

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

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

**Date:** Thursday, 8 March 2012

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Betts know by **5pm** on **Tuesday 6 March 2012** on **(01904) 551078**.

**1. Declarations of Interest**

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

**2. Minutes**

(Pages 4 - 18)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 2 February 2012.

### **3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 7 March 2012 at 5.00 pm.**

### **4. Plans List**

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

**a) Former Allenby Nursery Site, Wheldrake (Pages 19 - 47)  
Lane, Elvington York (11/02736/FULM)**

This full major application is for the erection of 18 dwellings.  
[Wheldrake] **[Site Visit]**

**b) 77 Lawrence Street, York. YO10 3DZ (Pages 48 - 56)  
(12/00045/FUL)**

This full application is for the conversion of a shop (use class A1) to an 8 bedroom house in multiple occupation with external alterations including two front dormers (resubmission) [Hull Road] **[Site Visit]**

**c) Osborne House, 7 School Lane, Fulford, (Pages 57 - 67)  
York. YO10 4LU (11/03367/FUL )**

This full application is for a two storey front extension, two storey rear extension with room in roof, single storey extension and porch to side.

The application has been called in by Councillor Aspden due to issues raised by the Parish Council concerning the scale and prominence of the development, the impact on neighbours' privacy and outlook and its impact on the visual amenities of the Green Belt and open countryside. [Fulford] **[Site Visit]**

- d) **Block C, Chemistry Department, Alcuin Way, Heslington. YO10 5NB (11/03412/FULM)** (Pages 68 - 76)

This full major application is for the erection of two storey Chemistry building incorporating teaching, office and research facilities following demolition of existing building. [Heslington]  
**[Site Visit]**

- e) **93 Newland Park Drive, York. YO10 3HR (12/00091/FUL)** (Pages 77 - 84)

This full application is for a first floor side and rear extension. This application has been called in by Councillor Barnes on the following issues;

- Representations from residents concerned of impact
  - Possible 'terracing' of semi-detached housing
  - Lack of amenities available within a HMO
  - Lack of parking available for '6' bedrooms within the grounds of property
  - Density of development too many bedrooms available within small area of street – thus infrastructure effected in terms of waste, noise, etc.
- [Hull Road] **[Site Visit]**

## 5. **Urgent Business**

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

### **Democracy Officer:**

Name- Judith Betts

Telephone- 01904 551078

E-mail- [judith.betts@york.gov.uk](mailto:judith.betts@york.gov.uk)

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports- Contact details set out above



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

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

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

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

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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### **Holding the Cabinet to Account**

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

### **Scrutiny Committees**

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

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

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

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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**EAST AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 7th March 2012****Members of the Sub Committee to meet at Union Terrace Car Park  
at 10.00 am.**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:15	93 Newland Park Drive	4e)
10:35	Block C, Chemistry Department, Alcuin Way, Heslington	4d)
11:10	Former Allenby Nursery Site, Wheldrake	4a)
11:45	Osborne House, 7 School Lane, Fulford	4c)

City of York Council

Committee Minutes

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 2 FEBRUARY 2012

PRESENT COUNCILLORS WISEMAN (CHAIR),  
DOUGLAS (VICE-CHAIR), FIRTH,  
FITZPATRICK, FUNNELL, HYMAN,  
MCILVEEN, WARTERS AND WATSON

APOLOGIES COUNCILLOR KING

Visited	Attended by	Reason for Visit
238 Strensall Road	Councillors Douglas, Firth, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
Raddon House, Fenwicks Lane.	Councillors Douglas, Firth, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.

## 42. DECLARATIONS OF INTEREST

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

Councillor Douglas declared a personal non prejudicial interest in Agenda Item 4c) Kent Street Coach Park, as a former Council representative on the Fire Authority. Councillors Funnell and Hyman also declared the same interest.

Councillor Warters declared a prejudicial interest in Agenda Item 4a) 295 Hull Road, but asked the Chair if she would allow him to address the Committee. She granted this request.

Councillor Wiseman declared a personal non prejudicial interest in Agenda Item 4d) 238 Strensall Road, as a Ward Member and Parish Councillor. She clarified that she did not see or discuss



any plans that had come to Parish Council meetings in relation to the application.

No other interests were declared.

**43. MINUTES**

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 5 January 2012 be approved and signed by the Chair as a correct record subject to the following amendment to minute item 41 (Urgent Business);

“In response to concerns **unanimously raised by the Sub Committee to attend planning meetings if requested**, the Chair confirmed that she would formally write to the Cabinet Member for City Strategy to request that a representative from the Highways department be available to attend Planning meetings.”

The Chair updated the Committee on a response that she had received from the Council’s Highways Department about their non attendance at planning meetings. It was reported that the department did not attend meetings due to being understaffed. The Chair stated to Members that she felt that this was an unsatisfactory reply.

Councillor Watson also informed Members that he had also written to Highways Officers, in his role as Chair of Main Planning Committee.

**44. PUBLIC PARTICIPATION**

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

**45. PLANS LIST**

**45a 295 Hull Road, Osbaldwick, York. YO10 3LB (11/02965/FUL)**

Members considered a Full Application by Mr. A Sullivan for a two storey rear and single storey side extensions to a detached dwelling.

Councillor Warters requested that he be able to address the Committee to outline reasons why he called in the application for consideration, the Chair accepted his request. He urged the Committee to defer the application due to a number of issues which included;

- That he felt that there were numerous mistakes in the Officer's report, which would not enable Members to make a fair decision.
- That the property at 293 Hull Road did not have an extension, but that what had been perceived as such was part of the original building.
- That objectors had not received copies of the revised plans that they had requested at the site visit.

In response to Councillor Warters' concerns, the Chair reported that amended plans for the proposal had been available for members of the public to view at the Council Offices.

Officers informed the Committee that they had received an email, which had also been sent to all Members by a member of the public. In their response to the email, Officers stated that;

- Whether the kitchen at 293 Hull Road constituted an extension or a part of the original house was not relevant as the Officer's report was based on information that had been given by the occupier of the property, and what had been observed by the case officer on site.
- The dimensions of the extension and distance from the boundary in the report were correct and that the proposed two storey extension was not as wide and was further away from the boundary of the property at 293 as originally reported.
- References to 263 Hull Road in the Officer's report were incorrect and should have referred to 293 Hull Road, and were unfortunate typographical errors.

For these reasons Officers suggested that, in their view, that there would not be justification for the Committee to defer a decision on the application again.

Officers answered a number of other queries from Members relating to cycle storage, existing car parking problems in the vicinity and confirmed that the Article 4 Direction in relation to Houses in Multiple Occupation (HMO) would not take effect until April, so a decision on the application would not have to comply with this.

Representations were received from a neighbour in objection. He raised a number of concerns which included;

- Reduction of light for adjacent properties.
- That surface water drainage had not been considered, in that the height of the garden at 295 was greater than the neighbour's property which would lead to higher levels of water run off.
- That the loss of kerbside parking would exacerbate current car parking problems and would lead to cars parking in the turning point in the road, which would block access to neighbouring properties.

Members asked Officers for clarification on whether the applicant could build some or all of the extensions under permitted development. It was reported that the applicant could build either the single storey side extension or the two storey rear extension in isolation without the need for planning permission. However, due to the combined width of the development, planning permission was required to build both elements together.

Some Members considered that the parking problems in the area were more likely to be due to the close proximity of a doctor's surgery, not due to the inhabitants of the property. Additionally, it was noted that not all HMOs, were inhabited by students, and that Members could not base their decisions on perceptions about the behaviour of the inhabitants of the property.

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

**REASON:** In the opinion of the Local Planning Authority, the proposal subject to the conditions listed in

the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to the amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

**45b Newlands, Back Lane South, Wheldrake, York. YO19 6DT (10/01637/FUL)**

Members considered a Full Application by Mr. S Crowther for the erection of a replacement single storey dwelling (resubmission).

Officers explained that the application had originally been deferred in October 2011 in order for consideration to be given to providing greater separation between the dwelling and an adjacent ash tree, and also to how natural light would reach rooms within the basement. It was noted that a revised location plan had been received and that the distance between the proposed dwelling and the tree was now deemed to be acceptable. It was also reported that, if the application was approved, the lightwells serving the basement would incorporate toughened glass, which would avoid the need for protective enclosures thus allowing more natural light to enter the basement.

Officers informed Members that the proposed replacement dwelling would constitute a significant enlargement of the existing building. They confirmed that the floorspace in the basement had also been reduced from the previous application, but that the ground level space had remained at its previous size.

Representations in support of the application were received from the applicant. She circulated a photograph of the proposed dwelling; this was subsequently attached to the agenda, which was republished after the meeting. She informed the Committee that the proposed bungalow would now be at a distance of 6.6

metres away from the ash tree. The walls of the light wells would be painted with light reflecting paint, and the safety railings would be replaced with a glass balustrade. The applicant also informed the Committee that support for her application had been received from the Parish Council and local residents.

Members felt that as the majority of the proposed dwelling would be unobtrusive and as local residents were not opposed to the application, that it should be approved. Some Members also suggested that a condition should be added to maintain the size of the boundary landscape and that permitted development rights should be removed, in order for future development to be tightly controlled.

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

1. The development shall be begun not later than the expiration of three years from the date of this permission.

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

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

Drawing Nos:-CRO/12.A; CRA/03A ;  
CRA/09A received on 4 November 2011.

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

3. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used 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. Details of all means of enclosure to the site boundaries, including minimum heights, shall be submitted to and approved in writing by the Local Planning Authority before the development commences, shall be provided before the development is occupied, and shall be thus maintained.

Reason: In the interests of the visual amenities of the area.

5. 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 and other planting. 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.

6. Before the commencement of development, including demolition, building operations, installation of utilities, the importing of materials, or any excavations or

earthworks, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and location of protective fencing in accordance with BS5837, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. The method statement shall also include construction details for the driveway, and shall be strictly adhered to throughout the demolition and construction phase of the development.

Reason: To protect existing trees which are shown to be retained, one of which is subject to a Tree Preservation Order and are considered to make a significant contribution to the amenity of this area and the development.

7. 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.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

8. Vehicular access shall be from Back Lane South and details of the design of this access, together with associated sight lines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of highway safety

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

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

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

Reason: In the interests of highway safety.

11. No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

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

Reason: In the interests of maintaining the openness of the Green Belt, 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.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above would not cause undue harm to interests of acknowledged importance, with particular reference to the very special circumstances which are considered to outweigh the presumption against inappropriate development in the Green Belt. These are the fallback position available to the applicant using permitted development rights, and the superior design solution that would be achieved by the granting of planning permission for the proposal. As such the proposal complies with Policies YH9 and Y1C of the Yorkshire and Humber Plan, Policies GB1, GB5 and GP1 of the City of York Draft Local Plan and National Planning Advice contained within Planning Policy Guidance Note 2 "Green Belts".

**45c Kent Street Coach Park, Kent Street, York.  
(11/03241/REMM)**

Members considered a Reserved Matters Application by the North Yorkshire Fire and Rescue Service for the erection of a fire station with a training tower and associated facilities. The reserved matters were the detailed appearance of the main building, the training tower and the landscaping and layout of the development.

In their update to Members, Officers informed the Committee about comments that had been received from the Council's Landscape Architect. It was reported that the tree on site, by the proposed car park entrance, would be retained and protected during construction works. Protection measures included retention of the existing kerb line and the relocation of a proposed lighting column. It was also clarified that there would be a separate entrance for fire tenders and that the Council's Environmental Protection Unit (EPU) was satisfied by the amount of light emittance from the proposed lights on the site.

Representations in support were received from the agent for the applicant. She spoke about the process that had contributed to the submission of the application, in particular that the Council's Landscape Architect and Archaeologist and the local Planning Panel had been consulted. She stated that the lighting on the training tower would be switched off during the day and that the applicant was happy to move the kerb away from tree roots.

Members suggested amendments to the condition regarding external lighting, which would require lighting to be on a movement sensor, in the interests of amenity and to avoid undue light pollution. Officers and the applicants confirmed that this was acceptable.

RESOLVED: That the application be approved with the following amended condition;

4. External lighting within the site shall not exceed 5 Lux, measured at the site boundary. Lighting shall not exceed 1 Lux at the nearest residential facade between 23:00 and 07:00 the following day. Unless otherwise agreed in writing by the Local Planning Authority, all external lighting shall be activated by motion sensors, so that it is only illuminated when required for operational reasons.

Reason: In interests of the amenity of surrounding occupants.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and the amended condition above, would not cause undue harm to interests of acknowledged importance with particular reference to visual amenity, residential amenity and highway safety. As such the proposal complies with Policies GP1, GP9 and NE1 of the City of York Development Control Local Plan.

**45d 238 Strensall Road, York. YO32 9SW (11/03175/FUL)**

Members considered a Full Application by Mr and Mrs R Binns for the erection of a two storey live/work annex. (retrospective) (resubmission).

Representations in support of the application were received from the applicant's agent. He informed the Committee that the main reason for the construction of the annex was in order to provide support for the applicant's son who had mental health problems. As a result of this, he felt that very special circumstances existed for Members to approve the application, even though it was located in the Green Belt. He also felt that the proposed demolition of the piggery would improve the openness of the site.

Additional representations of support were received from the Ward Member, Councillor Doughty, and these comments were circulated to Members at the meeting.

Some Members asked the applicant about what would happen to the annex if at any point their son did not inhabit the annex. In addition they asked whether the building would be demolished if the family no longer lived at the property.

The applicant responded that their son would not move out of the annex without the rest of the family moving away.

Officers suggested that it may be the application was approved that it would be beneficial to have a section 106 agreement in place in order to tie the main dwelling to the occupation of the annex. However, it was pointed out to Members that the accommodation under consideration was fully self contained and not physically linked to the house, and therefore could not be properly described as an annex.

During their debate, Members raised a number of issues including; that it was unfortunate that initial consultation with Planning Officers had not taken place before construction began, that they felt that the application was only a minor incursion into land that was located in the Draft Green Belt, that it would be possible to screen the development from the surrounding Green Belt and that approval of the application could set a precedent for other similar applications in the future.

RESOLVED: That the application be refused.

REASON: The proposed dwelling is considered to be inappropriate development in the Green Belt. The circumstances provided for the justification for the proposed dwelling are not considered to represent very special circumstances and as such do not overcome the presumption against inappropriate development within the Green Belt. The proposed dwelling, by virtue of its siting and urban appearance is also considered to be out of keeping with the prevailing character and pattern of development in the area and leads to an encroachment of development and as such impacts adversely on the openness of the Green Belt. For these reasons the proposed dwelling is to be considered inappropriate development and is therefore contrary to Policies GB1 and GP2 of the City of York Council Development Control Local Plan (2005); Policy CS1 of the emerging CYC Core Strategy; Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008); and national planning advice contained within Planning Policy Statement 2 'Green Belts' and Planning Policy Statement 1 'Delivering Sustainable Development'.

**45e Raddon House, 4 Fenwicks Lane, York. YO10 4PL  
(11/03071/CAC)**

Members considered a Conservation Area Consent Application by Mr Waldron for the demolition of house and outbuildings.

In their update to Members, Officers explained that the application was submitted with an application for the erection of a replacement dwelling on the site. The Local Member requested that if it was the intention of Officers to approve the applications, that they be referred to Planning Committee for determination. However, the application for the replacement dwelling was not brought to Committee as it was refused by Officers under delegated powers. Following comments from members of the public about the lack of online access to

consultation documents relating to the application following the site visit, it was confirmed that a computer fault had occurred between 12<sup>th</sup> and 21<sup>st</sup> December, after which public access was restored.

Members asked Officers whether a condition could be added to any approval to request that the bricks from the demolished building be stored for re-use. Officers responded that they could only ask the applicant to remove the bricks from the site. Some Members then commented that the removal of bricks by vehicles could compromise the condition of the trees on the site, which could be damaged by multiple vehicles entering and leaving the site.

Representations were received from a representative of Fulford Parish Council. She stated that although the Parish Council accepted that there would not be a detrimental impact to the site through the demolition of the building, they would wish to see the site properly restored and landscaped. However, she felt that it would be unwise to support demolition, given that the applicant had provided no detailed information regarding the future use or redevelopment of the site. In addition, she felt that there was a need for a new bat survey to take place. She also added that the Parish Council felt that an archaeological watching brief should be added to any permission.

Some Members felt that the application should be refused for a number of reasons such as; the removal of housing stock from the city, the lack of information on the long term implications of development or non-development on the site and the adverse impact that this could have on the Conservation Area.

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

**REASON:** In the absence of any detailed information regarding the future use or redevelopment of the site, the Local Planning Authority considers that the demolition of the buildings would be likely to have an adverse impact on the character and appearance of the conservation area. The application therefore conflicts with national planning advice contained within Planning Policy Statement 5 (Planning for the Historic Environment) and policies HE2 (Development in Historic

Locations), HE3 (Conservation Areas) and HE5 (Demolition of Listed Buildings and Buildings in Conservation Areas) of the City of York Local Plan Deposit Draft.

Councillor S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 4.25 pm].

**COMMITTEE REPORT**

**Date:** 8 March 2012                      **Ward:** Wheldrake  
**Team:** Major and                      **Parish:** Elvington Parish Council  
            Commercial Team

**Reference:** 11/02736/FULM  
**Application at:** Former Allenby Nursery Site Wheldrake Lane Elvington York  
**For:** Erection of 18 dwellings  
**By:** Mr Roy Handley  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 23 January 2012  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the erection of 18 affordable dwellings in Elvington. The application site is the former Allenby Nursery Site which is bounded by Elvington Lane to the North, The Conifers housing estate to the east, open fields to the south, and Allisons business to the west. Elvington and Laveracks Industrial Estates are to the north east on the opposite side of Elvington Lane. The settlement limit of Elvington is approximately 900m to the east along Elvington Lane. The whole of the application site is within the Green Belt.

1.2 It is believed that the application site was last used as a commercial plant growing nursery. The site has been vacant and unused for a number of years. All former buildings on the site have been cleared, however there are significant areas of hardstanding still present.

1.3 The application site would contain 100 per cent affordable homes. The mix of dwellings proposed consists of four 2 bedroom bungalows, five 2 bedroom houses, eight 3 bedroom houses, and one 4 bedroom house. The development would contain a mix of shared ownership and discounted rent properties with the whole site being managed by a housing association, most likely Home Housing Association. The dwellings are proposed for the people of Elvington, this would include existing residents, those who have immediate family in the village, and those who work in Elvington. The application is submitted as an 'Exception' Site development, whereby the dwellings would remain affordable and would be allocated to local people in need.

1.4 Access to the proposed development would be via The Conifers with an existing road proposed to be extended into the application site for pedestrian and vehicular access. The northern part of the application site would contain amenity open space

as well as providing ecological value. Existing mature trees along the frontage with Elvington Lane would be retained.

1.5 The application site is within Flood Zone 1. None of the site is within Elvington Conservation Area.

1.6 The application has been brought before planning committee due to the size of the proposed development. A site visit has been recommended so that Members can understand the potential impact on the Green Belt and to understand the concerns raised by local residents.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP15 Protection from flooding

CYGP6 Contaminated land

CYGB1 Development within the Green Belt

CYGB9 Exception sites for affordable housing in the Green Belt

CYH4A Housing Windfalls

CYH5A Residential Density

CYT4 Cycle parking standards

## **3.0 CONSULTATIONS**



## INTERNAL

3.1 Housing Strategy and Enabling - This application is supported by the Housing Strategy and Enabling Team. It provides an opportunity to create 18 new affordable homes, 12 for rent and 6 for shared ownership, without the need for public subsidy. The homes will be built by the applicant and leased to the housing association on a long term lease agreement.

3.2 The Council's Housing Development Team have been aware of unmet housing need in Elvington since 2008, when a Housing Need Survey was carried out. This study identified a need for 18 affordable homes in the village. Following the study findings a number of sites have been considered within Elvington to build new homes to meet this need. The high land values of sites within the settlement limit, and the limited land values generated by affordable housing developments, are prohibitive to acquiring a site on the open market. In urban areas this is often resolved through the Council providing land at a considerable discount, but in Elvington – and most rural settlements – the Council has very limited land holdings. Consequently, planning policy allows the development of land in the green belt on the exception that it is for an identified local affordable housing need.

3.3 The initial site search identified two possible options, the former Allenby Nursery and a site at Church Lane. The Allenby Nursery site was concluded to be more suitable from planning and access perspectives.

3.4 In conversations with the landowner at Allenby Nurseries, they proposed an option in which they would construct and retain the homes under the full understanding that the homes must remain affordable in perpetuity, and would need to be managed by a housing association (or other body) that are a registered housing provider with the Homes and Communities Agency (HCA). The homes will be leased on a long-term lease to the housing association who will then rent the homes at an affordable rent to local people in housing need. The homes will be constructed without the need for any public subsidy. The development will not be able to commence until the landowner has entered in to a legal agreement with a registered housing provider.

3.5 In supporting this application, the Housing Strategy and Enabling Team have undertaken an updated Housing Need Survey. Although the 2008 survey is valid until 2013 in planning terms, the Council wanted to be certain that there was still a local need for new affordable housing. The 2011 study updated the original study findings and carried out a complete new assessment of local housing need. Overall, the two studies confirm that there are 25 households in housing need, and concludes that a tenure split of 70% affordable rent and 30% low cost home ownership (shared ownership) would represent the ideal mix.

3.6 To allay concerns that the homes will not be prioritised for local people, the Section 106 Agreement will contain a cascade agreement, whereby the homes will in the first instance be let to people who live and/or work in Elvington, before cascading to ward level, rural York, and finally the whole city area. This is to ensure that in the event that a local household can not be found for a property it does not remain empty, whilst ensuring local people will have first priority. Should no buyer be found for the shared ownership properties they will be converted to homes for rent.

3.7 The homes can only be let or sold as affordable housing and must be managed by a provider registered with the HCA. The Section 106 will dictate that the homes can only be used as affordable housing and will be subject to an agreed nomination process with the Council.

3.8 There is a clearly identified local housing need and the former Allenby Nursery site is considered to be the most suitable, available site in Elvington through a sequential assessment of alternative locations.

3.9 Highway Network Management - No objections. The latest revised plan addresses previous concerns regarding refuse vehicle swept paths and access to cycle parking. Plot 1 has one less car parking space than is allowable under local maximum standards.

3.10 Integrated Strategy Unit - Local Plan Policy GB1 (Development in the Green Belt) states that 'limited affordable housing for proven local needs' is an acceptable use. This reflects guidance nationally in PPG2 (Green Belts). However, this needs to be considered alongside the scale, location, and design of such development to determine the impact on the open character of the Green Belt. Developments should not conflict with the purposes of including land within the Green Belt or prejudice the setting and special character of the City of York. Local Plan Policy GB9 (Exception Sites for Affordable Housing in the Green Belt) considers the special circumstances where affordable housing on small sites in the Green Belt should be considered. Site selection evidence should be looked at to ensure that the site selected is the most suitable and appropriate given that it is not in or adjacent to Elvington settlement limit. A local housing needs survey has been submitted which shows a need for new affordable housing in this area.

3.11 Environmental Protection Unit - Due to previous uses of this site as a plant nursery, there is the potential for chemicals and fuels to have been used. Additionally, information from records shows that the site was used for military purposes. Therefore, there is the potential for land contamination which would need to be investigated and remediated where necessary prior to housing being constructed. Conditions are recommended to be added to any approval.

3.12 Conservation (Landscape) – The mature trees along the main road frontage, namely Scots pine and Oak are subject to a group tree preservation order (TPO 5/1990 – G1) and are an attractive feature both of the site and Elvington Lane. Both lines of conifers along the west and south boundaries are regarded as a single species evergreen hedge. The eastern boundary with the existing residences is marked with timber post and rail fencing. Some colonisation with e.g. Ash and Rose has occurred along this edge. A few young trees planted within the beds either side of the adjacent parking bays have established well, including an Oak.

3.13 The proposals are incompatible with the retention of the conifers along the western boundary and the height of the conifers along the southern boundary due to the short garden lengths and proximity to properties, especially units 16-18 and 8 and 9. Should the application go ahead there will be a need to drastically reduce their heights. The conifers along the western boundary have a wide spread. To cut them hard back would expose the woody innards.

3.14 It is imperative that an indication of the treatment of the open space is given if it is to provide functional amenity space with an emphasis on bio-diversity enhancement.

3.15 Conservation (Ecology) - Since being cleared in March 2010 the site is re-colonising quickly and an interesting mix of species is developing. An Ecological Assessment in May 2011 identified areas of short perennial habitat, mainly around the areas of hard standing, scattered scrub and tall ruderal vegetation to the south of the site, and a small area of mixed woodland towards the front of the site along Elvington Lane. The areas of short perennial and grassland, particularly within the central areas, show a good diversity of species and structure, although there is nothing of real significance here. The site is of interest within this locality, and the record of greater knapweed which is included within the survey results is of interest as this is an indicator of more calcareous soils which is uncommon in the York area. However this is most likely to be as a result of the amount of hard standing and limestone substrate present on site.

3.16 The site is also at present very good for invertebrates, and an area of open space is intended towards the front of the site may therefore offer some good opportunities for enhancement work for this interest. An area of retained habitat could for example be incorporated into a section of this open space or a small area of this space could be managed for its nature conservation interest, which would enable the continued use of the site by a range of wildlife species. A number of bird species have also been recorded on site, and the wooded area to the front of the site which is to be retained is of particular importance. The planting of additional tree and hedging species proposed as part of this scheme would consequently also be of additional benefit. It is therefore suggested that a general biodiversity enhancement condition is attached to any consent given to cover this.

3.17 With regard to Great Crested Newts, they are known to be present within the surrounding area, but the site itself is however of suboptimal habitat and is also separated from the breeding ponds by arable land and a busy road which acts as an effective barrier.

## EXTERNAL

3.18 Elvington Parish Council - Object because there is no proven need for a development of this size. It is thought that a development of 18 houses would not be occupied by solely local people. There are also unresolved issues in terms of drainage, lack of traffic management plan, the split of rent and buy properties, the discounts to be offered for rent and buying, the people where houses would be offered if no local occupiers can be found. If the scheme is to be phased the second phase should only be able to proceed once it is demonstrated that all homes in phase one are occupied solely by local people.

3.19 Ouse and Derwent Internal Drainage Board - There are no Board maintained watercourses adjacent to the site. PPS25 advises that developments should reduce flood risk overall by being designed to drain in a manner which mimics the existing site prior to development. The method of drainage should be agreed.

3.20 Yorkshire Water - The local sewer network does not have the capacity to accept any discharge of water from the proposed site. Separate systems of foul and surface water drainage should be created with surface water drainage rates attenuated in line with guidance in PPS25. There are no objections to the application subject to conditions ensuring adequate drainage methods are created.

3.21 York Natural Environment Panel - The proposal seems to be inappropriate development in the Green Belt and its former use as a plant nursery should not be treated as a precursor to development. The ecology report suggests that some mitigation may be possible. The Panel would like to see an innovative high level habitat provision in close proximity to the dwellings, so that people can enjoy a wildlife soap opera as part of their daily lives.

3.22 Police Architectural Liaison Officer - Analysis shows that there are low levels of crime and anti-social behaviour in the area. The submitted Design and Access Statement does not demonstrate how crime prevention measures have been considered, however there are some positive features within the design and layout. This includes active frontages, clearly defined defensible space by the use of boundary fences, and car parking within the curtilage. Lockable gates should be used to separate front and rear gardens as well as at the entrance to rear alleyways. All vulnerable ground floor windows should meet high security standards and lighting should be in accordance with guidance.

3.23 Local residents - Letters of objection have been received from seven local residents. The following comments were made;

- The application site is Green Belt land and should not be built on;
- the applicant has not demonstrated exceptional circumstances to justify the development;
- there are already affordable houses in Elvington and these are almost entirely occupied by people who are not local residents, there are affordable houses for sale in the area which have not sold in the last year;
- questions raised over the validity and accuracy of the local housing needs survey;
- questions raised as to whether this is the most appropriate site for this development in Elvington and whether all alternatives were properly explored;
- trees to be planted will effect natural light entering existing houses and may cause subsidence;
- the village already has flooding problems, there is a lack of a drainage management plan in this application and more houses will add to the poor water systems already in place;
- the application will increase the amount of traffic in the area which could create safety risks, Wheldrake Lane and Elvington Lane is a very busy junction already, more cars to this junction could increase the risk of accidents;
- all cars accessing the proposed development would pass through The Conifers could be a danger to residents and children who live there;
- the application will affect local wildlife and habitats;
- what happens to these houses if they do not sell?;
- the proposed housing will result in a loss of privacy and overlooking for 7 The conifers;
- the proposed planting can grow very tall and produce poisonous berries;
- the construction process will be noisy;
- if the level of discount on the sale price of the proposed new houses was greater than that at The Conifers, then residents of The Conifers would not be able to compete when selling their houses;

#### **4.0 APPRAISAL**

4.1 The key issues are considered to be:

- Principle of development in the Green Belt
- Design and visual impact on the Green Belt
- Neighbouring amenity
- Amenity of future occupiers
- Highway and traffic
- Sustainability
- Open space
- Drainage

## PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT

4.2 Planning Policy Guidance 2: Green Belts and Development Control Local Plan Policy GB1 set out the types of development which are not considered inappropriate in the Green Belt. Both of these documents establish that limited affordable housing for a proven local need is not considered inappropriate development in the Green Belt. This is markedly different to market housing developments in the Green Belt which are considered to be inappropriate. 100% affordable housing schemes are often referred to as 'exception' sites, in that they are an exception from usual planning controls which stop new market housing being built in the Green Belt. There are several key tests which are set out in Development Control Local Plan Policy GB9 'Exception sites for affordable housing in the Green Belt' in terms of assessing the principle of any particular affordable housing proposal in the Green Belt.

4.3 The first test is that the site is within a defined settlement limit and where this is not possible that a site immediately adjacent to a defined settlement limit is chosen. The purpose of this test is to ensure that any new housing is located as close as possible to the heart of the village and to stop detached housing estates which may have a greater impact on the openness of the Green Belt and may have poor access to public transport and local services. Elvington is an usual village in that its population is spread between two main areas; the majority of residents live within the settlement limit to the east, centred around Main Street. However, there is a significant cluster of housing at Elvington Park, The Conifers and along Elvington Lane which is west of Elvington Settlement limit. The application site is on the edge of this cluster of houses. Elvington Church of England Primary School and Elvington Medical Practice are located between the two areas of housing. There are shops and a pub in the settlement limit of Elvington itself.

4.4 In terms of assessing the application against Policy GB9 it is clear that the application site is not within Elvington Settlement Limit. However, it has to be taken into account that the settlement limit of Elvington is drawn tight around its built up area and there are no parcels of land in this area which could accommodate a new affordable housing development. Policy GB9 requires sites on the edge of settlement limits to be explored when there are no sites within the limits which are available. The applicant has submitted an analysis of sites which are on the edge of Elvington Settlement Limit to look at whether they are both developable and available. Funding for rural exception sites is such that landowners do not make significant financial gains from selling their land, many choose to hold onto the land for agricultural purposes or with hope that they may be developed for much more lucrative market housing in the future. Ten potentially accessible sites were assessed by the applicant. Eight of these were ruled out, for amongst other things, as not being available. It is understood that work has been carried out without success in the Housing Strategy and Enabling Team in recent years to try and find a

seller of land for affordable housing in Elvington. This gives weight to the applicant's findings that eight potential sites did not have a landowner who was willing to sell. The remaining two available sites were discussed with Planning Officers at pre-application stage, one site was ruled out because it was considered to be constrained in terms of its access and was deemed to potentially have an adverse impact on Elvington Conservation Area. This left one remaining site which was available and accessible in Elvington, this site is the subject of this application.

4.5 Therefore, whilst the application site is not within or adjacent to Elvington Settlement Limit, it is considered to be the only available and developable site for affordable housing in the vicinity. Elvington's characteristics mean that the site selected does sit adjacent to an existing housing estate and is in close proximity to the highly developed Elvington Industrial Estate. In addition, the site is located within easy walking distance of Lower Derwent Sports and Social Club which includes a clubhouse and sports facilities, Elvington Church of England Primary School, and Elvington Medical Centre. There is a footpath between the application site and these uses as well as Elvington Settlement Limit. It is worth noting that there are a large number of houses in Elvington outside of the Settlement Limit and much of these are located between the application site and the settlement limit. There is only a small gap between these two clusters of housing and they function as one village in practical terms. Significant weight needs to be given to the lack of other sites which are available within or adjacent to the defined settlement limit given the need for new affordable housing to meet local need.

4.6 The second key test in terms of Policy GB9 is that there must be a clearly demonstrated local housing need. As noted under 3.0, two Housing Needs Surveys have been carried out in recent years through letters and questionnaires being put through residents letterboxes and through an organised event whereby residents can attend a drop in event, discuss their current situation and should they wish complete a form to confirm their housing need. The survey submissions were examined and those which contained insufficient information or did not show a need were dismissed. Both the 2008 and 2011 surveys established significant need for new affordable housing to meet the needs of those with a strong local connection to Elvington, such as already living in the village, having immediate family who live in Elvington, or work in Elvington. The 2011 survey established that there are 25 households in housing need. Whilst a housing needs survey is a snapshot in time and can change it is clear that there has been a consistent need for new affordable housing for local people in Elvington. Elvington is an area with high house prices, the needs survey establishes that house price sales are on average around £215,000 and a look through current information shows that the cheapest open market house currently on the market has an asking price of £186,000. There are two houses available for rent priced at £595 and 995 per month. Properties such as these are unaffordable for those identified as being in housing needs. It is

considered based on the evidence provided that there is an established need for new affordable housing in Elvington to meet the needs of local people.

4.7 Questions have been raised by the Parish Council and some local residents as to the need for new affordable houses and the number of new dwellings proposed. Housing needs surveys are the most accurate and reliable way of establishing housing need at any one time. Individual circumstances change over time but the price characteristics of the village are unlikely to change. Given the existing economic situation and the continued high house prices in Elvington it is not considered that there is any evidence to state that the current housing need is likely to drop between the time of the application being considered and the houses being built and occupied. It is generally considered that there is always a hidden need for affordable housing due to the difficulty in capturing and recording everyone who is in need.

4.8 A further test in terms of demonstrating that the dwellings meet an established local need is in terms of dwelling type, size, and proposed tenure. The proposed development is for 18 new dwellings. This consists of four 2 bedroom bungalows, five 2 bedroom houses, eight 3 bedroom houses, and one 4 bedroom house. The size and type of dwellings proposed has been developed broadly in line with the findings of the housing needs survey. The housing needs survey showed the greatest demand was for 2 bedroom houses with a smaller need shown for 3 and 4 bedroom houses as well as bungalows. The proposed scheme proposes a greater number of 3 bedroom rather than 2 bedroom houses in order that families can grow into the dwellings; this reduces the likelihood of overcrowding in the future and therefore having to find new affordable accommodation in the future. The size and type of houses and bungalows proposed gives the development a strong mix to help encourage a balanced community. There are small rows of terraced houses, semi-detached houses and detached bungalows and a house. It is considered that the development can provide suitable accommodation for the entire range of residents who have shown a housing need.

4.9 In terms of the tenure mix, it is proposed that 12 of the dwellings would be offered at discounted rent. The remaining 6 houses would be offered for shared ownership whereby occupiers would pay a mortgage on a percentage of the dwelling and a discounted rent to a housing association on the remaining. This mix of tenure types reflects the housing need survey, information has been submitted by a number of households in need demonstrating that they are in a financial position to be able to afford a shared ownership home.

4.10 It is essential that controls are in place to ensure that any new affordable housing which is built specifically for local people, as is proposed here, is ultimately occupied by local people. It is proposed that an 'eligibility criteria' would be written into the Section 106. This criteria sets out what level of 'local connection' applicant's



need to have in order to be eligible for one of the dwellings proposed. This criterion would include such things as being a full time resident of Elvington for a certain amount of time, someone currently working in the village or have immediate family who have lived in the village for a certain number of years. These are standard eligibility criteria which are regularly attached to exception site housing developments. This ensures that the houses meet local need and continue to do so in the future.

4.11 Overall, it is considered that the proposed development, subject to a suitably worded and signed Section 106 agreement, meets the tests of Policy GB9. It is therefore considered that the principle of the proposed development in the Green Belt is acceptable.

#### DESIGN AND VISUAL IMPACT ON THE GREEN BELT

4.12 The Development Control Local Plan sets out the objectives of allocating land within the Green Belt. This incorporates preserving the historic setting of York, checking unrestricted sprawl in York, preventing neighbouring settlements from merging into one another, and assisting urban regeneration by encouraging reuse of urban land. It is not considered that the proposed development is contrary to those aims.

4.13 The final aim of Green Belt allocation is to safeguard the surrounding countryside from further encroachment, including protecting openness. Openness is to a degree subjective and can be split into issues of location, scale and design. The issue of location is clearly an important consideration, not all pieces of land within the Green Belt have the same level of visual sensitivity, prominence and importance.

4.14 The application site has an existing housing development to the east which consists of two storey housing with significant levels of hardstanding. To the west is land occupied by Allinsons, this land includes significant levels of storage area for materials and equipment. More broadly the application site sits at the end of a developed settlement including housing and businesses. The application site is well screened by mature trees to the front, western and southern boundaries. These trees would be retained and supplemented where appropriate. Therefore, whilst acknowledging that any development on any Green Belt site will have an impact on openness, it is considered that the application site contains a number of characteristics which limits the overall impact of a development. Rural exception site policy allows affordable housing developments in the Green Belt, the application site is considered to contain a number of characteristics which makes it less visually sensitive within this policy context.

4.15 The proposed development is of reasonably low density at around 22 dwellings per hectare (dph) overall. The developed part of the site, excluding the open space, represents around 29 dph. Policy H5a 'Residential Density' sets a broad density target of a minimum of 30 dph outside of the urban area. It is considered that the proposed density is suitable given the sites Green Belt status. A reasonably low density development allows space around and between some dwellings. Additionally the proposed development retains green areas where landscaping can be retained and supplemented. It is considered that this helps to reduce the visual impact of the proposed development and therefore present a softer edge to the surrounding Green Belt land.

4.16 The proposed design of the houses and bungalows are traditional in terms of appearance, materials, and scale. All houses proposed are two storeys in height, with an approximate eaves height of 4.9m and 7m to the ridge. The proposed bungalows have a height of approximately 2.9m to the eaves and 5.5m to the ridge. No dwellings have rooms in the roof and each unit has a chimney stack which sits above the ridge. The dwellings would be constructed of red brick with pantile roof, windows and doors are proposed to be timber. The modest height of the proposed dwellings and the use of traditional design and materials would help the proposed development settle into its setting.

#### NEIGHBOURING AMENITY

4.17 Development Control Local Plan Policy GP1 'Design' states, amongst other things, that proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The nearest residential dwellings to the application site are those at The Conifers. The dwellings most likely to be affected by the proposed development are those towards the west of the development and more specifically those that back onto the application site. There are 7 houses, odd numbers 1-15 The Conifers which have rear elevations facing the proposed dwellings and whose back gardens are on the curtilage boundary of the application site. These dwellings sit between 7m and 11m from the rear boundary. The rear to rear separation distance between the proposed new dwellings and existing dwellings is a minimum of 22m which is in line with generally considered acceptable separation distances. To further minimise visual intrusion the applicants are proposing that two of the three dwellings backing onto The Conifers would be bungalows. This significantly reduces any potential for overlooking and loss of light. In addition the application contains a proposed planting strip between the proposed dwellings and existing. This would soften the appearance of the development as viewed from existing houses. The exact tree and planting species can be controlled by condition and would be managed and maintained by the housing association who takes the lease on the site.

4.18 Some concerns raised by local residents to the proposed application are concerned with noise and disturbance during construction. All new developments inherently contain a degree of noise and disturbance; however this is not a reason to refuse a planning application. A condition can be added to any approval to control the hours of delivery and construction to ensure that work does not take place at noise sensitive times of the day.

#### AMENITY OF FUTURE OCCUPIERS

4.19 The proposed development is relatively simple in design. The houses and bungalows front onto the street and have front gardens to be used partly for off street car parking and partly for green landscaping. There is scope within the front gardens for appropriate tree planting. Each dwelling has a reasonable sized back garden which will allow for amenity space as well as for the storage of bins and bicycles and for drying clothes. Internal dimensions of the proposed houses meet Homes and Community Agency standards which are often in excess of many market houses. Each dwelling has a separate kitchen and sitting room, with the four bedroom property containing an additionally dining room. It is considered that the proposed dwellings would provide a good level of amenity for future occupiers. The existing Allinsons business to the west is not known to cause any issues in terms of neighbouring amenity and the Environmental Protection Unit are content with the relationship of the proposed houses to this site.

#### HIGHWAY AND TRAFFIC

4.20 Some concern has been raised by local residents regarding the ability of existing junctions to cope with vehicle numbers associated with the proposed development. Additionally concern has been raised that vehicles associated with the proposed development will make The Conifers a less safe place for pedestrians and people using the street for informal play. Such issues were considered by Highway Network Management within their consultation response. The proposed development for 18 new dwellings will have minimal impact in terms of vehicle numbers on the nearby public highway. It is considered that the junction between The Conifers and Wheldrake Lane is able to cope with the proposed additional vehicle numbers. Vehicles accessing the proposed application site would travel in a straight line from Wheldrake Lane to the new development. Cars would not need to travel down existing cul-de-sacs which are considered the only likely areas which would be used by children for play.

4.21 The internal layout of the proposed development complies with local standards. The number of car parking spaces per dwelling is in line with local standards of broadly 1 space per two bedroom dwelling and two spaces for larger dwellings. This would ensure that there is adequate off street car parking for residents but not an overprovision which can discourage sustainable transport choice.

## SUSTAINABILITY

4.22 As previously discussed the application site is within a reasonably sustainable location with easy access to local sports facilities, health care, and the primary school. Additionally much of the employment in Elvington is at the industrial estates which are within walking distance of the proposed dwellings. There are accessible bus stops along Elvington Lane which allow residents to travel into York without use of a private car. However, it is understood that at present there is not a frequent bus service along this route.

4.23 In terms of the sustainability of the site itself and the proposed houses, a number of measures are proposed. This includes on site open space which can have amenity and wildlife value. Each dwelling would contain a bicycle store within the rear garden; each rear garden is accessible without the need to go through the house. A Sustainability Statement has been submitted by the applicant in response to Development Control Local Plan Policy GP4a 'Sustainability'. The statement highlights the sustainable location of the development as well as the social sustainability of providing affordable housing for local people. Additional information submitted by the applicant states that the proposed dwellings would achieve at least Code for Sustainable Homes Level 3 and that solar panels would be installed on west and south facing roof slopes. The application is considered to comply with the aims and objectives of Policy GP4a and subsequent guidance presented within the sustainable design and construction policy document.

## OPEN SPACE

4.24 The applicant is providing on site open space and it is not considered that a commuted sum payment for offsite provision is required. Work is continuing with regards the function of the proposed on site open space. The allocated open space allows scope for additional planting and also for the enhancement of biodiversity. Additionally the open space can provide some level of amenity space for occupiers of both the proposed dwellings and existing dwellings at The Conifers. The exact function of this open space has not yet been finalised, it is considered that there may be scope for consultation with existing and potential future residents in the area to establish what they would welcome and value. The area of open space would be managed and maintained by the housing association, likely to be Home Housing. Existing access to the site from Elvington Lane is proposed to be blocked off so that any users of the open space are required to enter via The Conifers housing estate

and past the proposed new dwellings. This is proposed to ensure a degree of ownership of the site by local residents and also to reduce the chances of this area being used as a gathering place given that residents will see all comings and goings to the open space.

## DRAINAGE

4.25 The application site is within Flood Zone 1 and is therefore at low risk of flooding. Full drainage details have not been agreed at the time of writing this report, however discussions are ongoing. The applicant is committed to providing underground storage tanks to ensure that the level of surface water runoff does not exceed existing levels. This will ensure that the proposed development does not increase the risk of flooding elsewhere. Should drainage details not be finalised before planning committee it is considered that a condition could be added to ensure that suitable drainage details are agreed and implemented.

## EDUCATION

4.26 No education commuted sum is sought for the proposed development. This is because the application is for local people who are already likely to be resident in the village and use the existing school. Further it is not considered that the proposed development would create significant additional demand for spaces at Elvington School.

## 5.0 CONCLUSION

5.1 It is considered that the local need for new affordable dwellings has been demonstrated within the Elvington Housing Needs Survey 2011. The homes would be managed by a registered housing association and the mix of dwelling type, size, and the proposed tenure mix creates a scheme which meets the identified local need.

5.2 The proposed dwellings are sympathetically designed to appear in keeping with the character of the area. Existing green landscaping is to be retained where suitable and supplemented to create a visually attractive development from both inside and outside of the site. The proposed communal open space allows opportunities for biodiversity enhancement as well as creating useful amenity space for local residents.

5.3 It is considered that the proposed development complies with relevant local and national planning policies and is therefore recommended for approval subject to the suggested conditions below and the signing of a Section 106 agreement. The Section 106 agreement would contain clauses to ensure that: the dwellings remain affordable in perpetuity; the split of rented to shared ownership tenures is suitable;

the dwellings would be offered to local people who are in housing need; a lease is in place for the homes to be controlled and managed by a registered housing association, the management and maintenance of the open space area, and that the homes would be built to Homes and Communities Agency standards. A section 106 agreement would be drawn up and signed by all relevant parties prior to the formal decision being issued.

## **COMMITTEE TO VISIT**

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

1 TIME2 Development start within three years -

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

-Revised 'Sketch Scheme' showing site layout and dwelling elevations and plans drawing number 10H received by CYC on 13/02/12

- 'House Types' showing elevations and plans of bungalows and four bedroom house drawing number 12A received by CYC on 10/10/12

- Street Scenes drawing number 13B received by CYC on 10/10/11

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

3 Notwithstanding the provisions 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 (enlargement of the dwellinghouse), B (addition or alteration to the roof), E (building or enclosure within the curtilage of the dwelling), and F (hardsurfacing) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of protecting the openness of the Green Belt 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.

4 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 including bricks, roof coverings, 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 and acceptable appearance.

5 Details of all means of enclosure to the site boundaries and around individual curtilages shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and security.

6 Details of the security gates, including locking mechanism, to be installed at the rear garden access points for dwellings at plot numbers 2, 12, and 15 shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in complete accordance with the approved details prior to the first occupation of the above mentioned dwellings and shall thereafter be maintained.

Reason: In the interests of the security.

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.2 metres (excluding chimney stacks), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

8 Development shall not begin until details of foul and surface water drainage works, including surface water runoff attenuation measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

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 to be planted.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be

confined to the following hours:

Mondays to Fridays - 08.00 to 18.00; Saturdays - 09.00 to 13.00 ; Not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents.

11 Development on Land Affected by Contamination

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

a. Site Characterisation

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

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



- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

#### b. Submission of Remediation Scheme

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

#### c. Implementation of Approved Remediation Scheme

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

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

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

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

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1c.

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.

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

Reason: In the interests of highway safety.

14 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

15 No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse 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.

16 The development shall be carried out so as to achieve at least Code for Sustainable Homes Level 3 rating. Within six months of the occupation of the final dwelling of the development a Code Post Construction Assessment and Certificate shall be submitted showing that the development achieved at least Code for Sustainable Homes Level 3 rating.

Reason: To promote sustainable development.

17 Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the development will provide 10% of its total predicted energy requirements from on-site renewable energy sources. The development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of each dwellinghouse..

Reason: In the interests of sustainable development.

18 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings and landscaping areas to enhance the biodiversity of the area. The work shall be completed in complete accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds and enhancement of the open space area.

Reason: This is proposed to take account of and enhance the habitat and biodiversity of the locality.

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

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

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

- Principle of development in the Green Belt
- Design and visual impact on the Green Belt
- Neighbouring amenity
- Amenity of future occupiers
- Highway and traffic
- Sustainability
- Open space
- Drainage

As such the proposal complies with Policies GP1, GP4a, GP6, GP15, GB1, GB9, H4a, H5a, and T4 of the City of York Development Control Local Plan.

## 2. DEMOLITION AND CONSTRUCTION

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

The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. 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".
2. 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.

3. 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.

4. 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.

5. There shall be no bonfires on the site.

### 3. SECTION 106 AGREEMENT

Please note that a legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this permission.

**Contact details:**

**Author:** Michael Jones Development Management Officer

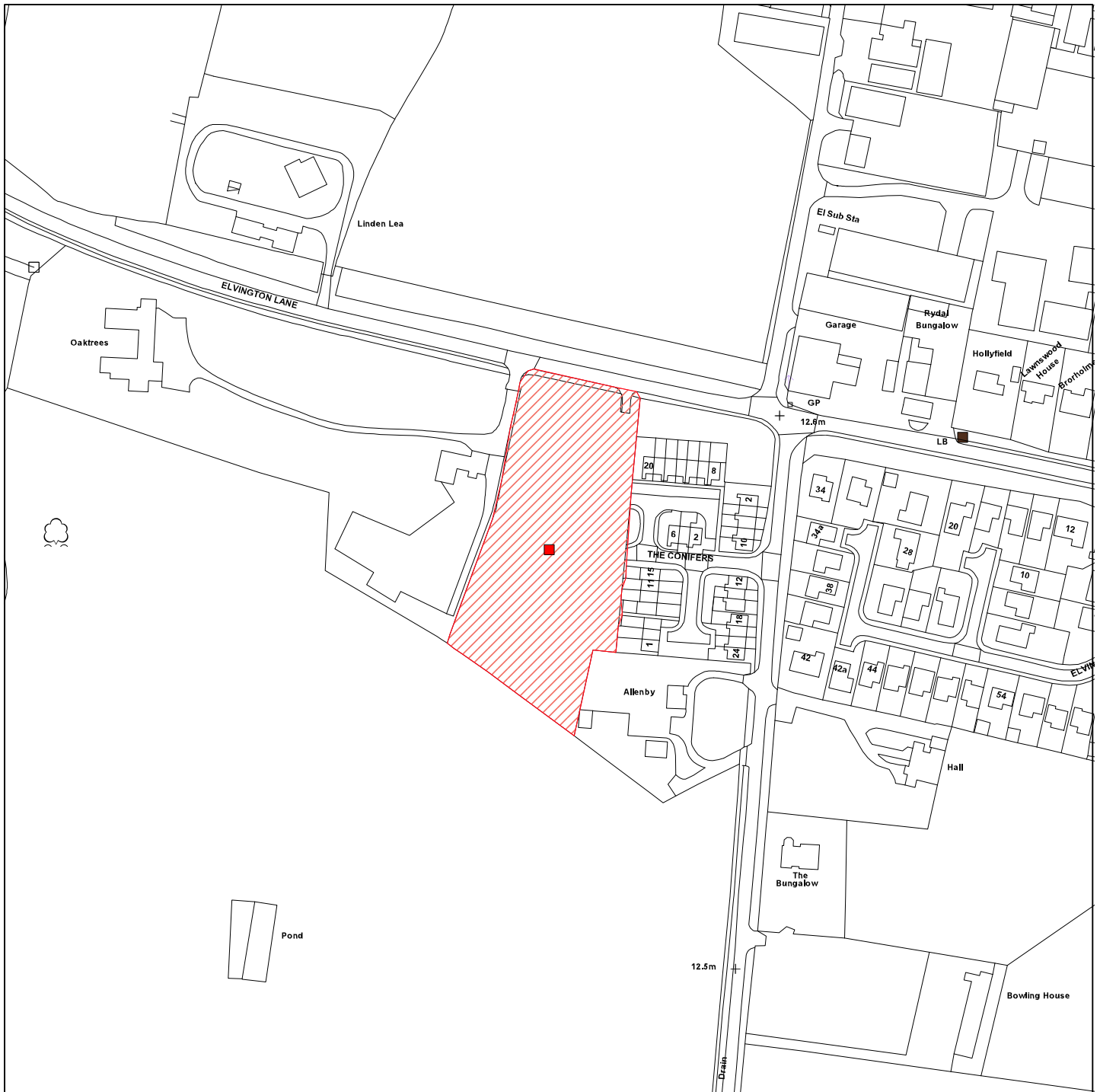
**Tel No:** 01904 551339

# Former Allenby Nursery, Wheldrake

11/02736/FULM



GIS by ESRI (UK)



Scale : 1:2500

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	23 February 2012
<b>SLA Number</b>	Not Set

JULIAN STURDY MP



HOUSE OF COMMONS  
LONDON SW1A 0AA



Michael Jones  
Planning Dept  
City of York Council  
9 St. Leonards Place  
York  
YO1 7ET

1<sup>st</sup> March, 2012

Dear Mr Jones,

**Planning Application 11/02736/FULM**

I wanted to write and express my concerns about the above planning application, ahead of the committee meeting on March 8<sup>th</sup>.

Primarily, I feel that whilst there is a need for affordable housing across York, a development of 18 dwellings of this nature in Elvington is completely out of proportion. Indeed I am concerned that the 18 houses would not be occupied solely by local residents.

Furthermore, I am concerned that the site on which the application is based is designated Green Belt land, and the approval of such a large development would warrant a wholly unnecessary and unwelcome intrusion.

Finally, I am aware that concerns have been raised based on the lack of a traffic management plan. This is crucial when considering the application and so until this has been made available; I feel that the application cannot be fully considered.

I would be most grateful if you could inform me of the outcome of the Committee meeting next week.

*Yours sincerely,*  
*Julian Sturdy*

Julian Sturdy



**Betts, Judith**

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**From:** Jones, Michael  
**Sent:** 07 March 2012 16:48  
**To:** Betts, Judith; Carr, Jonathan; Cllr. S. Wiseman; Cllr. H. Douglas  
**Subject:** RE: Former Allenby Nursery Site Wheldrake Lane Elvington York Representation

Hello all,

Thank you for sending this through. I spoke to Arna this afternoon and have asked Highway Network Management to look at the two issues raised.

The second question around street lighting and footpath works is an important issue but i don't think it would be reasonable to ask a developer of a housing scheme of this size to pay for some works hundreds of metres away from the site. Was maybe something which should have been done when the existing larger housing sites were developed which are closer to the footpath in question.

Regards,  
Michael

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**From:** Betts, Judith  
**Sent:** 07 March 2012 16:15  
**To:** Jones, Michael; Carr, Jonathan; Cllr. S. Wiseman; Cllr. H. Douglas  
**Subject:** Former Allenby Nursery Site Wheldrake Lane Elvington York Representation

Dear all,

Please see below a representation I have received this afternoon regarding the Allenby Nursery Site application for East Area.

There will be hard copies of the email for Members at the meeting but I thought I'd pass this on to you first.

Kind Regards,

Judith

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**From:** Walker, Arna, YORK, PRODUCTION [mailto:Arna.Walker@UK.nestle.com]  
**Sent:** 07 March 2012 16:10  
**To:** Betts, Judith  
**Subject:** Former Allenby Nursery Site Wheldrake Lane Elvington York

Hello Judith,

Would it be possible to get the following couple of points to the committee either before or at the East Area Sub-Committee meeting

- Has consideration been given to making the access to the new development from Elvington Lane instead of Wheldrake Lane, minimising disruption and safety risks to the current residents of the Conifers? Or in the



very least some traffic calming in The Conifers and the stretch between the Elvington Lane/Wheldrake Lane junction and the Wheldrake Lane/Conifer junction?

- Could some funding be found to put street lighting up to connect the new development with the rest of the village? There is a large stretch where the path is badly damaged and there is no street lighting at all, making it dangerous to walk after dark. This would help to alleviate the sense that Elvington is made up of 'two halves', the settlement area in the east and 'developments' in the west, and make us one village. The state of the footpaths probably needs some consideration too.

As it is not possible for me to contact the speaker, and if no members of the committee raise these points, will I be given the opportunity to speak?

Thanks

Arna

Arna Walker  
6 Wheldrake Lane  
Elvington  
York  
YO41 4BF  
01904 608779  
Ext 01904 603742 / 07833 401514  
Email [arna.walker@UK.Nestle.com](mailto:arna.walker@UK.Nestle.com)

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**Betts, Judith**

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**From:** Cllr. S. Wiseman  
**Sent:** 08 March 2012 11:50  
**To:** Betts, Judith  
**Subject:** FW: Planning

Hi Judith  
Not sure if this should be circulated for the meeting?

Regards.  
Cllr Siân Wiseman  
Strensall Ward  
City of York Council

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**From:** Ian Bailey [mailto:ianbailey78@hotmail.com]  
**Sent:** 08 March 2012 01:29  
**To:** Cllr. S. Wiseman; Cllr. G. Barton  
**Cc:** Elvington Parish Council; Julia Hennikerheaton; linda sterriker; Jones, Michael; Slater, Michael  
**Subject:** RE: Planning

Hi Sian,

The only reason that nobody from The Parish Council, or residents attended the site visit is that under the previous administration we were not allowed to speak to Members at Planning Visits as this would 'prejudice their independence'. So it was pretty pointless going to a site that we all know well, only to be gagged!!

I welcome the fact that the rules have apparently changed, but we were not aware of this.

The Parish Council are totally supportive of the principle of more affordable housing in Elvington (and elsewhere in York). However the evidence for the need for as many as 18 new 'affordable' houses is highly questionable for the following reasons:

- none of the 'affordable houses' in The Conifers has **ever** been bought by a local resident
- all of the rented houses in the JR scheme in Blacksmiths Close, endowed by a local resident in favour of local residents, are occupied by people with **no village connection**
- for the last two years, the Parish Council have advertised the opportunity for preferential treatment for 'affordable housing'. To date, **only one** resident has expressed interest
- It is a matter of record that one of Kerry Courts's previous incumbents assured the Parish Council that it was **'inconceivable'** that a case could be made for more than ten 'affordable houses' in the village, and that the only preferred site was adjacent to Church Lane.

Your Officer states that no additional primary school places would be needed as all the new 'homes' would only be occupied by current residents of the village. This is faulty logic. 18 new homes in the village means 18 new families, wherever they live ... and nobody has checked out whether the School can accommodate the children.

Lastly, the applicant offered to construct the project in two stages .. which your Officer ignores, but this is surely the sensible way forward.

So I request that the Planning Committee defer any decision for further consideration by your Officers of these comments as in view of Green Belt legislation, it would be unsafe to do otherwise.

Regards,

Ian Bailey



(Chairman: Elvington Parish Council)

Subject: RE: Planning  
Date: Wed, 7 Mar 2012 16:18:17 +0000  
From: cllr.swiseman@york.gov.uk  
To: cllr.gbarton@york.gov.uk  
CC: ianbailey78@hotmail.com

Thank you for your comments George.  
I will bring them to the attention of the Committee tomorrow.  
By the way as no one other than the applicant came to the site visit including the Parish Council. This would have been an opportunity to give comments and listen to the questions from members prior to the meeting. The Committee take in to consideration local residents comments very seriously at these site visits. In fact barring two members we had a full complement of the Committee at the site visits today which I think is a record!

Siân  
Regards.  
Cllr Siân Wiseman  
Strensall Ward  
City of York Council

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**From:** Cllr. G. Barton  
**Sent:** 07 March 2012 12:06  
**To:** Cllr. S. Wiseman  
**Cc:** 'Ian Bailey'  
**Subject:** Planning

Hi Siân

As Chair of East Area Planning you will be considering the building of 18 "affordable" homes in Elvington when you meet tomorrow.

Can I put you in the picture:

They want to build in the Green Belt

There is not a need for affordable housing in the village itself – the last two builds, I understand, attracted just one applicant

The houses will be occupied by people from inner York who will arrive with families and the local infrastructure cannot cope with the influx. The School cannot cope, there is only one tiny village shop and the village is served by a very inadequate bus service to York.

The local residents object to it

The Parish Council object to it

The Ward Councillor (me) objects to it

Julian is anti building in the Green Belt.

Hope this gives you a clearer picture

See you soon

George

\*\*\*\*\*

Help protect the environment! - please don't print this email unless you really need to.  
\*\*\*\*\*

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## COMMITTEE REPORT

**Date:** 8 March 2012  
**Team:** Householder and Small Scale Team  
**Ward:** Hull Road  
**Parish:** Hull Road Planning Panel

**Reference:** 12/00045/FUL  
**Application at:** 77 Lawrence Street York YO10 3DZ  
**For:** Conversion of shop (use class A1) to an 8 bedroom house in multiple occupation with external alterations including two front dormers (resubmission)  
**By:** Mr Joe Reynolds  
**Application Type:** Full Application  
**Target Date:** 8 March 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks planning permission to convert a shop (Use Class A1) with rooms above to an 8-bedroom house in multiple occupation (sui generis) with external alterations including (a) replacement of one existing dormer on the front elevation with two dormer windows (b) removal of shop front and reinstatement of front bay to ground floor (c) formation of two new window openings in the side gable elevation facing Lansdowne Terrace (d) removal of a single-storey rear extension to form a yard with cycle storage and bin storage (e) reinstatement of boundary wall and railings.

1.2 The application is a resubmission of 11/02760/FUL for the conversion of the building to a 10-bed HMO. The application was refused at committee on 5 January 2012 due to over-intensive use with inadequate facilities particularly in relation to the minimal external amenity space to serve the number of occupants. The main changes from the refused scheme are (a) two bedrooms on the first floor have been combined to form one larger bedroom (b) a ground-floor bedroom now becomes a second lounge (c) the cycle storage area in the rear yard has been enlarged.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

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

## 2.2 Policies:

CYGP1 -Design

CYH8 - Conversion to flats/HMO/student accommodation

CYT4- Cycle parking standards

CYL1C -Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### INTERNAL

3.1 Environmental Protection Unit - No objections. Add conditions requiring noise insulation and restricting hours of construction.

3.2 Design Conservation and Sustainable Development (Archaeology) - This site lies in the AAI and on the site of the medieval church and graveyard of St Edward. Include condition ARCH2 requiring an archaeological watching brief on any groundworks associated with the development.

### EXTERNAL

3.3 Hull Road Planning Panel - Objection. The revised scheme is still over-occupancy, in particular due to the number of bedrooms and concerns over lack of parking and outdoor amenity space for future residents. The ground floor lounge could be converted to an additional bedroom. The development will add to existing traffic and parking problems.

3.4 Public consultation - The consultation period expired on 22 February 2012. One letter of objection has been received from a local resident raising the following issues:

- Inadequate on-street parking;
- Inadequate amenity space;
- Noise nuisance;
- The 8 bedrooms could be occupied by 16 people;
- Hygiene issues from waste;
- Traffic congestion;
- Inadequate cycle storage.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Principle of development;
- Character and appearance;
- Occupier and neighbour amenity;
- Highway issues;
- Open space; and
- Waste Management.

### POLICY CONTEXT

4.2 Draft Local Plan Policy 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.

4.3 Policy H8 - Planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where: the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is suitable for the proposed number of households or occupants; external alterations would not harm the appearance of the area; adequate on and off road parking and cycle parking is incorporated; it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses; adequate provision is made for the storage and collection of refuse and recycling.

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

4.5 Policy L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

### PRINCIPLE OF DEVELOPMENT

4.6 The site lies in a mixed commercial/residential area in a sustainable location close to public transport and local services. The retail shop is not a protected local

shop nor is it in a protected retail frontage. The principle of use as an HMO is considered to be acceptable.

## VISUAL AMENITY

4.7 The existing building is in poor condition and has an unattractive commercial shop front out of keeping with the character of the area. The proposed works would remove the shop front, which faces Lansdowne Terrace as well as Lawrence Street. The traditional bay window on the ground floor would be reinstated, as would the boundary wall and railings. The utilitarian rear addition would be demolished and the side gates replaced. The result of these alterations would be a building much more in keeping with the character of the area.

## OCCUPIER AMENITY

4.8 The accommodation would mainly comprise a bedroom for each of the eight occupiers, a lounge/kitchen/diner in the basement, a lounge on the ground floor and three shared bathrooms. The rear yard would mainly be used for cycle/bin storage but would also function as a small outdoor seating area. Sound insulation would be provided to protect occupiers from internal and external noise. The Housing Act provides safeguards for occupiers in that the HMO would require a license to ensure that the facilities are adequate and the HMO is well managed. Whilst the rear amenity space is very small the demand for such space tends to be low. This is reflected in national and CYC standards which do not require any external amenity space for HMOs. The council's housing standards officer has confirmed that the facilities would comply with the council's HMO licensing standards. The lounge could not be used as an additional bedroom, as feared by the parish council. If planning permission were granted the number of bedrooms would be limited to the number specified in the description of development, i.e. eight. Nor could the number of occupiers be increased to 16. The number of occupiers would be restricted by the terms of the license from the council. The applicant states that he will be seeking a license for just eight occupiers.

4.9 Environmental protection officers recommend that planning conditions be attached requiring noise insulation to be provided to ensure that noise inside the property are within acceptable limits. The applicant has submitted some noise data but it is insufficient to ensure compliance with the council's maximum noise levels, in which case mechanical ventilation could be required. A further condition should therefore be attached requiring details of such measures to be submitted for approval.

## NEIGHBOUR AMENITY

4.10 The rear yard would be small and contained by buildings/walls. Its use by occupiers is unlikely to cause a noise nuisance to adjacent residents. The impact of the HMO on adjacent dwellings and the area generally is likely to be small and not significantly different to the use of the building as self-contained flats.

## HIGHWAY ISSUES

4.11 No off-street parking would be provided, which is acceptable bearing in mind the site's location close to local shops, public transport and the city centre. A secure cycle shelter with Sheffield stands for six cycles would be provided in the rear yard. Details should be made a condition of approval. The development is unlikely to have a material impact on traffic levels in the area.

## WASTE MANAGEMENT

4.12 Adequate refuse/recycling facilities would be located in the rear yard, which is enclosed, with direct access onto Lansdowne Terrace. These facilities are unlikely to cause a health hazard for neighbouring residents as long as the premises are adequately managed.

## PUBLIC OPEN SPACE

4.13 A financial contribution of £3,400 would be required for the provision of public open space in accordance with Policy L1c of the Draft Local Plan. This has been accepted by the applicant and can be secured by condition.

## 5.0 CONCLUSION

5.1 The reduction in the number of bedrooms/occupiers from 10 to 8 significantly reduces the intensity of the use and improves the facilities for the occupiers. The constraints of the site prevent further amenity space being provided - without compromising the provision of bin/cycle storage. However the site is within the urban area close to the city centre, where minimal (frequently none) on site amenity space is anticipated. The proposal would provide much-needed accommodation and improve the appearance of the street scene. The layout complies with national and local standards for HMOs. The application is therefore recommended for approval subject to conditions, including an open space contribution of £3,400.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -



2 The development hereby permitted shall be carried out in accordance with the approved drawings numbered JR/LS/12/10, JR/LS/12/11, JR/LS/12/12 and JR/LS/11/17.

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

3 VISQ1 Matching materials -

4 ARCH2 Watching brief required -

5 Notwithstanding the approved plans no development shall take place until details of cycle storage have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details before the house in multiple occupation hereby approved is occupied and shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainable transport and visual amenity.

6 The development shall not be occupied until the boundary walls and railings shown on JR/LS/12/10 and JR/LS/11/17 have been provided. They shall be permanently retained thereafter.

Reason: In the interests of the character and appearance of the area.

7 Details of provision for public open space facilities or alternative arrangements shall be submitted to and approved in writing by the local planning authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the local planning authority and thereafter implemented, within three months of the date of this permission.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

#### INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3,400. You are reminded of the local planning authority's enforcement powers in this regard.

8 Within four weeks of the grant of planning permission details shall be submitted to the local planning authority and approved in writing demonstrating that the building envelope, internal walls and floors shall be constructed so as to achieve internal noise levels of no more than 30 dB LAeq 8 hour (23:00 to 07:00) with a 45 dB LAmax in bedrooms, and 35 LAeq 16 hour (07:00 - 23:00) in all other habitable rooms. The measures so approved shall be implemented prior to the occupation of the development.

Reason: To protect the amenity of residents from noise.

#### INFORMATIVE

These noise levels shall be with either (a) windows open or (b) windows shut and alternative means of ventilation provided i.e. acoustic trickle vents.

9 Details of any mechanical ventilation to be installed in or located on the use hereby permitted, which is audible outside the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (LAmax (f) and average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved mechanical ventilation shall not be used except in accordance with the prior written approval of the local planning authority. The mechanical ventilation shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of residents from noise.

10 NOISE8 Restricted hours of work -

### **7.0 INFORMATIVES:**

#### **Notes to Applicant**

##### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to: use as a house in multiple occupation; design and street scene; neighbour amenity; transport and highway safety; waste management; and provision of open space. The application therefore complies with policies GP1, H8, T4 and L1c of the City of York Local Plan Deposit Draft.

## 2. CONTROL OF POLLUTION

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 Fridays 08.00 to 18.00; Saturdays 09.00 to 13.00; Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

### **Contact details:**

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

**Tel No:** 01904 552830

# 12/00045/FUL

## 77 St Lawrence Street



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	28 February 2012
<b>SLA Number</b>	Not Set



1.5 The planning application is for a large two-storey rear extension and significant re-modelling of all external elements of the existing dwelling. The main changes are summarised below:

1.6 Erect a 7m long two-storey rear extension (with additional room in the roof space). This will replace an existing flat roofed single storey extension to the rear that is approximately 3 to 3.5m long.

1.7 Erect a single storey conservatory to the south of the existing dwelling.

1.8 Erect a two-storey contemporary facade set off the front of the dwelling. This incorporates a small extension to the first floor. The original proposals incorporated a balcony; however, this has been deleted.

## PROPERTY HISTORY

1.9 The only recent planning history for the application site is for the approval of a single storey extension at the property in 1999.

1.10 The application has been called in for determination by Committee by Councillor Keith Aspden, Member for Fulford Ward. The reasons relate to issues raised by the Parish Council concerning the scale and prominence of the development, the impact on neighbours' privacy and outlook and its impact on the visual amenities of the Green Belt and open countryside.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYH7- Residential extensions

CYGP1 -Design

CYGB1 - Development within the Green Belt

### **3.0 CONSULTATIONS**

#### 3.1 Internal

None

#### 3.2 External

Parish Council - object on the following grounds:

- a) The extension will be visually prominent due to its location adjacent to open land.
- b) Scale and massing is excessive and over dominant in relation to the existing building and is not subservient.
- c) The height of the upper windows will result in overlooking/overshadowing of gardens of neighbouring properties thereby harming the current amenity of the occupants.
- d) The proposed development would have an unacceptable impact on the visual amenities of the greenbelt.

It is stated that the Parish Council has judged this application on how the property stands at the present time, surrounded on three sides by Green Belt open land, and the Parish Council has not taken account of the fact that the adjoining land may be developed as part of the Germany Beck development.

The representation also points out that the applicant is a Fulford Parish Councillor.

Neighbours - None received.

### **4.0 APPRAISAL**

4.1 The key issues in assessing the proposal are:

- The impact on the streetscene, Green Belt and conservation area.
- The impact on neighbours' living conditions.
- Parking and storage.

4.2 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.3 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, and mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

#### THE IMPACT ON THE STREETSCENE, GREEN BELT AND CONSERVATION AREA.

4.5 The application does not comply with council guidance and policy that relates to house extensions. Paragraph 1.12 of the House extensions SPG states that the new extensions should not dominate the existing building. Policy H7 of the Local Plan requires the design to be sympathetic to the main dwelling. It is the case however, that the scheme is a complete re-modelling of the building rather than an extension that is seeking to harmonize with the existing house. It is not considered that the original house has any distinct architectural quality and that the proposal should be judged on its merits taking regard of whether the final scheme harms the appearance of the area.

4.6 The application property is set back from School Lane and would not have a significant impact on its setting when viewed from the street. The house is already of a differing design to neighbouring properties. The applicant and architect have spent a considerable time creating a design that has at its heart principles of sustainable development. The fenestration and panelling of the proposed development is relatively well



ordered and helps to break up the overall bulk of the building. The facade to the front has been incorporated to help the original building tie in with the rest of the structure. The applicant has not sought to maximise the scale of development without having regard to the quality of the form, and scale of the resulting structure. Although the dwelling would be large, it is not out of scale with the garden and not so large to appear incongruous in a domestic setting. The palette of materials incorporating timber, render and grey tiles is considered to be acceptable and relatively restrained. The ridge height of around 8.5m is typical for a large two storey pitched roof dwelling. It is noted that the ridge height of the existing house is relatively low at 6.7m.

4.7 Although the site is outside the Green Belt, paragraph 3.15 of PPG2 (Green Belts) states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

4.8 Undoubtedly the development is large in relation to the original house and the contemporary design would draw some attention to the building. However, the resulting structure is a two-storey dwelling located within a long garden. It is questionable within the context of continuous development on the edge of a large settlement whether the scale or nature of such residential development should be considered conspicuous. Moreover, it is noted that although the Secretary of State in granting consent for the Germany Beck development for 700 houses considered the site to be Green Belt, she did not consider that the development would cause significant harm to the Green Belt. In the context of the debates over the allocation and approval of such a large housing development on land surrounding the application site, it is hard to argue that a proposed house extension would cause significant harm to the setting of the Green Belt. As the extension is not in the Green Belt very special circumstances are not required to justify the proposal.

4.9 The house to be extended is one of 6 that are located outside the Fulford Village conservation area that adjoins School Lane. As the development is set back from the boundary of the conservation area it is not considered it will have a significant impact on its setting. It is noted that the Secretary of State in allowing the Germany Beck development did not consider that the proposed new housing would harm the character or appearance of the conservation area.

## THE IMPACT ON NEIGHBOURS' LIVING CONDITIONS.

4.10 5a School Lane is located to the north-west. It is not considered that the slight projection of the front elevation will cause undue harm to light and outlook. It is noted that 5a is an infill house and has been designed with limited clear glazing facing the application property. The balcony that was part of the originally submitted scheme has been deleted.

4.11 Springfield House is located to the south west. There is adequate separation to the house to avoid undue harm. There will be a little additional overlooking of parts of the garden, however, most will retain good levels of privacy.

4.12 The plans that have been submitted with the reserved matters application (12/0384) for the Germany Beck development indicate that new dwellings will be located at least 30m from the southern elevation of Osborne House and 30m from the east elevation of homes in School Lane as a whole. This is in accordance with conditions imposed by the Secretary of State. It is considered that this separation is sufficient to avoid the extension causing undue harm in respect to light and outlook of the dwellings shown on the reserved matters planning application layout.

4.13 There is an existing clear glazed window in the first floor of the north elevation of Osborne House. Some additional glazing is proposed in the north elevation of the extension above ground floor level to serve a landing/atrium area and store and secondary bedroom window. Given the function of the spaces and because there is existing clear glazing in this elevation it is not considered unduly harmful in respect to privacy. Being secondary or non-habitable openings they will not compromise the development potential of adjoining land.

4.14 Windows serving first and second floor bedrooms are proposed in the south elevation of the extension. Although there is adequate separation to the proposed new dwellings on the Germany Beck development, there was some concern that the degree of overlooking of the garden from the habitable rooms could cause concern and may lead to conflict with the use of the dwelling if screening evergreen trees were planted by neighbours close to the southern elevation. The architect has amended the scheme by introducing a louver outside the windows. This

will form a barrier to direct overlooking of areas of the garden closest to the extension.

## PARKING AND STORAGE.

4.15 The property retains adequate space for off-street car parking and storage for cycles.

## 5.0 CONCLUSION

5.1 The proposed extensions to the property are large and completely transform the scale and appearance of the dwelling. It is noted that the Parish Council in its objections to the scheme have stated that they have not taken account of the fact that the adjoining land may be developed by the Germany Beck development. It is however, considered that the housing allocation and outline planning permission is material to the scheme. It is possibly the case that residential development will not proceed on adjoining land, however, the Secretary of State made it clear that she felt that large scale residential development on the land would not detract from the setting of the conservation area, or be unacceptable in respect to Green Belt policy. In the context of the Germany beck site wrapping round three sides of Osborne House it is difficult to argue that the extension to the house would conflict with national and local policies where they relate to issues regarding the Green Belt and conservation areas.

5.2 Officers consider that the design of the proposed development has architectural merit. It is recognised that in some areas of Fulford the design could appear too bold and contemporary relative to adjoining buildings. However, the development is proposed in a relatively modern part of the parish. Nearby buildings vary in style and size and have no strong architectural character. Planning Policy Statement 1 makes it clear that planning authorities whilst seeking high quality design should not 'stifle innovation, originality or initiative' without strong local justification.

5.3 It is not considered that the proposal would cause significant harm to the living conditions of existing adjoining neighbours or those who might occupy future properties on the Germany Beck site.

5.4 For the reasons outlined above officers recommend that the application is approved.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years -

2 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 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.

3 The proposed louvers shown on the south elevation of the dwelling shall be constructed as approved and not removed or materially altered unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect neighbours privacy

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

Revised plans numbered OH/10 Rev A and OH/11 Rev A dated 08:02:2012.

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

### **7.0 INFORMATIVES:**

#### **Notes to Applicant**

##### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene, neighbours living conditions, the Green Belt and conservation area. As such the proposal complies with Policies GP1 and HE2 of the City of York Development Control Local Plan and advice contained in Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Guidance 2 (Green Belts).

**Contact details:**

**Author:** Neil Massey Development Management Officer  
(Wed/Thurs/Fri)

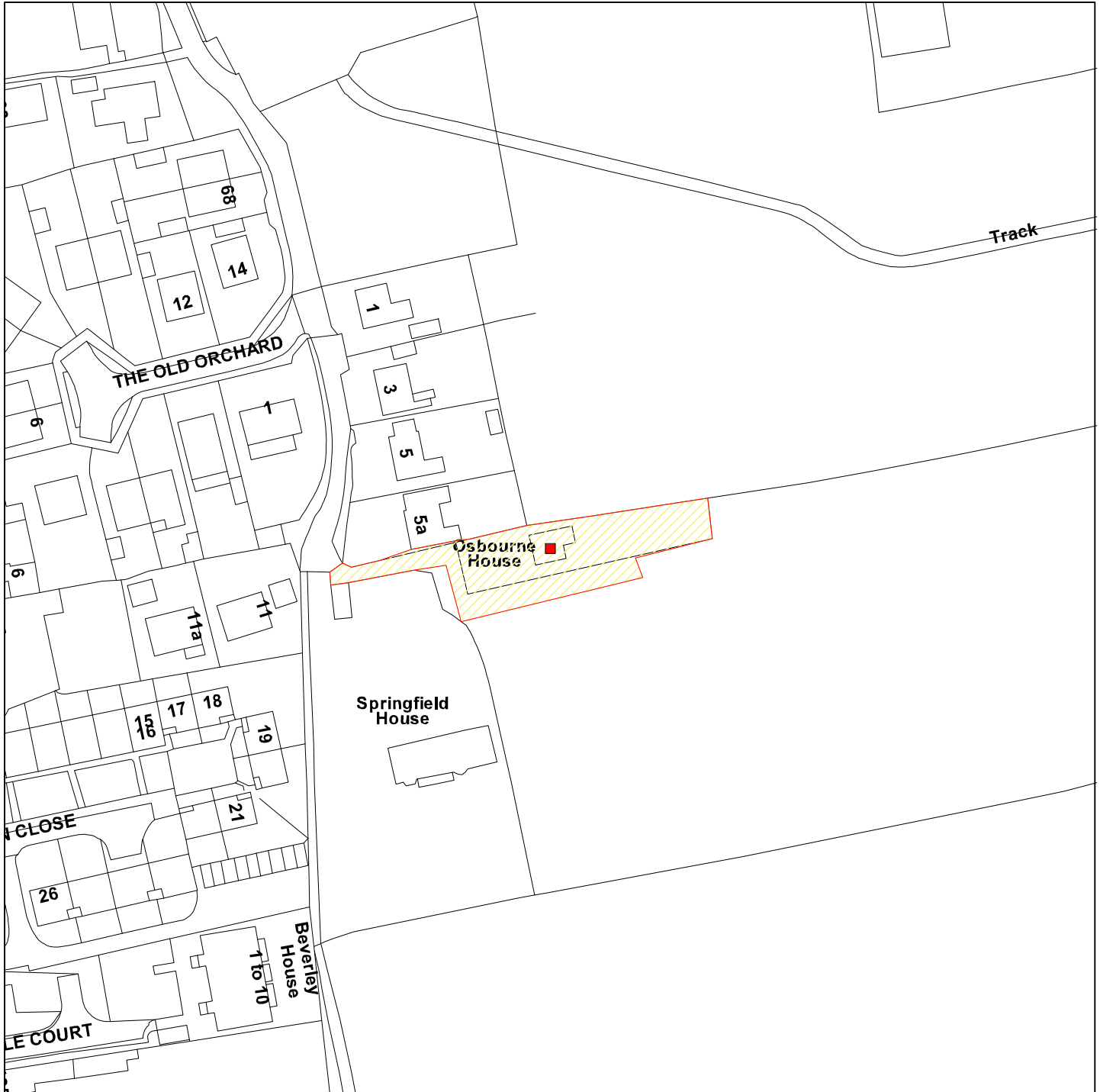
**Tel No:** 01904 551352

# Osborne House, 7 School Lane. Fulford

11/03367/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	23 February 2012
<b>SLA Number</b>	Not Set

**Massey, Neil**

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**From:** Jeanne Fletcher [parishclerk@fulford39.fsnet.co.uk]  
**Sent:** 05 March 2012 16:55  
**To:** Massey, Neil  
**Cc:** planning.teamenquiries@york.gov.uk  
**Subject:** Planning Comments

**Planning Application 11/03367/FUL**

**Two storey rear extension with room in roof, single storey extension and porch to side for Ms Karin de Vries (revised plans)**

The Parish Council has asked me to send the following comments to this application:

In determining Planning Application 11/03367/FUL on Thursday 8th March, would you please ensure that all members of the Sub-Committee is advised of the following.

While FPC recognises that the Germany Beck development may be considered material to this application, it considers that it would be incorrect in planning terms to judge it on the assumption that the reserved matters application will be approved in its current form, if at all. The proposal should be judged on its merits as it stands now and due regard should be given to the prominent location of the site which is currently surrounded on three sides by open countryside.

On the green belt, FPC fundamentally disagrees with the officer's assessment of impact and his interpretation of the Secretary of State's findings. She acknowledged the green belt status of the Germany Beck site and confirmed that the development would be harmful to the green belt, but she concluded that the special circumstances created by housing need of 700 homes justified this harm. Although the extension itself does not lie in the green belt, if harm to the green belt is caused by a proposal then very special circumstances would need to exist in order to justify that harm. We therefore request that the objections raised by FPC are given due consideration and assessed against green belt policy, particularly with regard to the scale and massing of the extension and its impact on visual amenity.

Jeanne Fletcher  
Clerk (for and on behalf of Fulford Parish Council)  
5th March 2012.

Tel/fax: 01904 728007

## COMMITTEE REPORT

**Date:** 8 March 2012  
**Team:** Major and Commercial Team  
**Ward:** Heslington  
**Parish:** Heslington Council Parish

**Reference:** 11/03412/FULM  
**Application at:** Block C Chemistry Department Alcuin Way Heslington York YO10 5NB  
**For:** Erection of two storey Chemistry building incorporating teaching, office and research facilities following demolition of existing building  
**By:** University Of York  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 22 March 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Block C , the Chemistry Department, Alcuin Way comprises a single storey, concrete panel built structure dating from the late 1960s/early 1970s lying on an elevated site to the east of the main north/south road crossing the Heslington West campus of York University. Full planning permission is sought for the erection of a two storey teaching and "Green Chemistry" research building following demolition of the existing building. The building would be constructed in a mixture of cedar boarding and other curtain wall cladding and would match the recently re-developed buildings surrounding in terms of its height. A small group of immature and semi-mature trees to the north east would be removed as part of the work to allow construction to take place, these would however be replaced upon completion of the work. The existing covered walkways to the west and north of the site would also be taken down during the construction process and then re-erected following on from completion of the development.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1- Design



CYED6 -University of York Heslington Campus

CGP15A -Development and Flood Risk

CYGP4A -Sustainability

CYT4 -Cycle parking standards

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal subject to any approval being conditioned to require the provision of further cycle parking on site prior to the development being first occupied.

3.2 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to restrict working hours at the site.

3.3 Structures and Drainage Engineering Consultancy object to the proposal on the grounds that insufficient information has been submitted with the application in order to be able to judge the impact of the proposal on the local surface water drainage network.

EXTERNAL:-

3.4 Heslington Parish Council were consulted with regard to the proposal on 19th January 2012. No response has been forthcoming.

### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 The key planning issues are:-

- \* Impact upon the Visual Amenity of the Wider Street Scene.
- \* Impact upon the Local Pattern of Surface Water Drainage.
- \* Sustainability Considerations
- \* Consolidation of Faculty/ Economic Investment

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.2 Policy ED6 of the York Development Control Local Plan sets a firm policy presumption in favour of new development within the existing Heslington West Campus of the University providing that it consists of small scale extensions to

existing buildings or redevelopment of existing sites, the campus landscape framework would not be adversely affected, the height of any new buildings would be appropriate to the location and a high standard of design appropriate to the setting of the University would be proposed.

4.3 The development envisages the construction of a substantial 11.5 metre high building broadly on the footprint of the existing single storey laboratory. The proposal forms part of a wider programme of work to redevelop the adjoining Chemistry teaching areas which commenced with the redevelopment of Block D in 2004. The existing concrete panel built 'CLASP' buildings dating from the late 1960s/early 1970s are not felt to be suitable for Modern research requirements, need extensive on-going maintenance and contain significant quantities of asbestos.

4.4 The proposed building would include extraction flues rising a further 3 metres above roof level with a total floor area of 3,210 metres in area. This would be comparable to the sites already redeveloped to the south and west. The ground floor would provide space for undergraduate teaching with a capacity of 160 students, instrumentation space, an analysis laboratory as well as write up space. The first floor meanwhile would include a further laboratory for the University's Green Chemistry Group as well as further write-up space and industrial interaction areas for presentations and seminars.

4.5 The elevations would be visually broken up by the use of several different cladding materials. This is intended to articulate the various functions taking place within the building whilst retaining the overall vertical emphasis previously adopted in respect of the buildings surrounding the site. The entrance would be constructed in full height structural glazing and the laboratory and plant room spaces would be treated in a proprietary zinc cladding system with offices and other ancillary spaces treated in a copper or cedar cladding system.

4.6 Additional cycle parking would be constructed between the current application site and Block E, currently under construction, also upon completion of the building work.

4.7 Overall, it is felt that the proposal would closely reflect the scale, design and massing of the previously agreed phases of the Chemistry Department refurbishment. It would not result in the loss of any significant landscaping of townscape importance and it would secure the visual amenity of the wider street scene. The terms of Policy ED6 of the York Development Control Local Plan have therefore been complied with.

## IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.8 Policy GP15(a) of the York Development Control Local Plan sets out a clear policy requirement for developers to satisfy the Local Planning Authority that any flood risk arising from a development should be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The current proposal envisages the redevelopment of an existing site with an existing drainage connection utilising broadly the same footprint as before. The site also lies within defined Flood Zone 1 which establishes the lowest level of risk in terms of flooding. Notwithstanding the concerns previously expressed in relation to the level of information, it is therefore felt that a similar approach should be adopted in terms of surface water drainage to the other elements of the re-developed Chemistry Department and a detailed surface water drainage scheme be sought by condition attached to any planning permission. This would then effectively secure compliance with Policy GP15a) of the York Development Control Local Plan.

## SUSTAINABILITY OF NEW DEVELOPMENT

4.9 Policy GP4a) of the York Development Control Local Plan together with Policy CS21 of the Emerging City of York LDF Core Strategy sets a firm policy requirement for new development both residential and non-residential to have close regard to the principles of sustainable development in terms of their design construction and long term use. This includes a requirement that a minimum of 10% of the energy needs of the development should be supplied by renewable means as well as achieving a "BREEAM" a rating of " Very Good". The current development has been designed to achieve a particularly high level of thermal performance through the use of natural ventilation and through significantly improved insulation values. Furthermore the building has been designed to minimise usage of water and wider energy consumption. The proposed external materials have been selected on the basis of their sustainability and lack of required maintenance. The building is also included within the scope of the adopted University of York Renewable Energy Strategy this is designed to ensure that all significant new development should achieve at least 10% of their energy needs by means of on-site renewable sources. In the case of the current proposal it is envisaged that the proposal would access the electricity generated by the biomass plant currently proposed to be erected as part of the development of the Heslington East University campus. It is therefore felt that the proposal would comply with Policies GP4a) of the Draft Local Plan together with Policy CS21 of the Emerging LDF.

## ECONOMIC AND EMPLOYMENT ISSUES

4.10 The development forms a key element of a long term strategy to consolidate and refurbish the existing Chemistry Faculty at the University. The Faculty is ranked

amongst the top ten departments for research in the Country. In a survey undertaken for the UK Higher Education Funding Council in 2008, it was ranked as joint third with 75% of its research work rated as 'internationally leading' or 'internationally excellent'. The Department has been successful in obtaining £32 million of research related income over the past three years, with two staff members elected as Fellows of the Royal Society in 2010. The Department also has an Athena SWAN Charter Gold Award for the employment of women in science, engineering and technology in higher education and research. The number and calibre of both undergraduate and post graduate students have also increased significantly in recent years. The proposed development would facilitate the continued improvement of the Department's position relative to its competitors and at the same time facilitate the development of a centre of excellence in Green Chemistry and Sustainable Industrial Technology with the establishment of a new Chair in Green Chemistry to enhance research income and new research initiatives.

## **5.0 CONCLUSION**

5.1 Block C of the Chemistry Department comprises a CLASP concrete panel constructed building. The surrounding Chemistry teaching and research areas are currently in the process of being redeveloped to bring them up to current standards. The proposal envisages the demolition of the existing building and its replacement by a substantial curtain wall clad structure following the existing built foot print. It would incorporate facilities for undergraduate and advanced post-graduate teaching and research and would integrate closely with the other elements of the Chemistry Department that have recently been re-developed.

5.2 In terms of its impact upon the wider street scene the development would reflect the scale, massing and palette of materials of the recently re-developed buildings surrounding and any impact would be minimal. A number of trees would be removed to facilitate construction however these would be replaced upon completion of the development. The proposal has been designed to have the lowest possible carbon footprint and to form a key element in a growing centre of excellence in Chemistry teaching and advanced research. The development is felt to be acceptable in planning terms and approval is therefore recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

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

Drawing Refs: A19 Rev.C; A20 Rev C; A34 Rev A; A21Rev D; A22 Rev B; A23 Rev A; A24 Rev A; A25 Rev A; A26 Rev B; A30 Rev D; A31 Rev D; A27 Rev A. Date Stamped 21st December 2011.

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

3 VISQ8 Samples of exterior materials to be app -

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

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

5 Before the commencement of and during building operations, proper measures shall be taken to protect the existing planting on this site. Full details of this means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

6 DRAIN1 Drainage details to be agreed -

7 HWAY31 No mud on highway during construction -

8 The development hereby authorised shall not be first occupied until such time as the 40 space cycle store to the west of Chemistry Block E has been constructed and made available for use.

Reason:- To ensure that the site is properly accessible by sustainable means and to secure compliance with Policy T4 of the York Development Control Local Plan.

9 All demolition, construction works and ancillary operations which are audible at

the University site boundary, including deliveries to and despatch from the site shall be confined to the following hours:-

Monday to Friday 08:00 to 18:00; Saturdays 09:00 to 13:00; Not at all on Sundays and Bank Holidays.

Reason:- To protect the amenities of occupants of nearby residents.

10 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the Local Planning Authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction at a time to be agreed in writing by the Local Planning Authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum "Very Good" rating anticipated in the preliminary BREEAM assessment submitted with the application.

Reason:- To ensure the development complies with the principles of sustainable development.

11 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate how the applicant will provide, from renewable sources, 10% of the building's total energy demand on land within the control of the applicant. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. No later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the building's energy consumption that has been derived from renewable sources. Thereafter the Energy Statement shall be submitted on an annual basis unless otherwise agreed in writing with the Local Planning Authority.

Reason:- In the interests of sustainable development.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene and impact upon the local pattern of surface water drainage. As such the proposal

complies with Policies GP1, ED6, GP15a) and T4 of the City of York Development Control Local Plan.

## 2. CONTROL OF POLLUTION ACT 1974:-

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

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

Mondays to Fridays 08.00 to 18.00; Saturdays 09.00 to 13.00 ; Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

### **Contact details:**

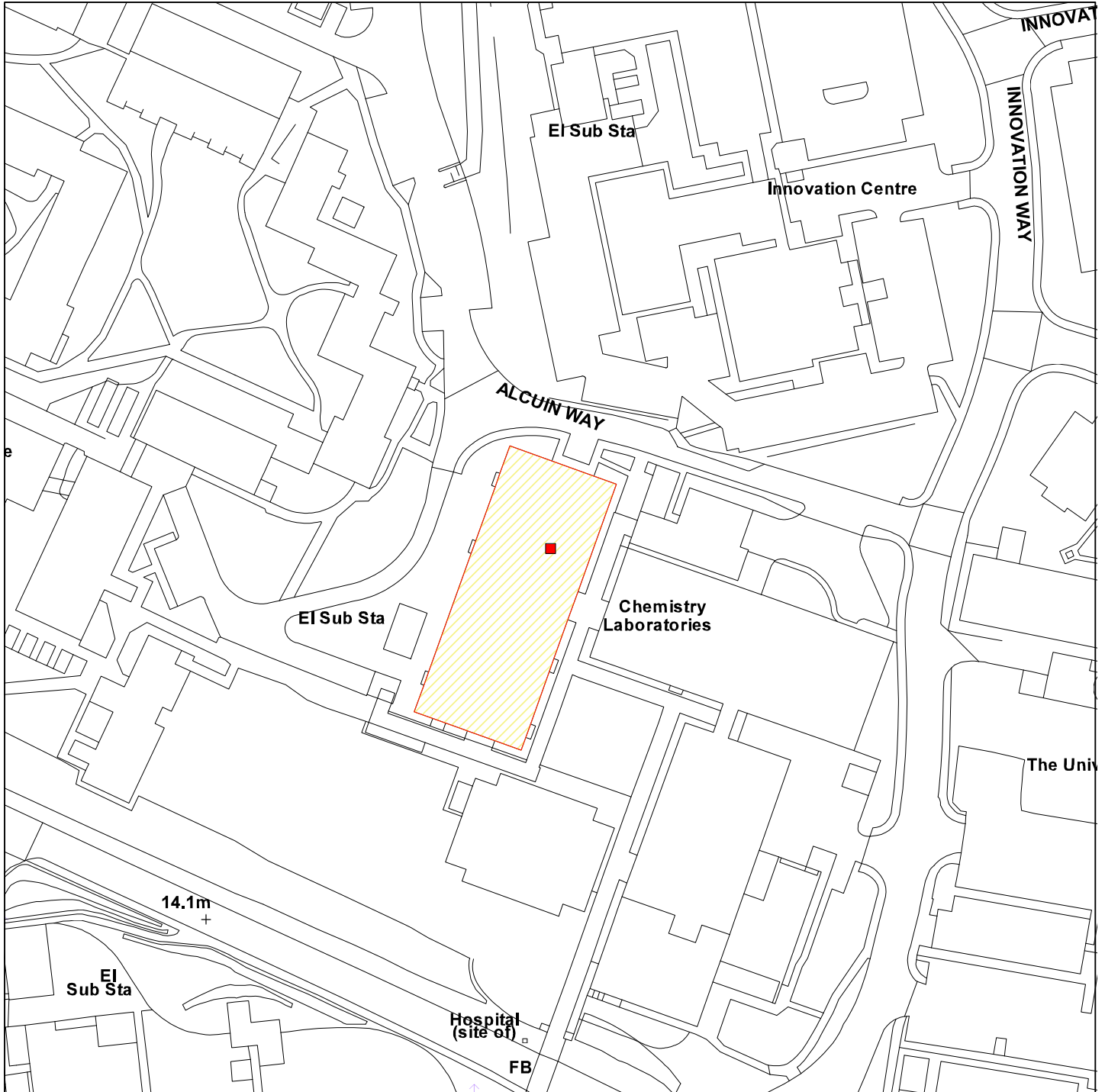
**Author:** Erik Matthews Development Management Officer  
**Tel No:** 01904 551416

# Block C, Chemistry Dept, Alcuin Way

11/03412/FULM



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Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	
<b>Date</b>	23 February 2012
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

**Date:** 8 March 2012      **Ward:** Hull Road  
**Team:** Householder and      **Parish:** Hull Road Planning  
                    Small Scale Team                                      Panel

**Reference:** 12/00091/FUL  
**Application at:** 93 Newland Park Drive York YO10 3HR  
**For:** First floor side and rear extension.  
**By:** Mr D Rose  
**Application Type:** Full Application  
**Target Date:** 15 March 2012  
**Recommendation:** Householder Approval

**1.0 PROPOSAL****THE SITE:**

1.1 The application site consists of a traditional semi – detached, hipped roof dwelling set back from the public highway and positioned within an area of similar property types. The front elevation of the dwelling incorporates projecting bay windows at both ground and first floor levels. The property hosts an attached garage which projects beyond the rear elevation by approximately 2.2 metres and is forward of the principal building line by approximately 700mm designed with a canopy above the up and over garage door and main entrance. The rear garden is of an ample size enclosed by mature hedging exceeding 2 metres in height on the rear boundary and a six foot trestle fence on each side boundary with the incorporation of some established planting.

**THE PROPOSAL:**

1.2 This application seeks planning permission to erect a first floor side and rear extension above the existing garage. The proposal would incorporate a set down from the main ridge by approximately 400mm and would be stepped back from the ground floor by approximately 600mm. The side elevation would have a total depth of approximately 9.0 metres incorporating two first floor rear windows and one additional first floor window on the front elevation. The applicant has shown on the submitted plans (Drwg No 076.001B) that off street parking would be contained on the side driveway and to the front of the dwelling along with the existing garage space for cycles and bin storage.

1.3 A Daylight and Sunlight Assessment has been submitted in order to determine effects of neighbouring over shadowing and loss of light.

REVISED PLANS:

1.4 The original submitted plans (Drwg No076.001) included the conversion of the existing garage into a habitable room, however this was considered unacceptable because this design would remove the only available storage space for cycles and bins at the front of dwelling. There is no access to the rear of the dwelling other than through the main house. A revised plan was submitted (Drwg No076.001 A) showing a cycle store within the front garden. This location could not be supported because of the potential visual intrusion on the street scene. It was also considered that its siting would create a difficulty when manoeuvring into the off street parking place proposed in the front garden. A final revised plan has been submitted 20th February 2012(Drwg No076.001 B) which indicates the garage would remain. This plan is to be used in accordance with application brought to committee.

PROPERTY HISTORY:

1.5 Single storey pitched roof extensions to front and rear and pitched roof to existing garage (ref: 07/01832/FUL) approved 24/09/2007.

1.6 This application has been brought before East Area Planning Sub-Committee by Councillor Barnes on the following issues.

- Representations from residents concerned of impact
- Possible 'terracing' of semi-detached housing
- Lack of amenities available within a HMO
- Lack of parking available for '6' bedrooms within the grounds of property
- Density of development too many bedrooms available within small area of street – thus infrastructure effected in terms of waste, noise, etc.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1-Design

CYH7 - Residential extensions

### **3.0 CONSULTATIONS**

#### 3.1 None

External:

#### 3.2 Hull Road Planning Panel:

Objections received on the following issues:

Overdevelopment with potentially resulting in a 9 bedroom property (1 bed - loft, 5 beds on the first floor and 5 beds on the ground floor.

#### 3.3 Neighbour response from the occupiers of 90 Newland Park Drive objections on the following issues.

- Size and scale would appear oppressive and over bearing when viewed from the front and side for the dwellings at 91 and 95 Newland Park Drive.
- The current infrastructure on Newland Park Drive and Thief Lane is under considerable pressure. The sewerage system has already multiple problems with overflowing into the road.
- Additional on street parking making the road unsafe to cross and drive down in places.

### **4.0 APPRAISAL**

#### 4.1 Key Issues:-

- Impact on street scene-
- Impact on neighbours.

#### THE RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 DRAFT LOCAL PLAN POLICY CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (e) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two/first floor storey side extensions states that two - storey side extensions should be set down from the original roof line and set back behind the building line. Furthermore the scale of the new extension should not dominate the original building resulting in a 'terracing effect' by closing the gap between the application property and neighbouring property.

## VISUAL AMENITY

4.6 In terms of visual amenity the extension would occupy the full width of the driveway up to the site boundary, adjacent to 91 Newland Park Drive. This dwelling has an attached garage and rear extension situated in juxtaposition to the host garage. The submitted drawings show that the proposed extension would be appropriately designed with a set down from the host roof and a set back from the front wall, which provides a visual break in the development in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. As such the extension would appear as a secondary element to the dwelling, thus reducing the impression of terracing within the street. The extension would continue at first floor level beyond the rear elevation into the rear garden by approx 2.3 metres, designed with a further set down from the main ridge, spanning approximately 4.8 metres on the rear elevation situated within an ample sized rear garden. The additional windows at first floor height would follow the similar pattern to the existing window layout serving new bedrooms over looking an ample sized rear garden. On this basis, with the use of matching brick and tiles, the proposal is considered to be of a mass and design that is compatible to the design of the dwelling and immediate surrounding area.

## RESIDENTIAL AMENITY

4.7 The proposed first floor extension would abut the boundary of the adjacent dwelling at no 91 Newland Park Drive, however as previously mentioned this property has a pitched roof garage on the side elevation separating the proposed extension from no 91. On the basis that the size and scale of the single storey extension at no 91 would exceed the length of the existing extension at application site, it is not considered that the proposal would have any significant additional impact on the amount of sunlight entering the adjacent property. No principal rooms or garden areas would be materially affected.

4.8 In terms of the dwelling on the opposite elevation at 95 Newland Park Drive, whilst the rear extension would move closer to shared boundary it would be a distance of approx 5.8 metres from the shared boundary. Therefore, taking in to account the separation distance of the extension and the orientation of the rear gardens, it is not considered that the proposal would overshadow the habitable room windows on the rear elevation of the neighbouring dwelling.

4.9 In terms of the dwellings on the rear boundary on Thief Lane the application site has an ample sized garden providing good separation from these properties and therefore the extension would not significantly harm the outlook or create an over bearing, dominant impact for the residents on the shared boundary. Furthermore notwithstanding this there are already existing rear windows overlooking these properties and gardens so overlooking and privacy issues will be no more harmful than the existing arrangement.

## THIRD PARTY OBJECTIONS:-

### OVERDEVELOPMENT/AMOUNT OF ADDITIONAL BEDROOMS

4.10 The size and scale of the extension would leave an acceptable distance from the main living areas of the adjacent properties and is considered to be subservient within the surrounding area, as such would not constitute as overdevelopment. Furthermore, the amount of bedrooms proposed would allow up to six individuals living together as a single household would not require planning permission (use class C4). Should the property be occupied by more than six people, either now or in the future, and then there is a possibility that the property would fall outside the class C4 and planning permission may then be required. It is considered that this matter can be addressed by means of an informative on the decision notice.

### LACK OF PARKING/ON STREET PARKING

4.11 These concerns raised by the local residents are appreciated in this location, however the proposal conforms to the Council's maximum car parking standards

and therefore no objections could be sustained on these grounds. In addition, there are no car parking restrictions on Newland Park Drive and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass.

## DRAINAGE

4.12 There is no specific evidence that the proposed development would result in drainage problems. The site is not within an area that has been identified as being at risk of flooding. Drainage issues on small scale developments such as this are a matter that would be dealt with under the Building Regulations.

## 5.0 CONCLUSION

5.1 It is considered that the proposal is acceptable in terms of size and scale and would not cause undue harm to the living conditions of nearby neighbours. Thus the proposal would comply with policies H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Drwg No076.001 B

3 VISQ1 Matching materials -

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the proposed ground floor store shall not be externally altered or converted to living accommodation.

Reason: To ensure that there is adequate cycle parking/storage space at the property and any proposals to increase living accommodation can be assessed on their merits.

## 7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

2. Informative:

2. If you intend on existing the existing width of the dropped crossing it is 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:

3. The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or 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).

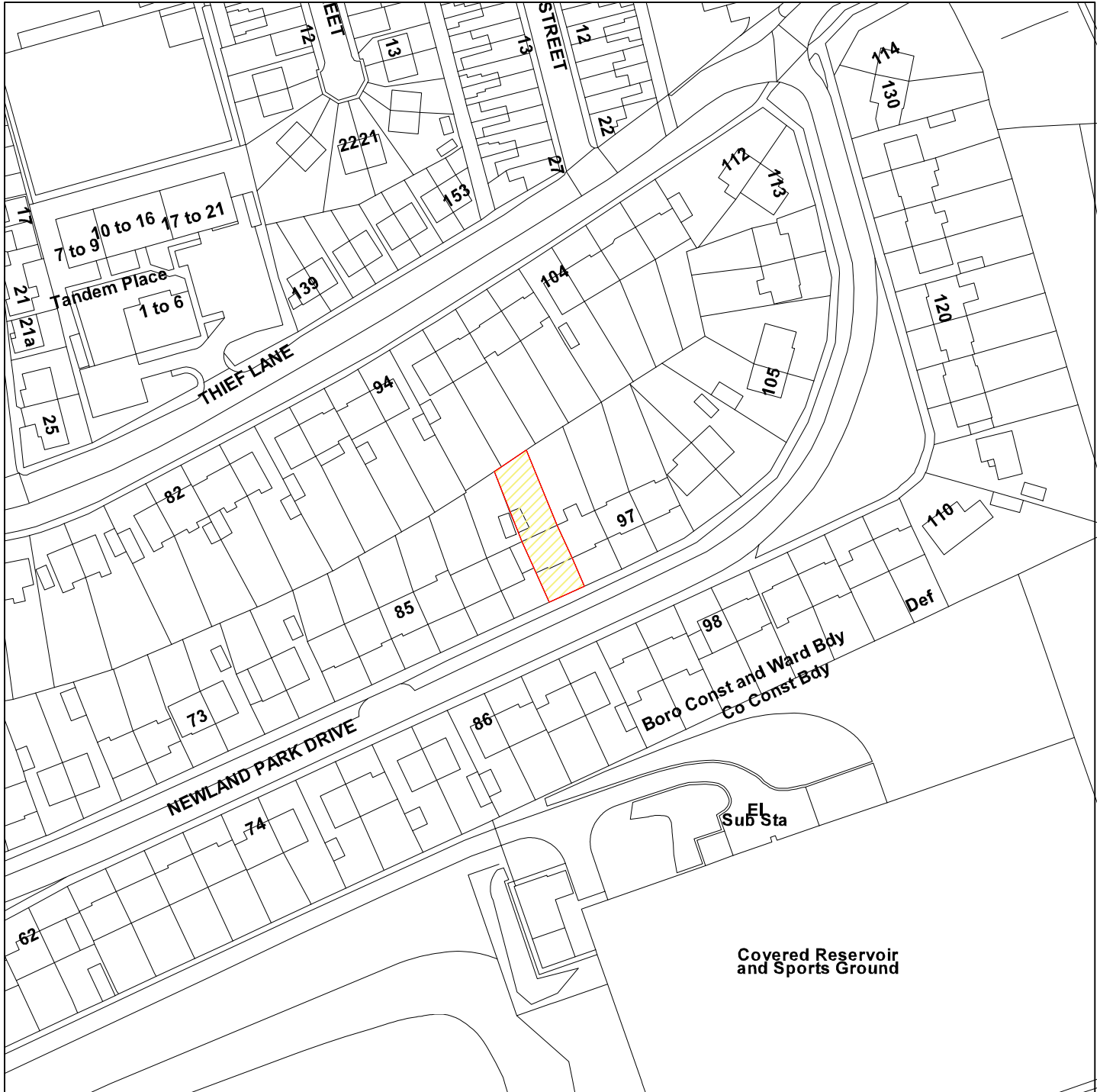
4. It should be noted that the occupation of the property by up to six individuals living together as a single household would currently not require planning permission, as at the date of this permission. However, should the property be occupied by more than six people, either now or in the future (whether as a result of this development or not), then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. In those circumstances further advice should be sought from the Local Planning Authority.

**Contact details:**

**Author:** Sharon Jackson Development Management Assistant  
**Tel No:** 01904 551359

# 12/00091/FUL

## 93 Newland Park Drive



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	27 February 2012
<b>SLA Number</b>	Not Set