



**Notice of a public meeting of
Area Planning Sub-Committee**

To: Councillors Watson (Chair), Galvin (Vice-Chair),
Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell,
Looker, McIlveen, Merrett and Watt

Date: Thursday, 4 December 2014

Time: 2.00pm

Venue: The George Hudson Board Room - 1st Floor West
Offices (F045)

A G E N D A

**The mini-bus for Members of the Sub-Committee will depart from
Memorial Gardens on Wednesday 3 December 2014 at 10.00am**

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 3 - 26)

To approve and sign the minutes of the last meetings of the Area Planning Sub-Committee held on 8 October 2014 and 6 November 2014.

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 Officers on the contact details listed at the foot of this agenda.

The deadline for registering is **Wednesday 3 December 2014** at **5.00pm**.

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at:
http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

4. Plans List

To determine the following planning applications:

- a) **6 Westlands Grove, York, YO31 1DR** (Pages 27 - 40)
(14/01777/FUL)
Erection of two storey detached dwelling including alterations to existing dwelling [Heworth Without Ward] **[Site Visit]**
- b) **Sports Centre, Heslington Lane, Heslington,** (Pages 41 - 48)
York (14/02245/FULM)
Erection of indoor sports hall [Heslington Ward] **[Site Visit]**

5. Urgent Business

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

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail [_louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)
[/catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) (when emailing please send to both addresses)

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 3 December 2014**

**The mini-bus for Members of the sub-committee will depart
Memorial Gardens at 10.00am**

TIME (Approx)	SITE	ITEM
10:10	6 Westlands Grove	4a
10:50	Sports Centre, University of York, Heslington Lane	4b

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	8 October 2014
Present	Councillors McIlveen (Chair), Cuthbertson, Fitzpatrick, Galvin (Vice-Chair), Horton, King, Looker, Warters, Watt and Firth (Substitute for Councillor Hyman)
Apologies	Councillors Douglas and Hyman

Site	Visited by	Reason for Visit
Garage Court, Rear of 10-16 Newbury Avenue	Councillors Galvin, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received.
9 Helmsdale	Councillors Galvin, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received.
Land lying to the south of Centurion Office Park, Tribune Way	Councillors Galvin, McIlveen, Warters and Watt.	As the recommendation was for approval and objections had been received.

22. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have in the business on the agenda. None were declared.

23. Exclusion of Press and Public

Resolved: That the press and public be excluded during the consideration of Annexes to Agenda Item 5 (Planning Enforcement Cases Update) on the grounds that they are classed as exempt under Paragraphs 1, 2 and 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.

24. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 4 September 2014 be approved and signed by the chair as a correct record.

25. 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.

26. Plans List

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

26a) Rodgers of York, Julia Avenue, Huntington, York, YO32 9JR (14/01551/FULM)

Members considered a major full application (13 weeks) from Mr James Browne for the change of use from use class B8 (warehouse) to restricted use class A1 (retail) with insertion of additional mezzanine floor space.

Officers advised that paragraph 4.7 of the report should read "A substantial customer car park lies within the site to the east of the existing building and the Monk's Cross Park and Ride site lies to the south west." "Examples of items for sale would be delivered to the store in the new circumstances, in the early morning or late evening as with other similar furniture and household furnishing retailers." The majority of purchased goods would be delivered directly from the warehouse to the purchaser's residence.

They also advised that an existing warehousing facility at Sheriff Hutton Industrial Estate would be used in place of the current site.

Mr James Browne, the applicant, addressed the committee in support of the application. He explained that the proposals would help the business thrive in an ever changing retail environment and would provide them with the additional space they needed in order to enhance their current displays.

Members agreed that the proposals would benefit the business acknowledging that Rodgers was situated close to other major retail developments.

Resolved: That the application be approved.

Reason: Rodgers of York comprises a medium sized independent furniture and household goods retailer located within a single storey unit directly to the south of the Monks Cross Retail Park. Planning permission had been sought for the change of use of the adjacent warehouse associated with the retailing operation to provide further retail floor space including a modest mezzanine linking the two elements of the retailing operation. A detailed Retail Impact Assessment together with a Sequential Test had been submitted to support the application. These demonstrated that the proposal, as being for the expansion of a long standing local business would have only a negligible impact upon the vitality and viability of the City Centre. At the same time a detailed Transport Statement had been submitted which demonstrated that the number of additional car journeys generated by the proposal would also be negligible.

**26b) Garage Court rear of 10-16 Newbury Avenue, York
(14/01517/GRG3)**

Members considered an application by the City of York Council for a General Regulations (Reg3) application for the erection of nine apartments with associated parking and landscaping following the demolition of garages.

Officers reported that the Flood Risk Management Team had responded and advised that as the site was in low risk Flood Zone 1, it should not suffer from river flooding. They had no objections to the development in principle but proposed conditions on foul and surface water (including provision of sustainable drainage systems).

The Internal Drainage Board (IDB) had warned that the site was in an area where drainage problems existed and development should not be allowed until the Authority was satisfied that surface water drainage has been satisfactorily provided for. A condition was therefore proposed to agree a scheme for provision of surface water drainage works prior to the commencement of development.

Yorkshire Water advised that there were 225 mm diameter sewers crossing the site. In this instance building over may take place under part H4 Building Regulations. The development should take place with separate foul and surface water drainage. The local sewer did not have capacity to accept additional discharge of surface water. Conditions should be applied to agree foul and surface water drainage schemes prior to commencement of development, and to ensure that there was no piped surface water discharge prior to the completion of the approved surface water drainage scheme.

The City Ecologist responded that the proposal would not have a negative impact on Hob Moor Local Nature Reserve. The new apartments would be set further back from the boundary than the existing garages, providing a small buffer of gardens and a new hedgerow would be planted along the entire length of the site. The trees and hedgerow on the boundary within Hob Moor would be retained. The flat bitumen roofed garages were very unlikely to support bats and a bat survey was not considered necessary. The report proposed that a light sensitive scheme be incorporated and this should be conditioned.

Officers advised that two further letters of objection had been received which expressed concerns that there was a waiting list for garages and the scheme would exacerbate existing parking problems due to shortage of parking. They stated that it would also have adverse impacts on flooding and drainage, the plans were unclear as regards removal of trees and the Ecological Report findings were inaccurate and a bat survey was required.

Officers proposed two additional conditions with regard to drainage, an additional condition regarding ecology and two additional conditions with regard to highways (HWAY 40 Dilapidation Survey and HWAY 31 Mud on the Road)

In response to questions raised, officers provided the following information:

- The need for traffic regulation orders (TROs) was a separate process to the planning process and would be dealt with by highways and consulted upon in accordance with normal procedures.
- If the conditions to mitigate for contamination and for the presence of landfill gas were adhered to, there would not be any risk to the health and safety of existing residents during development or for future residents.
- As a result of consultation, four outdoor clothes driers would be provided in the shared amenity space.
- Surface Water Drainage would be looked at as part of discharge of conditions.
- Currently garages on site were under-occupied.

Mr Geoff Walsh, a local resident, spoke in objection to the application. He stated that the council had written to the garage owners asking them to vacate them, Windsor Garth was a single track road and bus route and the scheme would exacerbate the amount of parked cars on Newbury Avenue .

Ms Helen Humphries, the architect for the scheme, spoke in support of the application. She advised that the homes would meet high environmental standards. She stated that some of Newbury Avenue was already subject to double yellow lines and the proposals would provide for seven parking spaces plus eight parking spaces nearby to be used by residents and visitors. She confirmed that remedial work would be carried out to ensure the site was safe and all existing trees would be retained.

Officers confirmed that housing officers had written to the garage users to advise them that this site was a potential development site and to ask them to return their keys. Those people who had asked for a replacement garage had been provided with one.

Members acknowledged that, while there may be some inconvenience to residents during construction, there was a need for additional housing of this type and that many of the garages were not currently used to house cars but instead as storage spaces. They felt that this was a suitable site which would have a nice outlook over Hob Moor.

One Member expressed concerns that there was insufficient evidence to show that the development could be built without hazards and without inconvenience to residents.

Councillor Warters asked that it be recorded that he voted against the motion to approve the application.

Resolved: That the application be approved subject to the conditions listed in the report and the additional and amended conditions below;

Additional Condition (Drainage)

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 and the subsequent drainage schemes shall be carried out in accordance with these approved details prior to first occupation.

i. The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs).

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuDs.

ii) If SuDs methods can be proven to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas).

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

iii) If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

Additional Condition (Drainage)

Unless otherwise approved in writing by the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: So that the Local Planning Authority may be satisfied that no surface water discharges take place until proper provision has been made for their disposal.

Additional Condition (Ecology)

Prior to first occupation of the dwellings hereby approved, a full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to show how the scheme will minimise light spillage to avoid light spillage affecting Hob Moor Local Nature Reserve.

The lighting scheme shall be carried out in accordance with the approved lighting scheme and installed prior to first occupation of the dwellings.

Reason: To take account of and to enhance the habitat for biodiversity.

Additional Condition (Highways)

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

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

Additional Condition (Highways)

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

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

Amended Condition 3 (Contamination)

Prior to the commencement of development, gas monitoring and an associated risk assessment (in addition to any assessment provided with the planning application) shall be carried out by a competent person to assess landfill gas generation and migration. The findings shall be submitted to and approved in writing by the Local Planning Authority *and shall be implemented prior to first occupation of the dwellings.*

Reason: The site is brown field site in a sustainable location near to local shops, amenities and public transport links and it would, in principle, be suitable for redevelopment for housing purposes. The proposal would deliver affordable homes (built to Code Level 4) of a type needed within the city.
In design terms, the scheme would be contemporary and it was considered that it would be of innovative design adding interest to the streetscene.

There would be no adverse effect on highway safety and no significant adverse effects upon the amenity of surrounding residents, subject to the imposition of conditions outlined above. Because the Council can not enter into a Section 106 Agreement with itself, a letter had been provided by the Head of Housing Services confirming that a contribution of £5,824 towards amenity space and sports facilities in the locality will be made.

26c) Land lying to the South of Centurion Office Park, Tribune Way, York (14/01550/FULM)

Members considered a major full application (13 weeks) by Berkeley DeVeer for the erection of thirteen dwellings with access from Hornbeam Close and two storey side extensions to 11 and 12 Hornbeam Close.

Officers advised that since publication of the report, the applicant had made minor changes which had been sought by the Council's landscape architect and corrected errors in the plan numbering with the result in condition 2 requiring amendment.

In response to a query raised at the site visit, officers advised that the highway authority had confirmed that Hornbeam Close *had* been adopted as a public highway. As to notification, the highway authority had a standard list of internal and external recipients mainly comprising statutory undertakers, the emergency services, ward/parish councillors, the Land Registry and relevant council departments such as street cleaning, refuse services and highway maintenance. Local residents were not individually notified although the status of local roads normally showed up on local searches.

Members had also asked whether construction access would or could be taken from Centurion Office Park rather than from Hornbeam Close. The applicant had told officers that he would be happy for construction access to be taken exclusively from the office park up until the highway connection was made with Hornbeam Close at the end of the construction period.

Lastly, Officers reported that they understood that the unilateral undertaking for a financial contribution towards open space was nearing completion.

In response to a question from Members, Officers advised that as the proposed development was an extension of an existing residential area, once built it was deemed more sensible for access to be from the existing residential area rather than through the business park. The applicant has made a private arrangement for access through the grounds of two existing houses.

Mr Andrew Hards, a local resident, spoke in objection to the application on behalf of all residents of the close.

He expressed concerns that the proposals would lead to an increase in traffic in Hornbeam Close, potentially including larger vehicles, and that the shared surface would come to an end. He advised Members that although traffic was modest during the week, it was bad at weekends.

Mr Jason Whitfield, the agent for the applicant, spoke in support of the application. He advised Members that this was a suitable and sustainable site for new housing. He confirmed that access to the new development through the existing housing estate was preferential to access through the industrial estate which could lead to more highway safety issues and increase journey times to schools etc.

Members agreed that it was preferential for the development to become part of the existing cul-de-sac acknowledging that if access was from the north there was a risk of it becoming a through road. They felt that it would improve the area.

Councillor Warters asked that it be recorded that he voted against the motion to approve the application.

Resolved: That the application be approved subject to a Section 106 Agreement and subject to the conditions listed in the report and the amended condition below:

Amended Condition 2

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

521/01A, 521/03B, 521/04/B, 521/05A, 521/06, 521/07, 521/10, 521/11, 521/12, 521/11HB/03A, 521/11HB/04B, 521/12HB/03D and 521/12HB/04D

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

Reason The application would provide 13 dwellings in a sustainable and accessible location. The layout respected the character of the adjacent residential area and was of appropriate density and design. The development would contribute £34,992 towards open space. The application accorded with national planning policy set out in the National Planning Policy Framework and local planning policy in the 2005 City of York Draft Local Plan.

26d) 9 Helmsdale, York, YO24 2XW (14/01608/OUT)

Members considered an outline application from Mr L Harrison for the erection of a detached dwelling with associated garage and parking.

The Committee were informed that Councillor Semlyen, who had hoped to speak at the meeting, had asked for the following objections to be taken into account.

- The scale and massing was excessive
- Access and parking issues re safety and volume of cars
- Draining concerns
- Concerns over whether full and correct info was given

Officers advised that an additional letter had been received from the occupier of 7 Helmsdale. This advised that surveyors have been employed and were of the opinion that a section of the driveway, to the front of number 7 Helmsdale, which formed part of the application site, did not fall within the ownership of the applicant. Land Registry documents had been provided and a letter requested that the plans were amended prior to permission being granted to prevent unnecessary confusion if the site was subject to sale to a third party.

Officers confirmed that if there was a discrepancy, the area of land was so small, this would not make a material difference as regards accessing the site.

Officer recommended an additional condition (NOISE7) to restrict hours of construction and that condition 7 be amended requiring the proposed cycle parking for the existing dwelling at 9 Helmsdale shown on the approved drawing to be implemented.

Mr Geoff Headley, a neighbour, spoke in objection to the application. He advised Members that, in the 1980s, the Council had refused an application for a similar dwelling and at that time there was less traffic. He stated that a four bed house would be too large, could not be classed as affordable housing and may mean an additional four cars of unknown sizes making parking dangerous.

Mr Paul Butler, the architect, spoke in support of the application. He advised that the scale, height and massing of the proposed dwelling followed pre application advice received from planning officers and the height had now been reduced further. The plot was a good size, was well screened and discreet. The proposed building would accord with planning policy and would address Councillor Semlyen's concerns.

Some Members expressed concerns that the proposed house would leave little space on either side and an inadequate amount of garden. However other Members felt that the existing and new house would still have good sized gardens, of a similar size to other nearby properties. Members agreed that the house was on the large size but not unreasonable. They agreed that the height of the proposed building was similar to and would not dominate other nearby properties but recommended that a condition be added stating that the ground level should not be raised.

Resolved: That the application be approved subject to a Section 106 agreement and subject to the conditions listed in the report and the additional and amended conditions below;

Additional Condition

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Amended Condition 7

The proposed cycle parking for the existing dwelling at 9 Helmsdale shown on the approved drawing shall be implemented prior to the first occupation of the new dwelling hereby approved.

Additional Condition

There shall be no alterations to land levels without a further planning permission having first been granted by the local planning authority.

Reason: In the interests of the living conditions of adjacent residential properties.

Reason: This application was considered to comply with the provisions of the NPPF and Development Control Local Plan policies GP1, GP10, H4A and GP15A.

27. Planning Enforcement Cases Update

Members received a report which provided them with a quarterly update on planning enforcement cases.

Resolved: That the report be noted.

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

Councillor McIlveen, Chair

[The meeting started at 2.00 pm and finished at 4.10 pm].

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	6 November 2014
Present	Councillors Watson (Chair except Minute Item 31), Douglas, Cuthbertson, Hyman, Fitzpatrick, Gunnell, Looker, McIlveen (Chair for Minute Item 31), Merrett and Watt
Apologies	Councillor Galvin

Site	Visited by	Reason for Visit
Brook House, Main Street, Elvington	Councillors McIlveen, Watson and Watt	As the recommendation was for refusal and because it had been called in by the Ward Member due to support from the Parish Council.
1-12 Kensal Rise	Councillors McIlveen, Watson and Watt	As the recommendation was for approval, had been called in by the Ward Member and objections had been received.
The Memorial Hall, 16 The Village, Haxby	Councillors McIlveen, Watson and Watt	As the recommendation was for approval, had been called in by the Ward Member and objections had been received.

28. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests that they might have had in the business on the agenda.

Councillor Gunnell declared a personal non prejudicial interest in Agenda Item 3b (Minute Item 30b refers) as she had known one of the public speakers in her childhood.

No other interests were declared.

29. Public Participation

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

30. Plans List

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

30a) Brook House, Main Street, Elvington, York. YO41 4AA (14/01720/FUL)

Members considered a full application by Mr and Mrs J Benson for the erection of a two storey dwelling with a detached garage (resubmission).

Officers informed Members in an update to their report that;

- In addition to the 2009 refusal outlined in section 1.4 of the report a planning application was submitted for a new dwelling and garage in May 2014 (14/01084/FUL). The application was withdrawn in July 2014. This scheme had a larger footprint and was taller than the current proposal.

- That an addition should be made to paragraph 4.11 in that Section 72 of the 1990 Planning (Listed Buildings and Conservation) Act contains a general duty to pay special attention to the desirability of preserving or enhancing the character of appearance of the area.
- No further correspondence had been received since the writing of the report.

Questions from Members related to the trees on the site. In response Officers stated that there would be provision for replanting of trees at the front of the property. However, they felt that this would not adequately replace those which would be lost.

Representations in support were received from the applicant, Fiona Benson. She explained that following advice from Officers she had reduced the footprint of the proposed house and the eaves and height. She felt that these measures would keep the house hidden from view. She added that the trees that were currently on the site had a limited useful lifespan and that by leaving the site overgrown this would have a detrimental effect on the adjacent village hall.

In response to a Member's question, the applicant responded that the sycamore tree would be removed from the site but that there would be additional trees planted as a replacement. The trees that overhung the village hall would have to be removed on safety grounds.

Representations were received from the Chair of Elvington Parish Council. He informed the Committee that the land plot on which the proposed building would be constructed had in his view become an untidy piece of wasteland. He stated that the Parish Council supported the application because they felt its design and landscaping would enhance the village.

During discussion some Members felt that the land on which the development would not detract from the Conservation Area. Others felt that the trees on the site needed management, for example the sycamore tree in particular damaged foundations.

Councillor Watt moved approval of the application, Councillor Douglas seconded this.

On being put to the vote this motion was lost.

Resolved: That the application be refused.

Reason: The landscaped and treed character of the application site and its immediate surroundings is important in providing an attractive natural backdrop to the village hall and also in terms of forming part of the intact landscaped approach to the heart of the village. It is not considered that the proposed dwelling could reasonably co-exist with significant planting within and around the site and as such the introduction of the building would detract from the appearance of Elvington Conservation area. The proposal therefore conflicts with Policies GP1 (criterion a and e) H4a (criterion d), HE2, HE3 and NE1 (criterion a) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and advice in chapter 12 of the National Planning Policy Framework.

30b) 1 Kensal Rise, York. YO10 5AL (14/01857/FUL)

Members considered a full application by Mr David Jones for an additional storey to accommodate 6 no. roof top apartments with three new staircase pods and associated cycle stores, bin stores and parking to 1-12 Kensal Rise.

In their update to Members, Officers informed them that following the site visit the applicant had provided the following information;

- The gravel parking spaces in the south west corner of the site are accessed from the highway via the tarmac hard standing which served the garage owned by occupiers of the flat 1, Kensal Rise. This is an existing arrangement that had worked for a number of years under the control of flat 1 and the applicant did not foresee any future issues with the addition of the six roof top flats.
- The three proposed visitor parking spaces accessed from the turning head would be for private use only, for both existing and proposed flats. The three proposed visitor parking spaces will be managed by the residents of the flats through the residents association.

- The three proposed visitor parking spaces accessed from the turning head would create a level difference of about 0.5 metres between the front garden and the parking spaces. The level difference would need a retaining wall and a 1.2 metre fence to prevent the possibility of someone falling. This would meet the requirements of the Building Regulations.
- That a full photographic condition survey of Kensal Rise flats and the road would be undertaken prior to construction.
- The two balconies fronting Kensal Rise and the side balcony with potential views into the rear garden of No. 14 Kensal Rise would all have restricted access through the use of fixed glazing and windows. See drawing 870.12.B Proposed Floor Plans and 870.13.B Proposed Elevations and Sections.
- The Freeholder/owner of the flats had a duty/legal obligation to maintain a proportion of the road.

The other freehold owners accessed from Kensal Rise had a duty/legal obligation to maintain the remainder.

- With regard to the potential for washing lines erected on the proposed balconies, communal washing lines/rotary driers would be provided within the rear hard standing areas in required. The applicant was happy for this to be conditioned.
- With regard to potential construction noise and nuisance the appointed main contractor would be notified of his duties to the neighbouring properties and would be asked to make contact with potentially affected properties. This would be monitored through site meetings.

It was also reported that Members and the public were concerned that the use of the existing hardstanding next to flat 1 for additional parking would be dangerous because it would result in cars reversing out on to Cemetery Road.

The Council's Highways Officers did not object to the use of the hardstanding for parking because it was an existing situation, the space could only accommodate up to three cars, and cars using it would be unlikely to reverse out on to Cemetery Road as it would be just as easy to exit Kensal Rise in forward gear.

Officers recommended that as the only new section of the fence was around the three parking bays at the turning head they recommended that if Members approved the application, that the proposed condition 6 (requiring details of all boundary treatment) be amended.

Representations in objection were received from a local resident, Coral Fisher. She felt that Kensal Rise was very narrow and would not be able to support additional traffic. She commented in response to questions posed by Members that she would support additional parking spaces at the turning head as long as these were available for all residents to use. She stated that she would be happier if the fence around the three visitor parking spaces was the same height, this was because she felt reluctant to have a view of the fence as other fences in the area had not been maintained well.

Representations were received from the Chair of Fishergate Planning Panel, Michael Wills. He expressed a number of concerns relating to parking and the road conditions of Kensal Rise. He highlighted that a single parking space in front of a garage had been shown on the applicant's plan and expressed a concern that this would be knocked down in order for more parking spaces to be inserted. He felt that if the development was not approved that the existing site would be severely damaged, delivery vehicles would block people in and the road would not be wide enough to pass.

Representations were received from the agent, Phil Rickinson. He felt and informed Members that the building needed maintenance and in the roof's case constant maintenance, the existing steps up the back of the building were not visually appealing. He added that the applicant was responsible for the half frontage of the road but that they did not have control over the area of hardstanding.

Members were informed that if approved a construction management plan could specify that the Kensal Rise entrance to the site not be used by construction vehicles but that the rear entrance could be used instead.

Some Members felt that although they accepted there was a housing need that they were not happy about road safety on the junction and who would have the responsibility to maintain the site.

In relation to the suggested construction management plan, it was noted that the Council would not be able to enforce the condition if construction vehicles used Kilburn Rise. Officers could only encourage the applicant to adhere to a construction management plan.

Resolved: That the application be approved subject to a Section 106 agreement and to the following amended and additional conditions;

6. The proposed 0.5m-high retaining wall and 1.2m-high fence around the proposed visitor parking bays at the eastern end of Kensal Rise shall match the existing boundary wall/fence along Kensal Rise in colour, appearance and materials.

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

Additional Condition:

10. Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;
 - the routing that will be promoted by the contractors to use main arterial routes and avoid the use of Kensal Rise and the peak network hours
 - where contractors will park
 - where materials will be stored within the site
 - measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

Reason: The proposal accords with national planning policy set out in the National Planning Policy Framework and relevant policies of the 2005 City of York Development Control Local Plan. The proposal is acceptable. The application requires a contribution of £5744 towards open space.

30c) The Memorial Hall, 16 The Village, Haxby, York. YO32 3HT (14/01982/FUL)

Members considered a full application by Haxby Town Council for alterations and extension of village hall to include single storey side and two storey rear extensions and change of use of no. 14 The Village to form library and seminar rooms, and 3no. dwellings (use Class C3) between 66 and 68 North Lane (resubmission).

In their update to Members Officers reported that in respect of the relationship of the proposed Library Extension with 12 The Village, the existing boundary treatment consisted of a mix of 1.2 metre brick wall, 1.8 metre high hedge and 1.8 metre high close boarded timber fence. An access path had been proposed for maintenance purposes along the eastern elevation of the proposed extension. The important section in terms of potential impact upon the residential amenity of the neighbouring property related to the rear north eastern section where any overlooking would be effectively mitigated by the proximity of the close boarded fence at the boundary.

They also commented that the application site was a building of significant townscape merit within the Haxby Conservation Area but not individually Listed. Section 72 of the 1990 Planning (Listed Buildings and Conservation) Act laid out a requirement to give special attention to the desirability of preserving or enhancing the character or appearance of the area.

Representations were received from Chris Moss, the treasurer for Haxby Memorial Hall.

He reported that the layout of the current hall was not flexible, in that there had been an increase in the number of larger bookings, and therefore the need for a larger hall. The trustees of the hall were particularly happy about the move of the library as they felt it would increase its use by the public. He clarified that the other houses at the end of the application site would be for rent, the new meeting room would be available for hire and that the building at the North Lane end would be used for storage.

Representations were received from Councillor Richardson the Ward Member. He expressed his support for the application and stated that it would provide a public hub and better facilities for Haxby.

Some Members felt that the application was particularly imaginative and would provide a local employment opportunity through the provision for a craft unit.

Resolved: That the application be approved subject to a Section 106 agreement.

Reason: The proposed extensions would be sympathetic to the existing in terms of their pattern of scale and massing and would secure the character and appearance of the Conservation Area. At the same time the proposed dwellings accessible from North Lane and the craft units would be to a subtle traditional design. It is felt that the proposed work would have a minimal impact upon the residential amenity of the adjoining properties and surface water drainage can be improved from the current situation. A commuted sum of £2508 is required in lieu of the provision of open space and a sum of £500 in respect of improvements to the adjacent bus stop which may be secured against a Unilateral Obligation. The proposal is therefore felt to be acceptable in planning terms.

31. Appeals Performance and Decision Summaries

Following the departure of the Chair before consideration of this item and in the absence of the Vice Chair, the Committee elected Councillor McIlveen as Chair.

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 July to 30 September 2014, and provided a summary of the salient points from appeals determined in that period.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Councillor B Watson, Chair

[The meeting started at 2.00 pm and finished at 3.50 pm].

COMMITTEE REPORT

Date: 4 December 2014 **Ward:** Heworth Without
Team: Householder and **Parish:** Heworth Without Parish
Small Scale Team Council

Reference: 14/01777/FUL
Application at: 6 Westlands Grove York YO31 1DR
For: Erection of two storey detached dwelling including alterations to existing dwelling
By: Mr Nigel Travis
Application Type: Full Application
Target Date: 30 September 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The site relates to the garden of number 6 Westlands Grove, a large detached property situated on a substantial corner plot. Number 6 is a dual aspect property with windows and doors facing both Elmlands and Westlands Grove. The large garden forms an open area at the junction of the two streets.

1.2 Planning permission is sought for the erection of a detached dwelling in the side garden of 6 Westlands Grove. The proposed dwelling would be a two-storey, four bed room property with a hipped roof. It would also be a dual aspect property, with windows and doors facing both Westlands and Elmlands Grove. An integral garage with space for 1 no. car and driveway parking space for an additional car would be provided. Access would be taken from Westlands Grove via a dropped kerb. Works are also proposed to 6 Westlands Grove, the host property to reduce the depth of the dining room by 1.5 metres and remove the bay window in order to provide a greater separation distance to the proposed dwelling.

1.3 The site is not allocated within the Development Control Local Plan and it does not fall within a Conservation Area.

1.4 A revised drawing was submitted during the course of application showing modifications to the proposed access, rear first floor windows and a reduction in footprint of the property; giving an 11m separation gap between the two storey elements of 4 Westlands Grove and the proposed dwelling.

1.5 The application has been called into Planning Sub Committee by Councillor Ayre due to concerns regarding over development (Policy GP10); landscape (Policy GP9); requirements of Policy H4A in terms of the location of the proposal and impact upon landscaping; loss of open space (Policy GP1) and the National Planning Policy Framework (NPPF) which is supportive of the stance within Policy GP10. A full sustainability appraisal should be undertaken.

1.6 SITE HISTORY

14/01079/FUL - Two storey side extension, single storey side and rear extension - Approved on the host property number 6 Westlands Grove.

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:

CYGP9	Landscaping
CYGP1	Design
CYGP10	Subdivision of gardens and infill devt
CYGP3	Planning against crime
CYGP15	Protection from flooding
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

HIGHWAYS NETWORK MANAGEMENT

3.1 The development would not lead to a material increase in traffic. Access is provided at a sufficient distance from the junction with Westlands Close and maximum parking standards would be met. However, details of the access must be resolved and the proposal should be deferred. The new access is too close to the BT cabinet on the footway and it should be 2400mm wide (clear space between gates/ gate posts). If a pier is installed for the gates to hang by, the gate side face of the pier shall be no closer than 500mm to the near side face of the BT box. We do not allow gravel within 3m of the public highway. Please allow for a sealed, positively drained surface for the first 3m from the back of the footway.

3.2 Following the submission of revised drawings no objections are raised subject to the imposition of conditions and an informative.

FLOOD RISK MANAGEMENT TEAM

3.3 The development is in low risk Flood Zone 1, and should not suffer from river flooding. However, insufficient information has been provided, further drainage details and a soakaway test are required prior to determination.

3.4 Following the submission of additional drainage information and provision of a soakaway test no objections are raised subject to a condition requiring the approval of foul and surface water drainage schemes.

COMMUNITIES CULTURE AND THE PUBLIC REALM

3.5 As there is no on site open space commuted sums should be paid to the Council for amenity open space to be used to improve local sites such as Monk Stray or Hempland allotments; play space at the Stray Road Play area and sports pitches within the East Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula.

ENVIRONMENTAL PROTECTION UNIT

3.6 Raise no objections. A condition should be imposed for an electric vehicle charging point and the demolition and construction informative (including contamination advice) should be applied to protect the amenity of residents.

HEWORTH WITHOUT PARISH COUNCIL

3.7 Any comments will be reported verbally.

YORKSHIRE WATER

3.8 No objections.

PUBLICITY

3.9 Thirteen objections have been made. Grounds are summarised as follows:

- Overdevelopment of the site, including extensions approved to number 6;
- Adverse impact on the street scene;
- Loss of the open corner plot characteristic of area;
- Lack of amenity space/ garden area for a large family house;
- Loss of symmetry in the pattern built development;
- Overlooking, loss of privacy, noise, loss of light;
- Insufficient provision for parking on site;
- Highway safety issues/unsafe access/garage to small;
- Increased traffic;
- Will cause on street parking and safety problems;
- Noise and disturbance during construction;
- The local school is already over subscribed;
- Will set a precedent for other applications.

3.10 Any further comments on the revised drawings will be reported verbally.

4.0 APPRAISAL

4.1 Key Issues

- Location of Development
- Visual Impact
- Residential Amenity
- Highways, Access and Parking
- Drainage
- Open Space
- Other

PLANNING POLICY

4.2 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.3 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development and at paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

4.4 The core principles within the NPPF state that developments should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

4.5 The NPPF advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In terms of housing design and layout the NPPF requires development that is safe, accessible, fit for purpose, responds to local character and context and/or is of innovative design.

4.6 Development Control Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other

features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over dominant structures.

4.7 Development Control Plan Policy GP10 sets a firm policy presumption that planning permission will only be forthcoming for subdivision of existing garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment. The policy advises that space between and around existing buildings often contribute significantly to the character of an area and to residential amenity. The NPPF at para 53 is supportive of the stance within GP10 when it states that 'Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area' (Para 53).

Location of the Development

4.8 The site is located within an existing residential area with good access to shops, local facilities and public transport and as such is considered to be in a sustainable location as required by the NPPF. The site is not allocated in the York Development Control draft Local Plan and therefore Policy H4a, Housing Windfalls, applies. This Policy seeks to ensure that windfall housing development is located within the urban area and in a sustainable location. These expectations are met and in principle, the proposed use is compliant with both national and local policy. The detailed requirements of Policy H4a, in terms of context and landscape, and other national and local policy expectations are considered below.

Visual Impact

4.9 The pattern of development within the area is fairly uniform with properties set on established building lines some way back from the road behind front gardens. Properties in corner locations are in general semi-detached; set at an angle to open front gardens and they have relatively small rear gardens. It is noted that the host property is different as it is a large detached property set in a substantial corner plot and it has a dual aspect squarely facing on to both Westlands and Elmlands Grove.

4.10 This application proposes works to the host property to reduce the footprint of the existing dining room and to remove the bay window facing Westlands Grove. In addition planning permission was granted in July 2014 for extensions to the host property including a two storey extension and a single storey extension. The application has been assessed in the light of these proposals.

4.11 The proposed two-storey property would be sited within the large side garden of number 6 Westlands Grove. The bay window of the host property would be

removed to provide a 3.4 m separation gap between the host and proposed property and this would be consistent with separation gaps on Elmlands Grove. Revised drawings show a separation gap of 11 metres to number 4 Westlands Grove (2 storey to 2 storey). The proposed property would not project in front of building lines on Elmlands or Westlands Grove and a grassed garden area ranging in depth from 5.5 - 7.2 metres would be kept around the property which would be sufficient to retain the open character. Taking the above into account it is considered that the existing and proposed properties would have sufficient space to the sides and rear meaning that the site would not appear cramped or overdeveloped.

4. 12 The host property would retain a garden some 7.5 m deep and the proposed dwelling would also have a garden some 7.5 m deep. Given that corner properties in area have relatively small rear gardens it is not considered that the resultant gardens would be out of character with grain and pattern of development in the area. The revised drawing shows trees planted in the grassed margins around the proposed dwelling which would enhance the appearance of the site in accordance with Policy GP9 and it is considered that a landscape plan should be conditioned and that it should ensure that fencing is not erected to the site boundary which would compromise the openness of the plot.

4. 13 The proposed dwelling would be of a similar scale and appearance to the host property once the approved extensions are carried out and as such it would not appear incongruous within the streetscene. The removal of the bay window and reduction in footprint of the host property, as proposed by this application, is considered to be essential to preserve separation gaps characteristic of the area and a condition should be imposed to ensure this work is carried out.

4.14 Introducing the property to the side garden would square off of the corner visually, but sufficient grassed margins would be retained to preserve the openness, character and pattern of development in the area. Taking the above into account, the proposal would be consistent with Policies H4a, GP1, GP9 and G10 of the Development Control Local Plan which seek to ensure that development is not be detrimental to the character and amenity of the local environment and it would also comply with the provisions of the NPPF, para 53, which expects that good design improves the character and quality of an area and that developments respond to local context.

Residential Amenity

4.15 The nearest neighbours to the new dwelling are the host property and number 4 Westlands Grove. As noted previously planning permission has already been granted for extensions to the host property including two storey and single storey extensions.

4.16 There would be a separation distance of approximately 3.4 m between the host property and proposed new dwelling. The new dwelling would be of a similar scale

and height and position to the host dwelling, meaning that it would not be overbearing to it. The proposed dwelling would be sited to the south of the host property and there would be some shading of the windows on south elevation of the host property, but this would be mitigated as rooms are dual aspect with large windows and undue overshadowing would not occur. The garden of host property would be shaded at points during the day when the sun is low in the sky, but this is acceptable. Only obscurely glazed windows on new property would face the host property and therefore there would be no loss of privacy in this respect.

4.17 Neighbours at 4 Westlands Grove object to the scheme in terms of overlooking, loss of privacy and loss of light. The nearest part of 4 Westlands Grove to the proposed dwelling is a blank 2 storey gable, to the front of the property facing south are sitting room windows/entrance door and there is an outdoor seating area to the rear of the property. The boundary between the properties is marked by a high hedge. Revised drawings show a separation gap of 11 m from the two storey gable of 4 Westlands Grove to the two storey element of the proposed new dwelling and this is considered to be acceptable. The new property would have similar ridge and eaves height to Number 4 and when taken into account with the separation gap, it would not appear overbearing to this occupier. The new property would be sited to the west of number 4 and due to separation gaps and orientation there would be limited shading to the south facing windows when the sun is low in the sky. There would be some shading to the rear garden and seating area but this would be when the sun is low in the sky and is considered to be acceptable. In terms of loss of privacy, one first floor window has been removed from the rear of the proposed new dwelling (which was to a dual aspect bedroom) and the remaining windows are an obscurely glazed bathroom window and bedroom window. The bedroom window would be sited at a similar distance to those on the rear of the host property and would afford no more overlooking than already exists. It is not considered that the introduction of an additional dwelling to the street would adversely affect adjacent occupiers in terms of noise and activity generated.

4.18 Due to the size of the resultant rear garden, it is recommended that permitted development rights should be removed so as to protect the amenity of adjacent occupiers.

4.19 Taking the above into account it is considered that the proposal would not adversely affect the amenity of neighbouring occupiers and the proposal would comply with the provisions of Policy GP1 and with the provisions of the NPPF.

Highways, Access and Parking

4.20 There would be no harmful increase in traffic as a result of the proposal and access to the new dwelling would be provided at a sufficient distance from the junction to be safe. Revised drawings have been received showing the access widened and moved away from the BT box, the garage increased in size and driveway surface amended. On site there would be a garage, space for driveway

parking and a cycle store in the rear garden; this would meet required standards. Neighbours have raised concerns in respect of increased traffic/highway safety, unsafe access, lack of parking and problems with parking in the vicinity, however given the above and the fact that there is unrestricted carriageway parking in the vicinity, the proposal is considered to be acceptable on highways grounds.

Drainage

4. 21 The site is situated in Flood Zone 1 and as such should not suffer from river flooding. The proposal seeks to provide a soakaway and a soakaway test was carried out on site in line with the requirements of the Flood Risk Management Team. Subject to the imposition of a condition requiring details of surface and foul drainage, issues have been resolved and the proposal complies with the provisions of Policy GP15 and the NPPF which expects that flood risk from all sources is appropriately managed.

Open Space

4. 22 Policy L1c requires the payment of a commuted sum towards off site amenity, play space and sports facilities. In line with the latest York formula, this would be £3,034 for a 4 bed dwelling. The contribution has been supplied in accordance with the policy.

Other Issues

4.23 Neighbours have raised concerns that the scheme would set a precedent for development in the area, however it is noted that each planning application must be considered on its own merits and this scheme has been considered in relation to the particular circumstances of this site. Concerns have been raised that the local school is at capacity and that a detailed sustainability statement has not been submitted. The site is within a sustainable urban location as outlined previously and Educational Planning confirm that there are limited places available at Hemplands School, but that the proposal falls below the threshold where a financial contribution would be required.

5.0 CONCLUSION

5.1 The proposed new dwelling would be in a sustainable urban location. It would assimilate within the streetscene and there would be no adverse impact upon residential amenity. There are no highways objections to the proposal. A contribution to open space has been received in line with Policy L1c.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - 103 Rev C, 6/WEST/102

3 HWAY18 Cycle parking details to be agreed -

4 HWAY19 Car and cycle parking laid out -

5 Prior to the development coming into use, the initial 3m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

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

6 VISQ8 Samples of exterior materials to be app -

7 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 and the subsequent drainage scheme shall be carried out in accordance with these approved details prior to first occupation of the dwelling.

Details shall include:

i). Site specific soakaway calculations to be submitted in accordance with soakaway test conducted on site.

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

8 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 (extensions) E (outbuildings) and F (hard-surfacing) of Schedule 2 Part 1 and Part 2 (fencing) of that Order shall not be erected or constructed. The first floor window on the side elevation shall remain obscurely glazed with top light opening only at all times.

Reason: In the interests of the amenities of the adjoining residents and the preservation of the openness of the site in accordance with Policies GP1, GP10 of the Development Control Local Plan and the requirements of the NPPF, 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.

9 Prior to the first occupancy of the development , a three pin 13 amp external electrical socket which is suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

10 Prior to the commencement of development hereby approved the works to 6 Westlands Grove to remove the bay window and reduce the width of the dining room, as shown on drawing 6/WEST/102, shall be carried out in their entirety.

Reason: To provide an adequate separation gap between the properties, which without the works to reduce the footprint of number 6, would otherwise not exist. The lack of an adequate separation gap would mean that the development would appear cramped and this would adversely affect the streetscene; this would be contrary to Local Plan Policies H4A, GP1 and GP10 and to the provisions of the NPPF which seeks a good standard of design and development in residential gardens which would not cause harm to the local area (para 53).

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

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

12 NOISE 7 - Restricted hours of construction

7.0 INFORMATIVES:

Notes to Applicant

1. POSITIVE AND PROACTIVE STATEMENT

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: negotiating revisions to the scheme and the use of planning conditions.

2. HIGHWAYS 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:

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

Please note that the crossing will not be allowed within 500mm of the BT cabinet.

3. CONTROL OF POLLUTION ACT 1974

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

(g) 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.

h) 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.

Contact details:

Author: Clare Davies Development Control Officer

Tel No: 01904 553738

14/01777/FUL

6 Westlands Grove



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	25 November 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 4 December 2014 **Ward:** Heslington
Team: Major and **Parish:** Heslington Parish
Commercial Team Council

Reference: 14/02245/FULM
Application at: Sports Centre Heslington Lane Heslington York
For: Erection of indoor sports hall
By: University Of York
Application Type: Major Full Application (13 weeks)
Target Date: 29 December 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Demolition of lightweight temporary sports hall and erection of an indoor sports hall measuring approximately 55m x 40m x 13m to the ridge. The building would be insulated and incorporate heating and ventilation. Materials would comprise insulated panels and a fabric membrane roof, all over a galvanised steel frame. Access would remain as existing, from Heslington Lane via James Way.

1.2 The hall would replace a lightweight temporary indoor sports hall for which temporary planning permission for five years was granted in 2005. The consent was renewed in 2010 and is due to expire in 2016. An informative to the renewal advised the applicant that any further application to extend the time limit for approval of the sports hall would be unlikely to be approved due to the visual impact of the structure's utilitarian design and deteriorating visual appearance.

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:

CYED6 University of York Heslington Campus
CYGP1 Design
CYGP15A Flood Risk

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections.

Sport and Active Leisure

3.2 As identified in the city's Built Sports Facilities Strategy the city has a shortage of indoor sports hall space. Community access to covered training space has been facilitated by the provision of the temporary sports tent on this site over recent years. We strongly support this application and welcome the permanency of the structure.

Flood Risk Management

3.3 No objections. The site is in flood zone 1 and should not suffer from river flooding. Add a condition requiring details of foul and surface water drainage.

EXTERNAL

Heslington Parish Council

3.4 Any comment will be reported verbally.

Sport England

3.5 No objection subject to a condition securing the use of the sports hall by the local community.

Ouse and Derwent Internal Drainage Board

3.6 The applicant should demonstrate that there will be no additional surface water run off as a consequence of the development or that, if there is any additional run-off, it would be attenuated.

Yorkshire Water

3.7 No response.

Public Consultation

3.8 No responses received to date.

4.0 APPRAISAL

4.1 KEY ISSUES

- Visual Appearance
- Flood Risk
- Community Use

RELEVANT LOCAL PLAN POLICIES

4.2 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted. Paragraph 73 of the National Planning Policy Framework (NPPF) emphasises the important contribution that opportunities for sport and leisure can make to the health and well being of communities.

4.3 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. Policy ED6 confirms that the Heslington campus is excluded from the Green Belt to permit further University development and states that proposals will be permitted where they involve the redevelopment of existing buildings and satisfy the following relevant criteria: the height of the new building will be appropriate to the location in terms of distance to, and height of, surrounding buildings.

APPLICATION SITE

4.4 Lightweight sports hall comprising part of Heslington West campus of the University of York. The site is tightly constrained by the existing sports centre to the north, a fenced hockey pitch to the south, tennis courts to the east and the landscaped campus boundary to the west. The site is within the urban area and is allocated for university use in the Development Control Local Plan. The site is set back approximately 70m from Heslington Lane

VISUAL APPEARANCE

4.5 The existing sports hall is 9.8m high and has a shallow-pitched roof. The building is made of light-grey waterproof fabric laid over a tubular-steel frame. The proposed building would occupy the same footprint as the existing structure but would have a faceted curved roof. Furthermore the building would have a more-

permanent appearance than the existing structure. The height would increase by approximately 3.5m - to 13.3m - to increase the amount of floorspace that would meet national governing body/Sport England standards.

4.6 The existing structure is visible from the public highway at Heslington Lane but views are partially screened by the perimeter fence of an intervening all-weather hockey pitch. Whilst the proposed building would have greater massing than the existing hall (due to the increase in height) the visual impact would not appear significantly greater due the separation distance from Heslington Lane, the intervening fence to the hockey pitch and the backdrop of the university's other buildings.

FLOOD RISK

4.7 The proposals would not increase the footprint of development on the site so the volume of surface water run-off would not increase. Nevertheless, to ensure that the rate of run-off is acceptable drainage details should be submitted for approval.

COMMUNITY USE

4.8 The current hall has been used extensively for many years by the local community as well as the university. The applicant has stated that the existing arrangement would continue for the new building. In these circumstances a condition to ensure public access (as recommended by Sport England) would be unnecessary.

4.9 The s.106 agreement for the Heslington East campus requires the university to provide a new permanent to provide a 12-court sports hall. The applicant has stated that the currently-proposed sports hall would provide permanent indoor facilities to replace the temporary sports hall on the site and is not intended to replace any future provision of indoor sports facilities required by the Section 106 Agreement for Heslington East.

5.0 CONCLUSION

5.1 The new building would replace an existing structure of utilitarian design and deteriorating visual appearance. The building would ensure that the existing sports provision for the university and the local community will continue to be provided. There are no adverse impacts that would outweigh these benefits. The proposals comply with the National Planning Policy Framework and relevant policies of the Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 60839/2, 60840/2, 60481/1 and 60833/2.

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

3 VISQ8 Samples of exterior materials to be app -

4 DRAIN1 Drainage details to be agreed -

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the Local Planning Authority attached appropriate conditions to the planning permission.

Contact details:

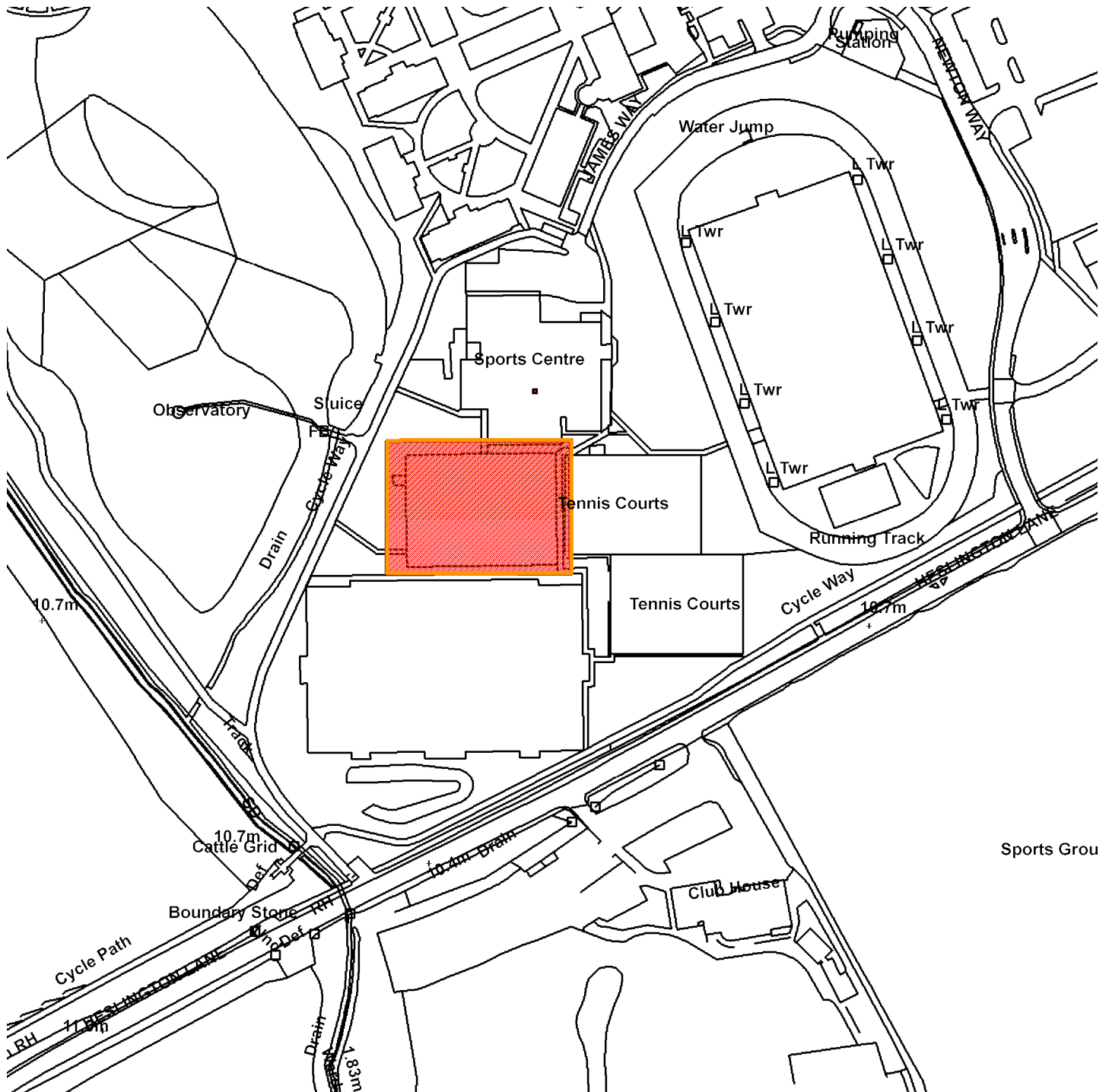
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Sports Centre, Heslington Lane, Heslington



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	25 November 2014
SLA Number	Not Set

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