city centre. As such in principle the proposals comply with the NPPF. The proposals also comply with policy with regards the impact on heritage assets, residential amenity, sustainable design and construction and highway safety.

**19c Conservation Area Consent for Proposed Development Site 36-44 Piccadilly, York.**

Members considered a report which asked for conservation area consent for a proposed development site at 36 to 44 Piccadilly.

The application site included 36 Piccadilly which is currently occupied as a retail premises and 38-42 Piccadilly dating from the interwar period with car parking behind. The properties extend down to the River Foss to the west.

The Conservation Area Consent was sought to demolish 36 Piccadilly (apart from the art-deco facade) and numbers 38-42 which front onto Piccadilly and the building at the rear.

The companion planning application detailing the proposed re-development of the site is detailed under the previous minute item.

Members noted the application and it was:

Resolved: That the Conservation Area Consent be granted subject to conditions listed in the committee report.

Reason: There were no objections to the demolition, subject to a condition that only allows demolition of buildings when there will be appropriate replacements, to avoid leaving gaps in the streetscape which would have a harmful visual impact, and the loss of retail space. In accordance with the National Planning Policy Framework (paragraph 141), it will be required the buildings are recorded, to increase understanding of the historic environment.

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 5.25 pm].

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## 2.2 Policies:

CYH16 - Residential sites for gypsies/travellers

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CGP15A - Development and Flood Risk

## 3.0 CONSULTATIONS

3.1 Highway Network Management - No highway implications.

3.2 Flood Risk Management - No objection in principle subject to approval of full foul and surface water drainage details prior to commencement.

### EXTERNAL

3.3 Murton Parish Council - Objection. The council is judging its own application. Strategic decisions such as this should be taken when the new local plan is considered. There is no evidence that York has a shortfall of 36 sites. The council must show that it is able to manage the present site effectively before it is enlarged. This application may be the first of a planned expansion. The surrounding industrial/commercial area is incompatible with good housing. A community impact assessment is warranted.

3.4 Osbaldwick Parish Council - Objection. Given the problems this site has caused since CYC assumed responsibility in 1996 the local authority should give consideration to the site's closure rather than expansion.

3.5 Julian Sturdy MP - Objection to any expansion of the existing site until it can be shown to be well managed, which it is not currently. The current site has an adverse impact on the local community. There is no sound calculation of need applicable to the Osbaldwick site. No very special circumstances to justify approval have been demonstrated. A public inquiry should be held. A community impact assessment should be carried out.

3.6 Environment Agency - No objections.



3.7 Public Consultation - The consultation period expired on 4 October 2013. One objection has been received from a neighbouring farmer citing: inadequate site management including inadequate prevention of unlawful horse-grazing of neighbouring farmland, overcrowding of pitches, lack of enforcement action against breaches by travellers of their licence agreements.

#### 4.0 APPRAISAL

##### 4.1 KEY ISSUES:-

- o Provision of sites for gypsies and travellers
- o Impact on the green belt and visual appearance
- o Landscaping
- o Drainage
- o Site Management

#### PLANNING POLICY CONTEXT

4.2 National Planning Policy Framework (Green Belts) - The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). The NPPF lists the types of development that are acceptable in the green belt. Other development is deemed inappropriate, which is by definition harmful to the green belt. Inappropriate development should not be approved except in very special circumstances that outweigh any harm to the green belt. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The provision or enlargement of travellers' sites, whether temporary or permanent, in the green belt constitutes inappropriate development and should not be approved except in very special circumstances.

4.3 The NPPF is supplemented by Planning Policy for Traveller Sites (PPTS, March 2012). It states that the Government's overarching aim is to ensure fair and equal treatment for travellers. To achieve this local planning authorities should, inter alia, make their own assessment of need, develop fair and effective strategies to meet that need, plan for sites over a reasonable timescale, protect the green belt from inappropriate development, increase the number of travellers sites in appropriate locations, enable provision of suitable accommodation from which travellers can access education health, welfare and employment infrastructure and have due regard to protecting local amenity and local environment. When considering planning applications for travellers' sites local planning authorities should consider the existing level of local provision and need.

4.4 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although their weight is limited except where in accordance with the NPPF. The following local plan polices are still applicable:

4.5 H16 - In determining applications for gypsy/traveller sites the following criteria will be taken into account: proximity to local services; the potential for safe access; the extent to which the site impacts on important open areas; visual integration with the surrounding area; and potential impact on the amenity of the environment, neighbouring properties, sensitive agricultural land or other land uses.

4.6 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.

4.7 GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

4.8 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.9 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

## THE APPLICATION SITE

4.10 The existing travellers' site lies at the closed northern end of a long cul-de-sac (Outgang Lane), which passes through an industrial estate. The site has 12 caravan pitches arranged around an internal access road. Each pitch has a single-storey, semi-detached amenity building comprising a dayroom/kitchen, utility room and bathroom. The extension would be located on agricultural land immediately to the west of the existing site. The application site is in the green belt and abuts the settlement limit of York to the south.

4.11 To the north of the proposed extension is agricultural land, which would provide grazing for the travellers' horses. To the east is the existing travellers' site and to the south is the enclosed yard of a builders' merchant. To the west is open industrial land occupied by a skip hire company for the storage of recycled materials

(mainly aggregate). The existing and proposed sites are largely flat except for earth bunds along part of the boundary of the existing site.

## IMPACT ON THE GREEN BELT

4.12 The site is in the green belt where use of land as a travellers' site is inappropriate except in very special circumstances. A key issue for this proposal is therefore whether very special circumstances exist to justify approval.

4.13 The PPTS requires local planning authorities to have identified, by March 2013, a five-year supply of deliverable sites. A shortfall in the five-year supply would be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

4.14 The 2008 North Yorkshire Gypsy and Traveller Accommodation Assessment (NYGTAA) identified a need for 36 pitches in York up to 2015. Work to support the Local Plan Preferred Options updated this study and showed a need for 23 further pitches for the first five years of the plan period, bringing the total to 59.

4.15 The application site was submitted as a suitable travellers' site during the Autumn 2012 Call for Sites but had already been identified by Housing Services as a possible permanent site for travellers. During the sifting process the site was identified as an appropriate site and was included in the Local Plan Preferred Options for consultation purposes. This reflected work done by Housing Services prior to the Call for Sites. Whilst the Preferred Options include other potential sites there is no guarantee that any of these sites will become travellers' sites. Moreover, the shortfall in demand for such sites already exists and has been known since the GTAA was published in 2008. Bearing in mind that almost all of the CYC area outside development limits is in the green belt it is inevitable that at least some of the shortfall has to be provided on green belt land.

4.16 In officers' view the shortfall in the number of currently-available pitches, the requirement to identify suitable sites and the difficulty in finding suitable sites within the settlement limit constitute very special circumstances that outweigh harm to the green belt. The principle of extending the site as proposed is therefore acceptable.

## VISUAL APPEARANCE

4.17 Whilst Outgang Lane is a public highway very little traffic has cause to travel to the far end except that which is related to the travellers' site. Furthermore the site is well screened from the south by the builders' merchant, from the west by a substantial earth bund and from the east by the existing travellers' site. To the north is open agricultural land across which the public do not have access. The application site is therefore not easily visible from any public viewpoint. Furthermore, the caravans are, by definition, single-storey in height, as would be the

amenity buildings. A bund along the open boundaries, supplemented by planting, would further screen the proposed site. In summary, the visual impact of the extension would be small and not significantly greater than the visual impact of the existing site.

## DRAINAGE

4.18 The site is in flood zone 1 and is unlikely to suffer from river flooding. Nevertheless, the site is poorly drained and frequently has standing water. The applicant is in the process of submitting proposals for the proper drainage of the site and attenuation to greenfield run-off rate. Members will be updated at the meeting.

## SECURITY

4.19 Crime, as a result of the existing travellers' site, appears to be a concern of local residents. Officers understand that data for 2012 shows that 26 incidents of anti-social behaviour were reported on and within a 500 metre radius of the Osbaldwick site and only one theft from a car relating to the site. The anti-social behaviour figures do not necessarily all relate to the site and crime/ASB levels within Osbaldwick are not dissimilar to other parishes.

## SITE MANAGEMENT AND HORSES

4.20 The council owns and manages the site. Housing officers do not see their role as 'controlling the residents' as individuals are responsible for their own behaviour regardless of tenure or type of accommodation. Nevertheless, the council operates a license agreement outlining the roles and responsibilities of the occupiers of the site and their visitors. It also has a site management plan and an action plan outlining the steps being taken to effectively manage the site for the benefit of the occupiers and the wider community. Officers understand that enforcement action is taken where there is evidence that a resident has breached their licence conditions.

4.21 A 'Protocol for Management of Horses in York' was approved by Cabinet members during 2013 and the appointment of a Bailiff is currently out to tender. The document outlines the route for enforcing the removal of horses from council land where they are illegally grazing and sets out how the council can support private land owners where horses are illegally grazing on their land.

## SUITABILITY OF THE SITE FOR HOUSING

4.22 Murton Parish Council considers that the surrounding industrial/commercial area is incompatible with good housing. Whilst the area to the north is open countryside officers agree that the area to the south has a heavily commercial character. Nevertheless the existing site has been occupied by travellers for at least 20 years and is overcrowded. This suggests that whilst the character of the area

(including the access to the site) is far from ideal it has not deterred residents from living there. There is a severe undersupply of sites in York for travellers. Officers understand that the application site is available and consider that the presence of the existing site would help to integrate the extension into the surrounding area.

## FUTURE EXPANSION

4.23 Murton Parish Council is concerned that the current application may be the first of a planned expansion. In response, whilst each application is judged on its merits, officers understand that the council has no plans to expand the Osbaldwick site other than as currently proposed. In order to prevent intensification of the current proposal officers recommend that conditions be attached limiting the maximum number of pitches, restricting the area for occupation by caravans and limiting the maximum number of caravans per pitch to one static and one tourer.

## CYC AS DECISION MAKER

4.24 Objectors argue that the council should not judge its own planning applications. In response, planning legislation dictates that applications of this scale and character are normally determined by the local planning authority - in this case CYC - regardless of whether the local planning authority is the applicant. A typical example would be where the application is for an extension to a school or even a new school. The fact that an application is contentious is immaterial to the process. An exception would be where the Secretary of State has directed that he/she wishes to determine the application, instead of the local planning authority. Normally only applications for large developments of regional or national significance are called in. At the time of writing the Secretary of State had not called in the application. Therefore whilst it has attracted objections and the location of existing /potential travellers sites is currently a contentious issue in York, it should be borne in mind that the proposal is small in scale and of local significance, i.e to this Council area

## COMMUNITY IMPACT ASSESSMENT

4.25 A Community Impact Assessment (CIA) is a tool for identifying the potential impact of a council's policies, services and functions upon its residents and staff. By systematically analysing a proposed policy, strategy or service a local authority can identify the likely effects on different community groups. A CIA was carried out in April 2013 for the Local Plan Preferred Options. It found that the draft plan would have a positive impact on gypsies and travellers (as a group) through the allocation of sites to meet the need for pitches. A CIA is not an appropriate tool for a planning proposal of local significance, such as the current application.

## 5.0 CONCLUSION

5.1 In officers' view the shortfall in the number of currently-available pitches, the requirement to identify suitable sites and the difficulty in finding suitable sites within the settlement limit constitute very special circumstances that outweigh harm to the green belt. Extending the site as proposed accords with national and local planning policy 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 approved plans numbered 3993(05)01/A, 3993(05)02B and 3993(05)03/B.

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

3 The development hereby approved shall be used only as a residential travellers site and for no other type of domestic or business use.

Reason: To safeguard the character of the area and the openness of the green belt.

4 The number of caravan pitches on the extension hereby approved shall be limited to no more than 6.

Reason: To safeguard the character of the area and the openness of the green belt.

5 No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home), shall be stationed on any pitch at any one time.

Reason: To safeguard the character of the area and the openness of the green belt.

6 The area occupied by caravans and/or the parking of vehicles shall be restricted to the area shown hatched on the drawing entitled Plan A and dated 10 October 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the openness of the green belt and the character and appearance of the area.

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, position and stock size of trees, shrubs and any other plants. It shall also include details of means of protecting the trees from horses and other grazing animals. The scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and their protection, since the landscape scheme is integral to the amenity of the development.

8 The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority.

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.

## INFORMATIVE

In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards peak 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.

The submitted details should include:

Details of a flow control manhole to limit the surface water to the above rate;

Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored;

A topographical survey showing the proposed ground and finished floor 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 outfall and connection of surface water to the York Consortium of Internal Drainage Boards drainage and foul to Yorkshire Waters sewers.

Details of the future maintenance/management of the drainage system.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority took the following steps: sought further information from the applicant about drainage, landscaping and issues raised by objectors; and applied conditions to the approval.

#### **Contact details:**

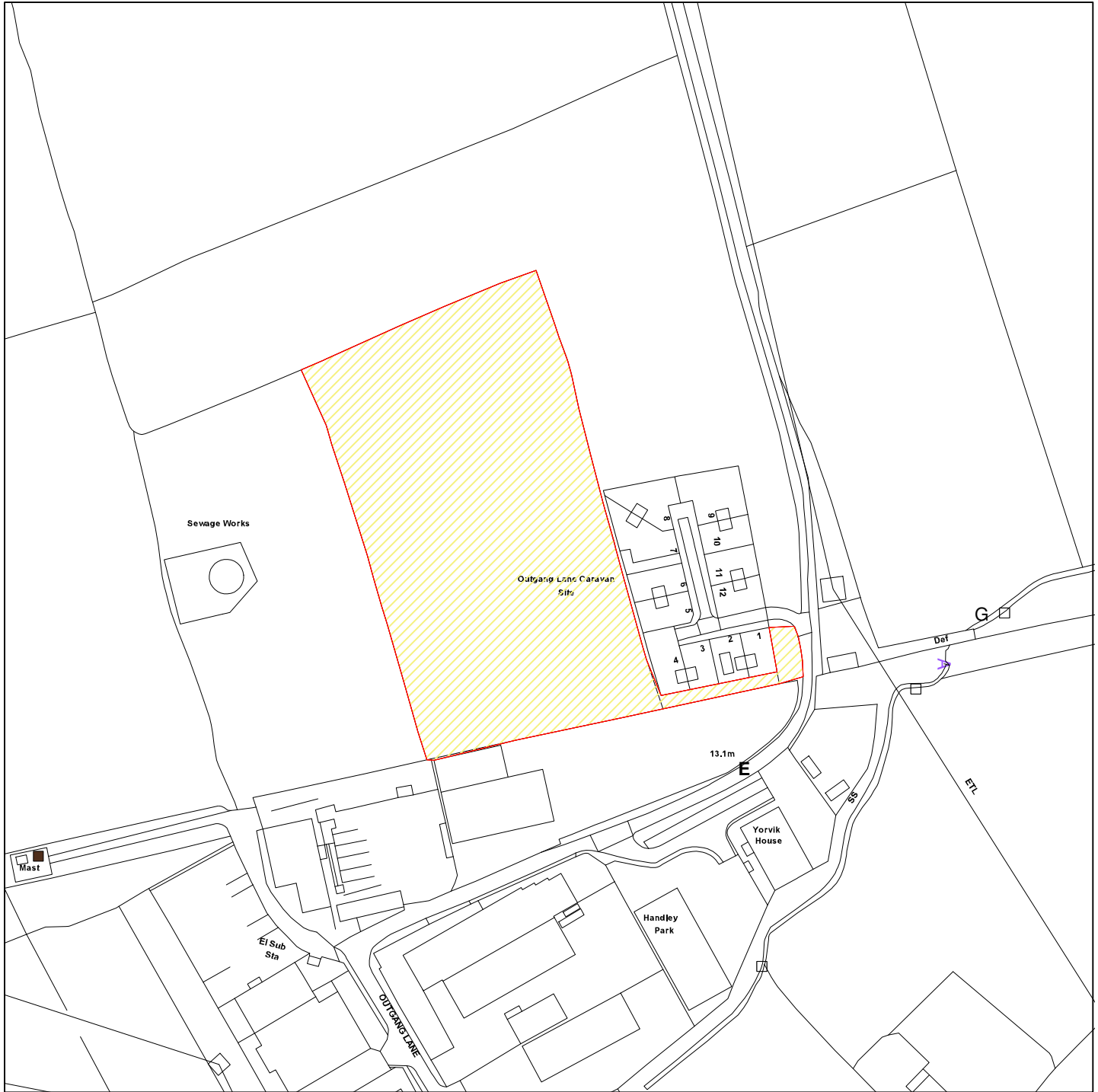
**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830



# 13/02704/GRG3

## Travellers Caravan Site, Outgang Lane



Scale : 1:2500

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	14 October 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 24 October 2013      **Ward:** Huntington/New Earswick  
**Team:** Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 13/02724/FULM  
**Application at:** Sessions Of York Huntington Road York YO31 9HS  
**For:** Erection of 59 dwellings with associated works following demolition of existing buildings (resubmission)  
**By:** Ben Bailey Homes And Stirling Scotfield (Ebor) LLP  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 12 November 2013  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the erection of 59 houses (12 affordable). The application site which extends to 1.76 ha; the site is a brownfield site, it has been previously used as a printing works until recently. To the west of the site is a private nature reserve. To the southern boundary are a residential property (365 Huntington Road) and a spa (367 Huntington Road, which is Grade II listed). To the east is Huntington Road with residential opposite, in addition to a dentist and chemist. To the north is 421 Huntington Road which recently gained planning permission for Change of use from General Industrial (Use Class B2) to Storage (Use Class B8) with General Industrial Use (12/02524/FULM). The west of the site is within Flood Zone 2 and 3.

1.2 The proposed development consists of 5 two-bedroom houses, 25 three-bedroom houses, 18 four-bedroom houses, and 11 five-bedroom houses, in a mix of detached, semi-detached and short rows of terraced housing. The majority of houses are two-storey in height with 10 houses being three storeys in height.

1.3 It was considered that an Environmental Impact Assessment was not required for this application as it was not considered to be Schedule 1 or Schedule 2 development as identified within The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

1.4 The application is a resubmission of a previously withdrawn application. The applicants undertook community involvement prior to the application being submitted. Ward Members were invited to the site to discuss the scheme with the developers. The applicant presented the proposal to the Ward Committee Members on 26 February 2013. The applicants attended the Ward Members' Surgery; the meeting was attended by 40 people. The applicant met the parish council on the 24 April 2013 to discuss the proposed development. The applicant wrote to in excess of

130 properties located close to the application site, 4 email responses were received. Of these 1 response was in support and the other 3 highlighted a number of concerns. Pre-application advice was sought from the Development Management Team.

1.5 This application proposes an increase in height of the land levels over 300mm on the western section of the height between plots 14 and 35. To the south western corner of the site, land levels will be increased by up to 3.5 metres. The reason for the increase in land levels of part of the site is to create a level building surface and to prevent the need for a pumping station.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### 2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3 Water protection

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYHE2 Development in historic locations

CYHE4 Listed Buildings

CYT4 Cycle parking standards

CYT5 Traffic and pedestrian safety

CYT7C Access to Public Transport

CYT13A Travel Plans and Contributions

CYH2A Affordable Housing

CYH3C Mix of Dwellings on Housing Site

CYH4A Housing Windfalls

CYH5A Residential Density

CYE3B Existing and Proposed Employment Sites

CYED4 Developer contributions towards Educational facilities

CYL1C Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT

3.1 Additional traffic generation equates to a little over one additional vehicle every 2 minutes during the peak network hours and would not be perceptible when considering daily traffic fluctuations and existing traffic flows on Huntington Road. The traffic generated by the proposed development will not have a material impact on the free flow of traffic or operation of adjacent junctions.

3.2 The main vehicular access into the development is to be taken from Huntington Road and will take the form of a priority junction. The formation of the new access into the site and new vehicular dropped crossing to Plot 3 will require the relocation/removal of the existing chicanes. It has not yet been determined as to whether the chicanes can be satisfactorily relocated or whether the existing chicane system will need to be replaced with an alternative scheme of traffic calming. Traffic calming works can be secured by condition and carried out to the cost of the applicant.

3.3 The sightlines for traffic using the new access accord with national guidance contained within Manual for Streets with regard to the speed limit for the road and the actual speeds observed during speed surveys. The access is therefore considered suitable to serve the level of development proposed and will not give rise to any highway safety issues.

3.4 It has been demonstrated that there are no accident patterns or clusters of accidents that could be exacerbated by the proposed development.

3.5 Traffic free pedestrian/cycle links at the Northern and Southern boundaries of the development site to Huntington Road are proposed as part of the development to further promote non vehicular traffic.

3.6 The internal layout has been designed in accordance with Manual for Streets principles as a shared space. The layout seeks to restrain vehicle speeds to 20mph or below whilst also using design features to manage on-street parking. Parking has been provided in accordance with CYC Development Control Local Plan Annex E maximum standards. The internal layout will be constructed and offered for adoption as public highway under a Highways Act Agreement. Vehicle swept paths have demonstrated that a refuse vehicle can enter and turn within the site enabling them to leave in a forward gear.

3.7 The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent

public transport services are within recognised walking distances of the site. A residential Travel Plan Pack detailing sustainable travel information such as bus timetables will be provided to first occupiers. Each dwelling also benefits from covered and secure cycle parking.

3.8 HNM requests that the first occupiers be supplied with either a free bus pass or cycle, this initiative could be secured through a S106 Agreement.

3.9 7 standard conditions are recommended as well as two informatives relating to works in the highway.

### PLANNING AND ENVIRONMENT - CONSERVATION

3.10 The proposed development site lies to the north and west of a grade II listed house known as Water Meadows, which was constructed in 1922-3 for Mr and Mrs WH Sessions . In views of the house from Huntington Road, it is seen surrounded by mature vegetation, with views across apparently undeveloped land, to further mature trees lining the banks of the water course. This landscape setting contributes to the significance of the listed building as a high status house.

3.11 Much of the proposed development takes place within or in close proximity to the foot-print of the former factory buildings and has no adverse impact on the setting of the listed building. At the southern end of the road access road indicated as "South Mews", new views of the listed building will be revealed. From here, the building will be seen largely above the new flat roofed dwellings to its rear, and consequently will retain its dominance in its setting. In this view, even were the development not to go ahead, the fact that the listed building had long ago lost its garden setting would be readily apparent.

3.12 Request following conditions: Built according to plans, sample of materials, PD rights removed for all the flat roofed dwellings

### PLANNING AND ENVIRONMENT - LANDSCAPE

3.13 Note that a replacement hedge has now been proposed along the full boundary with Huntington Road including some indicative tree planting. The details for this planting should be covered by condition.

3.14 The becks view will be more apparent in the winter months. Leaving the rear end of the gardens more visually open would be of benefit to the enjoyment of the end users, by allowing views of the gardens to effectively extend towards the beck and trees. Recommend boundary treatment that it is lower and more transparent, and less solid in nature and appearance than the proposed 2 metre timber fencing

3.15 Some compensatory new trees have been suggested to the rear of units 10-12. These should be secured by condition. Street trees and trees within front gardens are proposed way to improve the aesthetics of the development. These will be relatively small tree species given the proximity to properties.

3.16 Some building up of ground is required to create a reasonable level for property and garden. This results in a slight steepening of the banks to the watercourse along approximately one third of its length. To the south of this the change in levels is taken up with retaining walls in close association with the properties.

3.17 Considers whilst the development would have a better relationship with the landscape setting if it were set further back from the watercourse and the trees on the opposite bank., the re-grading of the banks and the site is not excessive; and a margin along the bank of the water course is retained 'free' of traditional garden use.

#### PLANNING AND ENVIRONMENT - ECOLOGY

3.18 The plan shows a 6m strip adjacent to the beck to be planted as wildflower grassland to benefit water vole. Would suggest that the whole 9m strip, up to the fence to be constructed along the 9m IDB easement, rather than just the 6m immediately adjacent to the stream be seeded. However, the Brookes ecological report proposes extensive, dense shrub planting in this standoff area. Whilst some planting in this area would indeed be very beneficial for wildlife, appreciate that this would interrupt the IDB easement and hence has been changed to wildflower grassland.

3.19 The inclusion of some tree species along the boundary line however, is therefore welcome. These should be of a relatively open, small species rather than Oak or Ash to reduce future impact on gardens. They will however enhance the biodiversity value of the corridor.

3.20 A variety of grassland species is recommended, along with some marginal plants.. The species suggested would likely survive the slightly enriched conditions here and the limited management that will occur in future.

3.21 There is no inclusion of a long term strategy to maintain the integrity of this enhanced biodiversity corridor either through management or through protective owners. Including the land in the curtilage of the new houses would leave management to the occupiers and could result in a significant loss of the enhancement potential. It is recommended that, at the least, conditions be applied to restrict the construction of fencing, hardstanding, structures etc within this enhancement zone and that the fencing separating the IDB easement from the rest of the curtilage is maintained.

PLANNING AND ENVIRONMENT - ARCHAEOLOGY

3.22 No objections

FLOOD RISK MANAGEMENT TEAM

3.23 No objections to the drainage details in the submitted revised FRA. Request condition requiring further details including storage volume calculations etc

ENVIRONMENTAL PROTECTION UNIT

3.24 The site is located near to Huntington Road and adjacent to a site where planning permission has been granted for a storage use with general industrial use. As a result noise from the environment has the potential to cause loss of amenity to any residents of the proposed dwellings. This could be addressed through provision of suitable glazing and acoustically treated trickle vents, and acoustic screening to garden facing Huntington Road (a condition is recommended).

3.25 There is the potential for noise from the evening use of the garden and hot tub at the adjacent 'Kuki' spa to adversely affect the proposed residential units. An acoustic barrier is therefore proposed to the rear and side elevation of the spa to minimise the likelihood of loss of amenity due to noise to the houses closest to the spa site, details can be subject to condition.

3.26 There is also potential for loss of amenity due to noise, lighting and dust during the development process itself i.e. the demolition and construction phases. Request following conditions: CEMP; and machinery and vehicles employed on the site shall be fitted with effective silencers; hours of operation.

3.27 Further site contamination investigation work beyond that already undertaken is required, conditions are recommended for the investigation of land contamination, a remediation scheme, verification of remedial works, and reporting of unexpected contamination.

3.28 EPU do not have any specific concerns regarding air quality at this site. Request consideration: electric vehicle recharging points for each property

COMMUNITIES AND CULTURE

3.29 Request open space payment of £149,430. The contribution towards children's play space will go to Huntington PC for Orchard Park. The amenity open space would be either CYC or Huntington PC for works along the Foss or Orchard Park. The sport pitch monies would be used within the North Zone of the sport and active leisure strategy, a local sports club within the Huntington and New Earswick or neighbouring ward.



### HOUSING DEVELOPMENT

3.30 Complies with the Council's interim affordable housing approach by providing in excess of the target 20% affordable housing on a brownfield site. The affordable housing will be fixed for a period of three years. Should the development have not meaningfully progressed during this period the level of affordable housing will be revised in line with the council's target applicable at that time. The agreed affordable housing provides two and three bed family houses, which are identified as the city's priority need in 2011 Strategic Housing Market Assessment (SHMA).

3.31 Based on 70:30 split between social rent and Discount Sale. Should no buyer be found for the Discount Sale homes they will revert to an intermediate market rent until such time as an eligible buyer is available. The Discount Sale prices will be £78,000 for the two bed houses and £93,000 for the three bed houses.

3.32 The homes will be pepper-potted throughout the site in runs of no more than two affordable homes.

### EDUCATION PLANNING OFFICER

3.33 Require a contribution of £11,984, for one additional place at Yearsley Grove Primary

### ECONOMIC DEVELOPMENT UNIT

3.34 Comments will be reported at the committee meeting

### EXTERNAL CONSULTATIONS/REPRESENTATIONS

### HUNTINGTON PARISH COUNCIL

3.35 No objection, however concerns regarding the road safety implications of the existing chicane on Huntington Road and its proximity to the proposed entrance to the development. Developers need to work with highways department to ensure this potential traffic management and road safety issue is resolved prior to any granting of approval for this development.

### POLICE ARCHITECTURAL LIAISON OFFICER

3.36 No objections

ENVIRONMENT AGENCY

3.37 The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment by ARP, dated July 2013, Report no. 973/34r2 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

3.38 No structures shall be erected in Flood Zone 3b

3.39 Request informative for waste, and contaminated land

YORKSHIRE WATER

3.40 Request condition that the development shall not be carried out except in complete accordance with the details shown in the submitted Drainage details.

3.41 The site drainage details submitted have not been approved for the purposes of adoption or diversion, and a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991) would be required.

3.42 Company records indicate small diameter private water supply pipes enter the site from the main road. . These pipes are private and not the responsibility of Yorkshire Water. There may be other private pipes within the site of which we hold no record.

FOSS INTERNAL DRAINAGE BOARD

3.43 No objections, request informative that all drainage routes within the site are maintained.

NEIGHBOUR AND OTHER REPRESENTATIONS

3.44 2 REPRESENTATIONS OF OBJECTION

- The entrance for the proposed 59 new homes will be directly opposite neighbours' driveway. The two chicanes (which often cause confusion when turning into the driveway) would be either side of the proposed entrance way which would cause further complications.
- Impact on neighbouring business. Plot 13 is sited too close to 367 Huntington Road, directly next to the spa and sauna facility, the garden forms part of the spa facility. Concerned that the occupants of Plot 13 would be affected by the neighbouring use. The spa is open 7 days a week and creates high levels of noise that could cause conflict. Window to Plot 13 overlooks the garden - request obscure glazing to this window. Request hedging in addition to fencing along the boundary

with Plot 13. Request the acoustic fence is constructed prior to the commencement of development

- Existing problems with water, electricity and telecommunications as a result of the closure of Sessions factory. Concerned that construction noise, dust, fumes will have on the spa business on the spa. Currently experiencing problems from the demolition of the factory
- There are issues with the current chicane system on Huntington Road; the development will increase the traffic and the problems
- Request that if development is approved: that there should be the installation of noise reducing double glazing inside the spa; the use of demolition screening around the property; Site offices and operating machinery to be situated away from the spa boundaries and requests a full set of measures to prevent nuisance, maintain amenity and ensure safety throughout the construction.

### 3.45 1 REPRESENTATION OF COMMENTS

- The proposed development is too dense; the density is not in keeping with surroundings
- There are no communal areas, play space for children
- Concerned regarding the access onto Huntington Road, where there is existing problems. Could access be from the Link Road? Or could access to the site be by the means of a roundabout
- Access to houses on plots 2 and 3, and to the visitor car park, directly off Huntington Road, and very close to the Brockfield Road turning seems questionable, by virtue of the problems on Huntington Road and the sight lines
- During construction could the drains be investigated and mended or improved
- specifically the one that takes surface water from Orchard Park and flows out into Huntington Road.

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

13/02744/DMNOT - Demolition of existing buildings - No objections

13/01192/FULM - Erection of 59 dwellings with associated works following demolition of existing buildings - Withdrawn

All other planning history for this site relates to the development and extension of the printing works

The neighbouring industrial site to the north (421 Huntington Road) has the following pertinent planning history:

12/02524/FULM - Change of use from General Industrial (Use Class B2) to Storage (Use Class B8) with General Industrial Use - Approved. Conditions restrict the

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Item No: 4b

hours of operation, and require details of machinery that can be audible outside of the boundary

## KEY ISSUES

- The principle of residential development
- Increase in land levels
- Design and visual appearance
- Impact to the listed building
- Affordable housing
- Residential amenity of occupants of the proposed houses
- Neighbouring amenity
- Highways
- Drainage
- Sustainability
- Crime prevention
- Open space
- Education

## ASSESSMENT

### PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; use of previously developed land is encouraged. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

### PRINCIPLE OF DEVELOPMENT

4.2 The development consists of 59 houses on 1.76 hectares of land. The site is a brownfield site it is not allocated as a development site in the proposals maps of the Local Plan. However within the emerging Local Plan it is identified as a housing site, and was also identified as a suitable housing site in the Housing Land Availability Assessment 2011. The River Foss corridor is recognised as green infrastructure of regional significance for its landscape, recreational and bio-diversity value. Subsequently it has been identified as one of York's 'green wedges' to be protected and possibly enhanced in the CYC 'Green Corridors Technical Paper' 2011. The majority of the site falls within the green wedge. The site was resubmitted through

the Call for Sites 2012. The site was progressed to stage 4 and considered at the technical officer workshops, although the site size was reduced during the criteria 1 assessment to take account of the area within the Regional Green Corridor and the wildlife sites (Sessions Nature Reserve and Otter Holt). The overall site size was reduced to 0.47ha hectares. As such the site was reduced to land bounding onto Huntington Road and was considered that it could only accommodate 17 dwellings. It should be noted that the current factory building and hardstanding takes up much of the site, and the proposed development does not extend out of this previously developed area (except Plot 15, 37, 38 and parts of plots 18 and 19). For this reason the development of the wider site is considered to be reasonable.

4.3 The site is within Huntington, the majority surrounding development dates from the interwar years and later. The site has been in use as printing works since 1920, until April 2010 when the company went into administration. The original building is still visible in the mid section of the factory. The site is bounded by a listed building (367 Huntington Road) and a residential building (365 Huntington Road to the south). The listed building originally formed the residence of the factory owners; the building has since been sold and is currently used as spa. The building was listed in 1995, by that time the original garden setting had already been removed. To the west of the site is a drainage ditch with mature trees further west (which form part of an informal nature reserve), there is a relatively steep embankment from the ditch to the main plateau of the site. To the north is an industrial building; to the east is Huntington Road with buildings predominantly residential in use but also a chemist, dental surgery, and a nursery. This part of Huntington Road is bounded by hedging and mature planting on both sides of the road and is considered to have a positive impact, creating a feeling of spaciousness.

4.4 The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The site has been unused and derelict for some time. The site has been marketed, and the applicant states that no viable scheme has come forward, they have submitted details of the marketing and the interest in the site. They have not fully demonstrated that there is sufficient supply of employment land elsewhere in the area, however the NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided.

4.5 The majority of the site is within Flood Zone 1 parts of the embankment falling towards the beck are within Flood Zone 2 and 3. All the residential development would be within the areas classified as Flood Zone 1.

4.6 Policy H4a 'Housing Windfalls' of the Local Plan states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an

appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.7 The density of the proposed development is just over 32 dwellings per hectare, and it is more densely developed than the surrounding residential areas. However the proposed development would have a suburban appearance, with a good landscaping scheme (together with the replacement hedge to the Huntington Road elevation).

## DESIGN AND VISUAL APPEARANCE

4.8 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.9 The proposed development includes 12 house types to provide some variety and individuality to the houses. All houses have pitched roofs, except the 5 dwellings (plots 13, 14, 15, 16, and 17) to the west of 367 Huntington Road. The majority of the dwellings are of traditional proportions. The house designs are generally traditional, and it is considered that the use of good quality materials would elevate the appearance of the proposed development. It is considered that the more appropriate materials to provide contrast and a good quality appearance (than those currently proposed) can be sought via a condition. In this location the palette of materials selected should compliment the existing houses in the area with more than one brick type and tile type to assist in the break up the visual mass of the proposed development.

4.10 49 of the proposed houses would be two storeys in height. The house types have some variety in height but generally eaves vary in height between 4.9 metres and 5.15 metres, the height to the roof ridge varies between 7.25 - 9.1 metres in height to the ridge. 10 of the houses (2 designs) would be three storeys in height. These dwellings would be 7.65 metres and 7.8 metres to the eaves and 11.1 metres and 11.7 metres in height to the ridge. The three storey dwellings are within the western part of the development running north to south, the full length of the site. They are set away from the Huntington Road elevation. By virtue of where these dwellings are located within the site they are not considered to be unduly prominent in the context of the housing development.

4.11 By virtue of the density of the site it is considered prudent to condition the removal of permitted development rights.

4.12 The landscaping around and within this development is considered to have considerable importance to the success of this development and how it sits within the surrounding landscape. The retention of the proposed replacement hedge to maintain the green established frontage along Huntington Road can be conditioned and the maintenance of this hedge together with the two landscaped areas to the east of the sub station and to the south of plots 10, 11, and 12 can be managed and maintained through the section 106 agreement. In addition the plans propose boundary treatments to the front gardens of the proposed dwellings to include dwarf walls and hedging together with street trees indicative tree planting within the front gardens, specific landscaping details within the site can be conditioned.

4.13 The ditch and the rear elevation of Plots 17 to 38 would be visible from the Link Road bridge. As such it is considered that to reduce the urbanising effect of the proposed development, and take advantage of the neighbouring landscaping, that boundary treatment such as paladin or a post and wire fence, which would support a prickly hedge, thus offering good security, habitat and visual benefit should be used. This is also considered to provide the occupants with sufficient privacy. It would allow views through the fence and create a feeling of openness to the occupants of Plots 15 to 38. Further details for the boundary treatment for the development can be sought via condition. It is considered that permitted development rights for boundary treatment should be removed so protect the visual amenity of the development.

#### INCREASE IN LAND LEVELS

4.14 The land levels would be slightly increased towards the western boundary, with some re-grading of the bank. In addition there would be a relatively substantial increase in land heights in the south western corner of the site. It would be particularly evident in Plots 15 and 16. Retaining walls would be required. On Plot 16 two retaining walls are proposed to create a tiered effect to reduce the visual impact and cannoning of this area. These retaining walls would not be readily visible from public viewpoints; they do not intrude on Flood Zone 3, and are not considered to impact on flood storage. The increase in land levels in this area is not considered to cause undue overlooking to the neighbouring dwelling (365 Huntington Road).

4.15 No works or re-profiling of the banks or increase in land levels are proposed within Flood Zone 3.

#### IMPACT TO THE SETTING OF LISTED BUILDING

4.16 Policy HE2 'Development in Historic Locations' states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings,

scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements which contribute to the character or appearance of the area

4.17 The neighbouring building - 367 Huntington Road (currently used as a spa) is a grade II listed building. The house was formerly sited in a large plot, which sloped down to the adjacent waterway, and the design of the property, with a garden front, was intended to take advantage of this setting. Subsequent expansion of the factory and the annexation of part of the southern part of the garden for the construction of a dwelling house (365 Huntington Road), prior to the date of listing, have detracted from the original landscape setting of the building. Nevertheless, in views of the house from Huntington Road, it is seen surrounded by mature vegetation, with views across apparently undeveloped land, to further mature trees lining the banks of the water course. This landscape setting contributes to the significance of the listed building as a high status house.

4.18 Much of the proposed development takes place within or in close proximity to the footprint of the former factory buildings and has no adverse impact on the setting of the listed building. At the southern end of the proposed development indicated as "South Mews", new views of the listed building will be revealed. From here, the building will be seen largely above the new flat roofed dwellings to its rear, and consequently will retain its dominance in its setting. In this view, even were the development not to go ahead, the fact that the listed building had long ago lost its garden setting would be readily apparent.

#### AFFORDABLE HOUSING

4.19 12 of the proposed units will be affordable housing, the tenure would be 8 socially rented and 4 discount sale. The affordable units are 4 x 2 beds (house type Cranford), 6 x 3 beds (house types Kempton and Thirston. The units would account for 20% of the housing supply proposed on this site and this is in line with revised CYC target of 20%. The dwellings are pepper-potted throughout the site.

#### RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED DWELLINGS

4.20 One of the NPPFs' core principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Each dwelling has a private rear garden. Dwellings are sited and designed in such a way as to provide a reasonable level of amenity and natural light within the dwellings.



4.21 The site by virtue of its previous use has a number of contamination issues. The applicant has submitted a survey of the site and the Environmental Protection Unit is satisfied with these initial details. They have requested that additional information regarding the decontamination of the site be sought via conditions.

4.22 There are no recorded noise complaints regarding the spa at 367 Huntington Road, however it has recently extended their operational hours to 22.00 hours. An acoustic fence of 2.5 metres in height is proposed to the shared boundary with 367 Huntington Road and further details can be sought via condition. Plot 13 has first floor en-suite window facing the spa, there are no other windows in this elevation. As this is secondary room it is not considered to result in overlooking to the neighbouring business use.

4.23 The proposed dwellings adjacent and close to the northern boundary are not considered to result in a potential loss of residential amenity from the neighbouring use (421 Huntington Road) which is being used for storage. The building has consent for B8 use with general industrial, however there are conditions restricted the hours of work and requiring details of machinery audible outside of the boundary. If once the development is occupied and the Council receive complaints regarding the noise disturbance from this site, the Environmental Protection Unit could use its powers under the Environmental Protection Act 1990 to deal with any allegation of noise nuisance.

#### NEIGHBOURING AMENITY

4.24 The separation distance between the proposed development and the dwellings on the opposite side of Huntington Road at its closest is 23.5 metres. The proposed development achieves separation distances of minimum 11 metres between the proposed (Plot 14) and the garden of 365 Huntington. This is considered more than adequate to maintain privacy and outlook from the existing dwellings; in addition the existing boundary treatment also mitigates the impact.

4.25 The proposed development would introduce additional vehicles into Huntington. However, given the size of the development proposed and the fact that Huntington Road is a well used key route in and out of the city and to surrounding uses, it is not considered that any neighbouring amenity objection could be sustained on the grounds of traffic numbers.

#### HIGHWAYS

4.26 Policy SP8 seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice.

4.27 Concerns have been raised regarding the traffic generation of the proposed development. The development could be expected to generate in the region of 36 movements during the AM and PM peak periods. This level of traffic equates to little over one additional vehicle every 2 minutes during the peak network hours and will not be perceptible when taking into account the daily traffic fluctuations and existing traffic flows on Huntington Road. It is considered that the traffic generated by the proposed development will not have a material impact on the free flow of traffic or operation of adjacent junctions. Parking and turning within the site has been provided in accordance with CYC standards. Traffic free pedestrian/cycle links to Huntington Road are proposed as part of the development to further promote non vehicular traffic.

4.28 The formation of the new access into the site and new vehicular dropped crossing to Plot 3 will require the relocation/removal of the existing chicanes Huntington Road. The applicants have proposed an alternative location for the chicanes; however Highway Officers have concerns with the suggested location. It has not yet been determined as to whether the chicanes can be satisfactorily relocated or whether the existing chicane system will need to be replaced with an alternative scheme of traffic calming. However officers are confident that a solution can be found and consider that the issue should not prevent to the determination of the application. A suitable scheme can be sought via condition. The final form and location of traffic calming will be based upon local consultation with residents and ward members to ensure that the most appropriate features are provided.

4.29 The sightlines for traffic using the new access are in accordance with national guidance contained within Manual for Streets with regard to the speed limit for the road and the actual speeds observed during the speed surveys undertaken by the applicant. The access is therefore considered suitable to serve the level of development proposed and is not considered to give rise to any highway safety issues.

4.30 The Highway Network Management Team have requested cycle provision and that the first occupiers of the development be provided with a bike or a bus pass. As this would only benefit the first occupiers of the dwellings rather than all the occupants for the life of the development, it is considered that it would not be reasonable to request this, nor would it fulfil the tests of Circular 11/95.

## ECOLOGY

4.31 Policy NE2 'River and Stream Corridor, Ponds and Wetland Habitats' states that development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced by: protecting existing natural features and marginal vegetation and encouraging their

reinstatement when lost; resisting development that would have an adverse impact on their landscape character; promoting the maintenance, enhancement and, where appropriate, the restoration of their character; ensuring the design of structures and engineering works are appropriate in form and scale to their setting.

4.32 Policy NE7 'Habitat Protection and Creation' states that Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

4.33 The River Foss corridor is recognised as green infrastructure of regional significance for its landscape, recreational and bio-diversity value. Subsequently it has been identified as one of York's 'green wedges' to be protected and possibly enhanced in the CYC 'Green Corridors Technical Paper' 2011. Evidence of otters and water voles has been found in the drainage ditch and the ecology report recommends that there is a buffer of 9 metres to the backwater channel to keep disturbance to the watercourse to a minimum follow the 9 metre clearance that the Internal Drainage Board request. Whilst the plans show a fence along the 9 metre buffer, the land to the west of the fence will also be in the same ownership as the dwellings. The assessment recommends that there is planting to the watercourse boundary to form a screening barrier and complement the woodland edge including blackthorn, holly, hazel, hawthorn and oak. The submitted plan indicates a wild flower grass. There is no inclusion of a long term strategy to maintain this corridor either through management or protective management. The applicant has maintained through the application process that this land should be in the ownership of the adjacent dwellings. The land being included in the curtilage of the new houses leaves it to the whim of the occupiers as to how this land is managed and could result in a significant loss of the enhancement potential. As such it is considered prudent to condition that there is no fencing, hardstanding, structures within this buffer zone and that the fencing in separating the buffer zone from the rest of the curtilage is maintained, for ecology reasons but also the buffer zone is partly within FZ3b (functional flood plain).

## DRAINAGE

4.34 Consultation responses have been received from the Council's own Flood Risk Engineer, the Environment Agency, the Foss Internal Drainage Board, and Yorkshire Water. All consultation responses covered the areas of drainage which they are responsible for. There are no objections to the proposed drainage scheme, and further details can be sought via condition.

## SUSTAINABILITY

4.35 Policy GP4a requires issues of sustainability to be considered within planning applications. The site is in close proximity to shops and other amenities. There is access to a regular bus service on Huntington Road. Each house would have access to the rear garden without having to go through the building. This allows bins to be stored to the rear of the houses and away from public view.

4.36 The Interim Planning Statement on Sustainable Design and Construction states that developments of this type and scale should achieve Code for Sustainable Homes Level 3 with 10% of expected energy demand to be generated on-site through renewable sources. The applicants have submitted information demonstrating that the development would achieve Code for Sustainable Homes level 3 and that 10% of expected energy demand would be generated through on-site renewables. For the development to comply with the policy and interim planning statement it is considered that details of the renewable energy generation can be secured through a condition.

## CRIME PREVENTION

4.37 Development Control Local Plan Policy GP3 requires new developments to incorporate crime prevention measures. This includes achieving natural surveillance of public spaces and paths, satisfactory lighting, and secure location for cars and cycle parking. It is considered that the proposed development reaches the balance between crime prevention and creating an attractive development.

## OPEN SPACE

4.38 No open space has been provided within the site. In accordance with policy L1c the applicant will make a contribution towards off-site provision of amenity open space, children's play space and sports facilities within the area. As such the Communities and Neighbourhoods team have requested an open space payment of £149,430. This can be secured through a Section 106 agreement. The Council seeks open space payments where a) there is a shortfall in provision within the defined catchment for each typology and b) where there is a shortfall in quality of existing provision. The contribution towards children's play space will go to Huntington Parish Council for Orchard Park. The amenity open space would be provided along the Foss or Orchard Park. The sport pitch monies would be used within the North Zone of the sport and active leisure strategy, a local sports club within the Huntington and New Earswick or neighbouring ward.

## EDUCATION

4.39 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. This contribution is based on need following an assessment of the existing capacity and number of pupils at local schools. Based on this guidance it is the conclusion of the Education Department that sums towards the provision of one primary school place at Yearsley Grove Primary School. No sums are sought towards secondary education. Therefore a sum of £11,984 is sought through a Section 106 agreement.

## **5.0 CONCLUSION**

5.1 The proposed development would provide a mix of market and affordable housing in line with current guidance. The development has been designed to modern highway standards to reduce vehicle speeds and encourage pedestrian movement. The proposal would introduce a mixed residential scheme in a sustainable location.

5.2 Officers recommend approval of the scheme subject to the completion and signing of a Section 106 agreement covering an education contribution, affordable housing, open space, and maintenance of the eastern boundary hedge and the landscaped areas within the proposed development.

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

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

Drawing Number 4135/01 Revision K received 7 October 2013,  
Drawing Number 4135/01/COL Revision G received 7 October 2013,  
Drawing Number 4135/212 Revision A received 13 August 2013,  
Drawing Number 4135/260 Revision B received 7 October 2013,  
Drawing Number 4135/261 Revision A received 13 August 2013,  
Drawing Number 13/587/6397 received 13 August 2013,  
Drawing Number En/001 Revision 10 House Type: Thirston End As/Style 6/ En -  
Floor Plans & Elevations received 09 October 2013,  
Drawing Number En/007 Revision 12 House Type: Thirston End As/Style 6/ En -  
Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 1 House Type: Thirston End As/Style 6/ En - Left  
Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 10 House Type: Thirston End As/Style 6/ En -  
Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 10 House Type: Thirston End Op Alt/Style 6/ En -  
Application Reference Number: 13/02724/FULM Item No: 4b

Floor Plans & Elevations received 09 October 2013,  
Drawing Number En/007 Revision 12 House Type: Thirston End Op Alt/Style 6/ En -  
Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 1 House Type: Thirston End Op Alt/Style 6/ En -  
Left Side Elevation 09 October 2013,  
Drawing Number En/009 Revision 10 House Type: Thirston End Op Alt/Style 6/ En -  
Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 11 House Type: Thirston End Op Alt/Style 6/  
Affordable/En - Floor Plans & Elevations received 09 October 2013,  
Drawing Number En/007 Revision 12 House Type: Thirston End Op Alt/Style 6/  
Affordable/En - Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 2 House Type: Thirston End Op Alt/Style 6/  
Affordable/En - Left Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 11 House Type: Thirston End Op Alt/Style 6/  
Affordable/En - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 10 House Type: Thirston End Op/Style 6/En -  
Floor Plans & Elevations received 09 October 2013,  
Drawing Number En/007 Revision 12 House Type: Thirston End Op/Style 6/En -  
Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 1 House Type: Thirston End Op/Style 6/En - Left  
Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 10 House Type: Thirston End Op/Style 6/En -  
Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 10 House Type: Thirston End As/Style 6/En -  
Floor Plans & Elevations received 09 October 2013,  
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Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 1 House Type: Thirston End As/Style 6/En - Left  
Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 10 House Type: Thirston End As/Style 6/En -  
Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 11 House Type: Thirston End Alt/As/Style  
6/Affordable/En - Floor Plans & Elevations received 09 October 2013,  
Drawing Number En/007 Revision 12 House Type: Thirston End Alt/As/Style  
6/Affordable/En - Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 2 House Type: Thirston End Alt/As/Style  
6/Affordable/En - Left Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 11 House Type: Thirston End Alt/As/Style  
6/Affordable/En - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 5 House Type: Ledbury End As Joined/Style 6/En  
- Floor Plans & Elevations received 09 October 2013,  
Drawing Number En/007 Revision 3 House Type: Ledbury End As Joined/Style 6/En  
- Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 3 House Type: Ledbury End As Joined/Style 6/En  
- Left Side Elevation received 09 October 2013,

Drawing Number En/009 Revision 3 House Type: Ledbury End As Joined/Style 6/En - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 5 House Type: Ledbury Op Joined/Style 6/En - Floor Plans & Elevations received 09 October 2013,  
Drawing Number En/007 Revision 3 House Type: Ledbury Op Joined/Style 6/En - Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 3 House Type: Ledbury Op Joined/Style 6/En - Right Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 3 House Type: Ledbury Op Joined/Style 6/En - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 3 House Type: Kirkham Det As/Style 6/En - Floor Plans and Elevations received 09 October 2013,  
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Drawing Number En/010 Revision 2 House Type: Kirkham Det As/Style 6/En - Right Side Elevation received 09 October 2013,  
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Drawing Number En/001 Revision 3, House type Kirkham Flat Roof Det As/Style 6/En - Floor Plans received 11October 2013,  
Drawing Number En/007 Revision 2, House type Kirkham Flat Roof Det As/Style 6/En - Front Elevation received 11October 2013,  
Drawing Number En/008 Revision 2, House type Kirkham Flat Roof Det As/Style 6/En - Left Side Elevation received 11October 2013,  
Drawing Number En/009 Revision 3, House type Kirkham Flat Roof Det As/Style 6/En - Rear Elevation received 11October 2013,  
Drawing Number En/010 Revision 2, House type Kirkham Flat Roof Det As/Style 6/En - Right Side Elevation received 11October 2013,  
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Drawing Number En/007 Revision 2, House type Kirkham Flat Roof Det Op/Style 6/En - Front Elevation received 11October 2013,  
Drawing Number En/008 Revision 2, House type Kirkham Flat Roof Det Op/Style

6/En - Left Side Elevation received 11October 2013,  
Drawing Number En/009 Revision 3, House type Kirkham Flat Roof Det Op/Style  
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Drawing Number En/010 Revision 2, House type Kirkham Flat Roof Det Op/Style  
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6/En - Floor Plans & Elevations received 09 October 2013,  
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6/En - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 4 House Type: Kilmington Mid Op Brick/Style  
6/En - Floor Plans and Elevations received 09 October 2013,  
Drawing Number En/007 Revision 3 House Type: Kilmington Mid Op Brick/Style  
6/En - Front Elevation received 09 October 2013,  
Drawing Number En/009 Revision 3 House Type: Kilmington Mid Op Brick/Style  
6/En - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 4 House Type: Kilmington End Hipped Op  
Brick/Style 6/En - Floor Plans and Elevations received 09 October 2013,  
Drawing Number En/007 Revision 3 House Type: Kilmington End Hipped Op  
Brick/Style 6/En - Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 5 House Type: Kilmington End Hipped Op  
Brick/Style 6/En - Left Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 3 House Type: Kilmington End Hipped Op  
Brick/Style 6/En - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 4 House Type: Kilmington End Hipped As  
Brick/Style /En6 - Floor Plans and Elevations received 09 October 2013,  
Drawing Number En/007 Revision 3 House Type: Kilmington End Hipped As  
Brick/Style /En6 - Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 5 House Type: Kilmington End Hipped As  
Brick/Style /En6 - Left Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 3 House Type: Kilmington End Hipped As  
Brick/Style /En6 - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 4 House Type: Kilmington End Gable Op  
Brick/Style 6/En - Floor Plans and Elevations received 09 October 2013,  
Drawing Number En/007 Revision 3 House Type: Kilmington End Gable Op  
Brick/Style 6/En - Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 5 House Type: Kilmington End Gable Op  
Brick/Style 6/En - Left Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 3 House Type: Kilmington End Gable Op  
Brick/Style 6/En - Rear Elevation received 09 October 2013,  
Drawing Number En/001 Revision 4 House Type: Kilmington Det Gable As  
Brick/Style 6/En - Floor Plans and Elevations received 09 October 2013,  
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Brick/Style 6/En - Front Elevation received 09 October 2013,



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Drawing Number En/008 House Type: Cotham Det As/Style 6/En - Left Side Elevation received 09 October 2013,  
Drawing Number En/009 House Type: Cotham Det As/Style 6/En - Rear Elevation

received 09 October 2013,

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Drawing Number En/001, House type Cotham Flat Roof Det Op/Style 6/En - Floor Plans received 11 October 2013,

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Drawing Number En/010, House type Cotham Flat Roof Det Op/Style 6/En - Right Side Elevation received 11 October 2013,

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Drawing Number En/009 House Type: Coleford End As Brick/Style 6/En - Rear Elevation received 09 October 2013,

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Drawing Number En/007 Revision 2 House Type: Ashbury Det As/Style 6/En - Front Elevation received 09 October 2013,

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Drawing Number En/010 Revision 2 House Type: Ashbury Det As/Style 6/En - Right Side Elevation received 09 October 2013,

Drawing Number En/001 Revision 7 House Type: Rosebury Det Op Hipped Roof/ /En Style 6 - Floor Plans and Elevations received 09 October 2013,

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Drawing Number En/009 Revision 4 House Type: Rosebury Det Op Hipped Roof/ /En Style 6 - Rear Elevation received 09 October 2013,

Drawing Number En/010 Revision 5 House Type: Rosebury Det Op Hipped Roof/ /En Style 6 - Left Side Elevation received 09 October 2013,

Drawing Number En/001 Revision 7 House Type: Rosebury Det As Hipped Roof/ /En Style 6 - Floor Plans and Elevations received 09 October 2013,

Drawing Number En/007 Revision 5 House Type: Rosebury Det As Hipped Roof/ /En Style 6 - Front Elevation received 09 October 2013,

Drawing Number En/008 Revision 5 House Type: Rosebury Det As Hipped Roof/  
/En Style 6 - Left Side Elevation received 09 October 2013,

Drawing Number En/009 Revision 4 House Type: Rosebury Det As Hipped Roof/  
/En Style 6 - Rear Elevation received 09 October 2013,

Drawing Number En/010 Revision 5 House Type: Rosebury Det As Hipped Roof/  
/En Style 6 - Right Side Elevation received 09 October 2013,

Drawing Number En/001 House Type: Pendlebury Det As/ Style 6/En - Floor Plans  
and Elevations received 09 October 2013,

Drawing Number En/007 House Type: Pendlebury Det As/ Style 6/En - Front  
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Drawing Number En/008 House Type: Pendlebury Det As/ Style 6/En - Left Side  
Elevation received 09 October 2013,

Drawing Number En/009 House Type: Pendlebury Det As/ Style 6/En - Rear  
Elevation received 09 October 2013,

Drawing Number En/010 Revision 1 House Type: Pendlebury Det As/ Style 6/En -  
Right Side Elevation received 09 October 2013,

Drawing Number En/001 Revision 8 House Type: Norbury Det Open Plan Op/Style  
6/En - Floor Plans and Elevations received 09 October 2013,

Drawing Number En/007 Revision 4 House Type: Norbury Det Open Plan Op/Style  
6/En - Front Elevation received 09 October 2013,

Drawing Number En/008 Revision 5 House Type: Norbury Det Open Plan Op/Style  
6/En - Left Side Elevation received 09 October 2013,

Drawing Number En/009 Revision 5 House Type: Norbury Det Open Plan Op/Style  
6/En - Rear Elevation received 09 October 2013,

Drawing Number En/010 Revision 5 House Type: Norbury Det Open Plan Op/Style  
6/En - Right Side Elevation received 09 October 2013,

Drawing Number En/001 Revision 8 House Type: Norbury Det Open Plan As/Style  
6/En - Floor Plans and Elevations received 09 October 2013,

Drawing Number En/007 Revision 4 House Type: Norbury Det Open Plan As/Style  
6/En - Front Elevation received 09 October 2013,

Drawing Number En/008 Revision 5 House Type: Norbury Det Open Plan As/Style  
6/En - Left Side Elevation received 09 October 2013,

Drawing Number En/009 Revision 5 House Type: Norbury Det Open Plan As/Style  
6/En - Rear Elevation received 09 October 2013,

Drawing Number En/010 Revision 5 House Type: Norbury Det Open Plan As/Style  
6/En - Right Side Elevation received 09 October 2013,

Drawing Number En/001 Revision 8 House Type: Norbury Det Duel Aspect Op/Style  
6/En - Floor Plans and Elevations received 09 October 2013,

Drawing Number En/007 Revision 5 House Type: Norbury Det Duel Aspect Op/Style  
6/En - Front Elevation received 09 October 2013,

Drawing Number En/008 Revision 4 House Type: Norbury Det Duel Aspect Op/Style  
6/En - Right Side Elevation received 09 October 2013,

Drawing Number En/009 Revision 5 House Type: Norbury Det Duel Aspect Op/Style  
6/En - Rear Elevation received 09 October 2013,

Drawing Number En/010 Revision 5 House Type: Norbury Det Duel Aspect Op/Style

6/En - Left Side Elevation received 09 October 2013,  
Drawing Number En/001 Revision 8 House Type: Norbury Det Duel Aspect As/Style  
6/En - Floor Plans and Elevations received 09 October 2013,  
Drawing Number En/007 Revision 5 House Type: Norbury Det Duel Aspect As/Style  
6/En - Front Elevation received 09 October 2013,  
Drawing Number En/008 Revision 4 House Type: Norbury Det Duel Aspect As/Style  
6/En - Left Side Elevation received 09 October 2013,  
Drawing Number En/009 Revision 5 House Type: Norbury Det Duel Aspect As/Style  
6/En - Rear Elevation received 09 October 2013,  
Drawing Number En/010 Revision 5 House Type: Norbury Det Duel Aspect As/Style  
6/En - Right Side Elevation received 09 October 2013,  
Drawing Number 2.5asf received 13 August 2013,  
Drawing Number DetSng/Gar/6 received 13 August 2013;

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

2 TIME2 Development start within three years -

3 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 bricks, rooftiles, render, timber cladding, pavours, window sills, windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 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, E, FIN; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and the visual amenity of the development 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.

5 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 other means of enclosure shall be erected.

Reason: In the interests of visual amenity on this area and development.

6 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

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

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

8 A full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of the amenities of nearby occupants and visual amenity.

9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 Prior to the occupation of the dwellings details of the hedge to the east/Huntington Road boundary of the site including number, species, height and position of plants shall be submitted and approved in writing by the Local Planning Authority . This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

The above hedge once it has reached 1.8 metres in height, shall be retained and maintained at a height of 1.8 metres.

If in the circumstances that a part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In the interests of the visual amenity of the site, the street, and the wider area

11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by ARP, dated July 2013, Report no. 973/34r2 submitted 13 August 2013 and the following mitigation measures detailed within the FRA:

- (i) Finished floor levels are set no lower than 600mm above the nearest embankment and 11.4m above Ordnance Datum (AOD).
- (ii) The flood proofing / resilience measures detailed on pages 19 and 20 are incorporated into the proposed development.
- (iii) The site layout is to be in line with drawing no. 4135/01/COL Rev G received 7 October 2013 and levels below the 10.5m AOD contour will remain as existing.

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

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

future occupants. To ensure that no development or land raising takes place within Flood Zone 3b (functional floodplain).

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no structure, hardstanding, decking, or boundary treatment within 9 metres of the drainage ditch running along the western boundary of the site shall be erected within Flood Zone 3b, functional floodplain as delineated in City of York Council's Strategic Flood Risk Assessment.

Reason: This is to ensure that there is no loss of storage within the functional floodplain and also to make sure that there will be no obstructions to possible future flood flows within the functional floodplain. In the interests of nature conservation. In the interests of the visual amenities of the area.

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

Details to include:

- (a) Peak surface water run-off from the proposed development must be restricted to a maximum 106 lit/sec.
- (b) Site specific details of the flow control device manhole limiting the surface water to the 106 lit/sec.
- (c) Storage volume calculations, using computer modelling must be provided, and 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. The full range of modelling should be provided.
- (d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- (e) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- (f) Site specific details to include stairways and land drainage of the retaining walls to the rear of plots 15, 16 and 17.

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.

14 HWAY1 Details roads, footpaths, open spaces req. -

15 HWAY7 Const of Roads & Footways prior to occup -

16 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb, footway and verge to match adjacent levels.

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

17 HWAY18 Cycle parking details to be agreed -

18 HWAY19 Car and cycle parking laid out -

19 HWAY40 Dilapidation survey -

20 HWAY41 Safety Audit -

21 Prior to the commencement of development a scheme of warning/advisory signage within the site and on the approaches to the site access on Huntington Road shall be approved in writing by the Local Planning Authority and implemented on site.

Reason : In the interests of highway safety.

22 Prior to the commencement of development (for which purposes development shall exclude demolition, site clearance, site preparation and the erection of a construction site compound and sales centre) the existing traffic calming chicanes to the site frontage on Huntington Road shall have been removed and temporarily replaced with alternative traffic calming features in agreement with the Local Planning Authority. Prior to first occupation of the development hereby approved a permanent traffic calming scheme to replace the existing chicanes, as agreed in writing by the Local Planning Authority, shall have been installed and completed, or arrangements entered into which ensure a calming effect is retained.

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.

23 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 LPA. Such a statement shall include at least 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.

24 Construction work shall not begin until a scheme for protecting the proposed development from external noise has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the development is occupied.

REASON: To protect the amenities of adjacent residents

INFORMATIVE: To achieve compliance with this condition details should be submitted to demonstrate that the internal and external noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS82333 as follows:-

- (i) Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)
- (ii) Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)
- (iii) Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax
- (iv) External garden levels of 50 dB(A) Leq 16 hour (07:00 to 23:00)

25 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

26 NOISE7 Restricted hours of construction -

27 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o 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'.

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.

28 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

29 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

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

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.

31 No dwelling to which this planning permission relates shall be occupied unless or until the carriageway base course and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

32 Prior to the commencement of development details of the materials to be used, the level of excavation, and the appearance of the retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and managed in complete accordance with the approved details.

Reason: In the interests of the visual amenity of the site, and the surroundings.

33 Prior to the occupation of the dwellings on Plots 10, 11, 12, and 13 the acoustic fence shown in Drawing Number 4135/01 Revision K (received 7 October 2013) shall be in place.

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

34 Prior to the commencement of construction details of the increase in land levels across the site shall be submitted to and approved in writing by the Local Planning Authority. The increase in land levels shall be no greater than those shown in Drawing Number 4135/260 Revision B received 7 October 2013 and Drawing Number 4135/261 Revision A received 13 August 2013.

Reason: To ensure the increase in land levels does not result in an overly prominent development, to protect the setting of the river.

35 The boundary treatment set back 9 metres from the drainage ditch/western boundary of the development site shall be in place prior to the occupation of the Plots 15 to 38, once in place it shall not be removed.

Reason: In the interests of retaining this area for nature conservation. In the interests of the visual amenities of the area.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

- Revisions to layout, and additional elevations and plans of proposed dwellings
- Application of conditions and Section 106

#### **2. LEGAL AGREEMENT**

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

#### **3. INFORMATIVE:**

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

Section 38/278 - Michael Kitchen (01904 551336)

4. INFORMATIVE:

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

5. EPU Informative

In line with the Council's Low Emission Strategy, any developer should strive to promote the use of low emission vehicles on site via provision of necessary infrastructure. In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage on the site, it is recommended that the developer 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.

6. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00  
Saturday 09.00 to 13.00  
Not at all on Sundays and Bank Holidays.

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

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

accordance with manufacturers instructions.

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

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

(f) There shall be no bonfires on the site

## 7. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

## 8. ENVIRONMENT AGENCY INFORMATIVE

### Surface water

The surface water drainage from the site should be in line with the submitted details within the FRA. As the River Foss at this location is classified as a non main river and falls under the jurisdiction of the Foss Internal Drainage Board (IDB), surface water drainage details must be agreed with the IDB and City of York Council's drainage engineers before development commences.

### Waste informative

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

### Contaminated land informative

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination'.

Model procedures and good practice informative

EA recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to EA Guiding Principles for Land Contamination for the type of information that would require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater. GP3 is available on [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## 9. YORKSHIRE WATER INFORMATIVE

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0845 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

## 10. FOSS INTERNAL DRAINAGE BOARD IINFORMATIVE

All drainage routes through the Site shall be maintained during the works on Site. Provisions shall be made to ensure that the upstream and downstream riparian owners and those areas that are presently served by the drainage routes are not adversely affected.

The Applicant should ensure that prior to development commencing the Site has been checked for all drainage routes and any necessary consents obtained for working adjacent to the route.

Drainage routes shall include :-

- (i) surface water sewers
- (ii) land drainage culverts
- (iii) foul sewers

**Contact details:**

**Report Author:** Victoria Bell, Development Management Officer.

**Tel No:** 01904 551347

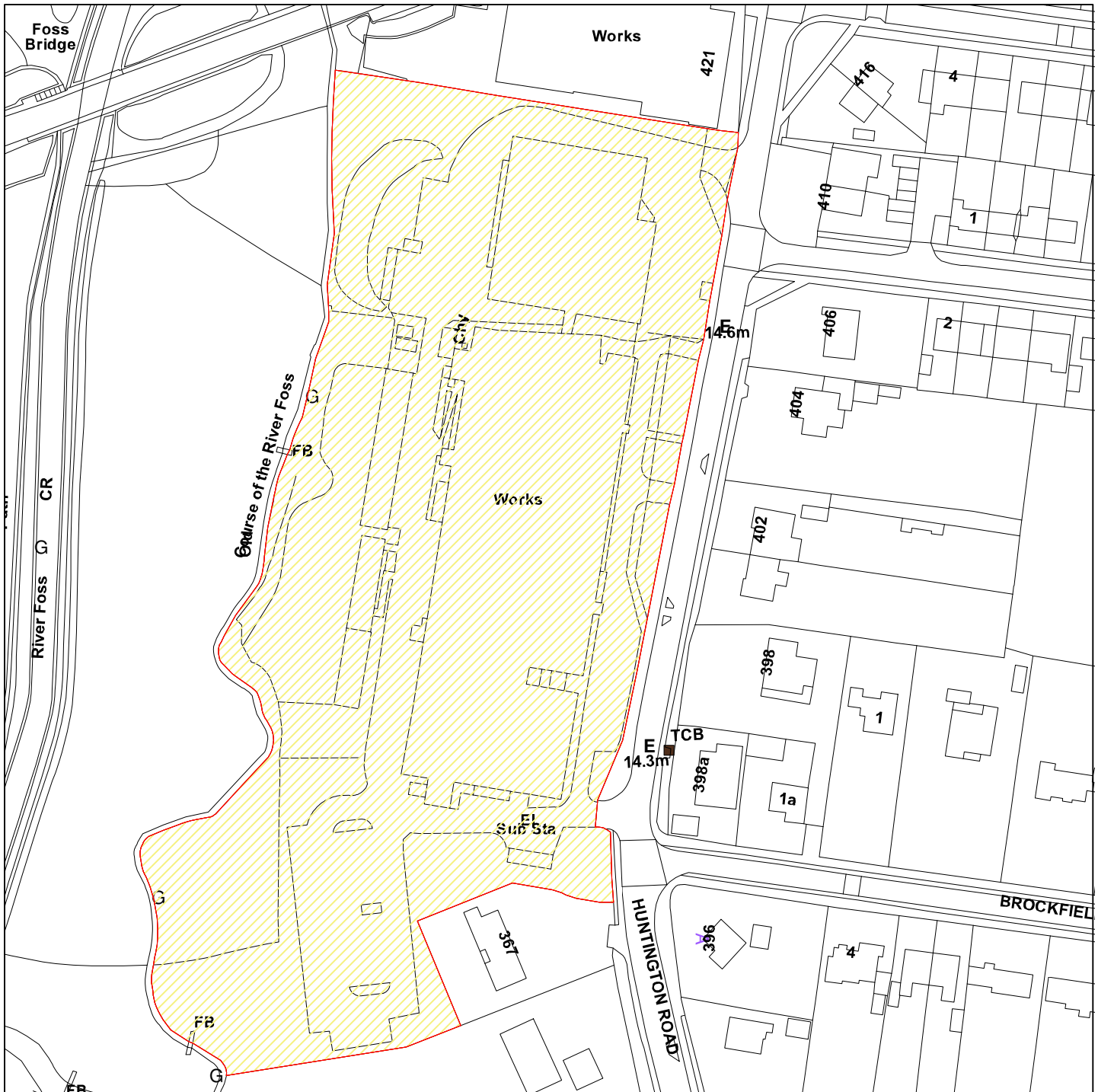


13/02724/FULM

Sessions of York



GIS by ESRI (UK)



Scale : 1:1375

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	14 October 2013
<b>SLA Number</b>	Not Set

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**Planning Committee****24<sup>th</sup> October 2013****Appeals Performance and Decision Summaries****Summary**

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> July to 30<sup>th</sup> September 2013, 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. For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeals performance in York was close to (and usually better than) the national average. The Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 70% of appeals against refusal of permission for major applications are allowed.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, for the last quarter i.e. 1<sup>st</sup> July to 30<sup>th</sup> September 2013, and for the full year to 30<sup>th</sup> September.

**Fig 1: CYC Planning Appeals Performance**

	<b>1/7/13 to 30/9/13 (Last Quarter)</b>	<b>1/10/12 to 30/9/13 ( Last 12 months)</b>
Allowed	3	15
Part Allowed	1	2
Dismissed	3	26
Total Decided	7	44
<b>% Allowed</b>	<b>42.86</b>	<b>34.09</b>
% Part Allowed	0	4.54
Withdrawn	0	1

### Analysis

- 4 The table shows that between 1<sup>st</sup> July and 30<sup>th</sup> September 2013, a total of 7 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 3 were allowed. At 42.86%, the rate of appeals allowed is higher than the national annual average of around 33%. By comparison, for the same period last year, 9 out of 20 appeals were allowed, i.e. 45%,
- 5 For the full year between 1<sup>st</sup> October 2012 and 30<sup>th</sup> September 2013, 34.09% of appeals decided were allowed, lower than the previously reported 12 month period of 36.84%.
- 6 The summaries of appeals determined since 1<sup>st</sup> July to 30<sup>th</sup> September 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, 3 appeals determined related to applications refused by Committee.
- 7 **Fig 2: Appeals Decided 1<sup>st</sup> July - 30<sup>th</sup> September 2013 following Refusal by Committee**

Ref No	Site	Proposal	Outcome	Officer Recom.
<b>12/03436/FUL</b>	<b>Manor Farm Intake Lane, Acaster Malbis</b>	<b>Agricultural buildings to Office uses</b>	<b>Part allowed</b>	<b>Approve</b>
<b>12/01911/OUT</b>	<b>Land at Westview Close</b>	<b>8 Dwellings</b>	<b>Allowed</b>	<b>Refuse</b>
<b>12/03022/FUL</b>	<b>Lucia Bar &amp; Grill Swinigate Ct East</b>	<b>Ext. Of Opening hrs</b>	<b>Allowed</b>	<b>Approve</b>

- 8 The list of current appeals is attached at Annex B. There are 18 planning appeals (i.e. excluding tree preservation order appeals) lodged with the Planning Inspectorate. 14 are proposed to be dealt with by the Written Representation process (W), 2 by the householder procedure (H), and 2 by Public Inquiry (P).
- 9 The quarter performance at 42.86% allowed reflects the relatively small number of cases decided, with 3 appeals allowed. The current 12 month performance at 34.09% allowed is however is an improvement on the previously reported 12 month figure, and continues the trend back towards the national 'benchmark' figure of 33% allowed. The initial impact of the publication of the NPPF (March 2012) on appeal outcomes (which saw many cases allowed) is receding, with CYC performance has continued to improve as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent.
- 10 Inspectors have continued to highlight the need for a strong evidence base to demonstrate significant harm will result from a development before it should be refused. This was demonstrated in the last quarter by the allowing with costs of the application to extend the opening hours at Lucia bar and Grill. The NPPF states refusal is a last resort and that every effort should be made to work with developers to look for solutions to planning problems, and that Councils should look for reasons for approving development rather than reasons for refusal.
- 11 The main measures successfully employed to regain the previous performance levels have been as follows:-
  - i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF Draft Local Plan Policy.
  - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach has improved customer satisfaction and speeded up the development process overall, and , CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
  - iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

## **Consultation**

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

### **Council Plan**

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

### **Implications**

- 14 Financial – There are no financial implications directly arising from the report.
- 15 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.
- 16 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 17 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

### **Risk Management**

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

### **Recommendation**

- 19 That Members note the content of this report.

### **Reason**

- 20 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

**Contact Details**

**Author:**

Jonathan Carr,  
Head of Development  
Services and  
Regeneration,  
Directorate of City and  
Environmental Services

01904 551303

**Chief Officer Responsible for the  
report:**

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

**Report  
Approved**



**Date**

1<sup>st</sup> October  
2013

**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> July  
and 30<sup>th</sup> September 2013**

**Annex B – Outstanding Appeals at 1<sup>st</sup> October 2013**

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## Appeal Summaries for Cases Determined 01/07/2013 to 30/09/2013

**Application No:** 12/01205/FUL

**Appeal by:** Mr A Iqbal

**Proposal:** Dormer to rear

**Address:** Flat C 2 Marlborough Grove York YO10 4AY

**Decision Level:** DEL

**Outcome:** ALLOW

2 Marlborough Grove is set within a traditional terrace. Planning permission was originally refused under ref: 12/01205/FUL for 2 rear dormers. The reason for refusal was that the dormers, - by reason of their mass and scale, had an unsatisfactory and unsympathetic appearance which is out of character with the traditional row of terraces, to the detriment of the visual amenity of the locality. For some reason the applicant did not appeal the planning refusal. Following the refusal an enforcement notice was served seeking the removal of the dormers. The applicant then decided to appeal the enforcement notice on Ground A (That planning permission should be approved). Marlborough Grove has a number of dormer windows to both front and back. These do vary in size and scale but on the whole they are slim and neat in profile with pitched roofs which are well proportioned to the roof within which they sit. The appeal dormers were much wider and being 2 next to each other filled the width of the roof. They replaced 1 of the slim dormers referred to above. They were not PD as the property in question was flats (now an unlawful HMO). The application was part retrospective at the time of the submission. The issue centred on visual impact. The Inspector concluded that the Council had over-stated its case about the impact. He identified other, more dominant features including a rear offshoot next door. He also attached significant weight to the fact that the dormers were on the rear rather than on the, more visually important front. Also, the dormers in question were only visible from a not often used pedestrian path which runs to the rear of the terrace and down to the next street along. He also identified other rear roof extensions in the area which were flat roof box dormers and so more harmful to those which were the subject of the appeal, which at least had pitched roofs.

---

**Application No:** 12/01205/FUL  
**Appeal by:** Mr A Iqbal  
**Proposal:** Dormer to rear  
**Address:** Flat C 2 Marlborough Grove York YO10 4AY

**Decision Level:** DEL

**Outcome:** ALLOW

He conceded that there was conflict with the SPD on House extensions in that the dormers in question extended over more than a third of the roof slope. He accepted the generality of the view of the Council but considered there were too many important qualifications to it and he concluded that the dormers did not harm the appearance of either the host house or the rest of the terrace and that, sufficient respect had been shown for the local environment, and there was, enough compatibility with the local area to avoid conflict... The appeal was therefore allowed and the Enforcement Notice quashed. I think this shows that we have to think very very carefully about refusing rear dormer windows. They were in conflict with the SPD re their size and scale but the Inspector essentially concluded that notwithstanding this they looked ok and were not harmful. They had pitched roofs and actually looked better than other features in the area, including a number of flat roof box dormers. Although we should not accept the lowest common denominator when assessing these things, it is probable that many of these were PD as they were on a house. The appeal dormers would have been PD had the property in question not being flats. I think this potential, fall-back, position is always very important to consider, whatever the circumstances. Note that the Inspector also very specifically referred to the fact that they were not very visible rear dormers as opposed to, the more visually important front,.

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**Application No:** 12/01911/OUTM  
**Appeal by:** Hogg Builders (York) Limited  
**Proposal:** Erection of 8no. dwellings and associated infrastructure  
**Address:** Land Between Sports Field And Westview Close York

**Decision Level:** CMV

**Outcome:** ALLOW

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**Application No:** 12/01911/OUTM  
**Appeal by:** Hogg Builders (York) Limited  
**Proposal:** Erection of 8no. dwellings and associated infrastructure  
**Address:** Land Between Sports Field And Westview Close York

**Decision Level:** CMV

**Outcome:** ALLOW

Planning permission was refused to put 8 houses on the appeal site as it was designated as green belt land in the 2005 Local Plan. Westview Close is a street with houses on one side at the edge of the cities built up area. The appeal related to the side of the street which is un-developed. There is a hedgerow and mature trees at the site boundary, beyond which is the former Civil Service Sports Club site. The Local Plan (1998) excluded the appeal site from the proposed Green Belt. This remained the case through several modifications until the 2005 version. There was a public enquiry in 1999 of the Local Plan. One of the topics of which were the cities green belt boundaries. The inspector determined that the Civil Service Sports Ground (which is next door to the appeal site) should be green belt land. When CYC re-drew the boundaries for the 2005 Local Plan, the part of Westview Close to which the appeal relates was included in the green belt also. The inspector considered that the key issue in this case was whether green belt policies should be applied to the site, given that the inner boundaries of Yorks Green Belt have not been defined in a formally adopted Local Plan. The inspector noted that the appeal site had not been identified as serving the purposes of the green belt by CYC in its green belt appraisal (2003). He added that in his opinion the appeal site served no green belt function and therefore it could be released for development. The inspector noted that his decision would not set a precedent in relation to similar small sites. However the decision suggests that, regardless of their designation in the current Local Plan, sites at the edge of the cities built up area should be assessed on their own merits as to whether they serve the purposes of the green belt.

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**Application No:** 12/03022/FUL  
**Appeal by:** Mr Osman Doganozu  
**Proposal:** Variation of condition 5 of planning permission  
12/01910/FUL for restaurant/bar to extend opening hours to  
allow premises to open until 02:00 every day  
**Address:** Lucia Bar And Grill 9 - 13 Swinegate Court East Grape  
Lane York YO1 8AJ  
**Decision Level:** COMM  
**Outcome:** ALLOW

Appeal related to the operating hours of Lucias, which is located in Swinegate Court East. The premises wished to operate until 02.00, rather than midnight, as imposed by the Planning Committee. The site had a premises licence which allowed them to trade until 03.00 and this also imposed conditions in the interests of residential amenity (such as no amplified music audible outside the site). The Inspector noted that other conditions had been imposed on the planning permission which required a noise limiter to be installed, no amplified music to be played which was audible within neighbouring residential properties and the prevention of bottles and glass being placed in bottle bins between 24.00 and 08.00. He noted that despite noise complaints having been received into EPU about the premises these were all prior to the noise limiter being installed. EPU had been satisfied that this was successfully restricting noise into neighbours houses and did not object to the application. The inspector considered that the appeal site is in an area with a high concentration of late night drinking establishments and was a mixed use commercial/residential area, some of which had no control imposed by opening hours. He placed significant weight to the substantial degree of control the imposed conditions referred to above provided and also that local residents could not expect the same level of protection as those not living in the heart of a major tourist city. The inspector amended the condition so that the premises should close by 00.30 Sun-Thurs and 02.00 Fri and Sat. He also granted costs to the appellants. The decision confirms that decisions/use of conditions must be backed by demonstrable evidence of harm so demonstrating that they are relevant and necessary. In this case other conditions were imposed to protect neighbour amenity and together with the licensing regime meant that the midnight closure was not reasonable in this busy city centre commercial area.

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**Application No:** 12/03436/FUL  
**Appeal by:** Mr & Mrs Roger Raimes  
**Proposal:** Change of Use of three agricultural buildings to light industrial (Class B1c) and installation of portable office building (retrospective) and (Proposed) Change of Use of 1 agricultural building to light industrial (class B1c), and installation of second portable office building.  
**Address:** Manor Farm Intake Lane Acaster Malbis York YO23 2PL  
**Decision Level:** CMV  
**Outcome:** PAD

The Site at Manor Farm Acaster Malbis is a complicated one. It consists of a farmstead containing a number of buildings which have become surplus as no longer suitable for Modern day agricultural needs and for which planning permission has previously been given for change of use. A visit to the site in connection with the determination of an Agricultural Notification application during the summer of 2012 revealed that a substantial part of the building complex was being used by Papakata , a Corporate Hospitality equipment hire company without the benefit of planning permission. A part retrospective application was submitted seeking regularisation of the activities at the site. This brought to light a number of serious concerns from neighbouring residential properties in respect of loading and unloading activities at the site at unsocial hours. Members duly considered the application and agreed with a recommended condition substantially restricting the hours and range of activities that may take place on site. At the same time they granted planning permission on the basis of a temporary permission for one year in order that the impact of activities at the site could be properly assessed. The two conditions were appealed and the Inspector indicated that he understood the rationale behind the temporary permission but felt it to be unnecessary in view of the length of time the operation had already been taking place. Instead he substituted a condition which forebade the undertaking of activities associated with the Business within the site in the outdoors to the north of the complex of buildings. In terms of the condition restricting hours and operations in order to deal with the concerns about activities taking place at anti-social times the Inspector supported the position of the Planning Authority and dismissed that element of the appeal.

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**Application No:** 12/03467/FUL  
**Appeal by:** Mr A Sullivan  
**Proposal:** Erection of single storey 3 bedroom self-contained student dwelling to the rear  
**Address:** 65 Wycliffe Avenue York YO10 3RH

**Decision Level:** DEL

**Outcome:** DISMIS

Planning permission was sought for the erection of a substantial three bed room detached bungalow within the rear garden of the property which was previously a Local Authority dwelling dating from the 1950s. The proposed bungalow would have no form of vehicular access and would have been directly adjacent to the rear garden of the next door property which remained in conventional residential use. A previous proposal for a similar scheme had been refused on the grounds of over-development and impact upon the visual amenity of the wider street scene. The current proposal was once again refused on the grounds of over-development and impact upon the residential amenity of the adjacent property. An appeal was submitted on the basis that there was felt to be a shortage of suitable student housing and that the development of the site would actually improve the visual amenity of the wider street scene. In considering the issues the Inspector discounted these arguments and agreed that the likely level of harm in terms of over-development, impact upon the residential amenity of neighbouring properties and also likely increases in anti-social behaviour would be severe. Unsurprisingly the appeal was dismissed.

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**Application No:** 13/00786/FUL  
**Appeal by:** Mr Colin Gardner  
**Proposal:** Single storey rear extension  
**Address:** 144 Fulford Road York YO10 4BE

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal related to the refusal of planning permission for the erection of a single storey rear extension approx 5.3 metres in length by approx 3.48 metres in height. The application was refused on the basis that the extension would appear unduly oppressive and overbearing when viewed from the rear of the neighbouring property at 146 Fulford Road. The Inspector dismissed the appeal concluding that the massing and proximity of the extension would lead to an overbearing feature that would have a negative impact on the living conditions of both current and future occupants of No. 146 Fulford Road. This would not only be contrary to policy GP1(i) and H7(d) of the City of York Draft Development Control Local Plan 2005 (DDCLP) but also the core planning principles of the National Planning Policy Framework 2012 (NPPF)

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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

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## Outstanding appeals

<b>Officer:</b> Andy Blain					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 05/10/2011	<b>Ref No:</b> 11/00044/EN	<b>Appeal Ref No:</b> APP/C2741/F/11/2160562	<b>Process:</b> W	<b>Site:</b> 91 Micklegate York YO1 6LE	<b>Description:</b> Appeal against Enforcement Notice	
<b>Officer:</b> Diane Cragg					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 12/05/2013	<b>Ref No:</b> 13/00021/REF	<b>Appeal Ref No:</b> APP/C2741/A/13/2198026	<b>Process:</b> W	<b>Site:</b> 40 Fordlands Road York YO19 4QG	<b>Description:</b> Dormer bungalow to rear	
<b>Officer:</b> Esther Priestley					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b> 02/09/2013	<b>Ref No:</b> 13/00033/REF	<b>Appeal Ref No:</b> APP/TPO/C2741/3440	<b>Process:</b> W	<b>Site:</b> STREET RECORD Burton Court York	<b>Description:</b> Fell Lime (T5) Tree protected by Tree Preservation Order No 25	
<b>Received on:</b> 19/09/2013	<b>Ref No:</b> 13/00034/REF	<b>Appeal Ref No:</b> APP/TPO/C2741/3443	<b>Process:</b> W	<b>Site:</b> 23 North Lane Huntington York YO32 9RU	<b>Description:</b> Fell Sycamore (T11), Tree Protected by Tree Preservation Order No 49/67	
<b>Officer:</b> Gareth Arnold					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 04/06/2013	<b>Ref No:</b> 13/00022/EN	<b>Appeal Ref No:</b> APP/C2741/C/13/2199211	<b>Process:</b> P	<b>Site:</b> 1 Grays Court York YO1 7JH	<b>Description:</b> Appeal against Enforcement Notice dated 24 April 2013	
<b>Officer:</b> Kevin O'Connell					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b> 27/02/2012	<b>Ref No:</b> 12/00009/REF	<b>Appeal Ref No:</b> APP/C2741/X/12/2170664	<b>Process:</b> W	<b>Site:</b> 2 St Aubyns Place York YO24 1EQ	<b>Description:</b> Use of property as a House in Multiple Occupation	
<b>Received on:</b> 05/07/2013	<b>Ref No:</b> 13/00025/REF	<b>Appeal Ref No:</b> APP/C2741/A/13/2201146	<b>Process:</b> W	<b>Site:</b> Roko Health Club And Playfootball Stirling Road	<b>Description:</b> Change of use of part of the car park as a members only hand car wash and valeting business and siting of office/storage unit within a timber screen	
<b>Officer:</b> Michael Jones					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 14/08/2013	<b>Ref No:</b> 13/00031/REF	<b>Appeal Ref No:</b> APP/C2741/A/13/2203315	<b>Process:</b> W	<b>Site:</b> Harlestone 14 York Road Strensall York YO32 5UN	<b>Description:</b> Erection of dormer bungalow to rear (resubmission)	

<b>Officer: Matthew Parkinson</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>	
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	
18/04/2013	13/00018/EN	APP/C2741/C/13/2196724	W	OS Field 8138 Narrow Lane Wigginton York	Appeal against Enforcement Notice dated 27 March 2013	
20/03/2013	13/00020/EN	APP/C2741/C/13/2197855	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Appeal against Enforcement Notice dated 8 April 2013	
<b>Officer: Neil Massey</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>	
01/08/2013	13/00027/REF	APP/C2741/D/13/2202292	H	Rockstone Dauby Lane Kexby York YO41 5LH	Single storey side extension	
23/07/2013	13/00029/REF	APP/C2741/A/13/2199961	W	12 School Lane Heslington York YO10 5EE	Change of use from residential dwelling (use class C3) to House in Multiple Occupation (sui generis) (retrospective)	
<b>Officer: Rachel Tyas</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>	
05/02/2013	13/00005/CON	APP/C2741/A/13/2192153	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Change of use to mixed use ground floor restaurant and first floor bar (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>	
23/07/2013	13/00028/REF	APP/C2741/A/2201818	W	1 Burniston Grove York YO10 3RP	Two storey side and rear and single storey side extension in connection with change of use from house in multiple occupation (six bedrooms - Use Class C4) to large house in multiple occupation (eight bedrooms - sui generis) (resubmission)	
09/09/2013	13/00032/REF	APP/C2741/D/13/2204621	H	4 Gormire Avenue York YO31 9JB	Two storey side and single storey rear extension	
<b>Officer: Tim Goodall</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>	
02/07/2013	13/00024/EN	APP/C2741/C/13/2201065	W	34 Claremont Terrace York YO31 7EJ	Appeal against Enforcement Notice dated 13 June 2013	

02/07/2013	13/00024/EN	APP/C2741/C/13/2201066	W	34 Claremont Terrace York YO31 7EJ	Appeal against Enforcement Notice dated 13 June 2013
19/07/2013	13/00026/EN	APP/C2741/C/13/2202212	W	46 Wigginton Road York YO31 8HT	Appeal against Enforcement Notice dated 13 June 2013
30/07/2013	13/00030/EN	APP/C2741/C/13/2202704	W	Os Field 2217 Usher Lane Haxby York	Appeal against Enforcement Notice dated 28 June 2013

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**Total number of appeals: 20**

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