



## Notice of a public meeting of

### East Area Planning Sub-Committee

- To:** Councillors Galvin (Chair), Douglas (Vice-Chair), Fitzpatrick, Funnell, King, McIlveen, Cuthbertson, Watson, Firth and Warters
- Date:** Thursday, 7 February 2013
- 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 please could they let Democratic Services know by **5pm on Tuesday 5 February 2013 on (01904) 551078.**

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

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

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

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

#### 2. **Minutes**

(Pages 4 - 13)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 3 January 2013.

### 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 6 February 2013 at 5.00 pm.**

### 4. **Plans List**

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

- a) **18 Alma Grove, York. YO10 4DH** (Pages 14 - 21)  
**(12/03547/FUL)**

Single storey rear extension. [Fishergate] **[Site Visit]**

- b) **Health Centre, 1 North Lane, Huntington,** (Pages 22 - 43)  
**York. YO32 9RU (12/03081/FUL)**

Alterations and extensions of existing GP surgery to provide additional consulting, treatment and administration rooms and a dispensing pharmacy following demolition of existing dwelling (3 North Lane) and erection of cycle storage, new car park and improved vehicular access. [Huntington/New Earswick]

- c) **Country Park, Pottery Lane, Strensall, York.** (Pages 44 - 49)  
**YO32 5TJ (12/03229/FUL)**

Retention of existing building and installation of non mains drainage system. [Strensall] **[Site Visit]**

- d) **Cedar Croft, 4 Hull Road, Kexby, York.** (Pages 50 - 62)  
**YO41 5LA (12/03487/FUL)**

Conversion of workshop including alterations to the roof and an extension to the side to create a holiday cottage (Use Class C1) and the erection of double garage and stable. [Derwent] **[Site Visit]**

e) **Agricultural Building Lying to the East of Gardenia, Malton Road, Stockton on the Forest, York. (12/01667/FULM)** (Pages 63 - 80)

Retention of unit 1 as a car wash, retention of units 3 - 12incl., 13 to 16 incl. and unit 18 for B2/ B8 industrial/storage use retention of units 20 - 34 for B8 storage use. Demolition and replacement of existing building for B2/B8 use (part retrospective unit 19), retention and provision of car parking to serve the site and provision of area for external storage of agricultural equipment. [Strensall] **[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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### **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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**EAST AREA PLANNING SUB COMMITTEE**

**SITE VISITS**

**Wednesday 6 February 2013**

**Members of the Sub Committee to meet at Union Terrace Car Park  
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10:20	Country Park, Pottery Lane, Strensall,	4c)
10:50	Agricultural Land to the East of Gardenia, Malton Road	4e)
11:25	Cedar Croft, 4 Hull Road, Kexby	4d)
12:00	18 Alma Grove	4a)

City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	3 JANUARY 2013
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, FUNNELL, KING, MCILVEEN, CUTHBERTSON, WATSON, FIRTH AND WARTERS
IN ATTENDANCE	COUNCILLOR BARTON

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**SITE VISITS.**

<b>Site Visited</b>	<b>Attended by</b>	<b>Reason for Visit</b>
Manor Beeches, Dunnington.	Councillors Brooks, Cuthbertson, Douglas, Fitzpatrick, Galvin, Warters & Watson.	To inspect the site.
Home Lea, Elvington Lane.	Councillors Cuthbertson, Douglas, Fitzpatrick, Galvin, Warters & Watson.	To inspect the site.
Low Well Farm, Cockey Hill Road, Wheldrake.	Councillors Cuthbertson, Douglas, Fitzpatrick, Galvin, Warters & Watson.	As the application had been called in by the Ward Member

**39. DECLARATIONS OF INTEREST**

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

**40. EXCLUSION OF PRESS AND PUBLIC**

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

**41. MINUTES**

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 8 November 2012 and 6 December 2012 be approved and signed by the Chair as a correct record, subject to the following amendment:

Minute item 33i (8<sup>th</sup> November meeting), the first resolution be amended to state:

A revised layout to separate the existing footpath from the new access road, in agreement with local members.

**42. 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 Committee.



**43. 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 views if consultees and officers.

**44. LOW WELL FARM, CROCKEY HILL ROAD, WHELDRAKE, YORK. YO19 4SG (12/02430/FUL)**

Members considered a full application for an extension to an existing workshop and variation of condition 2 of permission 99/00759/FUL to increase the number of vehicles and trailers to 24 HGV's and 35 Trailers.

Officers updated the committee with the following information:

- Page 43 of the agenda there was a typographical mistake. The number of trailers referred to should be 35 and not 24.

Mr. Parks, the applicant, had registered to speak and advised that the business on the site was a specialised operation and that the proposal sought to expand the business and to continue to ensure roadworthiness of vehicles by increasing the workshop facilities. He felt that approval would impact positively by creating jobs and business in the local area.

Councillor Barton spoke as Ward Councillor. He raised concerns about the use of a site within the Green Belt for industrial purposes and stated that currently 18 HGV vehicles are garaged at the site when the current planning permission only allows for 12. He suggested that it was therefore a retrospective application but would also allow for significant expansion in the Green Belt.

Members went on to question a number of points including:

- Whether the application was an encroachment on the Green Belt. Officers confirmed that the site area would not be increased. The proposed increase in the size of the building footprint of 20% was considered to be within acceptable limits. It was pointed out that the trailers would be away from the site for the majority of the working week.

- The condition attached to the previous planning permission did not rule out an increase in the number of vehicles operating from the site, but enabled any proposed increase to be assessed through the submission of a formal application. Officers advised that other than the applicants dwelling there are no residential properties in close proximity to the application site. They advised that condition 5 should be amended to refer to the correct number of trailers, i.e. 35

Following further discussion, Members approved the application.

**RESOLVED:** That the application be approved subject to condition 5 being amended as stated above and to the other conditions listed in the committee report..

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the local economy, visual appearance, the openness of the green belt, neighbour amenity, sustainability and highway safety. As such the proposal complies with the National Planning Framework and policies GP1, GP4a and GB11 of the City of York Draft Local Plan.

**45. HOME LEA, ELVINGTON LANE, ELVINGTON, YORK. YO41 4AX (12/02755/FUL)**

Consideration was given to a full application by Mr S Thomas for the erection of 2 single storey buildings, the retention of 20 caravan bays and associated access and a bund to the rear.

Officers updated that an email had been received from the applicants agent which raised concerns about the committee report, in particular the use of the term 'appropriateness' in

relation to the level of facilities proposed at the site. The email has been published online with the agenda for the meeting.

The applicants agent spoke in support of the application. He advised that prior to submission, advice had been sought from the Council's planning department and that the application before members reflected work undertaken to minimise the impact on the green belt, including reducing the office size by a quarter, a reduction in facilities on the site and the use of reinforced "grasscrete" paving. He stated that the scheme would preserve the openness of the site and considered the proposal to be an appropriate use.

Ian Bailey spoke on behalf of Elvington Parish Council. He advised that he had met with the applicant and had discussed issues surrounding the length of stay by patrons of the site. He feared that it would become a permanent residential site, hence the amount of facilities requested. He asked that if the application be approved, a condition that the site is only used for short stays be added if possible.

Members went on to question a number of points including:

- The level of facilities at the site and if this is usual. The applicants agent confirmed that facilities vary across caravan sites and the standard of facilities offered was not a reason to refuse the application.
- Impact on the Green Belt.
- The issue of appropriate use for the site. Some Members felt that a caravan site was a suitable use, providing the development was sympathetic to the Green belt.

A motion for approval was put forward and seconded. When put to the vote this was carried.

RESOLVED: That the application be approved, subject to 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 and other submitted details:

Drawing Refs ARK-439, and ARK-439-02RB dated 26<sup>th</sup> October 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.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.

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 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out using the approved materials.

REASON: So as to achieve a visually cohesive appearance.

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 new planting. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants within a period of 5 years from 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 and suitability and disposition of species within the site.

6. Notwithstanding the application details hereby approved, full details of the proposed access road and caravan bays to include cross sections beyond the proposed site office/workshop building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

REASON: To secure compliance with Policy GB1 of the York Development Control Local Plan and to protect the open character and visual amenity of the Green Belt.

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 impact upon the open character and purposes of designation of the York Green Belt. As

such the proposal complies with Policy YH9 and Y1C of the Yorkshire and Humber Plan, policy GB1 of the City of York Development Control Local Plan and Central Government advice contained within paragraphs 79-92 of the National Planning Policy Framework.

**46. 18 ALMA GROVE, YORK. YO10 4DH (12/03547/FUL)**

It was reported that this application had been deferred.

**46a 36 The Manor Beeches, Dunnington, York. YO19 5PX (12/03390/FUL)**

Consideration was given to an application by Mr and Mrs Jawad Kadhim for a two storey granny annex to side and single storey side and rear extension to a detached two storey dwelling.

Officers updated the committee with the following details:

- A sunlight survey showing the impact on number 38 at the time when it is most likely to be overshadowed had been submitted.
  - A minor alteration to the side window at ground floor level
- Roy Allen, a neighbour, had registered in objection to the application. He advised that the location and scale of the proposed scheme in relation to neighbouring properties is the main cause of concern and there would be an adverse impact on his property as a result of the proposed extension.

Mr. Barwick, a neighbour, had registered in objection. He stated that any development to the side of the property would impact on his garden. He advised that he respected the right of his neighbour to extend his property but asked that the plans are reduced to be more sympathetic to neighbours amenity.

Mr. Marks the applicants agent agent spoke in support of the scheme. He advised that the plot had been purchased due to the potential to extend. He accepted that there would be some overshadowing and drew the Committees attention to the sunlight survey which suggested that 4pm would be the worst case scenario for shadowing upon neighbours properties.

Dennis Martin spoke on behalf of Dunnington Parish Council. He advised that the application included no reference to surface water drainage. He stated that there is a problem in Dunnington already with drainage and flooding and that such a substantial development would only add to the problem. He asked that further consideration is given to the matter.

Members questioned a number of points and had discussions surrounding the size and scale of the proposed scheme and the potential detrimental impact on neighbours properties, in particular the issue of overshadowing.

Following further discussions, a motion for refusal was put forward, which was seconded. When put to the vote this motion won.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed extension would detract from the standard of amenity that the occupiers of the adjacent residential properties could reasonably expect to enjoy by virtue of its excessive size, height and proximity to the site boundaries, and the resultant overshadowing and unduly dominant and overbearing impact that would result. As such the proposal would conflict with guidance contained within paragraph 17 of the National Planning Policy Framework, which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and Policies GP1 (b and i) and H7 (d and e) of the City of York Draft Local Plan (April 2005).

**47. ENFORCEMENT CASES-UPDATE**

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

RESOLVED: That the report be noted.

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

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 4.15 pm].



**COMMITTEE REPORT**

**Date:** 7 February 2013      **Ward:** Fishergate  
**Team:** Householder and      **Parish:** Fishergate Planning  
 Small Scale Team                  Panel

**Reference:** 12/03547/FUL  
**Application at:** 18 Alma Grove York YO10 4DH  
**For:** Single storey rear extension  
**By:** Mrs Dorothy Evans  
**Application Type:** Full Application  
**Target Date:** 22 January 2013  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 This application seeks permission for the erection of a part flat; part pitched roof rear/side extension to provide additional living space. A matching brick and tile construction is proposed. An existing lean-to conservatory-style structure will be removed.

1.2 This end terraced dwelling is sited within a group of residential dwellings located around a square, included within the Fishergate Conservation Area, due to their architectural and social interest.

1.3 This application is brought to Committee for a decision due to the applicant being an employee of City of York Council

**RELEVANT SITE HISTORY**

1.4 Application No. 06/01440/FUL - Single storey pitched roof extension to side and rear. Approved 31.08.2006.

1.5 Application No. 05/02724/FUL - Two storey pitched roof side extension and single storey rear extension. Refused 07.04.2006. due to harm to neighbouring amenity and design.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford Road CONF

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

CYHE3  
Conservation Areas

### **3.0 CONSULTATIONS**

INTERNAL

3.1 None

EXTERNAL

FISHERGATE PLANNING PANEL

3.2 No reply received up to date of writing. Any subsequent comments received will be reported.

RESPONSE TO NEIGHBOUR NOTIFICATION (CONSULTATION PERIOD EXPIRED 21.12.12)

3.3 One letter received from the occupiers of 17 Alma Grove expressing the following concerns:

- the existing rear yard is north facing, exceptionally shallow with restricted outlook
- there is only a very small sitting out area that gets any sunshine
- the extension would result in overshadowing and a feeling of enclosure
- a flat or shallow roof slope is suggested.

RESPONSE TO SITE NOTICE EXPIRED (CONSULTATION PERIOD EXPIRED 25.12.12)

3.4 No reply received up to date of writing. Any subsequent comments received will be reported.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Visual impact on the dwelling and the character and appearance of the surrounding conservation area;
- Impact on neighbouring properties

### POLICY CONTEXT

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.3 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.4 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.5 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.6 NATIONAL PLANNING POLICY FRAMEWORK (NPPF), MARCH 2012, CHAPTER 12, PARAGRAPH 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.7 NATIONAL PLANNING POLICY FRAMEWORK (NPPF) MARCH 2012, CHAPTER 12 PARAGRAPH 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.8 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.9 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) 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; (iii) 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; (iv) 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 (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.10 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYHE3 of the Development Control Local Plan states that within Conservation Areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.11 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

## ASSESSMENT

### IMPACT UPON THE APPEARANCE OF THE DWELLING AND SURROUNDING CONSERVATION AREA

4.12 When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. In this particular case, matching materials and fenestration are proposed, with all the existing upvc windows being replaced with timber, and all proposed windows also being of timber construction and of a more traditional design than those existing. Being sited largely to the rear, the extension will not be highly visible to public view, in particular the flat roof element which has been incorporated to avoid an existing first floor window on the rear elevation. The extension will also project to the side of the existing dwelling incorporating a monopitch roof, and being in line with the rear elevation will not be overly visually prominent. The existing hedge to the side along the common boundary with No. 19 Alma Grove will provide an element of screening. On this basis the proposal is considered to preserve the character and appearance of the Conservation Area.

4.13 Adequate amenity space will remain within the side garden area, along with cycle parking provision in the existing detached garage together with adequate refuse storage area.

### IMPACT UPON NEIGHBOURING AMENITY

4.14 The scheme approved in 2006, referred above, included a single storey pitched roof rear extension. This projected to the rear by approx. 4.5 metres along the common boundary with No. 17 Alma Grove and incorporated a pitched roof; with an eaves height of 2.7 metres. This extension now proposed would project to the rear approx. 4 metres and incorporates a flat roof element along this common boundary with a height of approx 2.7 metres. The pitched roof element would be set off the side boundary by approx. 2 metres. A 1.8 metre high fence is currently sited along the common boundary along with the existing conservatory-style structure which would be removed.

4.15 At approximately 4 metres, the projection along the common boundary with no. 17 Alma Grove is significant, however taking into account the fact that this element incorporates a flat roof, it is not considered to be unduly harmful to the outlook or light for these neighbouring residents.

4.16 A small window is to be incorporated within the rear elevation, though this will face towards a detached outbuilding at No. 16 Levisham Street to the rear, so will not result in loss of privacy. Again, the high level of the proposed rear rooflights will avoid loss of privacy to neighbours.

Some overshadowing to the rear yard of No. 18 Levisham Street may occur, although the hipped design of the roof and relatively modest height will help to mitigate this, and the separation distance of approx. 8.5 metres between the extension and the rear elevation of this neighbouring dwelling is considered adequate to avoid significant loss of outlook.

4.17 Sufficient separation space and boundary treatment is in place to avoid any loss of amenity to residents at 19 Alma Grove and also to 20 and 22 Levisham Street.

## **5.0 CONCLUSION**

5.1 It is considered that the proposal would not be unduly harmful to the living conditions of nearby neighbours or the character or appearance of the dwelling within the surrounding conservation area. Approval is recommended.

## **COMMITTEE TO VISIT**

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

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

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

Drawing nos 098\_AL (0)005; 098\_AL (0)006; 098\_AL (0)007; 98\_AL (0)008;  
098\_AL (0)011 received 20.11.2012

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 residential amenity of neighbours and the impact on the character and appearance of the conservation area. As such the proposal complies with Policies H7, HE3 and GP1 of the City of York Development Control Local Plan, the City of York Supplementary Planning Guidance to Householders (Approved March 2001) and paras 132 and 134 of the National

Planning Policy Framework.

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and taken account of all relevant local policies, and considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to identify solutions to problems arising from the proposed development.

### **Contact details:**

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**Tel No:** 01904 552405

# 12/03547/FUL

## 18 Alma Grove



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 January 2013
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

**Date:** 7 February 2013      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 12/03081/FUL  
**Application at:** Health Centre 1 North Lane Huntington York YO32 9RU  
**For:** Alterations and extensions of existing GP surgery to provide additional consulting, treatment and administration rooms and a dispensing pharmacy following demolition of existing dwelling (3 North Lane) and erection of cycle storage, new car park and improved vehicular access  
**By:** Mr J McEvoy  
**Application Type:** Full Application  
**Target Date:** 26 November 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The application proposal relates to the GP Surgery on the corner North Moor Road and North Lane in Huntington. The application site consists of the existing surgery site and 3 North Lane. The application seeks planning permission to extend the surgery to create nine GP consultation rooms, two nurse treatment rooms, a dispensing pharmacy, and associated reception and waiting areas on the ground floor. On the first floor would be admin rooms, staff facilities, a boardroom and an alternative treatment room. The site would provide eight customer car parking spaces (two to disability standards) and three staff car parking spaces. Cycle parking hoops would be provided for customers, with covered cycle parking proposed to the rear for use by staff.

1.2 At present the GP Surgery contains five GP consultation rooms, a treatment room, a nurse treatment room, and associated waiting rooms, offices, and reception area. There is a shared staff and patient car parking area which can accommodate eight cars.

1.3 In order to accommodate the proposed extension it is proposed to demolish the bungalow at 3 North Lane. This dwelling has been purchased by the GP Surgery and is now empty. The site of the existing bungalow would contain the eight patient car parking spaces and a single storey extension which would contain GP consultation rooms. The existing two storey surgery building would be retained, with a part single, part two storey extension being wrapped around the existing building. The proposed extension would result in the building significantly closer to North Moor Road.

A small triangular piece of land adjacent to North Moor Road would be retained for the three staff car parking spaces. The proposed extension is contemporary in design and would primarily be finished in a combination of render, timber cladding, and brick.

1.4 Access to the staff car parking spaces would be by way of an existing dropped crossing along North Moor Road. Access to the patient parking area would be from a widened crossing point across the grass verge from North Lane.

1.5 The application site is within the built up settlement limit of York. The application site is unallocated in the Development Control Local Plan and is outside of Huntington Conservation Area.

1.6 The dispensing pharmacy would be open 100 hours per week. This would be between 07:00 and 23:00 hours Monday to Friday, between 08:00 and 19:00 hours on Saturdays, and between 09:00 and 17:00 hours on Sundays and bank holidays.

1.7 Members will recall that a decision on the application was deferred at the East Area Planning sub - Committee held in December. The first reason for deferment related to car parking and Members desire to see a formal contract between the health centre and the sports and social club to enable staff and users of the health centre to be able to park at the social club and therefore reduce the pressure on on-site car parking and surrounding roads. The second reason for deferment was to allow the applicants to consider whether a 100 hour pharmacy was the best approach and if so provide further justification. Some Members expressed a desire to see shorter opening hours for the pharmacy in order to reduce the impact on neighbouring amenity. The application was originally brought before East Area Planning Committee at the request of Councillor Orrell. The reason for calling the application in was due to public interest and concerns over car parking raised by the Parish Council and others in the area.

1.8 Much of the report is the same as that considered at December Planning Committee. For ease of reference the following paragraphs have been amended or added:

3.3 - amended to include Highway Network Management comments

3.7 - added to summarise additional comments received from Parkers Pharmacy

3.8 - added to summarise response from applicants to Parkers Pharmacy comments

4.25 - amended with information regarding the legal agreement for car parking provision at Sports and Social Club

4.28 - amended

4.29 and 4.30 - added following submission of additional information regarding the need for the 100 hour pharmacy and its likely level of use during the evening

5.2 and 5.3 - conclusions amended in line with latest information

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

### 2.2 Policies:

CYGP1  
Design

CYT4  
Cycle parking standards

CYH9  
loss of dwellings or housing land

CYC1  
Criteria for community facilities

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Environmental Protection Unit - No objections subject to the inclusion of a condition which requires approval of any new plant or machinery to be installed to ensure that there is no harm to the amenity of local residents through noise.

3.2 Transport Planning - Cycle racks should be 1m apart to allow bikes to be locked either side of the stands. Staff parking should be covered and secure. Drainage in the area may need to be approved as there are known drainage issues along the rear of the grass verge. The proposed increase in surgery size increases the likely number of trips to the site; measures need to be put in place to prevent cars parking on the grass verge.

3.3 Highway Network Management - No objections. The car parking does not exceed the maximum standards laid out in Annex E of the Draft Local Plan. The applicant has provided information stating that the maximum number of staff expected on site at any one time is 14. The site is located in a residential area and is well served by high frequency public transport. It is therefore reasonable to assume that a proportion of staff and patients will be able to arrive by non car modes.

A Travel Plan will be secured by condition in order to promote sustainable travel and reduce the level of car parking generated by the scheme. 10 covered secure cycle spaces have been provided for staff and 14 spaces for visitors.

Should on-street parking occur it is considered that the adjacent highway can accommodate some parking without being to the detriment of free flow of traffic or highway safety. The existing junction of North Moor Road and North Lane is protected by waiting restrictions to prevent parking in this location. The applicants have agreed to provide funding of £2k that can be used by the authority to implement further waiting restrictions should this prove necessary in the future.

A formal legal agreement is being drawn up to allow staff and patients to park at the local sports centre.

3.4 Drainage - No objections subject to a condition which requires drainage details to be agreed prior to the commencement of development. Such details to control surface water run-off to a maximum of 2.4 litres/second taking account of a 1 in 100 year storm event.

#### EXTERNAL

3.5 Huntington Parish Council - Whilst there is full support of the development of the proposed GP surgery to meet the need of the area, there are grave concerns. These are:

- the traffic management issues such a development (increase in services) would create, considering the existing road traffic issues at the location.
- the totally inadequate parking facilities provided for such a size of development; considering the site and the fact that alternative local parking is very limited and the existing parking issues at this location.

As such, it is considered that unless the aforementioned concerns are addressed the development is not viable at this location in Huntington

3.6 Other Third Parties - Eight letters of objection received from local residents and on behalf of two local pharmacies. The letters from residents were received from 18 and 39 Strensall Road, 61 North Moor Road and 5 North Lane (x2). The following comments were raised:

- The inclusion of a dispensing pharmacy creates competition for the Chemists across the road, many local residents rely on the chemist for purchases apart from having prescriptions dispensed, it would be a great loss to the local area if the Chemist were to close;

- The proposed pharmacy would be able to open longer than the local chemist, therefore giving it an unfair competitive advantage, there is not the need for a dispensing facility for longer hours than the chemist as outside these hours people can use Boots or the supermarkets at Monks Cross;
- The proposed pharmacy has longer operating hours than the doctors surgery and therefore cannot be considered ancillary;
- The pharmacy would sell products and would not just dispense prescriptions, therefore it should be considered an A1 retail use and therefore a sequential test should have been submitted demonstrating that there are no sequentially preferable sites available in the City Centre or edge of centre;
- Extending the health centre is not suitable in this location given its lack of safe pedestrian access;
- There is not enough car parking for the increase in either staff or visitors/customers;
- The late opening times will bring noise and disturbance in the area through car headlights, noise and pollution;
- The residents of 5 North Lane (next door to the bungalow to be demolished and proposed car park) requested an 8 foot high wall on the boundary for the purposes of security and to reduce noise and light pollution;
- The description of development on the application form does not accurately describe the development proposed;
- The proposed development would result in the loss of a house which is contrary to Policy H9 of the Local Plan;
- There is no need for the pharmacy as there are others in the area;
- The three staff car parking spaces do not allow a vehicle to enter the site in a forward gear, turnaround and leave the site in a forward gear; therefore it creates highway safety concerns;

3.7 Since the December Planning Committee additional representations have been received from the owner of Parker's Pharmacy.

The following comments were made:

- Incorrect information was given by the applicant at Planning Committee because they will have to supply methadone and a needle exchange service;
- Information provided by the applicant that there would be just two drug deliveries a day is not true as agreements with certain manufacturers means that there will be at least four per day;
- It was incorrect to state that 100 hour pharmacy contracts are innovative and offer increased services as it is commonly known that they have an inclement effect on the pharmacy sector and local communities and new 100 hour pharmacy contracts are now not offered;
- It would be easy for the applicant to apply for a shorter pharmacy contract;
- Concerns are raised about the way Planning Officers guided Members during Planning Committee.

3.8 In response to these comments, the applicant has made the following points:

- A 100 hour pharmacy dispensing contract only requires a methadone service to be offered if directed to do so by the PCT/commissioning group. There has been no request to provide this service and it is not considered likely to do so given the local demographics in the area. A methadone service would not be provided at the outset and whilst it is considered unlikely to ever be required, it is possible that it could occur if directed by the PCT.
- The Haxby Group has 20,000 patients and only one on record as being prescribed methadone.
- It is felt that Mr Kochhar's remarks are primarily motivated by competition which should not be taken into account in this planning decision. However, it is worth highlighting that Parkers Pharmacy is one of a chain of pharmacies which Mr Kochhar's organisation owns and are based in Manchester. It is not a small local business; Mr Parker himself is no longer associated with this pharmacy.
- The 100 hour pharmacy contract was awarded by the NHS in accordance with extant regulations and exacting criteria. The suitability of the contract was decided by the NHS and a need or not for this contract should therefore be immaterial to the planning committee. The contract gives the practice the flexibility it needs to be responsive to service and patient needs in a fast changing healthcare environment. The pharmacy would provide a real choice to local residents which would be of great benefit to patients and the local community. The new service would offer new medicine checks and reviews, additional health support such as smoking cessation, as well as providing permanent professional employment. The new service would have first rate disabled access facilities which are not available at all other pharmacies or services. The service would offer local residents access to a local, known, trained health service professional for face to face advice at times when the only other option is the NHS 111 service, an unfamiliar GP in out of hours service or Accident and Emergency at the hospital.

## **4.0 APPRAISAL**

4.1 The key issues are:

- Principle of Development
- Design and Visual Impact
- Car and Cycle Parking
- Neighbouring Amenity

### **PRINCIPLE OF DEVELOPMENT**

4.2 There are two issues to consider in terms of assessing the principle of the proposed development. The first is the loss of a dwelling through the demolition of the bungalow at 3 North Lane. The second is the principle of extending the GP Surgery including the creation of a pharmacy.

4.3 Development Control Local Plan Policy H9 states that the loss of individual residential properties needs to be considered in light of individual site circumstances and the character of and desired uses in the surrounding area. The reason for this policy is due to a shortage of housing in York and to retain existing housing and allocated housing sites. One of the stated justifications for granting planning permission resulting in the loss of a dwelling or dwellings is to improve the distribution of community facilities in the city. Given that the proposal only results in the loss of one bungalow and that this would be replaced with improved and larger community health facilities, it is considered that there is no justification for resisting the proposed development on the basis of Policy H9.

4.4 As stated within the introductory paragraphs of this report, the application site is unallocated in the Development Control Local Plan. Chapter 13 of the Local Plan states that the objective is to protect and enhance existing community facilities. Policy C1 'Community Facilities' states that planning applications for health facilities will be granted where the proposed development in terms of scale and design is appropriate to the character and appearance of the area and where the facility would meet a recognised need. The applicants have submitted a statement explaining the reasoning for their desire to expand and improve the surgery practice. The surgery received a low score in a recent NHS survey due to its access arrangements, DDA requirements, lack of confidentiality, and in some areas infection control. Facilities need to be improved and upgraded to meet modern standards. The population of the city is growing year on year and is expected to continue to do so. In addition the average patient now makes more visits to a GP than previously. The proposed development would enable the surgery to provide a higher quality service with a multi-disciplinary range of services which are expected in such centres. The extension would allow the surgery to meet the needs of a local population which is expanding in size. It is considered that there is a clear need for the proposed extension to these community facilities.

4.5 Comments have been received on behalf of the local chemist operator asserting that the proposed pharmacy constitutes a new A1 retail use and therefore should be assessed as such. The implication of this would mean that a sequential test is needed to justify a new retail facility in this out of town location rather than in or close to the city or district centres. The assertion that the pharmacy is an A1 use is based on the products it may sell and also that the pharmacy could clearly operate independently from the GP surgery and would therefore provide a service direct to visiting members of the public. The objector states that the fact that the pharmacy will be open for a number of hours when the GP surgery is not, further adds to the argument that the pharmacy is a separate planning unit.

4.6 However, the applicant believes that what is proposed is an ancillary element to the proposed D1 health centre use. It is stated that the pharmacy is a small extension of the general health care services which are offered by the practice.

It is stated that the proposed pharmacy is an ancillary operation within which 98% of pharmacy income would be generated through prescription dispensing with only 2% associated with over the counter sales for items such as pain relief, first aid, cough and cold treatments and children's medication. There will be no non-healthcare related / beauty products on sale. In addition the pharmacy would operate health care related activities such as medicine use reviews, blood pressure and diabetic screening, and the collection of prescriptions out of surgery hours. The applicants regard the pharmacy as very much an extension of the existing health service on offer at the site.

4.7 Officers consider that for a pharmacy to be considered as an A1 retail unit there has to be a primary purpose related to the retail sale of goods to the visiting public. Medical or health services where goods sold are primarily to those who have undergone specialist consultation, are unlikely to be an A1 use and almost certainly are a Class D1 use. The fact that the pharmacy utilises the same entrance door as would be used to access the GP and nurse consultation services, and that the pharmacy would not sell non-medical products, indicate that the proposed pharmacy is part of the D1 medical and health service offered at this site. The additional opening hours above and beyond those of the GP consultation hours provides flexibility for customers to use the health care services. It does not, in the opinion of officers, create a separate A1 planning unit as stated by the objector. In order to ensure that the pharmacy remains as a D1 medical and health service, it is proposed that a condition be added to any approval which restricts the premises from selling non-medical products. Additionally a condition is proposed restricting the size of the pharmacy to that shown on the floor plans to ensure it remains a proportionally small part of the health centre. Overall the principle of this development is considered acceptable.

## DESIGN AND VISUAL IMPACT

4.8 The existing bungalow which is proposed to be demolished is not of any particular architectural merit and its demolition would not harm the character and appearance of the area. The proposed extension wraps around three sides of the existing GP surgery, only its existing rear elevation which faces the side and rear garden of 60 North Moor Road and a small section of the first storey of the west and east side elevations would remain visible if the extension is built. The existing surgery building is post-war and is constructed with a brown brick with a shallow pitched roof which is tiled. There are a number of flat roof and shallow pitch single storey extensions to the building and an external staircase enclosure to the rear elevation. The building has no architectural merit and does not have a clear visual identity as a GP surgery. The existing two storey part of the building has a ridge height of 6m and eaves height of 5m.

4.9 The proposed extension would mitigate the appearance of a building with numerous unsympathetic extensions by wrapping an extension around the building.



The two most significant parts of the extension are a part single and part two storey front extension towards North Moor Road and towards this roads junction with North Lane and secondly a single storey side extension onto the part of the site currently occupied by the bungalow at 3 North Lane.

4.10 The front extension proposed is contemporary in design. The proposal creates a clear and substantial glazed entrance facing south towards the corner of North Moor Road and North Lane. Around this sits a curved flat roof single storey design which returns to meet a flat roof two storey building which would be extended out from the existing front elevation. Sitting centrally and on top of a section of the curved ground floor extension would be a glazed projecting flat roof extension. The ground floor curved part of the extension would be finished in horizontal timber cladding with large expanses of glazing serving the pharmacy on the west side and the main GP waiting room to the east. Above this, the central projecting extension would be glazed on all three external sides with an overhanging aluminium profile fascia. The two storey extension to the front and west side of the existing building would have a painted render finish with large feature window openings. In total the proposed front extension projects 12.8m forwards of the existing front elevation towards the junction of North Moor Road and North Lane. To the west the extension projects approximately 3.8m towards North Moor Lane leaving a gap of just 0.8m between the building and the footpath along North Moor Lane at its closest point. The proposed two storey part of this extension is 6.3m in height. The single storey curved part of the extension would be 3.4m in height.

4.11 The second major element of extension consists of single storey extension to the east side of the existing building, over land currently occupied by the bungalow and its garden areas at 3 North Lane. This extension would appear flat roofed from North Lane. Behind the frontage would sit a raised mono-pitch roof with raised windows to allow natural light into the GP consultation rooms whilst maintaining privacy. The maximum height of the side extension is 4.2m. This part of the extension would substantially be constructed of brick. The extension projects 16.7m east from the side of the existing building, siting between 1.1m and 2.2m from the boundary with the bungalow at 5 North Lane. The extension has a depth of 6.6m and would sit between 11m and 13.4m back from the front boundary. Within this space between the building and front boundary would be patient car and cycle parking.

4.12 The proposed extensions are undeniably bold and contemporary. The palette of materials consisting primarily of painted render, brick, glazing, and timber cladding has been used to create a proposal with distinct elements. The character of the area is relatively traditional with brick buildings with tiled pitched roofs being the predominant style. However, there are examples in the area of flat roof buildings and the use of white render.

Paragraph 60 of the NPPF states that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.'

4.13 The proposed development would create a distinctive building with an appearance which reflects its function i.e. a modern community health care facility. The site is heavily constrained. These constraints include residential dwellings to the rear and east, North Moor Road to the west, and an existing building on site which needs to be retained to continue to provide health care services whilst the extension is constructed. The proposed design has been guided by these constraints, which limit the amount of areas on site which could be developed. It is considered that there would have been benefit in pulling the extension further back from North Moor Road to give a greater separation, however this has been resisted by the applicants agent as the design proposed is based on the needs of the GP surgery and the site constraints. This would make any significant alterations to this part of the proposal difficult.

4.14 The applicant's agent has revised the plans to reduce the size of the pharmacy window in order to reduce its visual prominence within the street scene, as there were concerns that the size of this opening would make the pharmacy unduly prominent during hours of darkness given its close relationship to the street. Given the position of the NPPF in terms of encouraging innovative design solutions, it is considered that the proposed design is acceptable. Materials could be controlled by condition to ensure that the colour of render, colour and quality of bricks, and the timber cladding finish is carried out to a high quality and where suitable matches existing materials in the area. The side extension is modest in scale and appears as a suitable transition between the bungalow at 5 North Lane and the larger more bold extensions to the front of the surgery.

4.15 There is currently no substantial landscaping on the application site. The front boundary of 3 North Lane is marked by a hedge, and the applicants are proposing to re-plant a hedge in this location once development is complete. This would help to give a softer edge to the development and partially screen the car park. The applicants have also shown two trees to be planted towards the front of the site, between the proposed front extension and the footpath and grass verge of North Lane. These would help to give the proposed development a softer edge. A condition could be added to any approval requiring a landscaping scheme to be approved and implemented to ensure the landscaping is carried out and the species planted are suitable. Whilst not part of the application site, the applicants have also agreed to fund the planting of trees within the substantial grass verge to the front which would further soften the appearance of the development and provide a more attractive setting to the entrance to North Lane. This would be secured through a Section 106 Agreement.

4.16 The proposed vehicle crossing utilises an existing crossing point as far as possible. This cuts across the grass verge. It is necessary to increase the width of the existing crossing and this will have some impact on the green character of the grass verge. However, the extent of hard standing has been reduced through a design which minimises the width of the vehicle crossing. As discussed above, the applicant has agreed to a planting scheme on the grass verge which would compensate for the loss of a small part of the grass verge.

4.17 It is considered that the proposed development accords with the design principles set out in Development Control Local Plan Policy GP1 through being designed in a way which is compatible with the character of the area and incorporating appropriate landscaping where suitable.

#### CAR AND CYCLE PARKING

4.18 The consultation exercise resulted in concerns being expressed about the level of car parking proposed at the site given the scale of the proposed expansion of the GP surgery. The proposal increases the number of GP consultation rooms by four, nurse treatment rooms by one, as well as adding an alternative treatment room and a dispensing pharmacy. The proposal clearly has the potential to create a significant increase in the number of staff and patients on site at any one time. The number of on-site car parking spaces is proposed to increase by three, from eight to eleven.

4.19 The Development Control Local Plan sets maximum rather than minimum car parking standards. However, a pragmatic approach clearly needs to be taken and developments should not be approved which would cause highway safety issues or significantly harm neighbouring amenity through indiscriminate parking. In addressing concerns raised regarding the number of car parking spaces proposed, the applicants have submitted information including a patient travel survey, a green travel plan which has been produced to encourage sustainable travel choice, and further details about how the surgery would operate and alternative staff parking facilities in the area.

4.20 The applicants have stated that the number of staff employed on site and the number of patients visiting would not grow proportionately to the size of the proposed extension. It is stated that the additional GP consultation rooms would allow each GP to have their own room rather than sharing, however all will not be working at the same time. Additionally it is stated that it is proposed to spread out the number of patients received over a full day, and the number of GP's receiving patients at any one time is not proposed to significantly increase. Therefore, the applicants do not believe that the number of patients on site at any one time would significantly increase. The proposal would result in an increase in staff through an increase in patient services offered and the opening of the pharmacy.

4.21 Whilst the applicant states that the proposal would not result in a significant increase in the number of patients on site at any one time, approving a substantial extension does create the potential for this to change if demand grows and a greater number of treatment rooms are utilised at any one time. In terms of physical space on site there is the potential for the number of staff and patients to double. Therefore it is reasonable to consider the application in relation to the potential impact over a longer period taking account of potential increases in patient numbers which could take place in the future.

4.22 In order to try and address concerns regarding car parking demand the applicants have carried out a patient travel survey to show what the existing travel patterns are of patients. The patient travel survey was recently carried out over a four week period. Over this time 1958 visiting patients were surveyed. Of these patients 1265 arrived by private car, 571 walked, with the remainder arriving by bus, taxi, walking, cycling or community ambulance. Clearly a large proportion of patients arrive by car, however the central location of the site within the residential area of Huntington accounts for the significant number of people who walk. Even with this large proportion of patients arriving by car at present and only eight car parking spaces being available, there are no known existing highway safety problems associated with indiscriminate car parking in the area.

4.23 The proposal includes an increase in the number of car parking spaces by three but also includes a Travel Plan with the aim of achieving a modal shift towards more sustainable transport choice and away from private car journeys. The applicants have worked with the Council's Travel Planning Coordinator to devise a simple leaflet which can be given to all patients encouraging them to arrive by walking, cycling, or by bus and providing relevant information to enable people to be confident in using a sustainable transport choice. The applicants are committed to continuing to work with the Council's Travel Planning Coordinator to create a substantial modal shift over five years. There are clear health benefits associated with this objective. This would include annual monitoring and the creation of new appropriate measures to continue to encourage a greater proportion of patients to arrive by sustainable transport choice on a year by year basis. Discussions are continuing with the applicant to try and firm up travel planning arrangements and provide more assurance and commitment to a modal shift. If such measures are not successful the Council's Highway's Department have the power to implement waiting restrictions on adjacent roads if parking on the highway causes problems. The applicant has agreed to provide £2000 towards any Traffic Regulation Order which is needed in the future to retain highway safety.

4.24 To further encourage sustainable transport choice it is proposed to install separate cycle parking for staff and patients. Seven cycle hoops are proposed for patients to enable fourteen bicycles to be parked at any one time. The cycle hoops are close to the building entrance to encourage their use. Staff parking is to the rear of the building.

Eleven bicycles could be stored in this area, with a canopy to provide shelter. The staff cycle parking area is located behind a lockable gate to ensure they are secure. It is considered that both the type and amount of cycle parking proposed is suitable and would help encourage sustainable transport choice, therefore reducing the demand for car parking spaces.

4.25 At the time of writing this report the Local Planning Authority is in possession of a draft legal agreement between the health centre and Huntington Sports and Social Club. The agreement states that twelve car parking spaces at the Sports and Social Club will be available for staff and patients of the health centre between 08:00 and 18:30 hours Mondays to Fridays and between 08:00 and 12:30 hours on Saturdays. Additional use at other times would have to be agreed between the parties. The agreement would be for a period of 38 years starting on 1st April 2013. It has been confirmed by the applicant that this legal agreement will be signed and finalised prior to the Committee Meeting. Members will be updated in this regard. It is considered that the additional twelve car parking spaces at peak times will reduce the pressure for on-site car parking at the health centre. Staff and visitor levels outside of the agreed sports club parking provision hours are likely to be significantly lower, and the car parking arrangement covers peak times. Patient travel surveys for the Haxby Group Pharmacy show that only 0.38% of patients visit before 8am and only 8% after 7pm. GP appointments after 6.30pm are likely to be very limited in number. Car parking hours have been set in order to reduce conflict with demand for visitors to the sports and social club which generally peaks in the evening and at weekends. It is considered that the proposed legal agreement addresses previous concerns in relation to the lack of parking facilities at the site.

## NEIGHBOURING AMENITY

4.26 Policy GP1 'Design' seeks to protect the amenity of nearby residents from noise, disturbance, overlooking, overshadowing or from being dominated by overbearing structures. The two storey part of the proposed extension would be positioned away from residential dwellings in the area. The side extension is single storey only; this would be 3.2m in height at its rear where it sits adjacent to the curtilage of 4 Grampian Close. The extension would be located between 1.5m and 2.5m from the boundary. There is a 2.2m high fence separating the application site from 4 Grampian Close. Given the separation distance between the boundary and the proposed single storey extension and its modest height above the existing fence, it is not considered that there would be any significant impact on light to, or outlook from, 4 Grampian Close.

4.27 The proposed single storey side extension would be located between 1.2m and 2.3m from the shared curtilage boundary with 5 North Lane. The proposed extension would be 2.9m in height at this point. It is not considered that this would appear dominant or overbearing given the separation distance from the boundary. There is only one window within this side elevation facing towards 5 North Lane.

This window is raised and would be obscure glazed and would not result in a loss of privacy. A letter was received from the residents of 5 North Lane requesting that a 2m high wall be erected on the boundary. It is considered that a 2m high wall would look oppressive and out of character with the surrounding area where dwarf walls and hedges are the common boundary treatments. The applicant has agreed to erect a brick wall along this boundary which is predominantly 1.8m in height. This would mean that patients visiting surgery would be screened from the back garden of 5 North Lane. It would also help to mitigate against the noise of vehicles entering and leaving the car park, and prevent car headlights from shining into windows on the side elevation of this bungalow. The proposed boundary wall would step down to 1.5m in height and then 1.2m in height as it reaches the front boundary of the site. Number 5 North Lane has a dwarf wall along their front boundary and it was considered important that the proposed wall respects this and steps down in height. On the application side of the proposed boundary wall it is proposed to plant a hedge, which would soften the appearance of the brick wall and provide a greener setting to the car park.

4.28 The proposed surgery extension has the potential to increase the number of comings and goings from patients. Given the location of the site adjacent to a busy road and in an area where there is activity associated with local shops, a chip shop, and public house, it is not considered that during the day this activity would have a significant impact on neighbouring amenity. The proposed pharmacy is proposed to be open from 07:00 to 23:00 hours on Monday to Friday, 08:00 to 19:00 hours on Saturdays and between 09:00 and 17:00 hours on Sundays and Bank Holidays.

4.29 Members raised concerns about the proposed opening hours of the pharmacy and the impact this may have on local residential amenity. The applicants have not amended the proposed opening hours and have submitted additional information explaining this decision and justifying the need and benefits this would bring. The additional information provided by the applicants explains that healthcare demands change rapidly depending on current trends. There is a requirement for health centres to be responsive to developing needs and new health care systems. The development of 'extended hours' contracts encourages practices to offer appointments and services over a wider range of hours. A recent survey with customers has shown a desire for longer opening hours, which has resulted in Saturday morning appointments being offered. As a result of budget pressures, local health centres are now being expected to cover many issues which in recent times have fallen on NHS hospitals. The intention of the re-development of this site is to enable these challenges to be met. A successful pharmacy is an essential part of making the whole development economically viable. The applicants believe that they would not be given a license for a reduced number of hours at the pharmacy with lesser services because this is already provided for by existing services. The 100 hour pharmacy offers additional services. Without the 100 contract pharmacy there would be no pharmacy and without the pharmacy there would not be the funds for the redevelopment of the health centre.

4.30 The applicants point out that there are examples in the past when the site operated significantly longer hours than it does presently. Until the 1990s there was a duty doctor accommodated on site throughout the night. It is understood that the health centre has no planning restrictions on its opening hours and it could operate 24 hours a day 365 days a year without the need for any planning permission. The applicants also believe that they could set up a pharmacy within the existing building without the need for planning permission as it would fall within the same use class as the health centre. These are considered to be material considerations.

4.31 As previously described the application site is in an urban area located close to a busy road with other land uses in the area which are open into the evening. The pharmacy opens out onto the roadside with the patient entrance located away from residential dwellings. The on-site car park would be screened from neighbours by a solid wall and landscaping. A two year survey of the pharmacy in Haxby, which operates similar hours to that proposed in Huntington, shows that only 4% of visits to the pharmacy are after 8pm, with only 2% after 9pm. Given the location of the application site, the way the development has been laid out with the pharmacy and entrance away from residential dwellings, and the likely low level of use later in the evening; it is considered that the proposed development would not cause significant harm to residential amenity.

## **5.0 CONCLUSION**

5.1 The proposed development would enhance and expand an existing health care community facility. This would be likely to result in significant benefits to both existing customers whilst meeting the needs of an expanding York population. The demolition of a bungalow to enable this to occur is considered acceptable.

5.2 The proposed development incorporates a modern design to create a health centre facility which is appropriate for a modern surgery and will meet the needs of patients. The design respects neighbouring properties and would not harm their amenity. Sustainable transport choice is to be promoted through the provision of cycle parking and the implementation of a Travel Plan. A formal legal agreement should be in place between the health centre and sports and social club to provide additional off-street car parking provision. Given the evidence provided about the likely low level of activity at the site in the evening, it is not considered that there would be any significant harm to residential amenity.

5.3 It is considered that the proposed development is acceptable subject to appropriate conditions.

**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:-

- Elevations as Proposed: Revised Plan SK07 Rev A received 06/11/12
- Ground Floor Plan as Proposed: Revised Plan SK06 Rev C received 05/12/12
- First Floor Plan as Proposed: Revised Plan SK05 Rev A received 06/11/12 (not including the staff car parking arrangement)
- Proposed boundary wall to no. 5 North Lane: Revised Plan SK09 A received 23/11/12

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

3 Notwithstanding the information contained on the approved plans, the height of the new build houses shall not exceed 6.5 metres in height, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including a sample panel of brickwork and painted render, timber cladding, roof coverings, and hard ground surface materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

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 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.

6 The extension hereby approved shall not come into use until the areas shown on the approved plans for car parking and cycle parking (including the installation of a security gate) 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.

Informative - The patient cycle parking hoops shall be spaced 1m apart to allow both sides of the hoop to be used for securing bicycles.

7 The pharmacy service hereby approved shall not offer for sale any products which are not medical in nature, that is, not related to the treatment or prevention of illness and injuries.

Reason: To ensure the pharmacy operates ancillary to the approved extended health centre.

8 The floor area of the pharmacy hereby approved shall not extend beyond the floor layout plan shown on the approved plans (drawing number SK06 - rev B).

Reason: To ensure the pharmacy operates as an ancillary facility to the approved extended health centre.

9 Prior to the commencement of development, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Details to include:

- (i) Peak surface water run-off from the proposed development must be restricted to a maximum 2.4 lit/sec.
- (ii) Site specific details of the flow control device manhole limiting the surface water to the 2.4 lit/sec.

(iii) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.

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

(v) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(vi) Details should be provided of the future management / maintenance of the proposed drainage scheme.

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

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

10 All site preparation and construction works and ancillary operations which are audible at the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday - 08:00 to 18:00

Saturday - 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

11 The use hereby permitted shall only operate between the hours of:

- 07:00 and 23:00 hours Monday to Friday

- 09:00 and 19:00 hours on Saturdays

- 09:00 and 17:00 hours on Sundays and Bank Holidays

All plant and machinery shall have been switched off and all customers/patients shall have vacated the premises by this time.

Reason: To protect the amenity of local residents.

12 Details of all new machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the Local Planning Authority for written approval. These details shall include maximum (L<sub>Amax</sub> (f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To Protect the amenity of local residents from noise.

13 Prior to the commencement of development a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of the yearly travel surveys shall then be submitted annually to the LPA's Travel Plan Officer for approval including measures to be implemented to increase modal shift towards sustainable transport choice for both staff and patients.

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles, and other forms of transport to and from the site.

14 Prior to the commencement of the development hereby approved details of the measures which will be used to manage car parking associated with the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic.

Informative: The above condition could be addressed through the provision of £2000 funding to be used by the authority towards the implementation of traffic restrictions in the vicinity of the site and through tree planting on the adjacent grass verge.

15 The extension hereby approved shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing, footway and verge to match adjacent levels.

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

## **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
- Design and Visual Impact
- Car and Cycle Parking
- Neighbouring Amenity

As such the proposal complies with Policies GP1, H9, C1 and T4 of the City of York Development Control Local Plan.

### **2. DEMOLITION AND CONSTRUCTION INFORMATIVE**

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:

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site.

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

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

- Improvements to boundary with 5 North Lane
- Alteration in design with a reduction in the size of pharmacy windows
- Improved car parking arrangements
- Covered staff cycle parking

**Contact details:**

**Author:** Michael Jones Development Management Officer

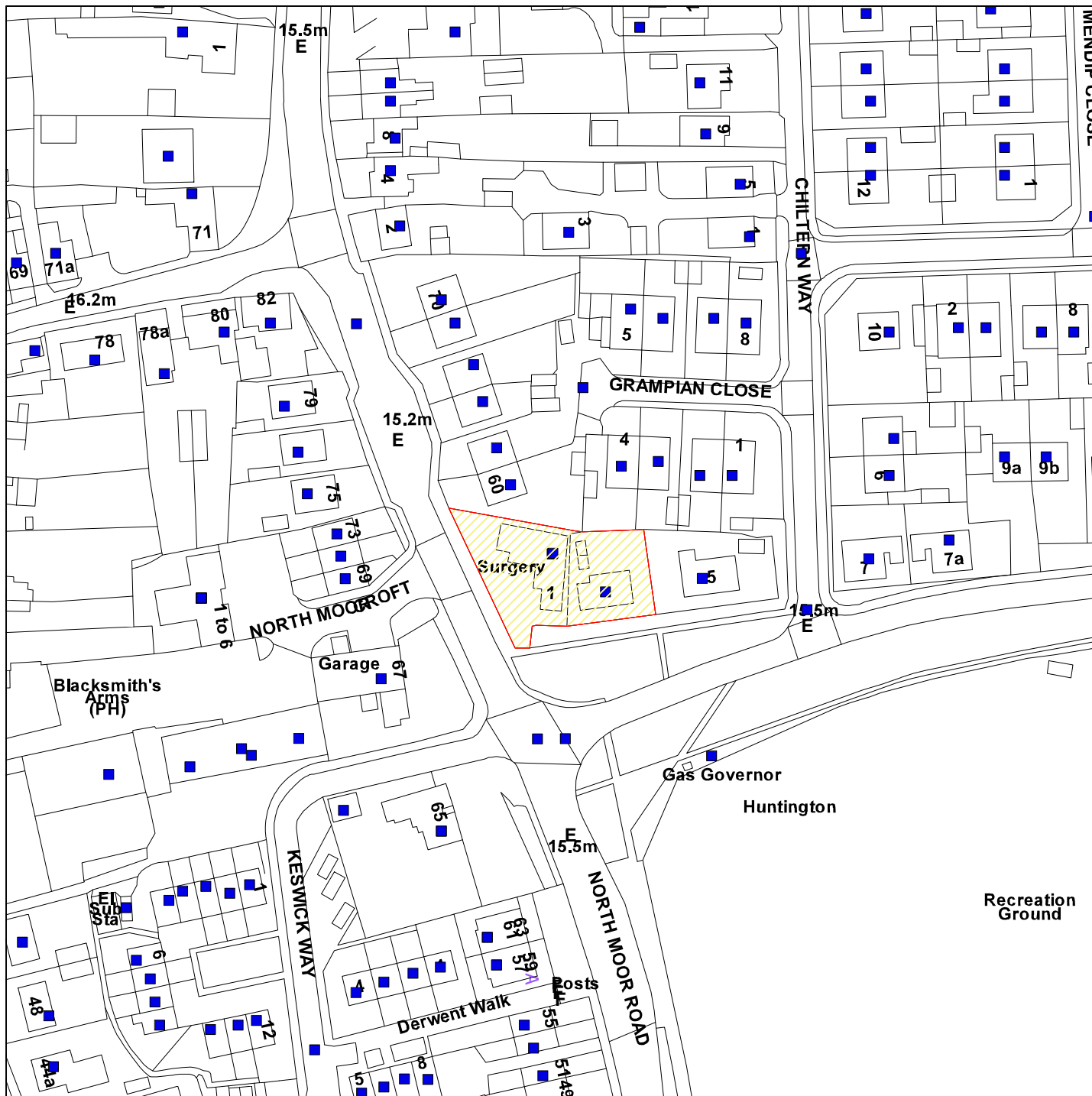
**Tel No:** 01904 551339

12/03081/FUL

Health Centre, 1 North Lane, Huntington



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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 January 2013
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 7 February 2013      **Ward:** Strensall  
**Team:** Major and      **Parish:** Strensall With Towthorpe  
Commercial Team      Parish Council

**Reference:** 12/03229/FUL  
**Application at:** Country Park Pottery Lane Strensall York YO32 5TJ  
**For:** Retention of existing building and installation of non mains  
drainage system  
**By:** Miss Raquel Nelson  
**Application Type:** Full Application  
**Target Date:** 5 March 2013  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Country Park comprises a 20 pitch touring caravan site within the Green Belt on land to the south west of Pottery Lane Strensall. Planning permission ref:- 04/01105/FUL for the layout of the site with associated facilities was granted subject to a number of conditions including details of surface and foul water drainage and that no static caravans be stationed at the site. The site has not subsequently been used as an operational caravan site although the pitches have been laid out and the associated landscaping and amenity building has been provided. Planning permission is currently sought for the partial change of use of the amenity building to provide site office accommodation together with the provision of a package treatment plant foul sewage solution for the wider site.

1.2 Coun Sian Wiseman has called in the application for consideration by the East Area Planning Sub-Committee because of concerns that a precedent may be set for residential use of the former amenity building.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGB1

Development within the Green Belt

CYV5

Caravan and camping sites

CGP15A

Development and Flood Risk

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Nil.

EXTERNAL:-

3.2 Strensall with Towthorpe Parish Council were consulted with regard to the proposal on 8th January 2013. Views will be reported verbally if available.

3.3 The Environment Agency were consulted with regard to the proposal on 8th January 2013. Views will be reported verbally if available.

### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the open character and purposes of designation of the Green Belt;
- \* Impact upon the local pattern of surface water drainage.

STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.3 Policy GB1 of the York Development Control Local Plan states that within the Green Belt planning permission will only be forthcoming for development where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes including essential facilities for outdoor sport and recreation which are felt to be appropriate within the



Green Belt. Central Government planning policy in respect of Green Belt areas outlined in paragraphs 87 to 90 of the NPPF indicates that inappropriate development is by definition harmful to the Green Belt unless justified by "very special circumstances". The provision of appropriate facilities for outdoor sport and recreation is appropriate providing the openness of the Green Belt is preserved and there is no conflict with the purposes of including the land within the Green Belt. The proposal envisages the provision of a package treatment plant to service the approved touring caravan site and associated service building, and as such it is considered that the development is appropriate in Green Belt terms. Any impact upon the openness of the Green Belt would be negligible.

4.4 The second element of the proposal includes the partial change of use of the amenity block to provide a site office and management suite with facilities retained for washing and bathing for site users. The provision of a site office is considered to be an appropriate development in Green Belt terms and by converting part of the existing building a further impact upon the openness of the Green Belt by providing a further new building has been avoided. The terms of Policy GB1 of the Draft Local Plan together with Central Government policy in respect of Green Belts outlined in the NPPF would therefore be satisfied.

#### IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE PATTERN:-

4.5 Policy GP15a) of the York Development Control Local Plan requires developers to satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses. DETR Circular 03/99 "Use of Non-Mains Drainage Systems in Development "is also relevant in the current context. This sets out a clear policy requirement for the use of a multi-process package treatment plant with a suitable outfall to an adjoining watercourse unless local site circumstances dictate otherwise. The previously submitted drainage solution for the site which formed an element of planning application ref:-11/01514/FUL was rejected on the basis that it envisaged a network of cess pools which would be emptied under contract on a weekly basis. The current proposal envisages the provision of a package treatment plant with a discharge to a watercourse forming a tributary to the River Foss. The Environment Agency have granted the necessary permits for the plant and the associated outfall. It is considered, therefore, that earlier concerns have been satisfactorily dealt with and that the requirements of Policy GP15a) and DETR Circular 03/99 have been satisfied.

## 5.0 CONCLUSION

5.1 Country Park Pottery Lane Strensall comprises a 20 pitch touring caravan site which has been granted planning permission but not fully implemented to date. The site occupies a prominent location within the York Green Belt. Planning permission is currently sought for construction of a package treatment plant with an outfall to a tributary of the River Foss to provide a means of foul drainage to the site and for the partial change of use of the existing amenity block to incorporate a site office. It is considered that the package treatment plant and proposed office are both appropriate in Green Belt terms and would not adversely impact upon its openness. A previously planning application at the site ref: - 11/01544/FUL was refused on drainage grounds as it envisaged the usage of a cess pool based system of foul drainage. The current proposal seeks to address these concerns by providing a suitable means of on-site treatment with an outfall for the resulting treated water. It is considered that the proposal addresses the requirements of DETR Circular 03/99 in terms of the provision of Non Mains Drainage 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 and other submitted details:-

Drawing Ref: - PB 12/48 received on 04/10/2012

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 upon the open character and purposes of designation of the Green Belt and impact upon the local surface water drainage pattern. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, V5 and GP15a) of the City of York Development Control Local Plan and Central Government advice contained within paragraphs 79 - 92 of the National Planning Policy Framework.

Application Reference Number: 12/03229/FUL

Item No: 4c

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

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

The submission of a detailed report outlining how the proposed means of surface water drainage complies with the requirements of DETR Circular 03/99.

### **Contact details:**

**Author:** Erik Matthews Development Management Officer

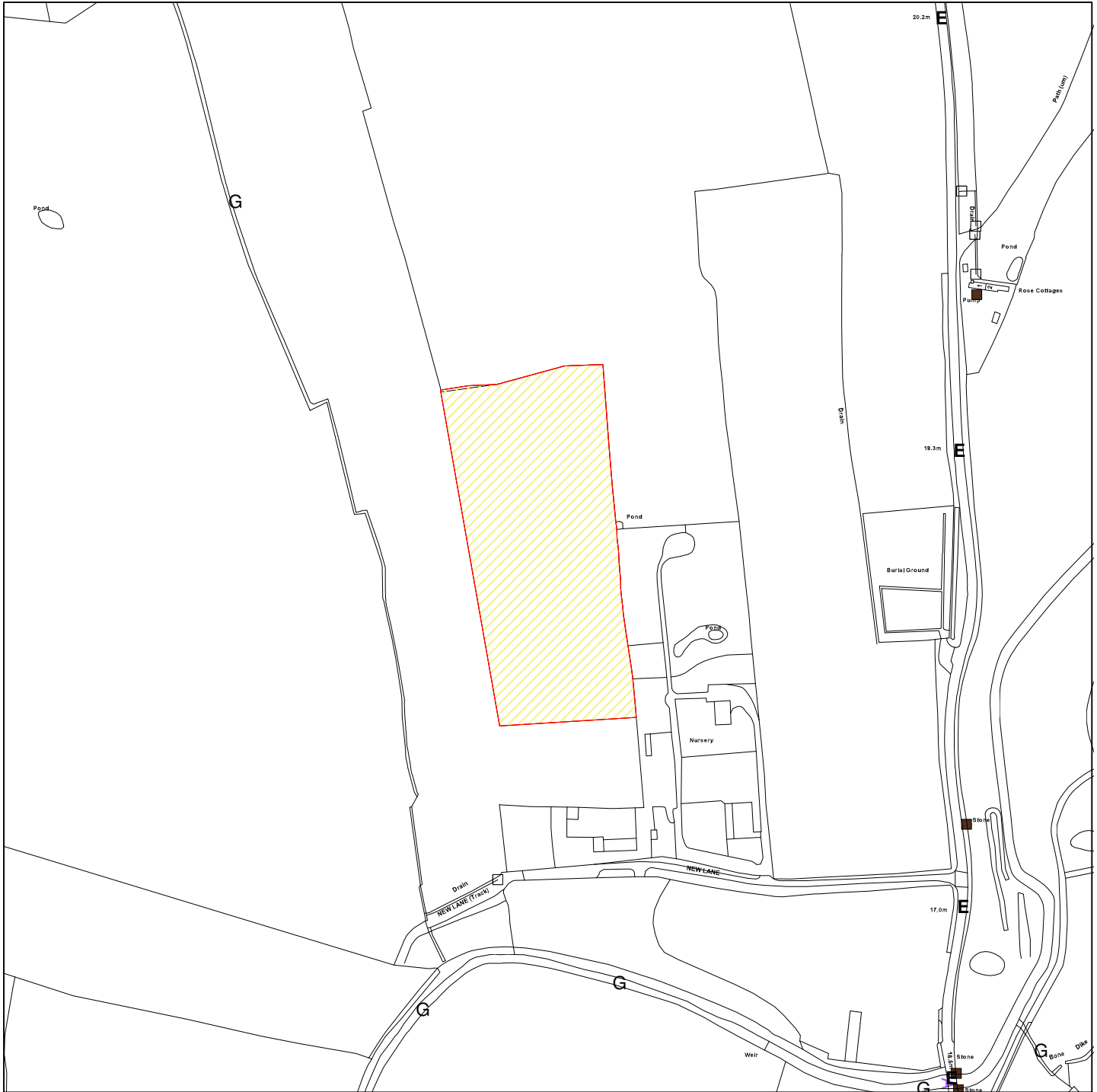
**Tel No:** 01904 551416

12/03229/FUL

Country Park, Pottery Lane



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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 January 2013
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 7 February 2013      **Ward:** Derwent  
**Team:** Major and      **Parish:** Kexby Parish Council  
Commercial Team

**Reference:** 12/03487/FUL  
**Application at:** Cedar Croft 4 Hull Road Kexby York YO41 5LA  
**For:** Conversion of workshop including alterations to the roof and an extension to the side to create a holiday cottage (Use Class C1) and the erection of double garage and stable  
**By:** Mr and Mrs Ward  
**Application Type:** Full Application  
**Target Date:** 23 January 2013  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission for a small extension to an existing workshop and its conversion into a holiday let. Alongside this a new double garage is proposed for use by the residents of the host house, Cedar Croft. Additionally a stable building is proposed within a paddock area. The application site consists of Cedar Croft and the adjoining paddock. The site is located at 4 Hull Road in Kexby.

1.2 The whole of the application site is within the Green Belt.

1.3 The proposed holiday let would be created primarily through the re-use of an existing workshop building. It is understood that the workshop has been most recently used for small scale car repairs by one of the occupants of Cedar Croft. In order to convert this building it is proposed to remove the existing roof cladding and roof structure and to create a new roof which would be covered in clay pantiles. This requires an increase in ridge height from 3.3m at present to 3.8m. A 1m x 2.8m extension is proposed to the side of the building in order to create a utility room and entrance. The remainder of the building would be retained with new doors and window openings inserted into the existing walls. A chimney is proposed to allow a fire to be installed. An area of existing hard standing around the workshop would be retained and upgraded for car parking and manoeuvring and to create a sitting out area. The remaining hard standing would be removed and grassed over.

1.4 To the west of the existing workshop is a dilapidated pony shed. This is proposed to be demolished and removed from site. A new stable block is proposed immediately to the west of the existing pony shed. The stable block would be constructed of timber and have a footprint of 6.8m x 3.4m and a height of 3.1m. The roof would overhang the entrance to the stable for weather protection. The stable block could accommodate two horses.

It is proposed by the applicants that this facility would allow holiday makers to bring their horses to the site and take advantage of the local riding trails. The area around the stable has previously been used as a paddock and this would remain.

1.5 Between the domestic house of Cedar Croft and the workshop building, it is proposed to erect a double garage. This garage would be used for domestic purposes associated with the dwelling. The proposed garage measures 6.7m x 5.6m with a ridge height of 3.4m and would be constructed of rendered block work with a tiled roof.

1.6 Access to the holiday accommodation and stable block would be via an existing access which is used for the house at 4 Hull Road. A new access to the paddock would be removed. The existing access is proposed to be improved to allow greater visibility for safer access.

1.7 Site History - The dwelling at 4 Hull Road has been extended to the rear, this was approved in 1989 (Ref. No. 8/04/53/PA). Recently the paddock area has been subject to enforcement action. This was after the site was occupied by gypsy travellers who sited two caravans on site, increased the size of the hard standing area, and erected a solid timber fence around the site. Last year the travellers moved off the site and the fence was removed. The extended hard standing has not yet been removed but is shown as being removed within this application proposal.

1.8 This application has been brought before East Area Planning Committee because one of the applicants works for the City of York Council. A site visit is recommended to allow Members to understand the objections received within the context of the site.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

CYGB4

Extension to existing dwellings in GB

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 Highway Network Management - No objections to the scale and nature of the development in highway terms. The development is to convert a workshop into a holiday cottage, it is envisaged that there would be no increase in traffic movements. The applicant has shown, on drawing WAR-322-01-02 Rev D, a rationalised access arrangement that incorporates the existing field entrance, existing house access and proposed holiday cottage in to one single access with improved visibility. There is adequate vehicular parking and turning within the site to allow egression of the site in a forward gear. Conditions should be attached covering improvements to the access and the re-instatement of kerbing and footway.

3.2 Environmental Protection Unit - No objections subject to a condition controlling the reporting of any contamination found during construction.

3.3 Leisure and Open Space - No comment as this is not a residential dwelling.

#### EXTERNAL

3.4 Kexby Parish Council - Do not object to the erection of a double garage but strongly object to the conversion of a holiday cottage and erection of a stable block on the following grounds:

- 1) This is green belt/open countryside land and should remain as such.
- 2) Contradicts previous enforcement.
- 3) The hard standing was put there by the previous owner of the paddock illegally and was then ordered by City of York Council to remove it and did not. The present owner was also ordered to remove it and to date has not done so.
- 4) The current workshop building is unlikely to be able to be converted without substantial alteration and lacks compatibility with existing house.
- 5) Access into and out of the paddock would be a major issue as visibility is poor and is directly onto the very busy A1079.
- 6) Question 24 of the application form (Site Visit) is incorrect as the site can be seen from both a public road and public footpath.
- 7) The paddock is not large enough to support one horse, let alone two (rule of thumb is 1 acre per horse). This would also cause problems for (a) a horsebox or trailer to turn in the paddock, (b) the siting and disposal of a muck heap (c) drainage of the land is poor and (d) lack of storage for feed and materials for equine use. The only access for a horse and rider would be directly onto the busy A1079.

8) The holiday cottage would be subject to noise and pollution from the very busy A1079.

9) The Parish Council cannot recall or find reference to a previous planning application to convert two garages to a workshop originally which has happened within the last fifteen years.

10) Kexby already has holiday lets and a bed & breakfast establishment all of which struggle as it in no way appeals to tourists due to the lack of facilities - shops, pub, and park and no longer has a church. The Gateway to York Hotel closed due to lack of business and is now a Care Home.

3.5 Local residents - One letter of objection received from the owner of the agricultural land to the north of the application site. Primary concerns raised are:

1) Not notified formally of the application despite owning the adjoining land/property.

2) The site is referred to as a slightly brown field site, this is wholly untrue. The land was a green belt paddock prior the arrival of the travellers and post their departure should have been returned to its previous condition. This new planning application refers to the fact that 'a previous owner has already formed a substantial hard standing'- this was in fact created by the travellers without planning approval and should have been removed within 3 months of 4th May 2011. As the non removal of the hard standing is contrary to a planning enforcement notice this cannot be used as justification for turning a 'slight brown field location' back into a 'rural paddock' that needs to happen in any event, and cannot surely be used as a basis to support this new application.

3) With regard to the stabling of horses at the new development. Access from the development to the closest bridleway involves travelling along a major trunk road - the A1079. All of the land to the rear has no public right of way over it. The journey along the major thoroughfare to the bridleway must be considered as the 'visiting horses' may be unused to traffic.

4) Concerns about the 'Screening Assessment for Land Contamination' documentation relating to the current workshop. The documents completed by the architect suggest that the property has been used as either domestic or agricultural, whereas it is a workshop and has been used for vehicle repairs/bodywork and re-spray activities on a commercial basis.

## **4.0 APPRAISAL**

4.1 The key issues are:

- Principle of Development in the Green Belt
- Impact on the Green Belt
- Highway Safety



## POLICY POSITION

4.2 The National Planning Policy Framework (NPPF) states that 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.' Paragraph 89 sets out the categories of development which are not inappropriate within the Green Belt; this includes 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building' and 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'. Paragraph 90 goes on to state that the re-use of buildings in the Green Belt is not inappropriate provided that the buildings are of permanent and substantial construction. Development Control Local Plan (DCLP) Policies GB1 'Development in the Green Belt', GB3 'Re-use of Buildings', and GB4 'Extensions to Dwellings' are broadly consistent with the aims of the NPPF.

## PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT

4.3 The application under consideration contains three main elements: the conversion of a workshop to a holiday let including small extension; the erection of a double garage for domestic use; and the erection of a stable primarily to be used to house horses of the occupants of the holiday lets.

4.4 The NPPF and DCLP both state that the re-use of an existing building for another purpose within the Green Belt is not inappropriate in principle. The major caveat to this within the NPPF is that the building to be converted must be of permanent and substantial construction. Submitted in support of the planning application is a 'Structural report' submitted by Dudleys Structural and Civil Consultants. This assesses the structural state of the existing building and assesses the level of work required to convert it into a holiday let. The report concludes that the building is of reasonably good condition for its age and there is no reason why it could not be converted into its intended use. The external walls would be retained with internal walls constructed to create cavities for insulation and to section off the internal space. The roof would be removed and new trussed rafters installed so that a new tiled roof could be fitted. The floor would be laid with insulated concrete. It is inevitable that any outbuilding of this type would require significant internal works to become habitable; however it is considered that the level of external work required is low, as such the building can be considered to be of permanent and substantial construction and would not require any significant rebuilding.

4.5 DCLP Policy GB3 'Re-use of Buildings' also requires the re-use to take place without extensive extension, for the building to not be in close proximity to intensive livestock units and for there to be a clearly defined curtilage. The proposal involves a very modest extension to the existing building. There is a clear boundary around the proposed holiday let area and there is no intensive livestock activity in the immediate vicinity. Overall it is considered that the principle of the change of use of the workshop building into a holiday let is acceptable in the Green Belt.

4.6 The second part of the application is the creation of a new double garage to be used for domestic purposes by the residents of 4 Hull Road. Green Belt policy allows modest extensions to existing houses (including domestic outbuildings). DCLP Policy GB4 and the supporting text states that domestic extensions will only be permitted where it would not cause undue visual intrusion, is appropriate in terms of design and materials, and is small scale compared to the original dwelling. A guide figure of 25% is stipulated within Policy GB4 and in general terms a proposal to extend by more than 25% of the original footprint will be considered to be large scale and resisted accordingly. The dwelling at 4 Hull Road has already been extended to the rear. According to the applicants agent this extension took the footprint of the dwelling from 77 sq m to 87 sq m. This is an increase of approximately 13% in footprint. The proposed garage has a substantial footprint of approximately 37 sq m. When this is added to the size of the existing rear extension it represents an increase of approximately 62% over the original footprint of the dwelling. This significantly exceeds the 25% guide figure.

4.7 However, recent appeal decisions indicate that the fallback position using permitted development rights is a material consideration. It is the case that permitted development rights would allow a garage of similar proportions to be erected on the site without the need for planning permission. The applicant has reduced the ridge height within the revised plans so that it sits below the eaves height of the outbuilding and a space is retained between the garage and the house to allow views through to the original field. Bearing in mind what could be erected using permitted development rights, it is not considered that any objections to the erection of the garage could be sustained. Refusal of the application could result in a similar structure being erected without the need for planning permission, and permitted development rights would remain in place at the property. Should the application be approved, a condition could be added to any approval removing permitted development rights and therefore allowing the Local Planning Authority to have control over any future extensions to protect the openness of the Green Belt.

4.8 The proposed stable block would be located within land which has previously been used as a paddock. There is an existing pony shed on site which has not been used for a period of time and is dilapidated and would be removed from the site. Green Belt Policy allows developments which provide essential facilities for outdoor sport and recreation.

It is considered that the proposed stable block would allow holiday makers to bring their horses to the site and gain access to the outdoor riding trails in the area. It is considered that the principle of a small stable block on this site is acceptable.

## IMPACT ON THE GREEN BELT

4.9 It is considered that the principle of the developments proposed in the Green Belt is acceptable. However, it is important to also consider the impact on the Green Belt, most notably in terms of the need to protect the openness of the Green Belt which is seen as its key characteristic.

4.10 The proposed holiday let would not result in a significant increase in the size of the building and the level of hard standing would be reduced from what is on site currently. The removal of the hard standing shown on the submitted drawings would result in a level of hard standing on site which is broadly in line with that which was in place before it was occupied by a gypsy traveller family. In addition hard standing is being removed from close to the access point and re-grassed. It is considered that this has a positive impact through a reduction in development on the site. The use of the current workshop building as holiday lets would create a more domestic appearance to this part of the site. The parking of cars, creation of sitting out areas, and general activities associated with a holiday let would have a different character to the current workshop space. However, given that this activity would take place in an area well set back from the road and close to other domestic dwellings it is considered that on balance there would be no significant harm to the openness of the Green Belt. A hedge is proposed along the front of the hard standing area and a hedge to the front of the site would be retained thereby creating a softer appearance to the holiday let area.

4.11 The proposed stable block is relatively modest in scale. It is proposed to be constructed of timber and would appear typical within a paddock area within the countryside. The stable would be located close to the holiday let area therefore resulting in a cluster of buildings and activities which enables the majority of the paddock area to remain open.

4.12 The proposed garage would also be close to existing buildings therefore reducing the amount of the site which appears developed. The applicant has attempted to minimise the visual impact of the garage by reducing the height and width to allow greater views above and between buildings. Given that a similar garage could be erected as permitted development it is not considered that objections could be raised to the proposed garage on the grounds of the impact on openness.

## HIGHWAY SAFETY

4.13 The application site is accessed off the A1079 Hull Road. This section of the road has a 60 mph speed limit. Officers consider that the proposed use would result in only a modest increase on the level of use of the access onto the road. Through discussions between the applicants and a Highway Network Management Officer, the access has been re-designed to create a shared access between the dwelling house at 4 Hull Road and the holiday let. The access has been improved through widening and the creation of better sight lines in both directions. The Highway Network Management Officer raised no objections to the proposed development subject to conditions requiring the full details of the access to be agreed with the Local Planning Authority and for redundant crossing to be converted back to kerbs. On this basis it is not considered that any objections on the grounds of highway safety could be sustained.

## 5.0 CONCLUSION

5.1 For the reasons given above, this application is recommended for approval subject to conditions.

## 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:-

Proposed Holiday Cottage, Double Garage and Stable - Drawing Number WAR-322-01-02 Revision D received 24/01/13

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 including roof tiles and render colour for the holiday let and garage, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

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

Reason: In the interests of the openness and visual amenity 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.

5 The converted workshop building shall not be used for residential purposes other than holiday letting. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

Reason: In order to avoid a permanent residential use in this location, which would be contrary to the aims and objectives of the City of York Green Belt contained in Development Control Local Plan Policies GB1 ad GB3.

6 The double garage hereby approved shall only be used for purposes incidental to the enjoyment of the dwellinghouse.

Reason: In the interests of residential amenity and the protection of the openness and purposes of including land within the Green Belt.

7 At no time shall a vehicular entrance gate be fitted within 10m of the junction of the access and the highway without the prior written consent of the Local Planning Authority.

Reason: It is considered that a vehicle gate within 10m of the highway could create highway safety issues for vehicles wishing to enter to the site.

8 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the holiday let shall not be occupied until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

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

10 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

NOTE: 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 2A of the Environmental Protection Act 1990.

11 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 green planting. This scheme shall be implemented within a period of six months of the first occupation of the holiday let. 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.

12 All hardstanding shown as being removed on the approved plans shall be excavated and removed from the site. These areas shall be suitably prepared and seeded or turfed prior to the first occupation of the holiday let hereby approved. Details of any upgrading/change of surface material of remaining hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to ensure suitable drainage of 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:

- Principle of Development in the Green Belt
- Impact on the Green Belt
- Highway Safety

As such the proposal complies with Policies GB1, GB3, and GB4 of the City of York Development Control Local Plan.

#### **2. INFORMATIVE:**

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

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

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

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

- Amendments to access in order to improve highway safety
- Removal of vehicle gate from the plans
- Reduction in size of proposed garage
- Alterations to elevations of proposed holiday let
- Reduction in the amount of hard standing on site

#### **Contact details:**

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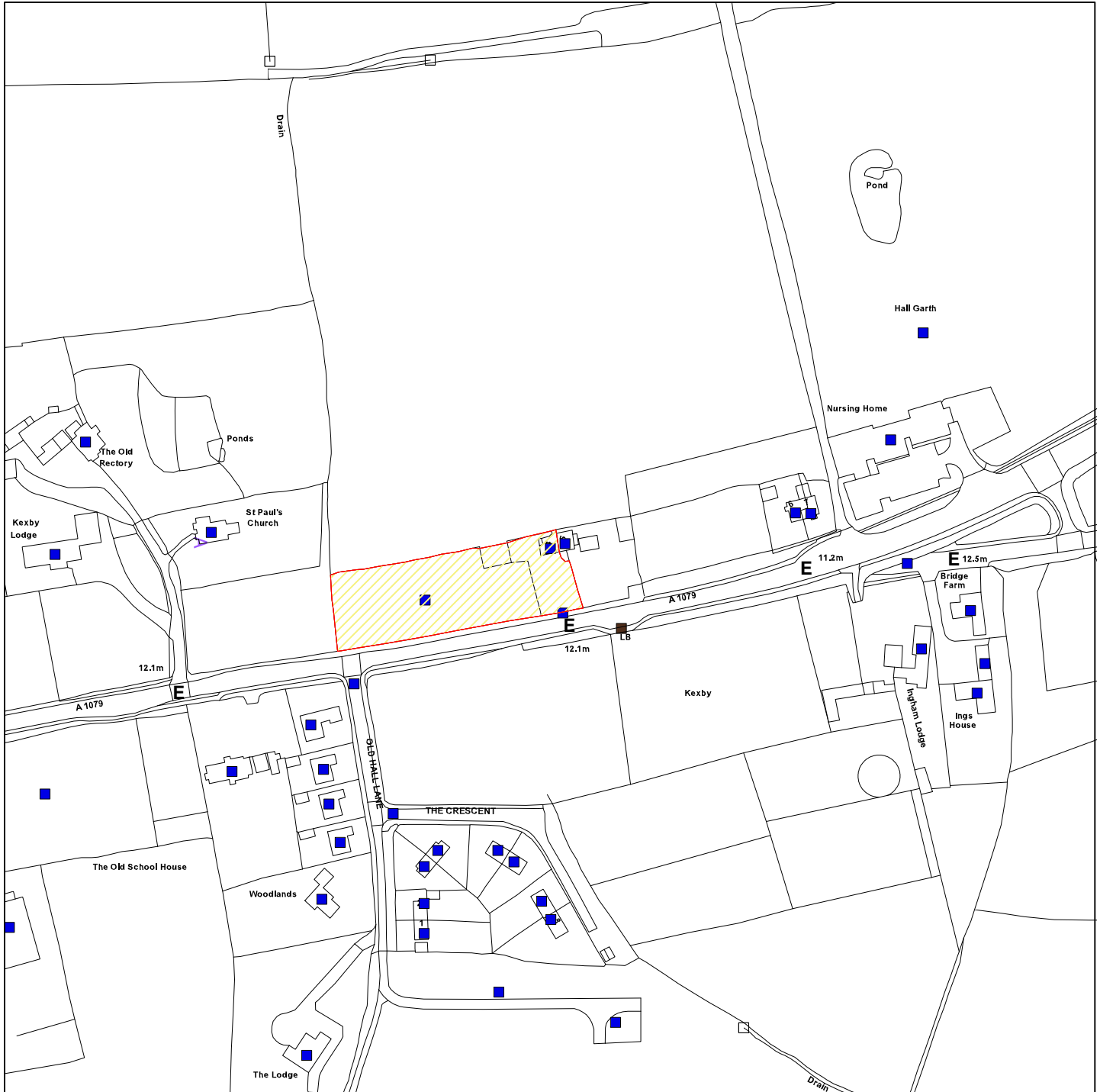
Item No: 4d

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



12/03487/FUL

Cedar Croft, 4 Hull Road, Kexby



Scale : 1:2500

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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 January 2013
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 7 February 2013      **Ward:** Strensall  
**Team:** Major and      **Parish:** Stockton-on-the-Forest  
Commercial Team      Parish Council

**Reference:** 12/01667/FULM

**Application at:** Agricultural Building Lying To the East Of Gardenia Malton Road  
Stockton On The Forest York

**For:** Retention of unit 1 as a car wash, retention of units 3 - 12incl., 13  
to 16 incl. and unit 18 for B2/ B8 industrial/storage use retention of  
units 20 - 34 for B8 storage use. Demolition and replacement of  
existing building for B2/B8 use (part retrospective unit 19),  
retention and provision of car parking to serve the site and  
provision of area for external storage of agricultural equipment

**By:** Mr Ian Parker

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 2 August 2012

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Full planning permission is sought, in the main retrospectively, for the conversion of existing agricultural buildings and completion of a further part constructed building for employment use (B1/B8 use class) together with storage area for agricultural use at the above site.

1.2 The site is located about a mile beyond the outer ring road to the north east of the city. It abuts the A64 and is a broadly rectangular area with a red line site area of approximately 2ha. There is further land within the ownership of the applicant to the north and east of the site. To the south-west of the site are four dwellings adjacent to the road. The opposite side of the road includes a transport cafe and an associated dwelling and a nursery with associated cafe and dwelling .The land was formerly an intensive pig farm. In 2004, when an appeal for new employment development was considered at the site, it was a matter of common ground with the applicant that there were 7,142 sq.m. of building on the site with hardstanding covering 1.7 ha. It was agreed that there were existing buildings on the site of varying heights footprint and volumes; ridge heights of the buildings were a maximum of 9.8 metres.

1.3 The purpose of this application is to regularise all the existing uses on the site and to gain permission for the remaining buildings. The proposal is for the following:-

- The retention of car wash (sui generis) in an existing building located on the north western frontage of the site (referred to as unit 1 on the plans)

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- Retention of 12 industrial B2/B8 units within existing buildings located centrally within the site (referred to as units 3 to 12 on the plan). This building has an approved scheme for 4 units. A total of 24 parking spaces are provided for these units to the north of the building.
- Retention of an existing building on the south of the site for 4 industrial units B2/B8 (referred to as units 13 to 16). 23 car parking spaces are provided for these units
- Retention of building on the north side of the site for industrial B2/B8 use (referred to as unit 18) with 6 car parking spaces
- Rebuild of existing building for B2 general industrial use, part constructed. (referred to as plot 19) with 7 car parking spaces
- Retention of 14 B8 storage units converted from an existing building, each unit measuring 35 sq.m. (referred to as units 20 to 34) with 8 car parking spaces.
- Formation of designated area of 1400 sq.m. for storage of agricultural equipment to the south side of the site

1.4 In total this application relates to 3000 sq.m. of floor space.

## SITE HISTORY

1.5 Planning permission was refused for the erection of employment development (new industrial buildings) in March 2003 because of the location of the site in the Green Belt and the unsustainable location of the site. The application was subsequently dismissed on appeal in June 2004. (Planning ref:01/03567/OUT)

1.6 In January 2007 planning permission was granted for the conversion of existing buildings located centrally within the site into B2/B8 uses.(Planning ref: 05/00623/FUL)

1.7 No objections were raised to the construction of an agricultural building under the agricultural notification procedure in 2007 (Planning ref: 07/01436/AGNOT)

1.8 In August 2009 permission was granted for the operation of a waste sorting station from an existing agricultural building (Planning ref: 09/00845/FULM). The waste sorting station was originally placed in the field to the back of the site without planning permission and was subsequently moved to this site through the issue of the decision and negotiation with the applicant.

1.9 An application was submitted retrospectively for the conversion of existing agricultural buildings into B8 storage units and the rebuild of an existing agricultural building for use as B2 industrial unit in May 2011. The application was subsequently withdrawn to allow the applicant to submit a comprehensive application to regularise all unauthorised development at the site.

1.10 There have been various enforcement cases raised on this site although no formal notices have been served.

The enforcement cases relate to the siting of the waste transfer station in open agricultural land, various caravans that have previously been stored at the site as well as other outside storage. The use of the new agricultural building (erected under permitted development in 2007) has been questioned.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

### 2.2 Policies:

CYGB3

Reuse of buildings

CYGP1

Design

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Highways Network Management - The site is within the jurisdiction of the Highways Agency therefore no comments.

3.2 Environmental Protection - The Preliminary Investigation Report (dated Oct 2005) and the Geo Environmental Appraisal (dated Feb 2006) characterise the ground conditions and the associated contamination at the site. Elevated levels of ground gases were detected and the installation of gas protection measures is recommended in order to protect future site users. In addition, elevated levels of cyanide in soil, asbestos in buildings and visual/olfactory evidence of hydrocarbons require further investigation and/or remediation. The standard contaminated land conditions should be attached to any planning approval.

### EXTERNAL

3.3 Stockton-on -the-Forest Parish Council - The application unit site must be identified and must not be extended; The industrial area must show a definite tight boundary only encapsulating units and not the residential property; The extension of any unit on site must not be allowed; The business use of these buildings needs to be regularized both in scale and number that is appropriate to the site and current regulations.

3.4 Highways Agency - No objections. The Agency indicates that any further expansion of this site will not be acceptable.

3.5 Environment Agency - No objections. Would like an informative adding to the application decision relating to the movement of waste and the use of waste in the site.

3.6 Foss Internal Drainage Board - As far as possible surface water from the site should be managed in a sustainable manner to mimic surface water run-off prior to the proposed development. Soakaways are proposed; the drainage board are not aware of the effectiveness of soakaways and recommend an appropriate condition be attached.

3.7 Local residents - No replies

3.8 Site Notice/Newspaper Advert - No response

#### **4.0 APPRAISAL**

##### 4.1 Key Issues:

- Principle of the development
- Design and landscape
- Highways access and parking
- Sustainability
- Drainage and flood risk
- Contamination
- Residential amenity

4.2 The application site is located within the Green Belt beyond the ring road on the north side of York.

4.3 Paragraph 7 of the National Planning Policy Framework (NPPF) says that there are three dimensions to sustainable development, namely economic, social and environmental. These roles should not be considered in isolation because they are mutually dependent. The planning system should play an active role in guiding development to sustainable solutions.

4.4 Paragraph 19 says significant weight should be placed on the need to support economic growth through the planning system. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (para 28).

4.5 Section 4 of the NPPF 'promoting sustainable transport' says plans and decisions should ensure developments that generate significant traffic movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the framework, particularly in rural areas.

4.6 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. (para.79)

4.7 Once Green Belts have been defined, Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81)

4.8 Paragraph 87 and 88 of the NPPF concern development within the Green Belt and state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, Local Planning Authorities, should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.9 New buildings should be regarded as inappropriate development in Green Belt. Exceptions to this are provision of facilities for outdoor sport or recreation, extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces; limited infill in villages; or limited infill or the partial or complete redevelopment of previously developed sites (Para.89).

4.10 Certain other forms of development are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction (para. 90).

4.11 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.12 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 which defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre.

4.13 Policies in the draft local plan (DLP) that are considered to be relevant and accord with the aims of the NPPF are GB3 'reuse of buildings' and GP1 'design'

## THE PRINCIPLE OF THE DEVELOPMENT

4.14 The site is located within the Green Belt. The previous history shows that a certain degree of change of use of agricultural buildings to industrial use has been accepted although the wholesale redevelopment of the site for industrial purposes was dismissed on appeal in 2004. The NPPF says that the re-use of buildings is not inappropriate provided that the buildings are of permanent and substantial construction and provided the openness of the Green Belt is preserved and the proposals do not conflict with the purposes of including land in the Green Belt. This is a retrospective application and therefore it is more difficult to assess the original condition of the buildings and thus the extent to which this scheme is a conversion of the original structures. What we can be clear about, because it is documented within the appeal statement in the 2004 appeal and is clear from aerial photographs, is that at the time of the appeal there was a substantial amount of buildings and hardstanding on the site. The applicant's agent confirms that all the units except unit 19, which is currently under construction, were largely converted from the existing structures on site and the case officers site visit would on the whole agree with this assessment.

4.15 Although some of the buildings have certainly undergone significant repair, aerial photographs show that between 2007 and the present day many of the buildings have been re-roofed, car parking has been formed but also the site has been considerably improved by the removal of outside storage and the formation of a landscaped boundary on the north side of the site. Taken as a whole it is considered that the development represents a reuse of buildings and is therefore not inappropriate development provided the development does not impact on openness and the purposes of including land within the Green Belt.

### Openness

4.16 The buildings can be seen when approaching the site from the north. The backdrop to the development from this direction is a fairly substantial landscaped boundary and open fields.

The buildings in their height and massing still retain their agricultural form and the introduction of the industrial uses has not in any significant way changed the overall visual appearance of the site when viewed from this vantage point. The most prominent building on the site from the road frontage is unit 1 which is being used as a car wash facility. This building has been used for none agricultural uses for a considerable amount of time, albeit with no formal planning permissions. The remaining industrial and storage uses are set back into the site and the curtilage and majority of the structures are shielded by the frontage building and an adjacent agricultural building. Approaching the site from the south the site is screened by the existing dwellings and their landscaped boundaries and the site is very much viewed in the context of a cluster of existing buildings both in domestic and agricultural use. Overall it is considered that the use of the buildings for storage and industrial use has been accommodated in the site without increasing the site's visibility or increasing the impact of the site on the openness of the Green Belt.

#### Purposes of including land in Green Belt

4.17 Paragraph 80 of the NPPF states that the Green Belt serves five purposes. These are to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. In relation to the proposal the scheme has the potential to conflict with the objective of safeguarding of the countryside. However, in officers view given the existence of the farm buildings and extensive hardstanding within the site from the former agricultural use, the new use of the buildings will not conflict with the purposes of the Green Belt. Furthermore the grant of the permission will allow the protection of surrounding open land owned by the applicant being encroached upon in the future and will control the visual quality of the site through conditions preventing outside storage.

4.18 The scheme is considered to be appropriate development within the Green Belt having regard to paragraph 90 of the NPPF. Furthermore the NPPF is supportive of economic growth in rural areas. The majority of the B2/B8 units at this site are occupied by small businesses. The site as it has developed here has, in Officer opinion, provided for a section of the economic market which caters for small businesses requiring low cost accommodation and storage facilities for short term use. In this respect the site is providing employment and economic activity in the region and it is clearly Government policy to stimulate the economy through the setting up of small businesses and supporting economic growth. These factors weigh in favour of the principle of the development.



## DESIGN AND LANDSCAPE

4.19 The buildings on this site reflect its previous agricultural use. The buildings vary from small scale brick built structures to substantial steel clad spaces reflecting the later more 'industrial' type of building now common on agricultural holdings. The piecemeal way in which the site has been developed and the efforts to reuse existing structures means that the site retains many of the characteristics of the original holding, which is acknowledged as intense. The main problem with this site has been the extent of unauthorised permissions and the level of external storage/clutter that has been placed both adjacent to buildings and on the land to the east of the application site but within the applicants ownership. The proposals set out in this application define an area of outside storage for agricultural equipment and indicate that land to the east will be kept clear. The permission that was granted for the conversion of one of the buildings to industrial use had a condition attached to it that restricted outside storage, as did the waste transfer station application. A similar condition is proposed for this application to minimise the visual impact of the development.

4.20 The site is relatively well screened on its northern boundary and additional infill planting is proposed on this side as part of the scheme. The southern boundary is well screened on the approach to the site because of adjacent development. The eastern boundary is presently open to the field beyond and screened at the back of this field by the planting adjacent to the dyke and the golf course beyond.

4.21 It is considered that the elements of reconstruction that have taken place within the site reflect the original character and form of the agricultural buildings and are visually acceptable in the Green Belt. The landscaping proposals reflect the need to reinforce the existing boundary treatment to provide an appropriate edge to the development having regard to the open nature of the adjacent land and the original agricultural boundaries.

## HIGHWAYS, ACCESS AND PARKING ARRANGEMENTS

4.22 Access to the site is via two access points on the frontage of the site. The A64 (T) provides direct access to the site, which at this point is a single carriageway, where the national speed limit of 60mph applies. The two site access points are located on the westbound side of the carriageway. There are a four access points off the eastbound side of the carriageway within the vicinity of the site, providing access to a garden nursery and a lay-by, providing access to the Highway Man Cafe.

4.23 The application is supported by a Transport Statement. The Statement can be summarised as follows:-

- The statement has compared the existing vehicular movements into and out of the site and on the A64 and what could be generated by the development.
- The statement takes account of all the development that is accessed from the two access points.
- A traffic count shows that there will be no detrimental impact on the operation of either access point as a result of the development. Trip rates were obtained from TRICS data in order to provide a comparison. The TRICS data would produce a significantly higher level of traffic to those actually produced by the traffic count
- Accident data for the last three years shows that there have been nine accidents along the stretch of road, three of which were outside the site. These three were slight in severity.
- Both access points will operate within acceptable capacity.

4.24 The conclusion of the Statement is that the level of traffic currently generated by the site is minimal and does not have a significant impact upon the operation of the A64 (T) and the accesses alone. As the site is currently operating the level of traffic should not increase.

4.25 The site is under the jurisdiction of the Highways Agency because of its proximity to the A64 trunk road. The Highways Agency have not raised any objections to the development and is not suggesting any conditions be attached to the permission. They do however say that in their view this proposal represents the maximum amount of development and that any further development would not be supported.

4.26 The car parking arrangements at the site have never been formalised. The submitted scheme shows the location of car parking for each unit. The car parking is either existing or utilises the existing hardstanding areas. Conditions will need to be imposed on any permission granted to ensure that the car parking layout on the submitted scheme is implemented.

4.27 Although it is not anticipated that there will be many people arriving by bicycle (see below) there would be space within units for cycle storage for employees.

## SUSTAINABILITY

4.28 The principle aim of the NPPF is to achieve sustainable development by balancing economic, social and environmental aims. The policies however acknowledge that in rural areas that the promotion of sustainable transport may not always be possible. The site is located on the main A64 trunk road and the dominant form of access to the area is by car.

Whilst there is a relatively regular bus service along the A64 realistically pedestrian and cycle access to the site are very limited and most journeys to and from the site will be by car. In the 2004 appeal the Inspector considered that as a location for new industrial development the scheme needed to incorporate clear measures to reduce dependency on the private car. The distinction between this and the previous proposal is the extent of the site and the usability of the space provided. The converted buildings provide low level single operator businesses as opposed to the appeal scheme which proposed purpose built open plan type office structures which could provide space for significant number of employees. The appeal permission also related to a much larger scheme extending into open land to the east of the site. The accessibility of this site by sustainable transport modes cannot be realistically achieved and therefore it has to be considered whether it would be reasonable to refuse planning permission on these grounds.

4.29 In Officers opinion, the types of business which operate from this site, namely motor repairs, storage facilities, and fabrication business, would mean that the use of a car would be the main form of transport to the site regardless of location. The NPPF provides the basis to consider the rural context of development in assessing sustainable transport when it states that there is a need to take into account other policies in the framework especially in rural areas. In this case given the nature of many of the businesses, small scale sole traders or small firms, the permissions that establish a degree of industrial use on the site and the policy support for business development, it is considered that the economic benefits of the proposal outweigh any concerns relating to accessibility by other modes of transport than the car.

## FLOOD RISK AND DRAINAGE

4.30 The site is located within flood zone 1 and will not suffer from river flooding. The site is serviced by existing drainage systems. The foul drainage goes to the existing main sewer and the surface water is discharged to soakaways. It is understood that the soakaway drains on to the applicants adjacent field. As the buildings and surrounding hardstanding are existing and surface water is already discharging to soakaways it is considered that the development will not result in any increase in surface water run off and the use of soakaways is acceptable for the site. A plan has however been requested from the applicant that shows the full drainage arrangements for the site. This plan should be received prior to committee and will form one of the approved drawings. The Internal Drainage Board have not raised any concerns about the way the surface water is discharged from the site.

## CONTAMINATION

4.31 The application is supported by a GeoEnvironmental appraisal dated 2006 and a Preliminary Investigation Report dated Oct 2005. The reports characterise the ground conditions and the associated contamination at the site.

Elevated levels of ground gases were detected and the installation of gas protection measures is recommended in order to protect future site users. In addition, elevated levels of cyanide in soil, asbestos in buildings and visual/olfactory evidence of hydrocarbons require further investigation and/or remediation. The Environmental Protection Unit recommend that the standard contaminated land conditions be attached to any planning approval which will require contamination at the site to be remediated.

## RESIDENTIAL AMENITY

4.32 There are four residential properties located on the south side of the site. The property at the entrance to the site known as 'The Gardens' is owned and occupied by the applicant, two further residential properties are located with an A64 frontage, set away from the application area and the fourth shares the southern boundary with the application site. The proposals include a new brick wall to the joint boundary with trees planted on the inside. The area adjacent to the boundary is currently hardstanding and has previously been occupied by a large agricultural building. The hardstanding area will provide car parking for unit 14 and for the waste sorting station (unit 17) which has been granted consent under a previous permission. The adjacent property is a bungalow with the front area facing the site, to the front of the bungalow is a turning area, access to agricultural buildings and a range of outbuildings. Although the parking is close to the joint boundary it is considered that the introduction of the wall will create adequate separation between the two sites because of the orientation of the bungalow and the intervening access area. The Environmental Protection Unit have not raised any objections to the proximity of the site to adjacent properties.

4.33 All four of the residential properties share the same accesses as the development proposals. The access points are sufficient separated from the residential properties so that the residential uses will not be affected by any increase in the use of the access points.

## 5.0 CONCLUSION

5.1 The scheme is considered to be appropriate development within the Green Belt having regard to paragraph 90 of the NPPF. Furthermore the NPPF is supportive of economic growth in rural areas. The majority of the B2/B8 units at this site are occupied by small businesses. The site as it has developed here has, in officer opinion, provided for a section of the economic market which caters for small businesses requiring low cost accommodation and storage facilities for short term use. In this respect the site is providing employment and economic activity in the region and it is clearly Government policy to stimulate the economy through the setting up of small businesses and supporting economic growth. These factors weigh in favour of the principle of the development.

5.2 It is considered that the elements of reconstruction that have taken place within the site reflect the original character and form of the agricultural buildings and are visually acceptable in the Green Belt. The landscaping proposals reflect the need to reinforce the existing boundary treatment to provide an appropriate edge to the development having regard to the open nature of the adjacent land and the original agricultural boundaries.

5.3 Overall it is considered that proposals and the retrospective development would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the development including the consideration of the appropriateness of the development in the Green Belt, design and landscape, highways and parking arrangements, sustainability, drainage and flooding, contamination and residential amenity. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB3 and GP1 of the City of York Development Control Local Plan and Government policy contained within paragraphs 79 - 92 of the National Planning Policy Framework.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

Drawing no. PAR-251-02 10 Rev A

Drawing no. PAR-251-02 11 Rev A

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

2 Within 3 months of the date of this permission there shall be 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 on the northern, southern boundaries and within the site area. This scheme shall be implemented within the first planting season following the approval of the scheme. 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 to enhance the setting of the buildings in this Green Belt location.

3 Within 3 months of the date of this permission the car parking layout shown on drawing no. PAR-251-02 10 rev A shall be implemented to the satisfaction of the Local Planning Authority. Areas of existing car parking to be removed as part of the implementation of the car parking layout shall be treated in accordance with a scheme and within a time scale to be submitted and agreed by the Local Planning Authority in writing within one month of the date of this permission.

Reason: To ensure the adequate provision of car parking facilities for each unit within the site and to protect the visual amenity of the Green Belt.

4 Within 3 months of the date of this permission all materials and hardstanding located in the area edge blue to the east of the application site shall be removed to the satisfaction of the Local Planning Authority and the land shall thereafter be kept clear of all materials associated with the approved use on the application site.

Reason: The area of land is relatively open area of Green Belt, and its use for industrial storage is considered to be inappropriate development within the Green Belt as defined in the National Planning Policy Framework and detrimental to the visual amenity of the area.

5 No parts, containers, waste materials or equipment connected with any process undertaken within any of the buildings the subject of the approval shall be placed or stored on any part of the site other than within a building.

Reason: To protect the openness of the Green Belt and the visual appearance of the site.

## 6 C1 Development on Land Affected by Contamination

Within 3 months of the date of this permission parts, or in the case of units so far unoccupied, prior to the commencement of the unit, a to c of this condition shall be 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,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency' '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 within 3 months of the date of this permission or within such longer period as may be agreed in writing with 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 that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

## 7 C2 Reporting of Unexpected Contamination

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 the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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.

8 Notwithstanding the provisions of Part 8 of schedule II of the Town and Country Planning (General Permitted Development Order 1995 (as amended) no extension shall be erected to any building hereby approved without the prior written approval of the Local Planning Authority through the submission of a planning application.

Reason: In order to protect the openness of the Green Belt and in the interests of the visual amenity of the area it is considered that further development should be restricted. Furthermore the Highways Agency has expressed concerns about the potential to increase the use of the site and the impacts of this on the A64 Trunk Road. In the interests of highway safety it is considered that any further development should be specifically controlled.



## **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 principle of the development including the consideration of the appropriateness of the development in the Green Belt having regard to openness and the purposes of including land within the Green Belt, design and landscape, highways and parking arrangements, sustainability, drainage and flooding, contamination and residential amenity. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB3 and GP1 of the City of York Development Control Local Plan and Government policy contained within paragraphs 79 - 92 of the National Planning Policy Framework.

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

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

- Negotiations with the applicant to achieve an acceptable layout for the parking and storage arrangements around the site.
- Negotiations with the applicant to remove unacceptable development from the site.
- Discussions with consultees to provide an understanding of the proposals to regularise the use of the site.
  
- Discussions with Enforcement Officers to resolve outstanding enforcement issues

### **3. Off Site Movement of Wastes**

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

#### **Use of Waste on Site**

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from the Environment Agency.

The Agency are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

The applicant is advised to contact the Environment Management Team at our York Office on 01904 822589 or refer to guidance on the Environment Agency website: <http://www.environment-agency.gov.uk/subjects/waste>

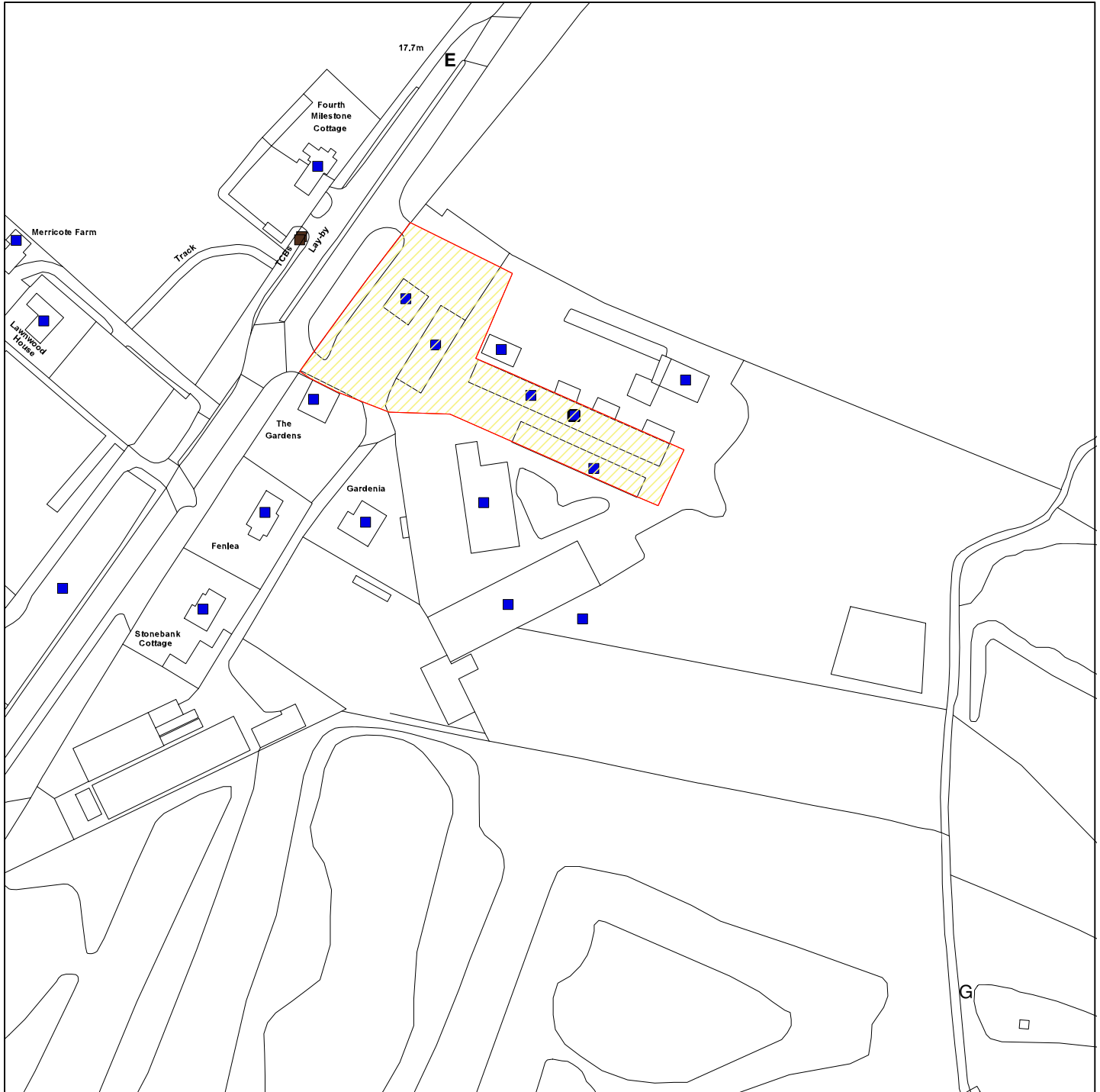
**Contact details:**

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12/01667/FULM

Agricultural Building Lying To The East of Gardenia, Malton Road



Scale : 1:2500

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