

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

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

Date: Thursday, 2 February 2012

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Betts know by **5pm** on **Tuesday 31 January 2012** on **(01904) 551078**.

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. Minutes

(Pages 4 - 15)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 5 January 2012.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 1 February 2012 at 5.00 pm.**

4. Plans List

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

**a) 295 Hull Road, Osbaldwick, York. YO10 (Pages 16 - 25)
3LB (11/02965/FUL)**

This is a full application for a two storey rear and side extensions. This application was originally considered by the Committee at their January meeting, where it was decided that the application be deferred until formal consultation had taken place on additional revised drawings that had been received.[Osbaldwick]

**b) Newlands, Back Lane South, Wheldrake, (Pages 26 - 34)
York. YO19 6DT (10/01637/FUL)**

This is a full application for the erection of a single storey replacement dwelling. This application was originally considered by the Committee at their meeting in October 2011, where it was decided that the application be deferred until the submission of a report on the effect that the proposed dwelling could have on an adjacent ash tree and also to allow for further consideration on how natural light could reach two of the rooms in the proposed basement. [Wheldrake]

**c) Kent Street Coach Park, Kent Street, (Pages 35 - 41)
York. (11/03241/REMM)**

This is a major reserved matters application for the erection of a fire station with training tower and associated facilities. [Fishergate]

**d) 238 Strensall Road, York. YO32 9SW (Pages 42 - 51)
(11/03175/FUL)**

This is a full application for the erection of a two storey live/work annex.

The application has been called in before committee by Cllr Doughty as he considered the application to be sensitive by virtue of the health condition of the occupant of the building.
[Strensall] **[Site Visit]**

**e) Raddon House, 4 Fenwicks Lane, York. (Pages 52 - 58)
YO10 4PL (11/03071/CAC)**

This is an application for the demolition of a detached two storey dwellinghouse with associated outbuildings. The site lies within the Fulford Conservation Area.

This application has been called in by Councillor Aspden on behalf of local residents who have commented on the heritage aspects of the building to be demolished such as; the house's design by a local architect in the 1950s, its rural character and landscaped setting.[Fulford] **[Site Visit]**

5. Urgent Business

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

Democracy Officer:

Name- Judith Betts

Telephone – 01904 551078

E-mail- judith.betts@york.gov.uk

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 set out above.

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- 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.**

Access Arrangements

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

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

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরণের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোস্তবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ میا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

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 (CMDS)) 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

Who Gets Agenda and Reports for our Meetings?

- 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;
- Public libraries get copies of **all** public agenda/reports.

EAST AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 1st February 2012

**Members of the Sub Committee to meet at Union Terrace Car Park
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10.15 am	238 Strensall Road	4d)
11.00 am	Raddon House, Fenwicks Lane, Fulford	4e)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	5 JANUARY 2012
PRESENT	COUNCILLORS WISEMAN (CHAIR), DOUGLAS (VICE-CHAIR), FIRTH, FUNNELL, HYMAN, KING, WARTERS, WATSON, SEMLYEN (SUBSTITUTE FOR COUNCILLOR MCILVEEN) AND BOYCE (SUBSTITUTE FOR COUNCILLOR FITZPATRICK)
APOLOGIES	COUNCILLORS FITZPATRICK AND MCILVEEN

Visited	Attended by	Reason for Visit
77 Lawrence Street	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
The Plough Inn	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
295 Hull Road	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
Jubilee Mills	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site

25 Shipton Road	Councillors Douglas, Funnell, Hyman Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.
-----------------	------------------------------------------------------------------	-----------------------------------------------------------------------------------

34. DECLARATIONS OF INTEREST

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

Councillor Warters declared a personal and prejudicial interest in agenda item 5f as he had taken part in discussions on the site visit in which he had expressed an opinion on the application.

35. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annex A to agenda item 7 (Enforcement Cases Update) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

36. MINUTES

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 1st December 2012 be approved and signed by the Chair as a correct record.

37. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

38. PLANS LIST

38a Fantasy World, 25 Main Street, Fulford, York. YO10 4PJ (11/03053/FUL)

Members considered a full application, received from Mr. Justin Heaven, for the conversion of a shop to an 8 bedroom house in multiple occupation. Alterations to the building, including the replacement of the shop frontage and insertion of new windows and doors. Alterations and extension of existing garage and use as a self contained dwelling. Provision of vehicle and cycle parking area within rear garden (resubmission).

Officers displayed plans of the scheme and updated the Sub-Committee with the following information:

- Receipt of objections from Fulford Parish Council.
- Highways had no objections to the scheme but had requested a condition regarding car and cycle parking.
- An additional informative to drawing the applicants attention to requirements of Control of Pollution Act.
- Reports had been submitted by the applicant's agent in respect of acoustic and contamination, although the Officers report indicated they had not.

Representations in objection were then received from a member of Fulford Parish Council who confirmed that the Parish Council felt the use of the building as a house of multiple occupation would lead to an unwarranted and unjustified increase in the usage of the very narrow and unsafe access. They felt there would be potential for pedestrian and vehicular conflict from vehicles exiting the blind exit across the footpath onto Main Street. They also raised concerns regarding inadequate parking provision at the rear of the building and the effect on the Conservation Area and Air Quality.

Representations were then heard from Councillor Aspden as Ward Councillor. He advised that Local Residents continue to be concerned about the scheme, in particular the effect on

traffic flow, air quality and the lack of parking and amenity space at the site.

The Applicant's Agent then spoke in support of the scheme. He advised that the scheme is appropriate for the building and the locality. Good cycle storage had been provided for along with some off-street parking. Although he accepted that the alleyway was narrow, he felt it was useable, and a doorway from the building onto the alley would be blocked up. He advised that his client intends to live on site to manage the building and would be providing good quality housing for single persons.

Members questioned a number of points, including:

- The suitability of the access for pedestrian and vehicle use.
- Air Quality issues, in particular concerns about the condition relating to non-opening windows being fitted at the front of the building.
- The differences between this application and the original.

Following further discussions, Councillor Watson moved refusal. Councillor Warters seconded. When put to the vote, 5 members voted for refusal, 5 against.

Councillor Wiseman then moved approval and Councillor Douglas seconded. When put to the vote 5 members voted for approval, 5 against. The Chair used her casting vote and the application was approved.

RESOLVED: That the application be approved.

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

- loss of shop;
- principle of residential use;
- suitability of building to residential use;
- amenity issues;
- character and appearance of conservation area;

- highway safety;
- crime;
- public open space provision;
- contamination.

As such the proposal complies with advice in Planning Policy Statement 1: Delivering sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment and Policies GP1, GP3, GP4A, GP4B, GP6, HE, HE3, T4, H4A, H8, S9 and L1c of the City of York Development Control Local Plan.

38b 77 Lawrence Street, York. YO10 3DZ (11/02760/FUL)

Members considered a full application for the conversion of a shop (use class A1) to a 10 bedroom house in multiple occupation with external alterations, including two front dormers.

Officers displayed plans of the scheme and advised that revised plans showing the proposed cycle storage had now been received. However the proposed cycle racks were not sufficient and draft condition 4 had been amended to require details of acceptable cycle storage together with adjacent refuse/recycling facilities to be submitted for approval. Officers also updated with the following information:

- Details of the proposed boundary railings had also been received and were acceptable.
- New condition 5 be amended to reflect new plans showing railings as mentioned above.
- Condition 3 be amended to specify 'latest approved plans'.

Members questioned a number of points in relation to the scheme including:

- Policy context in relation to a 10 bedroom house in multiple occupation having a kitchen in a basement. Officers confirmed that this is acceptable as long as there is sufficient light and ventilation.
- The fact that Highways had not objected to no parking spaces for a 10 bedroom building.

- Concern was expressed at the lack of amenity space inside the building and the small rear yard that would be used for refuse and cycle storage for 10 people.
- Some of the bedrooms appeared very small.
- Members were pleased to note the improvements to the outside of the building.

Following further discussions, Councillor Douglas moved refusal, which was seconded. When put to the vote this motion won.

RESOLVED: That the application be refused.

REASON: The proposed number of bedrooms within the development would result in an over intensive use for residential purposes, with inadequate facilities particularly in relation to the minimal external amenity space to serve the number of occupants. The proposal would therefore be contrary to the Councils Development Control Local Plan Policy GP1 which requires proposals to provide appropriate facilities including amenity space for residents.

38c William Thompson Ltd, Jubilee Mills, Fryors Close, Murton, York. (11/02669/FULM)

Members considered a major full application for the erection of two extensions to an existing agricultural feed storage building.

Officers displayed revised plans of the scheme which showed a reduced footprint as described in the Officers report. Draft Condition 3 would need to be amended to specify the 'latest plans'.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal subject to the conditions detailed in the Officers report and amended Condition 3, would not cause undue harm to interests of

acknowledged importance, with particular reference to the principle of the development, visual appearance, neighbour amenity, drainage and transport issues. As such the proposal complies with policies E3b, GP1, GP9 and GP15a of the City of York Local Plan Deposit Draft.

38d 25 Shipton Road, Clifton, York. YO30 5RE (11/02487/FUL)

Members considered a Full Application for the construction of an outdoor swimming pool with shed to house filtration plant, the formation of a tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed.

Representations in objection to the scheme were received from Mr. Smith who resides at number 21 Shipton Road. He circulated photographs and a summary of his concerns. He advised that his home had been in his family for the past 50 years and in his opinion, the area had changed little in that time. He stated that he opposed the excavation of a track at the rear of his property as it had been the same for 168 years prior to the applicant's works in August 2011. He agreed with the height of the tennis court but asked that if the application be approved, that the court surface be in a muted colour.

Members sought a response to Mr. Smith's concerns, in particular the colour of the tennis court tarmac. Officers advised that this would be incorporated in draft Condition 3.

Following further discussion it was:

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal subject to the conditions listed in the officers report would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours living conditions, flood risk and the character, appearance and

setting of Clifton conservation area and nearby listed buildings and structures. As such the proposal complies with Policies GP1, HE3, HE4 and GP15a of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 5 Planning for the Historic Environment.

38e 25 Shipton Road, Clifton, York. YO30 5RE (11/02488/LBC)

Members considered a listed building consent application for the construction of an outdoor swimming pool with shed to house filtration plant, formation of tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officers report, would not cause undue harm to interests of acknowledged importance, with particular reference to the character, appearance and setting of listed buildings including 21 and 23 Shipton Road. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 5 Planning for the Historic Environment.

38f 295 Hull Road, Osbaldwick, York. YO10 3LB (11/02965/FUL)

Members considered a Full Application for a two storey rear and single storey side extensions to a detached dwelling.

Councillor Warters spoke on the application and urged Members to consider deferral in order for local residents to be

consulted on the new plan. He then left the room and took no further part in the discussions.

Officers displayed updated plans that had been received on the 22nd December 2011 showing an additional car parking space. The plans had not been re-consulted on as Officers considered them to be an improvement on the original.

The Chair asked Members whether they wished to defer the application in light of the new plans.

Councillor Douglas moved deferral and Councillor Watson seconded. When put to the vote, 6 Members voted in favour of deferral, 3 against.

RESOLVED: That the application be deferred.

REASON: To enable further consultation on the plans submitted on 22nd December 2011.

**38g Plough Inn, 48 Main Street, Fulford, York. YO10 4PX
(11/01635/FUL)**

Members considered a Full Application by Enterprise Inns Plc for the erection of a single storey detached building comprising of 6 hotel bedrooms (resubmission) (revised scheme).

Officers confirmed receipt of additional comments from Fulford Parish Council who welcomed the changes made to the siting of the proposed building. They also requested that a condition be added for an archaeological watching brief due to the historic nature of the public house and surrounding area.

Councillor Aspden spoke as Ward Councillor in support of the revised scheme and added that he was pleased to note the plans to protect the sycamore tree to the west of the application building.

The applicant's agent spoke in support of the scheme. He thanked Officers and Members for their input and advised that the revised application had taken into account the conservation area and that a tree survey had now been completed and a tree protected. He urged the Committee to approve the application.

Members raised concerns regarding the impact of the 6 new hotel rooms on traffic and parking in the area. Officers advised that there would be no reduction in the surface area of the car park. Highways were satisfied that the application would not affect the level of required spaces due to the car park being generally underused.

Following further discussion it was:

RESOLVED: That the application be approved subject to the conditions recommended including the watching brief condition.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officers report, would not cause undue harm to interests of acknowledged importance, with particular reference to sustainability, tourism, conservation area, residential amenity, trees, highway safety and flood risk. As such the proposal complies with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 5: Planning for the Historic Environment and City of York Draft Local Plan GP1, GP4A, GP15a, HE2, HE3, HE11, NE1, V1 and V3 of the City of York Development Control Local Plan.

38h DHL, Centurion Way, York. YO30 4WW (11/02828/FULM)

Members considered a Major Full Application by Mr Mark Taylor for a change of use and external alterations to form a vehicle service centre with commercial vehicle sales.

Officers circulated revised plans showing the size and location of the 12 cycle stands required. An amended condition 2 would be required to reflect this. Comments had been received from Clifton Without Parish Council who had no objections to the application.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officers report and amended condition 2 as detailed below, would not cause undue harm to interests of acknowledged importance with particular reference to loss of employment premises and transport. As such the proposal complies with policies E3b, GP1 and T4 of the City of York Local Plan Deposit Draft.

Amended Condition 2: The Development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans numbered A(PL)01, 001/B received 20 December 2011 and A(PL)01 100 received 21 October 2011.

39. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 30 June 2011 and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That the content of the report be noted.

REASON: So that Members can be kept informed on appeals determined by the Planning Inspectorate.

40. ENFORCEMENT CASES-UPDATE

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

RESOLVED: That the reports be noted.

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

41. URGENT BUSINESS

In response to concerns raised by the Sub-Committee, the Chair confirmed that she would formally write to the Cabinet Member for City Strategy to request that a representative from the Highways department be available to attend Planning meetings.

Cllr. S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 4.15 pm].

COMMITTEE REPORT

Date: 2 February 2012 **Ward:** Osbaldwick
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 11/02965/FUL
Application at: 295 Hull Road Osbaldwick York YO10 3LB
For: Two storey rear and single storey side extensions
By: Mr A Sullivan
Application Type: Full Application
Target Date: 4 January 2012
Recommendation: Approve

1.0 PROPOSAL

THE SITE:

1.1 Members will recall that a decision on this application was originally deferred at the meeting of the East Area Planning Sub-Committee meeting held on 5th January 2012 to allow neighbours to be formally consulted following the submission of a revised drawing (DRWG NO 067.001) showing off street parking and lockable cycle and bin storage as requested by officers. As a result of the reconsultation, three letters received from the occupiers of 293, 297 and 299 Hull Road. These are referred to in the "Representations" section of the report.

1.2 The application relates to a detached dwelling fronting onto a small cul-de-sac adjacent the main Hull Road dual carriageway. The dwelling incorporates an attached flat roof garage on the side elevation, which projects beyond the rear elevation of the property. The dwelling is set back from the public footpath, with of a side driveway providing off street parking and a grassed area in front of the principal elevation. The property has a large enclosed rear garden.

THE PROPOSAL:

1.2 Planning permission is sought to erect a single storey side and rear extension after demolition of the existing flat roof garage and rear extension. The extension would measure approximately 9.0 metres in total length (extending approximately 2.2 metres beyond the rear building line) by approximately 3.5 metres in width, set back from the principal elevation by approximately 1.2 metres. The extension would have a pitched roof of approximately 3.7 (max) in height reducing to approximately 2.2 metres (max) at the eaves height. In addition the application seeks planning permission for the erection of a two storey rear extension. This proposal would be set down from the ridge by approximately 1.8 metres forming a pitched roof, projecting approximately 2.1 metres in length into the rear garden. The proposed

Application Reference Number: 11/02965/FUL

Item No: 4a

extension would provide an extension to an existing small third bedroom at first floor level and larger kitchen area on the ground floor. The application proposes to use brick work and roof tiles that match the appearance of the existing dwelling.

REVISED PLANS:

1.3 The application is subject to revised plans submitted on 20th December 2011 (drawing number 067.001 revision C) to show off street parking for two cars to the side and front of the property. The revision includes an area shown for access into the rear garden and appropriate lockable cycle and bin storage.

1.4 The proposed application has been supported by a Design and Access Statement. And a Flood Risk Assessment confirming that the proposal is not situated within the indicative flood plains.

PROPERTY HISTORY:

1.5 No relevant property history documented.

ADDITIONAL INFORMATION:

1.6 The application has been called in to the East Area Committee for a decision by Councillor Mark Warters for reasons stated in para 3.5 (letter on file). A site visit took place on 4 January 2012.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 INTERNAL:

None

3.2 EXTERNAL:

THIRD PARTIES:

3.3 Osbaldwick Parish Council:

Parish object on the following grounds:

Overdevelopment resulting in the availability of 5 bedrooms and use of dwelling as a H.M.O.

Loss of car parking by enclosure of garage and being close to the doctors' surgery would result in on street parking.

3.4 Neighbour consultation letters sent 16.11.11 objection responses received from the following neighbours:

293 Hull Road

297 Hull Road

291 Hull Road and petition including the following addresses:

293 Hull Road

297 Hull Road

299 Hull Road

285 Hull Road

287 Hull Road

283 Hull Road

- The objections relate to the following matters.
- Property to be occupied by students.
- Lack of car parking spaces - cars parked on the road causing a traffic hazard.
- Over development/ out of character of the existing dwelling.
- Loss of light into rear garden areas.
- Drainage problems with the additional amount of people living in the house.
- Reduction in property value.

3.5 Councillor Objections:

Councillor Warters has raised concerns on the following issues:

- Neighbour Amenity.
- Over development

3.6 Additional neighbour consultation letters sent on 5th January 2012 for comments on the revised plan (detailing off street parking and lockable suitable cycle and bin storage) (DRWG NO 067.001). Three letters received from the occupiers of 293 Hull Road and 299 Hull Road on the following issues:

293 Hull Road:

- Dispersal of surface water.
- Bin store - concerns that the bin store would not be used for its relevant purpose. Existing concerns regarding rubbish been left at the front of the house.

299 Hull Road:

- Cul - de - Sac busy with cars because of the Doctors Surgery.
- Parked cars making it difficult to turn around in the road.
- Approval of the application would result in additional people with more cars.

297 Hull Road

- Garden turned in to a car park would be unsightly.
- Layout of parking area would not allow cars to exit or enter driveway freely.
- Access to cycle storage at various unsociable hours would create additional noise.
- Use as HMO is unacceptable

These issues have been considered within the officer's report.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on amenity of neighbours.
- Impact on street scene.
- Off street parking and Cycle storage.

THE RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 DRAFT LOCAL PLAN POLICY CYH7 - "Residential Extensions" states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

VISUAL AMENITY

4.6 The proposed two storey rear extension would be set down from the ridge by approx 1.8 metres projecting approximately 2.2 metres out from rear elevation. The width would be approximately 3.3 metres, situated within a generous rear garden area. The design of the extension would incorporate a pitched roof, which matches the existing dwelling and would slope away from the shared boundary, reducing its massing and dominance for the neighbour at 263 Hull Road. The additional windows would follow the pattern of the existing windows serving a bedroom at first floor and kitchen extension on the ground floor. The applicant intends to use materials that match the existing dwelling. Therefore, taking account of the position at the rear and the relatively modest size it is not considered that the extension would significantly detract from the character or appearance of the existing dwelling.

4.7 The single storey extension on the side and rear elevation would occupy the area between the existing dwelling and the common boundary with the dwelling at no 263, replacing an existing flat roof garage and rear extension. The development would sit comfortably with the host dwelling, positioned on the existing driveway, located approximately 7.2 metres from the public footpath. It is noted that there are a number of side extensions within the surrounding area.

RESIDENTIAL AMENITY

293 Hull Road

4.8 In terms of residential amenity the closest neighbour to the development is the property at 293 Hull Road. The rear garden of this property has been visited. This property has a modest extension at ground floor level which incorporates an external rear access into the kitchen area closest to the shared boundary. The two storey rear extension would be situated approx 3.9 metres from the shared boundary at 293, and is considered to be designed appropriately with a set down from the host roof. In terms of loss of light it is not considered that the proposal would have any significant additional impact on the amount of sunlight entering the adjacent property, which is located to the west. Furthermore, no principal rooms or garden areas would be materially affected. In terms of overlooking and loss of privacy the window proposed on the rear elevation would not create any additional overlooking than the present situation.

4.9 The side and rear extension would be separated from the side kitchen window at no. 293 by a 1.8 metre boundary fence. The property is located to the west, and it is not considered that there would be any material impact on light or outlook, nor would the extension have an unduly overbearing impact due to it being single storey. The position, size and scale of the replacement rear extension is not considered to have an unduly detrimental impact on the amenity of the adjacent neighbours in terms of loss of light or overshadowing.

297 Hull Road

4.10 The occupiers of 297 Hull Road are separated from the two storey extension by extensive boundary treatment. The single storey side and rear extension would not be visible from living areas of this property.

THIRD PARTY OBJECTONS:-

OCCUPATION OF STUDENTS:

4.11 Consultation responses from the surrounding residents mainly relate to the extension resulting in the provision of additional occupation by students. The layout of the extended property would provide an extension to the existing small third bedroom and kitchen area, therefore it is not envisaged that there would be additional people living at the dwelling. However, it is the case that the occupation of the property by up to six individuals living together as a single household would not currently require planning permission. Should the property be occupied by more than six people, either now or in the future, and then there is a possibility that the property would fall within the "Class C4" use class and planning permission may then be required. It is considered that this matter can be addressed by means of an informative on the decision notice.

LACK OF PARKING/ON STREET PARKING

4.12 These concerns raised by the local residents are appreciated in this location, however the proposal conforms to the Council's maximum car parking standards and therefore no objections could be sustained on these grounds. In addition, there are no car parking restrictions on Hull Road and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass. The position of the allocated car parking spaces on the drive way and in front of the house could require an extension to the existing dropped kerb, which would require separate consent from the Council's Highways team. In addition there is a gap of 900mm at the side of the property adjacent to 297 Hull Road for access into the rear garden where a lockable timber shed would be provided to accommodate cycles. The provision of car and cycle parking can be covered by condition.

OVERDEVELOPMENT

4.13 In terms of the amount of development proposed to the property, it is considered that the projection of the two storey rear extension is a relatively modest addition to the size of the main house and its relatively large garden. It is also the case that in isolation this extension could be erected within permitted development limits without the need for planning permission. This is because permitted development rights allows for the erection of two storey rear extensions incorporating a length no more than 3 metres so long as they are more than 2.0 metres from the shared boundary. In terms of the single storey extension the total proposed length adjacent to the shared boundary would be in the region of 9.0 metres. This amounts to an additional 4.0 metres in length on the side elevation forward of the location of the existing attached garage. Therefore when considering the orientation and separation distances, it is unlikely that the extension would be seen as over development of the side elevation. Again, the majority of the single

storey extension (other than the corner section that projects from the rear of the property) could also be constructed under permitted development.

DRAINAGE

4.14 There is no specific evidence that the proposed development would result in drainage problems. The site is not within an area that has been identified as being at risk of flooding. Drainage issues on small scale developments such as this are a matter that would be dealt with under the Building Regulations.

PROPERTY DEVALUATION

4.15 The devaluation of property is not a material planning consideration.

5.0 CONCLUSION

5.1 It is considered that the proposal is acceptable in terms of size and scale and would not cause undue harm to the living conditions of nearby neighbours. Thus the proposal would comply with policies H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Drawing Number 067.001 Revision D received 22.12.2011
- 3 VISQ1 Matching materials -
- 4 HWAY18 Cycle parking details to be agreed -
- 5 HWAY19 Car and cycle parking laid out -

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies

GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

2. INFORMATIVE:

It should be noted that the occupation of the property by up to six individuals living together as a single household would currently not require planning permission, as at the date of this permission. However, should the property be occupied by more than six people, either now or in the future (whether as a result of this development or not), then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. In those circumstances further advice should be sought from the Local Planning Authority.

Contact details:

Author: Sharon Jackson Development Management Assistant

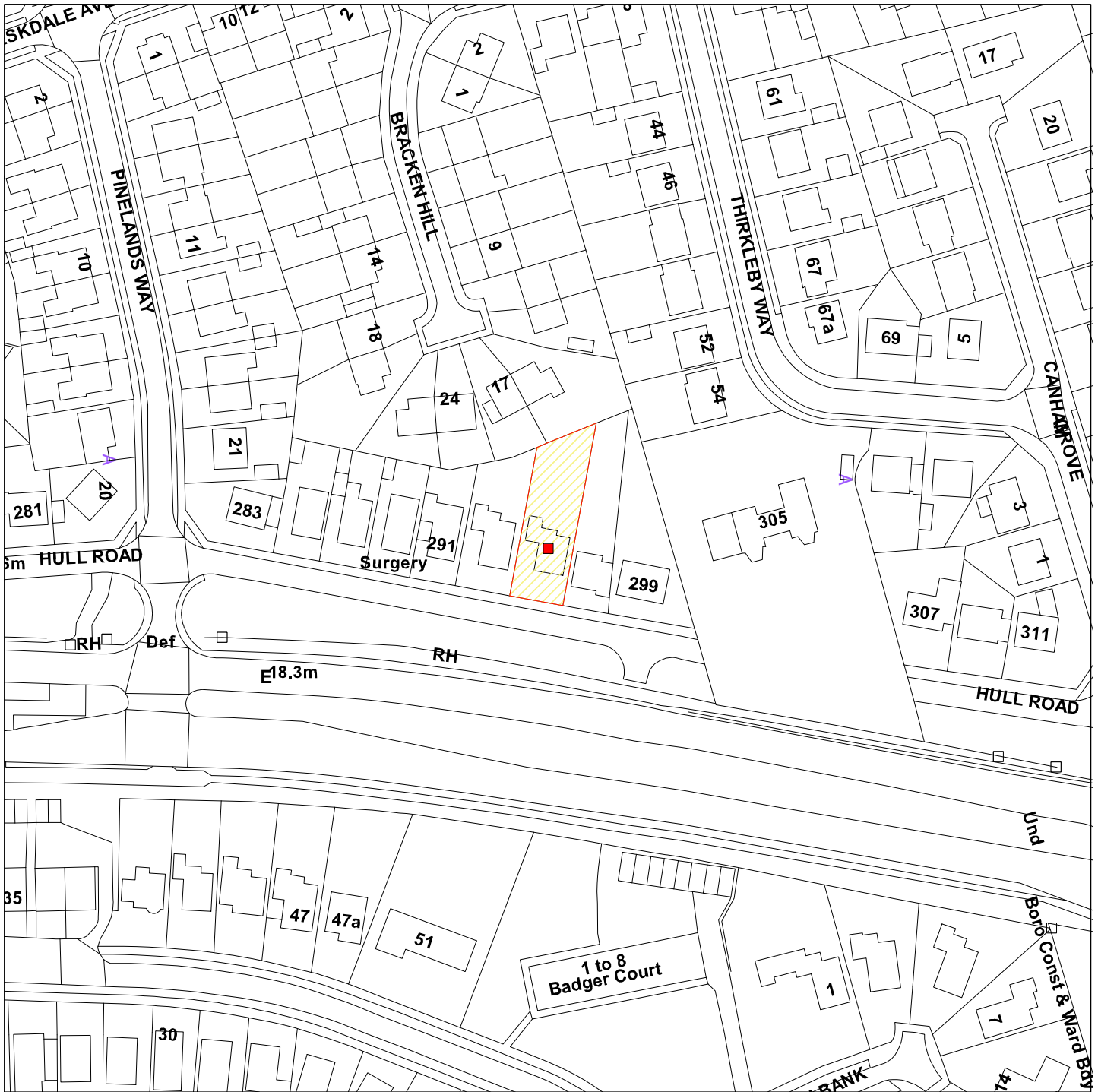
Tel No: 01904 551359

295 Hull Road

11/02965/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	20 January 2012
SLA Number	Not Set

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Wheldrake CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGB1

Development within the Green Belt

CYGB5

Replacement dwellings

CYGP1

Design

CYGB4

Extension to existing dwellings in GB

CGP15A

Development and Flood Risk

CYT4

Cycle parking standards

CYL1C

Provision of New Open Space in Development

CYHE2

Development in historic locations

3.0 CONSULTATIONS

INTERNAL:-

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

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

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

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

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

EXTERNAL:-

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

3.6 No comments have been received from local residents.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on ash tree;
- Living conditions of future occupiers;
- Impact on the open character and purposes of the Green Belt;
- Impact on the visual amenity of the wider street scene;
- Impact on the local drainage pattern;
- Impact on the safety and convenience of highway users;
- Assessment of the potential fallback position;

IMPACT ON ASH TREE:-

4.2 Since the deferral of the application in October 2011, a Tree Report has been prepared by Church Hill Trees and Landscapes to assess the impact of the proposed new dwelling on the adjacent ash tree located to the southwest of the application site. The summary of the report is that the ash tree is in good health (Category "A") and has a life expectancy of between 20 and 40 years. The radial root protection area is identified as being 6.6m. Given that the site adjoins agricultural land where further development is unlikely, that distance could be safely reduced by 20% (i.e. approx 5.3m). The report notes that should this distance be achieved, there should be no detrimental impact on the tree as a result of the erection of the dwelling. It goes on to say, however, that the siting of the dwelling further away than the recommended minimum distance could only be beneficial to the health of the tree and will resolve any practical difficulty on site when construction starts, as a result of the need to incorporate tree protection measures. Given that the applicant has no wish to prejudice the retention of the tree, a revised plan has been submitted which incorporates the full separation distance of 6.6m. This is considered sufficient to avoid any potential harm to the tree and avoid undue conflict during the construction process. The Council's Landscape Architect raises no objections subject to a condition requiring a method statement to be submitted and approved.

LIVING CONDITIONS OF FUTURE OCCUPIERS:-

4.3 So far as the provision of natural light to the basement area is concerned, the applicant proposes to use toughened glass covers to the light wells, which obviates the need for an external safety enclosure, thus increasing light levels within the rooms concerned. Details have been submitted of how this system would be achieved. A further change is the replacement of the external ladder entrance/exit from the basement level with a staircase. A glass balustrade would be incorporated in order to maintain light levels. This would supplement the internal stair and provide an alternative means of exit from the building.

IMPACT ON THE GREEN BELT:-

4.4 Policy GB1 of the City of York Draft Local Plan sets a firm policy presumption against new development in the Green Belt unless the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a limited number of purposes felt to be appropriate in the Green Belt including the limited extension, alteration or replacement of existing buildings. This reflects Central Government Policy Guidance in respect of Green Belts outlined in Planning Policy Guidance Note 2 "Green Belts" (PPG2), the broad thrust of which is repeated in the Government's Draft National Planning Policy Framework. Policy GB5 of the Draft Local Plan further clarifies the position indicating that permission

would be forthcoming for a replacement dwelling in the Green Belt (or open countryside) on a one for one basis providing the new dwelling would be located as close as possible to the site of the original dwelling or located on a site which better relates to other existing development in the area and is of a matching size and scale to that being replaced.

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

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

4.7 The proposed amendments to the submitted scheme incorporate a reduction in size of the basement area so that it more closely reflects the built footprint of the existing above ground structure. It should be noted that the amended footprint at 9.4 x 13.7 metres represents a slight but significant increase on that applied for previously. Notwithstanding the reduction in the size of the proposed basement the issue of the disproportional increase in the area of living accommodation remains. The proposal as amended envisages the construction of a bungalow some 9.4 x 13.7 metres with a slightly larger basement allowing for the construction of suitable light wells. This would result in the construction of a building some 10.5 sq metres smaller in terms of floor area than previously envisaged. It is not considered that this modest reduction would not make a material difference to the unacceptability of the proposal in Green Belt terms. The dwelling would still be some 456% larger in terms

of its floor area. In submitting the revised proposal the applicant has highlighted a number of appeal cases where significantly larger replacement dwellings have been allowed in Green Belt areas elsewhere, however in each case special circumstances relating to the site were advanced by the appellant and in no case was the disparity between the existing and proposed site area as great as that proposed in this case.

IMPACT ON VISUAL AMENITY OF THE WIDER STREET SCENE:-

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

IMPACT ON LOCAL DRAINAGE PATTERN:-

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

IMPACT ON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-

4.10 The application site is accessed off a narrow single track country lane close to the junction with Low Well Park. No information has been forthcoming in relation to the nature of the access to the site or the location of car and cycle parking within the site. Policy T4 of the York Development Control Local Plan does furthermore specify that cycle parking should be provided within new developments in accordance with the adopted standards. The information has been requested but no information has been forthcoming and it has not proved possible to establish the impact of the proposal on the local road network. However given the proposal is for a replacement dwelling, albeit a larger one, it is unlikely that any increased traffic would have an adverse impact on highway safety.

IMPACT OF THE POTENTIAL FALLBACK POSITION:-

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

5.0 CONCLUSION

5.1 Further information has been submitted in relation to the impact of the development on the adjacent ash tree and a revised plan has been submitted which incorporates the recommendations of the submitted tree report. In addition, changes have been made to the light wells in order to increase levels of natural light to the basement area.

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

6.0 RECOMMENDATION: Refuse

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

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

Contact details:

Author: Erik Matthews Development Management Officer

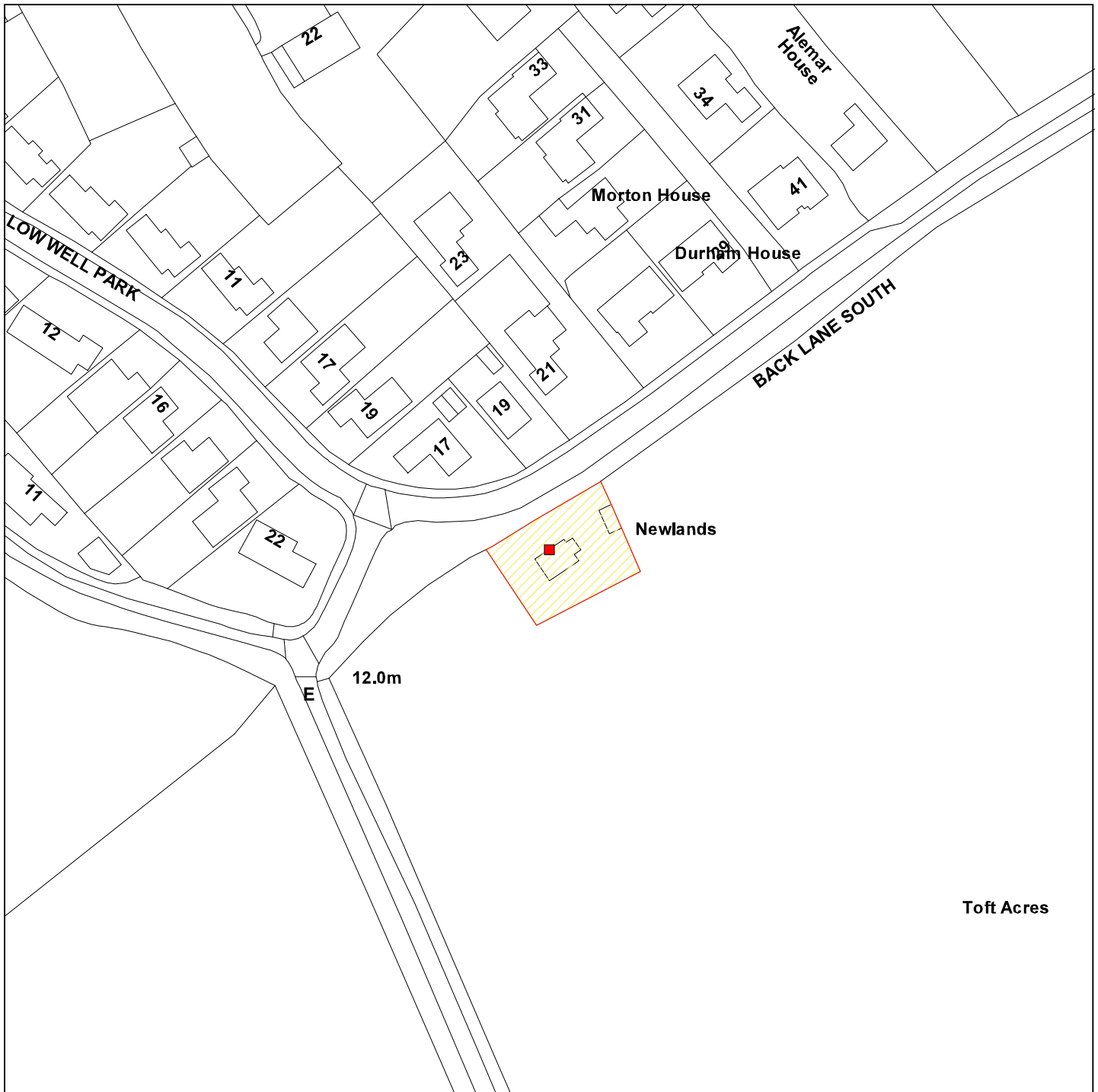
Tel No: 01904 551416

Newlands Wheldrake

10/01637/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	20 January 2012
SLA Number	Not Set

2.2 Policies:

CYGP1	Design
CYGP9	Landscaping
CYNE1	Trees, woodlands, hedgerows

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Officers require assurances to ensure the protection of the Hornbeam by the entrance is foolproof.

- The existing kerb line adjacent to the Hornbeam needs to be retained in its extant position or moved no closer to the tree and details of any kerb construction would be required.
- The landscape plan should also show the protective fencing around the Hornbeam at the back edges of the new kerb and the existing bow top fencing should be left in situ until the surrounding hard works are complete.
- There is a proposed lighting column set immediately in front of the existing Hornbeam. This would cause damage to the roots and also be incompatible with the dense crown of the tree. Despite the column being only 5m tall, it would be inappropriate to lift the crown of the tree to this height. The lamp column should be relocated to avoid this conflict.

Highway Network Management

3.2 Officers have asked that 5 cycle storage lockers for staff are provided, and that details of how the vehicle barrier operates are provided. A condition is requested to deal with the construction/layout of the vehicle access points.

Environmental Protection Unit

3.3 Have asked for further information on light-spill outside the site boundary.

Fishergate Planning Panel

3.4 No response to date

Publicity

3.5 No representations have been made.

4.0 APPRAISAL

Key Issues

4.1 As this is for the reserved matters only, the key consideration is the design of the building(s) onsite and the detailed landscaping, and whether these would have an acceptable visual impact. Whether the external lighting proposed would have an acceptable impact on the amenities of surrounding residents is also discussed.

Policy

4.2 Policy GP1 of the Local Plan refers to design, for all types of development. GP1 states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage. National guidance from CABI advises that good design means buildings that are; built to last and fit for purpose, respond to their surroundings, minimise their carbon footprint and create spaces and places that people will enjoy and be proud of.

4.3 Policy GP9: Landscaping advises that where appropriate proposals will be required to incorporate a suitable landscaping scheme. Schemes should respect existing landscape features and create more pleasant and healthy environments. Recommendations include using an appropriate range of species that reflect the character/locality of the development. Policy NE1 asks that developments make provision for planting new vegetation.

Assessment

4.4 The proposed fire station building's shape and layout is dictated by functional requirements. The layout follows good design principles in that the entrance is welcoming and addresses Kent Street and the palette of materials used are appropriate to the setting - red brick, grey profiled roof and light render.

4.5 The proposed landscaping will assist in creating an attractive environment. The toilet block would be removed and this area will become the car park. A hedgerow

and shrubs will identify the site boundary with Kent Street in this area and screen the car parking from the street. The row of soft landscaping would form a continuation of the group of trees and planting at the corner of Kent Street and Fawcett Street, and connect it to the existing tree to be retained and group of planting presently on the opposite side of the toilet block. Following demolition of the toilet block the brick wall at the site boundary behind will be more prominent in views from Kent Street. It is proposed to insert a hedge and develop more climbing plants along this boundary and the one perpendicular. These works will green the area and enhance its appearance. Additional trees will be added in the southwest corner of the site to help screen the training yard from the rear elevation of the housing block along Escrick Street. The landscaping scheme is acceptable subject to final agreement on the colour type of surfacing and street furniture such as the barrier and cycle parking. The lighting plan will need to be amended, to avoid harm to the tree on-site and a revised plan is expected before committee. There are conditions in place within the outline permission to protect the tree during construction which need to be adhered to.

4.6 The training tower was approved in the outline application, which set out its location and height. The uppermost part of the tower is 13.9m high, around 500mm higher than specified on the outline permission, although this part of the structure is handrails only and this change is deemed to be immaterial. The tower will be a utilitarian structure around double the height of the proposed building and Q Park. It will be setback around 50m from Kent Street but would be seen in the street, above the surrounding buildings. Despite its appearance the training tower would not be unduly prominent thus its design is not objected to.

Lighting

4.7 It is necessary to light the training yard area and lighting of the car park is proposed also. Spotlights located at ground level are proposed for the training area, columns for the car park. To protect the amenity of the neighbouring occupants a condition is suggested which will control light-spill so it complies with national guidance provided by the Institute of Lighting Engineers. Institution of Lighting Engineers guidance advises that in an area such as this light trespass into windows should not exceed 5 Lux before 23:00. A restriction of lighting is suggested as condition in the interests of residential amenity.

5.0 CONCLUSION

5.1 Large scale drawings of detailing such as eaves, doors and windows of the building are proposed as a condition of approval as are the final details of hard landscaping/surfacing. The outline permission required details of the building materials to be approved and that landscaping be maintained. Five cycle lockers are provided for staff and there are two Sheffield type stands for visitors adjacent the

building's entrance. Overall the scheme is what was expected to emerge from the proposals shown to members at the outline stage and is deemed to be acceptable.

6.0 RECOMMENDATION: Approve

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

- Fire Station - AL SK 02H, 03K, 6 and 7B.
- Training tower - Drawing 100.
- Landscaping - L01E.
- Lighting details - Details of light fittings within black moon luminaries schedule issued 4.11.2011.

All date stamped 01.12.2011.

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

2 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) All doors, windows and their surrounds (including section to show openings set within their reveal).
- b) Glass box bay.
- c) Eaves and verge details.

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

3 Hard Landscaping - No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a schedule of hard landscaping materials, which shall include coloured samples of surface materials. The colour finish to furniture such as the cycle store and vehicle barriers shall be coloured to match the building's roof and the gas housing shall be a green colour, unless otherwise agreed to in writing by then Local Planning Authority. The agreed scheme shall be installed accordingly prior to first use of the building.

Reason: In the interest of visual amenity.

4 External lighting within the site shall not exceed 5 Lux, measured at the site boundary. Lighting shall not exceed 1 Lux at the nearest residential facade between 23:00 and 07:00 the following day. The location of light fittings shall be approved in

writing by the Local Planning Authority prior to installation and the works implemented accordingly.

Reason: In interests of the amenity of surrounding occupants.

5 The development shall not be begun until details of the junctions between the internal access points and the highway have been approved in writing by the Local Planning Authority. The development shall not come into use until the junctions have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

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

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

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

7.0 INFORMATIVES:

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 visual amenity, residential amenity and highway safety. As such the proposal complies with Policies GP1, GP9 and NE1 of the City of York Development Control Local Plan.

Contact details:

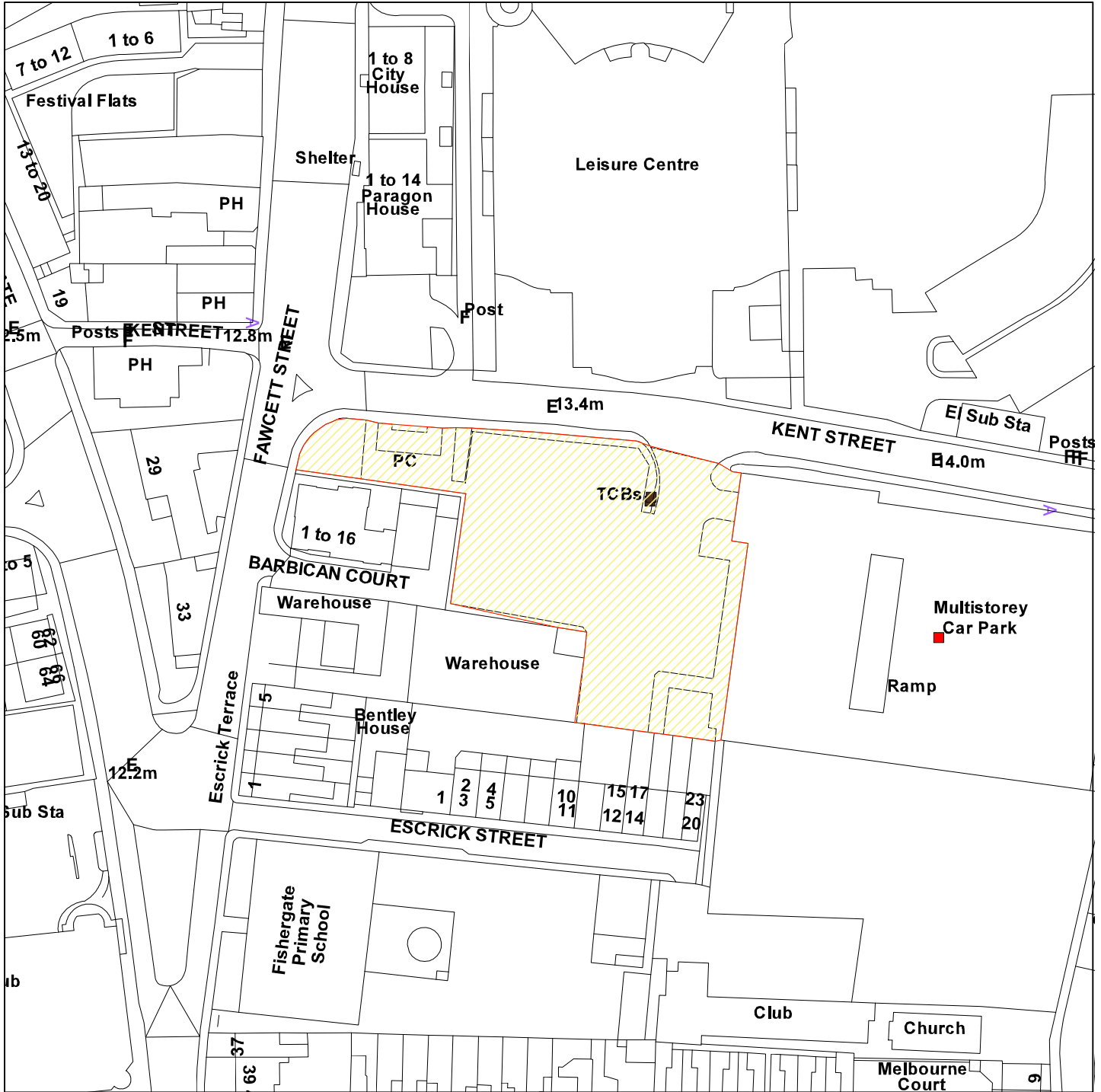
Author: Jonathan Kenyon Development Management Officer (01904) 55132

Kent Street Car Park

11/03241/REMM



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	20 January 2012
SLA Number	Not Set

be unusable for any purpose. The caravan appears to have been on the site for some time although it is not shown in the 2007 aerial photographs of the site. The caravan has a degree of permanency by virtue that it has its own enclosed garden. No application for planning permission for the siting of a caravan has been received.

1.5 The application has been called in before committee by Cllr Doughty as he considered the application to be sensitive by virtue of the health condition of the occupant of the building. A site visit has been requested.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYSP2
The York Green Belt

CYGP1
Design

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

CYGB1
Development within the Green Belt

CYGB6
Housing devt outside settlement limits

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

COMMUNITIES AND CULTURE

- As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site within the Parish (b) play space - which would be used to improve a local site within the Parish (c) sports pitches - would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

EARSWICK PARISH COUNCIL - No objections

- Request that there is a retrospective open space payment

APPLICANT SUBMITTED 3 LETTER OS SUPPORT FROM NEIGHBOURS

- No detriment to residential amenity

- Improvement on the previous building

4.0 APPRAISAL

RELEVANT SITE HISTORY

11/02102/FUL - Erection of two storey live/work annex (retrospective) - Refused, for the following reasons:

The proposed dwelling is considered to be inappropriate development within the green belt. The circumstances provided for the justification of the proposed dwelling are not considered to represent very special circumstances and as such do not overcome the presumption against inappropriate development within the green belt. The proposed dwelling, by virtue of its siting and urban appearance is also considered to be out of keeping with the prevailing character and pattern of development in the area and leads to an encroachment of development and as such impacts on the openness of the green belt. For these reasons the proposed dwelling is considered to be inappropriate development and therefore is contrary to Policy GB1 and GP1 of the City of York Council Development Control Local Plan (2005); Policy CS1 of the emerging CYC Core Strategy; Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008); and national policy contained in Planning Policy Statement 2 'Green Belts' and PPS1 'Delivering Sustainable Development'.

97/00256/FUL - Renewal of change of use and alterations to agricultural building to form one holiday cottage with associated parking and access - Approved

3/35/52B/FA (1992) - Change of use and alterations to agricultural building to form 1 holiday cottage with associated parking and access - Approved

3/35/52A/FA (1991) - Change of use and alterations to agricultural buildings to form 5 holiday cottages with associated parking and access - Refused, for the following reasons:

- The proposed development fails to comply with policy H16 of the Draft Southern Ryedale Local Plan regarding conversion of redundant rural buildings to alternative uses and would thereby result in a scheme which would be alien to the quality of the existing buildings on this prominent site and the rural character of the area in general
- The land lies within the Green belt for the City of York wherein there is a presumption against any new development other than for agricultural, forestry or recreational purposes, or other uses appropriate to such area, or where there are overriding special circumstances. These criteria have not been met in this case This application was subject of Appeal APP/D2728/A/91/196539/P5 - Part dismissed and part allowed, the development allowed was the conversion of stable/store to one holiday cottage (14.04.1992)

KEY ISSUES

1. Principle of development within the Green Belt.
2. Impact on residential amenity.

ASSESSMENT

4.1 National planning policy contained within Planning Policy Statement (PPS) 1 'Delivering Sustainable Development', states that good design is indivisible from good planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 PPS3 supports PPS1 with regards to high quality new housing and encourages sustainable and environmentally friendly new housing development. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

4.3 PPS7 'Sustainable Development in Rural Areas' states that while the policies in PPG2 continue to apply in Green Belts, local planning authorities should ensure that planning policies in Local Development Documents address the particular land use issues and opportunities to be found in the countryside around all urban areas, recognising its importance to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents. Planning authorities should aim to secure environmental improvements and maximise a range of

beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses.

4.4 PPG2 sets out that there are five purposes of including land in Green Belts:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.5 PPG2 states that the general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances.

4.6 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.

4.7 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH.

4.8 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.

4.9 Policy GP1 'Design' 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.

4.10 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. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt. Policy GB1'Development in the Green Belt' of the CYCDCLP 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.

4.11 The proposed dwelling does not comply with the type of development listed as appropriate within the Green Belt set out in Policy GB1, and PPG2. In addition it fails to comply with the purposes of including land within the Green Belt by resulting in encroachment of development into the Green Belt. As such the proposal constitutes inappropriate development. Very special circumstances must, therefore, be demonstrated to show that the harm is outweighed by other considerations. In order to address this, the agent has outlined the personal circumstances of the occupant. These are that the applicant's son has a mental illness which justifies the retention of the proposed dwelling. In the previous application there was no specific evidence that the son had to live in close proximity to his parents. However, the information now submitted indicates that the applicants' son is required to live in close proximity for his continuing health and moving from the proposed dwelling may cause a relapse. This position is supported by two letters from the North Yorkshire and York Primary Care Trust, one from a Consultant Psychiatrist and one from the Assertive Outreach Team. Whilst there is sympathy for the applicants case the personal circumstances are not considered to be very special circumstances that overcome the presumption against inappropriate development in the Green Belt. There is particular concern that the permanent nature of the development is likely to long outlast the personal circumstances of the applicant. It is considered that the

needs of the applicant could be met by a less permanent form of development which could be removed from the site when the circumstances no longer apply.

4.12 The applicant has offered to demolish the partially collapsed piggery. However, the piggery is in a poor state of repair: much of the roof has gone and the walls are in poor condition, and it does not appear that it would be economically viable to repair the building. Whilst the removal of the piggery would be beneficial by virtue of its reduced physical presence, its poor structural condition adds significantly less weight to this argument, and it is considered that its removal would not be sufficient to overcome/outweigh the appearance and impact of the dwelling on the openness of the Green Belt. The applicant has also stated that they would accept the removal of the caravan. As previously discussed the caravan has a degree of permanency, no application for planning permission has been submitted for its siting and it is the subject of enforcement action. Again, whilst the removal of the caravan is considered beneficial, it is considered to have little material weight as it is in any event unauthorised, and without sufficient justification is unlikely to gain planning permission.

4.13 The applicant has stated that they would accept a condition or legal agreement to ensure that the building shall be used as an annex only. However, it is not considered that the dwelling could be reasonably described as an annex. There is significant visual separation between the proposed dwelling and 238 Strensall Road, and it is outside the domestic curtilage of 238 Strensall Road. The design of the dwelling allows for a significant degree of independent living, there are no shared facilities, and it has its own curtilage. Whilst it is noted that the accommodation provided includes a workshop etc, it would be easily convertible into a three bedroom dwelling. It is considered to be very likely that in the future the 'annex' could very easily be used as an independent dwelling unit.

4.14 The applicant is also willing to accept a personal condition. However, before imposing such a condition the full lifetime of the building has to be considered, not just the requirements of the present occupiers. When the applicants move away from the site, it would be difficult to refuse the removal of such a condition, resulting in a dwelling in the Green Belt that would not normally have been granted planning permission. Government advice contained within DoE Circular 11/95 ("The Use of Conditions in Planning Permissions") recognises that there will be occasions where it is proposed exceptionally to grant permission for the use of a building or land for some purpose that would not normally be permitted, because there are strong compassionate or other personal grounds for doing so. In such a case the permission should normally be made subject to a condition that it shall ensure only for the benefit of a named person, usually the applicant. However, Circular 11/95 cautions that a personal occupancy condition will scarcely be justified in the case of permission for the erection of a permanent building, as in this case. For this reason it is highly likely that such a condition would be removed on appeal to the Secretary of State.

4.15 The original building on the site did have planning permission for a change of use to a holiday let. However that permission related to a substantially smaller unit, and for a conversion not a new build. Although this is considered to be a material consideration, officers consider it to carry only limited weight by virtue of the permission being for the re-use of an existing building (which is no longer there) and for the reason that the planning permission lapsed some time ago.

4.16 The proposed dwelling, by virtue of its larger size clearly impacts on the openness of the Green Belt. The design of the building is particularly urban, and is jarring within its rural surroundings. In addition the proposed dwelling does not fit in with the prevailing character and pattern of development in the area, which is predominantly linear development. The proposed wall around the proposed garden would further compound the built up appearance and presence of the development within the Green Belt. As such it fails to comply with Policies GB1 and GP1 of the City of York Draft Local Plan. The granting of permission could also set a significant precedent by virtue of opening up the gardens and paddocks to the rear of the dwellings along Strensall Road to development. Although it is recognised that each application is dealt with on a case by case basis it would become more difficult to resist further such development.

4.17 By virtue of the significant distance between the proposed dwelling and the neighbouring dwellings (min 45 metres) there is considered to be no loss of residential amenity.

5.0 CONCLUSION

5.1 The proposed dwelling is considered to be inappropriate development within the Green Belt. Whilst there is sympathy for the applicants situation, and given the background to the case, the personal circumstances are not considered to constitute very special circumstances and therefore do not overcome the presumption against inappropriate development within the Green Belt. It is considered that the needs of the applicant could be met by a less permanent form of development which could be removed from the site when the circumstances no longer apply. The proposed dwelling by virtue of its siting and urban appearance is also considered to be out of keeping with the prevailing character and pattern of development in the area and leads to an encroachment of development and as such impacts adversely on the openness of the Green Belt. For these reasons refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed dwelling is considered to be inappropriate development within the Green Belt. The circumstances provided for the justification of the proposed dwelling are not considered to represent very special circumstances and as such do not overcome the presumption against inappropriate development within the Green Belt. The proposed dwelling, by virtue of its siting and urban appearance is also considered to be out of keeping with the prevailing character and pattern of development in the area and leads to an encroachment of development and as such impacts adversely on the openness of the Green Belt. For these reasons the proposed dwelling is considered to be inappropriate development and therefore is contrary to Policies GB1 and GP1 of the City of York Council Development Control Local Plan (2005); Policy CS1 of the emerging CYC Core Strategy; Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008); and national planning advice contained within Planning Policy Statement 2 'Green Belts' and Planning Policy Statement 1 'Delivering Sustainable Development'.

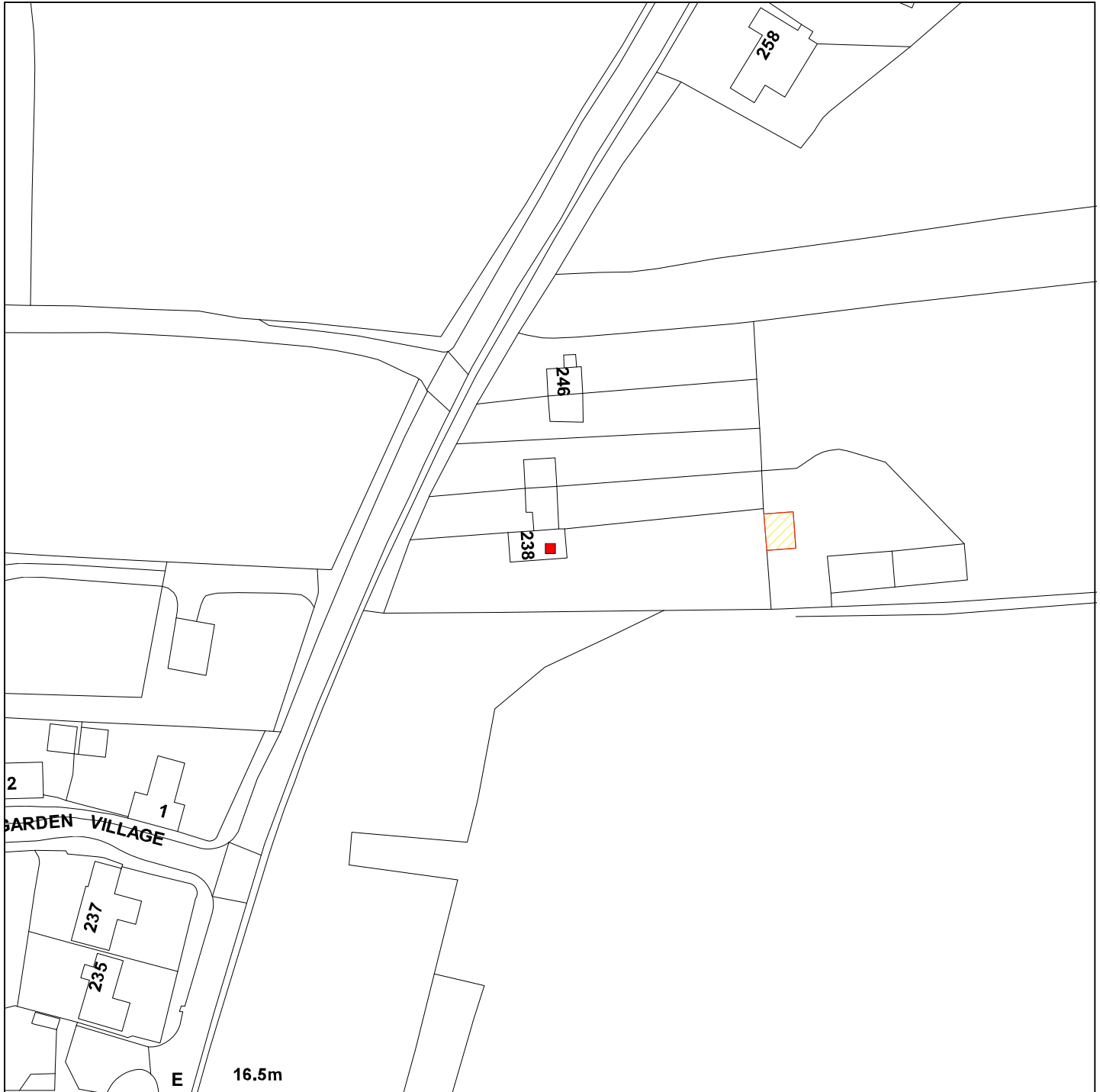
Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

238 Strensall Road

11/03175/FUL



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	20 January 2012
SLA Number	Not Set

Conservation Areas

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 Environment, Conservation, Sustainable Development (Conservation) - Raddon House is identified as a building of neutral value in the approved conservation area appraisal. The very low density of development on the site, and the mature landscaping around it, contribute to the character of this part of the conservation area. Demolishing the existing house and outbuildings would not harm the character of the conservation area. Whether conservation area consent is granted should depend on the merits of the proposed replacement development.

3.2 Environment, Conservation, Sustainable Development (Countryside) - No objections. Comments on the previous application still apply. Bat mitigation measures should be made a condition of any approval.

EXTERNAL

3.3 Fulford Parish Council - Objection. Demolition of local heritage asset. The existing building is in good condition so planning permission is not justified.

3.4 Cllr Aspden - Please note my comments on behalf of local residents: Raddon House was built in the 1950s within the former curtilage of Gate Fulford Hall and was designed by a local architect. Whilst of no special architectural significance, the house is of rural character and sits comfortably within its landscaped setting.

3.5 Public Consultation - The consultation period expired on 9 January 2011. Two formal objections to the conservation area consent application have been received but the issues they raise mainly relate to the new dwelling. Nevertheless one of the objections states that whilst the existing dwelling is an attractive house its contribution to the conservation area lies more in its spacious wooded setting and its scale, and that it sits well within its secluded wooded landscape.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the character and appearance of the conservation area
- bio-diversity

POLICY CONTEXT

4.2 HE3 - Within conservation areas demolition will only be permitted where there is no adverse effect on the character or appearance of the area.

4.3 HE5 -Conservation area consent will not be granted for the demolition of buildings that contribute to the character or appearance of conservation areas. Where demolition is permitted no demolition shall take place until a building contract for the redevelopment has been made and planning permission has been granted.

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

THE APPLICATION SITE

4.5 Raddon House is a large detached house with various outbuildings in large landscaped grounds. The site is in a conservation area and within the settlement limit of York. The immediate area is residential in character.

IMPACT ON THE CONSERVATION AREA

4.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to preserve or enhance the character or appearance of conservation areas. The current application should be assessed against this duty.

4.7 Raddon House was constructed in the 1950's, to a traditional design, using materials reflecting those typically found in the locality. It is not intrusive and is subservient in both scale and design to the neighbouring Gate Fulford Hall. The spaciousness and very low density of development on the site and the mature landscaping within the grounds contribute to the character of this part of the conservation area. Nevertheless the approved conservation area appraisal identifies Raddon House as a building of neutral value. The other buildings on the site are small and utilitarian in character and are not mentioned in the appraisal. Demolition of the house and outbuildings would reduce the already low density of development. The application to demolish these buildings would not harm the conservation area. On the contrary, demolition would increase the spaciousness of the site, thereby enhancing the character and appearance of the conservation area.

4.8 Whilst applications for conservation area consent to demolish are normally considered in the context of redevelopment proposals for the site, such an assessment is not justifiable in this case. Raddon House is a freestanding building

largely screened from public view although it can be glimpsed from Fenwicks Lane (through the entrance gateway) and from the Ings. The building does not form part of a defined urban form and its demolition would not result in an obvious gap in the surrounding development. Whilst the demolition of Raddon House (and its outbuildings) is clearly a precursor to redevelopment of the site the current application can be determined on its merits, in isolation of any future redevelopment proposals. Such future redevelopment would almost inevitably have an impact on the character and appearance of the conservation area. In preparing such proposals, the applicant should therefore be advised of the council's duty to pay particular attention to preserving or enhancing its character or appearance.

4.9 If Raddon House and the ancillary outbuildings were to be demolished without a replacement house, or other development, having been granted planning permission, the Council would be obliged to consider the impact of any subsequent application for development on the conservation area as it existed at the time of the application, i.e. with no buildings on the site. The consequence of this could be that the planning authority would not grant consent for the quantum of development that the applicant might otherwise assume to be acceptable. Such a scenario, however, is unlikely to occur because the applicant is unlikely to demolish the existing house (a useful and valuable asset) without planning permission for a suitable replacement having previously been granted.

BIO-DIVERSITY

4.10 The applicant has submitted a bat scoping survey, which assessed the house and outbuildings as having very limited bat roosting potential. Nevertheless particular care would be needed during demolition to ensure that bats are fully taken into account and that any potential impacts are minimised. This should be covered by a suitable condition.

5.0 CONCLUSION

5.1 Raddon House is identified as a building of neutral value in the approved conservation area appraisal. Its demolition, together with the demolition of its ancillary outbuildings, would at least preserve, and possibly even enhance, the character and appearance of the conservation area. The application is therefore considered acceptable notwithstanding the fact that no suitable redevelopment proposals having been submitted and approved. A condition should, however, be attached requiring details of the reinstatement of the site to be submitted and approved prior to demolition.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

2 The demolition hereby permitted shall relate solely to the house and outbuildings shown on the topographical survey Y213/S/1 dated 22/10/09.

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

3 Prior to the demolition hereby granted, a scheme for either the landscaping or redevelopment of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within a timescale which shall also be agreed to in writing by the Local Planning Authority prior to demolition.

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

4 No demolition shall take place until full details of bat mitigation and conservation measures have been submitted to and approved in writing by the local planning authority. The measures shall include:

- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. The timing of all operations.

The works shall be carried out in accordance with the approved details and timing unless otherwise approved in writing by the local planning authority.

Reason - To take account of and to enhance the habitat for a protected species.

IMPORTANT NOTE: If bats are discovered during the course of the work, it shall cease and Natural England consulted before continuing.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area, and the effect on protected species. As such the proposal complies with Policies HE3, HE5 and NE6 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Kevin O'Connell Development Management Officer

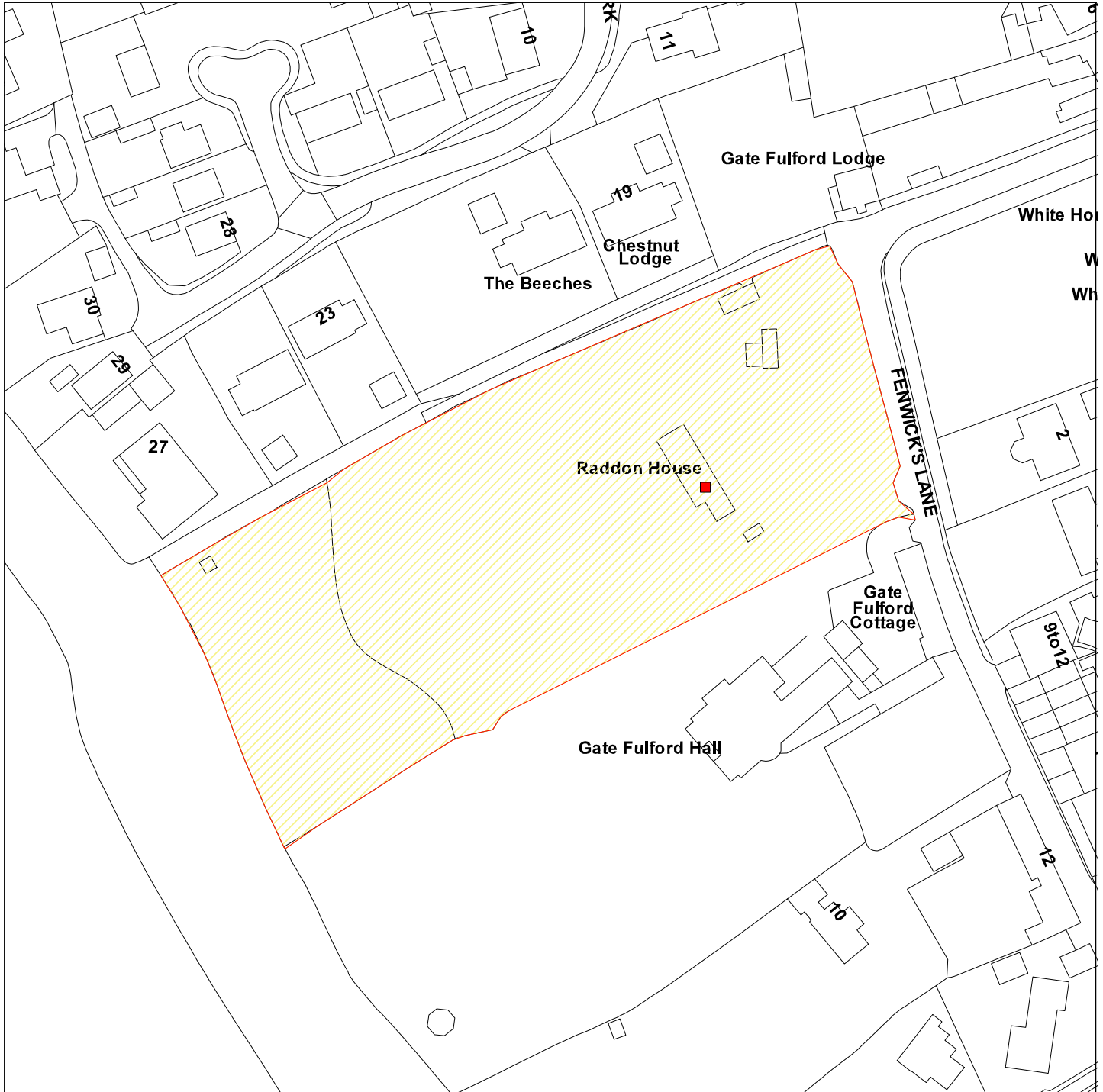
Tel No: 01904 552830

Raddon House Fenwicks Lane

11/3071/CAC



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	
Date	20 January 2012
SLA Number	Not Set