

Notice of meeting of

West & City Centre Area Planning Sub-Committee

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

Date: Thursday, 12 January 2012

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 11 January 2012 at Memorial Gardens.

1. Declarations of Interest

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

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annex A to agenda item 7 on the grounds that this item contains information which 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.

3. Minutes (Pages 5 - 12)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 7 December 2011.

4. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 11 January 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

5. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

- a) 2 St Martins Lane, York, YO1 6LN (11/03037/FUL)**
(Pages 13 - 18)

Change of use from offices (use class B1) to residential dwelling (use class C3) [*Micklegate Ward*] [**Site Visit**]

- b) 2 St Martins Lane, York, YO1 6LN (11/03039/LBC)**
(Pages 19 - 24)

Internal and external alterations including replacement of rear windows and installation of satellite dish [*Micklegate Ward*] [**Site Visit**]

- c) Brackenhill, Askham Bryan Lane, Askham Bryan, York, YO23 3QY (11/02881/FUL)** (Pages 25 - 30)

Two storey dwelling following demolition of existing bungalow [*Rural West York Ward*] [**Site Visit**]

- d) Brackenhill, Askham Bryan Lane, Askham Bryan, York, YO23 3QY (11/03035/FUL)** (Pages 31 - 36)

Temporary siting of 3 residential caravans [*Rural West York Ward*] [**Site Visit**]

- e) **Catering Support Centre, St Maurices Road, York, YO31 7JA (11/01659/FULM)** (Pages 37 - 50)

Part two part three storey 12 bedroom hotel with restaurant at ground floor following part demolition of existing building. Cafe use in retained existing building (amended scheme) [*Guildhall Ward*]

- f) **Poppleton Garden Centre, Northfield Lane, Upper Poppleton, York, YO26 6QF (11/02637/FULM)** (Pages 51 - 66)

Erection of extension to building and bedding canopy with associated landscaping following demolition of existing buildings [*Rural West York Ward*]

6. **Appeals Performance and Decision Summaries** (Pages 67 - 82)

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30 September 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 22 December 2011 is also included.

7. **Enforcement Cases Update** (Pages 83 - 262)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

If Members have any specific queries or questions regarding enforcement cases, please e-mail or telephone Andy Blain or Matthew Parkinson by **5pm on Tuesday 10 January 2012** if possible so that officers can bring any necessary information to the meeting.

If Members identify any cases on the list which they consider are not now expedient to pursue and / or could now be closed e.g. due to a change in circumstance on site or the alleged breach no longer occurring, please could they advise officers either at the meeting or in writing, as this would be very helpful in reducing the number of cases, particularly some of the older ones.

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

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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

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

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

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

Contact details are set out above.

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an

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Holding the Cabinet to Account

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

Scrutiny Committees

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

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

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- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 11 January 2012

Members of the sub-committee meet at Memorial Gardens at 11.00

TIME (Approx)	SITE	ITEM
11.15	Brackenhill, Askham Bryan Lane, Askham Bryan	5c&d
12.00	2 St Martins Lane	5a&b

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	7 DECEMBER 2011
PRESENT	COUNCILLORS WATSON (CHAIR), GILLIES (VICE-CHAIR), CRISP, GALVIN, GUNNELL, JEFFRIES, ORRELL, REID AND SEMLYEN

30. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Plot 6, Great North Way, Nether Poppleton	Councillors Crisp, Jeffries and Watson	To familiarise Members with the site.
Artful Dodger, 47-51 Micklegate	Councillors Jeffries and Watson	To familiarise new Members with the site at the request of Cllr Watson.

31. DECLARATIONS OF INTEREST

At this point in the meeting, Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

32. MINUTES

RESOLVED: That the minutes of the last meeting of the West and City Centre Area Planning Sub Committee held on 17 November 2011 be approved and signed by the chair as a correct record.

33. PUBLIC PARTICIPATION

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

34. PLANS LIST

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

34a 47 Hunters Way, York, YO24 1JL (11/02819/FUL)

Members considered a full application from Dr Daniel Crowley for a single storey side and rear extension.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours and the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001)

34b Artful Dodger 47 - 51 Micklegate York YO1 6LJ (10/00965/LBC)

Members considered an application for listed building consent from Mr Marc Allinson for replacement lighting to the front of the building.

Members were advised that the lights were required to ensure security as the positioning of the street lights did not provide adequate light for the building.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the historic character and integrity of the Listed Building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**34c Artful Dodger 47 - 51 Micklegate York YO1 6LJ
(10/00966/LBC)**

Members considered an application for listed building consent from Mr Marc Allinson for internal alterations at ground and first floor levels including the installation of a new staircase from the rear bar area and replacement windows to the rear.

Members discussed the reasons for the staircase and the general background to the application. Officers confirmed that the Conservation Architect was satisfied with the proposals.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the historic character and integrity of the Listed Building. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

**34d Plot 6 Great North Way Nether Poppleton York
(11/02318/FULM)**

Members considered a major full application (13 weeks) from Miss Tracey Kay for the erection of a three storey 64 bed care home for older people.

Officers advised that the consultation response had now been received from the Ecology Officer whose comments are based on the mitigation report that was received on 2 December 2011. He made the following comments:

- *With regard to the actual proposals, this involves the translocation of the existing sward to another receptor site and this also is acceptable as the best alternative option if retention on site cannot be secured. This will provide an opportunity to retain the existing unusual diversity rather than simply provide an alternative that is similar to the general interest elsewhere in the City.*
- *A number of sites were discussed but the nearby Council owned site at Batchelor Hill was proposed as being the most suitable both in habitat compatibility terms and for future security.*
- *The proposed outline method of translocation referred to in the report is acceptable.*
- *On the basis of the mitigation report believe an adequate compensation for the wildlife interest can be achieved and would withdraw any objection on nature conservation grounds.*

Officers advised, that for these reasons, the third reason for refusal has been withdrawn but that if the application was approved a condition could require a management plan.

Officers also advised that additional drainage information has been submitted. They advised that the Flood Risk Management Team had stated that there is information outstanding however they consider there is sufficient information already submitted that the additional information can be sought via condition if members were minded to approve. For these reasons the proposed second reason for refusal is withdrawn.

Officers also advised that additional information compiled by the group marketing the site had been received. The information included how the site was marketed and that this site has been

marketed since March 2011. In addition a letter from the owner of the land - Evans Property Group stated that the site had been marketed (of varying intensities) continuously for a 10 year period. In January 2011 Evans Business Group took the decision to dispose of the land.

Officers advised Members that the position of the Planning Policy team remained the same with regard to retaining the site for employment uses. Their response was as follows:

- *The loss of employment sites has been resisted in the past, and this site has been identified in the Employment Land Review (ELR) as appropriate for B1(a) both in terms of market preference and suitability, it formed part of the Annex of future employment sites that went to Full Council in June and is identified in the Core Strategy Supporting Paper on employment. It is not therefore a peripheral site.*
- *As part of the ELR, the consultants considered the attractiveness of the site for inward investment and it received a positive result, hence it was ranked quite highly. It is also questionable whether a care home should be located in a business park.*

On the issue of employment land, officers acknowledged the marketing information showed that there had been little demand for the site. However they reminded Members that there was an established need for employment land in the city and this site had been identified as scoring highly for this use.

Officers responded to Members specific queries regarding this issue.

The Council's Ecologist/Countryside Officer provided advice to the Committee at the request of the Chair. He acknowledged that the land and surrounding open land had been given outline consent for development by Harrogate Council when the area fell within the Harrogate boundary therefore it would be unreasonable to object to the application.. He explained that a nature conservation interest had been identified and during the last few years intensive survey work has been carried out across York and the Poppleton site had fulfilled the required criteria . He explained to Members that the main interest was as a brown field site in that material had been brought in from elsewhere and plants had flourished which would not normally occur in the Vale of York, leading to wildlife interest. However it

would be possible to move the habitat and recreate it in a different, more sustainable, location.

Representations were received from the planning and development manager for Ideal Carehomes in support of the application. With the agreement of the Chair, he distributed copies of a brochure entitled "Choosing Your Care Home". He explained that the company's philosophy is to provide the best possible quality of care in the best possible facilities at an affordable rate and that this site would allow them to achieve this in York. It would also introduce a new social care provider into the city and generate employment. He noted that the ecological and drainage issues have been resolved but acknowledged that the issues surrounding employment land still needed to be dealt with. He reminded Members that the site had been granted outline planning permission 15 years previously but still remained undeveloped. He stated that, if approved, the development would generate 40+ jobs and that this should be considered an appropriate use of land to provide employment. In response to a query, he confirmed that the home would provide affordable residential and dementia care. He acknowledged that the site may not be the perfect site for a care home but that it was acceptable for this purpose.

Members acknowledged it was not possible to determine if the demand for employment use would increase over the next 20 years or not. However they noted officers reasons for recommending refusal of the application and agreed that it was important not to dismiss land allocations and targets for employment.

Members stated that while they were happy with the quality of the care home, they did not feel that the site was suitable as it was quite isolated and in an awkward position with little opportunity for residents to go for walks nearby. They noted that the gardens would be extensively landscaped and activities would be on offer to residents however they noted that it would be a screened in facility with very little in the way of outlook for residents.

RESOLVED: That the application be refused.

REASON; The application site lies within an area which is designated as a standard employment site in the Local Plan and the emerging Core

Strategy. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that this site is no longer required in quantitative and qualitative terms for employment purposes and therefore is contrary to Policy E3b of the City of York Council Development Control Local Plan (2005) and Policy CS16 of the emerging City of York Council Core Strategy (2011) which seeks to ensure that existing employment sites are protected to allow York's economy to realise its potential.

Councillor B Watson, Chair

[The meeting started at 3.00 pm and finished at 4.25 pm].

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COMMITTEE REPORT

Date: 12 January 2012 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 11/03037/FUL
Application at: 2 St Martins Lane York YO1 6LN
For: Change of use from offices (use class B1) to residential dwelling (use class C3)
By: Mr And Mrs P S Healey
Application Type: Full Application
Target Date: 9 January 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to a 3-storey building located at the end of the terrace which is group listed at grade 2. The buildings are of mid C19 origin and were originally houses. The host building was last used as offices but has been vacant since 2008.

1.2 Planning permission is sought for a change of use to residential. There is an associated application for listed building consent - 11/03039/LBC. The only external change proposed is the removal of a single storey rear extension.

1.3 This application and the companion Listed Building Consent application come to committee as the applicant is Councillor Healy.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185
Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYHE4
Listed Buildings

Application Reference Number: 11/03037/FUL
Page 1 of 4

Item No: 5a

CYH4A
Housing Windfalls

CYH12
Conversion of redundant offices

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 No response from Micklegate Planning Panel

3.2 As a consequence of publicity a representation has been received on behalf of the public house at 49 Micklegate. It advises of the proximity of the rear of the premises to a licensed outside drinking area used by the pub and the nightclub next door. There is concern that noise will affect future occupants and no soundproofing measures are proposed in the dwelling. It is asked that this be noted and that any future occupants should not be able to complain about noise from existing uses should they move into the building.

4.0 APPRAISAL

4.1 Key issues

- Loss of office space
- Whether residential use is appropriate at the site
- Amenity of future occupants
- Impact on the listed building and the conservation area
- Open space

Loss of office space and whether residential use is appropriate at the site in principle

4.2 Local Plan policy E3b advises that a change of use from office use will only be given where there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and either unacceptable environmental problems exist; the development of the site for other appropriate uses will lead to significant benefits to the local economy; the use is ancillary to an employment use. Policy H12 advises conversions of offices will be acceptable when there would be no undue adverse impact on the vitality and viability of the city centre and the amenity of surrounding occupants.

4.3 The host building became vacant in 2008 and has been unsuccessfully marketed as offices since. Continued vacancy indicates a lack of demand, and that there are preferable alternative sites. In addition the building is listed and does not provide inclusive access. To secure occupation of the building and provide a family home for which there is established need, rather than require that its stays vacant, will have benefit to the economy, and have a positive impact on the locality. As such the loss of the office floorspace offered within the building is not objected to.

4.4 The scheme complies with Local Plan policy H4a which advises that conversions of buildings into dwellings will be acceptable where the site is within the urban area and is vacant, and has good accessibility to jobs, shops and services.

Amenity of future occupants

4.5 The host building is within a terrace some of which is in residential use. There is an outside area to the public house at 49 Micklegate, behind the application site, thus it is likely there will be noise disturbance on occasions from raised voices, late in the evening. However it is proposed to arrange the internal layout so the bedrooms are to the front of the building, overlooking the Church Grounds and St Martin's Lane, which is far quieter than Micklegate; footfall is lower and the lane is used rarely by traffic. In future the applicants could, if they wished and subject to listed building consent, install secondary glazing to the building to increase noise insulation. It is given that noise levels will be higher in this city centre area, in comparison to an area which is predominantly residential. It is a positive for the immediate area that family housing will be provided, and in a sustainable location, this can make a positive impact on vitality, viability and safety. There is no evidence that noise levels would be undue for future occupants; Council's Environmental Protection Unit have not reported a significant number of complaints from existing residents in the lane. Overall it is deemed amenity levels for future occupants would be acceptable.

Impact on the listed building and the conservation area

4.6 Policies HE3 and HE4 seek to preserve the character and appearance of conservation areas and the special interest of listed buildings. The building was designed as a house and a return to its original use will benefit the conservation of the listed building. Internally the layout would respect the original form of the building. A modern rear extension would be removed, to provide additional outside space. This will not have an adverse impact on the historic and architectural interest of the main building. The building is not seen from public viewpoints, thus there would be a neutral impact on the conservation area.

Open space

4.7 In accordance with policy L1c of the Local Plan the applicants agree to an open space contribution.

5.0 CONCLUSION

5.1 The application is welcomed; it will secure the long term conservation of the listed building and return it to its original use. This will benefit the vitality and viability of the area also. The benefits identified outweigh the loss of office space. It is considered also there would be acceptable living conditions for future occupants.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - 1119.2-5 date stamped 11.11.2011
- 3 S106OS IN Section 106 Open Space - 2,154

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 heritage assets, the supply of office space in the city and residential amenity. As such the proposal complies with Policies HE3, HE4, E3b, H4, and H12 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

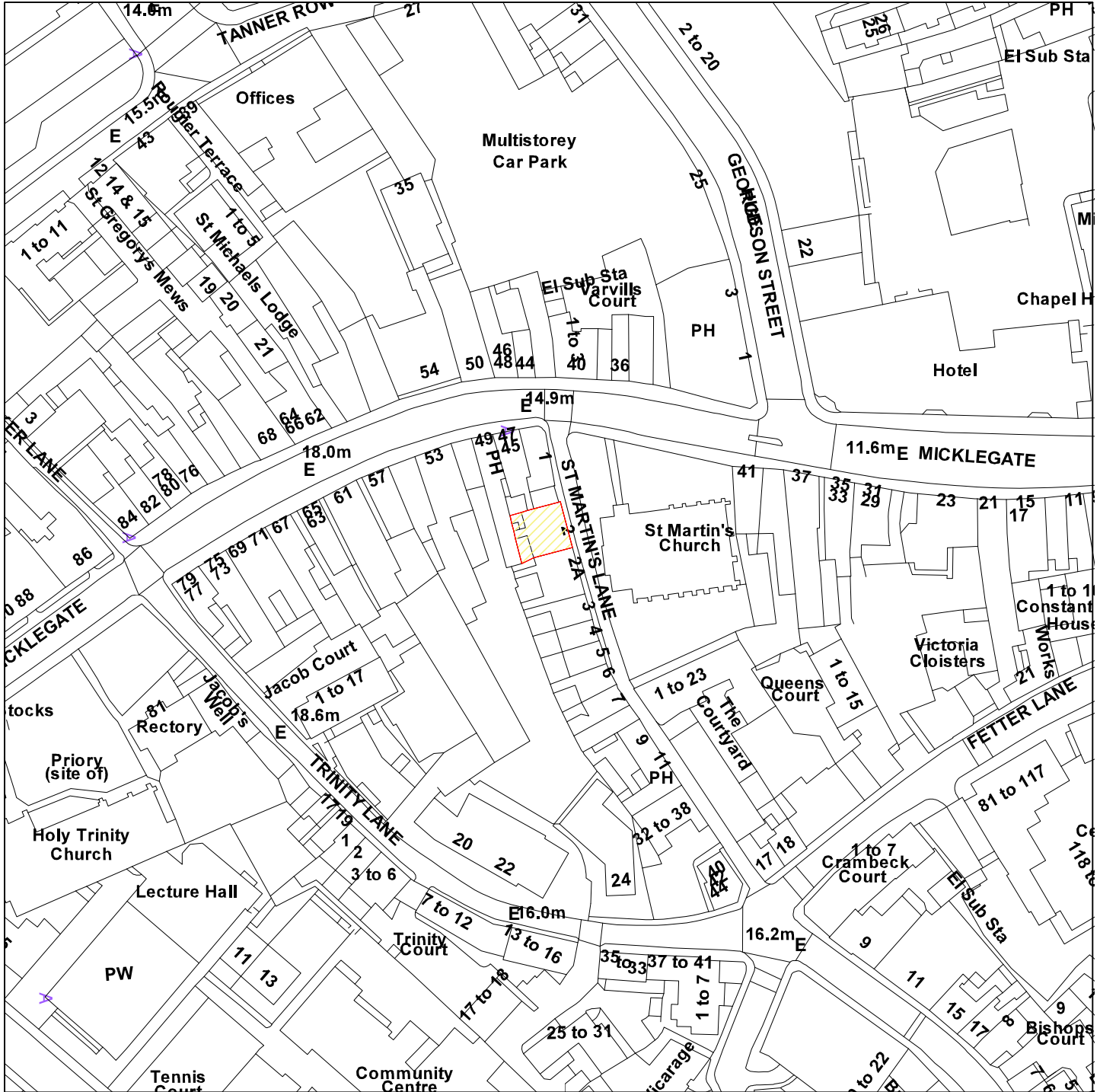
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11/03037/FUL

2 St Martins Lane



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 January 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 12 January 2012 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 11/03039/LBC
Application at: 2 St Martins Lane York YO1 6LN
For: Internal and external alterations including replacement of rear windows and installation of satellite dish
By: Mr And Mrs P S Healey
Application Type: Listed Building Consent
Target Date: 9 January 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to a 3-storey building located at the end of the terrace which is group listed at grade 2. The buildings are of mid C19 origin and were originally houses. The host building was last used as offices but has been vacant since 2008.

1.2 Listed building consent is required for the desired changes that would occur as part of a change of use of the building back to a single dwelling. A single storey outshot at the rear of the building would be removed. Internally the following changes are proposed:

- Ground floor: an existing opening between the ground floor front and rear rooms would be increased in height; the rear full height windows would be altered.
- First floor: lobby removed.
- Second Floor: original configuration restored - entrance to rear room, landing and balustrade.

1.3 There is an associated application for planning permission for the change of use - 11/03037/FUL.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 49 Micklegate York YO1 1LJ 0185

Listed Buildings GMS Constraints: Grade 2; 2 St Martins Lane York YO1 1LN 0188

Application Reference Number: 11/03039/LBC

Item No: 5b

2.2 Policies:

CYHE4
Listed Buildings

3.0 CONSULTATIONS

Micklegate Planning Panel

3.1 No comments received.

Publicity

3.2 As a consequence of publicity a representation has been received on behalf of the public house at 49 Micklegate. It advises of the proximity of the rear of the premises to a licensed outside drinking area used by the pub and the nightclub next door. There is concern that noise will affect future occupants and no soundproofing measures are proposed in the dwelling. It is asked that this be noted and that any future occupants should not be able to complain about noise from existing uses should they move into the building.

4.0 APPRAISAL

Key issues

4.1 Impact on the special historic and architectural interest of the listed building

Policy

4.2 PPS5: Planning for the Historic Environment makes a presumption in favour of conservation. Alterations must be justified. However it also recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. In determining applications local planning authorities should weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and recognize that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

Assessment

4.3 The building was originally a house and has been adapted to accommodate office use. The single storey rear outshot has been added and the 2nd floor layout

altered, with the landing splayed over the stairwell, to provide w/c's. Openings between front and rear rooms on each floor have also been made.

4.4 The proposed alterations will assist in restoring the original configuration, by removal of the rear extension and reverting to the original layout at second floor level. Fireplaces will also be reinstated. There is a curious lobby arrangement at first floor level and it is not known if this is original. However it does not occur on the second floor and it is presumed this is a non-original installation. Removal of the lobby is proposed which will make more prudent use of the space and provide larger rooms at this level.

4.5 A satellite dish is proposed which would be mounted on the rear elevation of the chimney stack. The location is discreet and there would be no undue harm to the architectural interest of the listed building.

5.0 CONCLUSION

5.1 The proposed alterations predominantly affect non-original works and revert the building back to its original form. It is unclear whether the lobby which it is proposed to alter at first floor level is original, the change is however justified as it improves the functionality of the building. The satellite dish due to its location would not have an adverse effect on the building's appearance. It is recommended consent be granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2 PLANS1 Approved plans - 1119.2-5 date stamped 11.11.2011

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

a) Ground floor french doors and their surrounds.

b) Alterations to stairwell and stairhead to include new balustrade and 2nd floor landing area.

c) Alterations to chimney breasts and fireplaces.

Reason: To protect the appearance of the listed building.

4 All works shall be scribed around original walls and details, and any new works where partitions are to be removed shall be restored using matching details and materials.

Reason: To protect the appearance of the listed building.

5 The satellite dish and its associated fixings shall be fully removed when it becomes redundant.

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

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

Contact details:

Author: Jonathan Kenyon Development Management Officer

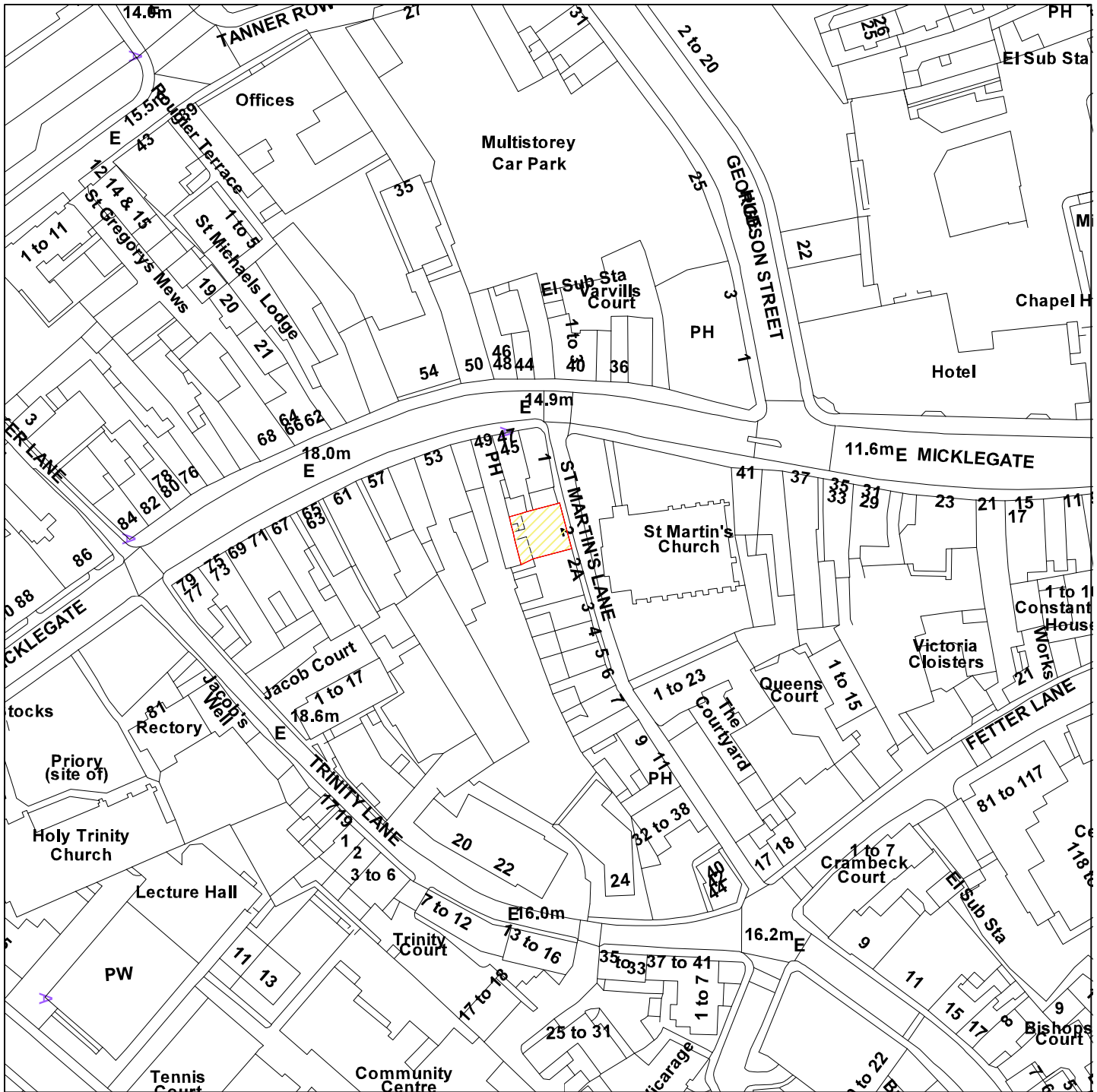
Tel No: 01904 551323

11/03039/LBC

2 St Martins Lane



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 January 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 12 January 2012 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 11/02881/FUL
Application at: Brackenhill Askham Bryan Lane Askham Bryan York YO23
3QY
For: Two storey dwelling following demolition of existing
bungalow
By: Mr Peter Shipley
Application Type: Full Application
Target Date: 12 January 2012
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application relates to Brackenhill which lies at the north end of Askham Lane, to the west of the A1237 outer ring road. The application site contains a single storey dwelling that lies around 35m back from the access road and a garage behind. The site curtilage runs to the west and also includes two single storey buildings, a vehicle repair garage (approved under application 08/02767/FUL) and a taxi booking office. Askham Bryan Nurseries are to the south. The site is within the green belt.

1.2 Planning permission is sought for a replacement dwelling at the application site. The existing building is single storey with extensions to the front, side and rear. The replacement building proposed would be of a comparable footprint, although closer to the access road by some 1.5m, and 2-storey high, although the front elevation would have a lower eaves level, giving the impression of a dormer bungalow.

1.3 The application comes to committee at the request of Councillor Healy.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1

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Item No: 5c

Design

CYGP4A
Sustainability

CYGB5
Replacement dwellings

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

Askham Bryan Parish Council

3.1 Concerns are that due to ground levels at the site, the height of the house and the rendered finish, the house will be more prominent in the green belt (which should be avoided). A red brick finish would be more appropriate than render. Soakaways are proposed as the mains of surface water drainage and it is asked this be controlled so water does not run-off onto adjacent land.

Publicity

3.2 No written representations have been made.

4.0 APPRAISAL

4.1 Key issues

- Whether the development is appropriate within the green belt
- Whether there are any special circumstances which outweigh the harm

Whether the development is appropriate within the green belt

4.2 National planning policy established within PPG2 Green Belts advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness.

4.3 The PPG advises on what type of development can be considered in green belts. PPG2 states replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable.

4.4 Policy GB5 of the Local Plan relates to replacement dwellings. The pertinent part of the policy is criteria c) which advises that the new dwelling must be located as close as possible to the site of the original dwelling or located on a site which better relates to other existing built development in the area and of a matching size and scale to that being replaced.

4.5 The existing dwelling has a hipped gable roof. It is around 2.8m high to eaves level, 5.5m high to ridge level. The front, side and rear extensions are each single storey with flat roofs.

4.6 The proposed dwelling would appear as a dormer bungalow from the front with a gable roof. The eaves level would be 4.5m from ground level, the ridge level 8.8m. At the rear the main building would appear 2-storey, being 6m high to eaves level. The building would have a rear outshot also which has accommodation in the roof space. The ridge level of this part of the building would be level with the eaves at the rear.

4.7 The proposed building due to its increase in volume would be significantly larger than the existing building. A single storey dwelling would essentially be replaced with a two storey dwelling and the roof shape would also add to the prominence of the proposed building. As such the proposed dwelling would be contrary to policy GB5 and PPG2 and deemed inappropriate within the green belt.

Whether there are any special circumstances which outweigh the harm

4.8 PPG2 advises that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.9 A larger dwelling would allow Mr Shipley and his family to reside with his mother on site. His mother presently is the sole occupant of the dwelling. The existing building is poorly insulated and of inadequate size to accommodate Mr Shipley and his family. The replacement would be more sustainable, and its increased size would allow for the family to live together. Mr Shipley would also be located closer to the now lawful vehicle repair garage and taxi booking office within the site which he oversees.

4.10 It would be convenient for Mr Shipley who oversees the vehicle repair garage/taxi booking office to reside onsite, this would also assist with security. It is the families desire to live together also. However these aspirations are not essential, and do not amount to special circumstances, that justify the proposal which is contrary to green belt policy.

5.0 CONCLUSION

5.1 The proposed house is significantly larger than the existing dwelling onsite. The replacement would be inappropriate development and contrary to green belt policy, established in PPG2 and Local Plan policy GB5. Policy advises that such proposals are by definition harmful to the green belt and must only be allowed if special circumstances are demonstrated that 'clearly outweigh' the conflict with green belt policy. The special circumstances put forward by the applicants are not deemed to outweigh the harm in this case and refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed replacement house by virtue of its additional height and volume in comparison to the existing house would be inappropriate development within the green belt, contrary to PPG2: Green Belts and Local Plan policy GB5. No special circumstances have been given which clearly outweigh the harm caused by the proposed inappropriate development.

7.0 INFORMATIVES:

Contact details:

Author: Jonathan Kenyon Development Management Officer

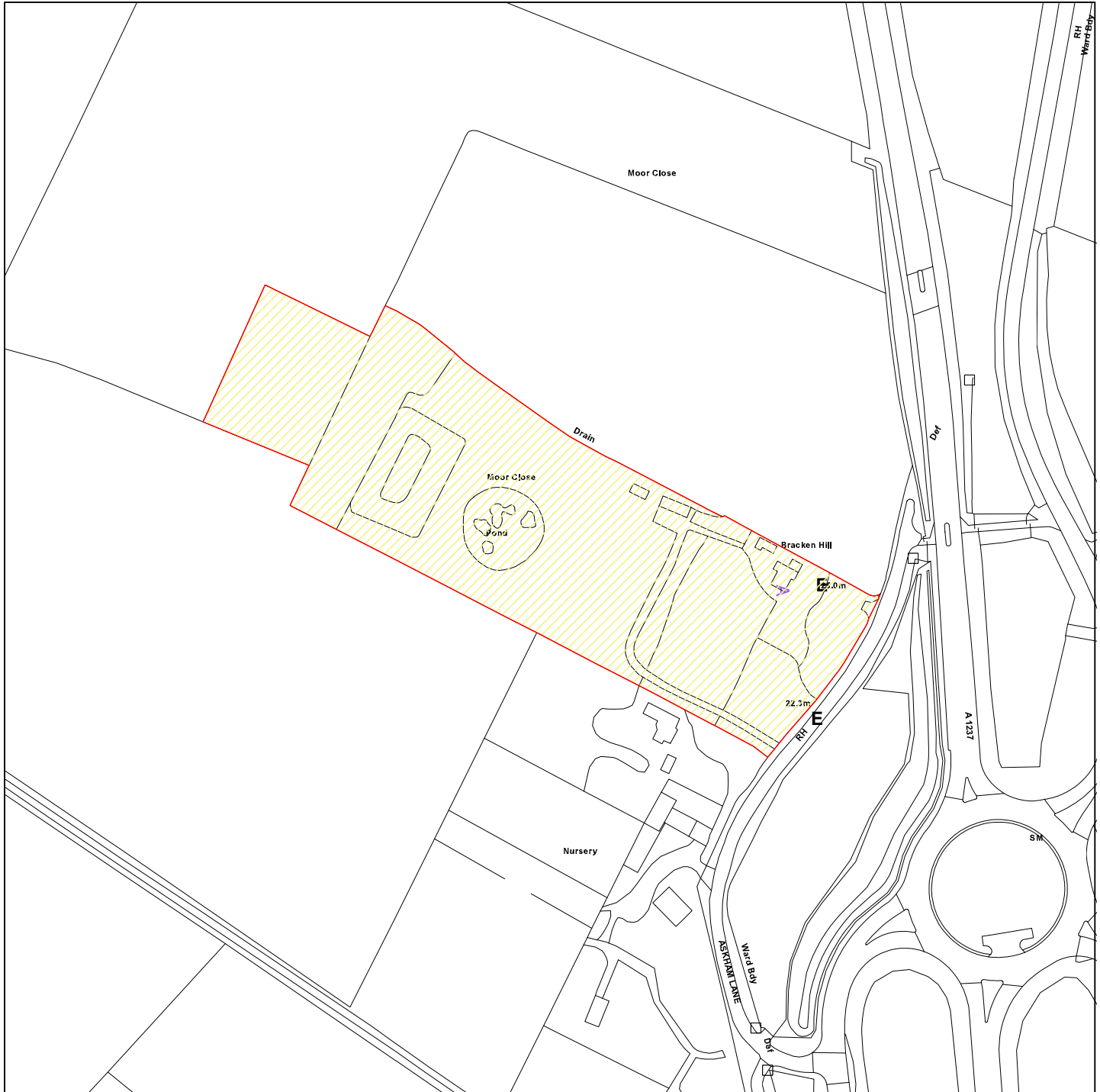
Tel No: 01904 551323

11/02881/FUL

Brackenhill, Askham Bryan Lane



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COMMITTEE REPORT

Date: 12 January 2012 **Ward:** Rural West York
Team: Major and **Parish:** Askham Bryan Parish
Commercial Team Council

Reference: 11/03035/FUL
Application at: Brackenhill Askham Bryan Lane Askham Bryan York YO23
3QY
For: Temporary siting of 3no residential caravans
By: Mr Peter Shipley
Application Type: Full Application
Target Date: 5 January 2012
Recommendation: Refuse

1.0 PROPOSAL

1.1 Planning permission is sought for the siting of 3 caravans at the site. There is a companion application to demolish the existing bungalow onsite and replace it with a larger dwelling - 11/002881/FUL and the caravans would provide temporary living accommodation during the re-building of the main dwelling.

1.2 The caravans would be sited to the west of the taxi booking office presently on site. It is asked they be allowed for a temporary 18 month period.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP23
Temporary planning permission

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

Askham Bryan Parish Council

3.1 Ask that the caravans only be allowed if the companion application for the replacement house is approved. If permission is granted, it should be for the temporary period only.

Publicity

3.2 No written representations have been made.

4.0 APPRAISAL

4.1 The key issue in this case is whether the development is appropriate and the impact on the green belt.

4.2 Local Plan policy GP23: Temporary Buildings allows such structures when they are required in advance of a permanent solution. This is the case here.

4.3 The site is also in the green belt. Policy GB1 allows for limited alterations at residential sites.

4.4 The existing house is around 149 sq m in footprint. The caravans would be at least 75 m from the main house and combined would be around 73 sq m in footprint. The caravans would sit alongside the existing repairs garage and the booking office. The series of buildings cumulatively would detract from the openness of the green belt.

4.5 The caravans due to their location and scale are deemed to be inappropriate development in the green belt, which as established in national policy note PPS2: Green Belts, is, by definition, harmful to the green belt, and could not be supported on a permanent basis.

4.6 The special circumstances proposed are that the caravans would provide alternative accommodation whilst the proposed replacement dwelling constructed. That proposal is recommended for refusal by officers. As such there would be no grounds to allow this application to be permitted; this application is recommended for refusal also.

5.0 CONCLUSION

5.1 Refusal is recommended as the caravans would be inappropriate development in the green belt. As the companion application for a replacement dwelling is recommended for refusal, there is not justification to permit this application and refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed caravans by virtue of their location and scale would have an adverse impact on the openness of the green belt.

The proposed development is inappropriate development in the green belt. There are no special circumstances which outweigh the harm to the green belt. The proposal is contrary to PPS5: Green Belts and Local Plan policy GB1.

7.0 INFORMATIVES:

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

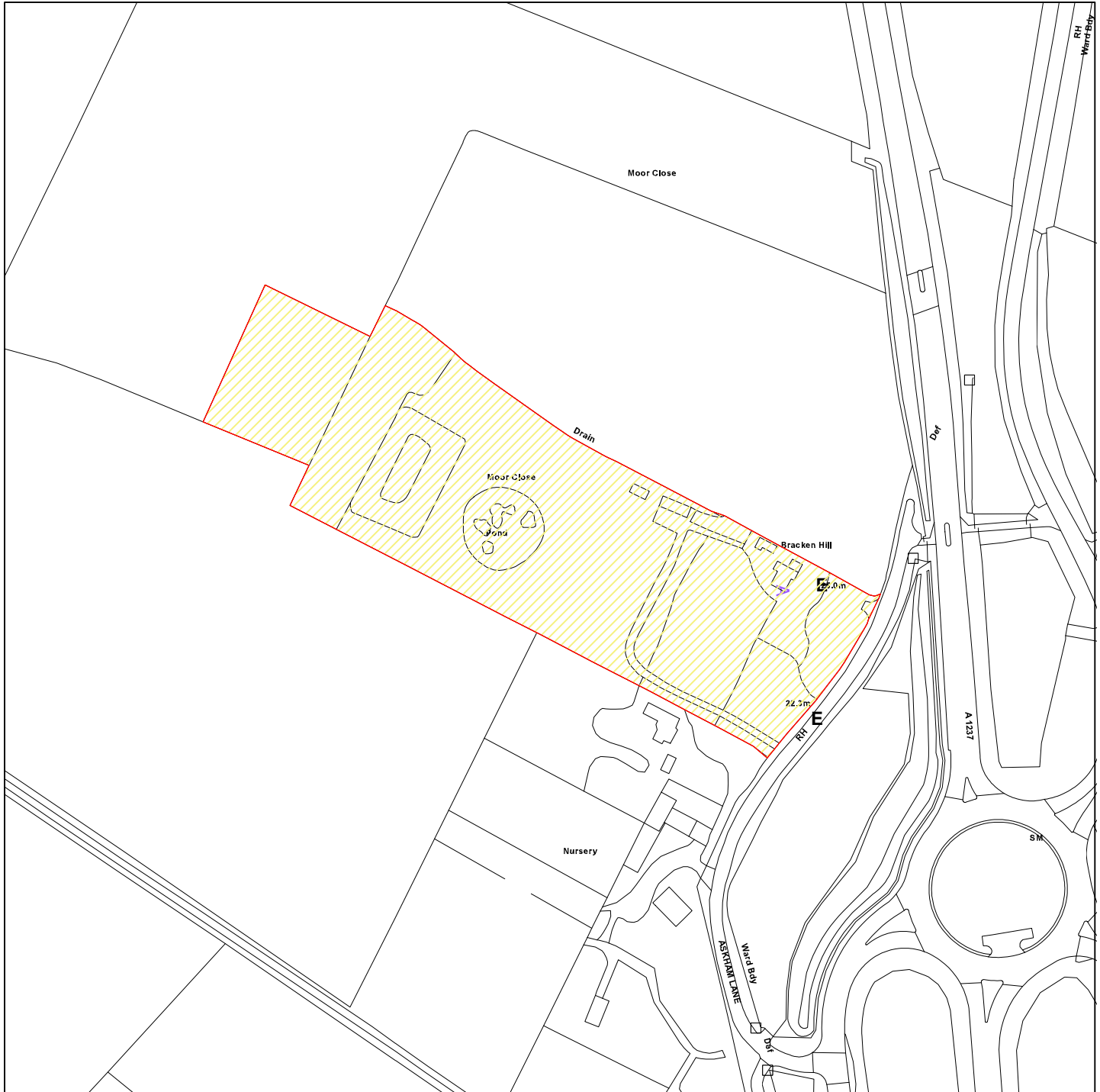
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11/03035/FUL

Brackenhill, Askham Bryan Lane



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1.5 The application is a resubmission. An application for a restaurant and 26-bed hotel within a 3-storey building was withdrawn in September 2010 (reference 10/01391/FULM).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area

Conservation Area: Central Historic Core

Scheduled Ancient Monuments: SMR 30 City Walls Jewbury To Monk Bar

Schools: St. Wilfrid's RC Primary 0230

2.2 Policies:

CYGP1Design

- CYSP7 The sequential approach to development
- CYHE2 Development in historic locations
- CYHE3 Conservation Areas
- CYHE10 Archaeology
- CYV3 Criteria for hotels and guest houses

3.0 CONSULTATIONS

Design and Conservation

3.1 Officers object to the scheme. They are of the opinion the site cannot accommodate the amount of development proposed without a detrimental effect to the setting. The scheme would be contrary to advice established in the English Heritage Position Paper on the City Walls (Feb 2011), York Central Historic Core conservation area appraisal (Nov 2011) and York New City beautiful: towards an economic vision (Oct 2010).

3.2 Officers draw attention to the immense significance of the city walls in defining York - by reinforcing its compact medieval form and enclosing the central core with a strong linear form which also helps to create York's unique identity and sense of place. Although the setting of the walls has changed over time, the stretch along Lord Mayor's Walk and the section from Jewbury to Layerthorpe are specifically mentioned in the conservation area appraisal as being distinguished by their landscape setting, comprising of the wide rampart and ditch and the lines of mature

trees. These areas are appreciated for their townscape value. The city wall walk, as it curves between Monkgate and Layerthorpe, allows unfolding views of the walls in their landscape setting. It also enables one to appreciate the contrast between the dense inner core of the city and the open outer area.

3.3 The open landscaped setting would be eroded - the site would be less open as the mass of buildings on site would be increased substantially, the ash trees which continue the line of mature limes would be removed and the reduced car park area would remain exposed with waste bins added in a position open to being viewed from the city walls.

3.4 In places the building's roof would be of a similar height to the city walls. At its highest point it would be almost twice as high as the existing buildings on site. Views of the walls from St Maurice's Road would be curtailed.

3.5 The new footprint and height of building would appear to crowd the embankment and walls, not allowing sufficient space for them to be appreciated. The effect would be to challenge their dominance both on site and as seen within the wider environment.

3.6 The remaining section of existing building would lose its significance. Its architecture would be compromised by the loss of symmetry and the introduction of components which impose their own scale on the modest building. The loss of the taking in doors and loft would erode legibility. There would be merit in retaining the symmetrical building and developing a grain of small scale buildings along the site which recognize routes from Monkgate. This approach would demand a different use for the site.

3.7 The proposed building expresses itself as 7 individual components, though it is one building with two interconnected uses. An assortment of materials has been used in a variety of ways and the roof is made up of diverse forms appearing to be placed at random along the length. To be successful architecturally, this degree of variety has to be appreciated within an ordered framework. The order is lacking. Similarly the combination of scales and types of component appears random. The parts could be jumbled up in a different combination to the same effect. To be recognized as architecture the parts need to be related to the whole and the building has to have a degree of integrity i.e. there should be a relationship between inside and outside and the building must achieve legibility. The proposal appears as an artificial disguise using a collection of post-modern styles. It is unrelated to context neither time (C21st) nor place. Generally buildings within the vicinity are of modest appearance, having rhythmic openings of human scale proportions with variety and use being expressed through subtle changes of scale and detail.

3.8 The bulky square section across the proposed building does not take account of the entirely different site conditions to either side. The emphasis in recreating a

street in this part of St Maurice's Road is wrong. In urban design terms the city walls are an edge-defining structure. Their historic, aesthetic and communal significance as heritage assets is almost synonymous with York's identity as a city, and their role would be greatly diminished if hidden by the proposed building.

Archaeology

3.9 The site lies within two statutory area designations, the Central Historic Core Conservation Area and the central Area of Archaeological Importance. An archaeological desk-based assessment of the site has been carried out which provides a comprehensive synthesis of the archaeological and historical background of the site. It notes that the site is immediately adjacent to the embankment of the City Walls and that the site will contain the now backfilled medieval ditch (an undesignated heritage asset). It comments that 'if archaeological remains are present on the site they would have the potential to be of national or possibly international significance'.

3.10 The site clearly contains heritage assets of archaeological interest; there is high archaeological potential for preservation of Roman and later deposits; and archaeological remains, if present, will be of the highest significance. The applicant has not carried out an archaeological field evaluation of the site to support this application. In the absence of a field evaluation it is therefore not possible to properly assess the archaeological interest of the site and to determine (a) what impact the development proposal will have on archaeological deposits (sub-surface heritage assets) (b) what loss of significance might occur as a consequence of these impacts and (c) if the loss of significance is acceptable, what response or measures should be put in place to record the deposits and their significance. Officers recommend therefore that in the absence of this critical information, this application is either withdrawn until an evaluation takes place and such information is submitted or that the application is refused.

Countryside officer

3.11 No objections. Officers concur with the submitted bat survey, which found no bat roosts within the buildings onsite. It is likely there is a bat roost nearby and there are records of a known roost site just to the north of the site. Furthermore, there is suitable foraging habitat near by, and the city wall embankments provide a good commuting link to further good quality habitat. Care will need to be taken during any demolition or conversion work here in case any bats take up residence in the future.

3.12 Bat friendly habitat features should be incorporated into the designs of the proposed new buildings in order to provide suitable roosting opportunities and to

ensure that any suitable habitat potentially lost through the demolition of the existing buildings on site is made available within any new development.

Highway Network Management

3.13 Response pending.

Drainage

3.14 Insufficient information has been provided to determine the potential impact the proposals may have on the existing drainage systems. Officers require:

- Details of the existing and proposed surface water system. Required to enable the impact of the proposals on the downstream watercourse to be assessed.
- To prevent runoff from the site affecting nearby properties a topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties is required.
- That additional surface water is not connected to any foul / combined sewer, if a suitable surface water sewer is available.
- That peak run-off from the developments is attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Officers note rainwater harvesting systems are not a suitable method of surface water attenuation as the amount of water entering during a storm event is far greater than that being used during that same period. Surface water should be attenuated and discharged at a controlled rate. Green roofs are not a suitable method of reducing surface water run-off as once they become saturated they become 100% impermeable.

Yorkshire Water

3.15 Object to the proposal as part of the proposed building would be over a Yorkshire Water sewer within the site. Construction would compromise Yorkshire Water's ability to manage and maintain the sewer. It is asked that the building footprint be amended so the building is at least 3m from the centre line of the sewer. It is also asked there be no increase in surface water run-off from the site.

Police Architectural Liaison Officer

3.16 Officers advise that with regards designing out crime there is no objection to the scheme. It is noted a security consultant would advise on the design. Officers

do have concerns regarding highway safety as servicing vehicles will only be able to access the site from the far side of St Maurice's Road.

Conservation Areas Advisory Panel

3.17 Object. The panel felt very strongly that this proposal was completely wrong in this location. The scheme takes no account of the heritage assets in the vicinity and has no regard to the policies in PPS5 particularly HE1. The proposal is also contrary to Local Plan Policy GP1. Any development higher than one storey is not appropriate in this location. There is no justification for the loss of the buildings or the trees. The panel also had concerns with regard to the ability to service the hotel in such a restricted location.

Guildhall Planning Panel

3.18 Object. The proposed development would be out of scale with the area, and remove views from the city walls. The building does not respect its context and is not of its time.

Publicity

3.19 Two letters of objection have been received. Objections are on the following grounds -

- Development is too high and would restrict views of the city walls. It would be out of character with the area.
- Loss of views of the townscape from the city walls.
- St Maurices Road is busy and used by emergency services. Additional traffic would have an adverse impact on highway safety.
- The proposed use would lead to noise disturbance.

4.0 APPRAISAL

4.1 Key issues

- Principle of the proposed development
- Impact on the historic setting
- Sustainability
- Highway network management
- Biodiversity / Protected Species
- Crime prevention

– Drainage

Principle of the proposed development

4.2 The buildings at the application site were formally used as a training centre and are within the city centre area, as defined in the Draft Local Plan. The former use is (under the use classes order) classed as a 'non-residential institution'. The buildings onsite are presently vacant. The site is not designated for a particular use in the Local Plan. In sequential terms a hotel on the site would be compliant with policies SP6: Location Strategy and SP7: Sequential Approach to Development which steer commercial and leisure developments to previously developed land within the city centre, and V3: Hotels, which asks that hotels are either located within the city centre or well-connected to it.

4.3 The proposed use fits with the thrust of national policy contained in PPS4: Planning for Economic Growth which encourages sustainable economic growth which enhances the vitality and viability of existing centres. However PPS4 advises that sustainable economic growth also involves the conservation of historic, archaeological and architectural heritage and policy EC10 of the PPS advises that in determining applications for economic development, a material consideration is whether 'the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions'.

Impact on the historic setting

4.4 The site is to the immediate NE of the Grade 1 listed City Walls. The City Walls and the grade 2 listed Ice House are Scheduled Monuments. The site is within the Central Historic Core Conservation Area and City Centre Area of Archaeological Importance.

4.5 PPS5: Planning for the Historic Environment advises that the Government's overarching objective is that heritage assets should be conserved. To deliver sustainable development, policies and decisions affecting heritage assets are to be informed by the importance of the heritage asset affected. Policy HE9 of the PSS advises that the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. In order to allow harm, there must be clear and convincing justification, and significant loss, or harm to grade 1 or grade 2 star listed buildings should be wholly exceptional. PPS5 advises that LPA's should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

4.6 PPS1: Delivering Sustainable Development states that it is the Government's objective to "ensure high quality development through good and inclusive design" and "design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted". Relevant companion guidance to an historic site such as this would be the CABE / English Heritage Design in Context document. The guidance advises that a successful project will: respect the geography and history of the place, and lie of the land; sit happily in the pattern of the existing development; respect important views; respect the scale of surrounding buildings; use materials that are of as high a quality as those used in existing buildings; create new views and juxtapositions which add to the variety and texture of the setting.

4.7 Policy SP3 of the DLP: 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. When considering planning applications the Council will seek to protect key historic townscape features, particularly in the city centre, that contribute to the unique historic character and setting of the city.

4.8 Policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. The Central Historic Core Conservation Area Appraisal advises any re-development of this particular site should achieve the following;

- Enhancement through landscaping. Specifically the appearance of the car park should be improved.
- Redevelopment on existing footprints.
- Only single storey development should be considered if the existing buildings cannot be converted for reuse.
- New building should be of the highest quality design.

4.9 The scheme fails to meet the above criteria. It is contrary to policy and cannot be supported for the following reasons:

- Whilst the area of car parking is reduced due to the larger building footprint, there is no soft landscaping of the area, it is all identified as hardstanding and would accommodate a bin store. This is an unacceptable visual arrangement.
- The buildings onsite would be taller and closer to the city walls. The open aspect and enjoyment of this section of the walls, including views of the townscape,

would be eroded due to the height and location of the building. Views of the walls from the street would also be lost.

- The development would appear as a series of buildings, the shape, design and materials of which would be completely random. The building would have no integrity or identity, and it would not relate to its setting. The development would appear out of keeping and the architectural style/design approach would not enhance the setting.

Archaeology

4.10 The site is within the city centre area of archaeological importance. Policy HE10 of the DLP seeks to preserve important archaeological remains and requires that applications demonstrate no more than 5% of archaeological deposits are disturbed or destroyed during works.

4.11 No information has been provided as to how the applicants propose to deal with archaeology onsite. It is known that there will be remains of significant importance at the site. However it is unknown what loss might occur, if the loss of significance is acceptable, and what response or measures should be put in place to record the deposits and their significance. In the absence of an archaeological evaluation, the scheme cannot be supported

Sustainability

4.12 Developments are expected to meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction and those within the Core Strategy. This development would be required to achieve a BREEAM rating of 'very good' and provide at least 10% of its energy demand from on-site renewable resources. The development could achieve BREEAM V-good as required. It is proposed pv panels will be mounted to the roof to provide renewable energy. The sustainable construction requirements could be secured through a condition.

Highway Safety

4.13 Policy SP8 of the DLP seeks to reduce dependence upon the car. It is suggested this occurs through locating large scale development close to bus routes and pedestrian and cycle networks and through the provision of cycle parking. The objectives of the DLP and PPG13: Transport (national planning policy) are to promote accessibility to jobs by public transport, walking and cycling and to reduce the need to travel, especially by car. Policy T4 of the DLP requires appropriate cycle parking provision, T5 asks that developments do not have an adverse effect

on road safety and T13a requires developments to adopt a travel plan when over 30 employees are likely to be employed.

4.14 There is concern that due to the car park arrangement shown and width of the access service vehicles would be unable to turn into the site from the closest lane of St Maurices Road. As such the proposed means of servicing the proposed development would have an adverse effect on highway safety.

4.15 Preference is that cycle parking is covered and secure. It would preferably be within the proposed building rather than isolated in the car park where it would not be overlooked.

Biodiversity

4.16 Local Plan policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. Policy NE7 asks that existing habitats are enhanced or supplemented where possible. It could be secured through a condition that facilities for bats be integrated within the building fabric.

Drainage

4.17 Policy GP15a of the Local Plan advises that in new development, discharges should not exceed the capacity of the sewer system and surface water run-off should not exceed the existing rate. The 2011 Strategic Flood Risk Assessment requires surface water flows from all sites should, where practicable, be restricted to 70%.

4.18 The site as existing is all hard-standing. Parts of the building are proposed to have a green roof to reduce surface water run-off. Whilst this approach is commended; it is a sustainable means of reducing surface water run-off, and enhances biodiversity, the concern is that in times of heavy rainfall the roof would become saturated and thus when a run-off reduction is most needed, to prevent increased flood risk elsewhere, this would not be achieved. As such further information is required to demonstrate surface water run-off could be suitably reduced. An attenuation tank could achieve the required reduction although the archaeological implications of such would also be required. Officers understand discussions are being undertaken with Yorkshire Water as to the location of a sewer that runs through the site. Yorkshire Water require that development is not within 3m of a sewer to allow maintenance.

5.0 CONCLUSION

5.1 The scheme is unacceptable on design grounds; it would have an adverse impact on the setting and status of the grade 1 listed city walls and the proposed buildings would appear out of place, and detrimental to the character and appearance of the conservation area. In addition there is inadequate information as to how nationally important archaeological remains will be preserved. Overall there would be an undue adverse effect upon heritage assets, and there are no mitigating factors which outweigh the identified harm. There are inadequate details also on how surface water drainage will be reduced and on how servicing would not compromise highway safety.

6.0 RECOMMENDATION: REFUSE

1 The proposed development due to its location and height would appear over-dominant over the City Walls and there would be a loss of views of and from the City Walls. The scheme would have an undue adverse impact on the setting of the Grade 1 Listed City Walls.

As such the scheme is contrary to national policy established in PPS5, The Central Historic Core Conservation Area Appraisal and Local Plan policies HE2, HE4 and SP3.

2 Due to the design approach, the proposed massing, materials and lack of soft landscaping, the proposed development would fail to respect its context and the proposed building would not be of the adequate architectural quality required to allow the development to preserve the character and appearance of the Central Historic Core Conservation Area.

As such the scheme is contrary to national policy established in PPS1 and PPS5, The Central Historic Core Conservation Area Appraisal and Local Plan policies GP1, HE2, HE3, HE4 and SP3.

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

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

5 The proposals do not demonstrate that surface water run-off will be attenuated to 70% of the existing rate, and that there would not be an increased level of flood

risk elsewhere as a consequence of the proposed development. As such the scheme is contrary to the requirements of the York 2011 Strategic Flood Risk Assessment.

Contact Details:

Author: Jonathan Kenyon, Development Management Officer

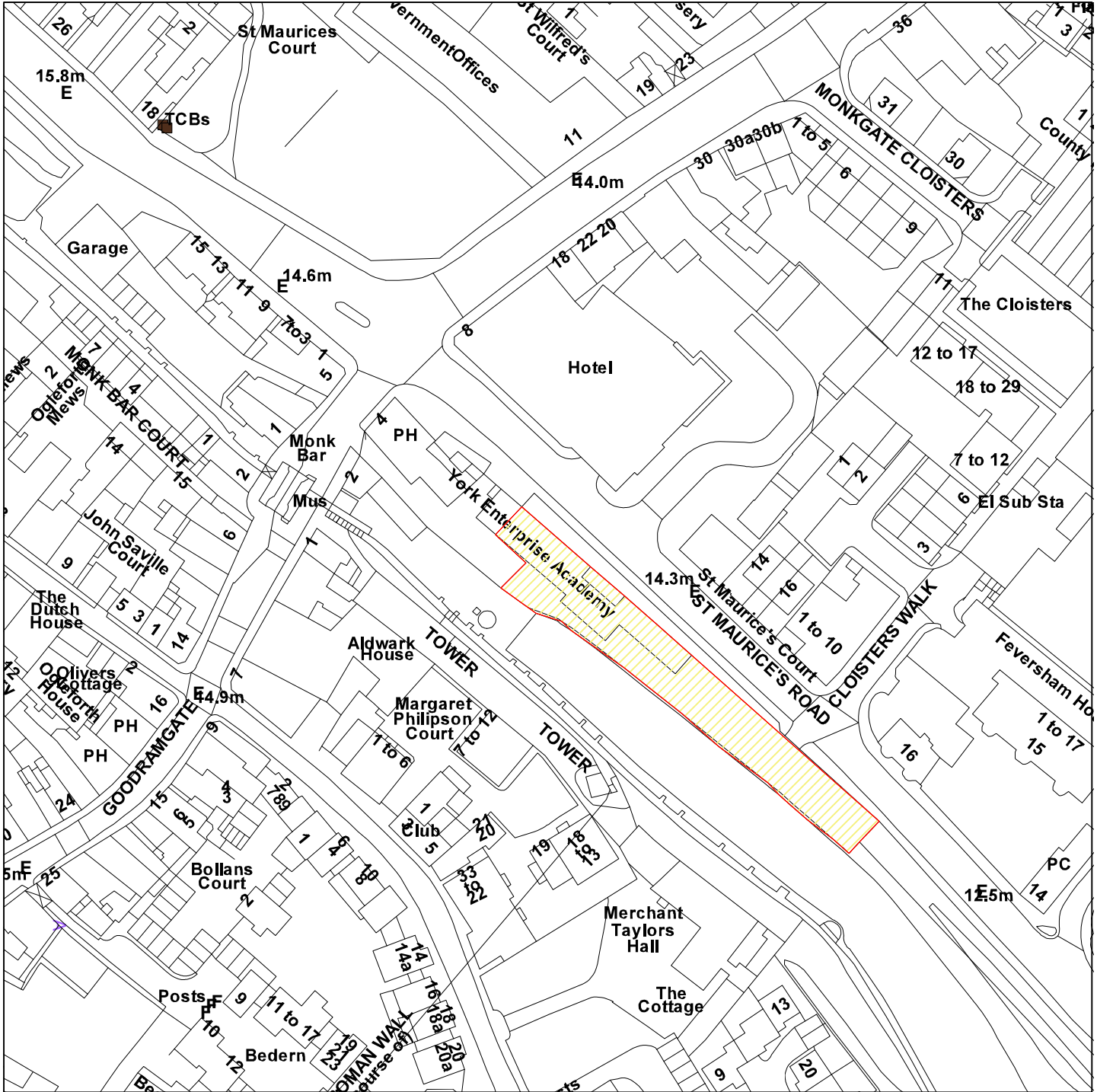
Tel No: 01904 551323

11/01659/FULM

Catering Support Centre, St Maurices Road



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 January 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 12 January 2012 **Ward:** Rural West York
Team: Major and **Parish:** Upper Poppleton Parish
Commercial Team Council

Reference: 11/02637/FULM
Application at: Poppleton Garden Centre Northfield Lane Upper Poppleton
York YO26 6QF
For: Erection of extension to building and bedding canopy with
associated landscaping following demolition of existing
buildings
By: Poppleton Garden Centre
Application Type: Major Full Application (13 weeks)
Target Date: 16 January 2012
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 The application is for the extension to the garden centre providing more internal retail floor space and a larger restaurant/cafe. The extensions would be to the east and south elevations of the existing main building. In addition there would be an extension to the canopy above the sales area for plants to the elevation fronting onto the A59. There would be a reduction in the size of the car park from 266 spaces to 242 spaces to provide more landscaping in the north western corner of the site adjacent to the vehicle junction. In addition a pedestrian access point would be added in the northern boundary next to the existing crossing island on the A59. The land to the south would be used to grow stock for the garden centre. The lorry turning area to the south of the buildings would be moved further to the south to accommodate the proposed extensions. The 'goods in' yard would be reduced in size and would be to the boundary with Restholme, the plans also show hedge planting to this boundary. The extension would be of a similar appearance to the existing greenhouse building and would not be taller than the existing buildings. To maintain the same floor level in the building and accommodate the slight slope in the building will be built at a lower ground level to the outside plant area.

1.2 The site is within the Greenbelt and just outside the Poppleton Settlement Limit. There are dwellings and a plant nursery to the north and east. There is a restaurant and veterinary practise to the west of the site. Park and Ride facilities have been granted planning permission to the west of the site on the other side of Northfield Lane (09/02994/FULM). To the south of the site are fields.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Application Reference Number: 11/02637/FULM

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Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

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

2.2 Policies:

CYSP2 The York Green Belt

CYSP6 Location strategy

CYGP1 Design

CYGP4A Sustainability

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYGB1 Development within the Green Belt

CYGB12 Shopping devt outside settlement limits

CYT13A Travel Plans and Contributions

CYS12 Criteria for garden centres

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections. Seek Travel Plan via a condition

Flood Risk Management Team

3.2 Object. Insufficient information has been provided to determine the potential impact the proposal may have on existing drainage systems

City Development

3.3 No comments received at the time of writing the report, comments to be reported at the committee meeting

York North West Team

3.4 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Upper Poppleton Parish Council

3.5 No objections

Marston Moor Internal Drainage Board

3.6 No comments received

4.0 APPRAISAL

RELEVANT SITE HISTORY

09/01221/FUL - Erection of horticultural plant shade and two canopies - Approved

08/02024/FULM - Erection of garden centre (5,823 sq metres) with associated landscaping and extended car park following demolition of existing - Withdrawn

6/127/64J/PA (1987) - Erection of glasshouse and pergola for garden centre use - Approved

6/127/64H/OA (1983) - Proposed development for the purposes of shopping facilities to include Class 1 retail store (4,600 sq m supermarket and 280 sq m unit shops gross floor space) garden centre and outdoor display area, nursery production and wholesale packing store and dwelling 3.250 sq m gross floor space) car parking, landscaping, service roads and alterations to existing vehicular accesses - Refused for the following reasons (the appeal of this decision was dismissed):

- Approval of the proposal would be contrary to the fulfilment of Structure Plan Policies S1 and S3 and the Greater York Shopping Policy which make a presumption against a large shopping development which are not located, either at an existing local centre, or at locations where substantial current neighbourhood shopping deficiencies can be demonstrated or at locations where future residential development would result in such deficiencies
- Insufficient details has been submitted to prove a satisfactory outfall for surface water discharged from the proposed development
- This site lies within an area identified in the Approved North Yorkshire County Structure Plan as being part of the Greater York Green Belt, wherein development is strictly controlled in order to maintain the character of the area. Accordingly, the proposal is considered to be contrary to the provisions of the approved Country Structure Plan and to specific polices E9 and E10
- The increased traffic generated by the proposal will result in severe overloading of the junction of Boroughbridge Road, principal road A59 Beckfield Lane and the junction of Beckfield Lane with Wetherby Road Class II County Road B1224

6/127/64G/PA (1982) - Replacement of existing Dutch light structure with matching glass to existing building for the sale of house plants and garden sundries - Approved

6/127/64E/PA (1979) - Erecting a glasshouse over existing covered area - Approved

6/127/64A/PA (1978) - Erecting 3 bay Cambridge multi-span glasshouse - Approved

KEY ISSUES

1. Impact on the greenbelt
2. Increase in retail floor space
3. Visual amenity of proposal
4. Impact to occupants of neighbouring dwellings
5. Highways
6. Surface water drainage
7. Sustainability

ASSESSMENT

PLANNING POLICY

4.1 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. However the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies and s.109 of the Localism Act 2011 grants powers to the Secretary of State to revoke the RSS which is a material consideration. The York Greenbelt is specified in PPG2 and the general extent of the Green Belt is detailed on the Proposals Map of the City of York Council Development Control Local Plan. This is further supported by Policy CS1 of the emerging CYC Core Strategy.

4.2 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (DCLP) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.3 Policy SP6 'Location Strategy' states that development will be concentrated on brownfield land within the built up area of the City and Urban extensions, followed by surrounding settlements and selected existing and proposed public transport corridors. Outside defined settlement limits, planning permission will only be given to development appropriate to the Green Belt or the open countryside.

4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces,

public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5 The Core Strategy Submission (Publication) went out for consultation between 26th September - 7th November 2011. The Submission stage of the Core Strategy follows on from the Issues and Options stage which was consulted on in June 2006 (Core Strategy: Issues and Options 1 (2006) and again in August 2007 (Core Strategy: Issues and Options 2 (2007) and the Preferred Options stage (Core Strategy: Preferred Options (2009), which was consulted on from June until August 2009 (but with an extension to allow additional comments until October 2009). The emerging Core Strategy document draws from the responses that were received during the consultation events as well as feeding in the evidence base findings and higher level policy such as national planning policy. As such it is considered to be a material consideration.

4.6 The site is just outside the settlement limit specified in the Proposals Map and the Poppleton Village Design Statement (2003). The village design statement contains a number of design guidelines which are considered to be relevant. The design guidelines state that the village's rural character /atmosphere should be maintained and that there should be open land between Poppleton and York, to prevent unsightly urban sprawl. Expansion of Poppleton outside the existing curtilage towards the ring road and other principal road links such as the A59 should be discouraged (2). Any new development on the village periphery should be in keeping with both the surrounding properties and the countryside and should give high priority to landscape design, to protect and enhance the external views of the village (3). Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed the existing height, and should protect the open views of the surrounding flat landscape (28). The attractive green corridor approach to York along the A59 should be protected and development along this road should be discouraged (30). The effects on the villages of any planned expansion of industry around the ring road, especially concerning road traffic, should be carefully examined before any planning permission is given (43).

IMPACT ON THE GREENBELT

4.7 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy GB1'Development in the Green Belt' of the DCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design 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 not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.8 The existing buildings and the proposed extension are within the Greenbelt, they are not within the boundaries of any defined major developed sites. The proposed extension does not fulfil any of the specified criteria set by Policy GP1 and PPG2 and is therefore considered to be inappropriate development. The agent has put forward the following points that they think cumulatively should be considered as special circumstances: use of some of the land to grow plants for the garden centre, reduced areas of hardstanding, increase in employment, rationalisation of buildings, public access to the plant nursery for training and apprenticeships, and absence of harm to the greenbelt.

4.9 The existing building has been a garden centre for some time and the extension would partly replace a number of extensions, sheds, and metal containers, the external storage has spread beyond the curtilage of that shown in the plans. The impact of the proposed extensions would be to tidy up the southern elevation. The land to the south would be used for the growing of plants for the garden centre. The outdoor storage area would be reduced to the area east of the building rather than the south, and the resulting building would provide screening of this area from the wider greenbelt. The increase in the size of the canopy on the northern elevation by 13 metres is considered to have minimal visual impact. The extension to the east to provide the cafe area would be constructed in the glass house design of the existing building and by virtue of the cherry trees planted along the A59 and the planting screening within the boundary it is not considered to add significantly to the visual presence of the building from the A59. The additional landscaping within the car park is considered to have a positive visual impact on the development helping to partially screen the appearance of the car park from a distance. The proposed development does not fulfil some of the design criteria of the Poppleton village design statement set out in paragraph 4.6 however the further development of the site within the greenbelt it is considered to result in a more positive visually cohesive appearance than the existing building and therefore is not considered to result in any harm to the visual amenity nor the openness of the greenbelt. Neither is it considered to harm the setting of Poppleton nor one of the main transport routes and entrances into York.

INCREASE IN RETAIL FLOORSPACE

4.10 Policy GB12 of the DCLP 'Shopping Development Outside Settlement Limits' states that planning permission will only be granted for shopping development outside defined settlement limits in the Green Belt and open countryside where: it can be demonstrated that all potential locations in existing centres have been

thoroughly assessed; and it is small scale and ancillary to an existing use (e.g. agriculture, tourism, manufacturing, etc); and it involves the reuse of existing buildings; and it would not undermine the vitality and viability of York City Centre or district centres. Policy CS17 'Distribution of Retail Growth' of the emerging Core Strategy states that out of centre retail development will need to be considered in light of the sequential approach and the impact on existing centres and retail allocations

4.11 Policy S12 of the DCLP 'Garden Centres' state that Planning permission will be granted for garden centres within or adjacent to defined settlement limits, provided: (a) the site is sufficiently screened to minimise any adverse effect on the character of the area; and (b) the majority of the site is used for the cultivation or sale of plants; and (c) the type of goods sold is restricted to those directly related, or ancillary, to horticultural purposes.

4.12 The net increase in floorspace of the building would be 1553sqm although the increase in usable retail floorspace would be greater as a result of the reorganisation of the internal space and the external storage area. The plan shows a large area for service and staff which could also be used as retail space. In addition the large cafe area could also be altered to retail floorspace. It is considered that the proposed extension and the resulting larger garden centre by virtue of the products sold will not impact significantly upon the retail facilities of the city centre and surrounding district centres.

4.13 A condition restricting the sale of garden related goods only, to prevent any diversification into other types of retail which may impact upon the city and district centres is recommended. Any comments from the City Development team on the retail impact of the proposal will be reported verbally at the meeting.

IMPACT OT OCCUPANTS OF NEIGHBOURING DWELLINGS

4.14 The proposed extension of the garden centre would bring the buildings closer to the dwelling to the east - Restholme. There would be a distance of 13 metres from the proposed cafe to the shared boundary (18 metres to the dwellings). Restholme is set within a large plot and has a large rear garden. It is not considered that there would be any negative visual impact to the occupants of Restholme by virtue of the existing boundary treatment of hedges and a fence. The plans do not show outside seating/eating areas in connection with proposed cafe however there is the potential in the future and it is consider that it would be prudent to prevent a seating area close to the shared boundary, rather than condition opening hours. No opening hours have been applied to the original planning permissions for the garden centre use.

4.15 The proposed 'goods in' area does not move any closer to the neighbouring dwelling. As the main outside storage area is along this boundary rather to the south

of the main garden centre building it is considered that the times of delivery should be conditioned to prevent any disturbance to the occupants of the neighbouring dwellings.

HIGHWAYS

4.16 Policy T13a 'Travel Plans and Contributions' states Developments which meet the criteria set down in PPG13, or which are likely to employ more than 30 employees, or a residential site with more than 20 units, will be required to submit a travel plan including; modal split targets, time scales, measures and sanctions to be taken to meet these targets as well as measures to monitor the effectiveness of the plan.

4.17 Highways Network Management team have not objected to the net increase in retail space of 1,553 sq m in terms of any impact on the A59 and its junction with the ring road. As such they consider that any changes to customer levels and thus journeys would be limited. The information submitted indicates that there would be an increase of 50 additional staff and as such it is considered that a Staff Travel Plan should be required, this can be sought via a condition

SURFACE WATER DRAINAGE

4.18 PPS25 Development and Flood Risk: This PPG explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change. This is further supported by Policy GP15a 'Development and Flood Risk' of the Local Plan.

4.19 The Flood Risk Management Team have objected to the scheme on the grounds of insufficient information however they have confirmed that the issues can be overcome by a condition.

SUSTAINABILITY

4.20 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.22 The applicant has shown on the elevations and roof plan solar panels attached to the south facing roof slopes of the larger extension. The agent has confirmed that at least 10% of the total energy requirements of the resulting building can be created from on site renewables. It is considered that further details of these methods can be conditioned to ensure they form part of the development and comply with the CYC Interim Planning Statement on Sustainable Design and Construction. The targets differ with the emerging Core Strategy Policy CS21'Sustainable Design and

Construction'. The policy requires onsite renewable energy/low carbon energy generation equipment to reduce predicted carbon emissions by at least 10% rather than providing at least 10% of the expected energy demand for the development through on site renewable generation as requested by the Interim Planning Statement. The applicant has confirmed that they can provide 10% of the total energy requirements of the resulting building from on site renewables, it is considered that this is acceptable and the condition has been worded in regards of the Interim Planning Statement.

5.0 CONCLUSION

5.1 For the above reasons the proposed extensions by virtue of the relatively limited expansion of an existing facility in the greenbelt is not considered to have undue impact on the openness of the greenbelt. The proposed extensions are in keeping with the design of the existing glasshouses. The proposed is not considered to result in a significant increase in traffic to the site. The proposed extension to the garden centre by virtue of the goods sold is not considered to result in a significant impact to the retail ability of the city and district centres. For these reasons the application is recommended for approval, subject to the following conditions.

5.2 If Members are minded to approve the application, the decision will need to be referred to the Secretary of State under the Consultation Direction 2009 because of the size of the extension exceeds 1000 sqm within the green belt.

6.0 RECOMMENDATION: Approve after referral to Sec. of State

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

Drawing Number T657-102 received 28 September 2011
Drawing Number T657-112 received 28 September 2011
Drawing Number T657-114 received 28 September 2011
Drawing Number T657-116 received 28 September 2011
Drawing Number T657-117 received 14 October 2011
Drawing Number T657-118 received 14 October 2011
Drawing Number T657-120 received 19 December 2011;

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

2 TIME2 Development start within three years -

3 VISQ8 Samples of exterior materials to be app -

4 LAND1 IN New Landscape details -

5 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 from on-site renewable energy sources, 10 per cent of the development's predicted energy requirements. 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 thereafter must 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

6 The extensions shall not be occupied until a travel plan has been submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines, and updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel in accordance with PPG13: Transport, and policy T13a of the City of York Development Control Local Plan.

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

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

8 All deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays

Reason: To protect the amenities of the occupants of the neighbouring dwellings.

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

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

10 The premises shall be used as a garden centre (incorporating a cafe/restaurant) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

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

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

- (a) goods and services related to gardens and gardening,
- (b) horticultural products, trees, plants, shrubs, house plants and flowers of any type including fresh and dried flowers,
- (c) garden and gardening equipment, tools and accessories,
- (d) machinery for garden use and servicing of it,
- (e) barbeques and their accessories,
- (f) conservatories,
- (g) outdoor and conservatory furniture, furnishings and accessories,
- (h) sheds, garden buildings, greenhouses, summerhouses, gazeboes, pergolas, garden offices,
- (i) ponds and materials and fittings for their servicing,
- (j) fencing, trellis and landscaping materials,
- (k) aquatics, water garden equipment and their accessories,
- (l) garden ornaments and statuary, baskets and other containers for the growing and display of indoor and outdoor plants and flowers,
- (m) books, magazines, periodicals, videos and CD and DVDs relating to gardening,
- (n) pets, pet accessories, pet care and advice,
- (o) indoor and outdoor hobbies, toys, games, crafts and garden play equipment,
- (p) baskets, wickerwork and country crafts,
- (q) Christmas trees (live and artificial) decorations, gifts,
- (r) china, glass, vases and pots,
- (s) soft furnishing associated with garden and conservatory furniture,
- (t) outdoor clothing and footwear, including wellington boots, garden aprons and smocks, gardening boots and clogs, gardening gloves, gardening hats, gardening rainproofs and gardening overalls,
- (u) restaurant/coffee shop

Reason: To define the nature of the approval hereby granted, to control the nature

and extent of retail activities conducted from the site and to ensure the protection of the vitality and viability of the surrounding urban centres in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth".

12 The cafe/restaurant shall not exceed in floor area the area specified on drawing number T657-102.

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

13 There shall be no outside eating/seating area to the east of the proposed cafe/restaurant (Drawing Number T657-120).

Reason: To protect the residential amenity of the occupants of the neighbouring dwellings.

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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and the openness and purposes of the green belt. As such, the proposal complies with Policies SP2, GP1, SP6, GP4a, GB1, T13a, Gp15a, and GP4a of the City of York Development Control Local Plan (2005); Policy CS1 of the emerging City of York Core Strategy; national planning guidance contained in Planning Policy Statement 1 'Delivering Sustainable Development', and Planning Policy Guidance 2 - 'Green Belts'.

2. INFORMATIVE:

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

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Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

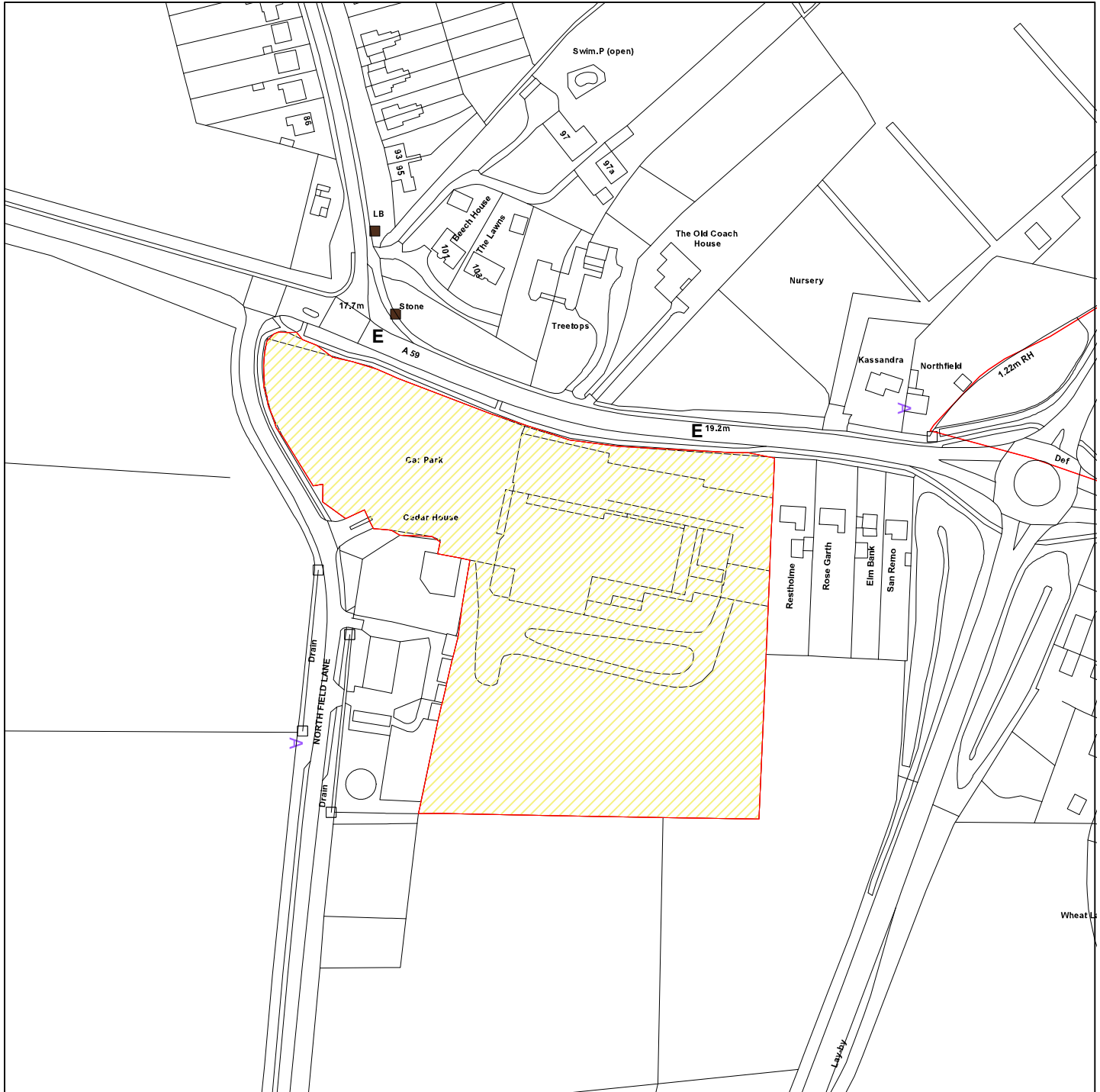
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11/02637/FULM

Poppleton Garden Centre



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	03 January 2012
SLA Number	Not Set

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East Area Planning Sub Committee	5 th January 2012
West and City Centre Area Planning Sub Committee	12 th January 2012
Planning Committee	19 th January 2012

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30th September 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 22nd December 2011 is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total for the 3 and 12 month periods to 30th September 2011.

**Fig 1: Appeals Decided by the Planning Inspectorate
For 3 months and Year to 30th September 2011**

	3 Months			12 Months		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	0	1	1	8	6	14
Part Allowed	0	0	0	1	3	4
Dismissed	4	3	7	19	19	38
Total Decided	4	4	8	28	28	56
% Allowed	0	25.0	12.5	28.57	21.43	25.0
% Part Allowed	0	0	0	3.57	10.71	7.14
Withdrawn	1	0	1	3	0	3

Analysis

- 4 The table shows that for the 3 months to 30th September 2011, a total of 8 appeals relating to CYC decisions were determined by the Inspectorate. Of those, only one was allowed. At 12.5%, this rate of appeals allowed is much lower than the 33% national average, which was also percentage allowed in the previously reported 3 month period.
- 5 For the 12 months up to 30th June 2011, CYC performance was 25% allowed, lower than the previously reported 12 month period of 26.67% and still below the national average.
- 6 The summaries of appeals determined in the 3 months to 30th September 2011 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 2 of the appeals determined related to applications refused by Committee:-

Figure 2: Appeals against Refusal by Committee 1ST July to 30th September 2011

Reference	Site	Proposal	Outcome	Officer Rec.
10/01359/FULM	32 Lawrence Street	6 Blocks of Student Accommodation	Dismissed	Approve
10/01870/ADV	Somerfield Haxby	New Signage	Dismissed	Refuse

- 7 The list of current appeals is attached at Annex B. There are 22 appeals lodged with the Planning Inspectorate, 13 in the West and City Centre Sub Committee area and 9 in the East Sub Committee area. 16 are proposed to be dealt with by the Written Representation process (W), 3 by Informal Hearing (H) and 3 by Public Inquiry (P).

Consultation

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Corporate Objectives

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

Implications

- 10 Financial – There are no financial implications directly arising from the report.
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 14 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 15 That Members note the content of this report.

Contact Details

Author:

Jonathan Carr,
Head of Development
Management,
Directorate of City Strategy

01904 551303

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning &
Sustainable Development, Directorate of
City Strategy

**Report
Approved**



Date

22nd
December
2011

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report

Annexes

Annex A – Summaries of Appeals Determined between 1st July and 30th September 2011

Annex B – Outstanding Appeals to 22nd December 2011

Appeal Summaries for Cases Determined 01/07/2011 to 30/09/2011

Application No: 10/01359/FULM
Appeal by: Blacklion Ltd
Proposal: Erection of 6no. blocks for student accommodation after demolition of existing car showroom (resubmission)
Address: 32 Lawrence Street York

Decision Level: COMP
Outcome: DISMIS

Planning permission was refused by Committee for the erection of six blocks of student accommodation on land which was the former Reg Vardy garage site on Lawrence Street because of the developments impact on the Central Historic Core Conservation Area and the setting of adjacent listed buildings and because of the impact of the development on adjacent residential properties. The appeal was dealt with by written representations. The Inspector, in relation to the impact of the development on the setting of listed buildings and impact on the Central Historic Core Conservation Area, concluded that the block proposed adjacent to the St Lawrence's Church was not well enough designed or sited and would have a negative impact on the setting of the church. Further more he concluded that the amount of development along the southern boundary of the site would further detract from the setting of the church. In respect of the rest of the development he concluded that the height and massing of the blocks would not undermine the character of the conservation area or adjacent listed buildings. In terms of the impact of the development on residential amenity the Inspector concluded that the development proposed on the southern boundary of the site would result in a dominant and unneighbourly development which would be detrimental to adjacent residential properties on Barbican Mews. In respect of properties within Tannery Mews and Ellen Wilson Alms Houses the Inspector considered the development to provide an acceptable relationship to these residential properties. Overall the appeal was dismissed as being in conflict with GP1, HE2 and HE4 which the Inspector considered he could attach significant weight to because the policies followed the general thrust of PPS1, PPS3 and PPS5.

Application No: 10/01870/ADV
Appeal by: Sainsbury's Supermarkets Limited
Proposal: Display of non illuminated fascia sign to front, non illuminated lettering sign to the rear, non illuminated signs at both store entrances, totem sign and various car park signs to rear
Address: Somerfield Haxby Shopping Centre The Village Haxby York YO32 2HU
Decision Level: CMV
Outcome: DISMIS

The application was for 16 no. adverts to the front and rear elevation of Sainsburys supermarket within the Haxby Conservation Area. The application was refused on the following grounds: 1) The proposed fascia to the front elevation, by virtue of a combination of its scale, appearance, protruding forward of the existing fascia, its proportion in relation to the adjoining signage and setting, and being displayed in a prominent location in the heart of Haxby Conservation Area, would be visually intrusive and result in harm to the visual amenity and character of the host building, the streetscene, and the historic merits of the Haxby Conservation Area, and the setting of the listed building immediately opposite (48 The Village). 2) The proposal, by virtue of the number of signs and their excessive scale, their location and consequent cumulative impact would be unduly prominent and create a cluttered appearance that would be harmful to the visual amenity of the host building, the street scene, and the character and appearance of the conservation area, and the setting of the listed building immediately opposite (48 The Village). The Inspector agreed with these findings. The Inspector considered that the lettering to the fascia would further increase the discordant feature of the streetscene. In addition the other adverts to this elevation were considered to give the building an over-advertised appearance at odds with the generally restrained advertising that is a contributory factor to the historic village character of the Conservation Area. The Inspector considered that the area to the rear of the building is less sensitive in terms of the character of the Conservation Area, but it is primarily a residential location where there are few advertisements. They were considered to impart an unduly cluttered and over-advertised appearance to area, detrimental to visual amenity.

Application No: 10/01986/FUL
Appeal by: Mr And Mrs Dockerty
Proposal: Detached dormer bungalow to side of 2 Wheatlands Grove
(resubmission)
Address: 2 Wheatlands Grove York YO26 5NG

Decision Level: DEL

Outcome: DISMIS

Appeal Dismissed. The site accommodates a detached 2-storey house with garden. Proposed was a dwelling that would take the majority of the garden area. The house would be single storey, but with accommodation within the roof served by dormer windows. The inspector considered the garden area is well landscaped, characteristic of the area. The proposed dwelling would lead to the loss of the majority of the garden, the house would appear cramped and its design was out of keeping with the house types in the street. There would be harm to the amenity value and character of the area, contrary to PPS1, PPS3 and Local Plan policies - GP1, GP10, H4a, and H5a.

Application No: 10/02092/FUL
Appeal by: RWG Securities
Proposal: Sub-division of retail unit (use class A1) and use as 2no. hot food takeaways (use class A5). Alterations to shopfront
Address: 75 York Road Acomb York

Decision Level: DEL

Outcome: ALLOW

The application was for the change of use of a retail unit. The application is for the subdivision of the unit and the use of the units for use class A5. The existing unit fronts onto York Road and Front Street. The unit is situated in Acomb District Centre (ADC) as specified by the Local Plan. The application was refused on the grounds that the proposed subdivision of 75 York Road and change of use from one retail unit (use class A1) to provide two hot food takeaways (use class A5) would harm the viability, vitality and shopping function of the defined ADC. The proposed use would further extend the non-retailing uses in the ADC, such that 51.8% of the street frontage would comprise non-retail uses, over the 35% threshold set down in Policy S3a. For these reasons the proposal failed to accord with Policy S3a or PPS4. The figures provided to Development Management on which the decision was based were incorrect. Although revised figures did show that the proposed change of use would be over the 35% threshold. The Inspector agreed with the appellant that it would be more appropriate to consider the number of units rather than the frontage-based method of calculation, but agreed that the frontage-based method of calculation was a commonly used approach. The Inspector felt that the unit was separated from the main retail activity on the opposite side of Front Street and the retail parade on the north side. The premises had been marketed for over 18 months with interest from short term retailers only. The Inspector felt that in the current economic climate the unit in use rather than vacant would help the vitality and viability of the street. The implementation of the proposal was not considered to materially erode the retail character of the part of the ADC. The Inspector made the point that in allowing the appeal it does not result in the abandonment of Policy S3a, or set a precedent to justify the introduction of other non-retail uses into the ADC.

Application No: 10/02153/ADV
Appeal by: York St John University
Proposal: Display of 1no. fascia sign
Address: St Johns College Clarence Street York YO31 7EW

Decision Level: DEL

Outcome: DISMIS

Officers recommended refusal for the display of a non illuminated sign measuring 2.6 metres wide by 1.5 metres high positioned at high level on the curved elevation of the York St. John University's De Grey Court building, which lies at the junction of Lord Mayor's Walk and Clarence Street just outside the Conservation Area. The sign comprised black painted metal letters and green logo attached directly to the brickwork. The fascia sign was refused by virtue of its scale, the colour of the logo and its siting, which is at high level and unrelated to an entrance. It was considered to relate poorly to the design of the building and would be overly intrusive in views from Gillygate to the detriment of the character and appearance of the Conservation Area. The Inspector, in dismissing the appeal, agreed with the Council and stated that the sign due to its overall scale, elevated position and the incorporation of a large logo would relate poorly to the building and detract from the integrity of its design and would appear as an unacceptably dominant and intrusive feature in the street scene.

Application No: 11/00200/FUL
Appeal by: Mr James Seavers
Proposal: Two storey side and rear extension
Address: 61 Maple Grove York YO10 4EJ

Decision Level: DEL

Outcome: DISMIS

The application property is a semi-detached house in a suburban part of Fulford. It was proposed to erect a two-storey side extension that projected past the rear of the existing building line by around 2.5m. The extension bordered the garden boundary of the adjoining property (59). It was refused permission as it was considered that it would be unduly dominant and cut out late afternoon sunlight from the rear patio area of number 59. The Inspector dismissed the appeal. She did not feel that the impact on sunlight would be unduly harmful, however, felt that the proximity and height of the proposed brick side elevation would be extremely dominant and overbearing when viewed from the amenity area at the rear of 59.

Application No: 11/00237/FUL
Appeal by: Mr Barry Green
Proposal: Single storey extension to front
Address: 11 Summerfield Road York YO24 2RU

Decision Level: DEL

Outcome: DISMIS

The application sought permission for a 5.2m long front extension with a width of 6.3m. the property is a detached dwelling within a row of similar properties, all slightly staggered. All the properties have open plan front gardens. In dismissing the appeal the Inspector stated that the extension would appear very bulky and incongruous in the open streetscene. He noted that other properties had front extension but none projected as far forward as the proposal. He also stated that the scale of the extension would be further accentuated by the open front gardens, with no solid boundary treatments such as fences or walls. It was noted that the extension would not have any detrimental impact upon the living conditions of the neighbours.

Application No: 11/00567/FUL
Appeal by: Mr C Gilham
Proposal: Carport to side
Address: 11 Church Street Dunnington York YO19 5PP

Decision Level: DEL

Outcome: DISMIS

Planning permission was sort for a car port using a polycarbonate roof, white uPVC fascia boarding and wooden frames to be attached to a single storey detached dormer bungalow, located on Church Street within the Dunnington Conservation area. Its position would be set back from the front elevation of the host building by approx 4.7 metres, projecting approx 6.0 metres forward from the detached garage. The maximum height would be in the region 3.0 metres with a width of approx 4.6 metres to provide a covered parking area. The application was refused on the basis that the visual impact of the polycarbonate roof accentuated by the width of the car port and would have a negative visual impact on the character and appearance of the conservation area. The Inspector dismissed the appeal on the basis that the polycarbonate roof and uPVC fascia would contrast unfavourably with the traditional roofing materials and would appear at odds with the character and appearance with the Conservation area, contrary to P.P.S 5 and local plan policy HE3 and H7.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Andy Blain						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
Officer: Diane Cragg						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
26/10/2011	11/00052/REF	APP/C2741/H/11/2163746	W	Plot 5 Monks Cross Drive Huntington York	Display of 4no. externally illuminated fascia signs, 2no. freestanding signs and 2no. panel signs on proposed new restaurant	
Officer: Erik Matthews						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
16/09/2011	11/00041/NON	APP/C2741/A/11/2160459/NWF	P	Grain Stores Water Lane York	Outline application for redevelopment of site for uses including offices (B1c), hotel (C1), residential institutions (C2), dwelling houses (C3) and non-residential institutions (D1) including parking and new access arrangements after demolition of existing warehousing units (application to extend time period for implementation of 07/01992/OUTM allowed on appeal dated 15/09/08)	
07/10/2011	11/00047/REF	APP/C2741/A/11/2161854/NWF	W	Mount Pleasant Holiday Park Cundall Drive Acaster	Erection of a boundary wall at the entrance to Mount Pleasant Caravan Park (Retrospective)	
13/10/2011	11/00049/REF	APP/C2741/A/11/2162255/NWF	W	Bridge Fisheries 4 Intake Avenue York YO30 6HB	Demolition of out-buildings to rear and erection of single-storey building comprising 3no. bedsits	
Officer: Fiona Mackay						Total number of appeals: 4
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
02/08/2011	11/00032/REF	APP/C2741/E/11/2157470	W	18 Bridge Street York YO1 6DA	Awnings to the front and side elevations	
02/08/2011	11/00033/REF	APP/C2741/A/11/2157461	W	18 Bridge Street York YO1 6DA	Awnings to the front and side elevations	
03/10/2011	11/00045/REF	APP/C2741/A/11/2161852	W	Royal Oak Inn 18 Goodramgate York YO1	Installation of extract/intake vents and cellar cooling system to the rear (retrospective) (resubmission)	

03/10/2011	11/00046/REF	APP/C2741/E/11/2161856	W	Royal Oak Inn 18 Goodramgate York YO1	Installation of extract/intake vents and cellar cooling system to the rear (retrospective)(resubmission)	Total number of appeals:	2
Officer: Gareth Arnold							
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
11/08/2011	11/00036/REF	APP/C2741/A/11/2158608	W	3 Whitby Drive York YO31 1EX	Residential development		
07/10/2011	11/00048/REF	APP/C2741/A/11/2162192/NWF	W	Bonneycroft 22 Princess Road Strensall York YO32	Residential development of 10 dwellings (amended scheme)		
Officer: Heather Fairy (Mon - Wed)							
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
06/12/2011	11/00056/REF	APP/C2741/D/11/2165497	H	112 Hamilton Drive York YO24 4LD	First floor side extension	Total number of appeals: 1	
Officer: Jonathan Carr							
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
26/09/2011	11/00050/REF	APP/C2741/A/11/2161507	P	Arabesque House Monks Cross Drive Huntington	Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)	Total number of appeals: 1	
Officer: Jonathan Kenyon							
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
15/06/2011	11/00027/REFL	APP/C2741/E/11/2154655/NWF	W	4 Scarcroft Lane York YO23 1AD	Retrospective application for amendments to single storey extension granted under application 06/00690/LBC and internal alterations.	Total number of appeals: 2	
15/06/2011	11/00028/REF	APP/C2741/A/11/2154651	W	4 Scarcroft Lane York YO23 1AD	Retrospective application for amendments to single storey extension granted under application 06/00552/FUL	Total number of appeals: 1	
Officer: Kevin O'Connell							
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
31/10/2011	11/00053/REF	APP/C2741/A/11/2163333/NWF	W	Site Adjacent To Burger King And Junction Of A1237	Siting of portable building and use of adjacent car parking spaces as car wash (retrospective)		

Officer: Matthew Parkinson						Total number of appeals: 1
Received on: 17/06/2011	Ref No: 11/00026/EN	Appeal Ref No: APP/C2741/C/11/2154734	Process: P	Site: North Selby Mine New Road To North Selby Mine	Description: Appeal against Enforcement Notice	
Officer: Neil Massey						Total number of appeals: 1
Received on: 15/11/2011	Ref No: 11/00055/REF	Appeal Ref No: APP/C2741/D/11/2165067	Process: H	Site: 27 Church Street Dunnington York YO19 5PP	Description: Two storey rear and single storey side extensions	
Officer: Paul Edwards						Total number of appeals: 1
Received on: 04/11/2011	Ref No: 11/00051/REF	Appeal Ref No: APP/C2741/A/11/2163342	Process: H	Site: 29 White House Gardens York YO24 1DZ	Description: Two storey side and single storey rear extension with dormer to rear (amended scheme)	
Officer: Rachel Tyas						Total number of appeals: 1
Received on: 21/11/2011	Ref No: 11/00054/REF	Appeal Ref No: APP/C2741/A/11/21642230/NW	Process: W	Site: 70 The Mount York YO24 1AR	Description: Change of use from office (use class B1) to 2no self contained flats (use class C3) with external alterations to rear (resubmission)	
Officer: Victoria Bell						Total number of appeals: 2
Received on: 02/09/2011	Ref No: 11/00038/REF	Appeal Ref No: APP/C2741/A/11/2159809	Process: W	Site: 25 The Green Acomb York YO26 5LL	Description: Erection of two storey dwelling to rear attached to retained outbuilding	
Received on: 02/09/2011	Ref No: 11/00039/REFL	Appeal Ref No: APP/C2741/E/11/2159810	Process: W	Site: 25 The Green Acomb York YO26 5LL	Description: Erection of two storey dwelling to rear attached to retained outbuilding	
Total number of appeals: 22						

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**West & City Centre Area Planning
Sub-Committee****12th January 2012**

Report of the Director of City Strategy

Enforcement Cases - Update**Summary**

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

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as this information, if disclosed to the public, would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 agreements are monitored by the Enforcement Team. A system has been set up to enable officers to monitor payments required under the agreement.

Current Position

6. Members should note that 51 new cases were received for this area within the last 3 months. 69 cases were closed and 196 remain outstanding. Please note that the on-going investigations report shows 207 outstanding cases but this appears to be due to a discrepancy on the system. The figure is 196. There are 75 Section 106 Agreement cases outstanding for this area after the closure of 4 in the last 3 months. These brought in a total of £9016 of outstanding financial contributions required as part of approved developments in the west and centre area.

We have served 2 enforcement notices in the last quarter, at 92 Tadcaster Road and 29 White House Dale. We have one enforcement appeal against a notice pending at 93 Micklegate and have signed authorisation for a prosecution for the failure to comply with an enforcement notice at 157A Gale Lane.

Consultation.

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

Options

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

The Council Plan 2011-2015.

9. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

10. Implications

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*

- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

11. There are no known risks.

Recommendations

12. That if members have any queries or questions about specific cases on this enforcement report then please e-mail or telephone either Matthew Parkinson or Andy Blain by 5pm on Wed 11th January and also note the cases closed annex. Also, if members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, then if they could advise officers, giving reasons, either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

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

Contact Details

Author:

Matthew Parkinson
Andy Blain
Planning Enforcement
Officers

Chief Officer Responsible for the report:

Chief Officer's name
Michael Slater
Assistant Director (Planning and Sustainable Development)

Dept Name City Strategy
Tel No. 551647/551314

Report Approved

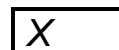


Date 03/01/2012

Specialist Implications Officer(s)

None

Wards Affected: *All Wards in the West and City Centre area*



For further information please contact the authors of this report

Background Papers:

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

Report to Area Sub-Committee in July 2006 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

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