

## Notice of meeting of

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

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

**Date:** Thursday, 9 February 2012

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00am on Wednesday 8 February 2012 at Memorial Gardens.**

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

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

#### **2. Minutes (Pages 5 - 22)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 12 January 2012.

#### **3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 8 February 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

#### 4. Plans List

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

a) **Land Adjacent to Northminster Business Park, Wykeham Road, Upper Poppleton, York (12/00024/REMM)** (Pages 23 - 28)

Reserved matters application for details of landscaping and external appearance of proposed two storey building for business use granted under outline permission. *[Rural West York Ward]*

b) **The Little Mill Shop, 20 Shambles, York, YO1 7LZ (11/03428/FUL)** (Pages 29 - 34)

Change of use from retail (use class A1) to mixed use retail and cafe (use class A1 and A3). *[Guildhall Ward]* [Site Visit]

c) **The Little Mill Shop, 20 Shambles, York, YO1 7LZ (11/03429/LBC)** (Pages 35 - 40)

Internal alterations. *[Guildhall Ward]* [Site Visit]

d) **1 Station Road, Upper Poppleton, York, YO26 6PX (11/02886/FUL)** (Pages 41 - 52)

Erection of two detached dwellings and associated driveways and parking following demolition of existing dwelling and outbuildings. *[Rural West York Ward]* [Site Visit]

e) **1 Station Road Upper Poppleton York YO26 6PX (11/02887/CAC)** (Pages 53 - 58)

Demolition of existing dwelling and outbuildings. *[Rural West York Ward]* [ Site Visit]

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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

## **Scrutiny Committees**

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

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

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

**SITE VISITS**

**Wednesday 8 February 2012**

**Members of the sub-committee to  
meet at Memorial Gardens at 11:00am**

<b>TIME</b> (Approx)	<b>SITE</b>	<b>ITEM</b>
11.15	1 Station Road, Upper Poppleton	4d & e
12.00	20 Shambles	4b & c

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	12 JANUARY 2012
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, ORRELL, REID, SEMLYEN AND RICHES (SUBSTITUTE)
APOLOGIES	COUNCILLOR JEFFRIES

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### 35. **DECLARATIONS OF INTEREST**

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

Councillor Gunnell declared a personal and prejudicial interest in plans items 5 a and b (2 St Martins Lane) as the applicant was a councillor who was a personal friend of hers.

All other Members of the committee declared personal, non prejudicial, interests in the same item as the applicant was a serving councillor.

### 36. **EXCLUSION OF PRESS AND PUBLIC**

That members of the press and public be excluded from the meeting during consideration of Annex A to agenda item 7 (Enforcement Cases Update) (Minute 41 refers) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

**37. MINUTES**

RESOLVED: That the minutes of the last meeting of the West and City Centre Area Planning Sub Committee held on 7 December 2011 be approved and signed by the chair as a correct record.

**38. PUBLIC PARTICIPATION**

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

**39. PLANS LIST**

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

**39a 2 St Martins Lane, York, YO1 6LN (11/03037/FUL)**

Members considered a full application from Mr and Mrs P S Healey for the change of use from offices (use class B1) to a residential dwelling (use class C3)

The applicant advised that he was happy to answer any queries Members may have on the application but did not wish to make a statement himself.

Members queried the consultation response received from the public house at 49 Micklegate which drew attention to the fact that the rear of the property was close to an existing outside licensed outside drinking area and asked that this be noted and that future occupants of the property should not be able to complain about noise. Officers advised that no such proviso could be sought through planning control and they had therefore not included it as a condition.

Members agreed that this was a good use of the property and welcomed the fact that it would become a family home again.

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

**REASON:** The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, the supply of office space in the city and residential amenity. As such the proposal complies with Policies HE3, HE4, E3b, H4, and H12 of the City of York Development Control Local Plan.

**39b 2 St Martins Lane, York, YO1 6LN (11/03039/LBC)**

Members considered an application for listed building consent for internal and external alterations including replacement of rear windows and installation of a satellite dish.

Officers advised that at first floor level, the original staircase compartment has been altered and doors re-used in an inserted lobby. They explained that this occurred in two stages; lobby to front rooms, to a high standard, re-using original doors and a later alteration to allow the entire floor to be occupied independently.

They advised that additional conditions had been requested by Design, Conservation & Sustainable Development to cover the following issues.

- Brick samples for the new arches and the boundary walls shall be provided on site and approved by the Local Planning Authority prior to works commencing. New external walls shall match the brickwork of the existing building as closely as possible and have a brick on edge coping. They shall not be “toothed in” to the existing facade.
- Existing historic doors shall be reinstated in original positions, and the design of new doors, used in a primary position, shall match these
- Large scale details of the new external doors & new architraves to internal openings to be approved.

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

Amended Condition 3

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Ground floor french doors and their surrounds.
- b) New architraves to internal openings and any new doors. Existing historic doors shall be reinstated in original positions, and the design of new doors, used in a primary position, shall be to match.
- b) Alterations to stairwell and stairhead to include new balustrade and 2nd floor landing area.
- c) Alterations to chimney breasts and fireplaces.

Reason: To protect the appearance of the listed building.

Additional Condition

A sample panel of the new brickwork shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. New external walls shall match the brickwork of the existing building as closely as possible and have a brick on edge coping. They shall not be toothed in to the existing facade.

Reason: In the interest of the appearance of the listed building.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to special historic and architectural interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**39c Brackenhill, Askham Bryan Lane, Askham Bryan, York, YO23 3QY (11/02881/FUL)**

Members considered a full application from Mr Peter Shipley for a two storey dwelling following demolition of the existing bungalow.

Representations were received from the applicant in support of the application. He explained that since losing his father, his mother had been living in the bungalow alone which he was concerned about as the property was quite isolated at the end of a dead-end lane, where a few years ago there had been reported problems with drugs. He also expressed concerns regarding the overnight security of his business, a vehicle repair business, which was on the site. Furthermore the existing bungalow required a lot of updating. He explained that the proposed property would be large enough to accommodate his family, including two children, as well as his mother, who required a ground floor bedroom as she suffered from osteoarthritis. This would enable him to care for and provide company for his mother as well as ensure that his business was kept secure.

Members drew the applicant's attention to the parish council's consultation response which raised concerns that due to the ground levels, the proposed rendered finish would make the house more prominent in the green belt and suggested that a red brick finish would be more appropriate than render. The applicant confirmed that, if required, he would agree to a red brick finish.

Councillor Paul Healey advised the committee that he had registered to speak at the request of the applicant but that as the applicant had put a good case forward he no longer felt it necessary to speak.

Officers advised Members that their view was that it was inappropriate development in the greenbelt and that if Members were minded to approve the application they would have to show “very special circumstances” and be assured that the proposed scheme was the only way to address the applicant’s needs.

Some Members raised concerns over the design and size of the proposed property stating it was too large an increase in size and the increase in massing was also too big. They believed that it would be possible to achieve a house large enough for the family without such massing. They also raised concerns that the back of the site was very exposed and open to fields and the property would be seen from a great distance. Members suggested the application should be deferred to allow the applicant further time to come back with a more suitable proposal

Other Members acknowledged the importance of the CYC Green Belt policy which follows national guidance but recognised the fact that people have the right to live and work in the green belt. They acknowledged that the proposed property was much bigger than the current bungalow but understood the reasons for this. They noted that the site was well screened by trees and there were no immediate neighbours. They expressed the opinion that the protection of the on-site family business and the need to care of the applicant’s elderly and infirm mother could be considered “very special circumstances” and the proposal could therefore be deemed an appropriate development on the site.

Members considered the request from the parish council for the building to be red brick rather than render and agreed that this would fit in better with the background and that this should be added as a condition if approved.

**RESOLVED:** That the application be approved and delegation be given to officers to agree the necessary conditions.

**REASON:** The proposal is deemed to be inappropriate development in the green belt. However in the opinion of the Local Planning Authority the

applicants have demonstrated very special circumstances which outweigh the harm to the green belt. The special circumstances in this case being to allow the family to live and care for the applicant's mother who currently resides at the property and for improved site security for the business presently in operation on the land to the rear of the house, which is operated by the applicant.

As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GB5 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

**39d Brackenhill, Askham Bryan Lane, Askham Bryan, York, YO23 3QY (11/03035/FUL)**

Members considered a full application for the temporary siting of three residential caravans on the site to provide temporary living accommodation during the rebuilding of the main dwelling (please refer to planning application 11/02881/FUL)

**RESOLVED:** That the application be approved and delegation be given to officers to agree the necessary conditions.

**REASON:** The proposal, subject to the conditions agreed by officers, would not cause undue harm to interests of acknowledged importance, with particular reference to the openness of the green belt. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GP23 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

**39e Catering Support Centre, St Maurices Road, York, YO31 7JA (11/01659/FULM)**

Members considered a major full application (13 weeks) from Mr Saleem Akhtar for a part two, part three storey 12 bedroom hotel with restaurant at ground floor following part demolition of the existing building with cafe use in retained existing building (amended scheme).

Officers advised that English Heritage had submitted an objection to the application on the grounds that it would have severe negative impact on the significance and setting of the city walls and an un-quantified impact on archaeology. They also noted that the development was of excessive scale.

Officers also advised that in response to the consultation, Highways had commented that it would be preferable for the parking to be perpendicular to the road for ease of use and cycle parking spaces should benefit from natural surveillance. They objected to servicing arrangements showing vehicles entering the site from Cloisters Walk.

Two further objections had been received raising concerns regarding the loss of views of and from the city walls pointing out that the walls are of international significance with upmost protection (grade 1 listed and scheduled ancient monument). The objector stated that the scheme would be unacceptable in that it would be detrimental to the setting of the walls and the "Matchbox" type design was unacceptable.

Representations were received from the architect in support of the application. He advised that he had been appointed in December 2010 to put in a revised scheme for the site after the previous scheme had been considered unsatisfactory and withdrawn. He asked that the Committee consider taking the application out of the 13 week timeframe to give him time to deal with the issues which have been raised and to have the opportunity to have structured meetings with English Heritage. He stated the time pressures were too restrictive and asked that Members agree to defer the application in order that a proper field assessment could be carried out and full discussions could take place.

Officers advised the Committee that deferral was an option and confirmed that meetings had taken place but with the previous



architects. In addition pre application advice had been provided in April 2011. However they noted that the reasons for recommending refusal were fundamental issues and therefore were not convinced they could be overcome by deferring the application to a future meeting. They advised that during consideration of the previous scheme, which was withdrawn in September 2010, the applicant had been told a field evaluation would be required and the advice given in April 2011 was that any future re-development will need to have comparable massing to the existing buildings onsite. They advised Members to consider, whether, if deferred, the scheme that would come back to us would be commensurate to what is before members and if not then it would be difficult to justify a deferral. Officers felt any amended scheme would very likely be very different to the scheme here.

Members agreed that this was one of the most difficult sites in the city for development and stressed the importance of deciding whether to accept the principle of development on this site.

Councillor Gilles proposed and Councillor Galvin seconded a motion to defer the application to a future meeting. On being put to the vote, the motion fell.

Councillor Reid then proposed and Councillor Watson seconded a motion to refuse the application. The motion was carried.

Members agreed that the design and scale of the proposed development was inappropriate in the location.

RESOLVED: That the application be refused.

REASON: 1. The proposed development due to its location and height would appear over-dominant over the City Walls and there would be a loss of views of and from the City Walls. The scheme would have an undue adverse impact on the setting of the Grade 1 Listed City Walls. As such the scheme is contrary to national policy established in PPS5, The Central Historic Core Conservation Area Appraisal and Local Plan policies HE2, HE4 and SP3.

2 Due to the design approach, the proposed massing, materials and lack of soft landscaping, the proposed development would fail to respect its context and the proposed building would not be of the adequate architectural quality required to allow the development to preserve the character and appearance of the Central Historic Core Conservation Area. As such the scheme is contrary to national policy established in PPS1 and PPS5, The Central Historic Core Conservation Area Appraisal and Local Plan policies GP1, HE2, HE3, HE4 and SP3.

3 The site is within the City Centre Area of Archaeological Importance. No archaeological field evaluation of the site to support the proposals has been submitted and as such it has not been demonstrated that the scheme would not have an unacceptable impact on archaeological assets of national importance. The scheme is contrary to PPS5, in particular HE6, and Local Plan policy HE10.

4 Due to the proposed servicing arrangements and configuration of the servicing/car parking area, the manoeuvring service vehicles would need to perform would have an undue adverse impact on highway safety. As such the proposals are contrary to Local Plan policy T5.

5 The proposals do not demonstrate that surface water run-off will be attenuated to 70% of the existing rate, and that there would not be an increased level of flood risk elsewhere as a consequence of the proposed development. As such the scheme is contrary to the requirements of the York 2011 Strategic Flood Risk Assessment, policy GP15a of the Local Plan and Planning Policy Statement 25 "Development and Flood Risk".

**39f Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF (11/02637/FULM)**

Members considered a major full application (13 weeks) for the erection of an extension to the building and bedding canopy with associated landscaping following demolition of existing buildings.

Officers advised that the Integrated Strategy Unit had responded to the consultation confirming they had no objections to the scheme. However they advised:

- that very special circumstances should be submitted to overcome the presumption against development in the greenbelt.
- the development should comply with Policy S12 “Garden Centres”
- the supporting information does not provide a breakdown of the % floorspace of the type of goods sold. Request conditions that goods sold are garden related, and any ancillary goods and products should be limited to 15% of the floorspace.
- they do not raise an objection to the retail statement’s conclusion that there would not be a significant impact on trading performance of the city centre.

Officers therefore advised that condition 11 should be revised to include a statement that the goods specified in the condition under subheadings m, o, p, r and t shall collectively be limited to no more than 15% of the internal floorspace of the garden centre building. They also advised that Condition 9 should be amended to correct a typing error and that condition 4 should be revised to refer to a specific area of landscaping. Lastly they requested that an additional condition be added to stipulate that the land to the south of the garden centre (shown in drawing no T657-102) only be used for the growing of plant stock.

Representations were received from the agent in support of the application. He drew Members’ attention to paragraphs 4.8 and 4.9 of the officer’s report providing details of “very special circumstances” which could apply to this application. He explained that the proposals would include the removal of an extensive area of hard standing in the car park which would be replaced by landscaping which would have a positive visual impact. He advised that the vacant land to the

south of the building would be restored to nursery use and the plants would be sold in the garden centre and that there would be public access to the plant nursery for training and apprenticeships. There would be an increase in jobs.

Members questioned whether there would be any external lighting as part of the scheme and the speaker advised there were no significant proposals. Members pointed out that it was a large site, situated on an A road at a junction and asked that a condition be included to cover this.

Members welcomed the proposals and the tidying up of the land, including increased landscaping, around the garden centre.

RESOLVED: That the application be approved, subject to the conditions listed in the report and the amended and additional conditions below, after referral to the Secretary of State.

Amended Condition 4

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme *for the area of landscaping shown on Drawing Number T657-102 adjacent to the road junction of the A59 and Northfield Lane* which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

Amended Condition 9

No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, or overnight/weekend storage of vehicles or any other item shall be stacked or stored outside of the 'goods in' area as specified in drawing number T657-120 without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity in this prominent open countryside and Green Belt location.

Amended Condition 11

Sales from the garden centre shall be limited to the following goods, products and services:

- (a) goods and services related to gardens and gardening,
- (b) horticultural products, trees, plants, shrubs, house plants and flowers of any type including fresh and dried flowers,
- (c) garden and gardening equipment, tools and accessories,
- (d) machinery for garden use and servicing of it,
- (e) barbeques and their accessories,
- (f) conservatories,
- (g) outdoor and conservatory furniture, furnishings and accessories,
- (h) sheds, garden buildings, greenhouses, summerhouses, gazebos, pergolas, garden offices,
- (i) ponds and materials and fittings for their servicing,
- (j) fencing, trellis and landscaping materials,
- (k) aquatics, water garden equipment and their accessories,
- (l) garden ornaments and statuary, baskets and other containers for the growing and

- display of indoor and outdoor plants and flowers,
- (m) books, magazines, periodicals, videos and CD and DVDs relating to gardening,
- (n) pets, pet accessories, pet care and advice,
- (o) indoor and outdoor hobbies, toys, games, crafts and garden play equipment,
- (p) baskets, wickerwork and country crafts,
- (q) Christmas trees (live and artificial) decorations, gifts,
- (r) china, glass, vases and pots,
- (s) soft furnishing associated with garden and conservatory furniture,
- (t) outdoor clothing and footwear, including wellington boots, garden aprons and smocks, gardening boots and clogs, gardening gloves, gardening hats, gardening rainproofs and gardening overalls,
- (u) restaurant/coffee shop

*The goods specified above as M, O, P, R, and T shall collectively be limited to no more than 15% of the internal total floorspace of the garden centre building.*

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

Additional Condition

The land to the south of the garden centre shown in Drawing Number T657-102 to be used for the growing of plant stock shall be used for this purpose only.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities conducted from the site and to ensure the protection of the vitality

and viability of the surrounding urban centres in accordance with the objectives of PPS4 'Planning for Sustainable Economic Growth'. To comply with the applicant's statement of very special circumstances and to comply with PPG2 'Greenbelts' and Policy GB1 of the City of York Development Control Local Plan.

Additional Condition

Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination. In the interests of the visual amenity of the greenbelt and the rural location and to protect the character of the area.

REASON: The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and the openness and purposes of the green belt. As such, the proposal complies with Policies SP2, GP1, SP6, GP4a, GB1, T13a, Gp15a, and GP4a of the City of York Development Control Local Plan (2005); Policy CS1 of the emerging City of York Core Strategy; national planning guidance contained in Planning Policy Statement 1 'Delivering Sustainable Development', and Planning Policy Guidance 2 - 'Green Belts'.

**40. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Consideration was given to a report, which was also being presented to the main Planning Committee and East Area Planning Sub-Committee informing Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 30 September 2011. The report also provided a summary of the salient points from the appeals determined in that period together with a list of outstanding appeals as at 22 December 2011.

Officers drew Members attention to an error in the report, on p74 regarding an appeal by RWG Securities. They advised that the decision level is stated as DEL (delegated to officers) but this application was actually decided by the sub-committee.

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

**REASON:** To update Members on appeal decisions within the City of York Council area and inform them of the planning issues surrounding each case for future reference in determining planning applications.

**41. ENFORCEMENT CASES UPDATE**

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

Officers advised that they could, if desired, provide the information on enforcement cases on a ward by ward basis which would make it easier for Members to check on cases in their own ward. Members agreed this would be useful to them and that they were happy to receive the information in this format in future.

**RESOLVED:** (i) That the report be noted.

(ii) That in future, the enforcement cases be listed by ward.



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

Councillor B Watson, Chair  
[The meeting started at 3.00 pm and finished at 4.55 pm].

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**COMMITTEE REPORT**

**Date:** 9 February 2012      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Parish Of Rufforth With  
Commercial Team      Knapton

**Reference:** 12/00024/REMM  
**Application at:** Land Adjacent To Northminster Business Park Wykeham  
Road Upper Poppleton York  
**For:** Reserved matters application for details of landscaping and  
external appearance of proposed two storey building for  
business use granted under outline permission.  
09/02291/OUTM  
**By:** Mr George Burgess  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 19 April 2012  
**Recommendation:** Delegated Authority to Approve

**1.0 PROPOSAL**

1.1 The application relates to land to the south of the existing Northminster Business Park site. The site is designated in the local plan as safeguarded land and within the green belt.

1.2 In March 2010 Members agreed to grant outline planning permission for a new headquarters for Measurement Devices Limited (MDL), to be used for research and development, light industry and offices (administration, sales and marketing) at the site - application 09/02291/OUTM.

1.3 The outline permission included the details of the site access and layout and the scale of the building. This application covers the remaining reserved matters - appearance and landscaping.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

York North West Boundary GMS Constraints: York North West Boundary CONF

## 2.2 Policies:

CYNE1 Trees, woodlands, hedgerows  
CYNE7 Habitat protection and creation  
CYGP1 Design  
CYGP9 Landscaping

## 3.0 CONSULTATIONS

### Design, Conservation and Sustainable Development

3.1 Landscape officers to comment. Committee to be updated.

### Publicity

3.2 The deadline for public consultation is 14.2.2012. Committee will be updated accordingly.

## 4.0 APPRAISAL

### Key issues

4.1 The application deals with the appearance of the building and the site landscaping. As such key issues are the Visual impact of the proposed building and whether the landscaping is appropriate, in terms of visual amenity and also biodiversity.

### Policy

4.2 Local Plan Policy GP1: Design requires that development proposals respect or enhance the local environment; considering design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials, and avoiding the loss of vegetation and other features which contribute to the quality of the local environment.

4.3 GP9: Landscaping states that where appropriate proposals incorporate a landscaping scheme and this should be integral to the proposal. Policy NE1 states that trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by refusing proposals which will result in their loss or damage. Policy NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In

new developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme.

### Building design

4.4 The proposed building retains the footprint and height specified in the outline application. The building would be 2-storey with an additional room on the roof for laser testing. There would be a flat roof which would accommodate PV panels concealed behind a parapet. The elevational treatment would be a mix of buff brickwork, which is typical on buildings throughout the business park, and silver/grey metal cladding. The materials will be subject to agreement of final samples. Potentially the materials would be suitable; a silver/grey colouring could compliment, and blend in with the trees that align the east boundary, along Northfield Lane.

### Landscaping

4.5 The landscaping approach would be for planting (hedge, grass and flowering lawn) and occasional trees spaced at the periphery of the site. The planting is intended to increase the ecological value of the site. Comments from the Council's Landscape officers will be provided at Committee.

4.6 Cycle parking will be located towards the front of the site. It was previously at the rear, by the deliveries area. The revised location is preferred, being safer and more convenient.

## **5.0 CONCLUSION**

5.1 The building design and footprint/volume remains as was proposed at the outline stage. The building is functional and the indicative materials suggest the building will be able to reasonably blend in with its surroundings. The aspiration of the landscaping scheme is to increase the ecological value of the site using a mix of plant species. This is welcome, although detailed comments from officers are awaited, and committee will be updated accordingly.

5.2 Authorisation is sought for officers to approve the application under delegated powers after the expiry of the public consultation period.

## **6.0 RECOMMENDATION:** Delegated Authority to Approve

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

Site plan: A863.2009.05 B

Building floor plans and elevations: A863.2009.03 E

Landscape plan: Popplewells drawing 2175/4

URS / Scott Wilson Ecology report and biodiversity management plan dated January 2012

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

2 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external metal cladding 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, and so the building does not appear unduly prominent in its green belt location.

3 A detailed hard landscaping scheme shall be submitted and approved in writing by the Local Planning Authority prior to development commencing and the development carried out in accordance with the approved details. The scheme shall include surfacing materials, including demarcation of pedestrian routes.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity and biodiversity. As such the proposal complies with Policies GP1, GP9, NE1 and NE7 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

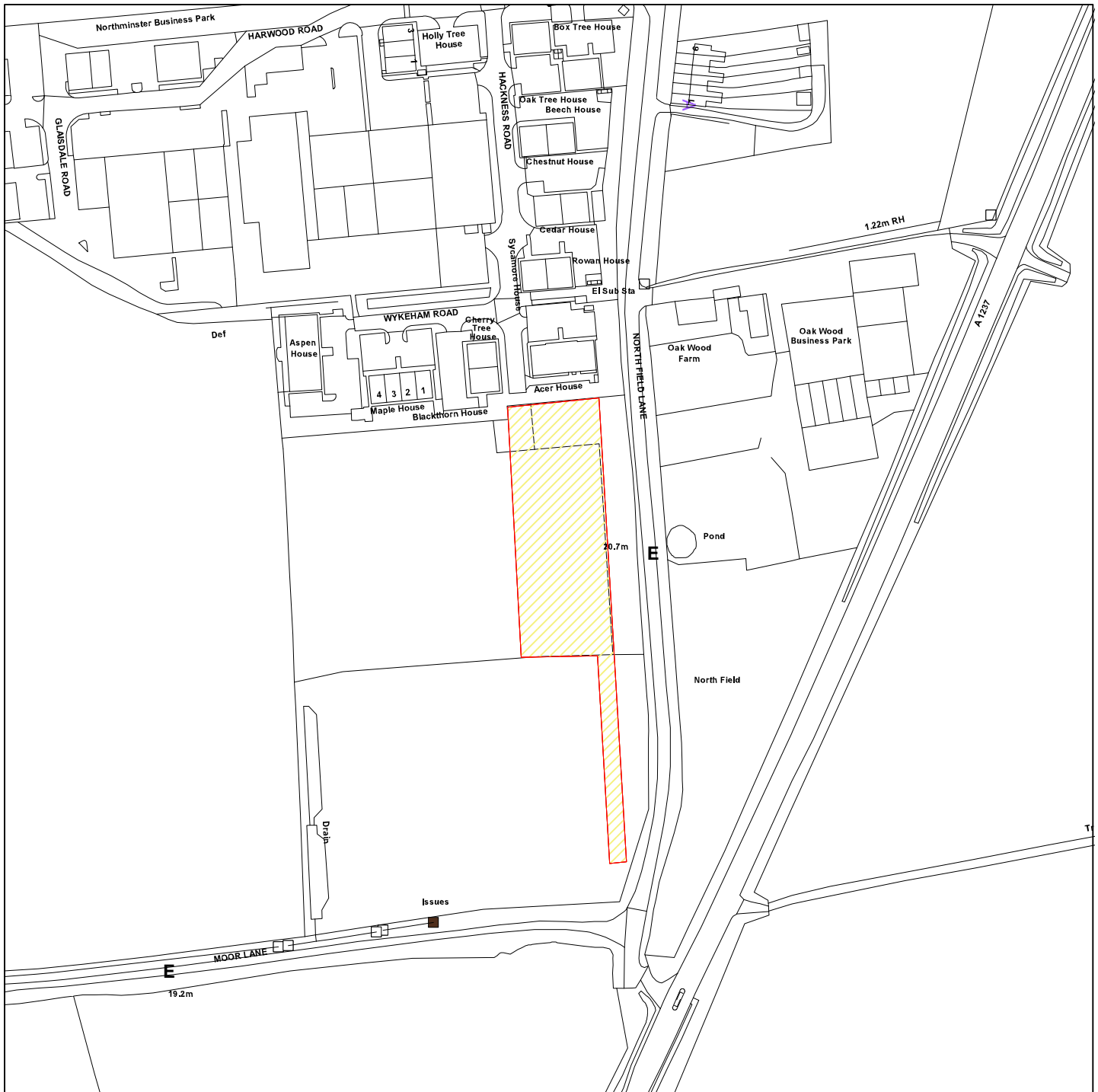
**Tel No:** 01904 551323

# 12/00024/REMM

## Land Adjacent to Northminster Business Park



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

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**COMMITTEE REPORT**

**Date:** 9 February 2012      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 11/03428/FUL  
**Application at:** The Little Mill Shop 20 Shambles York YO1 7LZ  
**For:** Change of use from retail (use class A1) to mixed use retail and cafe (use class A1 and A3).  
**By:** Miss Katie Pask  
**Application Type:** Full Application  
**Target Date:** 13 March 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application relates to 20 Shambles which is a grade 2 listed building of C18 origin. The building was originally a house; it is 3-storey with basement and has a rear extension added in the 1970's. The Shambles is a protected primary shopping street in the Local Plan.

1.2 The premises was last in retail use, with a storeroom on the top floor. The application is to allow a mixed use, with retail at ground floor level, with a cafe on the first floor, and front room on the top floor. The main retail offer would be furniture, arts, crafts, home goods and baking and the intention is that there would be a connection between the decor, the retail and cafe uses.

1.3 On the second floor it is proposed to add a second w/c in the back room using existing soil pipes etc and there would be a kitchen/preparation area, with a dishwasher and sink installed. There would not be sales of hot food and no cooking equipment/ventilation would be required. The companion application for listed building consent is 11/03429/LBC.

1.4 The applications come to committee as the applicants are council employees.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area  
Conservation Area GMS Constraints: Central Historic Core  
Listed Buildings: Grade 2;19, 20 & 21 Shambles York

## 2.2 Policies:

CYS4	Protected primary shopping streets
CYS6	Control of food and drink (A3) uses
CYHE3	Conservation Areas
CYHE4	Listed Buildings

## 3.0 CONSULTATIONS

### Guildhall Planning Panel

3.1 Any comments will be reported verbally at the meeting.

### Publicity

3.2 An objection has been made from the Council's Property Services Section. Although this is not a Council owned building there is concern that the proposed cafe conflicts with Local Plan policy S4 which requires only retail uses in the Shambles. The scheme would conflict with the manner in which the Council have managed their premises within the street. At least 2 premises have been asked to remove tables and chairs from customer areas, and seating is avoided also in the interests of fire safety. Officers are concerned that allowing this application would set a precedent, and lead to further demand to diversify premises in the street.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Impact on the primary shopping character of the street
- Impacts on the listed building
- Amenity of surrounding occupants

### Impact on the primary shopping character of the street

4.2 Policy S4 of the Local Plan explicitly states that non-retail uses will not be granted in the street. This is because the Shambles is deemed to be of unique character and appearance, with many speciality shops, which contribute to this character.

4.3 The proposed use would be a mix of retail and cafe. The ground floor area would be dedicated to retail sales. Although the use would be mixed, the applicants in this case have demonstrated that the intended use would allow full enjoyment of the listed building and have a unique character which would fit with the desired character of the street, which contains independent/speciality shops. Retail use only at the ground floor could be secured through condition. This would be consistent

with the approach taken at other premises at Shambles and Stonegate where policy S4 applies and cafe areas have been allowed on the upper floor(s) of buildings.

#### Amenity of surrounding occupants

4.4 Policy S6 applies when a change of use to cafe is proposed. The scheme does not conflict with S6 as it is not proposed to cook food on-site, and thus there would not be cooking smells or odour that would affect amenity. Proposed opening hours are between 10:00 and 18:00, which would not lead to disturbance in a commercial street. Given the proposed cafe on the upper floors it is deemed reasonable, in the interests of amenity, to restrict the opening hours to between 07:00 and 23:00.

#### Impacts on the listed building

4.5 Policy HE4 of the Local Plan seeks to avoid harm to the historic and architectural interest of listed buildings. National policy within PPS5 advises that alterations to listed buildings must be justified and any harmful alterations may only be permitted where there are 'heritage benefits' which outweigh the identified harm.

4.6 Overall the scheme would be welcome in that it would bring the building into full use and make it accessible to the public. Such changes are recognised heritage benefits, they are in the interests of the viability and health of the building, and enhance the public's enjoyment of the space.

4.7 Only minor works are required to install kitchen appliances and a further w/c in areas already affected by such C20 installations. These works are justified, to provide desirable modern facilities in the building, and there would be no undue impact on historic fabric.

### **5.0 CONCLUSION**

5.1 The proposed use is deemed to be acceptable as although it would not retain the building entirely in retail use, the mixed use would fit with the independent and speciality nature that epitomises the character of the street, which Local Plan policy S4 seeks to preserve and enhance, and the historic character of the building would not be unduly harmed.

5.2 Conditions are recommended to ensure the retail space is retained at ground floor level and that no cooking or processing of food on-site that would necessitate the need for any extraction/ventilation equipment occurs. The opening hours will also be restricted.

5.3 The statutory publicity period ends on 15 February 2012 and authority is sought from Members to approve the application at the end of the period. If any objections are received approval would be in consultation with the Chair and Vice-Chair.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved Plans - drawing P2, revised on 25.1.2012

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

3 The ground floor of the premises shall not be used for cafe or restaurant use.

Reason: For the avoidance of doubt and to ensure that the development maintains the retail character of the Shambles, in accordance with Local Plan policy S4: Protected Primary Shopping Streets.

4 There shall be no primary cooking or preparation of food on-site that would lead to the requirement for any kitchen extraction or ventilation outlets.

Reason: To protect the retail character of the street and to avoid an adverse impact on the historic and architectural importance of the listed building.

5 The premises shall only operate between the hours of 07:00 and 23:00 each day of the week.

Reason: In the interests of the amenities of surrounding occupants, given that it is proposed to have a cafe on the upper floors.

### 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 unique historic and retail character of the street, amenity and the architectural and historic importance of the listed building. As such the proposal complies with Policies S4, S6 and HE4 of the City of York Development Control Local Plan.

#### Contact details:

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

Application Reference Number: 11/03428/FUL

Item No: 4b

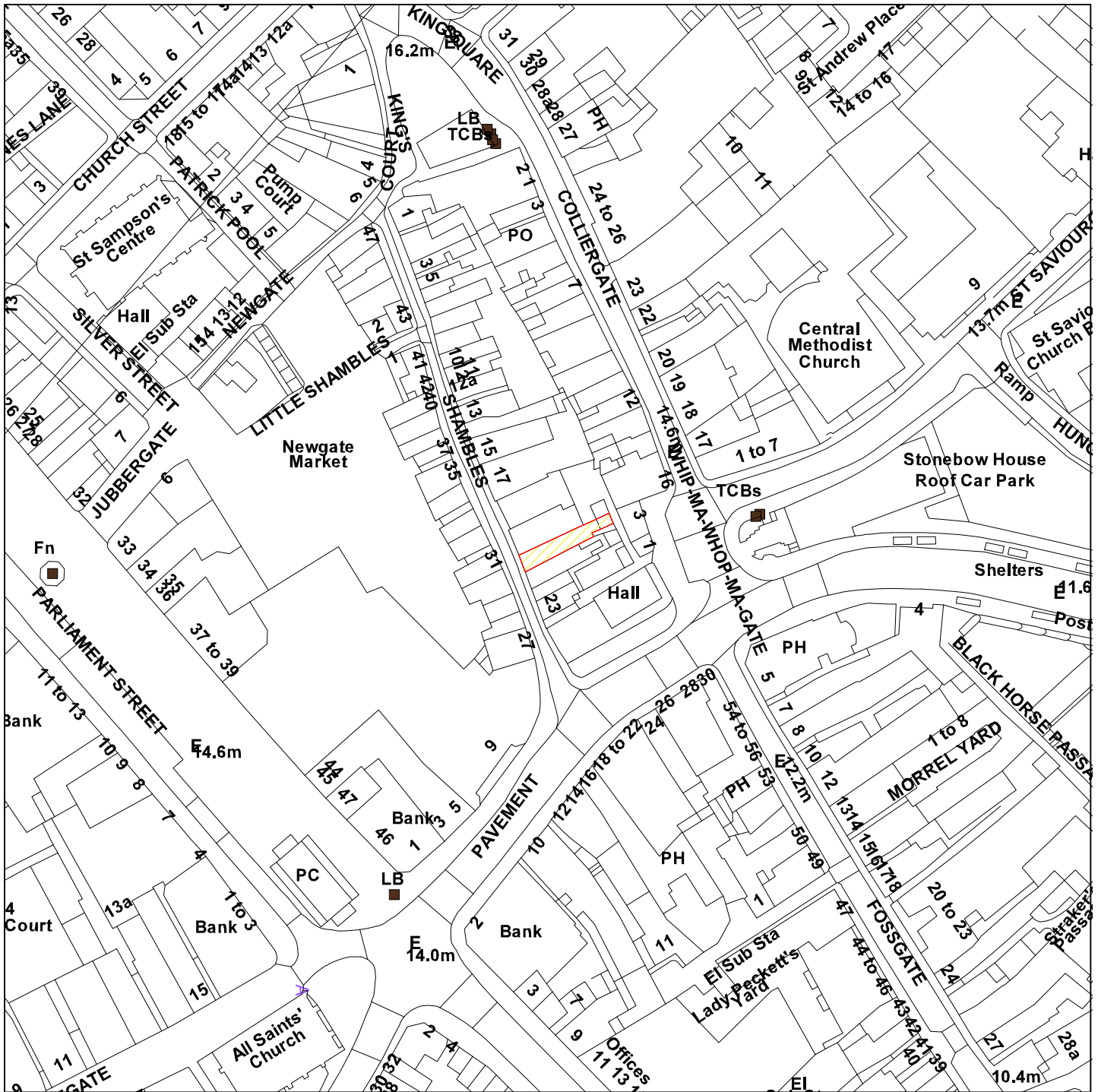
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11/03428/FUL

The Little Mill Shop, 20 Shambles



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

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**COMMITTEE REPORT**

**Date:** 9 February 2012      **Ward:** Guildhall  
**Team:** Major                      and **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 11/03429/LBC  
**Application at:** The Little Mill Shop 20 Shambles York YO1 7LZ  
**For:** Internal alterations  
**By:** Miss Katie Pask  
**Application Type:** Listed Building Consent  
**Target Date:** 24 February 2012  
**Recommendation:** Delegated Authority to Approve

**1.0 PROPOSAL**

1.1 The application relates to 20 Shambles which is a grade 2 listed building of C18 origin. The building was originally a house; it is 3-storey with basement and has a rear extension dating from the 1970's.

1.2 The premises was last in retail use, with a storeroom on the top floor. Planning permission is currently sought for a change of use, to allow the site in part to be used as a cafe (11/03428/FUL). This listed building consent application is to install an additional w/c on the top floor level, in the back room, and upgrade the kitchen preparation facilities on the first floor, in the back room. There would be a second w/c enclosed by partition walls, using the existing soil pipes etc. The kitchen/preparation area would require the necessary plumbing to allow installation of a dishwasher and sink.

1.3 The applications come to committee as the applicants are council employees.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 19 Shambles York 0725

Listed Buildings GMS Constraints: Grade 2; 20 Shambles York YO1 2LZ 0726

Listed Buildings GMS Constraints: Grade 2; 21 Shambles York YO1 2LZ 0727

2.2 Policies:

CYHE4 Listed Buildings

### **3.0 CONSULTATIONS**

#### Design, Conservation and Sustainable Development

3.1 The additional toilet cubicle can be supported in this location as it is additive and does not harm fabric of special interest. Interior features of interested on 1st and 2nd noted in the list description appear to be unaffected by the proposals. Officers advise that advice should be sought on whether the intensification of use of the upper floors requires provision of protected escape routes. These issues should be addressed prior to the determination of the application.

#### Publicity

3.2 Deadline for comments is 15.2.2012; any comment received will be reported verbally.

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Impact on the special historic and architectural interest of the listed building.

#### Policy

4.2 Policy HE4 of the Local Plan seeks to avoid harm to the historic and architectural interest of listed buildings. National policy within PPS5 advises that alterations to listed buildings must be justified and any harmful alterations may only be permitted where there are 'heritage benefits' which outweigh the identified harm.

#### Assessment

4.3 There is an existing w/c in the back room at the top floor level. It is proposed to insert a partition in this area and add a second w/c. This alteration would not affect the historic layout or fabric of the building and is therefore acceptable.

4.4 The kitchen preparation area will also be in the back room, though at first floor level. This area has been altered in the past to accommodate kitchen equipment and toilets. Details of the proposed interventions in the historic fabric can be agreed to through an appropriate condition, to avoid harm to the building's condition and appearance.

4.5 At the time of writing it is unclear as to what works may be required under the Building Regulations to accommodate the proposed use on the upper floors and any possible implications for the listed building (eg emergency lighting provision, smoke



detection, occupancy figures and details of fire protection to existing doors). Sub-committee will be updated at the meeting.

## **5.0 CONCLUSION**

5.1 Conditions are required to detail the proposed installation and details of required ductwork and any ventilation. As the works proposed are at the rear of the building, and in areas already altered, there would not be an undue impact on the listed building. Approval is recommended.

5.2 The statutory publicity period ends on 15 February 2012 and authority is sought from Members to approve the application at the end of the period. If any objections are received approval would be in consultation with the Chair and Vice-Chair.

## **6.0 RECOMMENDATION: Delegated Authority to Approve**

1 TIMEL2 Development start within 3 yrs (LBC/CAC) -

2 PLANS1 Approved plans -

3 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Any new ductwork and associated cabling required in installation with the w/c and kitchen equipment which affects historic fabric.
- b) Any required ventilation and soil pipes.

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

## **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 historic and architectural interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

Application Reference Number: 11/03429/LBC

Item No: 4c

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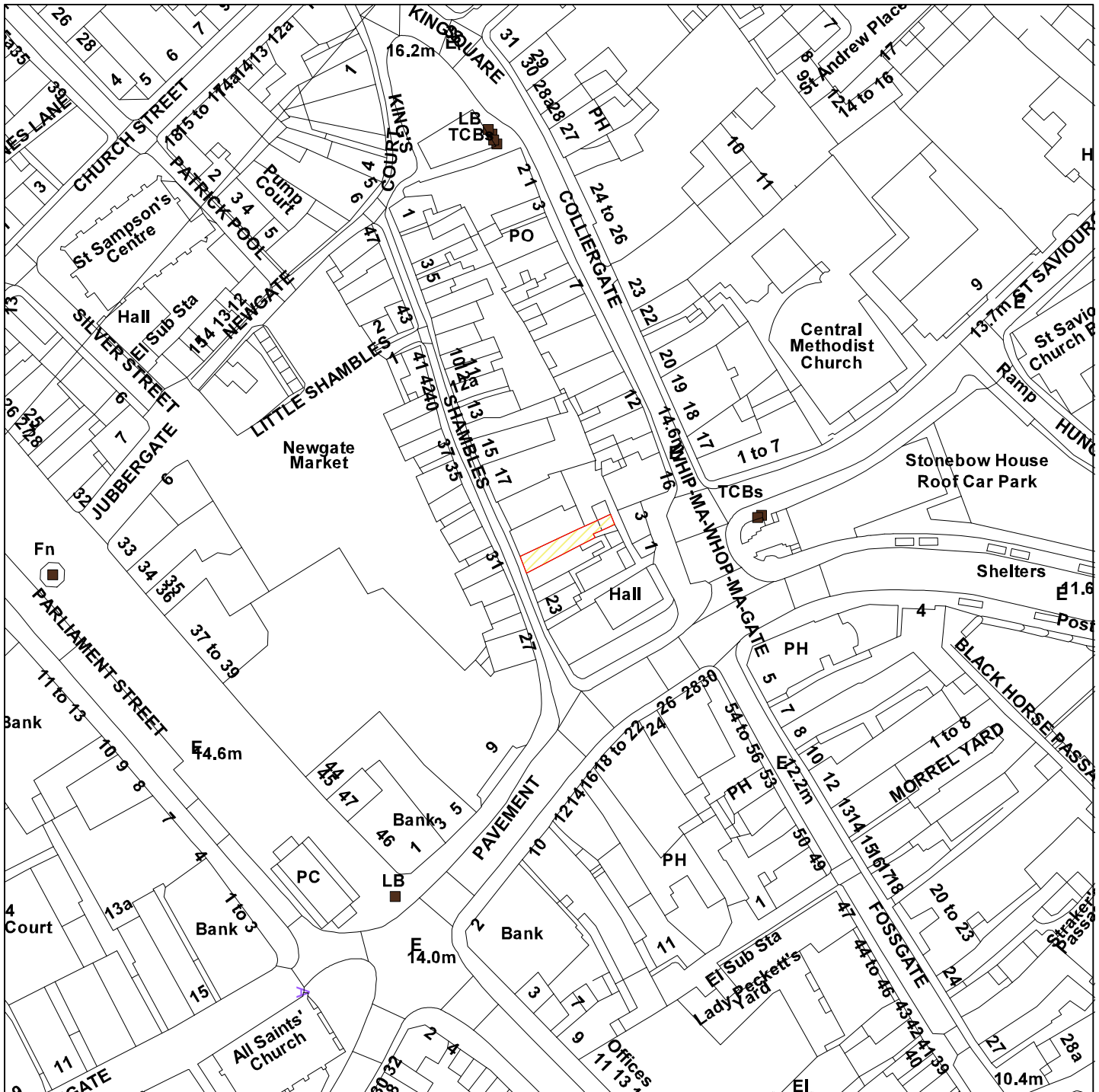
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# 11/03429/LBC

## The Little Mill Shop, 20 Shambles



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

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**COMMITTEE REPORT**

**Date:** 9 February 2012      **Ward:** Rural West York  
**Team:** Major and      **Parish:** Upper Poppleton Parish  
Commercial Team      Council

**Reference:** 11/02886/FUL  
**Application at:** 1 Station Road Upper Poppleton York YO26 6PX  
**For:** Erection of two detached dwellings and associated driveways and parking following demolition of existing dwelling and outbuildings  
**By:** Mr D Wilson  
**Application Type:** Full Application  
**Target Date:** 26 December 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 No. 1 Station Road comprises a detached three bedroom brick built bungalow circa 1930 lying in substantial grounds at the junction of Station Road and Long Ridge Lane, Upper Poppleton. The property is substantially derelict and planning permission is currently sought for the erection of two detached dwellings on the cleared site, one detached two storey property with five bedrooms and one detached four bedroom dormer bungalow. The site lies within the Upper Poppleton Conservation Area and a parallel application for Conservation Area Consent has been submitted at the same time ref:-11/02886/FUL.

1.2 The application is reported to Sub-committee at the request of Councillor Gillies because of the potential impact on neighbouring dwellings and the Long Ridge Lane/Station Road junction.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Upper Poppleton CONF

2.2 Policies:

CYNE6 Species protected by law  
CYH2A Affordable Housing  
CYGP1 Design  
CYGP4A Sustainability

CGP15A Development and Flood Risk  
CYHE2 Development in historic locations  
CYL1C Provision of New Open Space in Development  
CYH4A Housing Windfalls

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission being accompanied by an informative in relation to the Control of Pollution Act 1974.

3.2 Highway Network Management raise no objection in principle to the proposal but wish to see the internal layout of the site revised to ensure that vehicles can turn within the site and then leave in a forward gear. The application details have subsequently been revised to enable this to take place.

3.3 Lifelong Learning and Leisure raise no objection to the proposal subject to a commuted payment being made in lieu of the provision of open space on site.

3.4 Design, Conservation and Sustainable Development raise no objection in respect of the impact of the proposal upon the character and appearance of the Conservation Area, though initially expressed concern in respect of the potential impact of the proposal upon local bat habitat. Further survey work of the site has subsequently been undertaken and no objection has now been offered in respect of the proposal.

3.5 Structures and Drainage Engineering Consultancy object to the proposal on the grounds of insufficient information being submitted in respect of the proposed mode of surface water disposal at the site.

#### **EXTERNAL:-**

3.6 Ainsty Internal Drainage Board raise no objection to the proposal subject to any permission being subject to a condition requiring further approval of the arrangements for surface water disposal at the site.

3.7 English Heritage do not wish to offer any comments in respect of the impact of the proposal upon the Upper Poppleton Conservation Area.

3.8 Upper Poppleton Parish Council object to the proposal on the grounds that it would represent over-development of the site and create an access point in close proximity to a busy road junction and bus stop.

3.9 Four letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- Concern at the impact of the proposal upon the character and appearance of the Conservation Area;
- Concern that the proposal would represent an over-development of the application site;
- Concern that the access/egress from the application site would cause a significant hazard to the free flow of traffic in the locality;
- Concern that the proposal would lead to the loss of an area of landscaping of significant townscape value;
- Concern that the existing mature landscaping at the property boundary should be properly managed;
- Concern at the impact of the construction process upon the residential amenity of neighbouring properties.

#### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 Key considerations include:

- Impact upon the character and appearance of the Conservation Area;
- Potential over development of the application site;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the potential habitat of a protected species;
- Impact upon the safe and free flow of traffic within the surrounding area.

#### Impact upon the character and appearance of the conservation area

4.2 Policy HE2 of the York Development Control Local Plan sets a firm policy presumption that new development within or adjoining Conservation Areas should respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will also be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Upper Poppleton Conservation Area is defined by the two Village Greens and the vernacular buildings surrounding them together with the landscaped approaches with steadily widening verges and individual mature trees of significant townscape merit. The current proposal envisages the demolition of the current property, which as a result of its structural state, detracts significantly from the character and appearance of the Conservation Area, and the erection of two detached properties on the cleared site. The principal contribution of the area to the character and appearance of the Conservation Area lies in the treatment of the southern approach

to the main Village Green. Most of the adjacent properties are of early 20th Century construction and there is no established theme in terms of scale or massing. A light red brick with a pantile roof is however the most common treatment in terms of materials.

4.3 The Poppleton Village Design Statement has been adopted as Supplementary Planning Guidance in respect of development proposals within both Nether and Upper Poppleton. This sets out clear guidance in respect of how new development should relate to its wider context in terms of scale, massing, palette of materials and also plot coverage. Guideline 13 specifically indicates that new development should be mixed, with a variety of design, type, size, scale and materials to uphold the present juxtaposition of differing periods of development within the village.

4.4 Of the two proposed properties the larger two storey detached dwelling would be accessed from Station Road and the smaller dormer bungalow from Longridge Lane. The existing mature landscaping along the frontages to Station Road and Longridge Lane would be retained with the exception of a Leylandi on the Longridge Lane frontage which would be removed to allow the formation of the vehicular access to the bungalow property. The existing conifer hedge along the boundary with the adjacent property on Station Road would also be removed.

4.5 In the case of the two storey detached property which has the clearest relationship with the Conservation Area, a mid-red facing brick with artstone detailing and a pitched slate roof would be adopted with an Edwardian style bay window facing on to Station Road. In terms of its scale, massing and relationship to site boundaries it would closely reflect other properties in the direct vicinity notably in Longridge Lane.

4.6 In terms of the bungalow property, a mid red facing brick with a pitched slate roof and upvc rain water goods would be adopted. In terms of scale, massing and relationship to the street frontage the property would closely reflect that of other properties along Longridge Lane to which it would be most closely associated visually. Taken together it is felt that the proposals would have a broadly positive impact upon the Conservation Area and that the terms of Policy HE2 of the Draft Local Plan would thus be complied with.

#### Possible over-development of the application site

4.7 Policy H4a) of the York Development Control Local Plan sets a firm policy presumption in favour of proposals for new residential development on unallocated sites where the site is vacant, derelict or otherwise underused and it is of an appropriate scale and density to surrounding development . The current proposal envisages the construction of two properties within the cleared site of an existing bungalow. The two properties at their closest point would be some 6 metres apart. Whilst close in terms of physical proximity such a relationship is characteristic of the



surrounding area and it is not felt that the proposal would be over development of the existing plot.

Impact upon residential amenity of neighbouring properties

4.8 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of development proposals which respect or enhance the local environment, are 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 and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or are dominated by overbearing structures.

4.9 The current proposal envisages the erection of two properties, one a substantial two storey detached house, the other a detached dormer bungalow on the cleared site of the existing property which has fallen into a state of disrepair. The two properties would lie in close proximity to one another, some six metres apart at their closest point. No 3 Station Road is the closest residential property outside of the site, to the south west at a distance of some 4 metres. There would however be no overlooking of the adjacent property or its garden from the principal living areas of either plot. The boundary between the two plots would be formed by a two metre high close boarded timber fence which would minimise any intervisibility between the two properties. The principal living areas of both properties have been designed to face outward towards Station Road and Longridge Lane with mature landscaping at the street frontage giving some degree of shelter from other residential properties further afield. There would be some degree of over-looking of plot 2 from the rear of plot 1 however this would be minimised by the location of the building within plot 2 and the location of the boundary fence and is therefore felt to be acceptable. Overall it is felt that the terms of Policy GP1 of the Draft Local Plan have been complied with.

Impact upon the potential habitat of a protected species

4.10 Policy NE6 of the York Development Control Local Plan sets a firm policy presumption that where a proposal may have a significant effect on a protected species or their habitat then applicant's will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be forthcoming for development that would not cause demonstrable harm to animal or plant species protected by law or their habitats. Concern was initially expressed that the derelict property on the site had become a bat roost. However, further survey work has established this to be unlikely in view of its severe state of disrepair. It is therefore felt that providing any approval is conditioned to require mitigation measures for the eventuality that bats are unexpectedly present then the terms of Policy NE6 of the Draft Local Plan can be complied with.

Impact upon the safe and free flow of traffic in the area

4.11 Concern has been expressed in relation to the proximity of the access points to the two properties to the junction of Station Road with Longridge Lane and the potential impact the proposal would therefore have on the free flow of traffic in the vicinity. However, the proposed access point from Plot 1 on to Station Road follows almost precisely the access point from the existing property and its associated garage. The access point to Plot 2 would be some 45 metres from the junction and as a consequence any impact would be minimal. Concern was also initially expressed in respect of the ability of vehicles to enter both plots and turn and leave in a forward gear in accordance with safe driving practice. The submitted application drawings have been amended to allow this to take place.

Other issues

4.12 Concern has been expressed in respect of a lack of information relating to surface water drainage submitted with the scheme. The site lies within Flood Zone 1 which carries the lowest defined risk from river flooding as well as having an existing drainage connection. It is considered that issues of surface water disposal can be dealt with by condition in this case.

4.13 The site is subject to a requirement for commuted sum payments of £2004 in lieu of provision of on site open space. At the same time the site falls to be considered against the Adopted Interim Affordable Housing Targets which specify in respect of Rural Brownfield land that a financial contribution of £15,427.50 will be required for off-site provision where a development of two to four houses are being considered. The applicant has confirmed in writing that such a commuted payment would be acceptable.

**5.0 CONCLUSION**

5.1 No. 1 Station Road Upper Poppleton comprises a detached brick built bungalow in a state of disrepair lying in substantial grounds at the junction of Station Road and Longridge Lane. The site also lies within the Poppleton Conservation Area. Planning permission is currently sought for the erection of two detached properties, a two storey house and a dormer bungalow on the cleared site. A parallel application for Conservation Area Consent has also been submitted. Surrounding properties consist of a mix of single and two storey dwellings set within significant landscaped grounds with any built development set well back from the street frontage. The mature landscaping at the street frontage which forms the principal contribution of the site to the character and appearance of the Conservation Area would be retained as part of the development. At the same time the scale, massing and palette of materials chosen closely reflects that used in the surrounding area. There would be a six metre separation between the two properties at their closest point which would not give rise to a significant loss of residential amenity. At the same

time any impact upon the residential amenity of neighbouring properties would be effectively minimised by the retention of mature landscaping at the site boundaries. The location of the proposed vehicular access points would not give rise to any disruption to the safe and free flow of traffic. The proposal is therefore acceptable in planning terms and approval is 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:-103; 103 B; 1000; 100; 105. Date Stamped 26th October 2011 and 1002B Date Stamped 4th January 2012.

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ4 Boundary details to be supplied -

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

Reason: In the interests of the amenities of the adjoining residents and to safeguard the character and appearance of the Conservation Area 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.

6 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.

7 LAND3 Protection of existing planting -

8 DRAIN1 Drainage details to be agreed -

9 HWAY31 No mud on highway during construction -

10 HWAY19 Car and cycle parking laid out -

11 No development shall take place until full details of measures for bat mitigation and conservation as proposed have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:-

i) Further survey at the appropriate time of year and no more than one month prior to any work being undertaken if the demolition is to be carried out between April and September, with the results having previously been submitted to the Local Planning Authority beforehand.

ii) A plan of how demolition work is to be undertaken to accommodate the possibility of bats being present.

iii) Details of the provision to be made within the new buildings to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

iv) The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the potential habitat of a protected species and to secure compliance with Policy NE6 of the York Development Control Local Plan and Central Government Planning Policy in respect of Planning and the Natural Environment outlined in PPS9.

12 S106OS £2004 S106 Open Space

13 No development shall commence unless and until a scheme to ensure the

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provision of a scheme of affordable housing in the local community in line with the guidance laid out in the Adopted Affordable Housing Advice Note has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate level of affordable housing in the local area in accordance with Central Government Planning Policy in respect of Housing outlined in PPS3 as revised together with York Development Control Local Plan Policy H2a)

**INFORMATIVE:**

The provisions 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, the obligation should provide for a financial contribution calculated at £15,427.50. The basis for this calculation is contained within the Council's Supplementary Planning Guidance Affordable Housing Advice Note Adopted 6th December 2011.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

**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 character and appearance of the Conservation Area, potential over-development of the site, impact upon the residential amenity of neighbouring properties, impact upon the potential habitat of a protected species and impact upon the safe and free flow of traffic. As such the proposal complies with Policies NE6, H2a), GP1, GP4a), GP15a), HE2 and L1c) of the City of York Development Control Local Plan.

**2. INFORMATIVE: CONTROL OF POLLUTION ACT 1974:-**

**3. HIGHWAY WORKS:-**

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

4. BAT MITIGATION:-

In the event that bats or evidence of the presence of bats are found during the demolition or construction processes then all work shall cease forthwith and Natural England shall be notified.

**Contact details:**

**Author:** Erik Matthews Development Management Officer

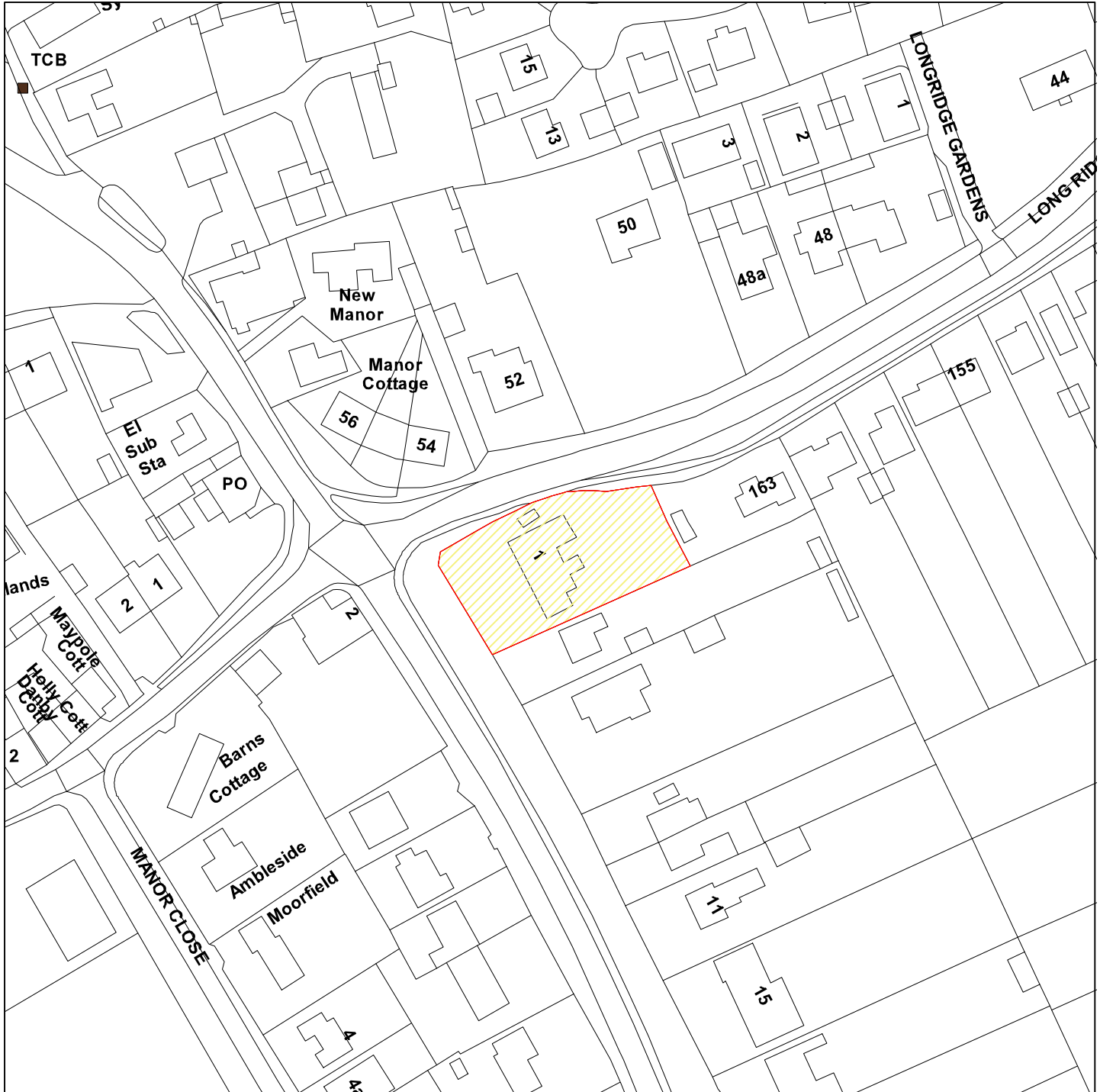
**Tel No:** 01904 551416

# 11/02886/FUL

## 1 Station Road, Upper Poppleton



GIS by ESRI (UK)



Scale : 1:1250

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

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**COMMITTEE REPORT**

**Date:** 9 February 2012      **Ward:** Rural West York  
**Team:** Major                      and **Parish:** Upper Poppleton Parish  
Commercial Team                      Council

**Reference:** 11/02887/CAC  
**Application at:** 1 Station Road Upper Poppleton York YO26 6PX  
**For:** Demolition of existing dwelling and outbuildings  
**By:** Mr D Wilson  
**Application Type:** Conservation Area Consent  
**Target Date:** 22 December 2011  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 No. 1 Station Road Upper Poppleton comprises a brick built three bedroom bungalow with associated outbuildings circa 1930 set within significant grounds at a corner location within the Upper Poppleton Conservation Area. Conservation Area Consent is sought for its demolition and replacement with two detached dwellings (one dormer bungalow and one two storey house) on the cleared site. A parallel application for planning permission ref:- 11/02886/FUL has been submitted in respect of the proposed work.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Upper Poppleton CONF

2.2 Policies:

CYHE2 Development in historic locations  
CYHE3 Conservation Areas

**3.0 CONSULTATIONS**

INTERNAL:-

3.1 Design, Conservation and Sustainable Development raise no objection in principle to the proposal on the grounds that the current dwelling makes only a minimal contribution to the character and appearance of the Conservation Area and that its clearance and replacement with a suitably designed replacement would positively preserve and enhance the character and appearance of the area. Concern

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was initially expressed in relation to the loss of potential bat habitat , however following on from further examination of site conditions it is now felt the proposal would have a material impact upon potential bat habitat.

EXTERNAL:-

3.2 Upper Poppleton Parish Council raise no objection in principle to the demolition of the bungalow but feel that the proposed replacement scheme would represent an over-development of the site.

3.3 One letter of objection has been received in respect of the proposal expressing concern in respect of the possible release of vermin/stray animals during demolition of the property.

#### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

\* Impact upon the character and appearance of the Conservation Area.

##### Impact upon the character and appearance of the conservation area

4.2 Policy HE3 of the York Development Control Local Plan sets a firm policy presumption that proposals within Conservation Areas involving demolition of a building will only be permitted where there would be no adverse effect on the character and appearance of the area. The Upper Poppleton Conservation Area encompasses the village green with series of 18th and early 19th century buildings surrounding together with its landscape approaches which incorporate the current application site. The mature landscaping along the Station Road frontage of the application site combined with the wide verges which lead off the village green add significantly to the overall character and appearance of the Conservation Area. The existing dwelling which was abandoned in the early 1990s has more in common in terms of its design, massing and layout with the properties to the south and east and lying out side of the Conservation Area. Its removal particularly bearing in mind its particular state of disrepair would have a positive benefit for the character and appearance of the Conservation Area. However, the mature landscaping fringing the street frontage with Station Road and Longridge Lane contributes significantly to the overall character and appearance of the Conservation Area and as far as is practicable it is intended to retain it as part of the finished scheme. It is proposed to replace the existing building with a two storey house on the Station Road frontage and a bungalow on the Longridge Lane frontage. These would both be set well into the plot and in terms of scale and massing they would closely reflect that of

surrounding properties. The terms of Policy HE3 of the Draft Local Plan would therefore be complied with.

4.3 The potential impact of the proposal in respect of bat habitat and the potential for release of vermin through demolition are not material considerations in terms of determining the application for Conservation Area Consent.

## **5.0 CONCLUSION**

5.1 1 Station Road Upper Poppleton comprises a detached brick built bungalow set within large grounds occupying a corner plot at the junction of Station Road and Longridge Lane within the Upper Poppleton Conservation Area. Conservation Area Consent and a parallel application for planning permission are sought for the demolition of the bungalow which is in an extreme state of dereliction and its replacement with a two storey detached house and a detached bungalow to the rear. Both properties would be set back from the street frontage and the existing mature landscaping which makes a significant contribution to the character and appearance of the Conservation Area would be retained. The loss of the existing property would preserve and enhance the character and appearance of the Conservation Area by virtue of the degree of dereliction of the property and the proposed replacement scheme would closely reflect the local pattern of built form by virtue of the proposed scale, massing and palette of materials. The proposal is therefore acceptable in terms of its impact upon the Conservation Area and approval is therefore recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC) -

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

Drawing Refs:- 104; 1000; 100; 105; Date Stamped 26th October 2011 and 1002B and 103B Date Stamped 4th January 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 impact upon the character and appearance of the Upper Poppleton Conservation Area. As such the proposal complies with Policy HE3 of the City of York Development Control Local Plan.

**Contact details:**

**Author:** Erik Matthews Development Management Officer

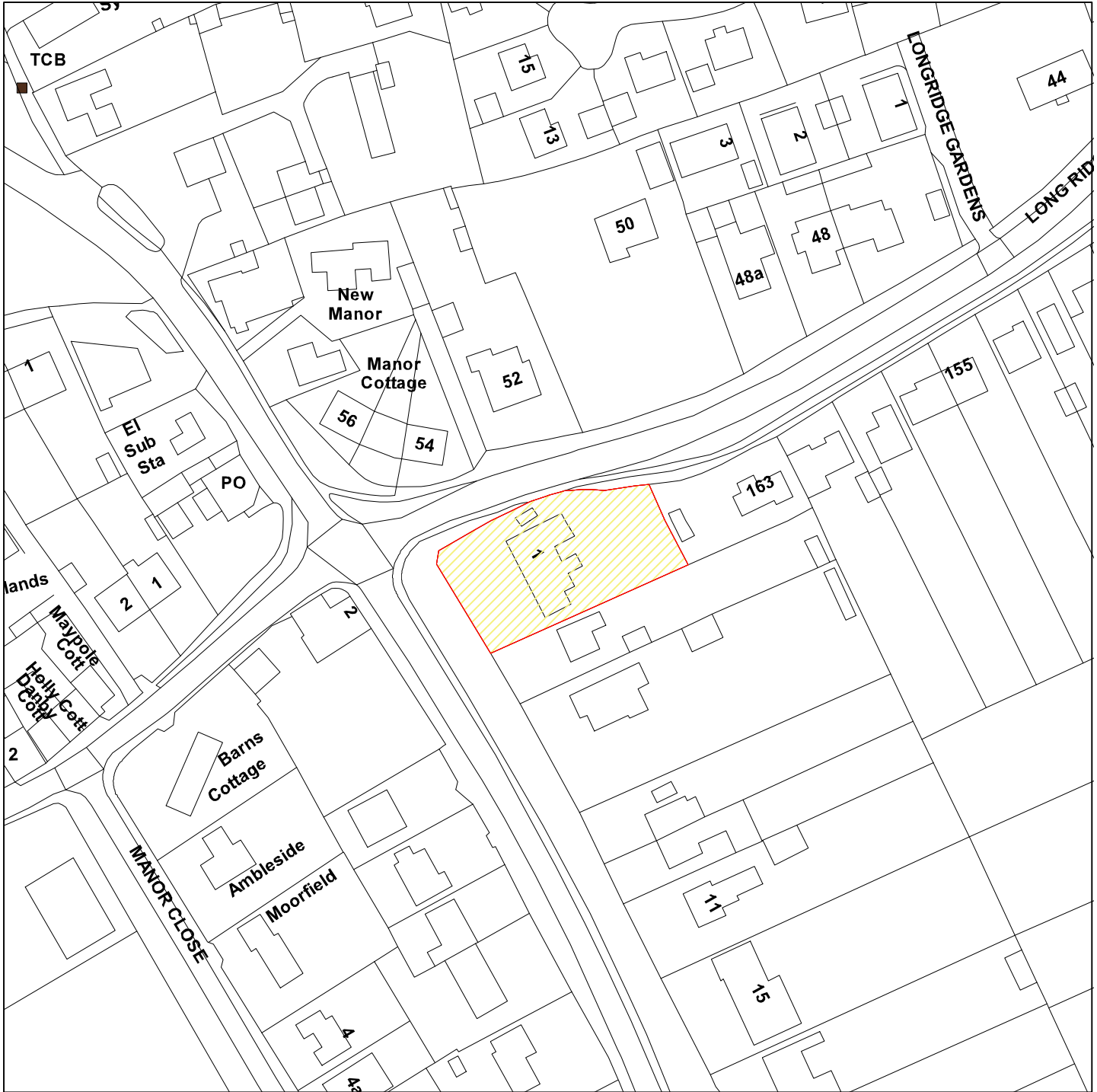
**Tel No:** 01904 551416

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<b>Comments</b>	
<b>Date</b>	30 January 2012
<b>SLA Number</b>	Not Set

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