



## Notice of meeting of

### East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Hyman (Vice-Chair),  
D'Agorne, Greenwood, Hall, King, Smallwood, Vassie,  
B Watson and I Waudby
- Date:** Thursday, 8 February 2007
- Time:** 2.00 pm
- Venue:** The Guildhall, York

## AGENDA

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

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

### 2. **Minutes**

(Pages 4 - 15)

To approve and sign the minutes of the meeting held on 25 January 2007 (to follow).

### 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 Panel's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 7 February 2007 at 5.00pm.

#### 4. Plans List

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

- a) **Site adjacent Rodgers Carpets West of Jockey Lane, Huntington, York (06/02205/REMM)** (Pages 16 - 23)  
Reserved matters application for erection of 4 no. office units (B1 Use) (resubmission). [*Huntington and New Earswick Ward*]
- b) **Site adjacent Rodgers Carpets West of Jockey Lane, Huntington, York (06/02521/REMM)** (Pages 24 - 29)  
Reserved matters application relating to 98/02301/OUT for the erection of two storey office building. [*Huntington and New Earswick Ward*]
- c) **26 Hopgrove Lane South, Stockton on the Forest, York (06/02360/FUL)** (Pages 30 - 34)  
Variation of condition 3 of planning permission for use as beauty salon, to extend opening hours (re-submission). [*Strensall Ward*]
- d) **3 Wenlock Terrace, York (06/02539/FUL)** (Pages 35 - 40)  
Conversion of building from 4 no. flats to 8 no. flats with external alterations including new store in the rear yard (revised scheme). [*Fishergate Ward*]
- e) **Land Lying to the East of Centurion Office Park, Tribune Way, York (06/02341/OUTM)** (Pages 41 - 48)  
Outline application for proposed light industrial development on land to the east of Centurion Park (layout, scale, appearance, access and landscaping) and residential development comprising 12 no. dwellings on land lying to the south of Centurion Park (siting and access only). [*Skelton, Rawcliffe and Clifton Without Ward*]

- f) **Brecks Nook Farm and York Riding School, (Pages 49 - 53)**  
**Wigginton Road, Wigginton, York**  
**(06/02865/FUL)**

Use of land for car parking in connection with existing uses within the Cliftongate Business Park, Wigginton Road. [*Haxby and Wigginton Ward*]

## 5. **Urgent Business**

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

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

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

Contact details are set out below.

### Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552062
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

**EAST AREA PLANNING  
SUB-COMMITTEE**

**SITE VISIT**

**WEDNESDAY 7 FEBRUARY 2007**

<b>TIME</b>	<b>OFF.</b>	<b>SITE</b>
<b>10:00</b>		<b>Car Park Union Terrance</b>
<b>10:10</b>	<b>MJ</b>	<b>Land Lying To The East Of Centurion Office Park Tribune Way</b>

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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**

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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.

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive 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 Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

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

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

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- 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.

City of York Council

Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	25 JANUARY 2007
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), D'AGORNE, GREENWOOD, HALL, KING (NOT IN ATTENDANCE FOR ITEMS 56 B & F), SMALLWOOD, B WATSON (NOT IN ATTENDANCE FOR ITEM 56 F) AND CUTHBERTSON (SUB FOR CLLR I WAUDBY - NOT IN ATTENDANCE FOR ITEMS 56 F, G & H)
APOLOGIES	COUNCILLOR I WAUDBY

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**53. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllr King declared a personal non-prejudicial interest in Plans item 4b) Clifton Family Centre, 107 Burton Green, York (06/02648/OUT) as he was a School Governor at the school adjacent to the site.

Cllr D'Agorne declared a personal non-prejudicial interest in Plans item 4f) Walmgate Stray, Heslington Lane (06/02590/GRG3) as a member of the York Cycling Campaign and the Cycling Touring Club.

Cllr Hyman declared a personal interest in Plans item 4h) 17 Worcester Drive, York (06/02740/FUL) as his father lived in Meadlands in the vicinity of the site.

**54. MINUTES**

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 11 January 2007 be approved and signed by the Chair as a correct record.

**55. PUBLIC PARTICIPATION**

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

**56. PLANS LIST**

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

**56a. Tesco Stores Ltd, Stirling Road, York (06/02357/FULM)**

Members considered a Major Full Application, submitted by Tesco Stores for a ground floor extension to the rear of the existing store, the insertion of a mezzanine first floor and for alterations to the pedestrian access from the roundabout.

Officers updated that Condition 6 of the recommendation for approval required an addition to include details of the cycle barriers and signage to be approved in writing and for 4 additional conditions relating to retail sales area, retail food area, non food area and one to preclude the addition of a further mezzanine.

The Chair confirmed that, if the application was approved, the applicant would enter into a Section 106 Agreement with the authority which would ensure that Tesco could implement either this scheme or that previously approved which would have extended the store frontage by 6 metres but not both. Any approval would be subject to signing the agreement prior to work commencing.

Members questioned the reduction in car parking spaces for staff with the rear extension. The Applicants Agent, who was in attendance at the meeting to answer questions, confirmed that although staff numbers would rise by 50 with the expansion that with part time hours etc that they would not all be on site at the same time. Officers also confirmed that car parking spaces were still in excess of those required for the site and that sufficient car parking capacity remained during peak hours.

**RESOLVED:** That approval be granted subject to a Section 106 Agreement, the conditions listed in the report and the following additional and amended conditions:

Amended Condition 6: The development hereby approved shall not be brought into use until the pedestrian/cycle link shown on drawing P103 has been constructed in accordance with detailed drawings (including cycle barriers and signage) submitted to and approved in writing by the LPA.

Additional Conditions:

1 Additional mezzanine floors will not be permitted unless agreed in writing with the Local Planning Authority.

2 The amount of food sales floorspace shall be limited to no more than 4,240 sqm of the net retail sales floorspace.

3 The amount of non-food sales floorspace should be limited to no more than 2536 sqm of the net retail sales floorspace.

4 The total net retail sales floorspace shall not exceed 6,776 sqm without prior written approval from the Local Planning Authority.

**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 the appearance of this building, the vitality of the city centre, living conditions enjoyed by occupiers of nearby dwellings or the safe operation of the highway network. As such the proposal complies with policies SP8, T4, T13, GP1 and S2 of the Local Plan Deposit Draft and the aims of PPS6.

**56b. Clifton Family Centre, 107 Burton Green, York (06/02648/OUT)**

Members considered an Outline Application, submitted by Resources AMP, for the erection of 8 no. dwellings for which approval was only sought for access.

Officers updated that amendments were required to the proposed conditions and informatives details of which were circulated at the meeting. There was a need to add 'PLANS 1' – Drawing no. 200–002 (Site Location Plan) dated 30.08.06 and received 4.12.06 and Drawing no. 201–001 Rev. B (Site as Proposed) dated 30.08.06 and received 8.1.07. also Reason for condition 16 to read: 'To take account of and enhance habitat for a protected species. It should be noted that under PPS9 any replacement/mitigation proposed should provide a net gain in wildlife value.'

Condition 9 amended to include 'including access to the site'.

Informative 5 – figure to be £4,416 to be spent to enhance existing local facilities (Ashton Park play area, Bootham Stray, allotments on Bootham Stray and North Zone Sports Area.)

Add 'Informative 6' to read: 'The applicant's attention is drawn to Planning Policy Statement 3: Housing and City of York Draft Local Plan Policy H3C, which seek a mix of house sizes on new residential development. Consideration of this at the detailed stage is encouraged'.

Cllr King referred to a triangular area of wasteland at the front of the site, owned by the school, and he questioned whether it would be possible to incorporate this into the site and possibly realign the access. It was confirmed that this point would be brought to the attention of the Officers for further investigation.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the following amended and additional conditions and informatives

Amended Condition 9: Prior to the commencement of any works on the site, including access to site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved statement.

Amended Reason to Condition 16: Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 any replacement/mitigation proposed should provide a net gain in wildlife value.

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

Drawing no. 200-002 (Site Location Plan) dated 30.08.06 and received 4.12.06 and Drawing no. 201-001 Rev.B (Site as Proposed) dated 30.08.06 and received 8.1.07;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

Amended Informative 5:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4,416.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

Additional Informative

The applicant's attention is drawn to Planning Policy Statement 3: Housing and City of York Draft Local Plan Policy H3C, which seek a mix of house sizes on new residential development. Consideration of this at the detailed design stage is encouraged.

**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 redevelopment of community facilities for residential purposes, housing density and mix, design issues and impact on visual amenity of area, impact on natural environment, affect on amenity of surrounding and future occupants, access, parking and highway safety, drainage and flooding, and impact on existing facilities. As such, the proposal complies with Planning Policy Statement 1: delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Guidance Note 13: Transport, Regional Spatial Strategy for Yorkshire and Humber (RSS12) and Policies SP10, GP1, GP3, GP4A, GP9, GP11, GP15a, NE7, T4, H3c, H4a, H5a, L1c and C3 of the City of York Draft Local Plan (incorporating fourth set of changes).

**56c. Lord Deramores Primary School, School Lane, Heslington, York  
(06/02479/FUL)**

Members considered a Full Application, submitted by LCCS Education Services for external lighting units on the school buildings (retrospective).

Officers updated that a revised plan had now been submitted which showed the light by the school entrance in the correct position and that Condition 1 would require amendment to reflect this. Details of two additional letters from residents of 7 School Lane were reported which related to the brightness of the lights, impact on the area and that the lights were not turned off at 8pm which affected the residential amenity and was not energy efficient. It was reported that correspondence had been received from the agent confirming that the timer had been set correctly but did not appear to be working properly and a letter from the head teacher stating that the regularity of break ins etc had reduced since the lights were fitted.

It was reported that Officers had visited the site on 24 January at 20:30 and that the lights had not been turned off and that those on School Lane were bright and shone along the street. It was therefore recommended that Condition 3 be amended to include "internal shields" and for the works to be completed within one month of the permission to protect the amenity of local residents.

Officers also requested the inclusion of an additional condition, relating to cabling and junction boxes associated with the external lighting, which had been included as Condition 2 in the Listed Building Application, to also be repeated in this application.

Members expressed concerns regarding damage to the Listed Building and questioned advice given to schools when such works were undertaken. The Chair confirmed that the internal processes followed when works were proposed on school buildings would be thoroughly examined, in the light of the present retrospective applications.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the following additional and amended conditions:

Amended Conditions 1 and 3:

1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing no. RBS 050103/E1 dated May/June 2005 and revised 11.1.07 and manufacturer's details of 'Thorlux Mercian' lighting;

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

3 The two lighting units on the front elevation of the building facing School Lane shall not be illuminated between 20:00 and 06:30 next day at all times. These lights shall be screened in

accordance with details to be agreed in writing and installed within one month from the date of the permission.

Additional condition:

The following works shall be undertaken to the cabling and junction boxes associated with the external lighting hereby approved within two months of the date of this approval:

- the cabling routed across the southern-most gable on the front elevation of the building shall be repositioned to be 50mm lower;
- the junction boxes and cabling located on the front elevation of the building shall be painted or colour finished dark brown.
- the cabling routed around the eastern-most pier buttress on the northern elevation of the front building shall be repositioned in accordance with details to be submitted to and agreed in writing by the Local Planning Authority beforehand and shall be painted or colour finished dark brown.

**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 the special interest of the listed building, character and appearance of the conservation, visual amenity, residential amenity and highway safety. As such the proposal complies with Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995), Policies GP1, GP3, GP18, HE2, HE3 and HE4 of the City of York Draft Local Plan (incorporating 4th set of changes, April 2005) and planning guidelines in the Heslington Village Design Statement (2004).

**56d. Lord Deramores Primary School, School Lane, Heslington, York (06/02480/LBC)**

Members considered a Listed Building Consent application, submitted by LCCS Education Services, for the internal electrical rewire and external lighting units (retrospective).

Officers updated that a revised plan had now been submitted which showed the light by the school entrance in the correct position and that Condition 1 required amendment to reflect this. It was confirmed that as this was a Council owned listed building that the Authority needed to apply to the Secretary of State for the granting of Listed Building consent.

**RESOLVED:** That the Council apply to the Secretary of State for consent to undertake these works subject to the conditions listed in the report and the amendment of Condition 1 as follows:

The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-  
Drawing no. RBS 050103/E1 dated May/June 2005 and revised 11.1.07 and manufacturer's details of 'Thorlux Mercian' lighting;  
or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

**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 the special interest of this grade II listed building. As such the proposal complies with Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE4 of the City of York Draft Local Plan (incorporating 4th set of changes, April 2005).

**56e. 106 Millfield Lane, York (06/02308/FUL)**

Members considered a Full Application, submitted by Phil West for single and two storey extensions at 106 Millfield Lane.

Officers updated that to protect the amenities of adjacent residents they also recommended the addition of the Noise 7 condition to any approval to control the hours of construction.

Representations in support of the development were received from the applicant who stated that he had a young family who were outgrowing the property and that the additional accommodation was required for his family and two businesses. He felt that the development would not affect property values in the area.

In answer to Members questions Officers confirmed that this was not a House of Multiple Occupation (HMO) application and that if the property did become a HMO then a change of use application would be required.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the addition of the following condition:

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

**REASON:** 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 the impact on the amenity of neighbours and the street

scene. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

**56f. Walmgate Stray, Heslington Lane, York (06/02590/GRG3)**

Members considered a Full Application, submitted by the City of York Council, for the construction of a shared footpath/cycleway from the end of the existing University cycle route to Mitchels Lane.

Officers updated that the proposed path was 2.5 metres wide and not 3 metres as stated in the report.

Members questioned the western edge of the path and how the route would continue when it joined the busy Heslington Lane. Officers confirmed that this was outside this application but that this would be part of the next phase of the cycle route to the Broadway junction. Members also asked for additional information in relation to the proposed post and rail fence along the northern edge of a section of the path and referred to problems that could arise with cattle congregating at this point. They questioned how the cattle would be able to exit the area when pedestrians/cyclists also used the path. Officers confirmed that the existing cattle pen was being re-sited away from the hedge and that the cattle would be driven along the new fence to the relocated pen. The fence would be of a chevron design, to allow cattle to move freely either side

Members also questioned if more environmentally friendly materials had been considered for the construction of the path e.g. grasscrete as the bitmac proposed would involve greater costs and damage the Stray.

**RESOLVED:** That Officers be delegated authority to approve the application subject to further examination of the surfacing material for the path, the position of the cattle pen, the cul de sac issue involving the fence and subject to the conditions listed in the report.

**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 the impact on the openness of the Green Belt and existing vegetation. As such the proposal complies with Policies GP1, GB1 and NE1 of the City of York Local Plan Deposit Draft.

**56g. 12A New Walk Terrace, York (06/02713/FUL)**

Members considered a Full Application, submitted by Mr J Vandijk, for the installation of 2 no. dormers to the front elevation of 12A New Walk Terrace.

Officers updated that revised elevations had been submitted to show minor changes in design, at the request of the Conservation Officer, and that if

approved there was a need to add an additional condition Noise 7 relating to hours of construction to protect neighbours amenities.

Officers also reported receipt of an additional letter of objection from the neighbour at 12B concerned about inconsistency in the Council's dealing with planning applications for 12A and 12B.

Representations were then received in objection from a neighbour raising concerns regarding the proposal. She pointed out that 12A and 12B had originally been one property, Melbourne House, and that this property had also had the same roofline as the adjacent Grade II listed terrace. The two properties had been reduced in height following a fire and she felt that both properties should be similar in appearance and that it should be conditioned as such. She felt that guidance given to the applicant was not consistent with that given when she had made an application. She felt that the proposal would spoil the character of the terrace and the roofline and would set a precedent.

Representations were also received in support from the applicant who referred to the Georgian room in the property, which had no light. He confirmed that he had felt that a velux window would be out of keeping in the terrace and that the present application would be a better solution both internally and externally. The proposed windows were the same as those on the adjacent terrace properties at this height and he felt that the proposal would add quality to the building and terrace as a whole and would not set a precedent.

Members questioned details of the previous applications and advice given at that time. Officers confirmed that a pre application enquiry had been made when advice had been given that Officers would oppose a full width dormer extension on 12B. Revised drawings had then been received for a single large dormer at the rear, which had not been expected but for which permission had been granted. It was reported that the applicant had also received permission for a rear dormer but again not full width.

Members questioned previous advice that the symmetry of the two properties should be retained and whether this information had been considered by the Conservation Officer in relation to this application. Certain Members expressed concern that the proposal would have a detrimental affect on the Conservation Area and terrace as a whole.

**RESOLVED:** That the application be refused for the following reason:

**REASON:** The proposed development would introduce a feature that is alien to the front roof slope of the terrace row, at the end of which the application property is located and of which nos. 13-18 (consecutive) are grade II listed. Furthermore, it would unbalance the symmetry of 12A and 12B New Walk Terrace. It would, therefore, have an adverse effect on the character, appearance and setting of the terrace row to the detriment of the grade II listed properties and on the

character and appearance of the New Walk Terrace Conservation Area. As a result, it is contrary to advice in Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire Structure Plan and Policies HE3 and HE4 of the City of York Draft Local Plan (incorporating 4th set of changes, April 2005).

**56h. 17 Worcester Drive, York (06/02740/FUL)**

Members considered a Full Application, submitted by Mr P Hodgson, for extensions and alterations to an existing dwelling at 17 Worcester Drive, York.

Officers updated that Osbaldwick Parish Council had raised objections to the proposal as they felt that it was overdevelopment and that the property would be out of keeping with adjacent properties. Four letters of objection had been received from residents objecting to the proximity of the extensions to neighbouring properties, the loss of light, sun and the open aspect. They also considered that the development would be dominant and overbearing, that it would be out of character with the area and could cause adjacent gardens to flood. It was also reported that Cllr Morley had requested that this application should be considered by the Committee as he felt that the proposal only made minimal changes and did not address previous concerns regarding massing.

Officers confirmed that the present application attempted to relieve the impact upon neighbours by removing the proposed double garage and reducing both extensions in size away from the boundaries by 1 metre and .5 metres.

Representations in objection to the application, were received from a neighbour, who spoke on behalf of a number of local residents, she stated that this was the third application for this property, the previous two having been refused due to impact on neighbours. She pointed out that all the applications were stressful for the elderly neighbours and that they felt that the present proposal had only cosmetic reductions to the extensions and that it was still an overdevelopment of the site, which would affect the amenities of neighbours.

Representations were also made in support of the application from the applicant, who confirmed that the extensions had now been reduced in size to move them further away from the boundaries. He confirmed that there were no first floor windows overlooking and that he was undertaking land drainage works on site. He stated that the extensions were required to house his large family as the property was at present in a poor state with little heating which was stressful for his family.

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

**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 neighbours. As such the proposal complies with Policies H7 and GP1 of the City of York Deposit Draft Local Plan.

CLLR R MOORE

Chair

The meeting started at 2.30 pm and finished at 4.35 pm.

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T4 - Cycle parking standards  
T13 - Car park standards in York CC/District C  
E1A - Premier Employment Sites  
GP3 - Planning against crime

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 ENVIRONMENTAL PROTECTION UNIT: No objections to this application.

In order to ensure that nearby residents living along the access routes to the site are not adversely affected by noise during any demolition or construction or refurbishment works and deliveries to / from the site we recommend the following condition:

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

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

Reason: To protect the amenity of local residents.

We would also recommend that the watching brief condition be placed onto the application as our in-house research has shown no obvious sources of contamination: [attached as condition 7]

3.2 HIGHWAYS NETWORK MANAGEMENT: No objections.

The outline planning consent considered all highways issues and requirements as set out in the Monks Cross Masterplan. Funding using the member approved Masterplan was secured and will be paid in accordance with the S106 Agreement that is in place for the area.

Car and cycle parking has been provided in accordance with the recommended levels as agreed in the design brief for Monks Cross South.

This application is only for the reserved matters detail relating to Building B. As the layout of Building B has an influence on the layout of the remaining site area, car/cycle parking and indicative design has also been shown for Buildings C&D, which will be the subject of future reserved matters application(s).

3.3 CITY DEVELOPMENT: Outline consent approved July 2003 for access, vehicle and cycle parking, park and ride facility and landscaping, erection of buildings for B1 and B2 use. Condition 12 controls occupancy of buildings on site to:

- a. uses with the Science City York sector, and other emerging knowledge based clusters, or;
- b. firms providing substantial support services to the primary uses, occupying no more than 105 of total floorspace approved; or
- c. other 'high quality' B1 uses, where this is the sequentially preferable site

Draft Local Plan policy E1a asks that scale, layout and design contribute to the creation of a high quality commercial environment. Such issues should be considered in light of the submitted design statement. No policy objection.

## EXTERNAL

**3.4 FOSS INTERNAL DRAINAGE BOARD:** The site lies within the Board's District, and the proposed method of surface water disposal is still not clear and concise. The site lies within an area that is on the boundary of an existing retail development that has the benefit of a flow regulation system which disposes its surface water discharge into Pigeon Cote Dyke and an area that will require to be regulated to agricultural run off rates following determination of where the existing land currently discharges.

The Board has not received any significant information on the surface water from this site and feel that at present it has no option but to lodge an OBJECTION to the proposals on the following grounds:

No suitable watercourse. Insufficient capacity to watercourse. Insufficient information. Undesirable precedent - piecemeal development.

The Board would be prepared to remove its objection to the proposals provided that a comprehensive Scheme for the disposal of surface water is agreed prior to works commencing

**3.5 YORKSHIRE WATER:** No drainage proposals have been received.

**3.6 HUNTINGTON PARISH COUNCIL:** No objections.

**3.7 PUBLICITY:** The application has been advertised by press and site notices to which no response has been received.

## **4.0 APPRAISAL**

**4.1** This is a reserved matters application relating to Siting, Design, External Appearance and Landscaping only. Planning permission for the development was granted by Outline Consent reference 98/02301/OUT granted consent 18 July 2003. This consent was renewed by consent ref. 06/01600/FUL.

**4.2** This is a revised scheme to that submitted under reference 06/01330/REMM which was withdrawn. The use of buildings on the site is restricted by virtue of condition 12 attached to the Outline Consent and the proposed use falls within those allowed by that condition. A Travel Plan and a Design Statement incorporating a

Sustainability Statement have also been submitted. The details of the Travel Plan are acceptable and the Sustainability Statement is considered to accord with the requirements of the adopted design and planning statement.

4.3 Concerns have been raised regards the absence of drainage proposals at the time of this application. However this is not a planning application and is just concerned with the approval of the matters listed in 4.1 above. Matters relating to drainage are required to be approved in accordance with condition 7 of the outline consent. That condition requires that these details are approved before any development takes place on site. Details of a site wide drainage scheme have been submitted and are currently subject of consultation with the relevant internal and external bodies.

4.4 A condition limiting hours of construction has been recommended by the Environmental Protection Unit, however, given the remoteness of the site from residential property this is considered unnecessary. The key issues are considered to be the appearance of the proposed development, the layout of the site and proposed landscaping

#### LANDSCAPING

4.5 The layout of the site allows sufficient space along the northern boundary and sufficient verge frontage with Jockey Lane to allow the landscape aspirations of the Planning and Design Brief of December 2004 to be realised. The layout of the site provides 5 metres depth on the northern boundary for a deep native landscape screen. This adjoins car parking area which can be constructed as permeable surface in the interests of the long term health of the trees. The detailed planting scheme (showing species, number, height, position and density of planting) and including a specimen tree adjacent the bin store on the north boundary can be secured under condition 4 of the outline planning permission. A condition requiring submission of landscape planting details is recommended to be attached for the avoidance of doubt.

#### LAYOUT/ACCESS

4.5 The proposed layout allows for the safe manoeuvring of vehicles and the provision of cycle and pedestrian access arrangements in accordance with CYC standards. Adequate space is provided for the storage of cycles in an area subject of good natural surveillance close to the entrance of the building and the detailed design of covered secure cycle storage can be secured by condition. The cycle storage building would be required to be sympathetic to the main building in design. Showers are provided within each unit.

#### DESIGN SITING AND EXTERNAL APPEARANCE

4.6 The building is two storey and runs parallel to the north boundary of the site and is sited immediately due south of the Rodgers Carpets building. From beyond the site the principle elevation visible will be the east end which will be glimpsed between Rodgers Carpets and the previously approved Building A. The design is sympathetic to that of the approved Building A whilst incorporating sufficient variation

of form to avoid a regimented appearance being established on the site. The building elements are well articulated to provide visual interest and break up the bulk of the building. The design of the entrance feature provides a strong visual focus and a legible entrance. The entrance features are glazed to the side elevation thus reducing the mass of the building when viewed from Jockey Lane and the design successfully incorporates plant in to the design of the building. As such the design, siting and external appearance is considered to accord with the aims of approved planning and design brief paragraphs 12.18 to 12.41

4.6 The proposed materials are considered suitable for a building in this location and to be in accordance with the materials palette set out in paragraph 12.10 of the approved planning and design brief.

## 5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the area and highway safety. As such the proposals are considered to comply with Policies SP8, GP1, T2, T4, T13, E1A, and GP3 of the City of York Local Plan Deposit Draft and the aims of PPS1 and PPG13. For the reasons given above it is recommended that the application be approved.

## 6.0 RECOMMENDATION: Approve

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

Drawing Number 627852 SD AP 00020 received 16 January 2007

Drawing Number 627852 SD AP 00021 received 06 October 2006

Drawing Number 617818 SD AP 00022 received 06 October 2006

Drawing Number 617818 SD AP 00023 received 06 October 2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

- 2 VISQ8 Samples of exterior materials to be app
- 3 HWAY18 Cycle parking details to be agreed
- 4 LAND1 IN New Landscape details
- 5 Prior to the development coming in to use, all areas used by vehicles shall be surfaced 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.

- 6 This approval of reserved matters shall be limited to the area within the pink line shown on drawing number 627852 SD AP 00020 received 16 January 2007.

Reason: For the avoidance of doubt.

- 7 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

## **7.0 INFORMATIVES:**

### **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 visual amenity of the area and highway safety. As such the proposals are considered to comply with Policies SP8, GP1, T2, T4, T13, E1A, and GP3 of the City of York Local Plan Deposit Draft and the aims of PPS1 and PPG13.

### **2. Demolition and Construction - Informative**

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

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

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

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



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

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

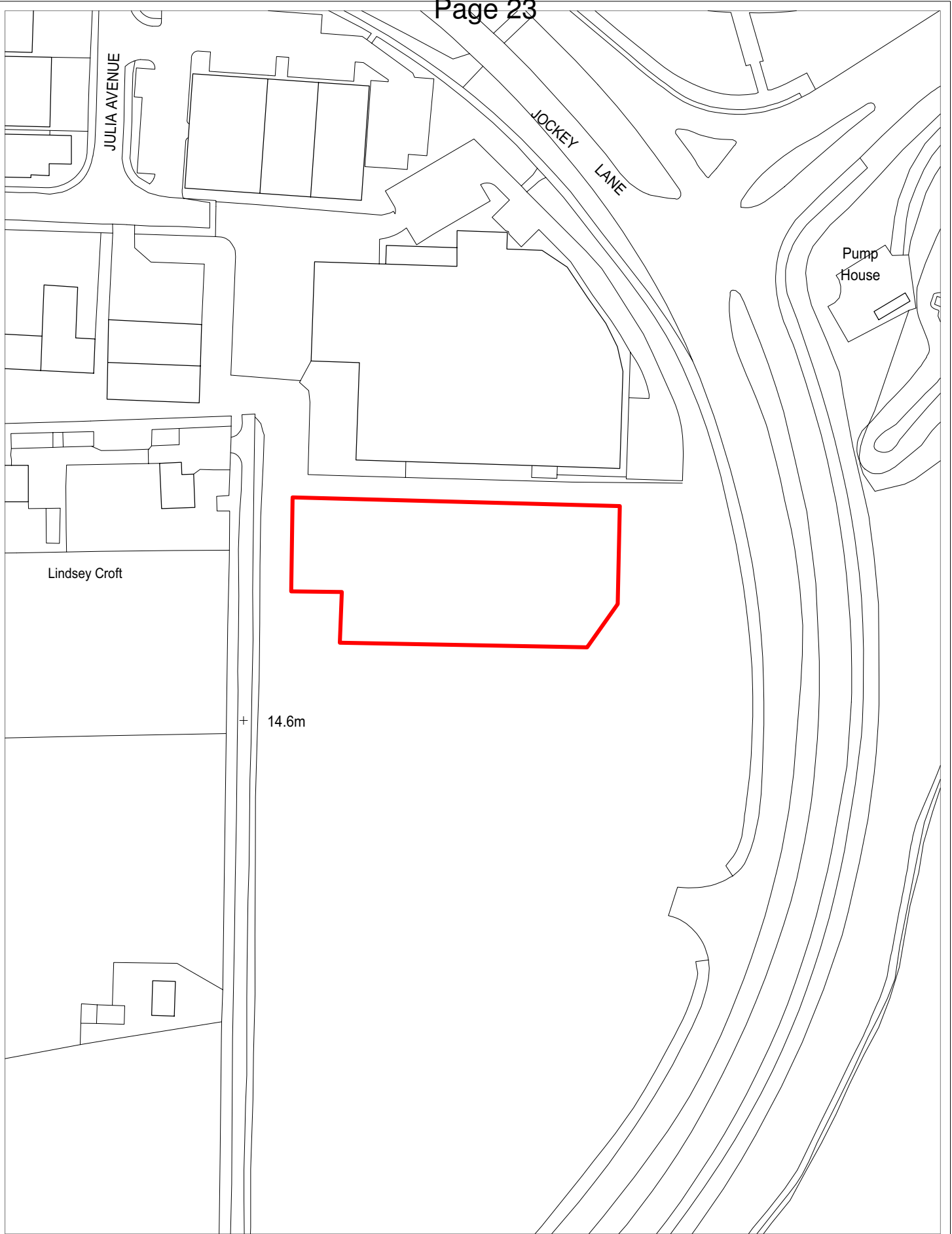
### 3. Drainage.

The applicants attention is directed to condition 7 of the outline planning permission ref. 98/02301/OUT (to which this reserved matters consent relates) which requires the means of drainage of the site to be approved before development commences.

**Contact details:**

**Author:** Howard Smith Assistant Area Team Leader

**Tel No:** 01904 551352



CITY OF  
**YORK**  
COUNCIL

9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

SITE ADJACENT RODGERS CARPETS WEST OF JOCKEY LANE, HUNTINGTON - 06/02205/REMM

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 29/1/2007  
Drawing No.



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 8 February 2007

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 06/02521/REMM  
**Application at:** Site Adjacent Rodgers Carpets West Of Jockey Lane  
Huntington York  
**For:** Reserved Matters application relating to 98/02301/OUT for  
erection of two storey office building  
**By:** Mr J Downes  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 10 April 2007

**1.0 PROPOSAL**

1.1 This is a reserved matters application relating to details of Siting, Design, External Appearance and Landscaping for a two storey office/laboratory building on the 'Monks Cross South' site.

1.2 The submitted scheme is a revised scheme to that previously approved as reference 05/02779/REMM. The revisions being; alterations to the plant rooms at first floor level to extend the height and width of the louvered enclosure above service yard and swapping of window on west elevation with louvered panel on east, introduction of an escape stair adjacent the plant room, introduction of an additional flue and repositioning of the flues. The height of the enclosure over the service yard would be raised from 5.7 to 6.8 metres tall and the width increased from 3.1 to 7.7 metres wide. No alterations to the layout of the site, the footprint of the building or service yard are proposed.

1.3 This application relates to outline consent reference 98/02301/OUT granted 18 July 2003 (extended by planning permission 06/01600/FUL) which granted approval in principle for the development of B1 uses (subject to restrictions including restrictions on the type of occupiers) and means of access to the site.

1.4 A development and design brief for the site, required by Condition 14 attached to the outline planning permission, was approved in December 2004. This established detailed guidelines for development on this site.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

E1a - Premier Employment

2.2 Policies:

SP8 - Reducing dependence on the car  
GP1 - Design  
T2 - Cycle pedestrian network  
T4 - Cycle parking standards  
T13 - Car park standards in York CC/District C  
E1A - Premier Employment Sites  
GP3 - Planning against crime

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 HIGHWAYS NETWORK MANAGEMENT: No objections, comments as previous application.

*The application is for the reserved matters details of one of the units on the Monks Cross South development. Monks Cross South has previously been granted outline planning consent by this authority. The outline planning consent considered all highways issues and requirements as set out in the Monks Cross Masterplan. Funding using the member approved Masterplan was secured and will be paid in accordance with the S106 Agreement.*

*The submitted drawings with the current application lacked detail in a number of areas and revised plans were submitted following discussions with the applicants. Whilst the plans do still lack some detail officers consider that the conditions applied to the outline consent adequately protect the interests of the highway authority. Car and cycle parking has been indicated in line with the recommended levels as agreed in the design brief for the site.*

#### EXTERNAL

3.2 HUNTINGTON PARISH COUNCIL: No comments received at time of writing.

3.3 PUBLICITY: The application has been advertised by site notice and press notice. No public response has been received.

### **4.0 APPRAISAL**

4.1 This is a reserved matters application relating to Siting, Design, External Appearance and Landscaping only. Planning permission for the development was granted by Outline Consent reference 98/02301/OUT granted consent 18 July 2003. The time period for submission of reserved matters was extended to 8 January 2009 by planning permission 06/01600/FUL.

4.2 This is a revised scheme to that approved under reference 05/02779/REMM which was withdrawn. The use of buildings on the site is restricted by virtue of condition 12 attached to the Outline Consent. The application is accompanied by a Statement of Use and the proposed use falls within those allowed by the restrictive

condition. A Travel Plan and Design Statement incorporating Sustainability Statement have also been submitted.

4.2 Concerns have been raised regards the absence of drainage proposals at the time of this application. However this is not a planning application and is just concerned with the approval of the matters listed in 4.1 above. Matters relating to drainage are required to be approved in accordance with condition 7 of the outline consent. That condition requires that these details are approved before any development takes place on site. Details of drainage for the wider site have been submitted and at the time of writing are subject of discussion with the Internal Drainage Board, CYC Drainage Engineers, the Environment Agency and Yorkshire Water.

4.3 The existence of the extant reserved matters consent is a material consideration in determining this application. The key issue is considered to be the impact on the appearance of the building of the revised elements.

### DESIGN SITING AND EXTERNAL APPEARANCE

4.4 The building is two storey and orientated to address Jockey Lane with a main elevation facing the access road on a prominent corner site. The design meshes strong horizontal emphasis with a strong glazed raised element on the road junction. The proposed materials are considered suitable for a building in a prominent position and to be in accordance with the materials palette set out in paragraph 12.10 of the approved planning and design brief.

4.5 The proposals would increase the height of the louvered plant enclosure on the north elevation of the building by 1.1 metres and increase its width by 4.7 m so as that it encloses the whole of the area above the service yard. The footprint of the service yard would not be extended. The proposals would not introduce a new element and, whilst it's height would be raised, the plant enclosure would be set 1.7 m below the parapet of the end elevation of the main building. The enlargement of the plant enclosure would principally take place by extending its area into the site and not towards the edge of the site. It is not considered that the changes would unacceptably impact on the appearance of the building and that these impact of the proposed changes would be least significant where viewed from the public realm.

4.6 The proposed external escape stair would be screened from view from the public realm by the plant room. The introduction of an additional flue at the same height and in the same position as approved flues and the reconfiguration of flues is not considered detrimental to the appearance of the building. The switching of the position of a window in the east elevation for a louvered panel in the west not considered to be detrimental to the appearance of the building overall.

4.7 The amended design, increasing and revising accommodation of plant, are therefore still considered to integrate plant well with the design of the building and to accord with the aims of the approved planning and design brief for the site (paragraphs 12.18 to 12.41), the aims of policy GP1 of the Draft City of York Local Plan and the aims of PPS1.

## 5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the area and highway safety. As such the proposals are considered to comply with Policies SP8, GP1, T2, T4, T13, E1A, and GP3 of the City of York Local Plan Deposit Draft and the aims of PPS1 and PPG13. For the reasons given above it is recommended that the application be approved subject to the same conditions as reserved matters consent 05/02779/REMM.

## 6.0 RECOMMENDATION: Approve

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

Drawing Number 617818 SD AP 00025 received 17 November 2006

Drawing Number 617818 SD AP 0028 received 17 November 2006

Drawing Number 617818 SD AP 0026 received 17 November 2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

- 2 VISQ8 Samples of exterior materials to be app
- 3 HWAY18 Cycle parking details to be agreed
- 4 LAND1 IN New Landscape details
- 5 Prior to the development coming in to use, all areas used by vehicles shall be surfaced 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.

## 7.0 INFORMATIVES:

### 1. DRAINAGE INFORMATIVE

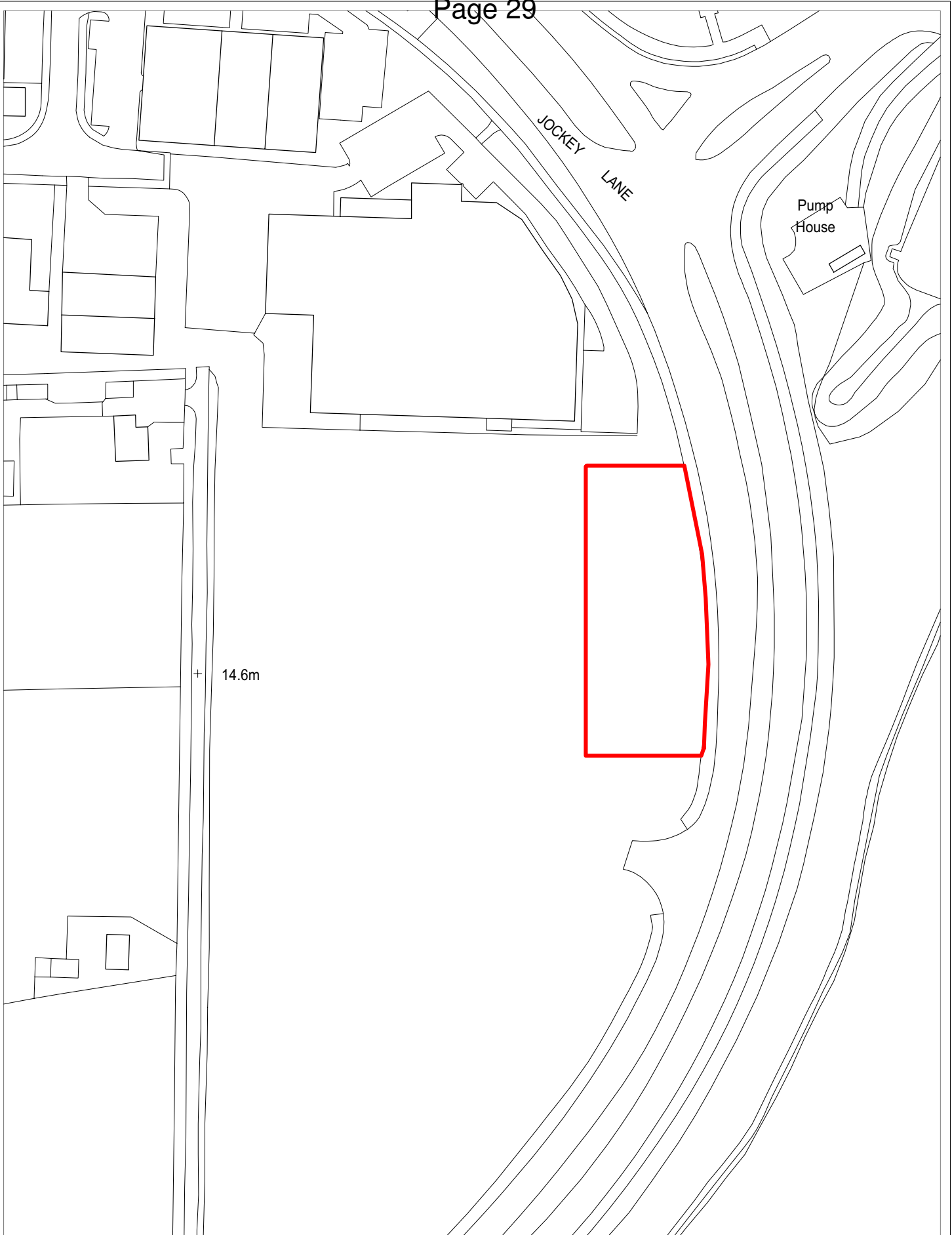
The applicants attention is directed to condition 7 of the outline planning permission ref. 98/02301/OUT (to which this reserved matters consent relates) which requires the means of drainage of the site to be approved before development commences.

## 2. 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 visual amenity of the area and highway safety. As such the proposals are considered to comply with Policies SP8, GP1, T2, T4, T13, E1A, and GP3 of the City of York Local Plan Deposit Draft and the aims of PPS1 and PPG13.

### **Contact details:**

**Author:** Howard Smith Assistant Area Team Leader  
**Tel No:** 01904 551352



CITY OF  
**YORK**  
COUNCIL

SITE ADJACENT RODGERS CARPETS WEST OF JOCKEY LANE, HUNTINGTON - 06/02521/REMM



SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 29/1/2007  
Drawing No.



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 8 February 2007  
**Ward:** Strensall  
**Parish:** Stockton-on-the-Forest  
Parish Council

**Reference:** 06/02360/FUL  
**Application at:** 26 Hopgrove Lane South Stockton On The Forest York YO32 9TG  
**For:** Variation of condition 3 of planning permission for use as beauty salon, to extend opening hours (re-submission)  
**By:** Ashley Woods  
**Application Type:** Full Application  
**Target Date:** 26 December 2006

**1.0 PROPOSAL**

1.1 Planning consent 05/00452/FUL dated 4 May 2005 gave permission for a change of use from a riding shop to a beauty salon at 26 Hopgrove Lane. Condition 3 of this planning consent states as follows:

The opening hours of the use hereby approved shall be restricted to the following times:- 1000 - 1800 Mondays, Wednesdays and Fridays; 1000 - 2000 on Tuesdays and Thursdays and 1000 - 1600 on Saturdays with no opening on Sundays/Bank holidays.

Reason: - In order to safeguard residential amenity.

1.2 These opening hours reflected the opening hours stated on the application form submitted with application 05/00452/FUL. a subsequent application for the extension of opening hours to 09:00 - 21:00 Monday - Friday, 08:00 - 18:00 Saturday and for the purposes of cleaning and training 10:00 - 15:00 on Sundays was refused by East Area Planning Committee in May 2006.

1.3 The applicants have a current Appeal in progress against this decision and a Hearing date is soon to be agreed. The applicants have also resubmitted this current application for the extended opening hours of 09:00 - 20:00 Monday to Wednesday, 08:00 - 20:00 Thursday to Friday and 08:00 - 18:00 on Saturday with no opening taking place on Sundays.

1.4 The site itself lies within Hopgrove settlement limits. The internal layout of the use appears to be the same as the previous submission and contains a reception, two treatment rooms and ancillary facilities at ground floor level, with the remainder of the detached building used for ancillary residential purposes.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highways Network Management - No objections.

Environmental Protection - The Unit has received no complaints about noise since this business first started operating. No objection to the hours sought by the applicant.

#### **3.2 Local Members, Parish Council and Public Consultation**

No Local Members have commented on this application.

Parish Council - Object on the grounds that the proposed opening hours will create more congested and dangerous traffic conditions and thereby create disturbance for the residential area.

Public Consultation - 9 letter of objection have been received on the grounds of:

- the existing traffic conditions are often congested and dangerous
- hours are inappropriate for a residential area, causing unreasonable disturbance to residents.
- customer car parking already takes place on footpath and verges, causing obstructions to traffic and pedestrians
- they are already in contravention of their opening hours
- may set a precedent for other businesses

Subsequent to this two letters of support have been received stating that the business is conducted in a quiet and calm environment, and is a welcome addition.

### **4.0 APPRAISAL**

4.1 The issues contained within this application are essentially the same as the previous application. The previous application intended to open for longer and included Sunday opening and was recommended for approval by officers. This recommendation was overturned by members. The following report is slightly revised from the previous as many of the implications still apply.

4.2 The issue in determining this application to vary hours of opening relates to the reason the condition was applied to the original planning consent, the safeguarding of residential amenity. In determining such an application to vary an existing planning condition under Section 73 of the Town and Country Planning Act 1990, Local Planning Authorities are empowered to grant permission unconditionally, refuse the application or grant permission subject conditions, as long as this is to overcome the problem to which the condition is addressed. The planning permission itself, i.e. the grant of permission for beauty salon, must be left in tact.

4.3 Concerns have been raised that there is inadequate car parking on the site. This is an issue however that would have been assessed when the original planning application for the beauty salon was made, than a matter for the current application to vary hours of opening. Car parking is provided on the front and side curtilage of the property that can adequately accommodate 4/5 cars. There is also unrestricted on street car parking on this stretch of Hopgrove Lane South.

4.4 The area where the beauty salon is located is predominantly residential in character. The closest dwelling to the property is a bungalow at No 28 to the east. This is separated from the beauty salon by its driveway, and does have a door access and associated side window openings facing the side of the beauty salon. The windows and openings associated with the beauty salon themselves face Hopgrove Lane South itself on the front elevation or on the opposite side elevation facing the side parking area, and do not face towards No 28. To the east of the site, the next dwelling (No 24) is well set back from the beauty salon. There are also residential properties on the opposite side of the road, though these are reasonably well set back from the Hopgrove Lane South. It is also believed that the upstairs of number 26 is occupied by the landlord of the property who leases the shop but has no other connection to it.

4.5 The use itself is still considered reasonably modest, as it consists of two treatment rooms and a reception area. The impact on residential amenity is also considered to be limited as none of the openings on the building associated with the use face towards the potentially the most affected dwelling, No 28. There would be noise associated with vehicular movements, though again this needs to be considered with regard to the reasonably modest nature of the use, and against the backdrop of significant levels of traffic already using Hopgrove Lane South.

4.5 The area is nevertheless predominantly residential in character and the proposed opening hours would incur into the later evening during the week, and early on a Saturday morning. In order to limit the impact on residential amenity, it is proposed to limit the opening hours to members of the public to 8.30am (rather than 8am) on Saturdays. The permitted use is currently allowed to open to 8pm on Tuesdays and Thursday.

4.6 It is considered reasonable that at other times, i.e. beyond opening times, that the owner or staff would be on the premises to clean, prepare for the days appointments, etc. Condition 3 as applied to the original planning consent only restricted the hours of opening. The salon's own ancillary residential accommodation

which can be occupied at any time as clearly can any of the residential properties found in the vicinity of the salon.

## **5.0 CONCLUSION**

5.1 The main issue is still the impact on the residential amenities of neighbouring properties. The impact of the use is to an extent limited by its reasonably modest form and the internal layout of the detached building where the use is found. It is also located where there are significant levels of traffic noise associated with Hopgrove Lane South. The area is nevertheless predominantly residential in character and opening hours to the public into the later evening as proposed and early on Saturday morning may start to impact more significantly on residential amenity. It is therefore proposed to limit the opening hours to members of the public to 8pm during weekdays and 8.30am on Saturdays.

## **6.0 RECOMMENDATION:**            Approve

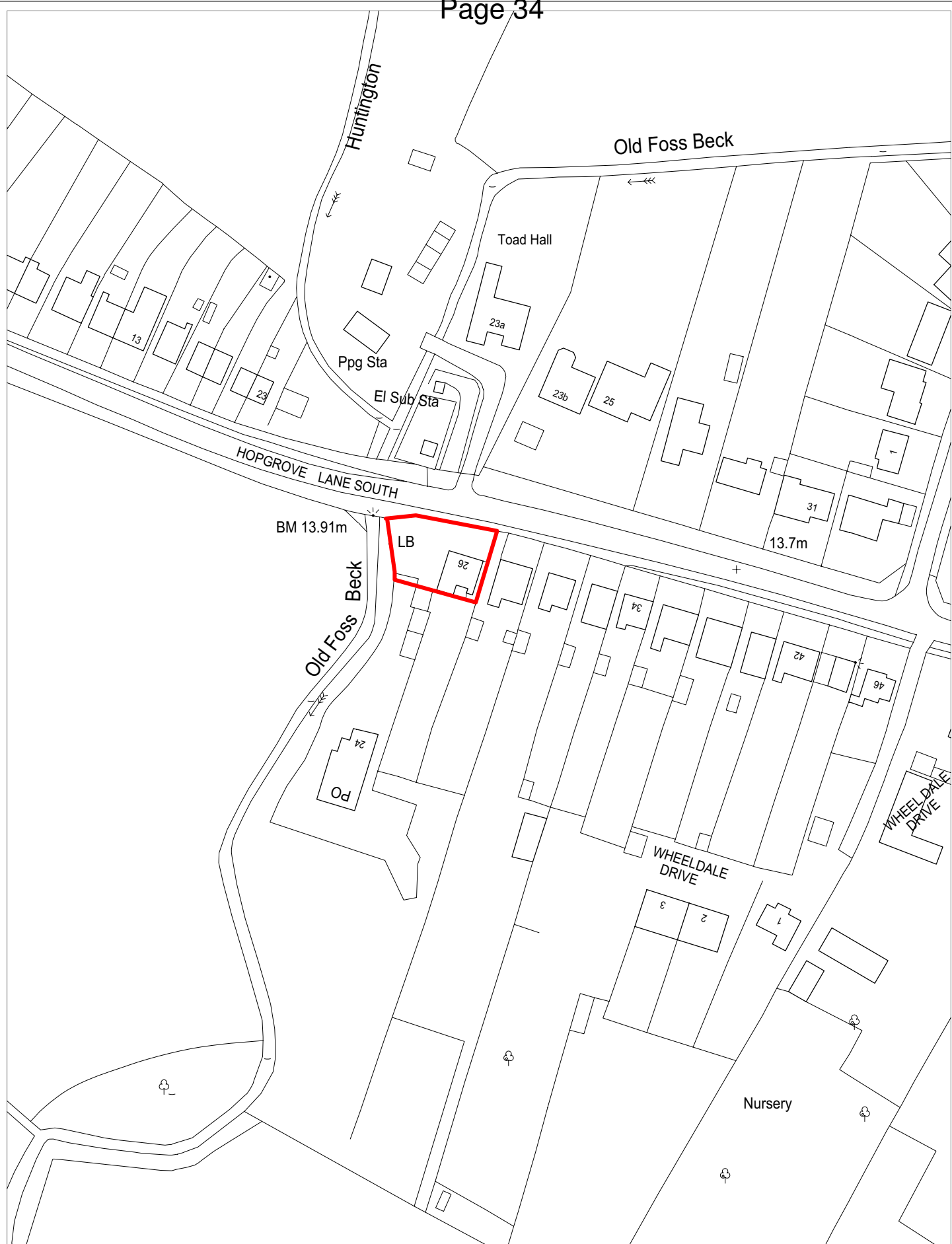
- 1     The following wording amends Condition 3 of Planning Approval 05/00452/FUL dated 4 May 2005.

The opening hours of the use to members of the public shall be restricted to the following times:- 09:00-20:00 Monday-Fridays, 08:30-18:00 Saturdays with no opening to members of the public on Sundays/Bank Holidays.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:**        Andrew Graham Development Control Officer  
**Tel No:**        01904 551596



CITY OF  
**YORK**  
COUNCIL

**26 HOPGROVE LANE SOUTH - 06/2360/FUL**

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 29/1/2007  
Drawing No.



**COMMITTEE REPORT**

<b>Committee:</b>	East Area	<b>Ward:</b>	Fishergate
<b>Date:</b>	8 February 2007	<b>Parish:</b>	Fishergate Planning Panel

**Reference:** 06/02539/FUL  
**Application at:** 3 Wenlock Terrace York YO10 4DU  
**For:** Conversion of building from 4 no. flats to 8 no. flats with external alterations including new store in the rear yard (revised scheme)  
**By:** P M Yorkshire Ltd  
**Application Type:** Full Application  
**Target Date:** 15 January 2007

**1.0 PROPOSAL**

This application seeks permission for the conversion of this 19th century terrace property from 4 flats to 8 flats with external alterations including new store to the rear garden.

The property at present appears to be unoccupied but is shown on the existing plans to be divided into four/five flats/bedsits over five floors. The proposal intends to subdivide the property further to create flats one and two to basement, 2 studio flats to ground floor, flat 5 and studio flat 6 on first floor, flat 7 on second floor with flat 8 to the roof space.

An application for the conversion to 9 flats was refused in late 2006 by members of the East Area Sub Committee on grounds of over development and unpractical living accommodation being provided. An Appeal is currently underway against this decision.

This property also has consent for the conversion of the property to offices that was recently approved.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

**3.0 CONSULTATIONS**

Internal

Highway Network Management - Highway Officers have no objections to the scheme subject to standard Highway condition 19.

Education - No contribution required.

EPU -

The Environmental Protection Unit have concerns with this application but have not objected in favour of conditioning the required remediation. Concerns are over the loss of amenity for the residents of the proposed development through noise. This application incorporates another 4 dwellings into a house which although large was initially designed as an individual property. If this application were to be successful we would see 8 individuals living within close proximity of one another.

The amount of noise generated in this scenario cannot be predicted, different people have different lifestyles. An average person however would watch TV, listen to music have occasional gatherings with friends. If internal adjoining walls, floors / ceilings are left in there original state, these were not designed to attenuate noise from individual properties, only to separate rooms within one household, we can foresee that noise even at a reasonable level will impact on amenity of surrounding properties. This coupled with the fact that the development is for studio apartments, where one room is used for all activities will only escalate the problem as cooking, eating, sleeping and socialising will be conducted in the same area of each property rather than different rooms.

As a result of these concerns we recommend the following condition be placed onto the application, it will provide information to assess if this application is feasible with regards to better attenuation measures of internal / external party walls. Better insulation of the properties will only improve the amenity of those who live within the proposed development.

The second condition is to ensure minimal disruption is experienced by the surrounding properties through noise as a result of the development.

Open Space - An open space contribution of £1727 will be required as a commuted sum payment.

External

Parish/Planning Panel Response - No response at time of writing.

Neighbour Response - No objections from consulted neighbours.

#### **4.0 APPRAISAL**

Key Issues

- the principle of the change of use
- the external appearance of the building
- the parking and open space

Policy H8 of the City of York Deposit Draft Local Plan states that Residential Conversions will only be granted where i) the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the number of households or occupants and will protect residential amenity for future occupiers. ii)

External alterations to the building would not cause harm to the character or appearance of the building or area; and iii) adequate off and on street parking and cycle parking is incorporated; and iv) it would not create an adverse impact upon neighbouring residential amenity, particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses. And v) where adequate provision is made for the storage and collection of refuse and recycling.

THE APPLICATION SITE. - The application property is a Victorian terrace that was once used as a single dwelling house but has since followed other properties within this street and converted to flats. The makeup of the street has now changed to a street of flats and guest houses.

The existing numbers of flats are shown below;

2 Wenlock Terrace - Guest house  
4 Wenlock Terrace - 7 Flats  
5 Wenlock Terrace - Guest house  
6 Wenlock Terrace - 5 Flats  
7 Wenlock Terrace - 5 Flats  
8 Wenlock Terrace - 5 Flats  
9 Wenlock Terrace - 5 Flats  
10 \_ 11 Wenlock Terrace - 16 Flats  
12 Wenlock Terrace - Guest House  
13 Wenlock Terrace - 5 Flats  
14 Wenlock Terrace - 7 Flats  
15 Wenlock Terrace - 7 Flats  
16 Wenlock Terrace - 5 Flats  
17 Wenlock Terrace - 5 Flats  
(Information supplied by applicant and checked on site)

Number 10 \_ 11 Wenlock Terrace is a property of the same size and not significantly larger than the application property and currently occupies 16 flats.

Wenlock Terrace has good links and is located close to the City centre and main transport routes into the city. To the rear good sized rear gardens back onto a rear lane.

Principle of increase of accommodation - This issue is the key issue to consider. Environmental Protection have concerns regarding the noise created by residents but have not formally objected and instead have added the conditions below to address their concerns. This will ensure that measures are taken and assessed to reduce the amount of noise nuisance experienced by residents both within the property and adjoining. The internal dimensions of flats are of some concern and could create a precedent that the rest of Wenlock Terrace may follow however this precedent has already been set by number 10 and 11. The smallest internal studio measures 20.79m sq and consists of a single room with open plan kitchen and wc off the main room and does appear to offer better space standards than the previous



submission. A similar studio is to be constructed measuring 22.08m sq. The previous scheme had three studios of similar sizes and was subsequently refused.

Officers have limited authority to deal with the internal sizes of rooms and based upon the opinion of EPU and Building Regulations the application adequately respects the living conditions of future potential residents. In light of this, and due to the slightly larger accommodation provided by the reduction from 9 flats to 8, officers recommendation is for approval.

Appearance - The external appearance of the building will be largely unaltered resulting in the infilling of an external basement door and will not be expected to harm the architectural character of the building.

Parking and open space - The rear lane is difficult to access however the provision of two or three car parking spaces could be made available at the rear but at the expense of a communal rear yard for residents. New cycle and bin stores are indicated but more and better design work is required to show that adequate secure and covered bicycle stores could be made available together with the bin stores. Consequently further details of the bike and bin stores will be required under condition.

## 5.0 CONCLUSION

### REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon residents and the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Deposit Draft Local Plan as well as Guidance contained within PPG3.

### 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 VISQ9 IN Rebuilding details to match existing
- 4 The floors and walls between each of the proposed flats and the adjacent dwellings shall be so adapted as to achieve a reasonable resistance to airborne / impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

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

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

Reason: To protect the amenity of the local residents.

- 6 HWAY18 Cycle parking details to be agreed
- 7 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

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

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

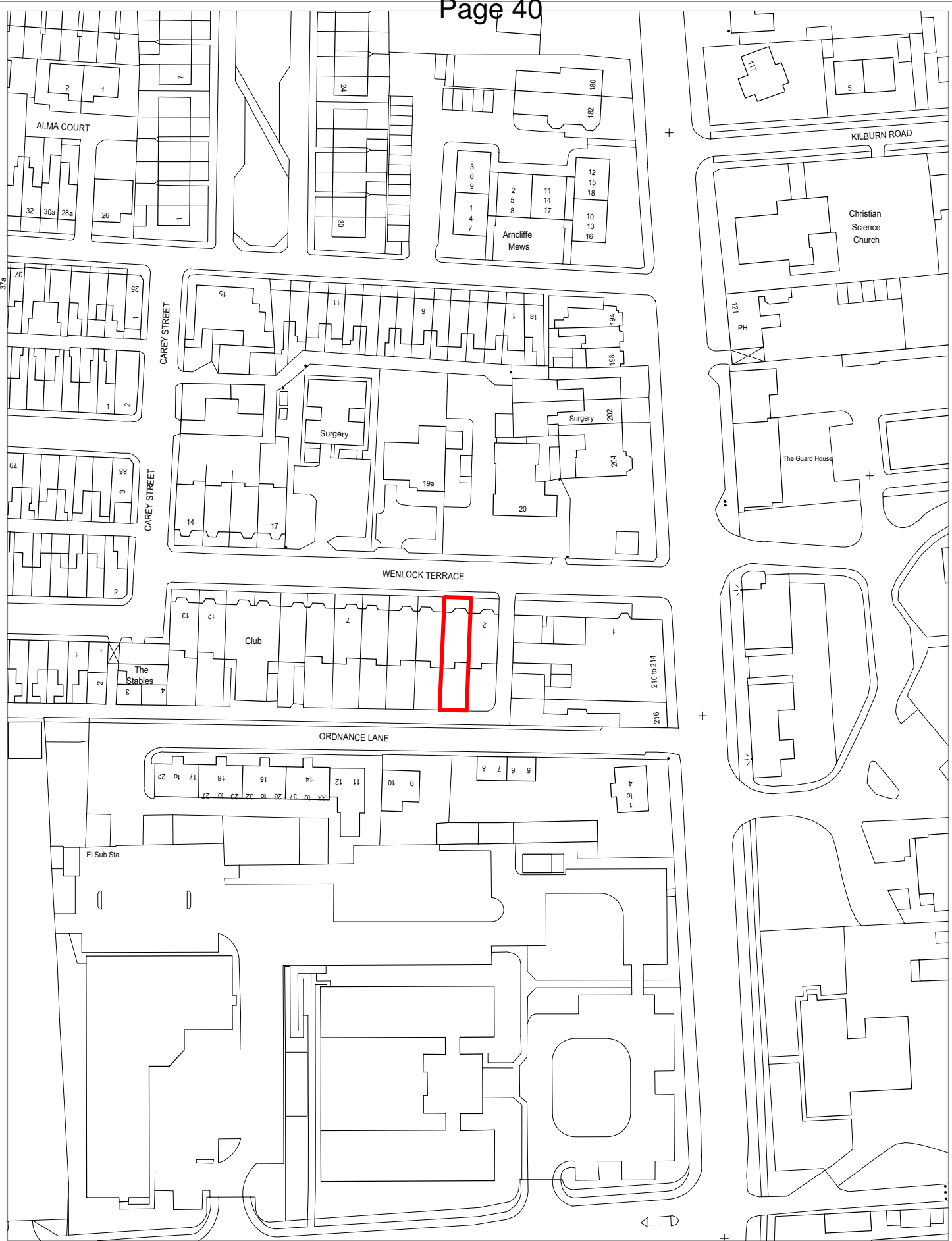
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon residents and the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Deposit Draft Local Plan as well as Guidance contained within PPG3.

2. The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1727.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

### **Contact details:**

**Author:** Andrew Graham Development Control Officer  
**Tel No:** 01904 551596



### 3 WENLOCK TERRACE - 06/2539/FUL

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 29/1/2007  
 Drawing No.



**COMMITTEE REPORT**

**Committee:** East Area    **Ward:** Skelton, Rawcliffe, Clifton  
Without  
**Date:** 8 February 2007    **Parish:** Clifton Without Parish Council

**Reference:** 06/02341/OUTM  
**Application at:** Land Lying To The East Of Centurion Office Park Tribune Way  
York  
**For:** Outline application for proposed light industrial development on  
land to the east of Centurion Park (layout, scale, appearance,  
access and landscaping) and residential development  
comprising 12 no. dwellings to land lying to the south of  
Centurion Park (siting and access only)  
**By:** Keyland Gregory  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 20 February 2007

**1.0 PROPOSAL**

This application seeks outline planning permission (access and siting only) for 12 dwellings and full planning permission for one new and one extension to an existing light industrial unit. The proposed dwellings are located on an undeveloped parcel of land between Unit 3 and Hornbeam Close which is a relatively new housing development. The site area for the residential element of the application is approximately 0.28 ha which would equate to 43 dwellings per hectare. The proposed light industrial development would be located on a parcel of land East of Units 1, 2, and 3. Land to the East of this site is a former Roman Camp with the land allocated as being within the Green Belt.

The whole of the application site has a standard employment allocation within the Local Plan which stipulates that the land should be developed for B1, B2, or B8 use.

**2.0 POLICY CONTEXT****2.1 Development Plan Allocation:**

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

**2.2 Policies:**

CYGP1  
Design

CYE3B  
Existing and Proposed Employment Sites

CYH2A  
Affordable Housing

CYH5A  
Residential Density

CYSP8  
Reducing dependence on the car

### **3.0 CONSULTATIONS**

#### 3.1 Internal

City Development - The site is allocated in the Local Plan as an employment site for B1, B2, and B8 uses under policy E3a. Therefore there is no policy objection to the light industrial proposals within this application.

Policy E3b seeks to protect existing and proposed employment sites. There is a lack of evidence to suggest there is a sufficient supply of employment land for future use and the applicant hasn't adequately justified why this part of the site would not be viable for employment uses (B1/B2/B8).

PPS3 refers to relocating employment or other land to housing. However, it states that such allocations should be reviewed as part of reviewing development plans. Future land allocations in the City of York will be determined through the preparation of the Local Development Framework. As part of preparing the LDF the Council are undertaking a review of employment land and a housing land availability study to inform future land allocations.

#### Affordable Housing

On the last withdrawn application (ref 06/01594/OUT) one of the reason for refusal given in the officer's report was the lack of affordable housing proposed with the application, as the site area exceeded 0.3ha. The previous application was therefore in conflict with policy H2a. On the current application, although the same number of units are proposed, the site area has been reduced to 0.278ha in order to avoid triggering the affordable housing policy. This has been achieved by removing a section of land to the west of the site from the application site boundary.

The affordable housing advice note makes it clear that site splitting is unacceptable if it would result in the loss of affordable housing. In this case the site is not exactly being split but reduced in size to avoid the policy requirements.

If the principle of residential development is accepted here there may be future applications on the remainder of the site area for residential rather than employment uses. As the residential element of this particular application only relates to part of the land available (both in terms of the site area of previous applications and the mixed development overall) mechanisms need to be in place to prevent piecemeal residential development which avoids the affordable housing contribution. Small parcels of land coming forward under the threshold will be considered in terms of the total number of units approved when the affordable housing provision is calculated.

## Housing Mix

As the application is made in outline form there is no detailed information available on the proposed mix and type of units proposed. It would be appropriate to attach a condition to any approval requiring approval of the proposed mix and type at reserved matters stage, in accordance with policy H3c and with regard to the latest Housing Market Assessment.

Environmental Protection Unit - No objections to this application. However, the proposed residential dwellings are in close proximity to the proposed industrial development and existing industrial area. Therefore there is a concern regarding the occupants of the dwellings being adversely affected by noise from the potential use of the industrial units. There are also concerns about the potential contamination of the site. 2 conditions and an informative were suggested to be added to any approval.

Lifelong Learning and Culture - As there is no on-site open space, commuted sums would need to be paid to the Council in line with local plan policies.

Highway Network Management - Unit 4 has 42 proposed car parking spaces. Appendix E of the Local Plan indicates that this unit can have a maximum of 25 spaces. The supporting information consistently quotes how sustainable the site is in terms of public transport provisions and pedestrian and cycle access so there is no reason for the increased levels of parking. No objections to the residential aspect of the development.

Archaeology - The site lies adjacent to a scheduled ancient monument and an archaeological watching brief condition should be included with any approval.

## 3.2 External

Clifton Without Parish Council - Object because the site is designated for employment and light industry use only.

Site Notice / Press Advert / Neighbour Letters - 20 individual letters and 17 standard template letters received. The following points were raised:

- Hornbeam Close is unsuitable as an access road to the proposed development; the Close was never intended to serve traffic other than this existing small cul-de-sac;
- If residential development is allowed access should be via Tribune Way and not Hornbeam Close;
- Hornbeam Close is too narrow to allow cars to pass safely side-by-side and there is no off street parking provision for visitors. This creates the hazard of poor visibility and vehicles partially obstructing the footpath to park or having to mount the footpath to pass other vehicles;
- If the Close is used to access a further 12 properties in addition to the existing 13 properties, traffic levels are likely to double. This may compromise the safety of children and may increase the risk of accidents. The road is not adequate to serve 25 properties;
- The increased traffic levels would reduce the quality of life that was expected when the original properties on Hornbeam Close were purchased;

- There may be a loss of security and privacy and an increase in lighting levels and an exacerbation of an existing drainage problem;
- The proposal may de-value the existing properties in the area;
- The increase in dwellings would increase traffic levels on the local road network which could increase the risk of accidents;
- If the housing area was connected to the industrial estate it could be used as a cut through in order to access Clifton Moorgate;
- The land is allocated for employment and the need to create local employment opportunities has never been greater with high profile job losses announced in York recently. A dangerous precedent could be set if this employment land is lost;
- There is no affordable housing provision;
- Fire and Ambulance services would have great difficulty in accessing the proposed development using Hornbeam Close as an access route;
- The sewerage system has struggled to cope with the current waste which has caused numerous problems over the last 6 years;
- Developing the site would mean HGV lorries passing through the estate which would cause nuisance.

#### **4.0 APPRAISAL**

##### 4.1 Key Issues:

###### Residential Issues

- Residential Development on land which is part of a Standard Employment Site
- Residential Density
- Affordable Housing
- Efficient Use of Land
- Highways

###### Light Industrial Issues

- Design
- Highways

4.2 The Application Site - An application was submitted and later withdrawn in 2006 for residential development at the application site plus light industrial developments. At this time access to the residential development was to be via Tribune Way off Clifton Moorgate. The applicant purchased extra land to the south of the proposed residential development which provided the landowners with the opportunity to apply for access through Hornbeam Close. A second application was submitted and withdrawn later in 2006 for residential development only, again with access through Hornbeam Close. This third application incorporates both residential and industrial development. The proposed residential development is only in outline with access and siting under consideration. Full planning permission is sought for the proposed light industrial units. The whole of the application site is allocated as a standard employment site where B1 (Business), B2 (General Industrial), and B8 (Storage or Distribution) uses are acceptable.

##### Issues relating to the proposed Residential Development

###### Loss of Standard Employment Site

4.3 Draft Local Plan Policy E3b states that standard employment sites (such as Centurion Park) will be retained within their current use class. Planning permission

for other uses will only be given where: a) there is a sufficient supply of employment land to meet both medium and longer term requirements in both qualitative and quantitative terms; AND conforms with ONE of the following criteria: b) unacceptable environmental problems exist; or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.4 The application for outline permission to erect 12 dwellings must conform with part a) and one of parts b) to d) in policy E3b as outlined above. Parts b) and d) do not appear to be of relevance for this application as environmental problems are not evident and residential development is not considered ancillary to the existing or proposed employment units. It is considered that the applicant has failed to demonstrate how the proposal satisfies sections a) and c). First considering section a), the applicant has failed to supply robust evidence which justifies the loss of employment land for present and future B1, B2, and B8 use. Whilst the application site is relatively small in relation to the entire site it could set a precedent for further reduction in employment land provision over time. Due to the constraints placed on the availability of greenfield development sites around York by the existing Green Belt, it is particularly important to ensure that land currently designated for employment uses are safeguarded for their identified land-uses. In attempting to satisfy part c) the applicant has stated that the proposed residential units are required to make the light industrial units financially viable. Little evidence has been submitted which substantiates this claim.

#### Residential Density

4.5 Draft Local Plan Policy CYGP1 states that development proposals will be expected to be of a density that is compatible with neighbouring buildings, spaces and the character of the area.

4.6 Draft Local Plan Policy H5a states that proposed residential developments should be compatible with the character of the surrounding area. Applications for all new residential developments should aim to achieve net residential densities of 40 dwellings per hectare in the urban area.

4.7 The proposed development is for 12 dwellings on approximately 0.28ha, this equates to approximately 43 dph. The density of the existing housing development south of the application site is of a similar density to that proposed. PPS3 Housing states that 30 dph minimum should be used as a guide for future housing and the Local Plan aims to achieve 40 dph in the urban area. The proposed housing is considered acceptable in terms of density in line with local and national policy and the character of the surrounding area.

#### Affordable Housing Provision

4.8 Draft Local Plan Policy H2a states that proposals for all new housing development with a site area of 0.3Ha or more in the urban area will be required to provide affordable housing provision.

4.9 There is a continued need for the development of affordable housing within York. The Housing Need Survey shows that there is a strong demand for affordable housing in order to meet current and future accommodation needs. The size of the



proposed housing site has been reduced from the previous application to below the 0.3 ha affordable housing activation level and therefore there is no requirement to provide affordable housing on this development at this time. As outlined within the policy team's consultation response the site is seen as a whole and therefore any further housing development in the future would be added to the size of the proposed development within this application and therefore affordable housing would be required at that stage.

#### Efficient Use of Land within the Urban Area

4.10 A previous application for housing on this site had a larger site area. The area of the proposed housing development has been reduced for this application by bringing the site boundary in on the Western side. This therefore leaves an unused strip of land between the proposed housing development and employment development West of the site. The location and size of this area of land means that it serves little purpose and would be difficult to develop in the future. PPS1: Delivering Sustainable Development and PPS3: Housing highlight the need for the effective and efficient use of land in sustainable locations. It is therefore considered that the development potential of this land within the urban area would not be utilised which in turn could put pressure on land to be developed in the future which is within a less sustainable location.

#### Highways

4.11 There were a large number of neighbour objections concerning the suitability of Hornbeam Close as an access road for 12 new dwellings. Highway Network Management looked into the proposal and could not find any strong reason for refusing this application. It has been suggested that the cul-de-sac is capable of supporting 25 dwellings. The structure and design of the road act as a barrier to travelling at speed along Hornbeam Close.

#### Issues relating to the proposed Light Industrial development

##### Design

4.12 The area around the application site is dominated by light industrial units and car dealerships of typical design. Unit 4 already exists on site, this application seeks permission to expand this and provide a new premises, Unit 5, north of Unit 4. The proposed extension of Unit 4 follows the design principles contained within the existing unit and surrounding area, such as being of a similar height, having rounded roofs and incorporating matching materials. The applicant states that this extension would be used part as a laboratory (single storey element) and part as a warehouse. The warehouse element has little fenestration, this is similar to the warehouse / distribution depot which is located adjacent to Water Lane. Unit 5 is significantly smaller in scale than the proposed Unit 4 extension but is of similar style and would also house a warehouse. It is considered that the proposed light industrial developments would appear in keeping with the surrounding area. There is some space between the proposed developments and the site boundary which allows scope for some green landscaping which could soften the visual impact of these units.

#### Highways

4.13 Local car parking standards in line with PPG13: Transport are set out in Appendix E of the Local Plan. The data provides maximum car parking standards which should not be exceeded, this is to encourage more sustainable forms of travel. Using Appendix E it is calculated that the maximum provision for Unit 4 should be 25 car parking spaces. The proposed number of car parking spaces at Unit 4 is 42 and therefore this is contrary to Policy SP8 of the Local Plan.

## 5.0 CONCLUSION

Inappropriate residential development on land allocated for employment use.  
Inefficient use of land in the urban area.  
Over supply of car parking spaces at Unit 4.

## COMMITTEE TO VISIT

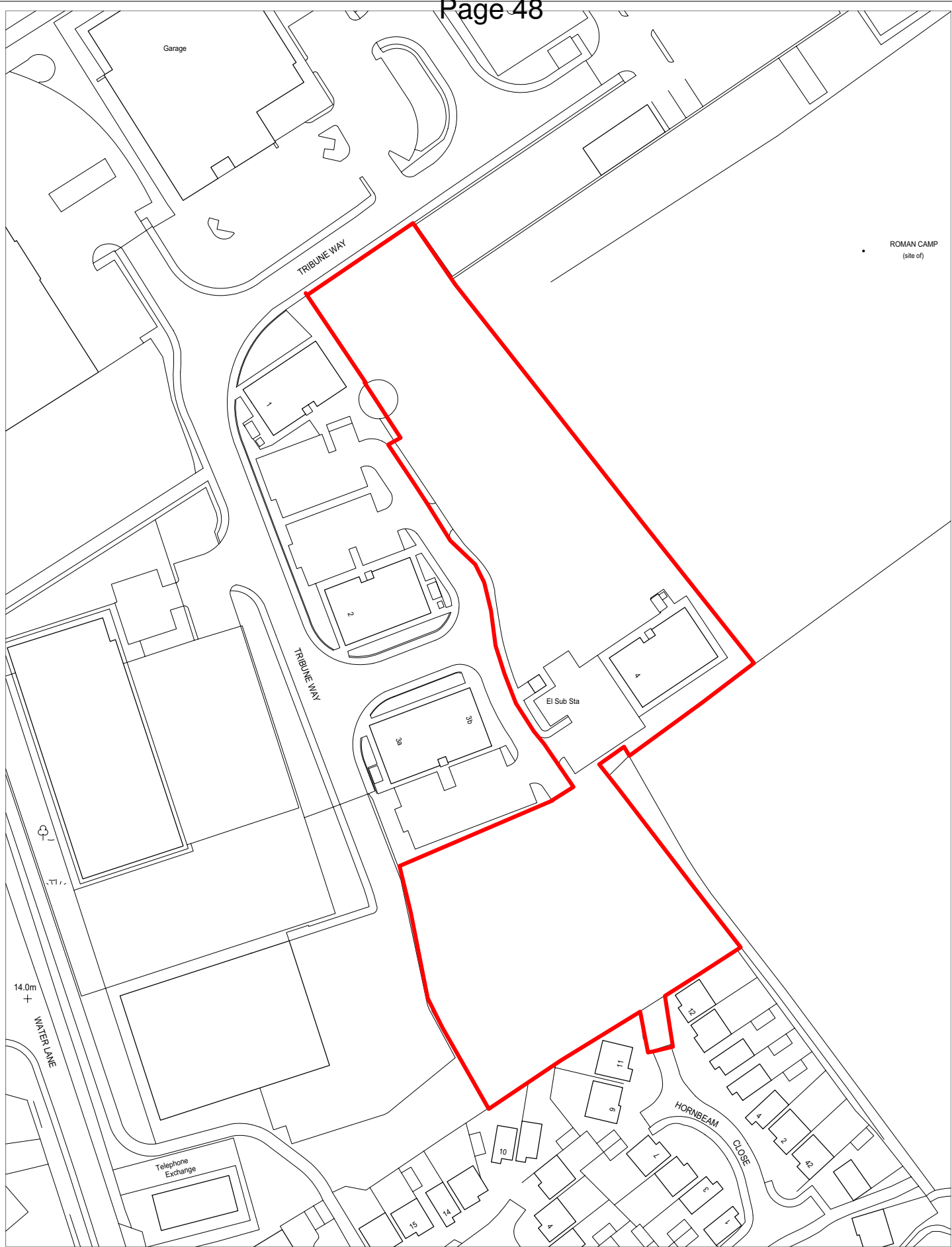
### 6.0 RECOMMENDATION: Refuse

- 1 The application site lies within an area which is designated as a standard employment site. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that the proposed change of use would lead to significant benefits to the local economy. Therefore the proposed residential development is considered contrary to Policy E3b of the City of York Draft Local Plan.
- 2 The application site is within the urban area and it is considered to be in a sustainable location. The proposed residential development creates a small unused area of land to the West of the site. Due to its location and size, this land would not be capable of further development in the future. Therefore it is considered that the proposed residential development would not lead to an effective and efficient use of this site which could place development pressure on land within less sustainable locations in the future. This is considered contrary to PPS1 and PPS3.
- 3 The application site is within a sustainable location and can be accessed by a variety of transport modes. Maximum car parking standards are in place to encourage more sustainable transport choices and reduce car use. The 42 proposed car parking spaces at Unit 4 exceed the maximum standards of 25 which are set out in Appendix E of the Local Plan. It is therefore considered that the proposed development is contrary to the City of York Draft Local Plan Policy SP8: Reducing Dependence on the Car.

## 7.0 INFORMATIVES:

### Contact details:

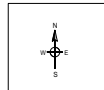
**Author:** Michael Jones Development Control Officer  
**Tel No:** 01904 551325



**LAND TO THE EAST OF CENTURION PARK - 06/02341/OUTM**

SCALE 1:1250      DRAWN BY PSL      DATE 29/1/2007

Originating Group      Project      Drawing No.



**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Haxby And Wigginton  
**Date:** 8 February 2007                  **Parish:** Wigginton Parish Council

**Reference:** 06/02865/FUL  
**Application at:** Brecks Nook Farm And York Riding School Wigginton Road  
Wigginton York YO32 2RH  
**For:** Use of land for car parking in connection with existing uses  
within the Cliftongate Business Park, Wigginton Road  
**By:** Marchi Properties  
**Application Type:** Full Application  
**Target Date:** 27 February 2007

**1.0 PROPOSAL**

1.1 Planning permission is sought to use this area of land for car parking in connection with all the uses within the Cliftongate Business Park / York Riding School off Wigginton Road. Members should be aware that the application site can lawfully be used as a car park in connection with York Riding School but not at present for other businesses within the site.

1.2 The site is in the Green Belt.

1.3 The site area in question is currently occupied by a car sales business (Red Pyramid) and a car washing company known as Completely Lathered. Both of these uses are unlawful as they do not benefit from planning permission and are the subject of Enforcement appeals at present. A public inquiry is due to take place on this on March 6th.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGB1

Development within the Green Belt

CYNE1

Trees, woodlands, hedgerows

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

##### **3.2 Highway Network Management.**

The land that is subject to the change of use was granted consent for use as car parking ancillary to the D2 riding school use as part of a previous Certificate of Lawful Development application. Access to the land is to remain as existing, which is via an existing vehicular crossover from the B1363 Wigginton Road. The access is not proposed to be closed as part of the present application and is lawful. Officers therefore have no grounds to insist on it's closure.

Whilst it is accepted that the amount of car parking that can be achieved on the land is in excess of that allowed under CYC Annex E maximum standards, it must be borne in mind that the land has a historic lawful use for car parking. It would appear as though the existing (lawful) situation is use of the land as car parking for the D2 element of the site with the proposal as car parking ancillary to the existing B1/B2/B8 uses on the site. As such officers consider that in highways terms there will be no material change and as such raise no objections.

#### **3.3 EXTERNAL**

##### **3.4 Parish Council.**

No comments received.

##### **3.5 Third Parties.**

No comments received.

### **4.0 APPRAISAL**

#### **4.1 KEY ISSUES.**

- Green Belt.
- Highways.
- The existing enforcement appeals.

4.2 The site in question stands to the north of the main complex of buildings which makes up what is known as the Cliftongate Business Park and formally York Riding School. It stands alone in terms of footprint but it is linked to the main site by a single vehicle width track. It has been an area of hardstanding for many years and at various times has been used for the parking of vehicles in connection with York Riding School. Certificates of lawfulness were issued in 2001 which included within it an acceptance that this piece of land had been used for the parking of cars in connection with York Riding School for more than 10 years. Therefore the site does benefit from planning permission through dint of timescale for car parking in connection with York Riding School.

4.3 The use of the adjacent site as a riding school has steadily diminished over the years and through the benefit of permitted development rights and various planning permissions there has been a change in use of the buildings on the adjacent site to a

mixture of uses including Creepy Crawlies play barn, a car repairs / MOT centre, a window/conservatory company and a bus repair centre.

#### 4.4 Green Belt.

PPG2 (Green Belts) defines what is appropriate development in the Green Belt. Anything not within this definition is considered inappropriate development and should normally be resisted. The use of land for car parking is deemed to be inappropriate and would generally be strongly resisted. In this case however it has been accepted by the Council that the area in question can be used as a car parking area in connection with York Riding School (through the issued certificates of lawfulness) and whilst it is acknowledged that the Riding School use has become somewhat diminished over the years, its use does still exist in some form and therefore this site can be used lawfully for car parking in connection with this use. The Creepy Crawlies play barn falls within the same D2 use classification as a riding school and occupies the building that was formally used as the Riding School's indoor arena. Therefore officers consider that it would be difficult for the council to differentiate between these two uses in terms of parking. However, given that the issued certificates only refer specifically to car parking in connection with the Riding School use, a planning application is deemed necessary in order to regularise this situation. Furthermore the other uses on the adjacent site fall outside of this lawful / D2 use and therefore given that these are generally fairly modest traffic generators, officers consider it appropriate to include them within this application.

4.5 Therefore in Green Belt terms, whilst car parking is generally an inappropriate use in the green belt and would be strongly resisted, the site history is a material consideration in this case and in particular given that the site has a partial lawful use for car parking.

4.6 The comments of the highway officer are noted and acknowledged and it is accepted that given the level of car parking available within the main body of the site, adding this area exceeds the Councils minimum car parking standards. In most cases therefore such a use would be resisted on excess car parking grounds but given the site circumstances, officers consider it to be, on balance, acceptable in this instance.

#### 4.7 The existing appeal.

As previously mentioned there are existing appeals on this site, the inquiry into which will be heard on March 6th. These are into the change of use of the land into car sales and car washing and the operational development which goes with them. If members were minded to approve this application subject to a signed Section 106 agreement this will ensure that the provisions of the Enforcement notices are adhered with. This will include the removal of the car sales and car washing businesses from the site and the removal of all the operational development from the site including lighting, signage and buildings, all of which are inappropriate uses in the Green belt. Officers are only recommending approval of this application subject to the terms of this Section 106 agreement. This would then dispense for the need for the public inquiry and give certainty of outcome.

4.8 It is also recommended that the Sec 106 includes references to exactly what vehicles can be parked there and in connection with specified businesses and uses

within the adjacent site. This will clearly define the status of the land and ensure suitable control over it in the future.

#### 4.9 Landscaping.

Part of the mature hawthorn hedge fronting Wigginton Road was severely cut down in the area currently occupied by Red Pyramid. This has had the effect of opening up the site and making it much more visually prominent from Wigginton Road. The Council's landscape officer has looked at the hedge and whilst in places it requires some replanting, the hedge is still alive and will regrow if allowed to. If this were to be done then this would dramatically improve the appearance of the site. A condition is recommended to ensure and control this.

### 5.0 CONCLUSION

5.1 In Green Belt terms the use proposed is inappropriate by definition and would not normally be permitted. However, given that the site history allows some lawful car parking use, officers consider that this application represents an appropriate compromise, particularly as it would ensure the removal of the existing unlawful uses and operational development on the site. It is acknowledged that if cars are parked in this area there will still be some visual impact and the amount of parking it would allow would exceed the Council's standards, but given that this visual impact would not be as significant as the existing unlawful uses and car parking is already permitted to some degree on the site, officers are prepared on balance to accept this, subject to appropriate Section 106 agreement.

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

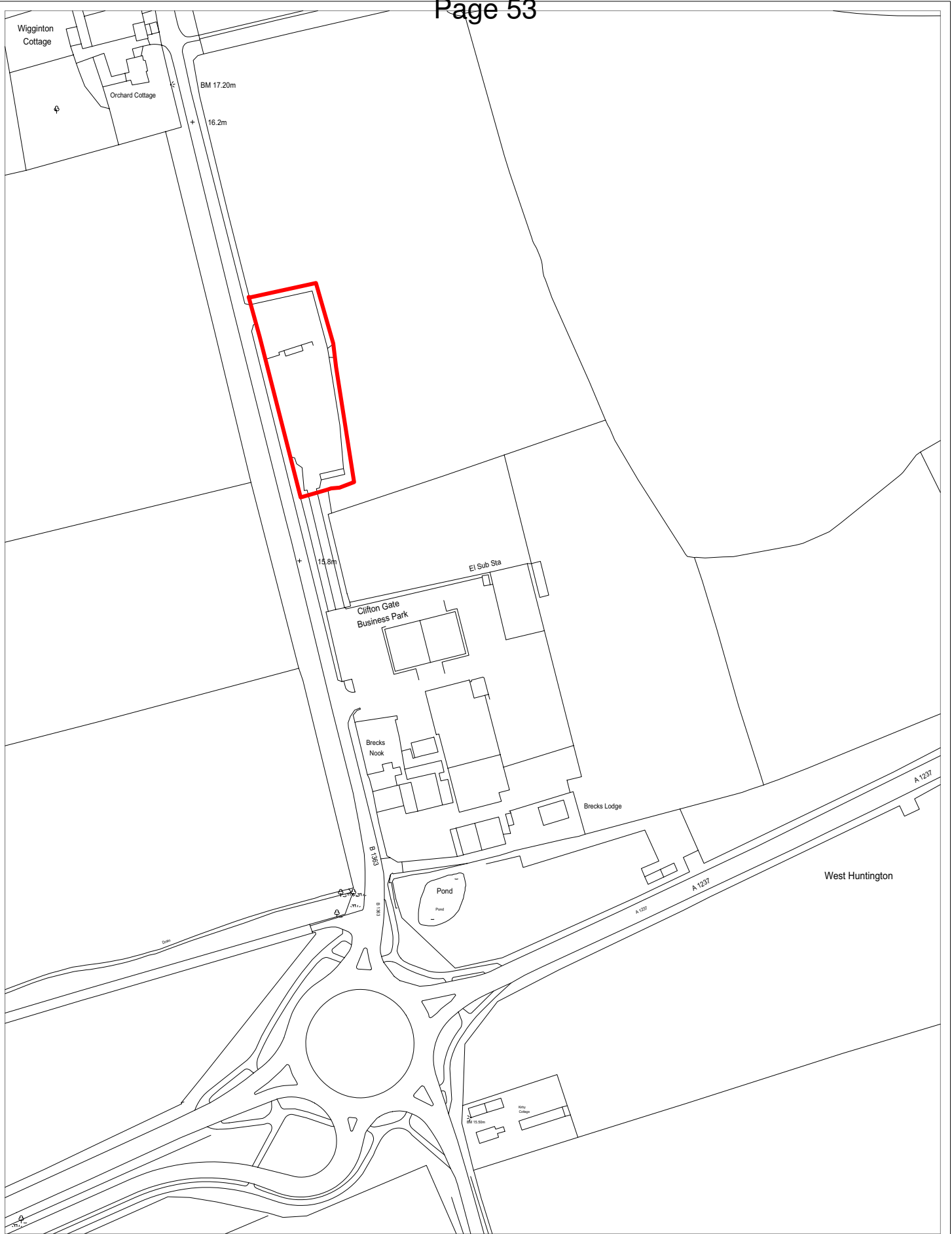
- 1 Within 2 months of the date of this permission a detailed scheme for the improvement and reinstatement of the hedge on the boundary of the site with Wigginton Road shall be submitted and approved in writing by the Local Planning Authority. This shall illustrate the number, species, height and position of any new planting and include details of improvements to the existing planting. This scheme shall be implemented within a period of six months of the date of this permission. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site to ensure the future survival and reinstatement of the existing hedge, in the interests of visual amenity.

### 7.0 INFORMATIVES:

#### Contact details:

**Author:** Matthew Parkinson Development Control Officer  
**Tel No:** 01904 552405



CITY OF  
**YORK**  
COUNCIL

CLIFTON GATE BUSINESS PARK/YORK RIDING SCHOOL

SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 30/1/2007  
Drawing No.



9, St. Leonards Place, York, YO1 2ET  
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