



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

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

Date: Thursday, 13 October 2011

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

1. Declarations of Interest

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

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of Agenda Item 5 on the grounds that it contains information which 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.

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 12th October 2011 at 5pm.**

4. Plans List

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

a) **Newlands, Back Lane South, Wheldrake.** (Pages 4 - 11)
York, YO19 6DT. (10/01637/FUL).

This full application is for the demolition of an existing building and the erection of a replacement dwelling on an extended footprint including a substantial excavated basement area. [Wheldrake Ward] **[Site Visit]**

Former Councillor Vassie called the application in for determination by the Committee as he considered that there were no planning arguments in favour of the proposal which should be considered.

b) **22 Mill Lane, Wigginton, York, YO32 2PX.** (Pages 12 - 20)
(11/01969/REM).

This is a reserved matters application pursuant to an outline planning permission for the erection of nine houses granted in July 2010 (10/00750/OUT). [Haxby & Wigginton Ward] **[Site Visit]**

The previous application had been called in for determination by the Committee by Councillor Firth.

c) **Stray Garth Community Home, 7-9 Stray** (Pages 21 - 30)
Garth, York, YO31 1EL. (11/01467/FUL).

This is a full application for change of use to a dwelling with a granny annexe, the erection of a two storey front extension, two rear dormers and alterations to create a roof terrace (resubmission). [Heworth Without Ward] **[Site Visit]**

Councillor Ayre has called the application in for determination by the Committee in order to assess the impact the proposals would have on neighbouring amenity.

- d) **Park House Caravan Site, New Lane, (off Sheriff Hutton Road), Strensall. (Pages 31 - 43) (11/02115/FUL).**

This is a Section 73 application for the variation of Conditions 3, 14 and 15 of planning permission 04/01105/FUL relating to the grant of planning permission for the change of use of land to a caravan site. [Strensall Ward] **[Site Visit]**

Councillor Doughty has called in the application for determination by the Committee due to concerns about the impact of the development on the Green Belt.

- e) **24 Low Mill Close, Osbaldwick, York, (Pages 44 - 51) YO10 5JN. (11/02115/FUL)**

This full application seeks permission to convert a four bedroom house (use class 3) into a six bedroom House in Multiple Occupation (C4) (Resubmission). [Heslington Ward] **[Site Visit]**

Councillor Levene has called the application in for determination by the Committee due to the previous application being determined by Planning Committee and the level of local concern raised.

- f) **27 Bedale Avenue, Osbaldwick, York, (Pages 52 - 59) YO10 3NG. (11/02264/FUL).**

This full application is for change of use from garage (Class C3) to tattoo studio. [Osbaldwick Ward] **[Site Visit]**

Councillor Warters has called the application in for determination by the Committee due to the high number of objections from neighbours and the unusual nature of the proposal in a wholly residential area.

g) Land Adjacent to 5 South Lane, Haxby. (Pages 60 - 69)

This full application seeks planning permission for the erection of four semi detached dwellings on an area of land with a frontage of approximately 27 metres to South Lane, Haxby. [Haxby & Wigginton Ward] **[Site Visit]**

Councillor Richardson has called the application in for determination over concerns about the backland development, overdevelopment, harm to the streetscene and conservation area, insufficient car parking and a loss of amenity to residents of York Road.

5. Enforcement Cases Update. (Pages 70 - 259)

The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

6. Urgent Business

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

7.

Democracy Officer:

Name- Judith Cumming
Telephone – 01904 551078
E-mail- judith.cumming@york.gov.uk

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

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EAST AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 12th October 2011****Members of the Sub Committee to meet at Union Terrace Car Park
at 10:00**

TIME (Approx)	SITE	ITEM
10:10	Stray Garth Community Home	4c
10:40	Land adjacent to 5 South Lane, Haxby.	4g
11:05	22 Mill Lane, Wigginton.	4b
11:35	Park House Farm Caravan Site	4d
Refreshment Break.		
12:35	27 Bedale Avenue, Osballdwick.	4f
13:00	24 Low Mill Close, Osballdwick	4e
13:40	Newlands, Back Lane South, Wheldrake.	4a

COMMITTEE REPORT

Date: 13 October 2011 **Ward:** Wheldrake
Team: Major and **Parish:** Wheldrake Parish
 Commercial Team Council

Reference: 10/01637/FUL
Application at: Newlands Back Lane South Wheldrake York YO19 6DT
For: Erection of a replacement single storey dwelling (resubmission)
By: Mr Simon Crowther
Application Type: Full Application
Target Date: 1 November 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 Newlands, Back Lane South, Wheldrake comprises a single storey timber panelled dwelling house circa 1920 located outside the built development limit of Wheldrake village within the York Green Belt. Planning permission is sought for demolition of the existing building and the erection of a replacement dwelling on an extended footprint including a substantial excavated basement area. The boundaries of the site have been maturely landscaped and the area to the east, west and south is in agricultural use. The area to the north on the opposite side of Back Lane comprises the built up area of Wheldrake village. The property is directly adjacent to the boundary of the Wheldrake Conservation Area.

1.2 Planning permission for a previous scheme for a replacement dwelling without a subterranean basement (ref:08/02361/FUL) has been refused on the grounds of impact upon the Green Belt, a decision that was subsequently upheld at appeal. A further re-submitted application for a replacement dwelling(ref:09/01272/FUL) was withdrawn in March 2009 following concerns in respect of its impact upon the Green Belt.

1.3 The application has been amended together with the submission of a detailed supporting statement to reduce the area of the proposed basement to an area equivalent to that covered by the existing above ground dwelling.

1.4 The application was called in for determination by the East Area Sub-Committee by former Councillor C Vassie, who considered that there are planning arguments in favour of the proposal which should be considered.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Wheldrake CONF

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

CYGB5

Replacement dwellings

CYGP1

Design

CYGB4

Extension to existing dwellings in GB

CGP15A

Development and Flood Risk

CYT4

Cycle parking standards

CYL1C

Provision of New Open Space in Development

CYHE2

Development in historic locations

3.0 CONSULTATIONS

INTERNAL:-

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

Officer response - this is not considered to be a reasonable request given that the application is for a replacement (albeit larger) dwelling. Policy L1c does not refer to an increase in bedrooms/bedspaces requiring the payment of a commuted sum.

3.2 Highway Network Management raise no objection in principle to the proposal as amended but raise concerns in respect of the level of information submitted with the application relating to onsite car and cycle parking.

3.3 Structures and Drainage Engineering Consultancy object to the proposal on the grounds that insufficient information has been submitted with the application to establish the impact of the proposal upon the local surface water drainage network. A full drainage scheme in respect of the development has subsequently been submitted.

3.4 Environmental Protection Unit raise no objection in principle to the proposal but express concern with respect to the lack of information submitted with the application in respect of potential land contamination. An assessment of potential land contamination has subsequently been submitted.

EXTERNAL:-

3.5 Wheldrake Parish Council support the planning application in its amended format.

3.6 No comments have been received from local residents.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact upon the open character and purposes of the Green Belt;
- Impact upon the visual amenity of the wider street scene;
- Impact upon the local drainage pattern;
- Impact upon the safety and convenience of highway users;
- Assessment of the potential fallback position;

IMPACT UPON THE GREEN BELT:-

4.2 Policy GB1 of the City of York Draft Local Plan sets a firm policy presumption against new development in the Green Belt unless 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 limited number of purposes felt to be appropriate in the Green Belt including the limited extension, alteration or replacement of existing buildings. This reflects Central Government Policy Guidance in respect of Green Belts outlined in

Planning Policy Guidance Note 2 " Green Belts" (PPG2), the broad thrust of which is repeated in the Government's Draft National Planning Policy Framework. Policy GB5 of the Draft Local Plan further clarifies the position indicating that permission would be forthcoming for a replacement dwelling in the Green Belt (or open countryside) on a one for one basis providing the new dwelling would be located as close as possible to the site of the original dwelling or located on a site which better relates to other existing development in the area and is of a matching size and scale to that being replaced.

4.3 The original proposal envisaged the erection of a bungalow some 13.3 x 9.2 metres in area with a 17 x 9.2 metre basement. This would be a very substantial increase over and above the existing built footprint of 11.3 x 5.2 metres. Whilst it is acknowledged that the existing property is modest in size Green Belt Policy does not allow for significant increases in living space. The proposed house when complete would be some 474% bigger than that existing. Even though the basement will be below ground it still forms part of the living accommodation of the new dwelling and must be included within this comparison. The test in PPG2 is a simple one in that it relates to disproportionate additions over and above the size of the original dwelling and this would include basements. This is an approach that has been endorsed through several recent court judgements in respect of proposals for replacement dwellings within Green Belt areas.

4.3 With the associated excavation and surrounding domestic paraphernalia the property would become highly visible in the surrounding landscape. The existing building is the only property along the south side of Back Lane and it clearly relates more readily in visual terms to the surrounding open countryside than to the built development to the north. In the resubmitted design the ridge height of the proposed property has been significantly reduced from 6.1 to 4.6 metres however this does not in any way out-weigh the significant damage to the openness of the Green Belt caused by the significant increase in built footprint. By being so substantially larger in scale, it is considered that the proposed dwelling would harm the openness and visual amenity of the Green Belt, and would thus result in inappropriate development which is, by definition, harmful to the Green Belt. Thus the proposal would conflict with Central Government Planning Guidance in respect of Green Belts outlined in PPG2, and Policies GB1 and GB5 of the Draft Local Plan.

4.4 The proposed amendments to the submitted scheme incorporate a reduction in size of the basement area so that it more closely reflects the built footprint of the existing above ground structure. It should be noted that the amended footprint at 9.4 x 13.7 metres represents a slight but significant increase on that applied for previously. Notwithstanding the reduction in the size of the proposed basement the issue of the disproportional increase in the area of living accommodation remains. The proposal as amended envisages the construction of a bungalow some 9.4 x 13.7 metres with a slightly larger basement allowing for the construction of suitable light wells. This would result in the construction of a building some 10.5 sq metres

smaller in terms of floor area than previously envisaged. It is not considered that this modest reduction would not make a material difference to the unacceptability of the proposal in Green Belt terms. The dwelling would still be some 456% larger in terms of its floor area. In submitting the revised proposal the applicant has highlighted a number of appeal cases where significantly larger replacement dwellings have been allowed in Green Belt areas elsewhere, however in each case special circumstances relating to the site were advanced by the appellant and in no case was the disparity between the existing and proposed site area as great as that proposed in this case.

IMPACT UPON VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.5 Policy GP1 of the Draft Local Plan sets a firm policy presumption in favour of new development which respect or enhance the local environment, are of a layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. The existing dwelling by virtue of its scale, massing and use of materials set within a mature landscaped boundary sits well within the surrounding street scene. The proposed dwelling by contrast with its substantially increased surface area would have a significant detrimental impact upon the wider street scene by virtue of the level of excavation required and the resulting greatly increased footprint. Indeed the level of excavation required to create the proposed basement for the property would seriously compromise the health of the mature landscaping surrounding its boundaries further eroding its townscape value. Thus the proposal would conflict with Policy GP1 of the Draft Local Plan.

IMPACT UPON LOCAL DRAINAGE PATTERN:-

4.6 Policy GP15a) of the York Development Control Local Plan states that developers must satisfy the Local Planning Authority that any flood risk arising from a proposal may be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. The proposal envisages a substantial degree of excavation which presupposes a material degree of disruption to the local pattern of surface water drainage. A detailed drainage scheme for the proposal has been submitted to deal with earlier concerns and this is judged to be acceptable.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-

4.7 The application site is accessed off a narrow single track country lane close to the junction with Low Well Park. No information has been forthcoming in relation to the nature of the access to the site or the location of car and cycle parking within the site. Policy T4 of the York Development Control Local Plan does furthermore specify that cycle parking should be provided within new developments in accordance with the adopted standards. The information has been requested but no information has been forthcoming and it has not proved possible to establish the impact of the

proposal on the local road network. However given the proposal is for a replacement dwelling, albeit a larger one, it is unlikely that any increased traffic would have an adverse impact on highway safety.

IMPACT OF THE POTENTIAL FALLBACK POSITION:-

4.8 As part of the supporting submission for the proposal the applicant draws attention to the potential impact of the "fallback position" which could be carried out in the event that the current application would be refused. This comprises the full utilisation of the domestic permitted development rights for erection of extensions. In order for the "fallback" position to be taken into account as a material consideration, there must be a reasonable prospect of the development being undertaken in that form. A development utilising the full range of permitted development rights for extensions would still be significantly smaller than the area of expansion currently proposed even with the post submission amendments in place. It also has to be borne in mind that any extension undertaken under permitted development rights should clearly reflect the design and palette of materials of the existing building. The issue of permitted development extensions was considered by the appeal inspector and discounted as a justification as it is 'by no means certain that such development would take place in the event of planning permission for the appeal scheme being withheld'. There is no change in circumstance with this application.

5.0 CONCLUSION

5.1 Notwithstanding the fact that the scheme for erection of a replacement dwelling at Newlands has been amended since the previous scheme was rejected at appeal and subsequent to the submission of the current application, it remains significantly larger in size and scale than the house it is intended to replace. This is considered to be inappropriate development in the Green Belt which would be both harmful to the openness of the Green Belt and to the visual amenity of the wider street scene. This is contrary to Central Government Planning Guidance in respect of Green Belts outlined in paragraphs 3.4 and 3.6 of PPG2 together with Policies GB1 and GB5 of the Draft Local Plan. A detailed drainage scheme has been submitted in respect of the development following the receipt of earlier concerns. This is felt to be broadly acceptable but it does not detract from the remaining serious concerns in respect of the impact of the proposal upon the openness of the Green Belt or the visual amenity of the local street scene. The applicant within the submitted scheme has drawn attention to the potential "fallback position" of extending the existing building under the residential permitted development rights attaching to the site. This issue was raised at the previous appeal and discounted on the basis that in order to benefit from the "fall back" position then there must be a reasonable prospect of that development being carried out.

COMMITTEE TO VISIT

Application Reference Number: 10/01637/FUL
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Item No: 4a

6.0 RECOMMENDATION: Refuse

1 The replacement dwelling would be materially larger and disproportionate in size, scale and massing than the house being replaced. This is considered inappropriate development in the Green Belt. Furthermore the new dwelling, by virtue of its far larger size, scale and massing would harm the openness of the Green Belt and substantially alter the character of the site at this point. This is contrary to Central Government Planning Guidance in respect of Green Belt areas outlined in paragraphs 3.4 and 3.6 of Planning Policy Guidance Note 2 "Green Belts" and Policies GB1 and GB5 of the City of York Draft Local Plan.

2 The proposed development, by virtue of the re-profiling of the application site and the resultant substantial increase in built footprint together with the significantly closer proximity of the new dwelling to the street frontage, would have a significant adverse impact upon the visual amenity of the wider street scene and in close proximity to the Wheldrake Conservation Area contrary to Policy GP1 of the City of York Draft Local Plan.

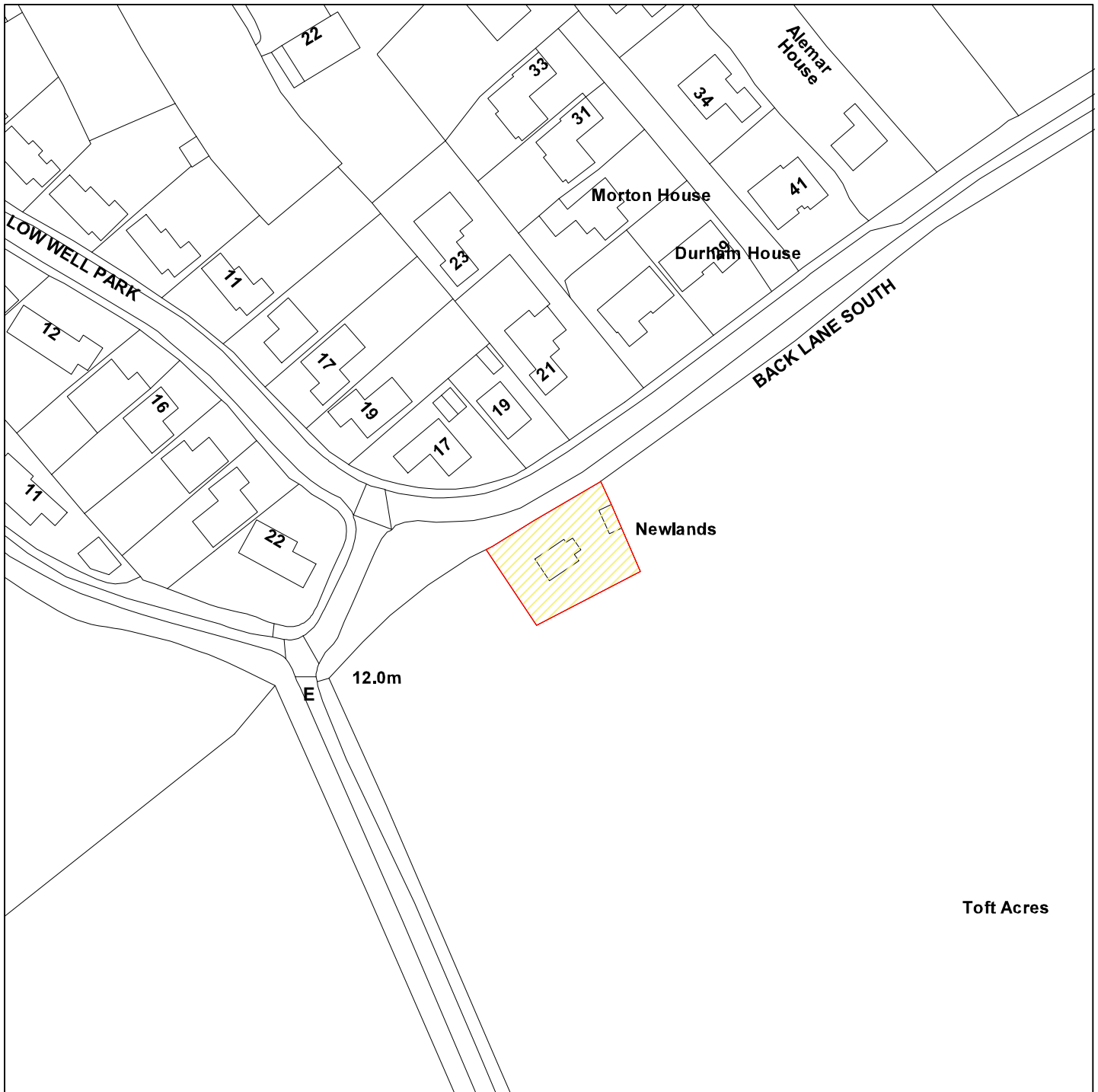
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

Newlands, Back Lane South, Wheldrake

10/01637/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 October 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 13 October 2011 **Ward:** Haxby And Wigginton
Team: Major and **Parish:** Wigginton Parish Council
Commercial Team

Reference: 11/01969/REM
Application at: 22 Mill Lane Wigginton York YO32 2PX
For: Application for approval of reserved matters following approval of 10/00750/OUT for the erection of 9no dwellings with associated access and parking
By: Daniel Gath Homes Ltd
Application Type: Approval of Reserved Matters
Target Date: 13 September 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a reserved matters application pursuant to an outline planning permission for the erection of nine houses granted in July 2010 (10/00750/OUT). All matters were reserved except access which is via a private drive from Mill Lane. The current application seeks consent for all the reserved matters, i.e. scale, layout, appearance and landscaping. The proposal comprises four detached houses (3 x 4-bedroom and 1 x 5-bedroom), a pair of 3-bedroom semi-detached houses and a terrace of three 3-bedroom houses. All the houses would have two storeys. The pair of semi-detached houses would face Mill Lane. The remaining seven houses would face the private drive. All dwellings would have off-street parking, cycle storage and refuse/recycling facilities.

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

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

CYNE1
Trees, woodlands, hedgerows

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

Environment, Conservation, Sustainable Development (Landscape) - The level of detail is insufficient to approve the application, especially as it is a reserved matters application. More information is needed about: tree protection during construction; landscaping proposals; landscape management post-construction; boundary treatment; and conflicts with drainage proposals.

Highway Network Management - No objections. Standard highway conditions should be attached [Officers' response - The conditions sought were attached to the outline permission and do not need to be duplicated at this reserved matters stage].

Structures and Drainage - Insufficient information has been provided by the developer to determine the potential impact on the existing drainage systems. An appropriate assessment should be carried out under BRE Digest 365 (a percolation test) to demonstrate that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving and to prevent flooding of the surrounding land and the paving itself. The test should be witnessed by the council's drainage officers. If such capacity is not demonstrated an alternative method of dealing with surface water would need to be found.

Environment, Conservation, Sustainable Development (Countryside) - No objections. Further information on bat mitigation will be needed in order to discharge condition 16 of the outline consent.

Environmental Protection Unit - No objections.

3.2 EXTERNAL

Wigginton Parish Council - No objection but wish to make the following comments: The application appears to be overdevelopment. The number of houses is excessive given the number of parking spaces, which are insufficient and will lead to on-street parking, particularly on Mill Lane. Assurance is sought that the access road will be adopted. Adequate street lighting is not shown.

Public Consultation - The consultation period expired on 18 August 2011. Four objections have been received raising the following planning issues:

- The pitch of the garage to unit 4 should be reduced as much as possible to reduce its visual impact.
- Concern that habitable rooms could be built in the roof spaces.
- Concern about future surface water drainage problems.
- Noise nuisance from vehicles.
- Removal of the 3m-high conifers along the northern boundary would reduce privacy and security.
- The fence along the eastern boundary should be restored/repaired.
- Loss of light.
- Loss of privacy.
- Increase in traffic.
- Highway safety.
- Impact on trees and hedges.
- Loss of bat habitat.
- Impact on local amenities, e.g. school.

One letter of support has been received from a local resident: The application is an appropriate detailed proposal for the site.

4.0 APPRAISAL

PLANNING POLICY CONTEXT

4.1 Draft Local Plan Policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.2 GP4a - All proposals should have regard to the principles of sustainable development.

4.3 NE1- Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

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

KEY ISSUES

Design and Street Scene
Neighbour Amenity
Access and Highway Safety
Trees and Landscaping
Flood Risk and Drainage
Bio-Diversity
Sustainability
Public Open Space

APPLICATION SITE

4.5 Part of the site is occupied by a group of single-storey buildings comprising a former slaughterhouse/butchery which was abandoned in the 1980s. More recently, some of the buildings were occupied by an unauthorised retail shop. The buildings are now vacant. The remainder of the site is open grassland. It is bounded to the north, east and west by the rear gardens of 2-storey estate houses. To the south is Mill Lane, which is accessed via a private drive. The highway verge has a line of council-owned mature Beech trees that are protected by a tree preservation order (TPO). One of the trees has died and was recently felled. One of the other trees is in poor condition and is being monitored by the council's arboricultural officers. If its condition continues to deteriorate it may also have to be removed.

DESIGN AND STREET SCENE

4.6 The proposed houses would all have a traditional suburban design. Ridge heights would be between 8m to 8.5m and eaves height would be 5.2m. These heights are typical of 2-storey houses and are in keeping with the scale and appearance of the surrounding area. Units 8 and 9 would face Wigginton Road and not into the site, which was a concern at the outline stage. The other seven houses would face the private drive. The development respects the scale, density, pattern and grain of the surrounding area.

NEIGHBOUR AMENITY

4.7 The rear elevations of most of the houses would face the rear elevations of existing houses in adjacent streets. Adequate separation distances would be achieved and impact on the neighbouring occupiers has been minimised by restricting the building heights and careful arrangement of buildings, habitable rooms and windows. The gable end of the garage to unit 4 would be 5.1m to the ridge. This is acceptable bearing in mind that the distance the nearest part of the adjacent house would be 8m. Nuisance from traffic noise is unlikely to be significant. The impact on local amenities was considered at the outline stage.

ACCESS AND HIGHWAY SAFETY

4.8 The access into the development would remain unadopted and would be privately maintained and repaired. This was accepted and approved at the outline stage. The applicant has given a unilateral undertaking to this effect. Traffic levels generated by the development would be insignificant. The council's highways officers have no objection to the highway aspects of the development including driveway widths, turning space and parking provision.

TREES AND LANDSCAPING

4.9 The three remaining Beech trees along the Mill Lane frontage are old mature specimens that would not readily recover from root damage and would be susceptible to stress and disease from a change in conditions or any damage. Essentially the whole of this frontage is a root protection area so there should be as little intervention as possible. This is why the access is not being built to adoptable standards. The applicant is required (by condition 15 of the outline consent) to provide a method statement showing how the Beech trees would be protected during construction. The method statement submitted to date is unsatisfactory, and further details are awaited. Condition 15 requires the details to be approved prior to start of construction. Therefore the construction methods to be employed need not be settled prior to the current (reserved matters) application being determined. Nevertheless, officers will update members at the committee meeting.

4.10 Whilst some landscaping details of the scheme have been submitted for approval they are not yet acceptable. Revised plans are awaited, particularly relating to boundary treatment and tree planting. As landscaping is a reserved matter satisfactory details will need to be submitted prior to the application being determined. Members will be updated at the meeting.

FLOOD RISK AND DRAINAGE

4.11 The area is known to suffer from localised flooding and many residents are concerned about inadequate drainage. At the outline stage the applicant intended

to attenuate surface water by providing underground storage within the site, releasing the stored water at a controlled rate by means of a hydrobrake. The council's drainage officers were satisfied with this arrangement subject to full details being submitted and approved prior to construction. This was made a condition of the outline consent (condition 4). Now, instead of providing underground storage within the site, the applicant is proposing to install soakaways. To demonstrate that the ground is suitable for soakaways an appropriate assessment should be carried out under BRE Digest 365 (a percolation test) to demonstrate that the ground has sufficient capacity to accept surface water discharge from the development. The test should be witnessed by officers of the council's Flood Risk Management Team. If such capacity were not demonstrated an alternative method of dealing with surface water would need to be found. The applicant has carried out a percolation test but it was without the knowledge of the council's drainage officers. Officers are now seeking confirmation from the applicant that the test was carried out properly and that the proposed soakaways would be suitable. Condition 4 of the outline consent requires drainage details to be submitted and approved prior to the commencement of construction. Therefore the method to be employed need not be settled prior to the current (reserved matters) application being determined. Nevertheless, officers will update members at the committee meeting.

BIO-DIVERSITY

4.12 The site currently houses a cluster of old (but not protected) farm outbuildings, garages and storage sheds, all of which are to be demolished as part of this scheme. In 2010 the outbuildings were inspected for evidence of bats and to assess their potential for supporting a roost. The outbuildings have a low potential for supporting roosting bats, and no evidence of any recent use has been seen. Nevertheless, as there is suitable foraging habitat close by a condition was attached (condition 16) to ensure that provision is made within the new dwellings to accommodate bats and to help increase the overall wildlife value of this area. In response to this condition a bat accommodation statement has been submitted as part of this reserved matters application, and provides information on the proposed habitat features (e.g. bat boxes and bat bricks) that could be built into the new dwellings. In order to discharge condition 16 the council will need further information as to the type of habitat feature proposed, along with their intended locations within the proposed development.

SUSTAINABILITY

4.13 The outline consent includes conditions requiring construction to be to Code for Sustainable Homes level 3 and for 10% of energy to be generated from renewable sources. The applicant is proposing to install solar panels, which would be acceptable subject to the required 10% being achieved.

PUBLIC OPEN SPACE

4.14 An open space contribution is required for the provision of public open space in accordance with Policy L1 of the Draft Local Plan. This has been accepted by the applicant who has provided a unilateral undertaking to this effect.

5.0 CONCLUSION

5.1 The proposals accord with the outline consent, including the illustrative layout submitted at that stage. The proposal is considered to be acceptable in terms of the character of the area and the impact on neighbouring occupiers. The access has already been approved and the highway details are acceptable. Further details are awaited regarding landscaping, tree protection and drainage. Members will be updated on these matters at the meeting.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 11:12:02/G, 11:12:03, 11:12:04/C and 11:12:05/C.

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

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

Impact on Protected Trees

Access and Highway Safety

Design and Street Scene

Neighbour Amenity

Flood Risk and Drainage

Bio-Diversity

Sustainability

Public Open Space

As such the proposal complies with policies GP1, GP4a, GP15a, NE1 and L1c of the City of York Local Plan Deposit Draft.

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11/01969/REM



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 October 2011
SLA Number	Not Set

approved to three, with more generous sized rooms and a first floor gallery area accounting for the reduction in the number of bedrooms.

1.4 The application has been brought before Planning Committee for determination at the request of Cllr. Ayre, in order to assess the impact the proposals would have on neighbouring amenity. A site visit is recommended to assist in this assessment.

1.5 Officers have recently been informed that work has commenced on site to install the dormer windows. The applicants have explained that the reason for starting work was that they need to make the property watertight before winter and that one of the recommendations of the bat survey was that no work to the roof should take place after 31st October. There has also been an issue at the site with tools being stolen from the property and the applicants are keen to occupy the house to avoid further potential thefts. The applicants have been made aware that any works that are carried out prior to a decision being made are entirely at their own risk.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYH4A
Housing Windfalls

CYC3
Change of use of community facilities

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL

3.1 Ecology - The above scheme is for the renovation of the former care home involving extensive internal and external alterations such as re-roofing, new dormers and a large two storey front extension, and follows a change of use consent granted earlier this year (Ref: 10/02838/FUL). Following on from these earlier applications, further bat survey work has been carried out including additional internal and external inspections of the building and a number of evening emergence surveys. The latest survey report submitted as part of this application (July 2011) outlines these results and concludes that the building is no longer used as a bat roost. Earlier surveys (2007) had identified a small roost within the soffit box/eaves due to the presence of bat droppings on a window sill, although following further inspections, three emergence surveys and two endoscope surveys of this area, this was found to be no longer occupied.

There is an acceptance of the findings of the survey and the recommendations set out within the document. The level of survey work and the survey methodology is acceptable and no EPS licence would be required for this work. Based on the likely size and status of the roost which had been present within the building in the past, it is also not considered that the loss of this roosting space is likely to have a significant impact on the local bat population, provided that adequate mitigation is in place. A suggested method statement has been outlined within section 6 of the survey report, and this should be followed during all stages of the work and all contractors involved should be made aware of these issues. Also included within this section, are proposals for new roost creation within the building including the reinstatement of the original roosting space, leaving small gaps between the walls and eaves allowing access into an enclosed space within the soffits. Bat tiles are also to be installed during the roofing work which would provide additional roosting opportunities either in between the tile and the roofing felt, or providing access into an internal roof void. A suitable condition should be included with any approval to ensure these works are carried out.

EXTERNAL

3.2 Heworth Without Parish Council - No correspondence received.

3.3 Neighbours - Three letters from local residents have been received. One letter from a resident of 15 Meadow Way stated that whilst they consider that the two storey front extension would have some effect upon the amount of sunlight entering their garden and conservatory at certain times of the year, there is no objection to the application. 15 Meadow Way is the house immediately to the east of the application site. Two letters were received from 5 Stray Garth and 23 Elmfield Terrace. Both object to the proposed dormer window over the granny annexe due to

a loss of privacy. 5 Stray Garth is the next door house to the west, the back of Elmfield Terrace faces towards the application site and is set approximately 50m to the west. The letters also raise queries about whether a granny annexe should normally have three storeys and whether the application form is incorrect in that it states that the site is not within 20m of a watercourse, that construction work has not started, and that there are no trees or hedges on the development site.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of change of use;
- Impact on the living conditions of neighbours;
- Design and visual amenity.

PRINCIPLE OF CHANGE OF USE

4.2 The previously approved application 10/02838/FUL considered the principle of the change of use of a former residential institution into a dwellinghouse with granny annexe as acceptable. There has been no change in site circumstances and no significant shift in local or national planning policies and therefore the same conclusion is drawn with this application. For information, the section of the Officers report which examined the principle of the change of use is reproduced in paragraphs 4.3 and 4.4 below.

4.3 Policy C3 of the City of York Development Control Local Plan states that planning permission will only be granted for the redevelopment or change of use of social, health and care homes where the scale and design of the redevelopment proposal is appropriate to the character and appearance of the locality. Furthermore it must be demonstrated that the existing building is surplus to, and no longer capable of meeting the existing or future needs of the local community.

4.4 According to the Design and Access Statement submitted with the application the property became surplus to requirements by the North Yorkshire and York Primary Care Trust in 2006 and was put on the open market for sale. Previous planning decisions have established the acceptability of the loss of a C2 (residential institution) use in this case. The principle of the proposal is thus considered to be acceptable.

IMPACT ON THE LIVING CONDITIONS OF NEIGHBOURS

4.5 The proposed two storey front extension is considered to have a minimal impact on neighbouring amenity. The extension protrudes approximately 1.1m in front of the existing building line. The extension would be set down from the ridge of

the main house and due to its location towards the centre of the front elevation, it is set well away from neighbouring properties and would not appear overbearing or result in any significant overshadowing.

4.6 The proposed narrowing of both a bathroom and en-suite window on the first floor of the front elevation is considered to have no detrimental impact on the living conditions of neighbours. The insertion of a larger window with Juliet balcony on the rear elevation, instead of the previously approved standard height window, is also considered to have little impact on neighbouring amenity. A Juliet balcony does not allow greater scope for views to the side than a standard window opening. Given the location of the opening approximately 7m off the nearest resident boundary and the fact that it does not face towards any neighbouring properties, this alteration is considered acceptable.

4.7 Within the rear roof slope the applicants are proposing the installation of one roof light and two dormer windows. The roof light generally allows views upwards towards the sky and would not have a significant impact on the levels of privacy enjoyed by neighbours. The dormer window over the main house area is set well away from neighbouring boundaries and faces north towards the lake at the rear of the property. The proposed dormer window over the granny annexe is set in around 1.5m from the west side of the building. The window is set off the shared curtilage boundary with 5 Stray Garth by approximately 10m. Objections have been received from the occupiers of both 23 Elmfield Terrace and 5 Stray Garth to the proposed dormer window on the grounds of overlooking and loss of privacy.

4.8 However, officers do not consider that the proposed dormer window would not result in an unacceptable loss of privacy, due to the separation distance and the fact that the window does not directly face towards any dwellings or gardens therefore only offering oblique sideways views. A further consideration is that the window in question would serve a bedroom and therefore does not provide the primary outlook from the dwelling. Also it is noted that there are existing windows within the rear elevation of the property and whilst the proposed dormer window is at a higher level than the existing windows, the level of outlook it affords towards neighbouring properties is fundamentally the same. It is not considered, therefore, that the proposed dormer windows result in significant new overlooking or an unacceptable loss of privacy for neighbours.

DESIGN AND VISUAL AMENITY

4.8 The proposed alterations do not have a significant impact on the overall scale and massing of the building. The proposed front extension is considered to give some visual relief to the extensive frontage of the property. Subject to the use of suitable materials it is considered that this proposed extension would have a positive visual impact on the appearance of the building. The alterations to the type and size of the window openings is considered to have a minimal impact. The dormer

windows to the rear are significant in scale, however given their set down from the ridge and set in from the sides of the building, it is not considered that they would be visually prominent from the streetscene and therefore would not have a significant impact on the character and appearance of the area. The design of the dormers incorporate pitched roofs and do not dominate the roof slope, given their scale in relation to the length of the building.

5.0 CONCLUSION

5.1 For the reasons outlined above, it is considered that the proposed development complies with relevant local planning policies and is therefore recommended for approval subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Proposed site plan 2010-11/10c, proposed ground floor plan 2010-11/11c, proposed first floor/roof plan 2010-11/12c, and proposed elevations 2010-11/13b received by CYC on 01/06/11.

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

2 The occupation of the granny annexe as shown on plans ref nos.: 2010 - 11/11c and 2010 - 11/12c hereby approved shall at all times be limited to the immediate family of the occupant(s) of the main dwelling at 7-9 Stray Garth, York, YO31 1EL

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

3 The doorway connecting the granny annexe with the main dwelling as shown on plans ref nos.: 2010 - 11/11c and 2010 - 11/12c hereby approved shall not be blocked, removed or altered at any time.

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

4 The floor area of the granny annexe as shown on plans ref nos.: 2010 - 11/11c and 2010 - 11/12c hereby approved shall not, at any time be enlarged.

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (extension of dwellinghouse), B (enlargement of roof) and E (erection of outbuilding) of Schedule 2 Part 1 of that Order shall not be erected or constructed without planning permission.

Reason: In the interests of the amenities of the adjoining residents 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 or any Order revoking or re-enacting that Order.

6 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

7 Notwithstanding the information contained on the approved plans prior to the commencement of development details of the screens to be erected within the roof terrace area as shown on plan reference number 2010-11/12c shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the dwelling shall not be occupied until the approved screens have been erected. The approved screens shall not, at any time be removed, and in the case where the approved screens are damaged or destroyed they shall be replaced by similar screens.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

INFORMATIVE:

To comply with this condition the screens are expected to be obscured and be erected along the east and west boundaries of the terrace.

8 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 first occupation of the dwelling. 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.

9 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.	

Reason: In the interests of the amenities of occupants of adjacent residential properties.

10 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to first occupation of the dwellinghouse hereby approved.

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

11 Within two months of the date of this decision, full details of the proposed measures for bat mitigation and conservation which are to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority.

The measures shall include:

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

ii. The timing of all operations

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority. If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Reason :To take account of and enhance the habitat for protected species.

INFORMATIVE: It should be noted that national planning guidance contained within Planning Policy Statement 9 states that the replacement/mitigation proposed should provide a net gain in wildlife value.

**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 change of use;
- Impact on the living conditions of neighbours;
- Design and visual amenity.

As such the proposal complies with Policies GP1, NE6, NE7, H4A, H7 and C3 of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

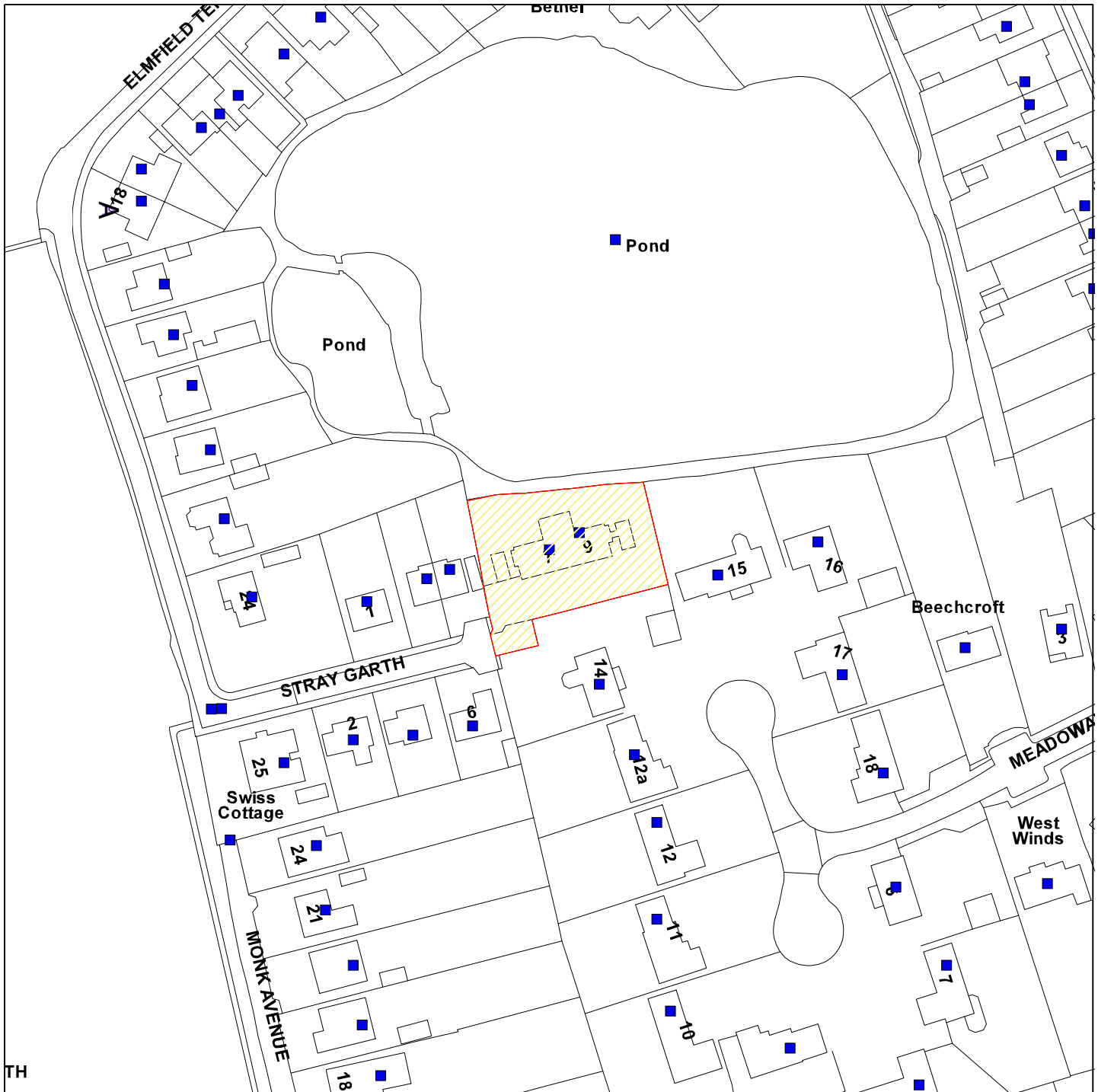
Tel No: 01904 551339

Stray Garth Community Home

11/01467/FUL



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	04 October 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 13 October 2011 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
Commercial Team Parish Council

Reference: 11/01544/FUL
Application at: Park House Farm Proposed Caravan Park Sheriff Hutton Road
Strensall York
For: Variation of conditions 3, 14 and 15 of permission 04/01105/FUL
for a caravan site to allow increase in the number of caravans on
site from 20 to 40 and to allow use of site throughout the year
By: Nelson Park Lodges
Application Type: Full Application
Target Date: 9 August 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is a section 73 application for the variation of conditions 3, 14 and 15 of planning permission 04/01105/FUL relating to the grant of planning permission for the change of use of land to a caravan site. The land is accessed from Pottery Lane and was formerly part of Park House Farm. The purpose of the variation of the conditions is to allow the caravan site to accommodate 40 caravans instead of 20 and to allow the caravan site to operate throughout the year.

1.2 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission.

1.3 The application site is located on the north side of Strensall village separated from the village by the River Foss, New Lane and development along the New Lane frontage. Access to the site is gained via Pottery Lane along a newly constructed access road approximately 360 metres long. The red line curtilage plan submitted with the application shows a site area excluding the access road of approximately 2 ha however the larger scale detailed plan shows the site as 3.3 ha and this is the site area referred to in the Landscape Appraisal.

1.4 The application is supported by a planning statement and a Landscape Appraisal.

1.5 Conditions 3, 14 and 15 of planning permission 04/01105/FUL dated 8th July 2004 state as follows:-

Condition 3 - The number of caravans on this site shall not exceed 20 and none shall be static caravans.

Reason: In order to comply with City of York Local Plan Policy V5

Condition 14 - No caravan on the site shall be occupied between 31 October in any one year and 1 March in the succeeding year.

Reason: To avoid the use of the caravan for permanent residence, which use would not be acceptable to the Local Planning Authority in this location.

Condition 15 No caravan shall be stored on the site between 31 October in any one year and 1 March in the succeeding year.

Reason: It is considered that caravans constitute unacceptable visual intrusion into primarily open rural areas during winter months outside the holiday period

1.6 The applicant is seeking variation of the conditions to increase the number of caravans allowed on the site from 20 to 40 (variation of condition 3) and to operate the site all year round (variation of conditions 14 and 15).

1.7 The application has been called into committee for determination by Cllr Doughty because of concerns about the impact of the development on the Green Belt.

Planning History

1.8 Planning permission was granted for the change of use of land to a caravan site in July 2004 (Planning reference 04/01105/FUL). This permission was subject to various conditions including the restriction that there should be no more than 20 caravans and that the site should only operate between the 1st March and the 31st October.

1.9 In March 2009 approval of details for the discharge of conditions 9, 10, 11 and 12 was agreed.

1.10 In June 2009 approval of details for the discharge of condition 5 was given however the details were considered inadequate in relation to conditions 6, 7, 8 and 16. These conditions remain outstanding.

1.11 In May 2010 a memo sent to the applicant's agent agrees, following a site visit, that the development has commenced sufficiently to constitute a commencement of development within the 5 year timescale of the planning permission.

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:

CYGB1

Development within the Green Belt

CYV1

Criteria for visitor related devt

CYV5

Caravan and camping sites

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections

EXTERNAL

3.2 Strensall Parish Council - The Parish Council would object most strongly to the siting of any static caravans on the site. The existing conditions are still relevant on 04/01105/FUL. The Parish Council note the applicant has failed to discharge conditions 1, 4 ,6, 7, 8, 9 and 16 of the original approval and in our opinion the works should not have commenced.

3.3 York Natural Environment Panel - The increase in units would set a precedent for further erosion of productive farm land elsewhere in York. Space for landscape planting within the site will be reduced by increase in the number of caravans. The associated increase in hardstanding will also lead to an increase in runoff. If consent is granted conditions should be imposed to ensure the landscape proposals are fully

implemented in keeping with sections 5.2 to 5.4 in the applicant's Landscape Appraisal supporting statement.

3.4 Foss Internal Drainage Board - The board objected to the original application for this site on the grounds that it was undesirable piecemeal development. The board stated that it would be prepared to remove its objection provided that a comprehensive scheme for the disposal of surface water was agreed prior to works commencing. Condition 7 of the subsequent approval states that no development shall commence until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The board are not aware as to whether such a scheme was provided, as it was not consulted on the issue. The current proposals give the board reason for concern as there is the likelihood of increased surface water discharge from the site. The board contend that Primrose Dyke is at capacity and that there should be no increase in the rate or volume of surface water discharge to it. To this end if it is proposed to discharge surface water from the site to Primrose Dyke then this discharge should not exceed that already occurring or that arising from a green field site. If permission is granted the Board suggest conditions with regard to the discharge points of the surface water drainage, to ensure that the site is satisfactorily drained and to reduce the risk of flooding.

3.5 Environment Agency - The last time the Environment Agency commented on this application was the formal consultation for the discharge of conditions for the original planning permission (04/01105/FUL) in particular condition 6 related to foul drainage. The condition could not be discharged because the application referred to the use of a sealed cesspool and the details were not considered to be sustainable. The applicant was encouraged to investigate non mains drainage systems. There has been no further contact with the applicant. Given the concerns about the proposed foul drainage, the Agency object to the proposed development because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. Furthermore the Environment Agency is strongly opposed to the use of cesspools due to the environmental risk inherent in their use. Further investigation into alternatives such as package treatment plant, discharging to a soakaway or watercourse should be considered.

3.6 Two letters of objection have been received covering the following points:-

- Did not object to 20 caravans for 6 months of the year, however the proposed 40 pitches all year round changes the nature of the concern.
- Despite the applicant's assurances that the site can not be seen from Sheriff Hutton Road, this is not the case. The shower block, even in the summer when trees are in full leaf, is clearly visible.

- The site is clearly seen from the rear of properties on Pottery Lane, the proposed hedgerow will in no way provide all year screening. The plans do not show where the extra twenty caravans will be sited.
- The increased traffic from the change to the conditions will exacerbate existing traffic problems on Main Street and on Pottery Lane. Pottery Lane is a narrow country lane with a national speed limit.
- The site is located on the River Foss flood plain and the extra hard landscaping required for the pitches will not help the situation.
- It is a concern that extra noise from the site will be heard in the cemetery, a place for quiet contemplation outside the village bounds should remain just that. Adjacent properties will also be disturbed by noise all year round.
- There are a number of planning conditions that are part of the original consent that have not yet been adhered to.
- The surrounding area is rural in nature with no street lights there is concern about the amount of light that will be needed in winter to keep the site going. The entrance lights to the applicant's other caravan site on Sheriff Hutton Road already cause a distraction in winter
- There are already two large lodge/caravan sites at either end of Pottery lane (Nelson Lodges and Goose Wood) and therefore Green Belt land does not need to be used for further provision.
- There is already a coach depot at Forest Hill Farm using Pottery Lane and when there is traffic congestion on surrounding roads traffic is pushed into the countryside.
- There are several other sites within the vicinity, the permission should remain as 20 for six months not 40 all year round.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Impact on openness of the green belt
- Flood risk and drainage
- Highways issues
- Sustainability
- other matters

4.2 The following national planning advice in Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS) are considered of most relevance to this application:-

4.3 PPS1: "Delivering Sustainable Development" - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan led system and considerations to be taken into account in determining planning applications.

4.4 PPG2: "Green Belts" identifies the purposes and uses of land within the Green Belt, and states that their most important attribute is their openness. In relation to the change of use of land, this is inappropriate unless it maintains openness and does not conflict with the purposes of including land within the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations. The thrust of the Draft National Planning Policy Framework is similar to PPG2 in respect of advice about development within the Green Belt .

4.5 PPS7: "Sustainable Development in Rural Areas" identifies the planning system as having an important role in supporting and facilitating development and land uses in helping to maintain and manage the countryside. It also advises of the importance of protecting the quality and character of the countryside, and supports re-use of buildings in particular for economic purposes. It is also supportive of farm diversification. In relation to farm diversification in the Green Belt, it states, where relevant, favourable consideration should be given as long as the development maintains openness. The wider benefits of a proposal are capable of constituting very special circumstances.

4.6 In relation to touring caravan parks, it provides particular advice. Authorities should balance the need to provide facilities with the need to protect landscapes and scope for relocating sites away from flooding, and to ensure new sites are not prominent , and visual intrusion is minimised by screening.

4.7 PPG13: Transport seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and seeks to reduce the need to travel, especially be car in new developments.

4.8 PPS23: Planning and Pollution Control gives guidance on the relevance of pollution controls to the exercise of planning functions, including light pollution and contamination.

4.9 PPS25: Development and Flood Risk sets out the importance the Government attaches to management and reduction of flood risk in the planning process.

4.10 Relevant policies in the City of York Draft Local Plan (incorporating the Fourth Set of changes) (April 2005) include GB1, GP1, V1 and V5. Policy GB1 reflects advice within PPG2. Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping.

4.11 Policy V1 says that visitor related development will be encouraged. In determining applications account will be taken of whether the proposal has made adequate servicing arrangements, is accessible to public transport routes, will result in increased traffic, is likely to improve the prosperity of the tourism industry and the city's economy, will adversely impact on the reasonable use and enjoyment of adjacent buildings and land or adversely impact on the countryside setting of the city.

4.12 Policy V5 relates specifically to touring caravan/camping sites and sets out criteria for assessing proposals. The policy specifies that the number of pitches should not exceed 20, and that there should be no pitches for static caravans. In addition, the proposal should not involve the erection of permanently sited ancillary buildings other than toilets/washrooms and a site office, the site should be associated with an existing settlement and of a compatible scale to the settlement, and should be readily accessible by public transport. Further criteria within the policy are that the proposal has no adverse effect on the openness of Green Belt, it provides a direct benefit to the local residential workforce, the approach roads are of a suitable standard to accommodate caravans, there is no adverse effect on the provision of local services, the proposal is complementary to recreational opportunities in the vicinity and it provides a direct benefit to the local residential rural community.

4.13 Government Circular 3/99 provides advice on the exercise of planning controls on non-mains sewerage and associated sewage disposal aspects of future development so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems, particularly those incorporating septic tanks. If the system proposed is unsatisfactory, this would normally be sufficient to justify refusal of planning permission for a proposed development. An annex to the Circular sets out the factors to be considered in reaching a decision, including (amongst other things) contravention of recognised practices, adverse effect on water, damage to the environment, high water table and liability to flood.

4.14 The Good Practice Guide for Planning and Tourism replaced PPG21 in 2006. The guide reiterates much of the advice in PPS7 with regard to planning policy. The guidance states that Local Planning Authorities should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites. They should examine the scope for relocating any existing visually or environmentally intrusive parks away from sensitive areas, or for re-location away from sites prone to flooding or coastal erosion.

Green Belt

4.15 The application is located within an area of Green Belt. PPG2 states that the most important attribute of Green Belts is their openness. The purposes of including land within the Green Belt include the need to assist in safeguarding the countryside from encroachment and to preserve the setting and special character of historic towns.

4.16 The application site is not yet operating as a caravan site although the toilet block has been constructed, the access road formed, landscaping undertaken and some of the hardstandings for the caravans have been put in place. The submitted drawings do not show the number of hardstandings increased and the applicant has indicated that each base is sufficient to accommodate two caravans each.

4.17 The application is supported by a landscape appraisal. The appraisal is flawed in that it assesses the visual impact of increasing the numbers of pitches from 10 to 20 rather than 20 to 40 and it considers a site area that is greater than the planning permission for which the conditions are proposed to be varied. The report nevertheless concludes that there will be minimal visual impact from the development and that new planting and the management of existing planting will integrate the development into the landscape.

4.18 The site is set in an open and undeveloped area of Strensall Parish between a small amount of frontage commercial/agricultural development to New Lane and scattered residential properties along Pottery Lane. The land is relatively flat and the boundaries between fields are marked by existing hedging. The existing character of the area remains open and rural. The site amenity block and access road are visible from the Sheriff Hutton Road despite extensive landscaping and vegetation being in full leaf. The increase in numbers of caravans would in officer's view increase the visual significance of the caravan site in the landscape such that the openness of the Green Belt would be adversely affected. The use of the site all year round would introduce another dimension to the visual significance of the site as the site will be more visible in the winter when landscaping is not as evident. Furthermore the year round use will require higher levels of lighting on the site and along the access route further increasing the visibility of the site. It is considered, therefore, that the variation of the conditions as requested would have an adverse impact on the openness of the Green Belt.

4.19 As PPG2 states that the material changes of use within the Green Belt are inappropriate unless they preserve openness, it is considered that the proposal constitutes inappropriate development, which is, by definition, harmful to the Green Belt. In these circumstances it is for the applicant to show why permission should be granted. The applicant's agent suggests in his supporting statement that there is increased demand for touring caravan sites but this is not supported by any

evidence of likely demand, thus little weight can be attached to this argument and is not considered sufficient to outweigh the impact of the development on openness.

4.20 Furthermore it is considered that the landscape appraisal does not provide sufficient evidence that the landscaping will mitigate the harm to openness. It is considered that there will be significant harm to the open and rural character of the area associated with the increase in vehicular movements to the site, the increase in numbers of caravan units and the associated lighting and site activities required to allow the site to operate all year. The stance taken within PPG2 is supported in Draft Local Plan Policy V5 which requires that proposals for caravan sites should have no adverse effect on the openness of the Green Belt. Furthermore Policy V5 says that the number of pitches should not exceed 20. The increase in pitches on this site would undermine the basis of Policy V5 which seeks to permit small-scale sites which whilst benefitting tourism do not overpower existing settlements or become visually prominent in the Green Belt/open countryside.

Highways

4.21 Access to the site is taken from Pottery Lane to the side of Park House Farm. The access also serves an existing industrial unit. Pottery Lane is a country lane that operates the national speed limit. Some of the objections received refer to concerns about the ability of the road to take the increase in traffic movements to a year round 40 space caravan site. However, Highways Network Management does not raise any objections to the application. It is considered that Pottery Lane is of sufficient design and construction to accommodate the proposed development, and as such there are no objections to the proposal in terms of the access arrangements for the site.

Flood Risk and Drainage

4.22 At the time of the consideration of the original application the site was located within the flood plain for the River Foss. This is no longer the case. The site is now located within flood zone 1 and is not at risk of river flooding.

4.23 Conditions attached to the original permission required that details of surface water drainage works be submitted prior to commencement of the development. Conditions also required that there should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether directly or via soakaways. The Environment Agency have objected to the current proposal because no information has been submitted with the proposals in relation to how foul water from the site will be treated. Furthermore the proposals put forward for the original permission to discharge the requirements of the drainage condition were not considered satisfactory and remain unresolved. The proposed method of disposal for the foul water from the site appears to be a sealed tank (cesspool) the Environment Agency consider that such a drainage option is inappropriate because

of the environmental risks inherent with their use. In the event of a breach or overflow of the tank there is potential to cause substantial pollution to the local environment. In addition, the carbon footprint associated with the ongoing need for the cesspool to be emptied can be considerable, potentially calling into question the overall sustainability of the proposal.

4.24 Government Circular 3/99 provides advice in respect of non-mains drainage proposals. It states that where proposed, the suitability of the use of such sewerage systems is likely to be a material consideration in reaching planning decisions, Local Planning Authorities should aim to satisfy themselves on the basis of:

- a) Any information provided by the developer,
- b) Comments provided by other appropriate bodies and
- c) Their own considerations,

that the sewerage proposals for a development are suitable, and that significant environmental and amenity problems which might justify refusal of planning permission are unlikely to arise.

4.25 The applicant has been requested to submit an assessment under Circular 3/99, but has so far failed to do so. Without the assessment it is assumed that the applicant proposes to use a cesspool arrangement for the drainage of the site. The Environment Agency are not satisfied that the site can be satisfactorily drained by a cesspool arrangement and are concerned about the wider sustainability of such a drainage option. In the absence of any additional information being submitted it is considered that the application, which will increase the need for the disposal of both surface and foul drainage, is in conflict with advice in Circular 3/99.

4.26 In terms of surface water drainage the Foss IDB are concerned that the adjacent Primrose Dyke is at capacity and that no information has been submitted to show how surface water will be disposed of from the site, however, the IDB suggest conditions to ensure that the site is satisfactorily drained in respect of surface water. This would necessitate attenuation to ensure that the rate of run off is the same as for the original agricultural field.

Sustainability

4.27 It is generally accepted that those travelling to caravan sites will arrive by car. The sustainability credentials of the site therefore focus upon the ability of the site to provide alternative means of travel and recreation from the site. As a result of a way through from the site on to New Lane, the site has relatively easy walking access to Strensall village and has good links from the village by bus to the city centre. From a

sustainability perspective the site is considered well related to alternative modes of transport and to recreation opportunities.

4.26 The sustainability of the site from a drainage perspective is discussed above.

Other Matters:-

4.27 The discharge of conditions attached to the original permission will need to be pursued through enforcement procedures, although as the site has not been brought into use some of the conditions have not yet being contravened. This matter will be passed to enforcement following determination of this application.

5.0 CONCLUSION

5.1 The proposal is considered to adversely impact on the openness of Green Belt. PPG2 states that material changes of use are inappropriate unless they preserve openness, and it is considered that the proposal constitutes inappropriate development, which is, by definition, harmful to the Green Belt. No very special circumstances sufficient to outweigh harm to the Green Belt have been put forward by the applicant.

5.2 The applicant has been requested to submit a drainage assessment under circular 3/99 but none has been forthcoming. Without the assessment it is understood that the applicant proposes to use a cesspool arrangement for the drainage of the site. The Environment Agency are not clear that the site can be satisfactorily drained by a cesspool arrangement and are concerned about the wider sustainability of such a drainage option. In the absence of any additional information being submitted it is considered that the application, which will increase the need for the disposal of both surface and foul drainage, is in conflict with advice in circular 3/99.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The site is located within an area of Green Belt which is characterised by its open and rural appearance. It is considered that the increase in the numbers of touring caravans and the extension of the opening of the site to all year round would compromise the openness of this area and would conflict with the purposes of including land within Green Belt. The proposal is therefore inappropriate development in terms of the advice contained in Planning Policy Guidance Note 2 "Green Belts", and is, by definition, harmful to the Green Belt. No very special circumstances have been advanced by the applicant which would outweigh the

harm to the Green Belt. The proposal would also conflict with Policy V5 of the City Of York Draft Local Plan (CYDLP) which does not permit touring caravan sites in Green Belt where there is an adverse effect on the openness of the Green Belt and Policy GB1 of the CYDLP which does not support development that detracts from the open character of the Green Belt.

2 The application indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances Circular 3/99 'Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development' advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the circular in order to justify the use of non-mains drainage facilities. No such information has been submitted. The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. In particular the application fails to:

- (i) Address the issues set out in section 6 Annex A of Circular 3/99 and
- (ii) Justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in Circular 3/99.

Contact details:

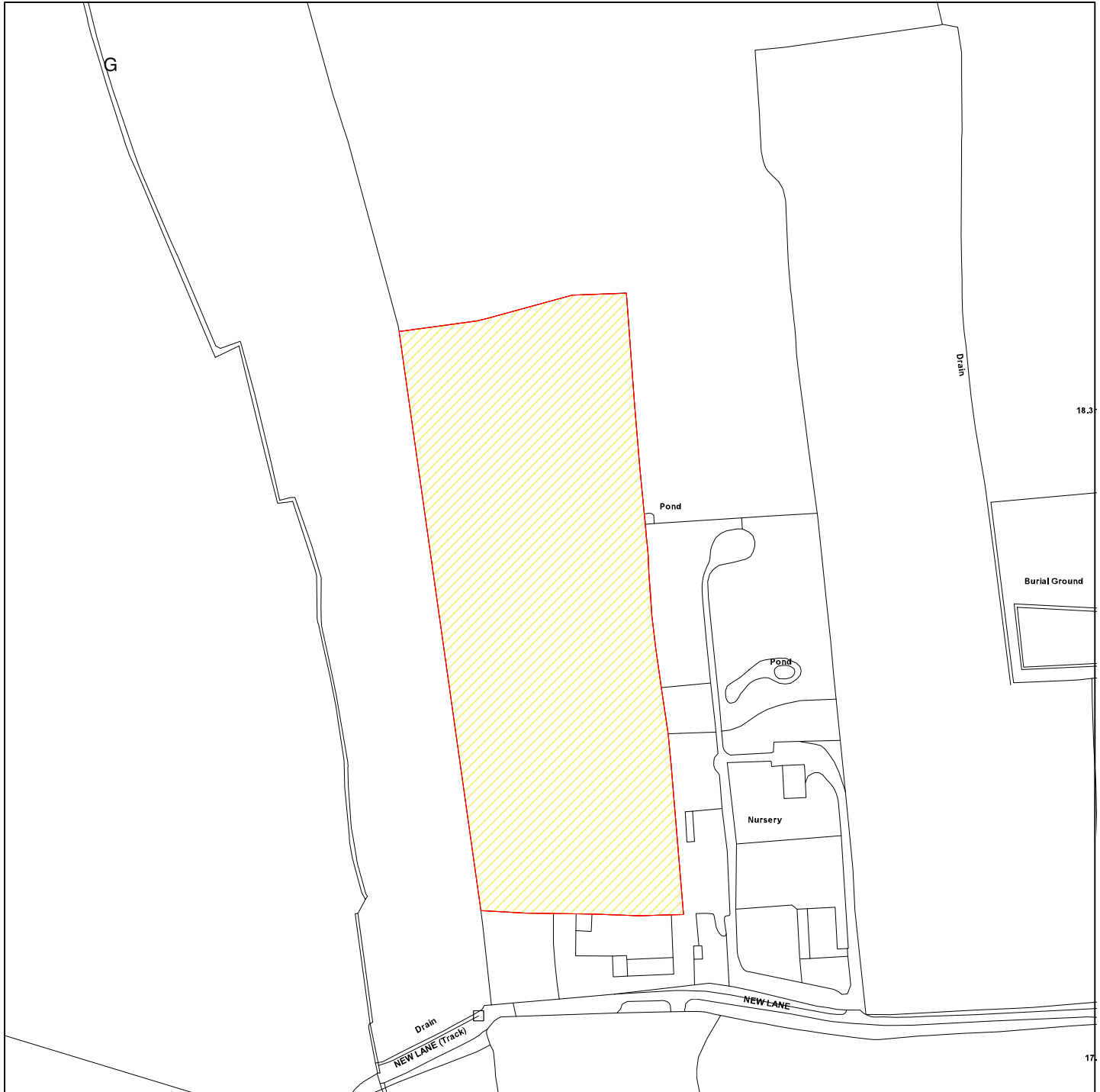
Author: Diane Cragg Development Management Officer (Mon/Tues)
Tel No: 01904 551351

Park House Farm Proposed Caravan Park, Sherriff

11/01544/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 October 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 13 October 2011 **Ward:** Heslington
Team: Major and **Parish:** Heslington Parish
 Commercial Team Council

Reference: 11/02115/FUL
Application at: 24 Low Mill Close York YO10 5JN
For: Change of use from dwellinghouse (use class C3) to house in multiple occupation (use class C4) (Resubmission)
By: Mr & Mrs Ken and Sandra Harris
Application Type: Full Application
Target Date: 28 September 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission to convert a four bedroom house (use class C3) into a six bedroom House in Multiple Occupation (C4). The site is 24 Low Mill Close which is within Heslington Parish. Vehicular access is off Field Lane with pedestrian access also available from Hull Road, to which the application site has a frontage. Low Mill Close is a cul-de-sac of relatively modern detached houses.

1.2 24 Low Mill Close has been operating as a HMO for over a year. The dwelling was converted to a HMO before it became permitted development to do so. Whilst converting a C3 dwellinghouse into a C4 HMO would be permitted development if it took place now, it is considered that an unlawful change of use does not become lawful because of a change in legislation. That is, because the dwelling was converted to a HMO at a time when planning permission was required, the change of use still requires planning permission retrospectively. The applicants state that they did not know that planning permission was required at the time of conversion.

1.3 When the applicants were made aware of the need for planning permission an application was submitted (ref. no. 10/01325/FUL). The application was refused at East Area Planning Committee in August 2010 on the following grounds:

'It is considered that the proposal would detract from the character of the area by virtue of creating an over-concentration of Houses in Multiple Occupation within this cul de sac, and would be likely to result in noise and disturbance to the occupiers of the adjacent properties, to the detriment of residential amenity. The proposal would make inadequate provision for off street parking, resulting in vehicles being parked

on the highway turning area at the head of the cul de sac, to the detriment of the convenience and safety of traffic and pedestrians, and the amenity of neighbours.'

1.4 Around the time of the application being refused legislation was changed by the current government to make it permitted development to convert a house to a HMO. For this reason the applicants did not appeal the decision as they felt it was unnecessary. The applicants are now wishing to formalise the existing arrangement by gaining planning permission.

1.5 This application is being heard before Committee at the request of Cllr. Levene due to the previous application being determined by Planning Committee and the level of local concern raised. A site visit is proposed given the changes to the make up of Planning Committee and in order for members to fully understand the context of the site and the objections of local residents.

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:

CYH8

Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

EXTERNAL

3.1 Heslington Parish Council - No correspondence received.

3.2 Police Architectural Liaison Officer - It is recognised that high concentrations of HMOs can result in increases in crime and anti-social behaviour. Statistics for the area show that there have been two incidents of crime and 13 incidents of anti-social behaviour within a 100m radius of the application site in the last 12 months. There is no evidence to suggest that these recorded incidents are student related.

3.3 Neighbours - Eight letters of objection have been received. The following comments were made:

- previous objections and the previous reasons for refusal are still valid;
- there has been an increase in the number of HMO's in Low Mill Close of late, comments received suggest there are between 4 and 7 HMO's within a cul-de-sac of

28 houses, the Planning Statement is wrong when it says there is only one other HMO is the street;

- there is a property for sale in the street as well as one empty and it is possible that these will be turned in HMOs as well;
- student houses bring problems of noise, untidy gardens, litter, anti-social behaviour, devaluation of property value, and car parking problems;
- all students should be accommodated on campus;
- despite the refused application in 2010 the applicant has let the property to students again for the 2011/12 term;
- the supporting statement says that 9 cars can be parked on the site and off the street, the reality is that only 2 or 3 cars could be parked independently on the driveway;
- there is an emergency vehicle entrance next to 24 Low Mill Close and any cars blocking this would be dangerous;
- there is a car parking problem in the area with car parking restrictions to be added to street later this year;
- the proposal reduces the number of family houses available;
- there is an imbalance of student accommodation in the area and the proposal would add to that;
- there has been no change to the property or its immediate surroundings since the previous application was approved;
- HMOs in the area are resulting in a reduction in school intake numbers at local schools

4.0 APPRAISAL

4.1 The key issues are:

- Principle of the change of use;
- Impact on the character and appearance of the area;
- Car parking;
- Cycle and bin storage; and
- Impact on the amenities of local residents.

4.2 Policy H8 sets out the current criteria by which conversions of houses to HMO's should be assessed. Policy H8 states that planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;

- adequate provision is made for the storage and collection of refuse and recycling.

PRINCIPLE OF DEVELOPMENT

4.3 24 Low Mill Close was built as a four bedroom detached house. The change of use creates six bedrooms. In addition to the bedrooms there is a shower room, two bathrooms, a lounge, a kitchen, a utility room, and a conservatory as well as front and back gardens. The bedrooms are of a size which can provide an adequate level of amenity for occupiers of the property and it is considered that there are sufficient levels of shared facilities to provide a satisfactory standard of amenity for six residents. The number of potential occupants of 24 Low Mill Close is not considered to increase significantly as a result of the change of use as each bedroom would only be occupied by one person.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.4 No external alterations are under consideration as part of this application and therefore the proposal satisfies the second criteria of Policy H8.

4.5 Low Mill Close is cul-de-sac containing approximately 30 detached dwellings. Information supplied by neighbours indicates that there are around 4 or 5 HMOs in the street. It is understood that two of these are at the entrance of the road and are seen more within the context of Field Lane than Low Mill Close itself. It is not considered that the existing HMO's including that at number 24 have had a significant impact on the character and appearance of the area. It is not considered that there is a sufficient concentration of HMO's on this cul-de-sac to change the general character of the street.

4.6 The nature of HMO's is that they tend to be occupied for relatively short periods of time, occupants move on and other tenants move in. This can sometimes create a lack of ownership of the property and its garden areas. This has on some occasions resulted in a degradation of the appearance of areas. 24 Low Mill Close is currently well maintained and it is not considered that its use as a HMO has had a significant impact on the visual amenity of the area. In order to ensure that this continues it is considered reasonable to impose a condition relating to the maintenance of the garden areas and the storage of bins away from the public domain. This should ensure that the property maintains its appearance as a well maintained and cared for dwelling. Dwellings can currently be converted into HMOs without planning restrictions and the imposition of such a condition would provide more control over this HMO than any which have been converted within the last year without planning consent.

4.7 Dwellings on Low Mill Close are generally three and four bedroom in size with front and back gardens which means they are suitable for families. A number of objections from local residents state that the cul-de-sac is not suitable for HMOs and

that approving the application would detract from the character of the area. Problems can occur when a high percentage of dwellings in a street become HMO's, evidence suggests that incidents of anti-social behaviour can increase when streets become dominated with HMO's. There is no evidence to suggest that the increase in anti-social behaviour is the result of the student occupiers of the HMO's. In this case the level of HMO occupation on Low Mill Close is considered to be reasonably low and the street has a reasonable balance of occupation which is generally promoted within planning guidance, which places the emphasis on sustainable development. It is not considered that legitimate concerns regarding high levels of HMO concentrations within certain streets in York should not be applied to HMO applications in streets which currently do not suffer those problems and to sites where there is no demonstrable harm to neighbouring amenity. It is considered that the Council's intention of introducing an Article 4 Directive to prevent future changes of use from dwellings to HMO's without planning permission would sufficiently protect Low Mill Close and ensure that the balance of accommodation is maintained.

CAR PARKING

4.8 24 Low Mill Close has a long driveway which can accommodate a number of parked cars. It is considered that two or three cars could use the driveway independently of each other, that is there would be no need to move one car to allow another to enter or leave. There is no disincentive to park on the driveway. There is additional space on the drive for visitor cars if needed. A concern of local residents is the volume of car parking and the increase in demand that a HMO may bring over and above the likely number of cars if the property was a typical dwellinghouse. It is understood that there are car parking difficulties within the cul-de-sac at present, the primary cause of which is understood to be its proximity to the new University of York Campus and therefore staff, students, and visitors are using adjacent residential streets as free car parking. It has been confirmed that Low Mill Close is to become part of the residents parking scheme and therefore existing problems with parking in the street would be controlled. Officers consider that car parking restrictions would also overcome the potential harm of residents or visitors to 24 Low Mill Close parking on the street and blocking driveways or emergency vehicle routes. The level of off-road car parking space is significantly higher than a number of other dwellings and HMOs in the area. It is considered that the level of parking provided is likely to be sufficient for future occupiers of the house given its close proximity to a number of local services and facilities, bus routes, and the University campus, therefore reducing the likelihood and desire of future occupiers to own a private car.

CYCLE AND BIN STORAGE

4.9 There is a shed in the front garden which can be used for the storage of bicycles. There is capacity within the front and back garden to create additional cycle storage should there be a need. Bins and recycling boxes are stored to the side of 24 Low Mill Close out of view from public areas.

IMPACT ON THE AMENITIES OF LOCAL RESIDENTS

4.10 As referred to above the potential occupancy level of 24 Low Mill Close has not significantly increased as a result of the change of use as each bedroom is only occupied by one person. The application site is detached and therefore the potential for noise and disturbance to neighbours is reduced as there are no shared walls. It is considered that there is no sustainable planning justification for resisting this application based on harm to neighbouring amenity. The current residents of the property are students and it is reasonable to assume that future occupants may also be students given the proximity of the property to the University. However, it does not follow that there would necessarily be an increase in noise or disturbance for existing residents in the area. Assumptions about how certain individuals or a household may act or behave does not form a strong basis for a planning objection. Other (non-planning) legislation is in place to control issues such as noise or anti-social behaviour. The property has been occupied as a HMO for over a year and the Council's Environmental Protection Unit have confirmed that no complaints have been received from local residents about noise or disturbance during this time.

4.11 The previously refused application at this site is a material consideration in the determination of this application. However, current legislation which states that dwellings can be converted to HMOs without planning permission must be given significant weight. This sets the context for the proposal and is a change from the previously refused application which was considered at a time of significant changes in planning legislation relating to the control of HMOs. It should be taken into account that at the present time any owner of any other dwelling within Low Mill Close could convert their property from a dwellinghouse into a HMO for up to six people without planning permission. As previously mentioned planning permission is only required retrospectively in this case due to the timing of the change of use. Under current legislation, the applicant could move the existing tenants out, occupy the house as a private dwelling for a period of time, and then change it back into a HMO without any planning control. Within this context, and given that no significant harm has been identified as a result of the proposal, no objections are raised to this change of use.

5.0 CONCLUSION

5.1 The proposal is considered to comply with Policy H8 of the Development Control Local Plan and is for a type of development which, under current legislation, could typically be carried out under permitted development rights. For these reasons, the application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Within two months of the date of this decision, a management plan shall be submitted to and approved in writing by the Local Planning Authority, to include arrangements for the regular maintenance of the garden areas and the storage of bins and recycling boxes within the site. The approved management plan shall be implemented immediately and shall subsequently be adhered to at all times.

Reason: In the interests of visual amenity and the amenity of adjacent occupiers.

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;
- Impact on the character and appearance of the area;
- Car parking;
- Cycle and bin storage; and
- Impact on the amenities of local residents.

As such the proposal complies with Policy H8 of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

Tel No: 01904 551339

Application Reference Number: 11/02115/FUL

Item No: 4e

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24 Low Mill Close

11/02115/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 October 2011
SLA Number	Not Set

1.6 The application is brought to Committee for determination at the request of Councillor Mark Warters because of the high number of objections from neighbours and the unusual nature of the proposal in a wholly residential area.

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:

CYE10

Working from home

CYGP1

Design

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections.

Environmental Protection Unit - Do not object to the application and historically have never received complaints in respect to such uses. Do not envisage any equipment associated with the activity causing noise concerns, however, as there is limited knowledge of what problems may occur we would recommend a precautionary approach taken and a temporary consent granted.

3.2 External

Parish Council - support the neighbours' objections to a business use in a residential area.

Neighbours

Objections have been received from 9 residents. The following concerns are raised:

The proposal will set a precedent for other business uses.

Increase in parking and traffic problems - the site is on a corner and on-street parking can create highway safety issues.

Residents do not want to live in a commercial area.

The proposal will devalue residential properties.

The use is not appropriate in a quiet residential location with many elderly people and young families.

Nuisance from noise will occur.

There are empty shops in nearby areas that could be used.

Uses that involve handling needles and relate to blood should not take place in a residential area.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

The impact on the amenity and living conditions of local residents

The impact on the vitality of local shopping centres.

Highway safety.

Visual impact.

Provision of storage for the dwelling house.

4.2 Local Plan policy E10 (Working from Home) states that planning permission will be granted for small business uses within residential curtilages, providing development would not adversely affect the amenity of neighbouring properties or the residential character of the area.

4.3 Planning Policy Statement 4 - Planning for Sustainable Economic Growth sets out the Government's policies for economic development. Policy E2 (K) states that local authorities should facilitate new working practices such as live/work. Policy EC 4.1 relates to town centres. It states that local planning authorities should proactively plan to promote competitive town centre environments and provide consumer choice.

4.4 Planning Policy Guidance 24 - Planning and Noise states that the impact of noise can be a material consideration in the determination of planning applications. The planning system has the task of guiding development to the most appropriate locations. It is important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses.

THE IMPACT ON THE AMENITY AND LIVING CONDITIONS OF LOCAL RESIDENTS

4.5 Proposals to work from home are not unacceptable providing the practices are compatible with the residential character of the area. It is not considered that the proposal, subject to the restrictions put forward by the applicant, would create levels of noise, activity or traffic movement that are out of character with a typical house.

There would be no significant deliveries of goods or products to or from the house relating to the business and a maximum of two people would visit between Monday to Friday (10.00 a.m. - 7.00 p.m.) on any given day, with only one client at any one time. The noise generated from the tattooing equipment would be low and would not be out of place in a residential area.

4.6 In assessing the acceptability of the proposal regard is given to noise levels that can come from a typical house. It is the case that many low key businesses and services operating from a private dwelling will be barely noticeable in comparison to the activity that can be generated by a small family. It may be the case that the applicant could undertake some paid tattooing work from his home without the need to seek planning permission for a change of use. The key test for whether planning permission is required to work from home relates to whether the property is still primarily a private residence and whether noise and disturbance to nearby residents exceeds or varies from that which could result from 'typical' household activity. Because of the low number of visitors that would visit the application site on a daily basis it is not considered that disturbance resulting from traffic movements and general comings and goings of customers to and from the site are valid reasons to refuse this application.

THE IMPACT ON THE VITALITY OF LOCAL SHOPPING CENTRES

4.7 Planning policies exist that seek to protect the viability of local and central shopping streets. It is the case that when looking at viability the wording in the Local Plan generally relates to mainstream retail uses rather than "specialist" uses such as tattooists. It is the case that tattooists can contribute to the vibrancy of shopping/mixed use centres, however, they would not be typically seen as a vital shop or service. It is understood that the applicant intends to retain his tattoo shop in Walmgate and that his home space would only be for more detailed specialised work that would typically take several hours to complete. In character, it is not a type of use that would result in employment and activity in the way that a tattoo studio with a separate reception, adverts and a higher turnover of customers would tend to generate

HIGHWAY SAFETY

4.8 The employee in the business will be living in the house. If a maximum of two people visit by car each day the level of traffic movements will be low. The property has a large hard surfaced front garden with space for several cars to park. It is also likely that a car could park on adjacent streets without causing a hazard to highway safety or inconvenience to neighbours.

VISUAL IMPACT

4.9 The proposal will have no significant impact on the visual appearance of the area. If the application is approved it is considered that it should be conditioned that no signs or adverts are erected advertising the existence of the tattooing business.

PROVISION OF STORAGE FOR THE DWELLING HOUSE

4.10 Adequate off-street car parking remains for the occupants of the property. A store remains in the rear garden which is suitable for cycle storage and other domestic storage needs.

5.0 CONCLUSION

5.1 It is considered, subject to the suggested conditions, that the proposal is a low key use that can take place in an established residential area without causing undue harm to neighbours living conditions. It is recognised that a normal tattoo shop would be inappropriate in such a location, however, the suggested conditions are such that it is not considered that the impact on neighbours would differ materially from an activity that a resident may undertake from their home such as a councillor or tutor - particularly if visitors were limited to two a day and by appointment only.

5.2 It is recognised that the proposal is contentious and that tattooing has historically sometimes had a stigma attached to it. It is not considered however, that these constitute valid planning grounds to refuse the application. It is recommended, however, that because the proposal is fairly unusual it would be reasonable to grant planning permission for a temporary period to ensure that the impact is monitored. If it were found that the proposal was unsuitable in this location a future application could be refused or approved subject to additional conditions.

5.3 It is the officer's view that for the reasons set out in this report that the application should be approved, in the first instance, for a twelve month period.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The use hereby permitted shall be discontinued at or before the date specified in this permission, namely 31 October 2012, unless an extension of the period shall first have been given in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may assess the impact of this use upon the surrounding area.

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

Drawings received by the Local Planning Authority on 22 August 2011.

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

3 This permission shall operate for the benefit of the applicant Mr. B. Singleton only, and only in respect of the premises as at present existing and the use hereby approved shall be terminated at such time as Mr. B. Singleton ceases to occupy the premises.

Reason: The use for which personal permission is hereby granted may not be acceptable other than in respect of use by the person indicated.

4 The use hereby approved shall not take place on site other than between the hours of 1000 and 1900 on Mondays to Fridays. No work shall take place on site on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

5 Callers to the premises shall be limited to no more than two on any one day and no more than one customer shall be present at any one time.

Reason: To ensure that the level of activity is appropriate for a residential area.

6 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, no signs or adverts relating to the tattooing business shall be displayed on any part of the property known as 27 Bedale Avenue, or its curtilage, that is visible from the street.

Reason: To ensure that the activity is appropriate to a residential area and ensure that the business does not seek to attract passing customers.

**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 amenity and living conditions of local residents;
The impact on the vitality of local shopping centres;
Highway safety;
Visual impact;
Provision of storage for the dwelling house.

As such the proposal complies with Policies E10 and GP1 of the City of York Draft Local Plan and national planning advice contained within Planning Policy Statement 4 and Planning Policy Guidance Note 24.

Contact details:

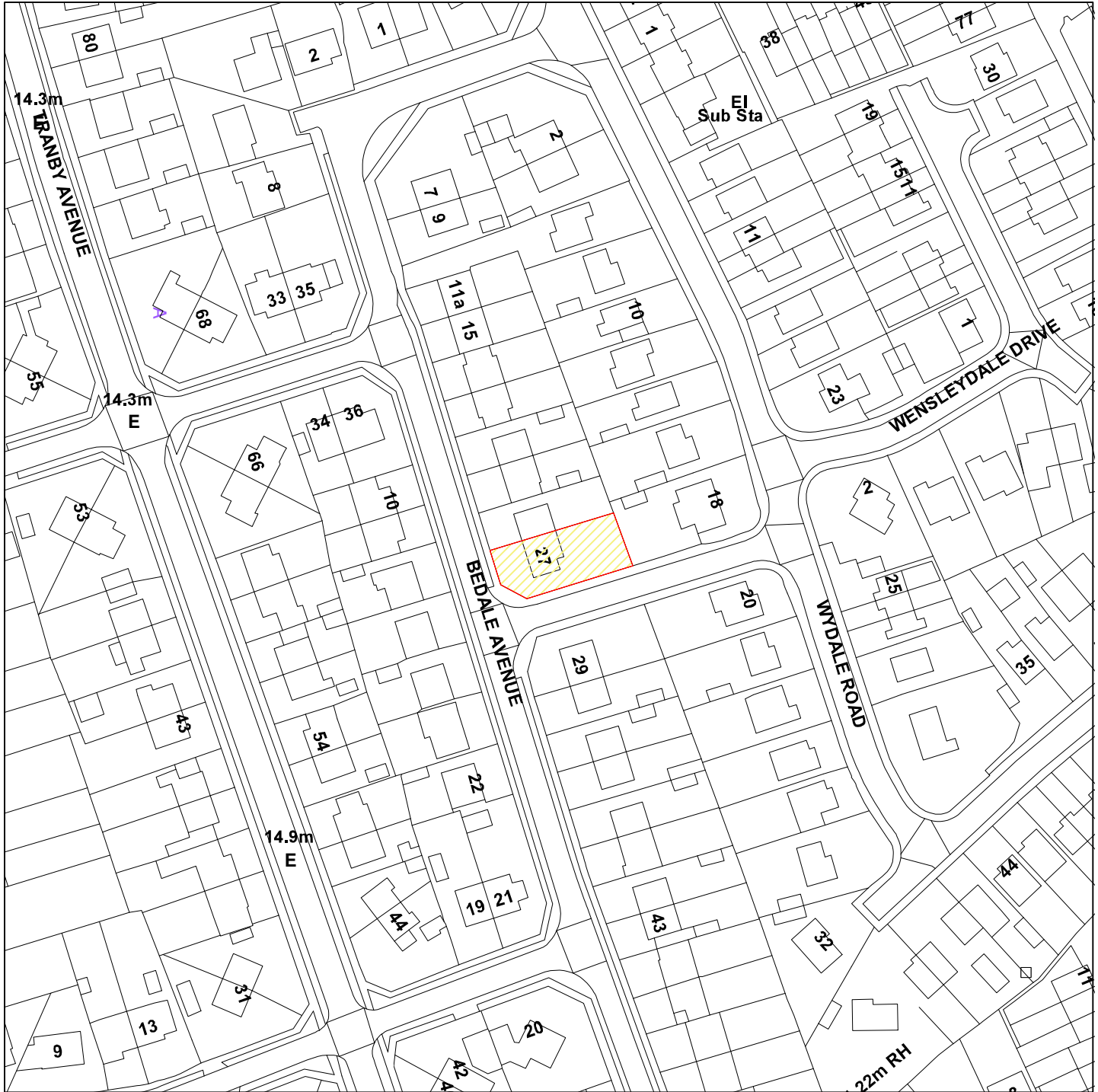
Author: Neil Massey Development Management Officer (Wed/Thurs/Fri)
Tel No: 01904 551352

27 Bedale Avenue

11/02264/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 October 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 13 October 2011 **Ward:** Haxby And Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 11/01804/FUL
Application at: Land Adjacent To 5 South Lane Haxby York
For: Four no. semi-detached dwellings
By: Mrs Toni Grainger
Application Type: Full Application
Target Date: 13 September 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of four houses on an area of land with a frontage of approximately 27 metres to South Lane in Haxby. The depth of the site is approximately 18 metres. The application site is former garden land associated with 8, 10, and 12 York Road. The gardens appear not to have been in use for a significant period of time and have become somewhat overgrown. The proposal consists of two pairs of semi-detached houses. The proposed houses are two stories in height and each would contain two bedrooms. The houses would front directly onto South Lane and would include gardens to the rear.

1.2 Each dwelling would have one off-road car parking space, accessed off the existing private drive which serves dwellings along this part of York Road.

1.3 The boundary of Haxby Conservation Area runs along the north side of South Lane. The proposed houses are south of South Lane and are therefore not within the Conservation Area.

1.4 This application is being referred to Planning Committee for determination at the request of Cllr. Tony Richardson, over concerns about the backland development, overdevelopment, harm to the streetscene and conservation area, insufficient car parking and a loss of amenity to residents of York Road. A site visit is recommended to fully understand the concerns raised by residents.

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

CYGP4A
Sustainability

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYHE2
Development in historic locations

CYT4
Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - Awaiting response following submission of a screening assessment of contaminated land. Update to be provided at Committee.

3.2 Drainage - The suggested discharge rate of 5 l/sec is far higher than permitted. Other information such as existing and proposed surfacing, drainage, ground and finished floor levels should also be provided. The submitted document does not specify storage volumes and the details show rainwater harvesting tanks which are not permitted with regards to surface water attenuation.

3.3 Education - No education commuted sum would be required for this development given the capacity of existing schools and the existing intake.

3.4 Highway Network Management - There are no objections in principle. However, information submitted with the application indicates that the area of land to be used for car parking bay 4 is not currently within the applicants' ownership. Therefore there are question marks as to whether it can be constructed. The existing access on site is 4.2m in width and the proposed plan shows a 4.8m wide access, therefore it would be necessary to extend the width of the dropped crossing. Conditions and informatives are recommended to be added to any approval to control the surfacing of vehicle areas, cycle parking and vehicle crossing works.

3.5 Leisure - No correspondence received.

3.6 Conservation - By virtue of scale, massing, siting and design, the proposed development would not be overly intrusive in views into or out of the conservation area. The proposed development preserves the setting of the conservation area. Should the granting of planning permission be recommended, conditions should be attached requiring the submission of building materials for approval.

EXTERNAL

3.7 Local MP - A letter of objection has been received from Julian Sturdy. The letter states that the proposal is a prime example of overdevelopment of garden land. The letter goes on to say that 'garden grabbing' should not become commonplace and it is evident that the construction of 4 dwellings on this small site would have a dominating and unwelcome impact on the surrounding area. Concern is raised that not enough car parking has been provided as it is impractical to assume that each household would only have one car. There are already car parking problems in the area and additional housing would create further difficulties. A final concern is raised regarding the impact of four additional houses on Haxby's already problematic drains and sewers.

3.8 Haxby Town Council - Strongly object to the proposed development on the following grounds:

- this is backland development;
- the proposal is an overdevelopment of the site;
- the proposal would dominate the streetscene and faces directly into Haxby Conservation Area;
- there is insufficient car parking;
- the houses would cause a loss of amenity within the gardens of the houses on York Road.

The Town Council fully supports the objections of local residents and strongly suggest a site visit is made.

3.9 Neighbours - Twelve letters of objection received from local residents. Ten letters objected to the proposed development with the following concerns raised:

- the area already has car parking problems and the proposal only has one space per dwelling which would lead to more on road car parking demand;
- the proposal would result in cars being parked on both sides of South Lane which could block the road for emergency vehicles;
- the car parking spaces shown on the approved plans are already being used by local residents so the proposal would lead to a displacement of cars onto local roads;
- four new houses would place additional strain on a drainage system which has had problems in the past;
- the plan shows houses being built up to the footpath which does not leave room for wheelie bins and recycling boxes to be put out on collection day without causing an obstruction to people with pushchairs;
- the applicant doesn't own a section of the site planning permission should not be granted;
- the proposal is an overdevelopment of the site;
- the current government has raised objections to using gardens for development;
- the area has a high water table with waterlogging a current problem, the addition of new houses as well as the removal of the oak tree which has already taken place will make the current problem worse;
- the proposed houses would result in the overlooking of neighbours gardens;
- a proposal for three houses instead of four would allow more scope for car parking spaces which would allow existing local residents and future occupiers of the proposed houses to park off the road;
- the proposal would result in more cars using South Lane which would add further danger to children and pedestrians using the road;
- the proposal would result in a loss of light for neighbours as the houses are high;
- the proposed houses would extend in front of the existing building line;
- the proposal would result in the loss of open space, the gardens should be reinstated;
- the development site is not previously developed land as stated within the application;

One letter was received from a local resident which stated that they were pleased to see this long-neglected piece of land be developed however the proposed plans raise concerns about a lack of car parking, road safety, and access. It is also stated that the access for occupiers at 16, 18, 20, 22, 24 and 26 York Road is maintained over the private road which runs around the back of the houses. A further letter was received from a resident who did not object to the development of houses on this site but felt they should be set back further into the site in order to protect the privacy of residents on the opposite side of South Lane. A further concern was expressed that the proposal allows for the conversion of attic rooms in the future which would result in a further loss of privacy for neighbours.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development;
- Visual impact and design;
- Neighbouring amenity;
- Bin and bicycle storage and car parking; and
- Drainage

PRINCIPLE OF DEVELOPMENT

4.2 City of York Draft Local Plan Policy GP1 states that development proposals will be expected (amongst other things) to respect or enhance the local environment, and 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. It also states, importantly in this case, that proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Development Control Local Plan Policy H4a sets the criteria for assessing proposals for windfall housing sites which come forward, such as the application under consideration. The policy states that proposals will be granted planning permission where they are located in an urban area and the site is vacant or underused and involves infilling or redevelopment. Part b) states that sites should have good accessibility to jobs, shops and services by non-car modes. The final parts of the policy require proposals to be of an appropriate scale and density to surrounding development and not have a detrimental impact on existing landscape features.

4.4 The application site is within the built up settlement limit of Haxby. The site is close to services and facilities such as schools, play areas, shops and a regular bus service into York. The site is considered to be in a sustainable location and is therefore likely to reduce the need to travel and helps achieve the Council's aim of reducing dependency on the private car. The application site is no longer used as private garden land. The majority of the site is owned by the applicants and the use of the gardens ceased sometime ago. The former gardens affected by the proposed development are at the rear of 8, 10, and 12 York Road. These houses would continue to have yard areas at the rear and therefore would still have access to an area to store bicycles and bins and hang out washing. The former gardens are separated from the walled yards by the private access road which serves the dwellings. It is considered that the principle of residential development on this site is acceptable.

4.5 A number of local residents have stated that the proposal represents backland development and that it is 'garden grabbing' and is not previously developed land. However, development described as "backland" usually refers to development on a site to the rear of other existing buildings, without a highway frontage. The proposed dwellings clearly have a highway frontage to South Lane and whilst the application site is to the rear of dwellings on York Road, it is not considered that the proposal constitutes backland development. The application site is former garden land and is therefore not classified as previously developed land. Whilst national planning policy seeks to prioritise previously developed land over greenfield sites, it is not stated that sites such as this are unsuitable for development. Priority continues to be given to previously developed land for new housing, however windfall sites such as this can contribute significantly to meeting the housing needs of the city. Latest information shows a demand for two and three bedroom family type accommodation in the city and the proposal would go some way to help meeting that demand.

VISUAL IMPACT AND DESIGN

4.6 The proposed development fronts onto South Lane. The proposed houses are set close to the pavement on South Lane in order to allow the maximum level of separation from the rear of the houses to neighbouring gardens. It is considered that houses fronting directly onto streets is an effective way of making efficient use of land, in appropriate circumstances. The dwelling opposite the application site, known as Wren Cottage, is sited immediately adjacent to the highway. The proposal consists of two pairs of semi detached houses which softens the overall appearance of the proposed development by allowing glimpse views between and to the side of houses.

4.7 The proposed houses are of simple design. They are two storey in height with pitched roofs. The houses would be constructed of brick with a clay pantile roof. The houses would be 5.1m in height to the eaves and 8.1m to the ridge. Each house would have a central kitchen and bedroom window on the front elevation with the entrance being to the side of the property via a single storey porch. The simple design and modest proportions of the houses would not compete with the larger houses within Haxby Conservation Area to the north. No objections are raised by the Conservation Officer. A condition could be added to any approval to control materials to ensure the finished quality of the proposed houses was acceptable.

NEIGHBOUR AMENITY

4.8 The proposed development has resulted in a number of objections being received from local residents, with views expressed that the proposed development would result in a loss of light and privacy for some adjacent properties. The proposed houses would be located to the north of the remaining gardens of houses at 14 to 26 York Road. The nearest garden is at 14 York Road which is between

8.5m and 9.3m away. The proposed houses are north of this garden and therefore the impact on natural light is not likely to be significant. The houses would be 5.1m in height to the eaves and 8.1m to the ridge with each dwelling containing two first floor windows in its rear elevation. It is considered that as a result of the height and length of development the proposal would have a detrimental impact on the level of enjoyment of users of the garden. The garden would feel enclosed and dominated by the four houses. The garden area is long and narrow measuring approximately 25m by 5m. It is considered that the scale of the dwellings at such a short separation distance would have an unacceptable impact on the enjoyment of this garden area. In addition it is considered that with eight first storey windows within the rear elevation the proposal would result in an unacceptable loss of privacy within the garden of 14 York Road. Whilst a 2m high fence could be erected on the boundary to help maintain privacy, this in itself would have a detrimental impact by enclosing what is a narrow garden.

4.9 The side elevation of the proposed houses would be located to the rear of dwellings at 8, 10 and 12 York Road. The proposed dwellings would be separated from the curtilage of the houses on York Road by an access road and the proposed car parking spaces for the four houses. The main two storey element of 8, 10, and 12 York Road sits approximately 16m away from the nearest part of the proposed houses. It is considered that this is sufficient to maintain a reasonable level of outlook for these properties. The only window in the side elevation of the proposed dwellings serves a bathroom. This window could be obscure glazed to maintain privacy.

4.10 Wren Cottage sits on the opposite side of South Lane, approximately 9m to the north. This dwelling abuts the highway and contains four windows which look towards the application site. These four windows (based on the approved plans) serve a kitchen/dining room, a sitting room, and two bedrooms. These windows, along with the two windows in the side elevation, are the primary windows in the house in terms of providing outlook and light. It is considered that given the existing comings and goings along South Lane and the level of privacy which could reasonably be expected within a dwelling which fronts onto and has its primary windows onto the street, that the proposal does not unduly harm privacy through overlooking. However, given that Wren Cottage faces south towards the application site, has the majority of its primary windows in the front elevation with no primary windows to the rear, and the separation distance of just 9m, it is considered that the proposal would result in an unacceptable loss of light and outlook from this dwelling.

BIN/CYCLE STORAGE AND CAR PARKING

4.11 Each dwelling would have access to the rear garden without having to pass through the house. The two end houses have independent access to the side with the two houses in the middle having a shared access. This allows for bins and recycling boxes to be stored within the back garden and away from the public

domain. On refuse and recycling collection days the bins and boxes can be moved to the roadside. There is space between the front door of each dwelling and the roadside so that they can be stored for collection without blocking the free passage of pedestrians on the footpath. Each dwelling has an enclosed and secure cycle parking store within the rear garden.

4.12 Concerns have been raised by local residents regarding the lack of car parking associated with the proposed development and more widely within the local area. Whilst there may be a car parking issue in the area it is important to assess this application on its own merits. The proposal is for four 2-bedroom houses. The Council's maximum car parking standard is one car parking space per two bedroom house. Therefore the proposal complies with the Council's standards in terms of car parking numbers. The application site is within a sustainable location close to everyday facilities and services. In addition, future residents would have access to a regular bus service to York city centre. It is considered that the level of car parking proposed is adequate for the number and size of houses proposed in this location. There is on road car parking on South Lane for visitors. It is not considered that the proposal would have a significant impact on the level of on road car parking demand in the area.

DRAINAGE

4.13 The application site is within Flood Zone 1 as identified by the Environment Agency. Flood Zone 1 is the lowest category in terms of flood risk. Drainage information submitted with the application appears a little confused and the Structures and Drainage Team were not satisfied with the proposed surface water attenuation or runoff rate. However, it is considered that there is a technical solution which would ensure that the site drained sustainably. The proposed dwellings have reasonable sized rear gardens within which an underground storage tank could be located. Rain water would drain into the storage tank and would then be discharged at a controlled rate to reduce the risk of flooding in the area and further downstream. It is considered that should the application be approved a condition could be added to ensure that adequate surface water drainage works are installed

5.0 CONCLUSION

5.1 It is considered that the principle of development is acceptable. The site has a frontage onto South Lane and the former gardens have been redundant for over a year. The type of dwellings proposed are in line with current housing need in the city. It is considered that the car and cycle parking and bin storage arrangements are acceptable and in line with local planning policies.

5.2 The application site is constrained by its close relationship with neighbouring dwellings and gardens. It is considered that the size and scale of the proposed dwellings would result in harm to the enjoyment of the garden of 14 York Road. The

garden runs parallel to the proposed houses with a separation distance of between 8.5m and 9.3m. It is considered that the proposal would appear dominant and overbearing when viewed from this garden. In addition, 8 first storey windows would face towards this garden which would result in a loss of privacy through overlooking. For this reason, the application is recommended for refusal. The separation distance between the proposed dwellings and Wren Cottage and the size of development proposed would result in a loss of natural light and outlook for residents of this dwelling.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed development, by virtue of its size, height, and the number and position of windows within the rear elevation, would result in a loss of amenity for neighbouring residents. The garden of 14 York Road is long and narrow and the proposed dwellings run parallel to this with a separation distance of between 8.5m and 9.3m. It is considered that the proposal would appear dominant and overbearing when viewed from the garden of 14 South Lane and would result in a loss of privacy through overlooking from the eight first storey windows within the rear elevation of the proposed houses. In addition, the proposed dwellings would be sited to the south of Wren Cottage with a separation distance of approximately 9m. It is considered that the proposal would result in a loss of light and outlook from Wren Cottage, harming the level of amenity currently enjoyed. Therefore the application is considered contrary to Policies GP1(criterion i) and H4a of the Development Control Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Michael Jones Development Management Officer

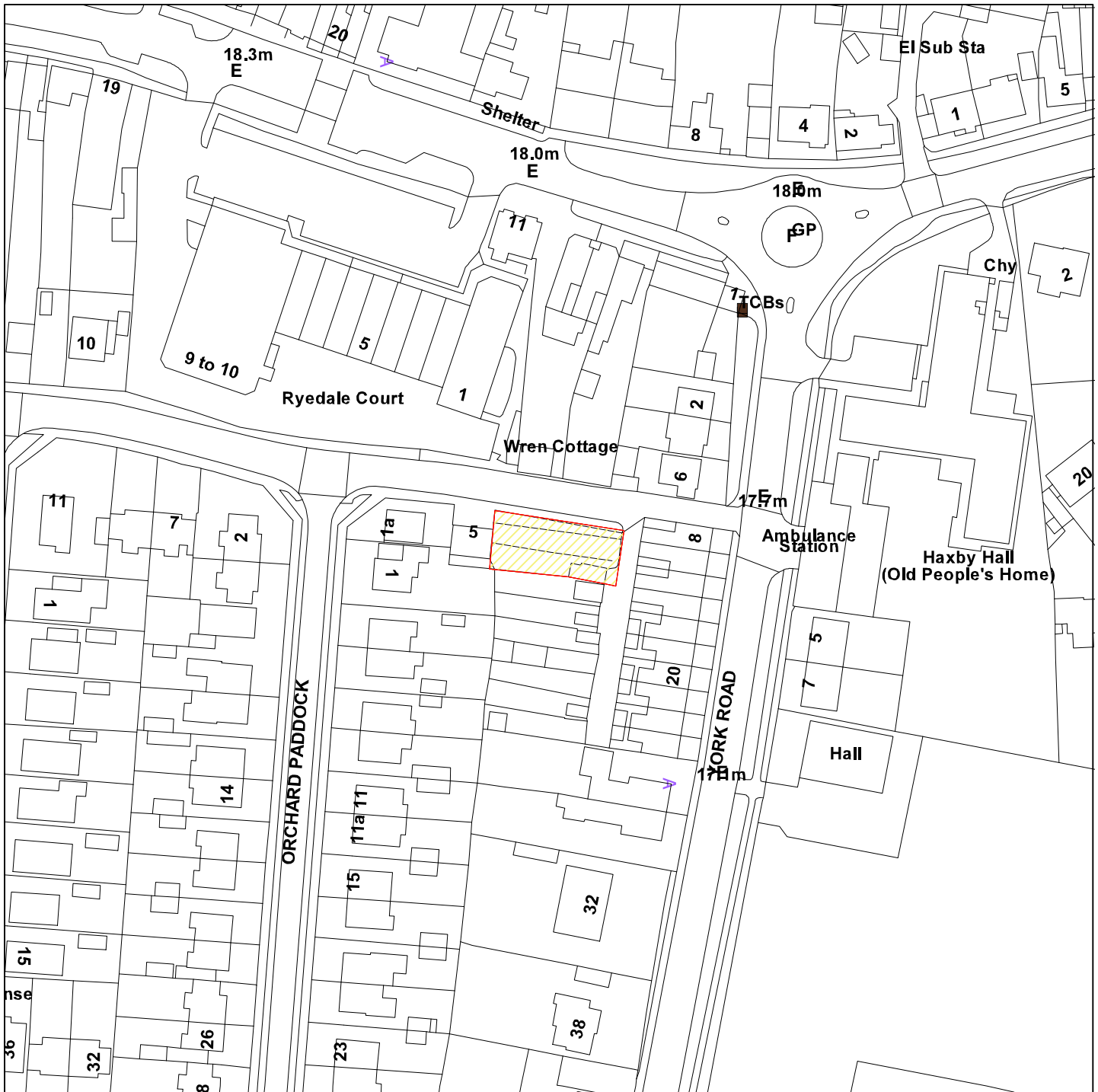
Tel No: 01904 551339

Land Adjacent to 5 South Lane, Haxby

11/01804/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 October 2011
SLA Number	Not Set



East Area Planning Sub-Committee

13th October 2011

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore “The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment”.
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

6. Members should note that 85 new cases were received for this area within the last quarter, 85 cases were closed and 307 remain outstanding. There are 99 Section 106 Agreement cases outstanding for this area after the closure of 11 for this quarter. 3 Enforcement Notices reports have been

served during this period. These are at Vicarage Lane, Naburn for an unauthorised structure in a rear garden, Whitby Avenue for the erection of unauthorised gates to the front and at Sutton Rd, Wigginton for the siting of a residential caravan. Appeals have subsequently been lodged against the notices served at Vicarage Lane and Whitby Avenue.

Consultation

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

Corporate Priorities

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

10. Implications

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

11. There are no known risks.

Recommendations

12. If members have any queries or questions about cases on this enforcement report then please e-mail or telephone either Matthew Parkinson, Mandy Swithenbank or Alan Kendall by 5pm on Tuesday 11th October. Also, if members identify any cases which they consider are not now expedient to

pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

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

Contact Details

Author:

Author's name

Matthew Parkinson / Mandy Swithenbank/
Alan Kendall
Planning Enforcement Officer

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
Assistant Director (Planning and Sustainable Development)

Dept Name City Strategy
Tel No. 551376/551324

Report Approved **Date** 30/9/2011

*Chief Officer's name: Michael Slater
Title: Assistant Director (Planning and Sustainable Development).*

Report Approved **Date** 30/9/2011

Specialist Implications Officer(s) *List information for all*

Implication ie Financial

Name
Title
Tel No.

Implication ie Legal

Name
Title
Tel No.

Wards Affected: All Wards

All

For further information please contact the author of the report

Background Papers:

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in July 2010 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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