

## Notice of a public meeting of

### East Area Planning Sub-Committee

- To:** Councillors Galvin (Chair), Douglas (Vice-Chair), Fitzpatrick, Funnell, King, McIlveen, Cuthbertson, Watson, Firth and Warters
- Date:** Thursday, 8 November 2012
- Time:** 2.00 pm
- Venue:** The Guildhall, York

### A G E N D A

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Betts know by **5pm** on **Wednesday 7 November 2012** on **(01904) 551078**.

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

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

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

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

#### 2. **Minutes**

(Pages 4 - 16)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 10 October 2012.

### 3. **Public Participation**

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

### 4. **Plans List**

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

a) **Hollycroft, 20 Wenlock Terrace, York. (Pages 17 - 25)  
YO10 4DU (12/02472/FUL)**

This application is for a Change of use from offices to 8no. Residential apartments. [Fishergate]

b) **Helix House, Innovation Way, Heslington, (Pages 26 - 31)  
York. YO10 5BR (12/02568/FUL)**

This application is for the installation of roof mounted flues and associated external plant and machinery with a ground mounted fresh air handling unit to ventilate the Nanocentre, a facility within the building associated with research into the production of solar cells and precision silicon fibre optics.

Councillor Neil Barnes has called the application in for consideration by Members of the East Area Planning Sub-Committee in view of the potential impact upon the residential amenity of properties in Mill Lane. [Heslington] **[Site Visit]**

c) **Proposed Wind Turbine at Grid (Pages 32 - 52)  
Reference 466532 445234, Crockey Hill  
Road, Wheldrake York (12/02998/FUL)**

This application seeks planning permission in respect of land at OS Grid Ref 466532 and 445234 at Crockey Hill Road, Wheldrake for the erection of a single 50kW wind turbine with a hub height of 25 metres. [Wheldrake] **[Site Visit]**

**d) Fox Inn, 90 The Village, Stockton on the Forest, York. YO32 9UW (12/02909/FUL) (Pages 53 - 69)**

This application is for the erection of six houses and the conversion of a barn into three dwellings on land to the rear of the Fox Inn Public House located on The Village in Stockton-on-the-Forest.

This application has been brought before Planning Committee at the request of Cllr Doughty for reason of overdevelopment and the associated concerns raised by local residents. [Strensall] **[Site Visit]**

**e) York Designer Outlet, St Nicholas Avenue, York. (12/03168/FUL) (Pages 70 - 78)**

This application is for the temporary use of part of a car park at the Designer Outlet for a funfair. This application has been brought before East Area Planning Committee because the application for the ice rink was determined at committee level. [Fulford] **[Site Visit]**

**f) 24 Wilberforce Avenue, York. YO30 6DS (12/02675/FUL) (Pages 79 - 85)**

This application is for a change of use and conversion of existing property to an 8 bed house in multiple occupation (sui generis).

This application was called in by Councillor Helen Douglas on 17/09/2012 - the reason cited being over development and insufficient parking. [Clifton] **[Site Visit]**

**g) The Little House, 21 Rawcliffe Lane, York. YO30 6SH (12/03030/FUL) (Pages 86 - 91)**

This application is for a first floor side extension and erection of a detached garage.

The application is brought to the Committee for a decision as the applicant is an employee of the Council. [Clifton]

**h) New Walk, Millennium Bridge, York. (Pages 92 - 99)  
(12/02534/FUL)**

This application is for a mooring for one vessel on the towpath adjacent to the Millennium Bridge on the eastern side of the River Ouse to be used as a café.

The application has been referred to the Committee for a decision as it has been submitted on behalf of City of York Council by Property Services. In addition, Councillor D`Agorne wishes the application to be determined by the Committee in order that any interested parties can attend the meeting and make personal representations. He has also raised issues relating to the potential impact on trees, safe access for the elderly and increased litter.[Fishergate] **[Site Visit]**

**i) YWCA, Water Lane, York. YO30 6PT (Pages 100 -  
(12/02971/FULM) 117)**

This application is for the erection of three-storey block of 16no. 2 bedroom apartments and 7no. two storey 3 bed houses with associated access. [Clifton] **[Site Visit]**

**j) 21 Longwood Road, York. YO30 4UA (Pages 118 - 125)  
(12/03152/FUL)**

This application is for a two storey side and rear extension and single storey rear extension and erection of boundary wall (resubmission).

The application is brought to committee at the request of Cllr McIlveen because of local concerns in respect to over-development. [Skelton, Rawcliffe and Clifton Without] **[Site Visit]**

**k) 305 Hull Road, Osbaldwick, York. YO10 (Pages 126 - 138)  
3LU (12/02932/FUL)**

This application is for the erection of a dormer bungalow to rear with access from Thirkleby Way. [Osbaldwick] **[Site Visit]**

**l) The Market Garden, Eastfield Lane, (Pages 139 - 145)  
Dunnington, York. YO19 5ND  
(12/02930/FUL)**

This application is for a substantial open-sided steel framed barn at the eastern edge of the site. [Derwent] **[Site Visit]**

## **5. Urgent Business**

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

### **Democracy Officer:**

Name- Judith Betts

Telephone – 01904 551078

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

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

- Registering to speak
- Business of the meeting
- Any special arrangements
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### Further information about what's being discussed at this meeting

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

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

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

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

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- All public agenda/reports can also be accessed online at other public libraries using this link

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**EAST AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 7 November 2012****Members of the Sub Committee to meet at Union Terrace Car Park  
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10:10	24 Wilberforce Avenue	4f)
10:30	YWCA, Water Lane	4i)
10:55	21 Longwood Close, Clifton	4j)
11:25	Fox Inn, Stockton on the Forest	4d)
11:55	The Market Garden, Eastfield Lane, Dunnington	4l)
12:20	305 Hull Road	4k)
12:45	Helix House, Innovation Way, Heslington	4b)

**BREAK FOR LUNCH**

14:15	Cockey Hill, Wheldrake	4c)
14:45	Designer Outlet, Fulford	4e)
15:15	Millennium Bridge, (off Maple Grove, Fulford)	4h)



City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 OCTOBER 2012
PRESENT	COUNCILLORS DOUGLAS (VICE-CHAIR), FITZPATRICK, KING (EXCEPT MINUTE ITEMS 28A & 29), MCILVEEN, CUTHBERTSON(EXCEPT MINUTE ITEMS 24-27), FIRTH(EXCEPT MINUTE ITEM 29), WARTERS, BOYCE (SUBSTITUTE FOR COUNCILLOR FUNNELL) , GILLIES (SUBSTITUTE FOR COUNCILLOR GALVIN)(EXCEPT MINUTE ITEM 29) AND RICHES (SUBSTITUTE FOR COUNCILLOR WATSON)(EXCEPT MINUTE ITEM 29)
APOLOGIES	COUNCILLORS FUNNELL, GALVIN AND WATSON

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Site Visited	Attended by	Reason for Visit
31 Penyghent Avenue	Councillors Cuthbertson, Douglas, King, McIlveen and Warters	To inspect the site.
19 Farndale Avenue	Councillors Cuthbertson, Douglas, King, McIlveen and Warters	As the application had been called in by the Ward Member.
Physics Department (Chemistry Car Park A) University of York	Councillors Cuthbertson, Douglas, King, McIlveen and Warters	As the application had been called in by the Ward Member.

#### 24. DECLARATIONS OF INTEREST

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

Councillor Cuthbertson declared a personal non prejudicial interest in Agenda Item 5c) (Physics Department) as a registered student at the University of York. He clarified this by saying that he did not study sciences.

Councillor McIlveen declared two personal non prejudicial interests. Firstly he declared a personal and non prejudicial interest in Agenda Item 5a) (19 Farndale Avenue) as he managed an House of Multiple Occupation (HMO) in another area of the city. He also declared another personal non prejudicial interest in Agenda Item 5b) (Leonard Cheshire Disability) as he had part dealings with the York Archaeological Trust (YAT) and also because the Chair of his local Labour Party branch was an employee of YAT.

No other interests were declared.

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

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

## **26. MINUTES**

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 6 September 2012 be approved and signed by the Chair as a correct record.

**27. PUBLIC PARTICIPATION**

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

**28. PLANS LIST**

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

**28a 19 Farndale Avenue, York. YO10 3NY (12/02451/FUL)**

Members considered an application for a change of use from dwelling (use Class C3) to a house of multiple occupation (HMO) (use Class C4).

In their update to Members Officers commented that the figures used in the report to refer to one existing HMO within 100 metres of the property at 19 Farndale Avenue were incorrect. They also revealed that twelve properties had been left off the list, which led to a recalculation in the percentage of properties in the area which were HMOs. The overall number was still below the threshold in the Council's approved Supplementary Planning Document.

Representations in objection to the application were received from a local resident who was also a member of Osbaldwick Parish Council. He questioned the numbers used in the Officer's report to calculate the percentage of HMOs which were 100 metres distance away from the application site, in particular the reliance on Council Tax data. He felt that a more vigorous inspection needed to take place to discover which houses were HMOs, and which were not.

Discussion between Members and Officers focused on whether the figures of the number of HMOs that had been included in the Officer's report were robust enough to justify granting approval for the application.

Some Members suggested that the application be deferred in order to give Officers more time to carry out a proper survey of houses in the area.

Officers informed the Committee that due to changes in legislation, that if an unauthorised HMO had been a shared property before April 2012, the owners could apply for a Certificate of Lawful Development , which may take several months to resolve.

They suggested that as a result of this, the list of retrospective applications from unauthorised HMOs could increase and could be detrimental to the application under consideration.

Further discussion ensued with some Members feeling that the figures for the number of HMOs in the area were not clear enough in order to be able to grant planning permission, because they felt that current local knowledge from the Parish Council and local residents would be more accurate.

Others considered that if the Committee decided to defer the application, that they would set a precedent for stalling with future similar applications because of opinions over the accuracy of figures of HMOs in the area. Additionally, some Members felt that the system of verification of houses as HMOs was an improvement on the previous system and that the Committee should concur with the Officer's recommendation for approval. They added that the Committee should follow the Council's policy and that this should be applied consistently.

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

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

**28b Leonard Cheshire Disability, 421 Huntington Road, York.  
YO31 9HT (12/02524/FULM)**

Members considered a full major application for a change of use from General Industrial (Use Class B2) to Storage (Use B8) with General Industrial Use.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of change of use and the impact on local residential amenity. As such the proposal complies with Policy E3b of the City of York Development Control Local Plan.

**28c Physics Department, University of York, Innovation Way,  
Heslington, York. YO10 5DD (12/02651/FUL)**

Members considered a full application for the construction of a two storey Wolfson Atmospheric Chemistry Research Centre at Chemistry Car Park A on the University of York campus, and also for new replacement ramps to the rear of the Plasma and Harold Fairhair buildings.

In their update to Members, Officers suggested that if Members were minded to approve the application that a condition be added to restrict the hours of construction on the building.

Representations in objection were received from a local resident. She stated that the conservation area around the site would be harmed, as in her opinion the pathway through the adjacent woodland would be detrimentally affected due to the distance proximity of the new buildings to the boundary of the trees.

Further representations were received from another local resident in objection. She felt that the application would be overdevelopment and that the proposed building was too large and had been shoehorned into the land available in the car park.

Additionally she was concerned that there was a lack of information about tree protection and added that if approved, an archaeological condition should be added to planning permission.

Additional representations in objection were received from another local resident. He referred to Heslington Church, which was adjacent to the site. He added that given its listed status that special care and attention should be paid to how developments in the area could affect the church. In his view construction of the building would damage tree roots, which would lead to their death, and therefore the building would be conspicuous in the winter.

Representations in support of the application were received from the agent for the applicant. She mentioned to Members that the applicant had proposed to thicken the tree belt on the boundary of the site. She added that the reason for the location of the building was to be closer to other Chemistry Department buildings. She stated that the University had a development brief on that part of the campus and that the application would support the Council's policy of the promotion of Science in the city and would bring in additional jobs.

Members asked Officers about whether a tree survey had been conducted. In the view of Officers it was felt that the previous temporary buildings on the site would have restricted the spread of tree roots into the application site. Other Members added that they could not see how tree roots could have been damaged by a temporary building placed upon a tarmac surface. The agent responded that when the temporary buildings were located on the site that no excavations took place, but that that the weight of the buildings would have restricted the spread of tree roots. This was as a result of compaction of the ground.

Other questions to Officers from Members sought clarification about the height of the proposed building and whether the footpath along the boundary of the site would be maintained. They also questioned why Tree Protection Order (TPO) measures had not been included in the Officer's report.

It was reported that the height of the building would not be as tall as the Plasma building which adjoined it.

The lights from the building would be turned off in the evening, and the University would not want to prevent use of the footpath and so would agree to maintain the route. It was also reported that a tree protection condition could be added to any planning permission and the agent was happy with this.

Another Member was concerned that there was a possibility that further development could take place to extend the building to fill an empty space between it the adjacent trees. Other Members felt that the building was not visually detrimental and that it was needed by the Chemistry Department. They also felt that it should be allowed given that the University played a vital role in the life of the city.

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

5. Trees showing as being retained on the approved plans/ drawing xxx shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone-do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

6. The new tree and woodland understorey and margin planting shown on the Proposed Landscaping Plan PL05 revision B shall be implemented within a period of six months of the completion of the development. Details of the height of the proposed trees along Innovation Way shall be submitted to the local planning authority for written approval. 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: In the interests of maintaining the landscaped setting of the campus in accordance with policy ED6 of the Local Plan and the Heslington Campus Development Brief (August 1999).



7. Notwithstanding the details included within Proposed Landscaping Plan PL05 Rev B details of additional tree and shrub planting to be located between the development hereby authorised and the existing tree belt to the south east shall be submitted to and approved in writing before the development hereby authorised is commenced. The additional landscaping shall be undertaken within 6 months of the completion of development and any tree or planting which within a period of five years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless suitable alternatives are agreed in writing by the Local Planning Authority.

Reason: To secure the landscape setting of the Heslington University Campus and to secure compliance with Policy ED6 of the York Development Control Local Plan and the Heslington Campus Development Brief(Aug 1999).

10. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:-

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To secure the amenity of the area.

11. Prior to the commencement of the development , a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority.

All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the area.

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

Reason: To protect the amenity of existing and future residents.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the proposed use and required location for the development, the impact on the appearance of the area, the impact upon the setting of the adjacent conservation area and the impact on trees, the landscaped setting of the campus and protected species. As such the proposal complies with Policies ED6, GP1, GP4A, NE1, NE7 and HE2 of the City of York Development Control Local Plan; policies Y1B and Y1F of the Yorkshire and Humber Plan (Regional

Spatial Strategy to 2026) and the policies contained within the National Planning Policy Framework.

**28d 4 Derwent Road, York. YO10 4HQ (12/02737/FUL)**

Members considered a full application which sought to remove two planning conditions (condition 12 (Level 3 Code for Sustainable Homes) and condition 13 (provision for on-site renewable energy) that were attached to a previously approved application for the erection of two dwellings on the site.

Officers updated Members on the reasons for the removal of the conditions, which was due to an amendment to the Interim Planning Statement (IPS) on Sustainable Design and Construction. It was reported that the applicant would still have to comply with Code Level 3 under Building Regulations, and as a result the green credentials of the development would not be lost by removing the condition from planning permission.

Representations in support were received from the applicant. He informed the Committee regarding the reasons for the new application on the site, in that the previously attached conditions would no longer be enforceable, due to a change in policy which had introduced a threshold of ten dwellings.

Further representations were received from the Ward Member, Councillor Taylor. He informed Members that a number of local residents were displeased about the application and were not happy with the demolition of the bungalow and redevelopment. He added that they were particularly concerned that unsightly steel hoardings had been constructed around the site, and that construction on the two semi detached dwellings had not commenced. He added that he wished for the applicant to make a commitment to local residents to finish the development in a reasonable amount of time.

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

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

redevelopment, design, density, sustainability, character and amenity, residential amenity, flood risk and drainage, highway safety and impact on local facilities. As such the proposal complies with national advice contained in the National Planning Policy Framework, Policy ENV1 of the Regional Spatial Strategy for Yorkshire and The Humber and Policies SP6, H4A, H5A, GP1, GP4A, GP10, L1C and T4 of the City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005).

**28e 31 Penyghent Avenue, York. YO31 0QH (12/03011/FUL)**

Members considered a retrospective full application for a single story rear extension. Members were informed that the local Planning Panel had no objections to the application.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity.

**29. ENFORCEMENT CASES-UPDATE**

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

A detailed discussion between Members and Officers took place about the Article 4 direction for Houses in Multiple Occupation (HMO) and the enforcement of this.

Members thanked Officers for their continuing hard work particularly on cases involving HMOs in the city.

RESOLVED: That the report be noted.

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

Councillor Douglas, Vice Chair in the Chair  
[The meeting started at 2.00 pm and finished at 4.20 pm].

## COMMITTEE REPORT

**Date:** 8 November 2012      **Ward:** Fishergate  
**Team:** Major and      **Parish:** Fishergate Planning  
Commercial Team      Panel

**Reference:** 12/02472/FUL  
**Application at:** Hollycroft 20 Wenlock Terrace York YO10 4DU  
**For:** Change of use from offices to 8no. Residential apartments  
**By:** Mr Graham Hogben  
**Application Type:** Full Application  
**Target Date:** 26 September 2012  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 Hollycroft comprises a two storey late Victorian two storey brick built former villa lying within substantial grounds to the west of Fulford Road. The building is presently in use as offices and it occupies a prominent site within the Fulford Road Conservation Area. The surrounding area is in a mix of uses with residential property predominating along Wenlock Terrace. Planning permission is sought for change of use of the property to form eight self-contained apartments. Planning permission (ref:-09/00966/FUL) has previously been granted for a scheme to create 8 self-contained apartments at the site on 16th October 2009. This permission has now lapsed.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford Road CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYGP3  
Planning against crime

CYGP9  
Landscaping

CYH4A  
Housing Windfalls

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

CYE3B  
Existing and Proposed Employment Sites

CYNE1  
Trees, woodlands, hedgerows

CYL1C  
Provision of New Open Space in Development

CYT4  
Cycle parking standards

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal subject to any permission being conditioned to require further approval of the proposed cycle parking arrangements together with a contribution to the City Centre Car Club secured via a Section 106 Agreement.

3.2 Education raise no objection to the proposal and indicate that no contribution towards education provision will be required.

3.3 Environmental Protection Unit raise no objection in principle to the proposal but express some concern in respect of disturbance from traffic noise and noise from late night deliveries at the Sainsbury's store on Fulford Road.

3.4 Design, Conservation and Sustainable Development raise no objection in principle to the proposal but raise concern in respect of the location of flues, fans and extractors, the treatment of the fenestration and the existing site access.

3.5 Lifelong Learning and Culture were consulted in respect of the proposal on 14th August 2012. Any views will be reported verbally at the meeting.

3.6 Integrated Strategy raise no objection in principle to the proposal but raise some concern in respect of the potential loss of employment land in view of the lapse of time since the previous planning permission.

EXTERNAL:-

3.7 Fishergate Planning Panel raise no objection to the proposal.

3.8 Neighbours - No replies received

#### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the character and appearance of the Conservation Area;
- \* Impact upon the amenities of future occupants of the property;
- \* Potential loss of employment land.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA:-

4.2 Policy HE3 of the York Development Control Local Plan states that planning permission for changes of use with significant environmental effects will only be forthcoming within the Conservation Area where they would not have an adverse effect on the character and appearance of the area. The principle of residential conversion in broadly the form indicated has been established by the previous permission. The site is of some townscape importance as a good example of a detached Victorian villa set within significant ground. The surrounding area within the Conservation Area is characterised by other former villas and terraced properties associated with professionals servicing the City and the nearby army barracks. The proposal envisages the productive re-use of an existing building that has been under-utilised for a number of years returning an element of residential use for which the building was initially designed.

4.3 Concern has been expressed in respect of the treatment of the fenestration of the property, the location of any flues and extraction vents on the exterior of the property and the treatment of the site access. Each of these aspects is of significance in respect of the contribution of the property to the character of the Conservation Area.



It is recommended that large scale details of the proposed window treatment along with the location of any flues or extraction vents be conditioned as part of any permission. In respect of the access, whilst it would be ideal to provide improved pedestrian visibility splays at the entrance, there would not be a material difference in terms of vehicle usage and its current configuration closely reflects that of its original use thereby making a positive contribution to the character of the Conservation Area. The terms of Policy HE3 of the Draft Local Plan have therefore been complied with in respect of the proposal.

#### IMPACT UPON THE AMENITIES OF FUTURE OCCUPANTS OF THE SITE:-

4.4 Policy GP1 of the York Development Control Local Plan expects new development proposals to respect or enhance the local environment, be of a layout and design that is compatible with neighbouring buildings, spaces and the character of the area as well as provide and protect private, individual or communal amenity space for residential developments. The current proposal envisages the residential re-use of an existing office building that was previously designed for use as a single residential property. This results in an internal layout constrained by the need to retain important features of the site such as staircases, window openings and chimney breasts. Furthermore some of the units would have a non-standard internal layout with apartment 2 split over two floors with a north facing window lighting a principal living area. Whilst this situation is not ideal the resulting apartments would not be sub-standard in terms of their space, outlook, light, ventilation or privacy.

4.5 The existing property is surrounded by car parking and other hard surfacing associated with the existing office use. The scheme as proposed and as previously approved envisages the creation of a modest garden area along the site frontage for the use of occupants of the apartments. This is considered to be acceptable.

4.6 Concern has been expressed in respect of potential noise nuisance generated by traffic along Fulford Road together with deliveries to Sainsburys at the junction of Wenlock Terrace and Fulford Road. It is therefore recommended that a scheme of noise mitigation be conditioned on any permission.

#### POTENTIAL LOSS OF EMPLOYMENT LAND:-

4.7 Policy E3b) of the York Development Control Local Plan states that existing employment sites and premises should be retained in their existing use with planning permission being given for other uses only where there is a sufficient supply of employment land to meet present and future needs, and the development of the site for other uses would lead to significant benefits for the local economy.

This can be off-set against Central Government Planning Policy outlined in paragraph 51 of the National Planning Policy Framework which explicitly encourages the re-use of vacant and under-utilised buildings in employment use for residential development other than where there are strong economic reasons why such development would not be appropriate. Concern has been expressed about the potential impact of the loss of the office use to the supply of employment land within the inner area of the City. However, there has been no material change in circumstances in this respect since the original grant of planning permission in 2009. Furthermore the proposal envisages the return of an element of residential use to the property for which it was initially designed and the positive benefit that this would give to the character of the Conservation Area would significantly outweigh the modest impact of any loss of employment land.

#### OTHER ISSUES:-

4.8 The application site generates a requirement for a commuted sum to secure the provision of open space off site in line with Policy L1c) of the York Development Control Local Plan. This results in a sum of £6,408. There is a further highway related requirement for a commuted sum of £2,000 to contribute to the City Car Club and reduce car journeys on surrounding roads in line with sustainable development principles. This results in a total sum of commuted payments to be secured by Section 106 Agreement of £8,408.

### 5.0 CONCLUSION

5.1 Hollycroft comprises a two storey brick built Late Victorian villa currently in use as offices lying to the west of Fulford Road within the Fulford Road Conservation Area. Planning permission is sought for the change of use and conversion of the property to form 8 apartments. Planning permission was previously given for a similar scheme ref: - 09/00966/FUL in October 2009. The proposal envisages a scheme that would see the creation of a mix of one and two bedroom apartments that would cause the minimum harm to the historic character of the building. It is considered that the proposed access and parking arrangements are acceptable and that sufficient external amenity space would be provided for future occupants of the property.

5.2 Concern has previously been expressed in relation to the loss of the site as employment land however, the National Planning Policy Framework explicitly encourages the re-use of properties such as this for employment use, the return of an element of residential use would be of positive benefit for the character of the Conservation Area and there has not been a material change in circumstances since the original permission was given. The proposal is therefore once again considered to be appropriate in planning terms and approval is recommended.

5.3 The application is subject to a requirement for a Section 106 Agreement covering requirements for financial contributions in respect of a financial contribution to the City Car Club of £2,000 and a commuted sum in lieu of on-site open space of £6,408, giving a total of £8,408.

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

1 TIME2 Development start within three years -

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

Drawing Refs: - 201-001 Rev A; 201-002 received 13th July 2012

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

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

Reason: - In the interests of highway safety.

4 Prior to the commencement of the conversion of the building to apartments hereby approved, details of the cycle parking and storage area, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any other purpose other than the parking of cycles.

Reason:-To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

5 Notwithstanding the details shown on the approved plans, details of refuse and recycling storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of conversion of the building to apartments hereby approved. The apartments shall not be occupied until the refuse and recycling areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than for the storage of refuse and recycling containers.

Reason: - To ensure adequate provision on site and in the interests of the visual amenity of the area and to preserve the character and appearance of the Conservation Area.

6 Prior to the commencement of the conversion of the building, a noise impact assessment shall be undertaken to assess the impact of traffic on A19 Fulford Road and deliveries to the convenience store at 212-214 Fulford Road on the future occupiers of the proposed apartments. A scheme of works to address the issues identified as a result of the assessment shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented before the apartments are first occupied.

Reason: - To protect the future occupants of the apartments from noise disturbance.

7 All works on site relating to the conversion of the building to apartments including loading or unloading on the site, shall be confined to 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

8 Large scale details of the position and design of flues and vents shall be submitted to and approved in writing by the Local Planning Authority prior to the conversion and the works shall thenceforth be undertaken in strict accordance with the details thereby approved. There shall be no roof vents and/or slate vents.

Reason: - So that the Local Planning Authority may be satisfied with these details in the interests of preserving and enhancing the character and appearance of the Conservation Area.

9 Large scale details of any double glazing works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the conversion and the works shall thenceforth be undertaken in strict accordance with the details thereby approved. The existing external blind boxes shall be retained on the building frontage.

Reason: - So that the Local Planning Authority may be satisfied with these details in the interests of preserving the character and appearance of the Conservation Area.

10 Prior to the commencement of conversion works, a detailed landscaping scheme for the private amenity area at the front of the site and any other areas of landscaping within the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall illustrate the number, species, height and position of trees and shrubs and all hard landscaping materials.

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

Reason: - So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and in the interests of the residential amenity of future 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 impact upon character and appearance of Conservation Area, impact upon amenities of future occupants of the property and loss of potential employment land. As such the proposal complies with Policies GP1, HE3, and E3b of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

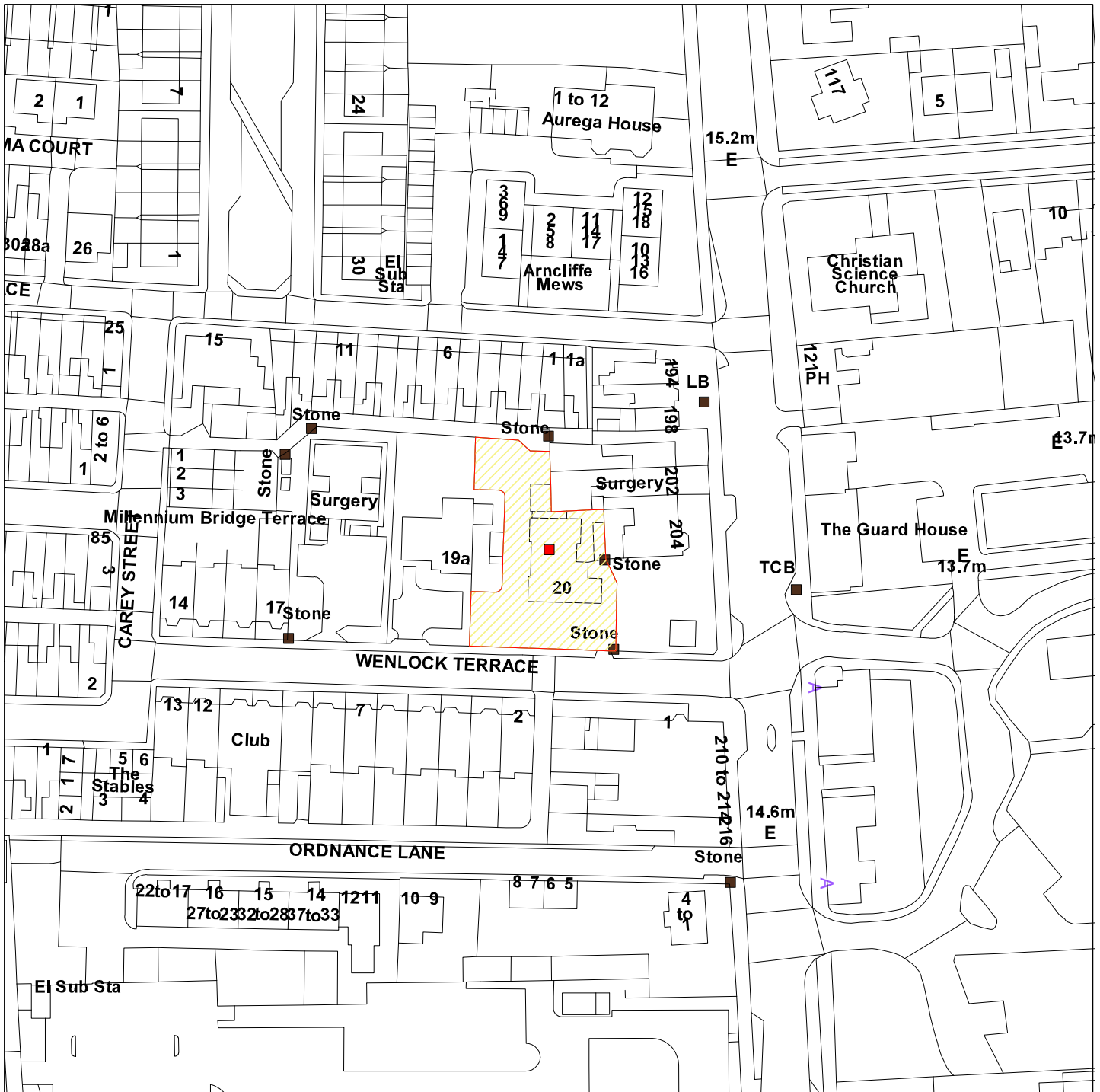
**Tel No:** 01904 551416

# Hollycroft 20 Wenlock Terrace

12/02472/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

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

**Reference:** 12/02568/FUL  
**Application at:** Helix House Innovation Way Heslington York YO10 5BR  
**For:** Installation of roof mounted flues and associated external plant  
and machinery  
**By:** University of York  
**Application Type:** Full Application  
**Target Date:** 21 September 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Helix House Innovation Way Heslington comprises a substantial two storey brick and panel clad structure in Class B1 (Business) use dating from the early 1990s and located at the eastern edge of the York University Science Park. It lies directly adjacent to the landscaped boundary of the Science Park with residential property on Windmill Lane directly to the east. Planning permission is sought for the erection of a series of roof mounted flues and associated external plant and machinery, with a ground mounted fresh air handling unit to ventilate the Nanocentre, a facility within the building associated with research into the production of solar cells and precision silicon fibre optics.

1.2 Councillor Neil Barnes has called the application in for consideration by Members of the East Area Planning Sub-Committee in view of the potential impact upon the residential amenity of properties in Mill Lane.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYED7

University Science Park

CYE8

Non conforming uses

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 The Environmental Protection Unit raise no objection to the proposal.

EXTERNAL:-

3.2 Heslington Parish Council were consulted with regard to the proposal on 3rd August 2012. Any response will be reported verbally at the meeting.

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

- \* Concern in respect of the impact of the proposed roof top plant on the visual amenity of the wider street scene;
- \* Concern in respect of the impact of the proposed development upon the residential amenity of neighbouring properties through noise from the plant along with the possibility of accidental chemical release.

### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the visual amenity of the wider street scene;
- \* Impact upon the residential amenity of nearby properties.

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

4.2 Policy GP1 of the York Development Control Local Plan expects new development proposals to respect or enhance the local environment and be of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. Helix House comprises a two storey brick and curtain wall clad structure of recent construction used for various Use Class B1(b) research related activities.



The current application seeks permission to erect a series of flues and associated plant on the roof of the building with a cold air handling unit at ground level to ventilate the Nanocentre, a research facility into the development of silicon fibre optics and solar cells. The process includes the use of a number of controlled chemicals including Sulphur Hexafluoride, Hydrochloric Acid and Hydrofluoric Acid in dilute quantities. The proposed plant would be located on the rear roof slope of the building and would not therefore be readily visible within long and short distance views from within the Science Park. Directly to the east of the building lies the mature landscape belt that forms the boundary of the Science Park with the housing lying further to the east in Windmill Lane. The planting comprises a mix of deciduous trees with extremely mature evergreen shrubs and is some 24 metres wide. The nearest residential properties in Windmill Lane are some 47 metres distant. Whilst there would be a degree of intervisibility between the application site and the nearby housing during the winter months the underlying shrub planting and the sheer mass of the crown spread would inhibit views from the east and thereby secure the visual amenity of the wider street scene. The requirements of Policy GP1 would, therefore, be satisfied.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.3 Concern has been expressed in respect to the potential noise generated by the proposed plant together with the risks associated with the chemicals to be used and the associated impact upon the residential amenity of nearby properties. The proposed works include internal acoustic screening built into the first floor ceiling of the building. This would absorb much of the noise generated by the proposed works to the extent that any impact upon the residential amenity of nearby properties would be minimal. The proposed flues would be located some 2.5 metres above the ridge line of the building in accordance with British Standards relating to the safe discharge of fumes to the atmosphere. The proposed research process involves the etching of printed circuit boards and silicon chips with hydrofluoric acid. The applicant has confirmed that this will be used at the rate of 1 litre per month directed through a fume cupboard with a dilution rate of 500 litres per second. This would result in a discharge rate significantly below the safe levels identified by the HSE. The operation of the research process would furthermore be regulated by the means of a management plan prepared under the COSHH (Control of Substances Hazardous to Health) Regulations. The impact upon the residential amenity of neighbouring properties would, therefore, be adequately controlled under these (non planning) regulations.

## 5.0 CONCLUSION

5.1 Helix House comprises a two storey brick and curtain wall panel constructed building lying at the eastern edge of the York Science Park and used for a range of research and development uses.

Planning permission is sought for the erection of a series of roof top flues together with a ground level fresh air handling unit on the eastern elevation of the building. The site is separated from residential property by a substantial landscaped belt incorporating mature trees and shrub planting some 24 metres wide. The proposed flues and associated equipment are required in association with the development of the Nano Centre to research the development of printed circuit boards and optical applications using very small quantities of hydrofluoric acid and other chemicals for etching.

5.2 Concern has been expressed in respect of the impact of the proposal upon the visual amenity of the wider street scene, however the pitch of the existing roof will effectively shield the proposed equipment in views from the Science Park to the west and the proposed apparatus would be largely shielded in views from the east notwithstanding the impact of winter leaf fall by the substantial and very dense belt of landscaping along the eastern boundary of the site. Further concern has been expressed in respect of the potential risk of pollution arising from the range of chemicals being used at the site. However the applicant has been able to demonstrate that the proposed concentration of chemicals would be at a safe level and that there would be no impact upon the residential amenity of neighbouring properties. The proposal is, therefore, considered to be acceptable in planning terms and approval is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

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

Drawing Ref:- M/SK002 P5

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

3 Details of all machinery, plant and equipment to be installed in or located on the premises hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby authorised commencing on site. These details shall include maximum (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>) at 1 metre distance from the source, octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority.

The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason:- To protect the amenity of nearby premises and to secure compliance with Policy GP1 of the York Development Control Local Plan.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene and impact upon the residential amenity of nearby properties. As such the proposal complies with Policies GP1, ED7 and E8 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

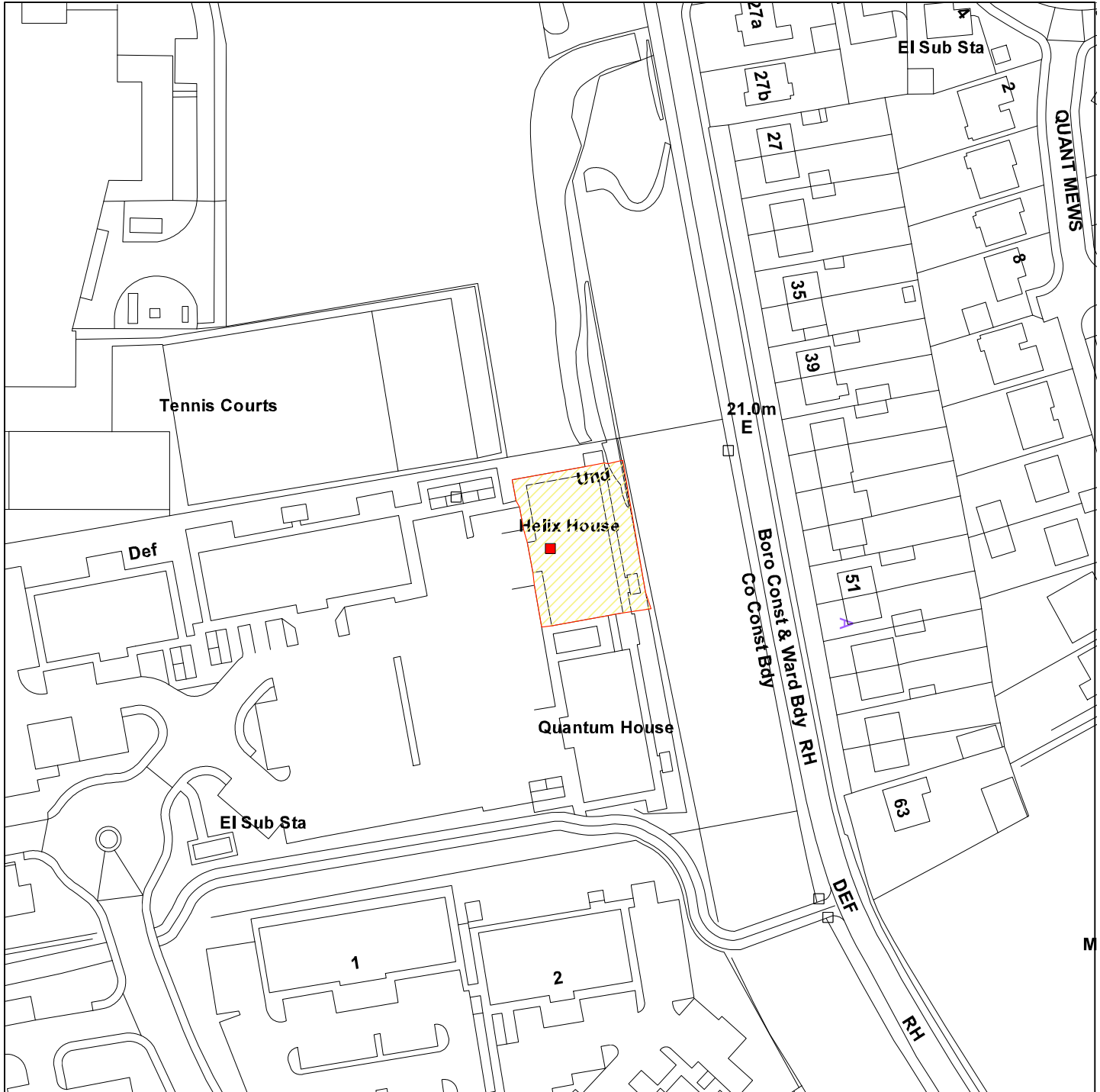
**Tel No:** 01904 551416

# Helix House Innovation Way Heslington

12/02568/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

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

**Reference:** 12/02998/FUL  
**Application at:** Proposed Wind Turbine at Grid Reference 466532 445234  
Cockey Hill Road Wheldrake York  
**For:** Erection of a 25m high (hub height) 50kW wind turbine  
**By:** Mr H Raley  
**Application Type:** Full Application  
**Target Date:** 7 November 2012  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Planning permission is sought in respect of land at OS Grid Ref 466532 and 445234 at Cockey Hill Road Wheldrake for the erection of a single 50kW wind turbine with a hub height of 25 metres. The site lies in a prominent location in the York Green Belt adjacent to the C class road linking Wheldrake village to Cockey Hill. The surrounding landscape is gently rolling with a mix of small areas of woodland interspersed with predominantly arable fields. A number of residential properties lie to the south of the application site in Benjy Lane Wheldrake.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYGP5  
Renewable energy

CYNE1  
Trees, woodlands, hedgerows

CYGB1

Development within the Green Belt

CYHE2

Development in historic locations

CYNE8

Green corridors

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Environmental Protection Unit object to the proposal on the grounds that insufficient information has been submitted with the application in terms of noise to be able to assess the impact of the development on the surrounding area.

3.2 Design, Conservation and Sustainable Development were consulted in respect of the proposal on 21st September 2012. Any views will be reported verbally at the meeting.

#### **EXTERNAL:-**

3.3 Wheldrake Parish Council object to the proposal on the grounds that insufficient information has been submitted in respect of the connection of the installation to the National Grid, insufficient information has been submitted in respect of how the apparatus would be de-commissioned when no longer required, the submitted noise information is too brief and inaccurate, the proposal would have a series adverse impact upon the residential amenity of properties in Benjy Lane to the south and the proposal would give rise to a series adverse impact upon visual amenity of the local landscape and the open character of the York Green Belt.

3.4 Julian Sturdy MP objects to the proposal on the grounds that it would give rise to a serious adverse impact upon the residential amenity of properties directly to the south in Benjy Lane, it would have a serious adverse impact upon the visual amenity of the surrounding landscape and a serious adverse impact upon the open character of the York Green Belt.

3.5 The Ministry of Defence were consulted with respect to the proposal on 2nd October 2012. Any views will be reported verbally at the meeting.

3.6 20 Letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- \* Concern that the proposal would set a precedent for other similar development in the area;
- \* Impact upon the residential amenity of properties to the south of the site in Benjy Lane;
- \* Impact of the proposal upon the visual amenity of the surrounding landscape;
- \* Impact of the proposal upon the setting of the Conservation Area;
- \* Impact of the proposal upon the open character of the green belt;
- \* Impact of the proposal upon the safety and convenience of highway users on the surrounding network;
- \* Lack of information in respect of the level of noise the apparatus would generate.

3.7 Two letters of support have been submitted in respect of the proposal endorsing the need for the creation of significant capacity for renewable energy generation in the locality.

## **4.0 APPRAISAL**

### **KEY CONSIDERATIONS:-**

#### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- \* Impact upon the open character and purposes of designation of the York Green Belt;
- \* Impact upon the residential amenity of nearby properties;
- \* Level of Information in respect of noise from the apparatus;
- \* Impact upon the visual amenity of the surrounding landscape;
- \* Impact upon the setting of Wheldrake Conservation Area; and
- \* The need to secure the transition to a low carbon future through the creation of significant renewable energy capacity.

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

4.2 Policy GB1 of the York Development Control Local Plan states that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate in the Green Belt including agriculture and forestry. This is consistent with Central Government Policy in respect of Green Belt areas outlined in paragraphs 79 to 91 of the National Planning Policy Framework (NPPF). Indeed paragraph 91 of the NPPF specifically identifies renewable energy developments as constituting inappropriate development within the Green Belt.

Where development is judged to be inappropriate a case of very special circumstances will need to be advanced in order to overcome the very strong presumption against such development.

4.3 Paragraph 91 highlights this requirement and indicates that a case for very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. In the present case a very brief argument based upon the environmental benefits of renewable energy has been submitted. However, this fails to address the specific location of the development in any way and significantly fails to address the very significant impact of the proposal upon the openness of the Green Belt in this area. The application site is set within a gently rolling rural landscape with small copses of mature trees interspersed with arable fields surrounded by mature trees and lengths of hedgerow. The application proposes the erection of a substantial metal frame structure that would be clearly visible in views across open countryside from the north and north east. It is considered that in addition to being harmful due to inappropriateness the proposed structure would give rise to serious harm to the openness of the Green Belt by virtue of its stark engineered appearance. It is therefore considered that the proposal would conflict with Policy GB1 of the Draft Local Plan in addition to paragraph 91 of the NPPF.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEARBY PROPERTIES:-

4.4 Policy GP1 of the York Development Control Local Plan expects new development proposals to respect or enhance the local environment and be of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance or dominated by overbearing structures. The proposed apparatus would be some 35 metres to its highest point and would be readily visible in open countryside clearly separated from the belt of mature trees to the west and south west. The closest residential property would be Low Well Farm some 230 metres to the north east with two properties Brick and Tile Farm some 250 metres to the south and south east of the application site in Benjy Lane. The proposed apparatus would be significantly higher than nearby tree cover and would appear to physically dominate the three closest residential properties. Notwithstanding the distance involved the apparatus would cause significant harm to the amenity of the neighbouring properties by virtue of over-dominance accentuated by the visual effect of the gently rolling landscape. There could furthermore be an issue of shadow flicker affecting the amenity of properties to the south and south west, which could also be significantly effected by any noise coming from the apparatus. The proposal would, therefore, conflict with the terms of Policy GP1.



#### LEVEL OF NOISE GENERATED BY THE APPARATUS:-

4.5 A noise assessment for a single turbine identical to that proposed but located in County Galway in the Irish Republic has been submitted with the application. This assesses the performance of the apparatus however, as the landscape, topographic and background noise characteristics of the application site are different, the information is of only very limited usefulness and can be afforded only very limited weight. The proposed turbine is located such that a significant noise impact is likely to arise in respect of the three closest residential properties to the detriment of their residential amenity. No detailed noise assessment allowing for local characteristics has however been submitted. Central Government planning policy outlined in paragraph 123 of the National Planning Policy Framework specifically highlights areas such as the application site, which have been relatively undisturbed by noise and which are prized for their amenity and informal recreational value as a result. In the absence of specific information relating to the application site, it is not considered that the impact of the proposal upon the residential amenity of neighbouring properties can be properly assessed.

#### IMPACT UPON THE VISUAL AMENITY OF THE SURROUNDING LANDSCAPE:-

4.6 Policy NE8 of the York Development Control Local Plan states that planning permission will not be forthcoming for development which would destroy or impair the integrity of green corridors and stepping stones. The application is clearly related to the green corridor which follows the C class road between the settlements of Crockey Hill and Wheldrake. This is characterised by a gently rolling landscape with individual mature tree and lengths of hedgerow fringing largely arable fields with any residential properties set well behind the road frontage and appearing to blend naturally into their landscape. The proposal would result in a structure that would erode significantly the character of the local landscape giving it a more formalised, urban and engineered appearance. This would be particularly evident when approaching Wheldrake from the north west. The applicant has submitted a Landscape and Visual Impact Assessment incorporating photographs and using a recognised Landscape Characterisation Methodology. It is considered that this demonstrates the severe impact of the proposal on the visual amenity of the surrounding landscape particularly in views from the south and to the north east. The terms of Policy NE8 of the Draft Local Plan would therefore not be complied with.

#### IMPACT UPON THE SETTING OF THE WHELDRAKE CONSERVATION AREA:-

4.7 Policy HE2 of the York Development Control Local Plan sets a firm policy presumption that within or adjoining Conservation Areas or in locations which affect the setting of Listed Buildings or nationally important archaeological remains development proposals must respect adjacent buildings, open spaces and settings having regard to local scale and proportion.

The historic centre of Wheldrake village has been designated as a Conservation Area covering the historic agricultural settlement including a number of examples of 17th and 18th Century vernacular architecture. The proposed apparatus would however lie a substantial distance to the north west of the designated Conservation Area and any visual inter-relationship between the two would be small and any adverse impact would be similarly marginal notwithstanding the significant impact of the proposal upon openness of the Green Belt and the visual amenity of the surrounding landscape.

#### THE NEED TO SECURE A LOW CARBON FUTURE THROUGH THE CREATION OF SIGNIFICANT RENEWABLE ENERGY CAPACITY:-

4.8 Central Government Planning Policy outlined in the Core Planning Principles within Paragraph 17 to the National Planning Policy Framework identifies the provision of suitable renewable energy generation capacity as a way forward to secure a sustainable low carbon future. This is supported by Policy GP5 of the York Development Control Local Plan which sets a firm policy presumption in favour of the creation of new renewable energy capacity providing there is not significant material harm to the surrounding landscape. It is considered, however, that the harm caused by the current proposal to the openness of the Green Belt and the visual amenity of the surrounding landscape is such that it would over-ride both this policy presumption in the NPPF and the Draft Local Plan.

#### OTHER ISSUES:-

4.9 Concern has been expressed in respect of the impact of the proposal upon the safety and convenience of highway users travelling between the settlements of Crockey Hill and Wheldrake. Whilst it is considered that the proposed structure would significantly erode the visual amenity of the natural landscape corridor linking the two settlements it is not considered that it would provide a sufficient distraction to vehicular traffic as to constitute a reason for refusal of the scheme.

### **5.0 CONCLUSION**

5.1 The site comprises a visually prominent location within the York Green Belt and within the clearly definable landscape corridor linking the settlements of Crockey Hill and Wheldrake. The proposed development involves the erection of a single medium sized wind turbine for the production of electricity for export to the National Grid some 35 metres to its highest point. The development constitutes inappropriate development within the Green Belt and no substantive case for very special circumstances to overcome the usual presumption against inappropriate development has been made. Furthermore its design and location would give rise to significant harm to the openness of the Green Belt in that location.

5.2 Residential property lies to the north east and then to the south along Benjy Lane. No detailed noise survey has been submitted with the application though the proposed turbine is likely to give rise to significant harm to the residential amenity of nearby properties by virtue of noise, the extent of which can not easily be assessed in the absence of a detailed survey. In view of the lack of detailed information in relation to noise and the impact upon the Green Belt and the landscape corridor it is felt that the proposed development is inappropriate and that planning permission should be with held. Whilst strong policy presumptions exist in both National and Local Planning Policy to encourage the development of renewable energy resources it is considered that in this case these are not such as to over-ride the very real and demonstrable harm that the development would cause to the openness of the Green Belt and the pleasant amenity of the surrounding landscape.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposal constitutes inappropriate development within the Green Belt and is therefore by definition harmful to the openness of the Green Belt contrary to Paragraph 91 of the National Planning Policy Framework and Policy GB1 of the York Development Control Local Plan.

2 The proposed wind turbine apparatus by virtue of its scale, design and location would substantially erode the pleasant and tranquil character and visual amenity of the landscape corridor linking Crockey Hill with Wheldrake village contrary to Policy NE8 of the York Development Control Local Plan.

3 Insufficient information has been submitted with the application to enable a meaningful assessment to take place of the impact of noise generated by the proposed wind turbine apparatus on the residential amenity of nearby properties and the quiet amenity of the adjoining landscape, contrary to paragraph 123 of the National Planning Policy Framework.

### **Contact details:**

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

Chris Thorpe – Objection Address to  
York East Planning Committee 8<sup>th</sup>  
November 2012

To Planning Application for  
Small Scale 50kw Wind Turbine  
Nr Wheldrake

## ***Landscape Sensitivity***

Planning for Renewable Energy Targets in Yorkshire and Humber final report<sup>6</sup> states that:

***“Wind turbines are tall structures, which can bring about major changes in a landscape due to the often-complex visual interplay between different lighting conditions and the scale and form of groups of turbines. The rotation of the rotor blades attracts the eye and in certain lighting conditions moving turbines can be highly visible from a long distance. The acceptability of wind turbines within a landscape is generally an emotive subject and one where compromise is needed. Whilst it is generally acknowledged that the most valued aspects of the natural heritage should not be compromised, those landscapes of lesser value can normally integrate some wind energy development albeit in a controlled way to minimise the impact”.***

# Safety to Road Users on Wheldrake Lane

## THE EXISTING DANGERS

- You all visited the site yesterday so will have seen how very dangerous this section of road already is!
- Traffic travels at High Speeds
- 1 1/2 mile long straight section before you hit the bends at the exact site of this application.
- Three bad bends as you pass the planned location.
- No Footpaths and the rough verges are very undulating to allow water drain off the road.
- Road at planned location very prone to localised flooding
- Public Connection route between Wheldrake ,Wheldrake Woods, Swallow Hall Caravan Park and Golf Course for tourists and locals.
- Signed and known Deer Run between Wheldrake Woods and other Woods to the South. Most villages will have nearly hit one!
- Lorries turning in and out of Low Well Farm haulage yard.

# Public Safety at this location

- Road used by Joggers, Horses Riders(BHS concern), Cyclists, Walkers and Ramblers many with Children who have no option but to use the road!
- Tourists often walk in and out of the village to/from the Caravan Sites.
- No footpath and very rough verges make it so dangerous.. We sadly lost a young lad from this village 18 years ago when he was run down on the road near to Escrick.
- We have had two motorcyclist fatalities on the bad bends around Wheldrake in the last 5 years.
- Cars crashing regularly into the ditches and hedges around the actual planned site on a regular basis.
- **THIS 60mph ROAD CANNOT AFFORD ANOTHER DISTRACTION**
- **THE NATURAL DESIRE TO LOOK AT A TURNING TURBINE – YOU CANNOT HELP BUT LOOK!**
- **THIS APPLICATION IS MADNESS AND MORE LIVES COULD BE LOST IF IT IS APPROVED!**

*conditions and the scale and form of groups of turbines. The rotation of the rotor blades attracts the eye and in certain lighting conditions moving turbines can be highly visible from a long distance. The acceptability of wind turbines*



# A Poor Quality and Misleading Planning Submission

- Can we trust what is obviously a complacent what I refer to as a “Copy and paste” application
- Leading to incorrect address, Lancashire landscape not Yorkshire and Humberside and misleading road names, locations and pictures.
- I argue that the Visual Impact pictures out of perspective
- The Planning Title States a Small Scale Turbine (25m Hub Height) when its actually a reduced mast height Medium Wind Turbine. This was confirmed by C and F Energy the turbine manufacturer from Ireland.
- The overall height which is the important height is 35.5m not the hub height of 25m. I would argue that the planning title is designed to confuse everyone so they think its smaller than it actually is? One objecting local resident fell for that as the smaller incorrect height was mentioned in their objection letter. It is 115ft and not 82ft so a lot higher then they feared!
- The Rota diameter is over 20.9m which is unusually large for a small scale turbine and there is a large query on the actual output rating as the application suggests, loss of power output due to the change in mast height cannot be easily calculated. If it is less than 50mw then it needs special CSE certification.
- The CF 50 Wind Turbine is NEW to the market with at best 2 “very recent” installations in Scotland. This Information was supplied to me by C and F Energy themselves. No reference data exists for the planned site other than theoretical data.

# A Poor Quality and Misleading Planning Submission

- There is no evidence of a MCS (Microgeneration Installation Standard Certificate) for the CF50 Small Scale Wind Turbine is available although they do currently exist for the CF20 and other smaller turbines.
- C and F may try and argue that as its 50kw this falls outside this standard. However it is suggested by Green Energy that even for 50kw and above Wind Turbines many companies still get a CSE certificate to have an independent traceable audit of quality assurance of the manufacture and accuracy of all the output and operational data which can then be supplied to customers and planners. It is therefore alarming to me one doesn't exist for the CF50! As SUGGESTED PREVIOUSLY THIS CF50 HAS A REDUCED HEIGHT SO COULD WELL FALL INTO THE SMALL CATEGORY WIND TURBINE STANDARD ANYWAY I IT GENERATING UNDER 50mw!
- ALL NOISE DATA IS BASED ON TEST DATA FROM C AND F ENERGY'S TEST SITE IN GALWAY IRELAND. HOWEVER IT IS ALL THEORITICAL AND BASED ON A DIFFERENT LANDSCAPE AND ONLY TESTED FOR ONE WEEK. TO CORRECTLY MEASURE WIND SPEED AND THERFORE CARRY OUT AN ACCURATE NOISE ASSESSMENT REQUIRES I YEARS WIND DATA AT THE ACTUAL SITE LOCATION TO BE ACCURATE!
- Internet Green Building Company forums have raised alarm at the lack of accuracy of C and F data when no CSE data is available recently

# A Poor Quality and Misleading Planning Submission

ONE REPORTED CASE INVOLVING C F ENERGY WAS ALLEDGED TO HAVE INVOLVED TRADING STANDARDS AND COURT ACTION.

- For the record Internet Green Farming Forums allege that C and F Energy have a poor after sales service and alarmingly quality issues including blade breakages, full removal of full Wind turbines.

**CAN WE TRUST ANY DATA USED IN THIS SUBMISSION? NO**

**REMEMBER THE WIND TURBINES LIFE SPAN IS 30 YEARS**

**I THEREFORE APPEAL TO THE COMITEE  
“YOU CANNOT AFFORD TO GET THIS WRONG”.**

# Visual Impact Local for Local Receptors

- The visual impact of this Wind Turbine would destroy any visual amenities for Local Receptors
- **PLEASE TAKE INTO ACCOUNT VISUAL PICTURES ARE OUT OF PERSPECTIVE!**
- Low Well Farm has FULL view which you will have seen on your site visit. **MAXIMUM IMPACT! IMAGINE IF THAT WAS OUTSIDE YOUR HOUSE?**
- Benjy Lane residents will see 75% of Mast and all off the turbine. **MAXIMUM IMPACT!**
- Wheldrake residents to the West of the village will suffer loss of amenity and their beautiful views to the west will be blighted by this proposal. **HIGH IMPACT!**
- Valley View would need renaming to Wind Turbine View!

# Visible effects for Road Users

- This area is very beautiful and a 35m wind turbine “in an open field with little natural cover” no more than 200m from the road **WILL** spoil the views for motorists , tourists and local people when travelling along Wheldrake Lane.
- It could adversely effect the trade of the two Caravan Sites close to the site.
- It would also be in clear view from the Glacial Ridge on the Wheldrake to Escrick Road and looking North towards York. ( See picture)

# VIEW FROM WHELDRAKE RIDGE NEAR EDGE OF WHELDRAKE VILLAGE



# Objection Conclusion

- This planning application should be rejected due to all the factors I have raised namely Road Safety, Incomplete, Misleading and Inaccurate Data and HIGH IMPACT visual assessment along I Support others suggested by the Parish Council, Our Councillor , our MP and the many objectors to this proposal including I understand the CYC Planning Team.
- It is my view that “Financial Gain” for the applicant should be LESS important than the safety and amenities of the people and visitors who value deeply why they live in the Wheldrake area.
- YOU REALLY CANNOT TRUST THE NOISE OR VISUAL IMPACT DATA !
- Why doesn't the applicant apply for it to be sited near to his “Own Home 4 or more miles away”. I SUGGEST THE FARMER WANTS A CHEAP CONNECTION TO THE GRID! He doesn't care about Wheldrake residents!
- Do not believe inference by the only 2 supporters of this application that the majority of the village approve. This is just an attempt to cloud the true views of the village and promote their own personal views “which I accept they have every right to have” on sustainable energy sources.

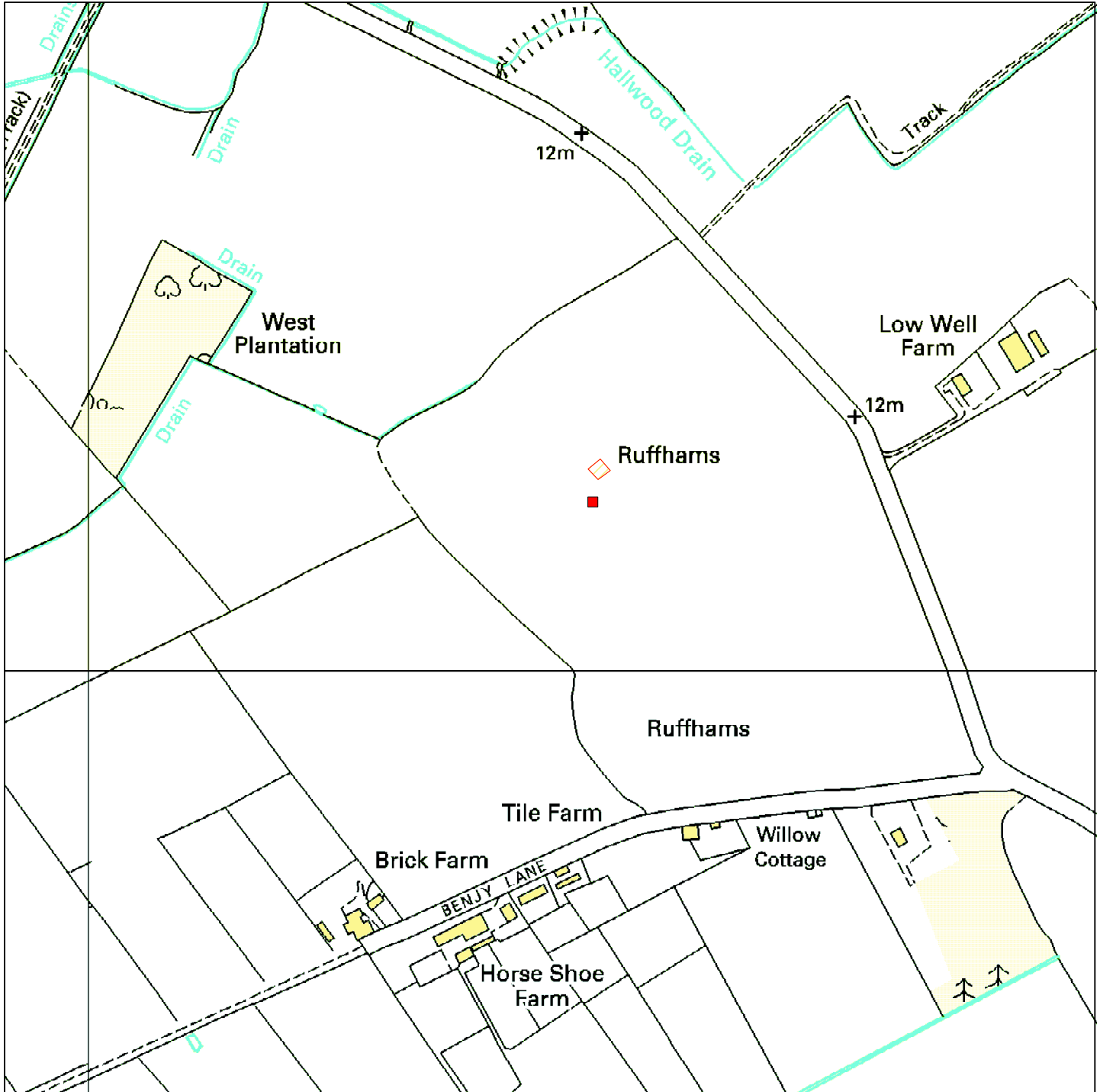
# Objection Conclusion

- Remember the Objectors total 93% of all planning responses
- That's 25 against and only 2 for!
- THIS WOULD BE THE BY FAR THE LARGEST TURBINE IN THE CITY OF YORK AREA AND WOULD OPEN THE FLOODGATES!
- I THEREFORE ASK THE COUNCIL PLANNING COMMITTEE TO REJECT THIS RIDICULOUS AND IN MY VIEW THOUGHTLESS APPLICATION



# Proposed Wind Turbine At Grid ref: 466532 445234

12/02998/FUL



Scale : 1:5000

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 8 November 2012      **Ward:** Strensall  
**Team:** Major and      **Parish:** Stockton-on-the-Forest  
Commercial Team      Parish Council

**Reference:** 12/02909/FUL  
**Application at:** Fox Inn 90 The Village Stockton on the Forest York YO32 9UW  
**For:** Erection of 6no. terraced dwellings and conversion of existing outbuildings to 3no. dwellings with associated parking and access (revised scheme)  
**By:** London Ebor Developments PLC  
**Application Type:** Full Application  
**Target Date:** 15 October 2012  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 This application seeks permission for the erection of six houses and the conversion of a barn into three dwellings on land to the rear of the Fox Inn Public House located on The Village in Stockton-on-the-Forest. The proposed new build houses would be located within the rear car park of the pub. The houses consist of a row of terraced two storey dwellings. Five of the houses would be two bedroom in size with one being three bedroom. Each dwelling would have a single car parking space with a private rear garden. The houses are traditional in design and would be constructed of brick with pantile roof, windows and doors would be timber.

1.2 The barn sits to the south east of the Fox Inn and has been most recently used as a storage and events venue associated with the pub use. The building is not listed. The barn has been extended since it was constructed and contains some elements which are two storey and some which are single storey. This application proposes to convert the barn into three separate dwellings; each would contain two bedrooms and have a private garden area. No extensions are proposed and alterations to the external appearance of the barn are minimised.

1.3 Access to the proposed houses would make use of the existing pub access onto The Village. The houses would be accessed by passing by the side of the pub and barn. The pub would retain a small car parking area to its front. 29 car parking spaces for the pub would be lost as a result of the development with 9 being retained.

1.4 The whole of the application site is within Stockton-on-the-Forest Conservation Area. The site is located within the heart of the village with the surrounding area being predominantly residential in character. Development along The Village contains detached houses and cottages dating from the 18th and 19th century.

There is recent housing development in the immediate vicinity of the site with The Hollies and Maple Court wrapping around the south, west and east of the site.

1.5 This application has been brought before Planning Committee at the request of Cllr Doughty for reason of overdevelopment and the associated concerns raised by local residents. A site visit is recommended to fully understand the context of the site and the concerns expressed by local residents and the Parish Council.

1.6 A previous application (12/02140/FUL) was submitted to erect four houses within the pub car park to the east and to demolish the barn. This application was withdrawn following advice from the Conservation Officer that it was not acceptable to demolish the barn as it is considered to positively contribute to the character and appearance of the conservation area.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area Stockton On Forest CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Schools Stockton on the Forest Primary 0231

2.2 Policies:

CYGP1 -Design

CYHE3 -Conservation Areas

CYHE2 -Development in historic locations

CYH4A -Housing Windfalls

CYGP4A - Sustainability

CYH5A -Residential Density

CYL1C -Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

INTERNAL

3.1 Highway Network Management - No objections. The proposal makes use of an existing access which provides adequate visibility in accordance with national guidance. Whilst internal access is single flow in places, two-way flow is provided at the junction with the public highway. Levels of traffic associated with the development would not be significant and can be safely accommodated on the adjacent highway. Car parking is provided in accordance with local standards.

3.2 Design, Conservation and Sustainable Development (Conservation) - The village is a linear settlement of medieval origin, with a good survival of traditional linear plots in the historic core of the village. The existing buildings on the site were constructed as a farm house and associated agricultural buildings. They are relatively intact, and have aesthetic, historic and evidential value. The buildings make a positive contribution to the architectural or historic interest of the conservation area. The traditional form of plot development, with domestic buildings towards the front of the site with associated agricultural or other subservient buildings to the rear, has been lost in the immediate development of the site by housing development in the late twentieth century.

The proposed conversion of the agricultural buildings would result in the preservation of their contribution to the special interest of the conservation area. Separating the outbuildings from the frontage building by a wall or other solid boundary feature would result in some harm as it severs the historic functional relationship. The harm should be weighed against the public benefit of preserving the building.

The proposed new build dwellings would not be overly intrusive in the street scene. Whilst back land development would usually be resisted in a linear settlement where frontage development is characteristic, in the immediate vicinity of the site, twentieth century back land housing development is prevalent. Indeed, the historic plot has already been truncated by modern housing development.

Overall, the proposed conversion of the existing outbuildings and construction of 6 terraced dwellings preserves the character and appearance of the conservation area as one of special architectural or historic interest.

3.3 Design, Conservation and Sustainable Development (Ecology) - A bat survey has been submitted with the application. There is no evidence that the existing barn buildings support roosting bats, although there is evidence that there are bat roosts nearby and they use the area for foraging. No further survey work is required, however a condition should be added to any approval regarding the careful conversion of the building to make sure any potential impact is minimised should any bats take up residence in the future.

New roosting habitat can be easily created within the proposed new buildings through the conversion works, for example through the use of bat tiles or bat bricks. This would provide a net gain in the biodiversity of the site in line with the NPPF. There are Great Crested Newts on land close by, however the proposed development would have no impact on newts.

3.4 Integrated Strategy Unit - Due to the increase in house numbers from the previous application, the affordable housing requirement is that one of the houses should be affordable and a commuted sum of £46,282.50 is sought. The reasoning for this is that the affordable housing target for developments of this size in rural areas is 20%; however it is impossible to take 20% of nine houses. Therefore the commuted sum sought covers the additional requirement above the one house provided on site.

3.5 Environmental Protection Unit - Concerns rose regarding potential noise from the public house affecting the living conditions of future occupiers of the converted barn. The applicant submitted a revised plan to show a potential wall between the pub building and the barn to help reduce noise. However, no barrier calculations were submitted showing what the noise mitigation impacts would be. Additionally, the applicant has not submitted a noise survey showing what the likely level of noise would be from the pub site.

As the applicant has not submitted a noise assessment survey of the application site factoring in the concerns raised about noise, the only option left to EPU is to recommend a condition which considers a worst case scenario and ensuring that a level of amenity is achieved for the occupants of the proposed development. Therefore conditions should be added to any approval requiring sound attenuation against external noise of not less than 35 dB (A) and details to be submitted and approved of a suitable acoustic barrier if required.

3.6 Drainage - The development is in low risk Flood Zone 1 and should not suffer from river flooding. There are no objections to the proposed development subject to a condition being added to any approval which requires full details of foul and surface water drainage to be submitted and approved.

3.7 Leisure - An off site contribution is sought. Money received for play and amenity open space would be used within the Parish and paid to the Parish Council to make best use of the funds within the area. Sports payment would be used in the North Zone of the Sports and Active Leisure Strategy

## EXTERNAL

3.8 Stockton on the Forest Parish Council - Object to the application on the following grounds:

- On-road parking - There is very little car parking spaces on site to service the pub and houses, which will result in congestion and this will be a safety issue to the school.
- Access - The access is next to a bus stop and opposite the school, which will be hazardous with the congested traffic.
- Drainage - It appears that only the surface water drains are shown on the plans, so what arrangements are in place to deal with the foul water, as the Parish Council are concerned whether the pumping station will cope.
- Parking - There appears to be only one parking place with each house, which is clearly not enough. There is some parking along the drive way, which narrows the access, which will make it difficult for emergency/service vehicles to get to the site.
- Conservation Area - The Parish Council are concerned that the design of the new housing is not in keeping
- The Parish Council believe that divorcing the public house from this application is flawed, because it will make the future pub less viable

3.9 Local residents - Five letters of objection received from local residents. The following comments were made:

- Over development within the conservation area
- The current proposal is out of keeping with the feel of the village, the proposal is high density development of 9 homes in such a small area which is more in keeping with city areas where space is at a premium rather than a rural village and jars with existing developments in the area.
- The proposed houses are too tall in this location.
- Building so close to the fence-line would reduce the light available to the existing tree cover and lead to its demise over time.
- It is custom and practice that the Fox Inn car park is used by parents taking and collecting children from school. To reduce the available parking space as is proposed would lead to congestion at the front of the Fox at peak times and consequently increase the risk of accidents.
- The plans contain no development of the Fox Inn which is a focal point for the village and which has been missed since it's closure, Stockton on The Forest is at risk of becoming a commuter village rather than a vibrant community.
- Concern that the Fox Inn will continue to deteriorate, plans for its long term future should have been included in this application.
- Complaints have been made regarding noise generation at the pub; the creation of nine new dwellings would only create more noise in what is a quiet area.
- The proposed new build houses are not in keeping with the village and are too structured, hard, and formal, other houses in the area are larger with space around them.
- The proposal does not include enough parking for future residents or their visitors.
- The proposed houses would make the Fox Inn untenable in the future as there would not be sufficient car parking.

## 4.0 APPRAISAL

4.1 The key issues are:

- Principle of residential development on this site;
- Impact on the character and appearance of the conservation area;
- The impact on residential amenity;
- Compatibility of the pub with the barn conversion;
- Car and cycle parking and bin storage;
- Affordable housing;
- Leisure; and
- Drainage

### PRINCIPLE OF DEVELOPMENT

4.2 Paragraph 49 of the National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where:

- The site is in the urban area and is vacant or underused; and
- The site has good accessibility to jobs, shops and services by non-car modes; and
- It is of an appropriate scale and density to surrounding development; and
- It would not have a detrimental impact on existing landscape features.

4.3 The application site is unallocated white land on the Local Plan Proposals Map. The site is within the built up settlement limit of Stockton-on-the-Forest and is therefore considered to be in a sustainable location. The site has good access to local services as well as bus services into York. There is a bus stop immediately outside the application site which encourages sustainable transport choice. The majority of the surrounding development is residential. The owners of the Fox Inn do not believe that the large car park which is proposed to be built upon is needed and they do not believe that the barn serves a practical purpose in association with the pub. The proposed development would not result in the loss of any green landscape areas. Given the site circumstances and the presumption in favour of sustainable development in the NPPF, it is considered that the broad principle of residential development on this site is acceptable.

### IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.4 Policy HE2 of the Development Control Local Plan requires that, within or adjoining conservation areas, development proposals must respect existing buildings, open spaces, landmarks and settings, and have regard to local scale, proportion, detail and materials.

4.5 The existing buildings on the site were constructed as a farm house and associated agricultural buildings. They are relatively intact, and have aesthetic, historic and evidential value. The buildings make a positive contribution to the architectural or historic interest of the conservation area. The traditional form of plot development, with domestic buildings towards the front of the site with associated agricultural or other subservient buildings to the rear, has been lost in the immediate development of the site by housing development in the late twentieth century.

4.6 The proposed conversion of the agricultural buildings would result in the preservation of their contribution to the special interest of the conservation area. The barn buildings would be converted with little external alteration. A structural survey has been submitted demonstrating that the building can be converted into dwellings. Existing openings are generally proposed to be utilised for the insertion of windows and doors with a small number of new openings created to provide necessary light or entrance doors. Existing boundary treatments bordering neighbouring curtilages would be retained. It is proposed to create a new boundary wall between the pub and barn in order to provide privacy and help to mitigate against noise. This boundary treatment would sever the historic relationship between the barn and pub building on site; however it is considered that this is strongly outweighed by the public benefit of retaining the barn and giving it a long term viable use. Given the close proximity between the rear of the pub building and the barn, it is considered that some sort of boundary treatment is essential for amenity purposes.

4.7 The proposed new build dwellings would not be overly intrusive in the street scene. Whilst back land development would usually be resisted in a linear settlement where frontage development is characteristic, in the immediate vicinity of the site, twentieth century back land housing development is prevalent. Indeed, the historic plot has already been truncated by modern housing development. It is not considered that the proposal would have any significant impact on the historic character and form of the village given recent housing developments in the area.

4.8 The proposed houses would not be highly visible from The Village. The houses would be set back approximately 45m from The Village at the nearest point. The houses would be set behind existing houses at 92 and 92d The Village and 4 Maple Court. A 2.1m high brick wall runs along the eastern side of the access route further reducing the visual prominence of the proposed houses from the north. The proposed houses are of simple and traditional design. The houses sit within a terraced row with a pitched roof.



The houses would be constructed of brick and pantiles with timber doors and windows. The houses would be relatively modest in scale measuring 5m in height to the eaves and 8.5m to the ridge.

4.9 Whilst the proposed development represents a higher density than surrounding residential development, the proposal retains space around the terraced row with good separation to site boundaries. The houses would have gardens of approximately 11m in length giving separation and a clear visual break from Maple Court to the east. The dwellings are between 8m and 13.5m from the existing barns. Plot 9 is 7m from the side of 4 The Hollies. Therefore it is not considered that the development would appear cramped on the site.

#### IMPACT ON RESIDENTIAL AMENITY

4.10 Development Control Local Plan Policy GP1 requires proposals to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.11 It is considered that the location of the proposed windows within the converted barn would not have a significant impact on neighbouring privacy. Whilst the barn sits close to the boundaries of 2 and 3 The Hollies, this is an existing situation and no extensions are proposed to the barn. Therefore there would be no impact on outlook or light. It is considered that the relationship between the residential units in the barn and neighbouring properties would allow for an acceptable level of amenity.

4.12 There is a distance of approximately 13.5m between facing windows of the front of the proposed new build houses and the Plot 3 within the barn. This level of separation is considered acceptable between the front elevations. There is a minimum of 18m between the rear of the proposed houses and the front of houses on Maple Court. This is considered an acceptable separation distance from Maple Court; generally people expect to receive less privacy at the front of their house than at the rear. A 2.1m high timber fence would be retained between the units and there is significant landscaping along the boundary with Maple Court which would be retained and would further minimise the potential for overlooking between houses.

4.13 92d Maple Court which is to the north of proposed Plot 4 is a barn conversion. There are no windows other than rooflights in the south east elevation of this dwelling. It is not considered that the proposed houses would result in any significant loss of light or privacy in the dwelling or garden of 92d Maple Court.

4.14 4 The Hollies sits south and east of Plot 9. There is a separation distance of 7m between the side of 4 The Hollies and the side of Plot 9.

It is common for dwellings to sit side by side and it is not considered that the proposed dwelling at Plot 9 would have any significant impact on the level of privacy which residents of 4 The Hollies could reasonably expect to enjoy. 4 The Hollies has windows within its side elevation facing the application site, however these are secondary windows and it is considered that the 7m separation distance between these and the proposed houses would ensure that they receive natural light. Plot 9 would have no windows within its side elevation. Overall it is considered that the proposed development would not result in a significant impact on the amenity of local residents.

## COMPATIBILITY OF THE PUB WITH THE BARN CONVERSION

4.15 The Environmental Protection Unit have raised some concerns about the compatibility of residential use of the barns in close proximity to the rear of the pub. The pub is currently vacant and therefore it has not been possible to carry out a noise survey of the pub. There is some potential for activity at the pub to cause noise nuisance should it re-open. However, it is recognised that the pub already sits in close proximity to a number of other houses in the area and therefore has to operate within the context of its surroundings. The applicant has offered to build a 1.8m high brick wall between the rear of the pub and the barns and to separate all activity from the rear yard area of the pub.

4.16 It is considered that there is a solution to mitigating any potential noise impacts from use of the pub. As well as the proposed boundary wall it is considered that measures could be put in place such as secondary glazing which would reduce the amount of noise entering the barn whilst retaining the character and appearance of the barn.

## CAR AND CYCLE PARKING AND BIN STORAGE

4.17 Each of the proposed dwellings would have access to a rear garden area without the need to go through the house. It is therefore possible for each household to be able to store bicycles and bins away from public areas. Plots 5, 6, 7, and 8 would share access to their private gardens through a walkway under Plot 7. This would need to be secured by a gate, which could be conditioned as part of any approval.

4.18 The submitted plans show that each dwelling would have one car parking space. Eight of the nine houses proposed are two bedroom in size with one being three bedroom. The level of car parking is within maximum car parking standards as set out in the Development Control Local Plan. The size of the dwellings is such that it is expected that each dwelling would only be occupied by a small number of people.

Given this and the sustainable transport choice in this location, it is not considered that the development would cause significant problems with indiscriminate parking along The Village or in neighbouring residential streets.

4.19 It is expected that refuse and recycling would be collected from the front of the site as there is no scope for a refuse vehicle to enter the site and turn around. The applicant is proposing that a refuse collection point is located towards the front of the site adjacent to The Village. Details of this area have not been included within the application submission and a condition is recommended relating to the design and details of this area. Whilst this collection point is close to the road in a conservation area, it would be located next to a Parish notice board, a waste bin, and a bus shelter. There is also landscaping along the frontage which would help to screen the bins when they are brought down to this location on refuse and recycling collection day.

4.20 In recent times there has been an informal arrangement whereby the pub allowed non-customers to use their car park. This was a particular advantage for parents wishing to drop their children off at the school on the opposite side of the road. The school only has a small car park. Whilst the loss of public use of the pub car park could cause some additional demand for parking and waiting space along The Village and surrounding streets, it is not considered reasonable to expect the pub to carry on providing an informal and free car park for local residents and parents visiting the school. This arrangement could end at any time without recourse to the Planning Authority. Whilst the loss of car parking facilities has raised some concerns with local residents, it is not considered that an objection on these grounds could be sustained.

## AFFORDABLE HOUSING

4.21 The latest affordable housing targets for developments between five and ten dwellings in rural areas, such as that proposed here, is for 20% on site provision. As the application consists of nine dwellings, one affordable house on site is required with a commuted sum payable for the remaining contribution given that 20% of nine dwellings is not a whole number. The applicant has proposed that one of the two bedroom new build houses would be offered for social rent. The applicant has agreed to pay £46,282.50 as a commuted sum. Both the on-site provision and commuted sum for off-site provision would be secured through a Section 106.

## LEISURE

4.22 Policy L1c of the Development Control Local Plan seeks a provision of open space for new developments. Where developments are less than ten houses a commuted sum is generally sought rather than on-site provision. This application is not seeking on-site provision; the applicant has agreed to pay £11,380 towards off-site provision.

Money paid in respect of children's equipped play space and informal amenity open space would be forwarded to the Parish Council to be spent in the local area. Money paid towards outdoor sports facilities would be used by the Council in the North Zone of the Sports and Active Leisure Strategy.

## DRAINAGE

4.23 The application site is almost entirely impermeable hard surfacing at present. The proposed development would reduce the amount of impermeable land by 418 sq.m with the creation of garden areas. Therefore the proposal would result in a lower level of surface run-off than at present. The Council's Drainage and Flood Risk team raise no objections as the proposal improves the current situation. It is recommended that a condition is attached to any approval requiring the approval of foul and surface water drainage systems.

## SUSTAINABILITY

4.24 The applicant has referred to the use and reuse of enduring sustainable materials in the development and the use of insulation from recycled materials. Photo voltaic or solar panels are proposed (although there is no policy requirement below 10 dwellings). The village is served by an hourly bus route to York and beyond, and there are community facilities and schools nearby. The development which would provide additional is considered to be sustainable in the terms of the National Planning Policy Framework and is therefore subject to the presumption in favour of approval provided there are no significantly detrimental impacts. From the above assessment there are no such harmful effects of the development.

## 5.0 CONCLUSION

5.1 The proposed development brings the former agricultural barn back into active use and helps to ensure its long term survival. It is considered that the proposed conversion of the barn into dwellings has been designed so as to retain its existing character and appearance as far as possible.

5.2 The proposed new build houses are modest in scale and would not be visually prominent from The Village. Due to the recent substantial backland development at The Hollies, it is considered that the proposal would not have a significant impact on the historic character and form of the conservation area. The proposed houses are traditional in design and materials.

5.3 It is considered that the proposed development has been designed in such a way that it would not have a significant adverse impact on neighbouring amenity. Car parking is provided in accordance with local standards and there is scope for secure cycle parking as well as being able to store bins away from the public domain.

Affordable housing and open space provision is in line with local standards.

5.4 Therefore the application is recommended for approval subject to conditions and the completion of a Section 106 agreement which covers:

- the provision of one house on-site for social rent
- a commuted sum for off-site affordable housing of £46,282.50
- a commuted sum for leisure and open space of £11,380

## **COMMITTEE TO VISIT**

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

1 TIME2 Development start within three years -

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

- Proposed site plan scheme 3 12:21:12 C received 20/09/12
- Proposed house types 12:21:14 received 17/08/12
- Existing outbuildings proposed elevations 12:21:10 A received 17/08/12
- Existing outbuildings proposed sections 12:21:15 received 17/08/12
- Existing outbuildings proposed floor plans 12:21:09 A received 17/08/12

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

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

Reason: So as to achieve a visually acceptable appearance.

Informative:

All windows and doors shall be constructed of timber with a painted finish.

4 Details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

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

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

6 Prior to the commencement of development full details of the rooflights hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All rooflights shall be mounted to sit flush with the roof covering. The development shall be carried out in complete accordance with the approved details and thereafter retained.

Reason: To protect the character and appearance of the barn building within the Conservation Area.

7 Prior to the commencement of development full details of the 'domestic refuse collection point' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter retained.

Reason: To protect the character and appearance of the Conservation Area.

8 Large scale details of the vertical cross section through windows at 1:10 indicating joinery sections, set back in reveal and sill profile shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (enlargement or improvement of dwelling house), B (enlargement of roof), C (alterations to roof), D (construction of a porch), and E (construction of outbuilding) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and the character and appearance of the area the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows, doors or other openings, other than those shown on the approved plans, shall be inserted into the dwellings.

Reason: In the interests of the amenities of occupants of the adjacent residential properties and to protect the character and appearance of the Conservation Area.

11 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of what measures shall be provided within the design of the new buildings/conversion to accommodate bats. The work shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, and bat boxes.

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

12 The building envelope of the converted barn hereby approved shall be developed so as to provide sound attenuation against external noise of not less than 35 dB(A), with windows shut and other means of ventilation provided, if required. Prior to the commencement of development a detailed scheme for the sound attenuation measures to be incorporated, if necessary, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To protect the amenity of the proposed dwelling occupants.

Informative

Sound attenuation could consist of an acoustic barrier and/or window and door alterations.

13 Prior to the development commencing details of the cycle parking, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the cycle parking facilities have been provided within the site in accordance with such approved details.

Reason: To promote sustainable transport choice.

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

Reason: In the interests of highway safety.

15 Notwithstanding the information contained on the approved plans, the height of the new build houses shall not exceed 8.7 metres in height, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

16 Development shall not begin until full details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

17 Prior to the commencement of development, details of a security gate under Plot 7 to secure the rear garden areas of Plots 5, 6, 7, and 8, shall be submitted to and approved in writing by the Local Planning Authority. The security gate shall be installed in complete accordance with the approved plans prior to the first occupation of a house within one of these plots and thereafter retained.

Reason: In the interests of crime prevention.



**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 residential development on this site;
- Impact on the character and appearance of the conservation area;
- The impact on residential amenity;
- Compatibility of the pub with the barn conversion;
- Car and cycle parking and bin storage;
- Affordable housing;
- Leisure; and
- Drainage

As such the proposal complies with Policies GP1, HE2, HE3, H4A, H5A, and L1C of the City of York Development Control Local Plan.

**Contact details:**

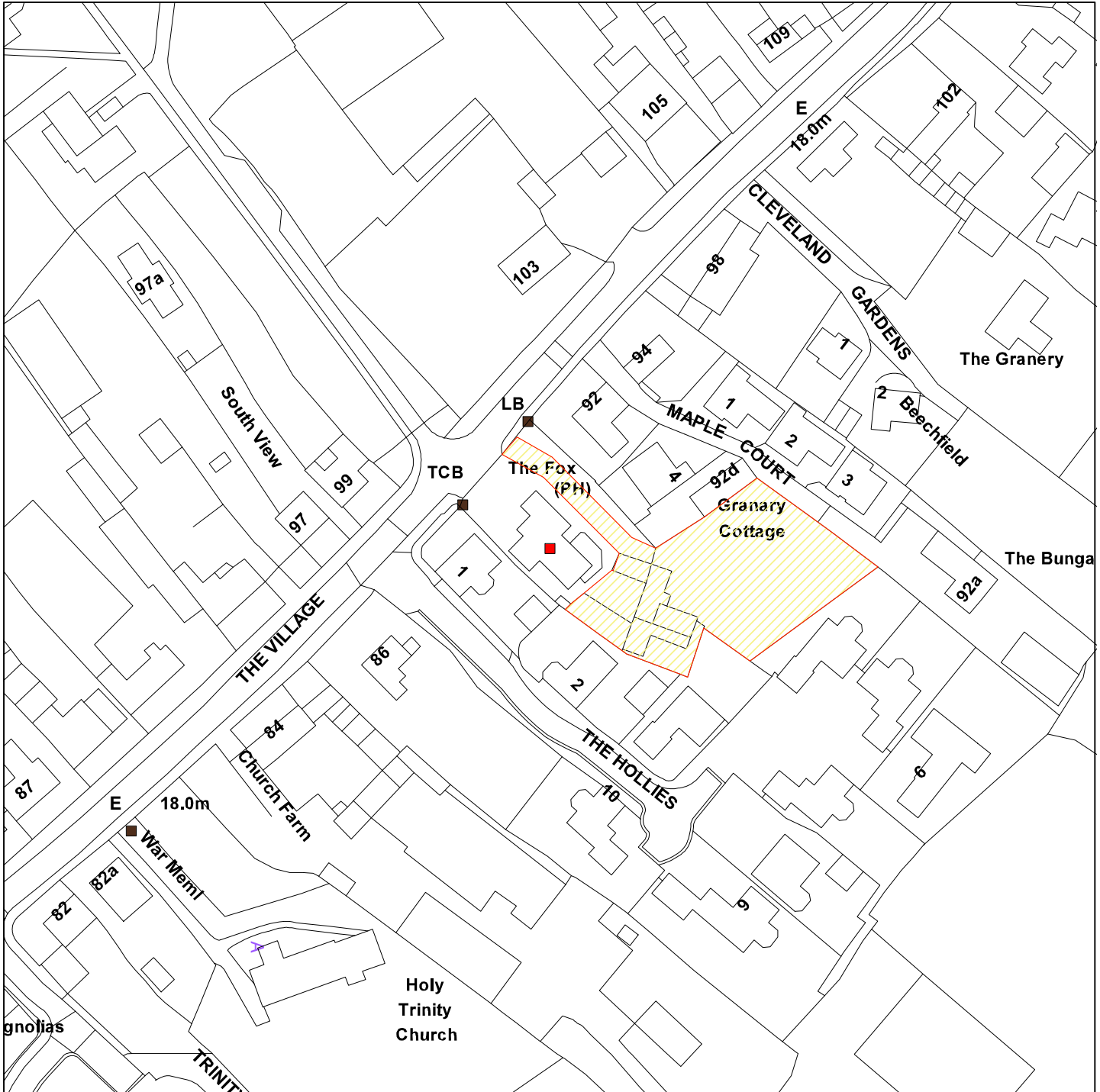
**Author:** Michael Jones Development Management Officer  
**Tel No:** 01904 551339

# The Fox Inn 90 The Village Stockton On The Forest

12/02909/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 8 November 2012      **Ward:** Fulford  
**Team:** Major and      **Parish:** Fulford Parish Council  
Commercial Team

**Reference:** 12/03168/FUL  
**Application at:** York Designer Outlet St Nicholas Avenue York  
**For:** Temporary use of car park for funfair  
**By:** Ms Maria Farrugia  
**Application Type:** Full Application  
**Target Date:** 23 November 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission for the temporary use of part of a car park at the Designer Outlet for a funfair. The proposed funfair would operate alongside the ice rink which was given a five year temporary planning permission in 2011 (11/00868/FUL). A funfair operated at the site last year without planning permission, the proposed funfair for which planning permission is sought is similar to that at last year's event. The funfair would be located on an area of car parking consisting of approximately 100 spaces adjacent to the South Entrance of the Designer Outlet. The funfair would be located between the ice rink and the main pedestrian boulevard which accesses the south entrance.

1.2 The proposed funfair would consist of the following rides; Speedway, Carousel and Dodgems as well as a Helter Skelter, a small Planes ride and a toy stand. In addition the site would contain six market type stalls and a food stall. The funfair would sit on a site measuring approximately 40m by 47m. The funfair would be powered by a generator which would be located towards the south of the development site next to the Dodgems.

1.3 The funfair would operate alongside the Ice Factor. The Ice Factor has planning permission to operate between 1st November and 31st January each year until January 2016. The ice rink and cafe is permitted to operate between 08:30 and 21:30 hours Mondays to Sundays during these dates. The proposed funfair would operate between 10:30 to 21:30 hours Monday to Sunday. The site would employ seven staff.

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

1.5 This application has been brought before East Area Planning Committee because the application for the ice rink was determined at committee level.

A site visit is recommended to understand the context of the site and the relationship between the site and the nearest residential dwellings.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1 -Design

CYGB1 -Development within the Green Belt

CYGP23 -Temporary planning permission

## **3.0 CONSULTATIONS**

### **INTERNAL**

3.1 Highway Network Management - No comments received at the time of writing the report.

3.2 Environmental Protection Unit - the application has been considered in terms of noise, lighting, nuisance, air quality and contaminated land. The main issue is to prevent nuisance from the proposed development, as such, should permission be granted for this proposal it is recommended that conditions covering the following issues are included with any approval:

- The hours of operation of the funfair shall be confined to 1030 hours to 2130 hours Mondays to Sundays.
- No lighting associated with the development, other than security lighting, shall operate outside the hours of 0900 hours and 2200 hours, unless required for emergency purposes.
- No audio systems associated with the development shall operate outside the hours of 0900 hours to 2200 hours, unless required for emergency purposes.
- The funfair shall be laid out in accordance with the submitted plans which shows the generator in position, this is required to ensure the generator is sited in the shown location to provide maximum attenuation of noise due to distance from the nearest residential premises.

EXTERNAL

3.3 Highways Agency - No objections.

3.4 Fulford Parish Council - Comments not received at the time of writing the report, comments expected to be received before Committee date and Members will be updated.

3.5 Local Residents - One letter of objection has been received at the time of writing the report. The letter of objection was received from the residents of 34 Naburn Lane. The following comments were made:

- The event operated without planning permission in 2011/12 despite it being known that permission was needed.
- Complaints were made prior to and during the event last year, despite this an application for this years event was only submitted two months before the event is due to start.
- The funfair uses a much larger area than the Ice Factor itself, doubling the area that there is currently planning permission for which is unacceptable in the Green Belt and close to residential properties.
- It is proposed to use generators as sufficient mains electricity is not available. There are historic problems with noise from this event which resulted in the most recent ice rink application containing a condition requiring it to be run on mains electricity rather than generators.
- Generators were only allowed for emergency purposes at the ice rink because they would be needed to stop the ice melting if mains power failed. However, the same problem does not apply to funfair rides, and it is extremely disappointing that the use of generators is proposed.
- Whilst the proposed funfair generators are located further from houses on Naburn Lane than the chiller generators for the ice rink, there is no guarantee that the hum from the generator would not be audible from these houses.
- This year planning permission has already been granted for a miniature railway to operate within the grounds of the Designer Outlet, yet another diversification of the shopping centre and there is a real danger that the whole area will turn into a seasonal theme park rather than a retail destination.
- The applicants claim that 100 car parking spaces would be used up at a time when demand for car parking is at its highest. At last years event cars were parked all along access roads and even across pedestrian crossings with pedestrians forced to walk along the road.
- The applicants claim that the car parking problem last year was caused by people wishing to use the Park and Ride, this highlights the high demand for car parking at this site during the Christmas period and to reduce the number of car parking spaces available is ludicrous.
- People would visit the Designer Outlet and ice rink with or without a funfair; the application is an attempt to generate more money from visitors.

- The deployment of marshals to help people find car parking spaces can only have limited effect as people become frustrated and abandon their vehicles wherever they can.
- There were issues last year of noise from music and staff shouting, this is simply down to the fact that the event is too close to houses. Last year the use of a large ride called the 'Chairoplane' created nuisance through screams which it is impossible to control.
- The rides are visible through trees and can create light pollution.
- There are bats which use the area and the site is close to an SSSI, however no bat survey has been carried out.

## 4.0 APPRAISAL

4.1 The key issues are:

- The impact on the Green Belt
- The impact on residential amenity
- Highways and car parking

### GREEN BELT

4.2 The whole of the application site is within the Green Belt. The NPPF states that Green Belt land allocation serves five purposes, these are 1) to check the unrestricted sprawl of large built-up areas; 2) to prevent neighbouring towns merging into one another; 3) to assist in safeguarding the countryside from encroachment; 4) to preserve the setting and special character of historic towns; and 5) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The NPPF and Development Control Local Plan set out the type of developments which are not considered inappropriate within the Green Belt. It is considered that the proposed funfair and market stall use does not fit within one of the listed potentially appropriate uses. Therefore the proposed use of land set out in this application represents inappropriate development. Inappropriate development is considered harmful to the Green Belt by definition. The NPPF states that 'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' (to justify development) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

4.3 The proposed use of land would only take place for a limited period of the year. It is considered that if Members are minded to approve the application that permission should only be granted for the proposed funfair use for a period of time which matches the permission of the ice rink. Any permission could be conditioned such that the funfair is only on site in November, December and January and shall only be permitted until January 2016.

4.4 Whilst the applicants have not provided a supporting statement which seeks to promote very special circumstances to overcome the presumption against inappropriate development in the Green Belt, it is clear that there are a number of considerations which need to be balanced against the harm through inappropriateness. The proposed funfair would be sited next to an ice rink which also includes a covered skate hire and cafe facility. To the east of the proposed funfair would be the substantial building of the Designer Outlet. Added to this is that the site sits within a substantial car park with associated footpaths and lighting. The Designer Outlet is well screened through substantial planting around the boundary. Given the site circumstances, and the fact that any use would only take place for a limited period of time, it is considered that the proposed development would not harm the openness of the Green Belt or the five purposes of including land within the Green Belt. It is therefore considered that these considerations outweigh the harm by reason of inappropriateness.

#### RESIDENTIAL AMENITY

4.5 Policy GP1 of the Development Control Local Plan seeks, in part, to protect the amenity of local residents. The nearest residential dwellings are along Naburn Lane. The nearest house to the site of the proposed funfair is 32 Naburn Lane which is approximately 125m away. The ice rink would be located between the funfair and these houses. Between the ice rink and Naburn Lane is a substantial area of mature landscaping.

4.6 Concerns have been raised by a local resident that the funfair would cause a nuisance through noise and light. A funfair operated at the site last year and the letter of objection states that this caused a nuisance. Complaints were received during last year's event which were investigated, however Officers found no reason to take any action. The funfair is likely to increase the amount of noise generated at the site, however the funfair is further from residential dwellings than the ice rink which was considered acceptable and approved. The applicants have changed one of the rides this year from those used last year. The 'Chairoplane' has been replaced with a Carousel which is considered likely to reduce the amount of noise generated by the riders. In total there would be two large fair rides, two small fair rides, three games stalls, six log cabins, a food trailer and a pay booth.

4.7 The funfair is relatively modest in scale. The generator which has raised particular concerns in the past is located as far away from residential dwellings as possible within the site. The generator would be approximately 170m from the nearest dwelling. The applicants have provided technical information regarding the generator they wish to use for the event, this data includes maximum noise levels which have been considered acceptable by the Environmental Protection Unit at this distance from residential dwellings. It is not possible to operate the funfair without a generator; it is not possible to connect it up to mains electricity. The funfair would operate for fewer hours than the ice rink with the same finishing time in the evening.

The residential dwellings on Naburn Lane experience background noise through the use of local roads, the A64 and the operation of the Designer Outlet. It is considered that the proposal would not significantly harm the amenity of local residents subject to conditions which limit the hours of operation, ensure lights are turned off by 22:00 hours, no audio systems operate after 22:00 hours, and that the funfair is laid out as shown on the submitted plans.

## HIGHWAYS AND CAR PARKING

4.8 The proposed development would reduce the amount of car parking on site from 2800 to 2700 spaces. Whilst the loss of 100 car parking spaces is significant, it represents a relatively small amount of the overall provision. The car park at the Designer Outlet is busy at Christmas time. Evidence provided by local residents and the Parish Council in respect of the previous application for an ice rink highlights the car parking issues which can occur and have occurred without the funfair on site.

4.9 Indiscriminate parking within the grounds of the shopping centre is for the management of the Designer Outlet to manage and control. It is the responsibility of the Designer Outlet to suitably control parking within the site and ensure pedestrian safety. It is not considered that the proposed funfair would attract a large number of customers; it is considered more likely that during Outlet opening hours, the funfair would be used by people who were already planning to visit the site for shopping and to skate. The Local Planning Authority operates maximum rather than minimum car parking standards and it is not considered that an objection on the grounds of loss of car parking for 3 months of the year could be sustained in this instance. The site is accessible by Park and Ride bus as well as a regular bus service between York and Selby.

4.10 Detailed written comments have not been received from Highway Network Management at the time of writing the report. However, from discussions it is understood that objections will not be raised. An update will be provided at Committee. The Highways Agency has raised no concerns in terms of the impact on the A64.

4.11 The letter of objection received from a local resident raised the issues of bats and wildlife and concerns that the proposed development could have an adverse impact. Advice taken from the Council's Countryside Assistant at was that given the existing level of illumination and lighting at the Designer Outlet, the proposed development is unlikely to have an additional impact on wildlife.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development would not harm the openness or the purposes of including land within the Green Belt.



It is considered that residential amenity would not be significantly harmed and conditions are recommended in this respect. Whilst the loss of car parking spaces within the Designer Outlet may result in some congestion within the site, it is not considered that this would create any significant harm to the local highway network and would not warrant a reason for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 The use hereby approved shall only operate between 1st November and 31st January for a period of four years and shall cease by 31st January 2016 unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: The temporary nature of the use is such that the use is considered inappropriate on a permanent basis.

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

Site layout drawing number PJM received by CYC on 01/10/12

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

3 All buildings, structures and equipment associated with the approved use shall be removed from the site and the land reinstated to its former condition and use as a car park at or before 31st January of each year for the period of this consent unless an extension of the period shall first have been approved in writing by the Local Planning Authority.

Reason: To ensure the car park is re-instated in line with the requirements of the shopping centre and to protect the visual amenity of the area.

4 The hours of operation of the funfair and associated stalls shall be confined to between 10:30 and 21:30 hours Mondays to Sundays.

Reason: To safeguard the amenities of local residents.

5 No lighting associated with the use hereby approved, other than security lighting, shall operate outside the hours of 09:00 to 22:00, unless required for emergency purposes.

Reason: To safeguard the amenity of local residents

6 No audio systems associated with the use hereby approved shall operate outside the hours of 09:00 to 22:00 unless required for emergency purposes.

Reason: To safeguard the amenity of local residents

## **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 Green Belt, the amenities of local residents, and on the local highway network and car parking. As such the proposal complies with Policies GB1, GP1 and GP23 of the City of York Development Control Local Plan and Government advice contained within the National Planning Policy Framework.

#### **Contact details:**

**Author:** Michael Jones Development Management Officer

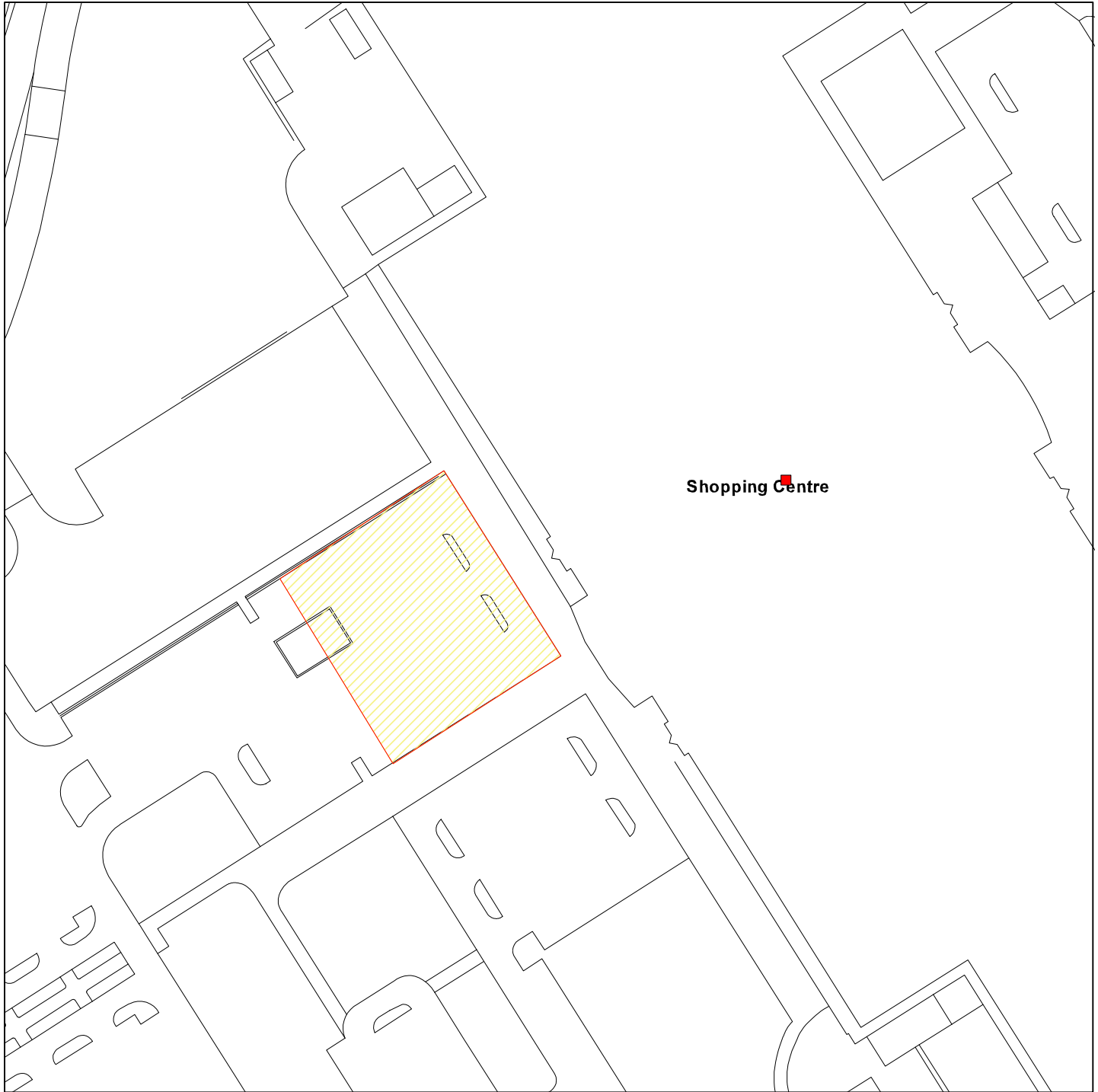
**Tel No:** 01904 551339

# Designer Outlet St Nicholas Avenue

12/03168/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 8 November 2012      **Ward:** Clifton  
**Team:** Householder and      **Parish:** Clifton Planning Panel  
Small Scale Team

**Reference:** 12/02675/FUL  
**Application at:** 24 Wilberforce Avenue York YO30 6DS  
**For:** Change of use and conversion of existing property to an 8 bed house in multiple occupation (sui generis)  
**By:** Mr & Mrs C Hazel  
**Application Type:** Full Application  
**Target Date:** 5 October 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Proposal - The application seeks planning permission to create a HMO with 8 bedrooms. There would be three permeable paved car parking spaces to the front of the property, and a bicycle/bin store at ground floor to the side. The rest of the ground floor will comprise a lounge, pantry, kitchen, dining area and store. A large sunroom/study will be located in the rear garden. At first floor there will be six bedrooms and a bathroom. Within the loft space there would be two further bedrooms, a bathroom, and a sitting area.

1.2 This application was called in by Councillor Helen Douglas on 17/09/2012 - the reason cited being over development and insufficient parking.

### 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:

CYH7 -Residential extensions

CYH8 -Conversion to flats/HMO/student accomm

CYGP1 -Design

### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Integrated Strategy Unit - 21.09.2012 - 24 Wilberforce Avenue falls within a neighbourhood area where 1.9% of properties are shared houses. Within 100m of the property there are 5% shared houses. As such, in accordance with the provisions of the Draft HMO Supplementary Planning Document (SPD) neither the neighbourhood area nor street level threshold has been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of should also be undertaken. Given that the proposal includes the conversion of the property from 5 bedrooms to 8 bedrooms, the DM Officer should be mindful of the draft SPD paragraph 5.17, particularly bullet point 5, which states that the applicant should demonstrate that the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.

3.2 - The Internal Strategy Unit was further consulted informally on 03/10/2012. It does not hold any statistical information in terms of current demand to occupy large HMO's.

3.3 - Building Control - were informally consulted on 11.10.2012, in terms of the external noise mitigation measures submitted. Their view was that the measures met only very 'basic specifications'

#### **EXTERNAL:-**

3.4 Clifton Planning Panel - 12.09.2012 - No objections, but the panel recommends a 'suitable management plan'

3.5 Neighbours - no replies received

3.6 Site notice posted 04.09.2012 - no responses received

### **4.0 APPRAISAL**

#### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- Amenity of future occupiers of the property.
- Impact upon the residential amenity of neighbouring properties;

## POLICY BACKGROUND

4.2 THE NATIONAL PLANNING POLICY FRAMEWORK states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It also states that local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This will include planning for a mix of housing based on current and future demographic trends and the needs of different groups in the community (paragraph 50).

## THE APPLICATION SITE

4.3 No 24 Wilberforce Avenue forms one of a block of three terraced properties. The applicant's agent has stated that the historic configuration of these properties is somewhat unusual. Namely, the two ends of terrace properties (24 and 28) are both 6 bedroom terraced houses, and no 26 is a ground floor flat. The bedrooms of both nos 24 and 28 oversail the flat below. The current existing plan indicates five bedrooms at first floor, but none in the loft space. The proposed scheme incorporates an additional sixth bedroom at first floor, with two bedrooms in the loft space. The site is located a short walking distance from local shops and other amenities, and is also within close proximity of a bus route into the city centre. The location is considered to be sustainable.

## AMENITY OF FUTURE OCCUPANTS OF THE SITE

4.4 INTERNAL/EXTERNAL AMENITY SPACE - At ground floor the proposal incorporates a lounge, measuring approx 4.3m x 3.7m. This is open plan leading to a kitchen (approx 4.2m x 4.0m). This is also open plan, leading to a dining area (approx 5.1m x 2.4m). In the rear garden is a sunroom/study (approx 6.5m x 3.6m). Within the attic is a 'sitting area' (approx 6.6m x 2.5m). It is considered that this level of shared amenity space is adequate for the proposed. This compares favourably with a similar application for a 'Large HMO' at 9 Green Dykes Lane ref. 12/02300/FUL, which was refused. The only communal amenity space indicated on that application was a kitchen/dining room and a lounge. In addition, the rear garden of no 24 Wilberforce Avenue is significantly larger than that of no 9 Green Dykes Lane.

4.5 OFF-ROAD PARKING - CYCLE/REFUSE STORAGE - The proposal incorporates three off-road parking spaces to the front of the property. These will be constructed from permeable materials. There is a refuse and cycle store (7.7m x 1.6m) and both these provisions satisfy Highway Network Management.

4.6 BEDROOM SIZES / BATHROOMS - The bedroom sizes are adequate, though relatively modest in scale, varying from between (approx 3.7m x 3.1m) to (3.2m x 2.1m). There will be three bathrooms serving the eight bedrooms.

#### IMPACT UPON THE AMENITY OF NEIGHBOURING PROPERTIES

4.7 DENSITY OF HMOs - As stated above, the density of shared houses within the application neighbourhood area is 1.9%. This compares favourably with the threshold set out within the SPD 'Controlling the Distribution of HMOs' of 20%. Within 100m of no 24 Wilberforce Avenue the proportion of shared houses in the area is 5%, compared to the threshold in the SPD of 10%.

4.8 SUPPLEMENTARY PLANNING DOCUMENT (SPD)'Controlling the Distribution of HMOs' (APRIL 2012) - Paragraph 5, 17 criterion 5 states 'The increase in the number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.'

4.9 The development of the loft space has created the additional two bedrooms, taking it to eight in total. It would not be unreasonable to expect the eight proposed tenants to arrive and depart the property at different times of the day. However given the original configuration of the three terraced properties, any occupants of the flat (no 26) would be aware that bedroom windows from nos 24 and 28 Wilberforce Avenue would overlook the rear garden of no 26. Further, sound insulation, in terms of the floors of bedrooms 5 and 6 (the original floor/ceiling between the dwellings) may well provide significant insulation from noise.

4.10 In terms of the adjacent property of no 22 Wilberforce Avenue, the bicycle and bin store, which will face onto this neighbour's gable wall, will incorporate acoustic wall panels. Properties on Evelyn Crescent to the rear will be partially screened from the sunroom/study, by an approx 2m high leylandii hedge.

4.11 MANAGEMENT PLAN. The applicant has given a commitment that in the event of consent being granted, the property will be managed by a local recognised management agency "Letters of Distinction" and that it will be instructed only to consider letting to "professional people in full time employment" Additionally, there is a commitment to organise a contractor to provide a regular fortnightly garden maintenance service. It is possible to require, as a condition of any approval, the submission of a management plan, to be agreed in writing by this authority.

## 5.0 CONCLUSION

5.1 The HMO would be well within the density thresholds as set out in the SPD for controlling HMOs. Subject to conditions, the proposal is considered to be acceptable.

The original layout and configuration of the 2 dwellings and flat at this short terrace result in there being potentially no significant reduction in the levels of amenity currently available by the occupants of these properties, in terms of overlooking or noise disturbance.

5.2 The standard of amenity for the future occupants is considered to be acceptable, and the inclusion of a management plan condition on any permission granted would help to ensure the appropriate maintenance and control of the use of the property.

5.3 In light of the above it is considered that there are no compelling reasons to refuse planning permission.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

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

257/03 - 257/04 - 257/05 - 257/06 - Received 16th August 2012.

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

3 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

i) Information and advice to occupants

ii) Garden maintenance

iii) Refuse and recycling facilities

iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.



**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 effect on residential amenity and the impact on the streetscene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

2. Note: The applicant should adhere to the principles and commitments set out in the management plan, which formed part of the submitted application.

**Contact details:**

**Author:** Paul Edwards Development Management Assistant

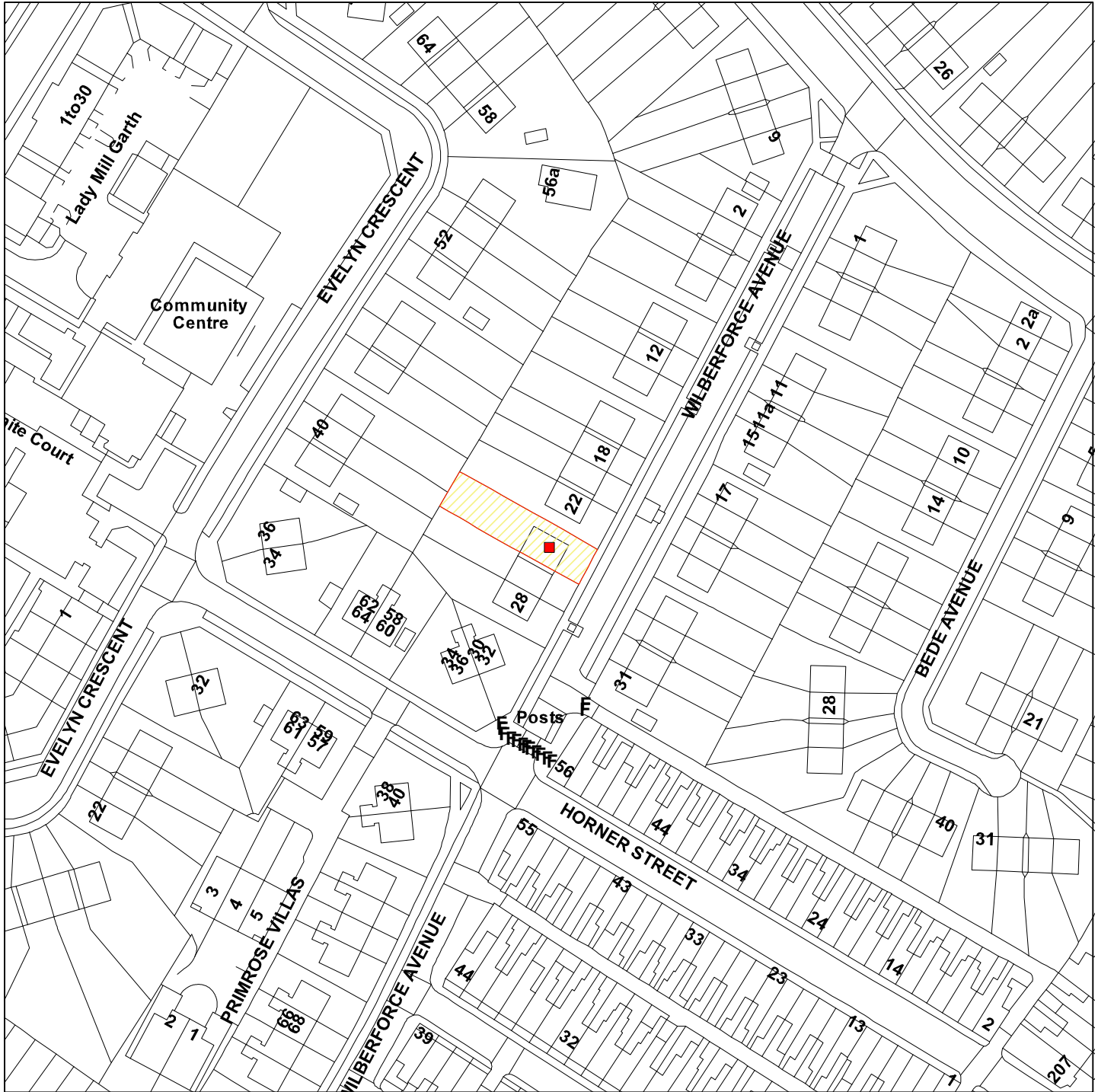
**Tel No:** 01904 551642

# 24 Wilberforce Avenue

12/02675/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 8 November 2012      **Ward:** Clifton  
**Team:** Householder and      **Parish:** Clifton Planning Panel  
Small Scale Team

**Reference:** 12/03030/FUL  
**Application at:** The Little House 21 Rawcliffe Lane York YO30 6SH  
**For:** First floor side extension and erection of detached garage  
**By:** Mr & Mrs Graham Titchener  
**Application Type:** Full Application  
**Target Date:** 12 November 2012  
**Recommendation:** Delegated Authority to Approve

**1.0 PROPOSAL**

1.1 This application seeks planning permission for a first floor extension and erection of a detached garage, on a detached property at 'The Little House' 21 Rawcliffe Lane, Clifton.

1.2 Relevant property History: None.

1.3 The application site lies within the Clifton Conservation Area No.2

1.4 The application is brought to the Committee for a decision as the applicant is an employee of the Council.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Clifton CONF

Conservation Area GMS Constraints: Clifton (Shipton Road) CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: Clifton Without Junior 0189

## 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

CYHE3  
Conservation Areas

## 3.0 CONSULTATIONS

3.1 Internal - Urban Conservation and Design - Report received 19/10/2012. The report identifies the site as being of 'early twentieth century garden suburb style.' It raises concerns that the proposed garage, forward of the front elevation of the house, is 'at odds' with the characteristic of the plots. It recommends the removal of the proposed roof lights from the front elevation, and also the removal of the proposed oculus in the end gable. The conservation officer was further consulted on 23.10.2012, following the applicant agreeing to the proposed revisions, with the exception of the oculus, which he strongly wishes to be retained in the scheme.

3.1.2. There are eleven protected trees within the application site and the Council's Landscape Architect was consulted on 24.10.2012. She reported that due to the distances of protected trees from the proposed extension, she had no comments to make on the application.

## 3.2 External

3.2.1 Clifton Planning Panel - No objections 15.10.2012.

3.2.2 Neighbour Response - No response from consulted neighbours

## 4.0 APPRAISAL

### 4.1 Key issue(s):

: Effect upon neighbouring property and the street scene

: Impact on the Clifton Conservation Area no.2

4.2 Paragraph 17 of the National Planning Policy Framework (Core Planning Principles) states that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.4 Draft Local Plan Policy CYHE3 states that planning permission; within conservation areas proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 The Application Site. The application seeks planning permission for additional living accommodation in the form of an extended bedroom, utility room and en-suite at ground floor, an additional third bedroom and detached office at first floor, and a detached garage in the front garden. The proposal raises no issues in terms of off-road parking, refuse, or cycle storage.

4.6 Impact on the streetscene and character and appearance of the Conservation Area

4.7 The application property lies within the Clifton Conservation Area, and is on the boundary of the Clifton (Malton Way/Shipton Road) Conservation Area. This was designated to preserve an enclave of housing constructed to the design of Barry Parker, and the area epitomises the attributes of the garden suburb movement. The design and layout of the application property and its surrounding neighbours references very closely the Barry Parker design. The benefit of not incorporating a set down, or set back to the proposed extension, is that the scale and design of the original gable elevation will be preserved (with the exception of the proposed oculus).

4.8 In an e-mail received on 23.10.2012, the applicant agreed to the recommendations of the conservation officer in terms of removing the proposed roof lights on the front elevation; and either removing, or re-siting the proposed garage to a location acceptable to this Authority. The applicant does wish however to retain the oculus on the gable wall. Although the conservation officer feels this will introduce an alien design feature, not seen on surrounding properties, this element would in fact constitute permitted development, as long as the window was obscure glazed. It could, therefore be deemed unfair to refuse this element through condition, when other neighbouring properties could incorporate similar features without requiring consent. Subject to conditions recommended by the conservation officer, it is considered that the proposal will preserve the character and appearance of the conservation area.

4.9 Impact on Neighbouring Properties - The only property potentially affected is that of no 8 Rawcliffe Grove. The configuration of the two properties means the proposed extension will face very obliquely onto this neighbouring property's gable elevation and also its rear garden. There will be no impact on afternoon or evening sunshine. The proposed extension will be set back approx 7.0m from the shared boundary, which is screened by a high hedge. The only facing windows are those of bedrooms at ground and first floor. No serious issues arise in terms of overshadowing, over-dominance, or loss of privacy.

## 5.0 CONCLUSION

5.1 The proposal, subject to conditions, is considered to be acceptable.

## 6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

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

Drawing numbers to be inserted

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approv -

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

: Vertical cross section through front elevation of dormers at a scale of 1:5

: Vertical cross section through gable and elevation at 1:20

: Vertical cross section through window frames and glazing bars at 1:2

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area and the effect on neighbour amenity. As such the proposal complies with national planning advice in relation to design contained within the national Planning Policy Framework and Policies HE2, GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

#### **Contact details:**

**Author:** Paul Edwards Development Management Assistant

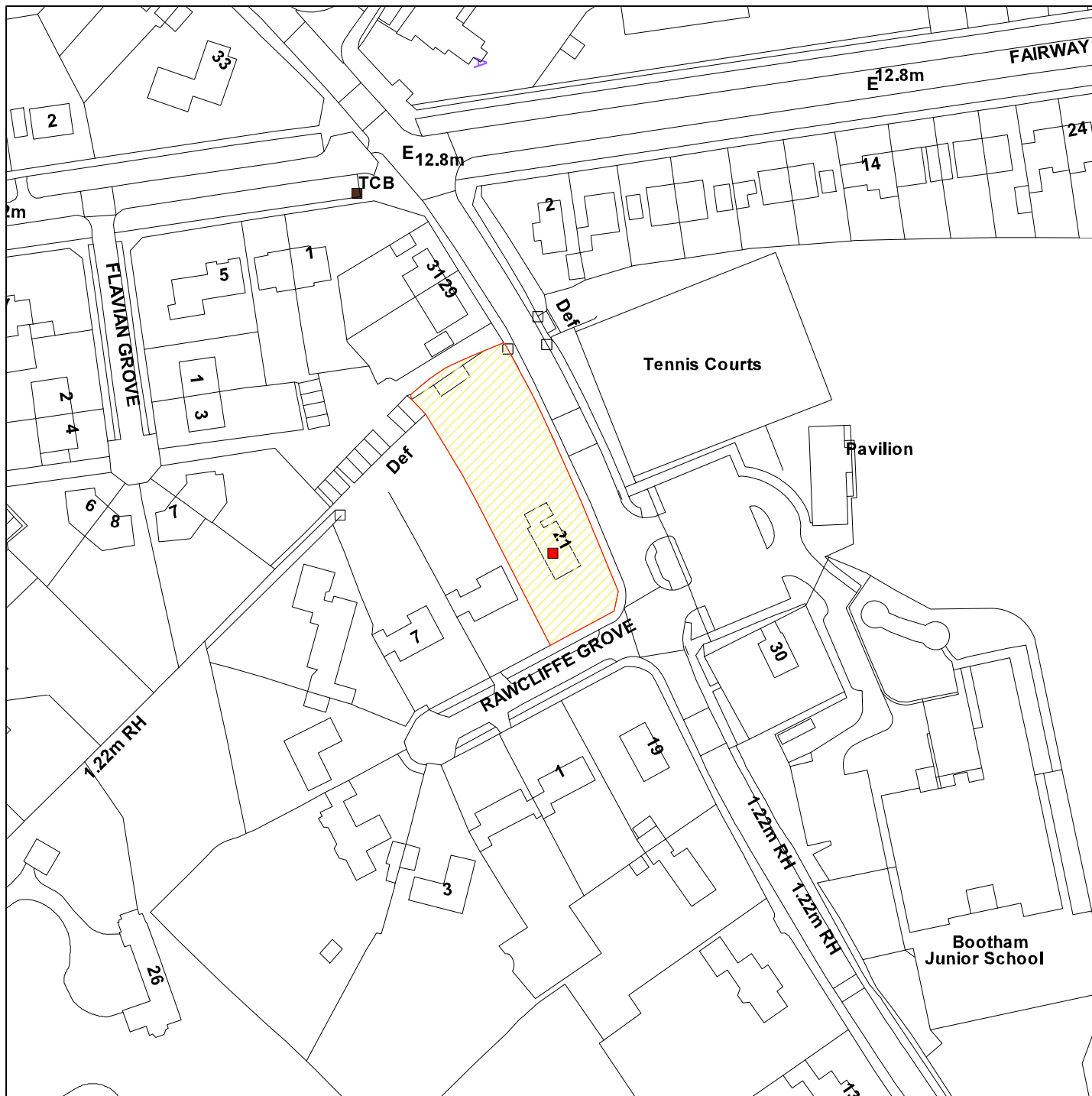
**Tel No:** 01904 551642

# The Little House 21 Rawcliffe Lane

12/03030/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

**Date:** 8 November 2012      **Ward:** Fishergate  
**Team:** Major and      **Parish:** Fishergate Planning  
Commercial Team      Panel

**Reference:** 12/02534/FUL  
**Application at:** New Walk York  
**For:** Mooring for one vessel to be used as a cafe adjacent to Millennium  
Bridge  
**By:** Mr David Meigh  
**Application Type:** Full Application  
**Target Date:** 17 September 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application seeks permission for a mooring on the towpath adjacent to the Millennium Bridge on the eastern side of the River Ouse. The proposal would involve setting nine mooring rings into the towpath and would be used by one boat for the sale of refreshments to the general public. The applicant anticipates that the facilities would be used during the day during the hours of 10.00am to dusk and the boat will be moved to a private mooring when not trading. The site is in the Green Belt and the New Walk/ Terry Avenue Conservation Area.

1.2 The application has been referred to the Committee for a decision as it has been submitted on behalf of City of York Council by Property Services. In addition, Councillor D`Agorne wishes the application to be determined by Committee in order that any interested parties can attend the meeting and make personal representations. He has also raised issues relating to the potential impact on trees, safe access for the elderly and increased litter.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: New Walk / Terry Avenue CONF

City Boundary GMS Constraints: York City Boundary 0001

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

## 2.2 Policies:

CYSP3

Safeguarding the Historic Character and Setting of York

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE8

Green corridors

CYHE3

Conservation Areas

CYGB1

Development within the Green Belt

CYL4

Development adjacent to rivers

## 3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Notwithstanding the incorrect description of the Horse chestnut as an Elm, I have no objection to the proposals. It is a very low key intervention to facilitate an amenity suited to the location adjacent to the public open space and benches; furthermore the sight of a temporary additional barge along the river would be welcomed. The area to be re-graded is relatively slight and much of the upper material at least is built up silt.

Fishergate Planning Panel

3.2 No objections

Cllr D'Agorne

3.3 Raise concerns in relation to the reprofiling of the bank and the potential impact on the health of the nearby tree.

3.4 Do not object to the proposal itself but ask that consideration be given to the potential for increased litter in the area and more picnic benches would have an impact on the ability to mow the grass and greater footfall could further compact root zones of trees that are already stressed by such compaction.

3.5 Whilst it may not be possible to provide a disabled ramp, a simple steel handrail should be provided for the steps and a post/ posts and chain installed at the end of the towpath, just to the south of the moorings where it abruptly terminates with a sheer drop into the river. Minor levelling to provide a path from the railway line to the top of the steps is all that is needed to provide safe pedestrian access without disturbing tree roots.

Publicity

3.6 The deadline for comments was 4.9.2012. No comments have been received.

## **4.0 APPRAISAL**

Key Issues

4.1 The key issue in this case is the visual impact of the scheme with regards to whether it is appropriate development in the Green Belt, the impact on the conservation area and the waterway setting.

The proposal

4.2 The proposal would involve setting 9 mooring rings into the towpath for the use of one boat. Repairs to the existing riverbank steps using matching materials would be undertaken and a small area of tactile paving at the top of the steps would be installed. Re-grading of the riverbank to remove river deposits may also be required although it is understood that these works may be implemented prior to the application being considered at Committee by colleagues in Flood Risk Management. This is a result of the silt along New Walk needing to be removed and re-profiled as it is causing stress to the riverbank revetments. The applicant has confirmed that where the re-grading of the river bank profile affects a Horse Chestnut tree, any re-grading work would be hand dug to avoid damage to the roots.

4.3 The existing river towpath is accessed by steps at either end. The applicants have confirmed that it is not possible to provide a ramped access because of the existing trees and the change in level of the river bank. Furthermore, the proposal does not include a handrail to the steps down to the lower towpath or a footpath from the cycle/pedestrian path to the steps. This followed consultation with the Flood Risk Manager and Landscape Officer when it was agreed that any structures would cause an obstruction to the flow of the river which would result in the collection of debris when the river is in flood.

4.4 The proposed mooring would be leased by the Council and under that agreement, the Council would ensure that the boat operator provides bins and ensures that the area is kept free from litter.

The Parks and Open Spaces section have trialled two picnic tables in this location to assess whether any associated problems are likely to arise. The tables are made of recycled plastic where the seats and tables are fixed together and affixed to the site. To date, no problems have been experienced with respect to flooding issues or anti social behaviour. Parks and Open Spaces intend to add another two tables in this location. The application indicates that provided the tables are positioned to let a lawnmower through, there are no issues with grass cutting.

#### Relevant planning policy

4.5 The National Planning Policy Framework reaffirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence. The Framework confirms that the construction of new buildings as inappropriate in Green Belt (these are re-iterated in policy GB1 in the Local Plan) and lists the exceptions to this such as limited infilling in villages. Other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations and local transport infrastructure.

4.6 The Development Control Local Plan was approved for Development Control purposes in April 2005: its policies are material considerations where they reflect the National Planning Policy Framework.

4.7 The site is within the New Walk/Terry Avenue conservation area. The conservation area includes the river walkway from Skeldergate Bridge south to the Millennium Bridge on the west side of the river. The area is characterised by the relationship between the natural form of the river and the landscapes which border it, and the way the river opens out onto the Foss Basin to the north and Fulford Ings to the south. In the area where the mooring is proposed the tree-lined recreational pedestrian/cycle route along the river is referred to as contributing to the character of the conservation area. Local Plan policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.8 The site is regarded as being within a green corridor. Such areas are discussed in policies SP3 and NE8 of the Local Plan. Policy SP3: Safeguarding the Historic Character and Setting of York advises a high priority will be given to the protection of the historic character and setting of York, which includes environmental assets and landscape features, including the river corridors and green wedges which run into the heart of the city from the surrounding countryside. NE8 also seeks to protect these features from development and advises that planning permission will not be granted for development which would destroy or impair the integrity of green corridors.

4.9 L4 relates to development adjacent rivers. L4 states that planning permission will only be granted for development adjacent to rivers where there would be no loss to established recreational interests and uses, the proposed development would complement the existing character of the area and the navigational capacity of the river would not be decreased.

#### Impact on the Green Belt

4.10 Planning permission is sought for the physical attributes of the mooring and is not required for the use of the boat as a cafe. This follows an assessment that the use is not permanent as the boat would be moved every night to a private mooring available to the owner and it would be a seasonal use. The Leisure Services Department, who operate the Council moorings, would retain control over the mooring through the lease/licence agreement.

4.11 Case law has established that the physical attributes of a boat mooring are engineering operations for which planning permission is required. As detailed in paragraph 4.2, the National Planning Policy Framework confirms that engineering operations "are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt".

4.12 The installation of nine mooring rings set into the towpath and the associated works to repair the existing river bank steps and install a small area of tactile paving at the top of the steps would not be considered to be harmful to the openness of the Green Belt.

#### Impact on the setting

4.13 The character of this part of the Conservation Area is discussed in paragraph 4.4. The relevant policies of the Local Plan (HE3, SP3, NE8 and L4) all require a sympathetic approach to development in this area. It thus needs to be considered whether the proposed mooring complements/is in character with the area or whether its introduction would detract from the area.

4.14 The tree-lined recreational pedestrian/cycle route along the river contributes to the character of this part of the conservation area. Officers consider the proposed mooring for the use of one boat to operate as a cafe adjacent to the public open space and benches is a low key intervention which is suited to the character of the area. The presence of a temporary additional boat along the river is welcomed.

4.15 The proposal is deemed to comply with policy L4. There is no evidence that wildlife would be adversely affected, there would be some loss of space from where recreation (fishing in this case) would be affected, however sufficient space would be retained and the walkway and cycle way along the river would not be affected.

Navigational capacity of the river

4.16 The Canal and River Trust (formerly British Waterways) have been consulted but no response has been received to date. The Local Planning Authority has no evidence that the scheme would have any adverse impact on navigation of the river.

## **5.0 CONCLUSION**

5.1 Officers do not consider that the installation of nine mooring rings set into the towpath and the associated works to repair the existing river bank steps and install a small area of tactile paving at the top of the steps would be harmful to the openness of the Green Belt.

5.2 With respect to the impact on the setting, the use of the mooring by one boat to operate as a cafe adjacent to the public open space and benches is considered to be a relatively low key intervention which is suited to the character of this conservation area and the temporary presence of a narrow boat is considered complementary to its riverside setting. The application is therefore recommended for approval.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

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

Dwg No: 12041\_2 Rev A dated 16/5/2012  
Supporting Statement dated September 2012  
Flood Risk Assessment dated May 2012  
Design and Access Statement dated July 2012

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

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the openness of the Green Belt, the impact on the character and appearance of the conservation area and the waterway setting. As such the proposal complies with the National Planning Policy Framework and Policies SP3, NE2, NE8, HE3, GB1 AND L4 of the City of York Development Control Local Plan.

**Contact details:**

**Author:** Rachel Tyas Development Management Officer (Wed - Fri)

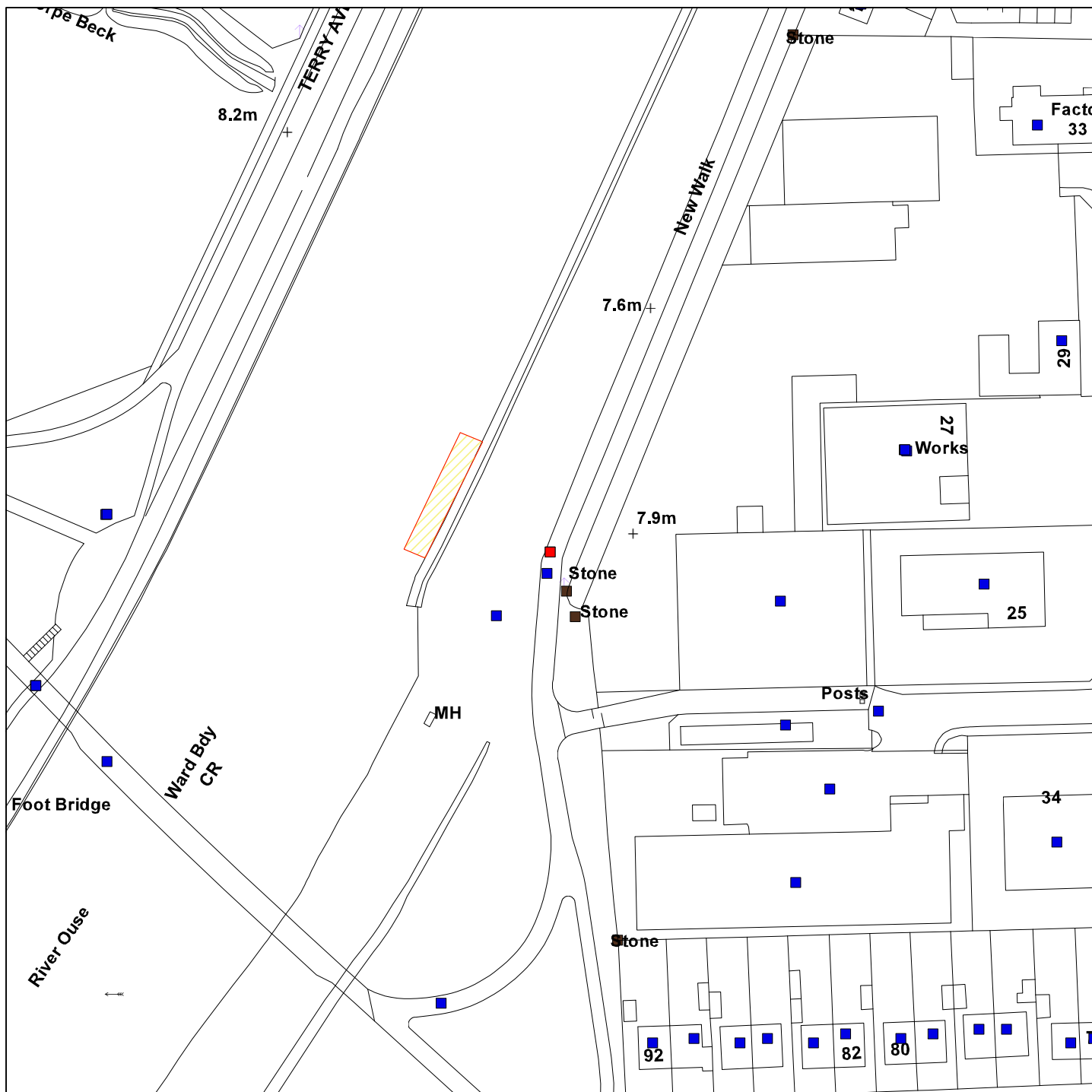
**Tel No:** 01904 551610

# New Walk Millenium Bridge

12/02534/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	30 October 2012
<b>SLA Number</b>	Not Set



**COMMITTEE REPORT**

**Date:** 8 November 2012      **Ward:** Clifton  
**Team:** Major and      **Parish:** Clifton Planning Panel  
Commercial Team

**Reference:** 12/02971/FULM  
**Application at:** YWCA Water Lane York YO30 6PT  
**For:** Erection of three-storey block of 16no. 2 bedroom apartments and  
7no. two storey 3 bed houses with associated access  
**By:** Mr Andi McLoughlin  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 4 December 2012  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 The application is for the erection of 23 dwellings comprising (a) seven 2-storey, 3-bedroom houses with private gardens. The houses would be let to families on the Council's waiting list, and (b) a 2-3 storey block of sixteen 2-bedroom flats. They would be used as part of a downsizing scheme, freeing up larger properties for occupation by families. Secure covered cycle storage and 17 forecourt car parking spaces would be provided. The development would be served by an existing access from Water Lane.

1.2 The application follows negotiations with Officers.

**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

Floodzone 2 GMS Constraints: Flood zone 2

Schools GMS Constraints: Kingsway Junior 0205

2.2 Policies:

CYGP1  
Design

CYGP6  
Contaminated land

CYGP9  
Landscaping

CYGP4A  
Sustainability

CGP15A  
Development and Flood Risk

CYED4  
Developer contributions towards Educational facilities

CYNE1  
Trees, woodlands, hedgerows

CYNE6  
Species protected by law

CYNE7  
Habitat protection and creation

CYH2A  
Affordable Housing

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYT4  
Cycle parking standards

### **3.0 CONSULTATIONS**

#### **INTERNAL**

3.1 Housing Development - Fully supports the application. It would provide 23 much-needed affordable homes.

3.2 Highway Network Management - No objections subject to confirmation that the proposed layout would provide adequate turning space for refuse vehicles [Response from applicant awaited].

3.3 Environment, Conservation, Sustainable Development (Landscape) - No objections. Add a condition requiring a full tree protection method statement.

3.4 Education - A financial contribution of £71,905 would be required to pay for six primary school places at the local school, Clifton Green Primary, which is at capacity.

3.5 Environmental Protection Unit - No objections in principle. Add standard contamination conditions.

3.6 Flood Risk Management - No objections. Drainage to be in accordance with the approved plans.

## EXTERNAL

3.7 Clifton Planning Panel - Supports the redevelopment of this important, neglected site. The 3-storey high metal sheeting on the apartment block is inappropriate and does not reflect the local vernacular. Materials and environmental improvements should be of a high quality. The secure cycle parking might be better organised as part of, or in a small structure attached to, the apartment block [Revised plans showing a detached cycle store have since been submitted]. 17 car parking spaces for 23 dwellings seem meagre and the layout seems problematic.

3.8 Police Architectural Liaison - There are crime and disorder issues associated with the proposal. Most of the issues can be resolved by submission of further information, e.g. design changes to address the vulnerable parking area next to the adjacent public footpath; cycle storage in totally enclosed secure structures; secure boundary treatment; shrubbery no higher than 1m; and buildings designed to be as secure as possible.

3.9 Public Consultation - The consultation period ends on 30 October 2012. At the time of writing two objections had been received, from local residents raising the following planning issues:

- The development would exacerbate existing problems of sewage during storm water surges;
- The number of dwellings should be reduced to avoid more traffic congestion;
- The apartment building is too large and overdominant;
- The design and materials of the entrance to the apartment building are out of keeping with the area;

- The foundations of the new development would undermine the weak retaining wall along the shared boundary; bedrooms facing the new development would be overlooked. Members will be advised at the meeting of any further representations.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

Housing density;  
Affordable housing;  
Visual appearance;  
Highway issues;  
Sustainability;  
Trees and landscaping;  
Neighbour amenity;  
Secure by design;  
Drainage;  
Education;  
Open space;  
Contamination.

### THE APPLICATION SITE

4.2 This cleared redevelopment site has an area of 0.31ha with access from Water Lane. The site is generally level except at the front where it slopes down to the public highway. The slope includes Silver Birch trees protected by a TPO. To the north are 2-storey, semi-detached houses separated from the site by a public footpath. To the south is sheltered housing (Guardian Court) in 2 and 3-storey apartment blocks. To the west are the landscaped grounds of St Philip and St James's Church. The area is predominantly residential.

### POLICY FRAMEWORK

4.3 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.4 National Planning Policy Framework (Design) - Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness (paragraph 60). High quality and inclusive design goes beyond aesthetic considerations therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community (paragraph 66).

4.5 National Planning Policy Framework (Housing) - Local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To boost the supply of housing local planning authorities should: use their evidence base to ensure that their local plan meets the needs for market and affordable housing in their area; identify a supply of deliverable housing sites; set out a housing implementation strategy for the full range of housing; plan for a mix of housing based on demographic trends; identify the types of housing that are required in particular locations; set policies for meeting identified need for affordable housing on site unless a financial contribution to off-site provision can be justified; bring empty houses and buildings back into residential use; normally approve change to residential use of B-class commercial buildings where there is an identified need for additional housing; consider opportunities for large scale housing development; consider resisting development of residential gardens; plan for rural housing development to reflect local needs particularly for affordable housing; locate housing where it will enhance or maintain rural communities; avoid isolated new homes in the countryside unless there are special circumstances (paragraphs 50-55).

4.6 National Planning Policy Framework (Social, Recreational and Cultural Facilities) - Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required (paragraph 73).

4.7 National Planning Policy Framework (Flood Risk) - Local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to bio-diversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

4.8 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.9 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.

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

4.11 GP6 - Planning applications for development on sites that may have been contaminated should, as a minimum, include a desk study on the potential for contamination. Should the study indicate the potential for contamination a more detailed site investigation should be submitted prior to determination of the application. It should assess risks to the environment and establish remediation objectives for the site.

4.12 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.13 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.

4.14 H2a - The Council will seek to ensure that proposals for all new housing development of 15 dwellings/0.3ha or more in the urban area and 2 dwellings/0.03ha or more in villages with less than 5,000 populations will include affordable housing. [In 2010 the council commissioned the City of York Affordable Housing Viability Study (AHVS) as part of the evidence base for the York Local Development Framework. On 8 December 2011 the Cabinet of City of York Council amended, for development control purposes, the affordable housing targets in line with the AHVS. For developments of more than 14 dwellings on brownfield sites the approved interim affordable housing target is 25%].

4.15 H5a - the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. Development densities should aim to achieve 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.

4.16 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.

4.17 NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

4.18 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

4.19 L1c - Requires that all housing sites make provision for the open space needs of future occupiers.

4.20 ED4 - Any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

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

## HOUSING DENSITY

4.22 The site area is 0.31ha, giving a housing density of 74dph. The scale of development is acceptable bearing in mind the site's sustainable location, proximity to open space and the character of the area.

## AFFORDABLE HOUSING

4.23 The scheme would be developed and operated by Broadacres Housing Association, one of the council's partner housing associations. The scheme would provide high quality housing to the exacting standards required by the Homes and Communities Agency (HCA). All 23 homes would be for affordable rent, as required by the HCA who are providing £841,820 of grant funding.

4.24 The seven 3-bed houses contribute to a key need for family housing identified in York's 2011 Strategic Housing Market Assessment. The 16 flats are intended for occupation by older people as part of a downsizing scheme, which would release affordable family housing in the local, Clifton, area. The downsizing scheme would simultaneously support the independence of older people and meet the well-evidenced needs of larger households. The development would make a significant contribution to meeting the high demand for affordable family housing in York.

## VISUAL APPEARANCE

4.25 The apartment building (part 3-storey, part 2-storey) would be at the front of the site with the seven houses (2-storey) at the rear. The houses would have a traditional appearance using brick and render for the walls and grey tiles for the roof. The apartment building would have a more contemporary design with large door/window openings, balconies, a low-pitched roof and a tower feature at the corner to mark the main entrance. External materials would comprise brickwork and render, with a grey membrane roof and lightweight metal cladding for part of the tower feature. The appearance of the building would be acceptable, particularly bearing in mind its prominent, elevated location on a busy main road.

## HIGHWAY ISSUES

4.26 The existing access would serve the whole of the development and terminate at a turning head between the apartment building and the houses. Forecourt parking would be provided for 17 cars, which is adequate for the size of the development. Each house would have secure, covered cycle parking in the rear garden. Since submission the plans have been revised to include a more secure, communal, covered cycle store for the occupiers of the 16 flats. Details should be made a condition of approval. The applicant has agreed to provide each dwelling, on first occupation, with a bicycle or a 6-month bus pass. This should be included in the s.106 agreement.



The turning head is required to be sufficient to enable refuse vehicles to turn around within the site. Whilst the applicant has submitted a swept path analysis officers are not satisfied that the layout is adequate. Further details have been requested from the applicant. Members will be updated at the meeting.

## SUSTAINABILITY

4.27 The site is in a sustainable location within development limits. It is close to public transport and local services. The applicant intends that the new dwellings would achieve Code for Sustainable Homes Level 3. This should be made a condition of approval. A further condition should be attached requiring the development to provide at least 10% of energy from renewable sources.

## TREES AND LANDSCAPING

4.28 The only significant trees are the protected Silver Birches at the front of the site and an Oak, outside the site, at the junction with the public footpath. All would be retained, with sufficient distance between property and trees. Whilst the ground below the Oak has been previously tarmaced, the introduction of new kerbing and hard standing construction could result in severance of roots or other damage. A condition should therefore be attached requiring a full tree protection method statement to be submitted for approval.

## NEIGHBOUR AMENITY

4.29 The existing houses in Lister Way to the north of the site are over 15m from the nearest of the proposed houses (plot 1) and are largely screened by mature planting. The occupiers are unlikely to experience any significant loss of amenity as a consequence of the development. Some occupiers of the 2-storey apartment building at Guardian Court are approximately 10m from the southern wing of the proposed apartment building. However, any views between respective habitable rooms would be oblique and unlikely to cause significant overlooking or an overbearing impact. Nevertheless, to prevent any material overlooking the applicant has agreed for some or all of the windows on the southern elevation of the proposed building to be obscure glazed. This should be made a condition of approval.

## SECURE BY DESIGN

4.30 The Police Architectural Liaison Officer has raised a number of concerns about the detail of the scheme. In response: the scheme would be fully compliant with Secured by Design standards; the cycle store and sheds would be totally enclosed and lockable; all of the parking bays would be overlooked by several of the properties; the unit nearest the public footpath to the north of the site would have a lockable gate 1.8m high as requested; there would be no hidden areas for anti social behaviour; all shrubbery to public areas of the site would be maintained to a low

level; and the landscaping scheme would include a low level hedge along the eastern boundary of the site to define the space as part of the development.

## DRAINAGE

4.31 The site is all in flood zone 2 (FZ2) except the frontage, which is in FZ3A. The use of the site is therefore acceptable subject to a safe alternative means of escape (outside FZ3a) during times of flooding. This would be achieved by providing direct access onto the public footpath along the north-east boundary of the site, as shown on the submitted plans. Surface water runoff from the development would connect to Burdyke, which runs in culvert along Water Lane. Storm water would be attenuated by new oversize pipes within the development, thereby reducing the risk of storm surges flooding the immediate area. Foul water would connect to an existing private sewer under Lister Way; it would not go to an existing foul sewer under Water Lane. Foul water from the development would not therefore exacerbate any existing drainage problems experienced by the occupiers of Guardian Court.

## EDUCATION

4.32 The local primary school is Clifton Primary, which is full. A financial contribution towards education is therefore required under policy ED4 of the local plan. As only seven of the dwellings (the houses) would be for occupation by families the remaining 16 units have been excluded from the financial calculation. The seven houses would generate the need for two additional primary school places, requiring a total contribution of £23,968. This should be included in the s.106 agreement. The agreement should include a clause requiring a contribution for all 23 units if the flats are not occupied by older people.

## OPEN SPACE

4.33 Amenity open space would be provided on site but not play space and sports provision, which therefore require a financial contribution under policy L1C of the local plan. The total open space contribution would be £25,307, which would be enshrined in the s.106 agreement. The applicant's agreement to the contribution is awaited. Members will be updated at the meeting.

## CONTAMINATION

4.34 The application includes a site investigation report and a ground gas/water assessment. The site investigation shows that no remediation is necessary and material on site is deemed to be suitable for re-use on-site. The gas/water assessment states the site comprises made ground and that no methane was present. Nevertheless, gas protection measures will be needed. These can be covered by conditions of approval.

## OTHER MATTERS

4.35 An occupier of Guardian Court is concerned that the unstable condition of the retaining wall along the boundary between the site and Guardian Court would be worsened by the new development. This has been recognized by the applicant who intends to build a new retaining wall, which will be faced with brickwork to match that of the existing.

## 5.0 CONCLUSION

5.1 The scheme would provide much-needed affordable housing to a high standard. The proposal is acceptable in all respects subject to clarification that the turning space for refuse vehicles is adequate. A section 106 agreement is being drafted to cover affordable housing, financial contributions towards education and open space and sustainable travel measures. Members will be updated at the meeting.

## COMMITTEE TO VISIT

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

- 1 TIME2 Development start within three years -
- 2 The development hereby permitted shall be carried out only in accordance with the following plans: 2072-D-00-002; 2072-D-00-004/J; 2072-D-00-013/E; 2072-D-00-014/E; 2072-D-00-015/F; 2072-D-00-16/B; 2072-D-00-017/E; 2072-D-00-019/D; 2072-D-00-029/C; 2072-D-00-030/A; 2072-D-00-031/A; 11T657-101/P2; and un-numbered plan by Billingham George & Partners received by the council on 24 October 2012 showing safe egress route during times of flooding.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

- 3 Details of all means of enclosure to the site boundaries and all boundary treatments within the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

- 4 VISQ8 Samples of exterior materials to be app -
- 5 Foul and surface water drainage works shall be carried out (prior to occupation) in accordance to the approved details to include:
- a. Proposed Drainage Layout - Drawing number 11T657-101 Rev P2 dated August 2012 by Billingham George & Partners.
  - b. Flood Risk Assessment dated August 2012 by Billingham George & Partners.
  - c. Safe egress route during times of flooding as shown on the un-numbered plan by Billingham George & Partners received by the City of York Council on 24 October 2012.

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

- 6 The development hereby approved shall be constructed to at least Level 3\* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3\* of the Code a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of policy GP4a of the Draft City of York Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

- 7 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

8 No development shall commence on site until a scheme for the provision of affordable housing (Affordable Housing Plan) as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with Policy H2a of the Draft City of York Local Plan and the Affordable Housing Advice note adopted April 2005. The scheme shall include:-

i) The numbers, type and location on the site of the affordable housing provision to be made

ii) The timing of the provision of the affordable housing

iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing

iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To comply with policies within the National Planning Policy Framework and policy H2a of the Draft City of York Local Plan.

9 Before the commencement of development, including site preparation, importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include location and details of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It is particularly important that the following details are included: construction details and methodology of any hard standing within the root spread of trees to be retained.

Reason: To protect existing trees which are considered to make a significant contribution to the public amenity and development.

10 Notwithstanding the approved site layout, no development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development.

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

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

- 11 Prior to the commencement of any works on the site, a detailed method of works statement shall be submitted to and approved in writing by the local planning authority. The statement shall identify the programming and management of construction works and include at least the following information: (a) vehicle routing promoting use of main arterial routes and avoiding the peak network hours; (b) where contractors will park; (c) where materials will be stored within the site; and (d) measures employed to ensure that no mud or detritus is dragged out over the adjacent highway.

Reason: In the interests of highway safety and amenity of local residents.

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

Reason: To protect the amenities of adjacent residents.

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

a. Submission of Remediation Scheme

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

b. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

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

15 HWAY18 Cycle parking details to be agreed -

16 The development hereby approved shall not commence until details of refuse/recycling facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to occupation of the development.

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

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the south-facing windows to the first-floor dwelling marked 'E' on approved plan 2072-D-00-019 Rev D shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

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

18 HWAY1 Details roads, footpaths, open spaces req. -

19 HWAY7 Const of Roads & Footways prior to occup -

20 HWAY19 Car and cycle parking laid out -

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

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

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to: the principle of development for housing; density; visual appearance; landscaping; contamination, sustainability; impact on trees; neighbour amenity; access, parking and highway safety; drainage; affordable housing; education, open space and construction impact. As such the proposal complies with the National Planning Policy Framework and policies GP1, GP4a, GP6, GP9, ED4, GP15a, NE1, H2a, H5a, L1c and T4 of the Draft City of York Local Plan.

### **2. CONTROL OF POLLUTION ACT**

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



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

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

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

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

(e) There shall be no bonfires on the site

### 3. HIGHWAYS ACT 1980

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

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

Highway Adoption - Section 38 - Michael Kitchen (01904) 551336

### 4. STATUTORY UNDERTAKERS EQUIPMENT

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

#### **Contact details:**

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

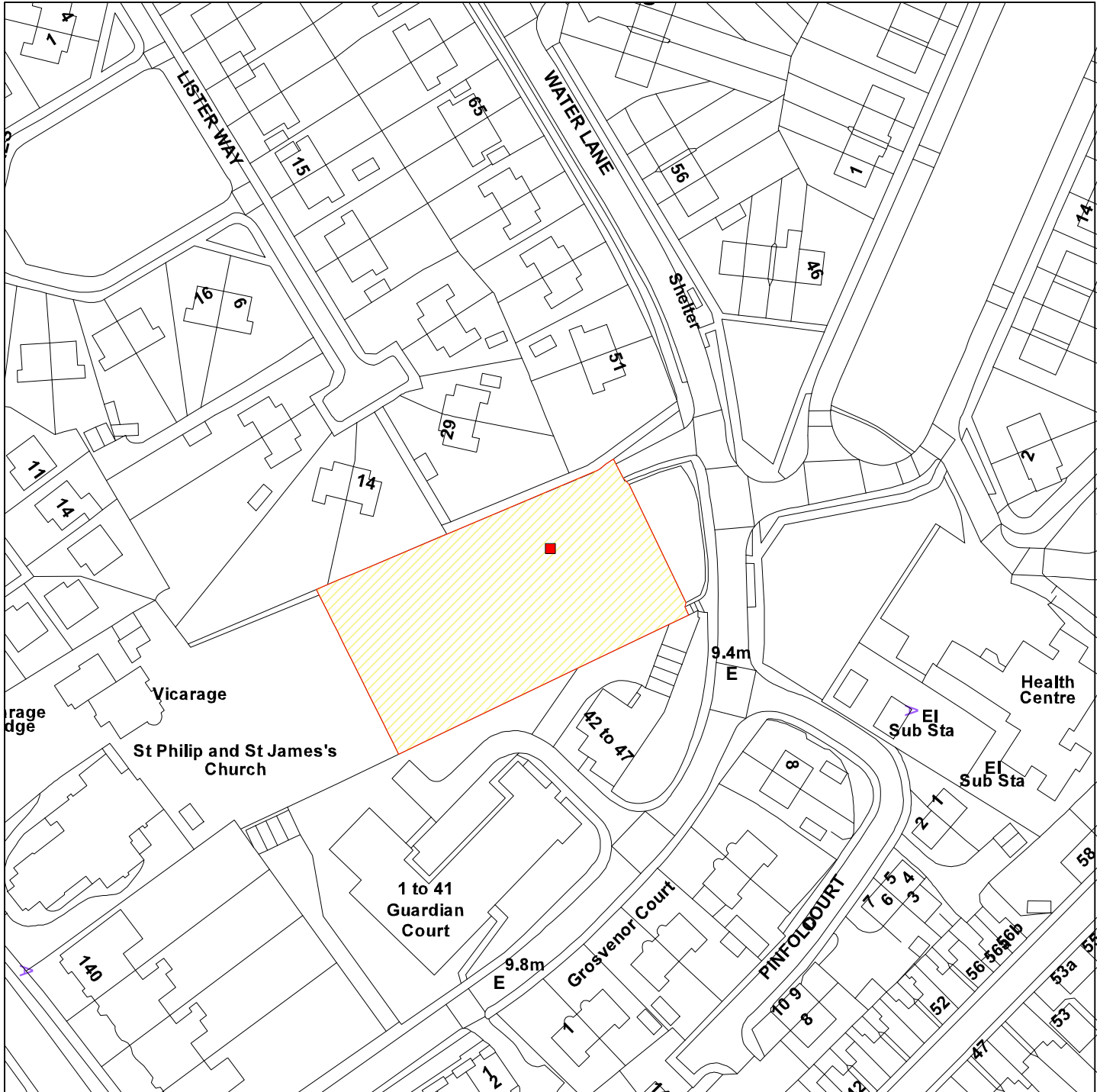
**Tel No:** 01904 552830

# YWCA Water Lane

12/02971/FULM



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 8 November 2012      **Ward:** Skelton, Rawcliffe, Clifton  
Without  
**Team:** Householder and      **Parish:** Rawcliffe Parish Council  
Small Scale Team

**Reference:** 12/03152/FUL  
**Application at:** 21 Longwood Road York YO30 4UA  
**For:** Two storey side and rear extension and single storey rear  
extension and erection of boundary wall (resubmission)  
**By:** Mr & Mrs Hickman  
**Application Type:** Full Application  
**Target Date:** 23 November 2012  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 The application property is a two-storey detached dwelling located on a modern housing estate at Clifton Moor. The side of the property faces Longwood Road.

1.2 It is proposed to erect a part two-storey and part single-storey extension to the side of the property adjacent to Longwood Road. The extension projects approximately 4m past the rear elevation of the original house and wraps around the rear of the property.

1.3 As part of the proposals the rear side garden boundary wall is also proposed to remove 1m closer to the adjacent public footpath.

1.4 In August 2012 a similar planning application was refused by officers under delegated powers. The reasons for refusal related to (i) the impact on the sunlight reaching 19 Longwood Road and (ii) the view that the scale and position of the two-storey side extension was such that it would detract from the appearance of the area through making the site appear over-developed.

1.5 The current application differs from that which was refused in the following ways:

a) All of the extension facing Longwood Road was two-storey. The two storey element of this extension has now been set in by 1.1m.

b) The 2.2m deep two-storey rear extension adjacent to number 19 has been removed.

c) The side of the two-storey rear extension closest to Longwood Road has been moved to around 4m from the boundary. It was previously around 6m away.

Application Reference Number: 12/03152/FUL

Item No: 4j

1.6 It should be noted that when permission was original granted for the dwelling permitted development rights were removed for extensions.

1.7 The application is brought to committee at the request of Cllr McIlveen because of local concerns in respect to over-development.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYH7  
Residential extensions

CYGP1  
Design

## **3.0 CONSULTATIONS**

3.1 Internal

None consulted.

3.2 External

Parish Council - Object, consider that the proposal is overdevelopment, oppressive and overbearing and will detract from neighbour's reasonable living conditions.

Neighbours - 19 Longwood Road

Do not wish to object but have concerns in respect to the loss of sunlight to their rear garden.

(Case officer response - The Daylight and Sunlight Assessment submitted with the application states that the extension would cast a shadow on part of the rear garden for two hours during the autumn and winter months. It is not considered that this is such as to cause undue harm).

## 4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

The impact on the streetscene.  
The impact on residential amenity  
Parking and highway safety.

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

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

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

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

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

## **The impact on the streetscene**

4.7 The extension is designed to be sensitive to the form of the original house. Subject to the use of matching materials, in isolation its appearance is considered acceptable.

4.8 The key issue is considered to be the relationship of the extension with the footpath adjacent to Longwood Road and whether the scale and footprint of the resultant building would conflict with the character of the surrounding area.

4.9 Longwood Road is part of a modern housing estate. There is some variety in the area in respect to the degree of open space and landscaping around buildings. For much of the long road it is the case that 1.8m-2m high brick walls predominate and to a degree present a relatively bland and unattractive frontage to passers by. Several properties on the south of the road have two-storey side elevations that adjoin the public footpath. It is the case however, that on the north-eastern section of Longwood Road where the application property is located, dwellings are generally set back from and face the street. There is also a reasonable degree of landscaping.

4.10 Longwood Road and Rivelin Way have several small 'clusters' of development that are set back slightly from the road. The individual clusters are separated from each other by dwellings or large garages located close to the road. 21 Longwood Road is one such property.

4.11 It is considered that when assessing the acceptability of the proposal within its context it should be largely viewed against the dwellings on the eastern side of Longwood Road rather than the properties opposite. It is considered that the space that exists between the house and the road is important for enhancing the public realm. The maintenance of the landscaping is presumably the responsibility of the owners, however, most properties maintain the landscaping between the homes and the road and this contributes significantly to the qualities of the area.

4.12 It is considered that the extension will change the character of the immediate area through the loss of open space; however, it is considered that incorporating a single storey element adjacent to the public footpath will help soften the impact of development. It is noted that a landscaped buffer will now remain to the side of the rear garden which did not exist on the scheme that was refused. It is the case that in the wider area several properties have a similar relationship to the footpath and on balance it is considered that the benefits gained from improving the accommodation now outweigh any harm caused to the character of the immediate area.

## **The impact on residential amenity**

4.13 There is adequate separation to the front. 28 Rivelin Way to the rear is adequately oblique to avoid undue harm in respect to light, outlook and privacy.

4.14 The key issue is the impact on number 19 Longwood Road. This property is to the north. It has a 3 metre long conservatory erected to the rear elevation adjacent to the site of the single-storey extension.

4.15 Number 19 is set slightly forward of number 21. As such the single storey extension will extend beyond the original rear elevation of number 19 by around 5.5m. However as the property has a conservatory to the rear (the conservatory has a facing brick wall with high level windows) the extension will equate to a 2.5m projection when measured from the rear of the conservatory. As the proposed extension would be set approximately 1m off the side garden boundary and has a flat roof and 3m eaves height it is no longer considered that harm to sunlight or outlook would warrant a refusal.

4.16 The rear two-storey element is set off the boundary by approximately 4m and is hipped away from the boundary with a relatively low eaves height (3.8m). The two-storey extension will not be clearly visible from the ground floor of the original house as it will be screened by the existing conservatory that has been added. The proposal will impact on morning sunlight that comes through the conservatory roof; however, the separation to the two storey extension is such that it is considered adequately oblique to nearby ground floor openings so as not to cause unacceptable harm, in particular when applying the "45 degree" rule. When assessing the two-storey extension relative to diagrams indicating the passage of the sun, it would seem that the proposal will not significantly impact upon direct sunlight to the house and conservatory during the summer, however, during the autumn and winter months it will block sunlight coming through the roof of the conservatory to the ground floor rear opening for a maximum period of approximately 90 minutes during the morning. It is not considered that this harm would be so significant as to merit refusal.

4.17 The rear garden does not have a particularly open aspect because of the side elevation of 28 being close to part of the rear boundary. However, the proposed extensions are largely adjacent to the house and conservatory and will not cause undue harm to the enjoyment of the garden as a whole. During the spring and summer the extension will have little impact on sunlight reaching the relatively wide garden.

## **Parking and highway safety.**

4.18 The property will retain sufficient parking and storage space. Although the remaining rear garden is relatively small it is considered adequate to meet the needs of the property.

## **5.0 CONCLUSION**

5.1 The previous planning application was refused because of concerns in respect to the impact on the streetscene and neighbour's living conditions. It is considered that the amendments to the side and rear elevations are material to assessing the impact of the revised proposal. It is now considered that the harm caused from granting the development no longer significantly or demonstrably outweighs the benefits to the applicant from granting the application.

5.2 The application is therefore recommended for approval.

## **COMMITTEE TO VISIT**

## **6.0 RECOMMENDATION: Householder Approval**

1 TIME2 Development start within three years -

2 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

3 Any hard surfaced areas to be created at the front of the property shall be made of porous materials, or provision shall be made to direct run-off water from the hard surfaced areas to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: In order to ensure that any such facilities are sustainably drained.

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



Plans 319/1000A and 319 101G received by the Local Planning Authority on 27 September 2012.

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

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity, car parking and the impact on the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

**Contact details:**

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

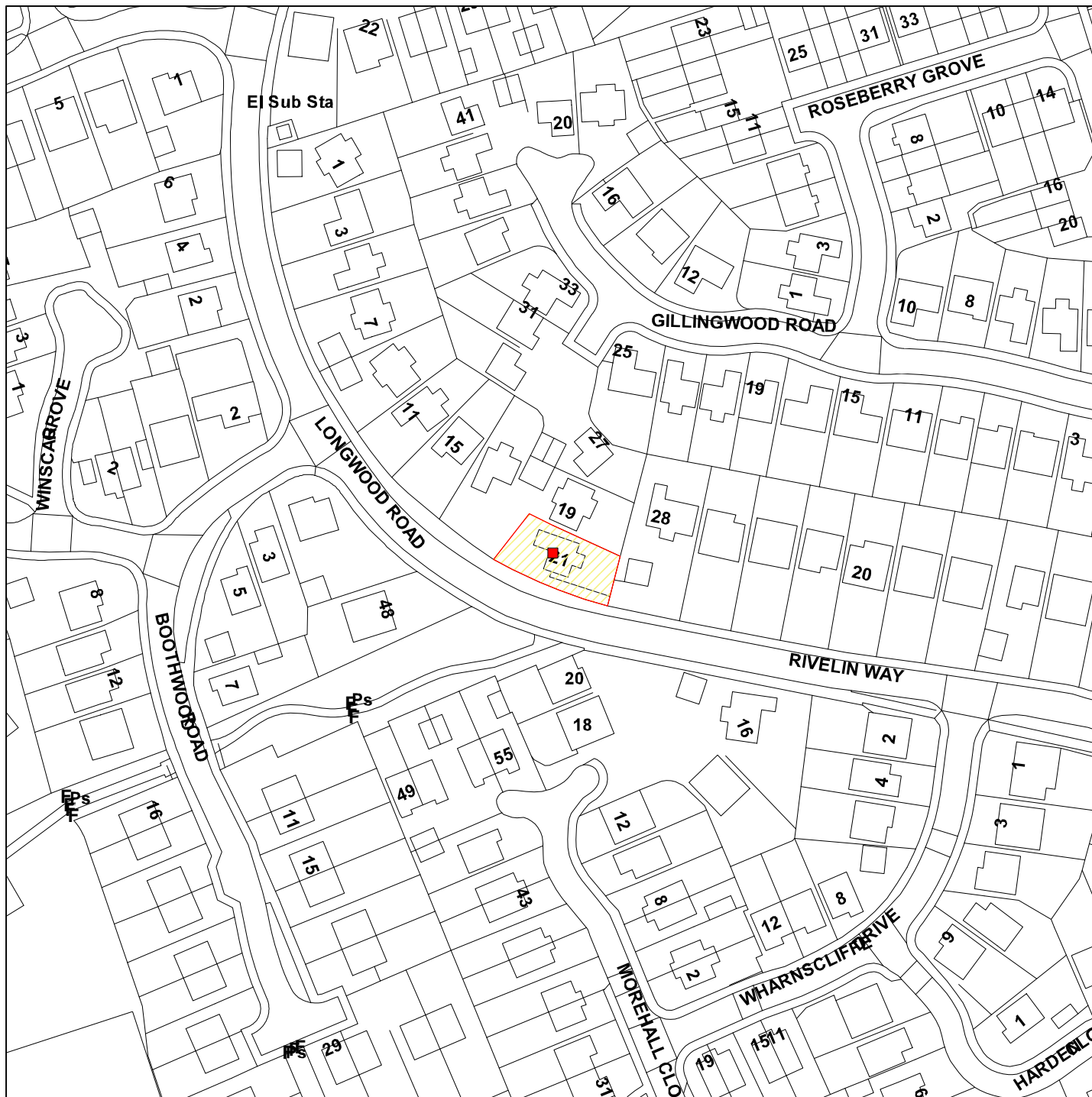
**Tel No:** 01904 551352

# 21 Longwood Road

12/03152/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 8 November 2012      **Ward:** Osbaldwick  
**Team:** Major and      **Parish:** Osbaldwick Parish  
Commercial Team      Council

**Reference:** 12/02932/FUL  
**Application at:** 305 Hull Road Osbaldwick York YO10 3LU  
**For:** Erection of a dormer bungalow to rear with access from Thirkleby Way  
**By:** Mr & Mrs Robin Dawson  
**Application Type:** Full Application  
**Target Date:** 16 November 2012  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 The application property is a large detached house. The front elevation faces towards Hull Road. The back of the house faces Thirkleby Way. There is much mature landscaping around the site including a belt of trees along the boundary with Hull Road. It is understood that the property was built in the 1920's and pre-dates other housing in the surrounding area. The front garden is the main external amenity space associated with the property and is approximately 40m long by 40m wide. The property is largely screened from Hull Road by landscaping.

1.2 There are vehicular accesses to the site from Hull Road and Thirkleby Way.

1.3 The applicant seeks consent to erect a dormer bungalow at the north-west corner of the garden adjacent to 54 Thirkleby Way. The bungalow is proposed to be served by a new vehicular access from Thirkleby Way. It has two dormer windows in the rear elevation. A bathroom and two double bedrooms are proposed on the first floor. The ground floor contains communal rooms along with an additional bedroom. The main area of garden is proposed to the rear and measures approximately 8m long by 12m wide.

1.4 On 28 August 2012 a planning application was submitted for a double garage with two bedroom annex within the garden of 305 Hull Road adjacent to 56 Thirkleby Way. This application was withdrawn on 22 October 2012. There is no other recent planning history relating to the site.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

## 2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYGP6  
Contaminated land

CYNE1  
Trees, woodlands, hedgerows

CYH4  
Housing devp in existing settlements

CYL1  
Open spaces in new residential devts

CYGP4  
Environmental sustainability

## 3.0 CONSULTATIONS

### 3.1 Internal

Environmental Protection Unit - No objections subject to an informative being included relating to contamination, construction noise and car recharging (for electric vehicles).

Flood Risk Management - Object to the originally submitted plans because of insufficient drainage information. No objections to the additional information submitted, subject to conditions.

### 3.2 External

Parish Council

Object to the proposal for the following reasons:

The proposal represents 'garden-grabbing' and detracts from the streetscene and the setting of the host property.

There should be no further crossing points of Thirkleby Way as this section of road is not suitable for it. If in the future the host property or proposed house is intended to be occupied as a student let the Parish Council will oppose the change.

## Neighbours

Objections were received from the occupiers of 54 and 56 Thirkleby Way. The following issues were raised:

Concerned about the safety of vehicles exiting on to the bend on Thirkleby Way. The design and access statement is incorrect in that it says the bungalow would align with nearby houses (there are only bungalows). It is also incorrect in that it says the proposed bungalow is well away from adjacent properties (it is next to number 54). Presume that the bungalow would be a family home and not let.

## **4.0 APPRAISAL**

4.1 The key issues in assessing the proposal are:

- Principle of development on garden land.
- Impact on residential amenity.
- The impact on the streetscene and landscaping.
- The quality of accommodation being created.
- Highway and parking issues.
- Drainage.
- Open space provision.

## PRINCIPLE OF DEVELOPMENT

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

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 Paragraph 49 of the National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' However, Paragraph 53 requires local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst written significantly before the NPPF the Development Control Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' follows this theme by stating that planning permission will be granted for sub-division of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where:

- the site is in the urban area and is vacant or underused; and
- the site has good accessibility to jobs, shops and services by non-car modes; and
- it is of an appropriate scale and density to surrounding development; and
- it would not have a detrimental impact on existing landscape features.

4.5 The application site is within the defined settlement limit. Whilst the site is used as a domestic garden, its size in relation to the host dwelling is very large. The proposed residential development would make more efficient use of this sustainable site. York has a shortage of housing, particularly family sized housing. Given the need for new housing, the size and sustainability of the site and the NPPF's presumption in favour of sustainable development, it is considered that the broad principle of development is acceptable.

4.6 The most recent change to the Sustainable Design and Construction Interim Planning Statement removes the requirement for developments of less than 10 dwellings to achieve Code for Sustainable Homes Level 3 and 5 per cent on-site renewable energy. However, a sustainability statement continues to be a requirement under Policy GP4a.

4.7 The site is well related to shops, schools and bus services. The applicant's statement states that the aim is to create a light, spacious dwelling that includes high levels of insulation and is designed to efficiently use water and energy.

## IMPACT ON RESIDENTIAL AMENITY

### 4.8 The key properties affected are considered below:

299 Hull Road. This is a modern two-storey detached dwelling. It is considered that there is adequate separation to the proposed dormer bungalow to avoid undue harm in respect to light and outlook. The rear garden length of the proposed dormer bungalow is relatively short at 8m. There will be some additional overlooking of the rear garden of number 299, however, it is noted that the area that would be most overlooked is some way from the main house and already overlooked from adjacent properties on Hull Road. There is also a reasonable degree of landscaping along the boundary edge which will provide some screening, particularly during the summer.

54 Thirkleby Way. This property is a bungalow. It has a small extension to the rear adjacent to the site of the proposed dwelling. There is a kitchen window in the side elevation; however, the outlook from this opening is limited by a tall hedge located along the boundary with the application property. The main light and outlook is from the glazed patio doors to the rear of the kitchen-diner. This will be largely unaffected by the proposals. There will be a little overlooking of the rear garden from the proposed dormers; however, views from the new home would be relatively oblique.

#### 305 Hull Road

The host property is very large. There is very limited fenestration on the rear elevation facing the proposed dwelling. Living conditions will still be very good. The main area of garden is to the front of the host property and is more than adequate to meet the needs of the existing home.

4.9 It is noted that some residents in Osbaldwick have concerns in respect to the number of 'student houses' in the area. Following the introduction of the Article 4 directive in April 2012 planning permission would be required to let the home to 3 or more unrelated individuals. Any such application would need to be considered on its merits should it be submitted.

## IMPACT ON STREETSCENE AND LANDSCAPING

4.10 The street is made up of post war dormer bungalows; most have pyramidal roofs, though two nearby bungalows have a gable roof form. It is considered that the design of the house will sit relatively comfortably with nearby dwellings. It is a little closer to 54 Thirkleby Way than is the normal separation distance in the area, however, the gap of 2.7m is not considered so tight as to appear cramped. It is noted that much of the front elevation of the proposed dwelling is set back behind number 54 and this will reduce its prominence.

4.11 The dwelling is close to the rear of the host dwelling, however, the rear elevation of the original house makes little contribution to the streetscene. In addition the area where the proposed bungalow is closest to the original house is not particularly prominent from Thirkleby Way. The agent has stated that the owners intend to retain most of the hedgerows within the rear garden. In assessing the impact of the proposal some regard should be had to the fact that permitted development rights currently exist to erect outbuildings and extensions between 305 Hull Road and Thirkleby Way and as such it cannot necessarily be assumed that this area will always remain free of development.

4.12 The property is adequately separate from significant trees in the site to avoid harm to its landscaped setting.

4.13 Bungalows on Thirkleby Way generally have low boundaries around their front gardens. To help ensure that the application property respects this character permitted development rights have been removed for boundaries in excess of 1m forward of the property. Other boundary details are covered by condition.

#### QUALITY OF ACCOMMODATION CREATED

4.14 The home would provide suitable living accommodation in respect to internal and external space. It is well related to local shops and service and a main bus route into the city.

#### PARKING AND HIGHWAY ISSUES

4.15 An integral garage is proposed along with several parking spaces on the driveway. Cars would need to reverse into or out of the garden. It is understood that the road can be relatively busy at certain times of the day; however, the speed of traffic is not such to cause undue concern and existing homes in the street generally exit and enter their drives in a similar manner. Revised plans have been received slightly widening the visibility splay to the east. This also ensures there is sufficient land within the ownership of the occupants of the dormer bungalow to ensure that they can retain adequate visibility splays. The proposal was discussed informally with officers in Highway Network Management and no objections were raised.

#### DRAINAGE

4.16 The application site is within Flood Zone 1 and should therefore not suffer from river flooding. At present the site is mainly green and undeveloped. The proposed development would reduce the amount of land within the application site which is permeable. Amended plans have been submitted to indicate that a surface water drainage system is viable that would limit surface water run-off to a level equivalent to a green field site.



The Council's drainage engineers initially considered the submitted drainage information inadequate, however, this has now been rectified and drainage matters can be addressed by condition.

## OPEN SPACE PROVISION

4.17 The applicant is not proposing to provide on site communal open space. Therefore in line with Policy L1c of the Draft Local Plan and the supporting planning guidance (July 2011) a commuted sum payment is required to fund the provision or improvement of children's equipped play space, informal amenity open space, and outdoor sports facilities. The application is for one 3 bedroom house. The required commuted sum payment is £2,004.

4.18 The applicants have confirmed that they are happy to pay the required commuted sum. This sum would be sought through a Section 106 Agreement with the above heads of terms used as the basis for drawing up the agreement should Committee Members be minded to approve the application.

## 5.0 CONCLUSION

5.1 The National Planning Policy Framework and policies H4a (Housing Windfalls) and GP10 (Subdivision of Gardens and Infill development) of the City of York Local Plan do not state that new housing development ('garden grabbing') is by definition unacceptable. It is considered appropriate to grant consent for such development providing the dwelling is not detrimental to character and amenity and it is well related to shops and services, and the host property retains adequate amenity space.

5.2 Although 305 Hull Road is a relatively grand house sitting within significant grounds, the rear elevation is fairly blank, has limited architectural merit and it is not considered that the rear of the property contributes significantly to the appearance of Thirkleby Way. The proposed dormer bungalow is no higher than adjacent bungalows and will not be unduly prominent in the street as it is proposed to the side of number 54. The bungalow would be relatively close to part of the rear elevation of number 305, however, this is not considered to detract from significant views of the property and most of the clearly visible area of rear garden will remain undeveloped. It is noted that using permitted development rights extensions and detached garages could be erected at the rear of number 305 and it is considered that this could have a greater visual impact than the relatively discretely located dormer bungalow.

5.3 It is not considered that the proposal would have a significant adverse impact on neighbour's living conditions and there would be acceptable access for vehicles. The property is of a good standard in terms of size and outlook and would provide valuable family accommodation.

5.4 For the reasons stated it is recommended that the application be approved subject to a S106 agreement relating to contributions to open space provision.

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

1 TIME2 Development start within three years -

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

Proposed location plan D/44-PL-00A received 25/10/12

Proposed layout plans D/44-PL-53B/54B received 25/10/12

Proposed elevations D/44-PL-52 received 30/8/12

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

3 Notwithstanding the information contained on the approved plans, the ridge height of the approved development shall not exceed the ridge height of 54 Thirkleby Way.

Reason: To ensure that the approved development does not have an adverse impact on the character of the surrounding area.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the construction of the house and drive shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

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

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

6 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Any hard surfaced areas to be created at the front of the property shall be made of porous materials, or provision shall be made to direct run-off water from the hard surfaced areas to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: To provide for appropriate on-site vehicle parking facilities in the interests of highway safety, and in order to ensure that any such facilities are sustainably drained.

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

Reason: In the interests of highway safety.

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

The details shall include the following requirements:

- (i) Discharge rate 2.25 l/sec.
- (ii) Storage volume 13.9 m<sup>3</sup>.

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

9 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 (enlargement of the dwelling house) and B (enlargement and addition to the roof), of Schedule 2 Part 1 of that Order shall not be constructed at the house.

Reason: To protect the appearance of the dwelling house and in the interests of residential amenity 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.

10 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), no fences, walls gates or other means of enclosure shall be erected in excess of 1m in height forward of the application property.

Reason: To ensure that the front boundary treatment respects the character of the area.

11 The hours of loading or unloading on the site and construction work which is audible at the site boundary shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday with no working on Sundays or public holidays

Reason: To protect the amenities of adjacent residents

## **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;
- density, design, landscaping and visual impact ;
- impact on neighbouring amenity;
- access and highway safety;
- sustainability;
- drainage;
- open space, affordable housing and education provision.

As such the proposal complies with the overall aims and objectives of the National Planning Policy Framework, and Policies GP1, GP10, GP6, NE1, H4, L1, GP4 of the City of York Development Control Local Plan.

### 2. FOR INFORMATION - HIGHWAYS

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

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

Improvement/Increasing width of highway - Section 62/72 - Michael Kitchen 551336

### 3. CONTAMINATION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately.

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In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

## DEMOLITION AND CONSTRUCTION

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

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

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

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

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

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

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

4. In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage, it is recommended that the applicant should install a standard domestic 13A electrical socket on an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket.

Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

**Contact details:**

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

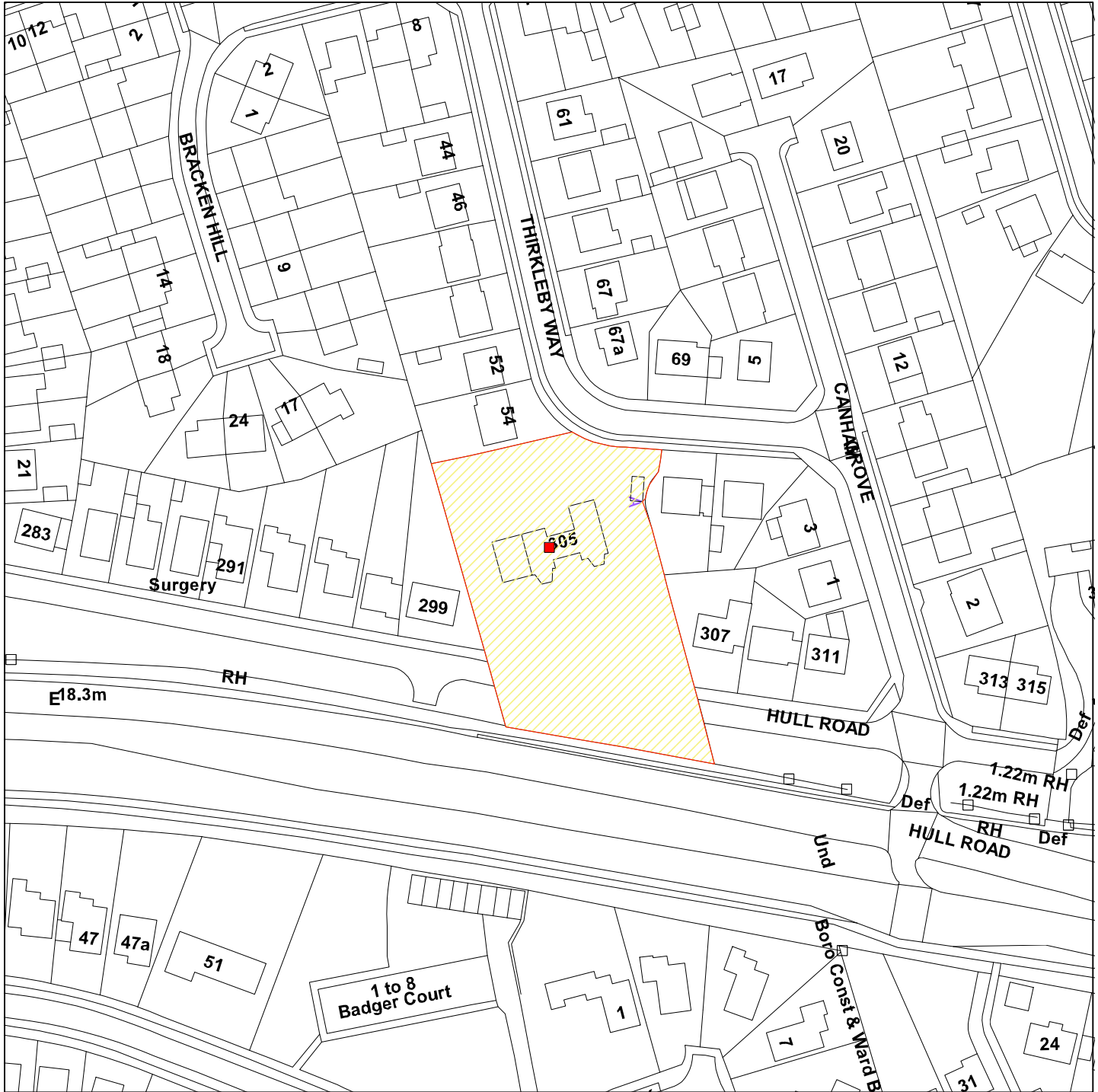
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# 305 Hull Road Osbaldwick

12/02932/FUL



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 8 November 2012      **Ward:** Derwent  
**Team:** Major and      **Parish:** Dunnington Parish  
Commercial Team      Council

**Reference:** 12/02930/FUL  
**Application at:** The Market Garden Eastfield Lane Dunnington York YO19 5ND  
**For:** Agricultural building  
**By:** Mr Tim Graves  
**Application Type:** Full Application  
**Target Date:** 8 November 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site comprises a mixed agricultural smallholding involving pig breeding with a depot for a horticultural contractor occupying a visually prominent ridge site within the York Green Belt to the north east of Dunnington village. Planning permission is sought for a substantial open-sided steel framed barn at the eastern edge of the site. When initially applied for this was stated as being for the storage of materials and equipment associated with the horticultural contracting business. It has however been subsequently clarified as being for the storage of a significant quantity of straw used in the pig breeding operation currently stored in the open air at various locations across the site.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGB1  
Development within the Green Belt

CYGP1  
Design



### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to limit use of the building to materials and equipment connected with the pig breeding business.

#### **EXTERNAL:-**

3.2 Dunnington Parish Council object to the proposal on the grounds that it would be harmful to the open character of the Green Belt and could lead to flash flooding of properties down slope of the site.

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

- \* Concern that the building would be used for purposes other than agriculture and would therefore amount to inappropriate development in the Green Belt;
- \* Concern that access to the site would be taken from the bridleway to the south to the detriment of other road users;
- \* Concern that the proposal would have a seriously harmful impact upon the openness of the Green Belt;
- \* Concern that the building would give rise to flash flooding of properties down slope of the site.

### **4.0 APPRAISAL**

#### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- \* Impact upon the open character and purposes of designation of the Green Belt;
- \* Impact upon the residential amenity of neighbouring properties.

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

4.2 Policy GB1 of the York Development Control Local Plan states that within Green Belt areas planning permission will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would be for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry.

This clearly reflects Central Government Policy in respect of Green Belt areas outlined in paragraphs 79 to 90 of the National Planning Policy Framework (NPPF). Additionally, even if felt to be appropriate within the Green Belt new development should preserve its openness.

4.3 The proposal envisages the erection of an open sided Dutch Barn some 7.6 metres high to the ridge and 6.2 metres high to the eaves as well as some 17.7 metres long and 12 metres wide. It would be orientated north-south following the line of the slope and the applicant has confirmed that notwithstanding the initial application details it would be used to house the significant quantity of hay presently stored in the open at the site which is used for the operation of the pig breeding business. As such the development can be taken as being appropriate within the Green Belt as being for an agriculture related activity.

4.4 In terms of impact upon the openness of the Green Belt the proposed barn would be clearly prominent in views looking up slope from the residential development to the south west. However, in view of its open sided design views of the open countryside beyond would remain even when the proposed barn is partially full. In addition the proposed design is characteristic of other agriculture related developments along the ridge and within the wider vicinity. The impact of the proposal upon the openness of the Green Belt is therefore, on balance, felt to be acceptable. As such there would be no conflict with Draft Local Plan Policy GB1 or Central Government Policy outlined in the NPPF.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.4 Policy GP1 of the York Development Control Local Plan expects new development to respect or enhance the local environment, be a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise and disturbance. Planning permission has previously been sought for storage and workshop buildings associated with the horticultural contracting use based at the site(ref:-11/00514/FUL) along with a series of buildings for pig housing(ref:-11/00869/FUL). Both proposals gave rise to significant concerns in respect of impact upon the residential amenity of properties to the west in terms of noise and odour. Planning permission in respect of both proposals was subsequently refused and the subsequent appeal in respect of the pig housing was dismissed. The current proposal envisages the erection of a Dutch Barn for the storage of fodder and bedding associated with the pig breeding operation which would not have a material impact upon the residential amenity of nearby properties. However, use for the housing of livestock or for activities in relation to the horticultural depot operation would clearly not be appropriate and any permission should therefore be conditioned accordingly.

Subject to any permission being so conditioned the terms of Policy GP1 of the Draft Local Plan can therefore be complied with and any impact upon residential amenity would be acceptable.

**OTHER ISSUES:-**

4.5 Concern has been expressed in respect of the use of the rear access to the site from the adjacent bridleway for the construction and supply of the proposed barn. The applicant has a right of access from the rear for emergency purposes and to gain access to the area of land he owns to the south. He has indicated that the principal access to the site from Eastfield Lane to the north would be used for the construction and supply of the proposed barn.

**5.0 CONCLUSION**

5.1 The application site comprises a mixed agricultural small holding associated with pig breeding with a depot for a horticultural contracting use occupying a visually prominent ridge location within the York Green Belt to the north east of Dunnington village. Planning permission is sought for the erection of an open-sided Dutch Barn for the storage of hay and fodder associated with the pig breeding operation. As an agricultural development the proposal is considered to be appropriate within the Green Belt. In terms of its impact upon openness it is considered on balance that any detrimental impact would be minimal as views of open countryside would remain through the structure even when in use. Its scale and massing would also reflect that of other agricultural buildings in the locality.

5.2 Concern has been expressed in respect of potential impact upon the residential amenity of properties to the west and south west in view of the previous planning history of the site. The proposal does however relate solely to the creation of a building to house fodder and bedding for the pigs kept elsewhere on the site and providing any permission is appropriately conditioned to prevent use of the barn for housing pigs or to undertake activities associated with the horticultural contracting use then the proposal is felt on balance to be acceptable.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

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

Drawing Refs:- 12:27: 01 and 12:27:02

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

3 The building hereby authorised shall be used solely for the storage of feed, fodder and equipment in association with the pig breeding activity taking place at the site and for no other purpose including the housing of any livestock.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the open character and purposes of designation of the York Green Belt and impact upon the residential amenity of neighbouring properties. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GP1 of the City of York Development Control Local Plan and Central Government guidance contained within paragraphs 79 - 92 of the National Planning Policy Framework.

#### 2. CONTROL OF POLLUTION ACT 1974:-

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

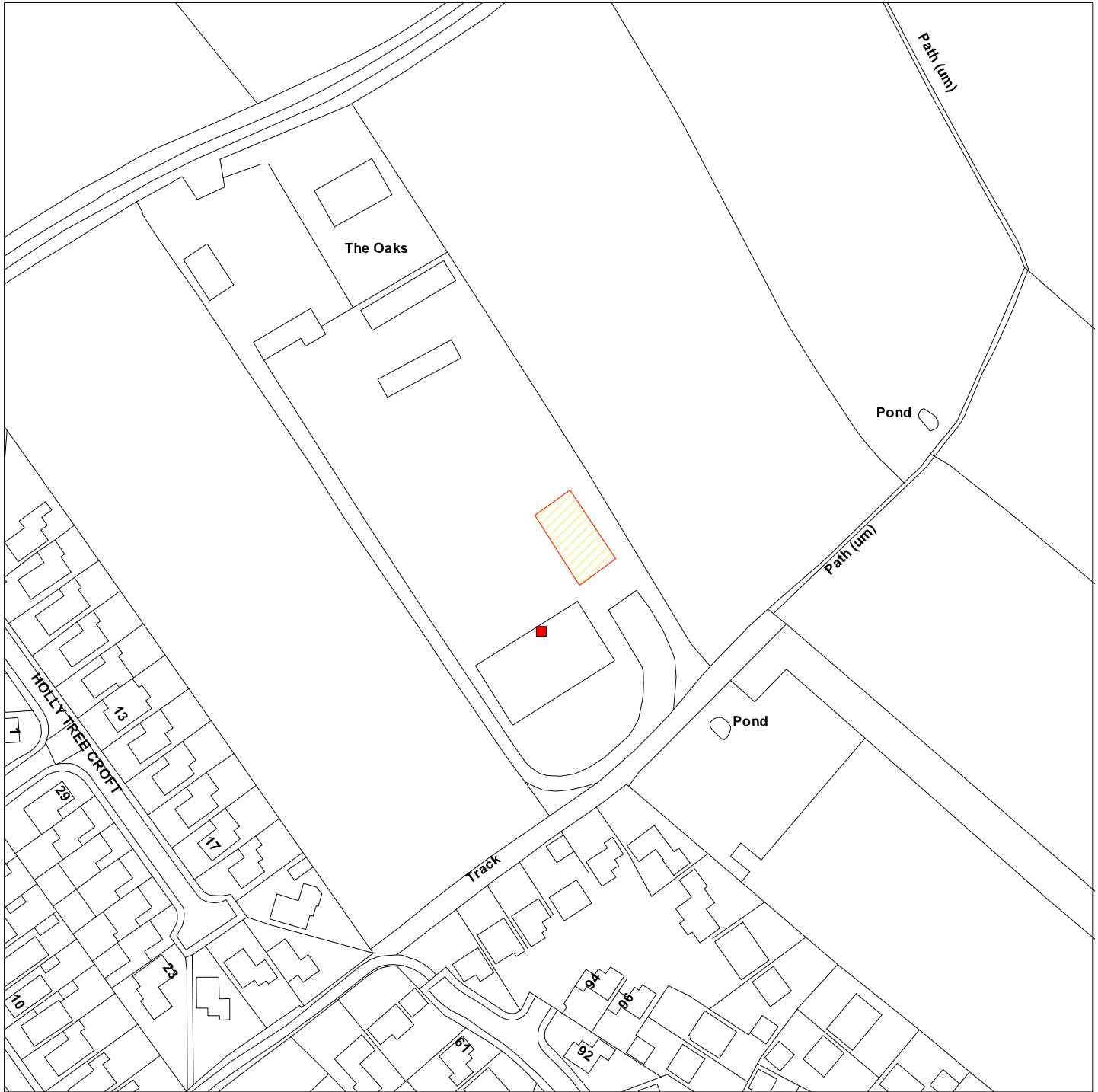
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Scale : 1:1582

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	29 October 2012
<b>SLA Number</b>	Not Set