

CITY OF YORK COUNCIL

LOCAL PLANNING AUTHORITY REF: 06/00103/FULM
PLANNING INSPECTORATE REF: APP/C274/A/06/2020992/NWF

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

Appeal by Pilcher Homes Ltd

Site at 26/28 Tadcaster Road, York

STATEMENT UNDER RULE 6

The appeal is against the refusal of planning permission for the erection of 3 No. storey houses and a 3 storey block of 10 flats, with ancillary garage and cycle parking blocks, following the demolition of existing buildings.

In support of the decision to refuse planning permission, the Local Planning Authority will refer to the following in its Proof of Evidence:-

1. The *site and the surrounding area* will be described, to establish the context for the proposed development.
2. The *planning history* of the site will be explained with reference to (i) existing and historical uses upon the appeal site and (ii) more recent planning history, notably the refusal of planning permission for the erection of 16 dwellings upon the site on 20th January 2005 (ref: 03/04013/FUL).
3. Reference will be made to the *consultation responses* received upon the appeal proposal, as follows:-
 - (i) Responses from the relevant departments of the City of York Council.
 - (ii) Responses from Yorkshire Water, Marston Moor Internal Drainage Board, and North Yorkshire Police.
 - (iii) Response from Dringhouses and Woodthorpe Planning Panel.
 - (iv) Individual letters received from local residents and other interested parties.
4. The Local Planning Authority will contend that there are two *key issues* in this case:-
 - (i) the proposal would be detrimental to the appearance and character of the area, the setting of the Tadcaster Road Conservation Area and to resident amenity.
 - (ii) the proposal would lead to an intensification of the use of a sub-standard vehicular access to the site, to the detriment of free traffic flow along Tadcaster Road, and consequent danger to highway and pedestrian safety.
5. Reference will be made to the key *planning policy framework* at National Regional and Local levels as follows:-

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(i) National

- Planning Policy Statement 1 (PPS1)
“Delivering Sustainable Development”
- Planning Policy Guidance Note 3 (PPG3)
“Housing”
- Draft Planning Policy Statement 3 (PP3)
“Housing”
- By Design – Better Places to Live – A Companion Guide to PPG3 (CABE September 2001)
- Planning Policy Guidance Note 13 (PPG13)
“Transport”
- Design Bulletin 32 (DB 32)
“Residential Roads and Footpaths”.

(ii) Regional

- North Yorkshire Structure Plan 1995, with particular reference to Policy E4.
- Draft Regional Spatial Strategy for Yorkshire and the Humber to 2021 (December 2004).

(iii) Local

- City of York Highway Design Guide
- City of York Draft Local Plan, incorporating the 4th set of changes, as adopted for Development Control purposes (April 2005). Reference will be made to the relevant policies, in particular Policies CY GP1 (Design), CYHE2 (Development in Historic Locations), CYGP10 (Sub-division of Gardens and Infill Development) and CY4A (Housing Windfalls).

6. Regarding the key issues, the Local Planning Authority will contend that detriment to the *character and appearance of the area, the setting of the Conservation Area and resident amenity*, would result from the scale, height, massing and design of the proposal. It will be demonstrated that the appeal site is set mostly within the well established and small-scale residential enclave between St Helen’s Road and Mayfield Grove; with the site currently occupied by dwellings and low scale garages that have evolved as part of this enclave.
7. It will be shown that, in contrast, the combined effects of the footprint and mass of the proposal would be over-bearing and intrusive, in this context; aggravated, within the confines of the appeal site, by the lack of space and a proper setting around the proposed buildings, in relation to their size. The Local Planning Authority will contend that the proposal is a poor response to the opportunities and constraints presented by the site in terms of appearance and living conditions. Large bulky scale buildings will be brought close up against the existing frontage properties on Tadcaster Road, creating an over-dominant and cramped appearance causing the detriment to local residential amenity and the setting of the Tadcaster Road Conservation Area referred to in the reasons for refusal. In addition reference will be made to the impact upon the amenities of adjoining residents caused by the proposed car parking and turning areas.
8. Regarding the second key issue of *highway safety*, the Councils evidence will be based upon all the factors set out in the reason for refusal.

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9. Prior to the Inquiry the Local Planning Authority and the Appellant will agree a Statement of Common Ground for consideration by the Inspector.
10. Once the Proof of Evidence is prepared, all relevant documents will be available for inspection at the Council's reception at 9 St Leonard's Place, York YO1 7ET.

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