

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

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

Date: Thursday, 5 July 2012

Time: 2.00 pm

Venue: The Guildhall, York

A G E N D A

If Members have any additional queries or questions about cases on Agenda Item 6 then please e-mail or telephone Matthew Parkinson or Alan Kendall by 5pm on Wednesday 4th July 2012.

1. Declarations of Interest

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

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annexes to agenda item 6 on the grounds that they contain information which is classified as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

- 3. Minutes** (Pages 4 - 11)
To approve and sign the minutes of the last meeting of the Sub-Committee held on 7 June 2012.

- 4. Public Participation**
At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 4 July 2012 at 5.00 pm.**

- 5. Plans List**
To determine the following planning applications related to the East Area.

- a) Manor Park, Sheriff Hutton Road, Strensall, York. YO32 5TL (11/02460/FUL)** (Pages 12 - 18)

This application is for the retention of a show lodge and the siting of 14 no. holiday lodges.

Councillor Paul Doughty has called the application in for determination by the East Area Planning Committee on the grounds of concern in respect of the sustainability of the proposal and the proposed means of drainage. He is further concerned in respect of the intended total number of units.

[Strensall] **[Site Visit]**

- b) Bonneycroft, 22 Princess Road, Strensall, York. YO32 5UD (12/01013/OUT)** (Pages 19 - 37)

This application seeks outline consent for the erection of nine houses with all matters reserved except access and layout. The application is a resubmission of 11/01831/OUTM for 10 houses following the committee's refusal in September 2011 and dismissal of the subsequent appeal. [Strensall]

**c) Site Adjacent to 1 Straylands Grove, York. (Pages 38 - 54)
(12/00140/FUL)**

This application seeks planning permission for the erection of a new dwelling within the garden of 1 Straylands Grove.

This application has been brought before the Committee at the request of Councillor Ayre as the design of the proposed dwelling has created significant local interest. A site visit is recommended to understand the context of the application site and the concerns raised by local residents. [Heworth Without] **[Site Visit]**

**d) 238 Strensall Road, York. YO32 9SW (Pages 55 - 64)
(12/01059/FUL)**

This application is for the part retention of the existing building with alterations to remove the first storey to create a single storey dwelling.

The application has been called in for consideration by Members by Councillor Doughty as he considers the application to be sensitive by virtue of the health condition of the occupant of the building. [Strensall] **[Site Visit]**

**e) 29 Sandringham Close, Haxby, York. YO32 3GL (Pages 65 - 69)
(12/01153/FUL)**

This application seeks planning permission for a single storey rear extension, with replacement attached garage to side and canopy to front, at a detached bungalow at 29 Sandringham Close, Haxby.

This application has been called in to committee by Councillor Richardson. The reasons given mirror the concerns aired by the neighbour at no 31 Sandringham Close (as outlined in the Officer's report).[Haxby and Wigginton] **[Site Visit]**

- f) **72 The Old Village, Huntington, York.** (Pages 70 - 76)
YO32 9RB (12/01461/FUL)

This application proposes to erect a part two-storey and part single-storey extension to the rear of the property.

The application is brought to the Committee as the applicant is employed by the City of York Council. [Huntington/New Earswick] **[Site Visit]**

- g) **1 Hazelwood Avenue, Osbaldwick, York.** (Pages 77 - 87)
YO10 3PD (12/01963/FUL)

This application seeks planning permission to convert a four bedroom single occupancy dwelling house (Use Class C3) into a four bedroom house in multiple occupation (HMO) (Use Class C4).

This application has been called in to the East Area Planning Sub Committee by Councillor Mark Waters on the basis of neighbour amenity and parking problems. [Osbaldwick] **[Site Visit]**

6. **Enforcement Cases-Update** (Pages 88 - 275)

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

7. **Urgent Business**

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

Democracy Officer:

Name- Judith Betts

Telephone – 01904 551078

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

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

- Registering to speak
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- Review existing policies and assist in the development of new ones, as necessary; and
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EAST AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 4th July 2012****Members of the Sub Committee to meet at Union Terrace Car Park
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10:15	29 Sandringham Close, Haxby	5e)
10:40	Manor House, Sheriff Hutton Road, Strensall	5a)
11:10	238 Strensall Road	5d)
11:35	72 The Old Village, Huntington	5f)
11:55	Site adjacent to 1 Straylands Grove	5c)
12:25	1 Hazelwood Avenue	5g)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	7 JUNE 2012
PRESENT	COUNCILLORS DOUGLAS (VICE-CHAIR), FITZPATRICK, KING, MCILVEEN, CUTHBERTSON, WARTERS, BOYCE (SUBSTITUTE FOR COUNCILLOR WATSON), HORTON (SUBSTITUTE FOR COUNCILLOR FUNNELL) AND RICHARDSON (SUBSTITUTE FOR COUNCILLOR GALVIN)
APOLOGIES	COUNCILLORS FIRTH, FUNNELL, GALVIN AND WATSON
IN ATTENDANCE	COUNCILLOR AYRE

Site Visited	Attended by	Reason for Visit
8 Old Orchard, Haxby	Councillors Boyce, Cuthbertson, Douglas, Fitzpatrick, Horton, McIlveen, Richardson and Warters.	To familiarise Members with the site as it had been called in by the Ward Members due to concerns from local residents.
3 Whitby Drive	Councillors Boyce, Cuthbertson, Douglas, Fitzpatrick, Horton, McIlveen, Richardson and Warters.	To familiarise Members with the site as it had been called in by the Ward Member, that the application had been recommended for approval and there were a large number of objections and that the membership of the Committee had changed since the application was considered.

1. DECLARATIONS OF INTEREST

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

Councillor Cuthbertson declared a personal interest in Agenda Item 4a) as the Ward Member who called in the application for consideration by the Committee. He informed Members that he had met local residents, but had not expressed an opinion on the application.

Councillor Richardson declared a personal interest as the Ward Member and also that he had called in the application along with Councillor Cuthbertson. He also declared a personal and prejudicial interest in the item as when he had met with local residents, he had expressed an opinion on the application. He withdrew from the meeting during the discussion of this item.

No other interests were declared.

2. MINUTES

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 3 May 2012 be signed and approved by the Chair as a correct record.

3. PUBLIC PARTICIPATION

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

4. 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.

4a 8 Old Orchard, Haxby, York. YO32 3DU (12/01064/FUL)

Members considered a full application by Mr Horsman for two storey rear and single storey side and rear extensions.

Members received a drawing from Officers, which illustrated the development that could take place at the property under permitted development rights, without the need for planning permission. All of the Committee felt that this was particularly useful to help them determine the application, and suggested that if possible, similar drawings be presented at future meetings.

Members raised two questions to Officers about how the extensions related to the building line, adjacent properties and the reasons for consideration by the Committee.

It was reported that the extension would encroach beyond the building line at the rear of the property, but that separation distances to properties in Abelton Grove exceeded minimum standards. It was also noted that the application had been brought for Members' consideration because of the close proximity of the first floor of the two storey extension to the neighbouring property.

Representations in objection were received from the immediate next door neighbour. She was concerned that the proposed side extension would encroach over the boundary of number 10 Old Orchard, and that access to the rear of the property to enable construction work to take place and protection of the drains had not been outlined by the applicant. Further to this she felt that the size of the proposed extensions would adversely affect adjacent residents, particularly in the winter months, due to loss of light.

Members asked the neighbour how the ground floor extension would be detrimental to her property. She responded that the extension would leave her with a lack of privacy due to the difference in height between the two storey house, and that the boundary would also only be maintained by a low fence.

Some Members felt that the application should be approved as the extension at the first floor was relatively small, and the ground floor extension would not be visible from the ground floor of the neighbouring property.

The Chair allowed Councillor Richardson, who had taken no part in the discussion due to his declaration of interest, to speak. He felt that there was an existing drainage problem that had not been addressed. He stated that it was particularly problematic in that a number of drains in the area did not appear on maps.

Officers informed Members that under permitted development rights, the applicant could build over the drains and that this was a matter to be resolved under Building Regulations or with Yorkshire Water, as appropriate.

Some Members felt that drainage concerns were not an issue to be considered as part of the planning process. Others were concerned that the development could distort the line of the neighbouring properties, and that the extensions would not fit in with the surrounding properties.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the streetscene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

4b 3 Whitby Drive, York, YO31 1EX (12/00076/OUT)

Members considered an outline application by Mrs Janet Wheldon for a residential development 5no. dwellings with associated garages and access.

In their update to Members, Officers informed the Committee that since the previous application was refused, the Government had published the National Planning Policy Framework (NPPF), which had replaced Planning Policy Statements and Guidance Notes that had applied previously. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of houses should not be considered up to date if the authority cannot demonstrate a five year supply of deliverable sites.

They added that the recent appeal decision in respect of the York Grain Stores application at Water Lane, ruled that the Authority only had a 3.6 year supply of deliverable sites, so with this in mind Members would need to afford policies in the Draft Local Plan the appropriate weight.

In response to a Member's question, Officers responded that in urban areas a target density of 40 dwellings per hectare was specified in the Local Plan, and confirmed that the density of the development was approximately 20 dwellings per hectare.

Representations in objection were received from a local resident. He gave three reasons for his objection; on the grounds of drainage difficulties, ecological benefits of the existing area of open space, and also that there had been in his view no significant changes to the previously rejected proposal.

In relation to drainage, he was concerned that the rate of release of surface water into the drainage system would be at an agricultural rate. He questioned whether there would be an increase in standing water on the site as a result of this. He stated that the proposed development would destroy an open area, which supported a variety of wildlife. He suggested that the proposal might be enhanced by the installation of a wildlife pond and a Tree Preservation Order for existing trees on the site. Finally, he felt that as the only change from the previous submitted application related to drainage, planning permission should again be refused.

Further representations in objection were received from another local resident. He felt that the proposed dwellings were not compatible with the style of the existing houses in the area and that the dwellings should only be of one storey height. He added that the largest tree on the site should be retained.

Representations in support were received from a representative of the applicant's agent. She clarified to Members that underground tanks would store surface water from the development and discharge it into existing water sewers at a controlled agricultural rate. This would be an improvement on the existing situation. Additionally, she considered that the status of the site as garden land did not preclude development and that the site was not being used and was in a sustainable location. She stated that the target density of 40 dwellings per hectare would result in 10 dwellings being built on the site, and therefore that in her view, the proposal for 5 dwellings would not constitute overdevelopment.

Further representations were received from Councillor Ayre, the Ward Member. He considered that the application was more or less unchanged since it was previously refused. Further to this he added that following the previous refusal, the applicant appealed to the Planning Inspector and was unsuccessful in their appeal and so he felt that the Committee should refuse it again. He considered that that the application ran contrary to a number of policies in the Council's Draft Local Plan including H4a, GP1 and NE1. He also considered that the site should be retained in its current form, due to the ecological and other amenity benefits to local residents.

In response to a question from a Member, the representative of the applicant's agent stated that the application site was private and that there was no public access.

In relation to concerns about traffic, some Members pointed out that the levels of traffic would obviously be different at various times of the day, that there would be additional traffic generation on the road at drop off and pick up time for the local primary school, and that this was essentially a traffic management issue. Councillor Ayre circulated a picture which showed cars parked on the road, which he included in his additional representation. This was circulated to Members at the meeting and was subsequently attached to the agenda which was re-published online after the meeting.

Officers were asked if the appeal from the applicant against the Committee's previous refusal was determined. Officers responded that the Planning Inspector declined to determine the appeal due to a lack of information.

Some Members felt that there were some merits in the application, alongside some concerns. The merits included that if five properties were built on the site then this would constitute half the maximum density for that site as referenced in the local plan, that the garden area could be improved and that construction noise from the development could be controlled.

However, they also expressed a number of concerns including that they were aware that there was an existing surface water problem, due to the land being poorly drained. It was considered that the properties facing Whitby Drive should be single storey as conditioned in the Officer's report, but those facing Stockton Lane could be two stories in height. An additional concern was that there were no double yellow lines on either Whitby Drive or Whitby Avenue to deal with problems that could be encountered from school traffic.

Other Members considered that the Committee should pay attention to Government policy of reclassifying garden land and refuse the application. They added that the same reasons from the previous refusal could be used, in order for the Planning Inspector to determine whether the correct decision had been made.

Some Members considered that if the application was approved, conditions should be added to the planning permission including; the approval of drainage details, that the properties adjacent to Whitby Drive be single storey only and that there should only be a maximum of five dwellings on site.

Councillor Warters requested that his vote against approval be recorded.

When being put to the vote, a motion for approval of the application was tied. As a result the Chair used her casting vote and it was:

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

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

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

11. No more than five properties are to be erected as part of the development hereby authorised.

Reason: To safeguard the visual amenity of the wider street scene and to ensure compliance with Policy GP1 of York Development Control Local Plan.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the local surface drainage pattern, impact of additional traffic generated upon the local highway network, impact of the proposal on local biodiversity and loss of an important open space of townscape value. As such the proposal complies to Policies GP15a), GP1, GP4a), GP9, GP10, H4a), NE1, NE7 and NE8 of the City of York Development Control Local Plan.

COMMITTEE REPORT

Date: 5 July 2012 **Ward:** Strensall
Team: Major and **Parish:** Strensall With Towthorpe
Commercial Team Parish Council

Reference: 11/02460/FUL
Application at: Manor Park Sheriff Hutton Road Strensall York YO32 5TL
For: Retention of show lodge and siting of 14 no. holiday lodges
By: Nelson Parks Lodges
Application Type: Full Application
Target Date: 13 December 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 Manor Park, Sheriff Hutton Road, Strensall comprises a medium sized well established holiday park incorporating both timber lodges and space for touring caravans, formerly known as Hoxne Farm to the north east of Strensall village. Planning permission (ref: - 06/01054/FUL) has previously been given in March 2007 to site 30 timber holiday lodges at the site. 27 Lodges have subsequently been erected. Planning permission is now sought for the erection of a further 14 in an area presently used for the storage of touring caravans and trailers together with the retention of the existing show lodge for holiday usage giving a total of 42 lodges on site. Subsequent to the application being submitted further detail has been received in respect of the proposed means of foul drainage involving cesspools emptied on a regular basis.

1.2 Councillor Paul Doughty has called the application in for determination by the East Area Planning Committee on the grounds of concern in respect of the sustainability of the proposal and the proposed means of drainage. He is further concerned in respect of the intended total number of units.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP4A
Sustainability

Application Reference Number: 11/02460/FUL
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Item No: 5a

CYV5

Caravan and camping sites

CYGP1

Design

CGP15A

Development and Flood Risk

3.0 CONSULTATIONS

INTERNAL:-

3.1 Integrated Strategy Unit - raise no objection in principle to the proposal subject to an assessment being undertaken of the proposed cabins upon the openness and visual amenity of the surrounding countryside. Any permission should also be conditioned to prevent all year round occupation and to secure holiday use.

3.2 Highway Network Management - were consulted in respect of the proposal on 27th October 2012. No response has been forthcoming.

EXTERNAL:-

3.3 Yorkshire Water Services Ltd - raise no objection to the proposal.

3.4 The Foss Internal Drainage Board - raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

3.5 Strensall with Towthorpe Parish Council - object to the proposal on the grounds that the development is unsustainable by virtue of the distance involved from shops and amenities in Strensall village and the wider area and as a consequence it would result in a significant increase in car and pedestrian journeys along unsuitable roads to access those amenities. Furthermore serious concern is expressed in respect of the proposed means of foul and surface water drainage, which it is felt would give rise to a significant problem of flooding and nuisance to surrounding properties.

3.6 The Environment Agency - initially objected to the proposal on the grounds of an inadequate means of foul drainage being proposed. They have subsequently withdrawn their objection following on from the receipt of further detail and clarification in respect of the proposed arrangements.

3.7 One letter of objection has been received in respect of the proposal highlighting the risk of flooding arising from surface water discharges from the site together with pollution from the proposed means of foul drainage.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Sustainability of the Proposal;
- * Proposed Means of Foul and Surface Water Drainage;
- * Impact upon the Visual Amenity of the Surrounding Countryside.

SUSTAINABILITY:-

4.1 Policy GP4a) of the York Development Control Local Plan sets down a clear policy requirement that new development should have regard to the principles of sustainable development notably accessibility to the site itself and from the site to services and amenities by means of transport other than the car. Concern has been expressed in respect of users of the proposed units having to access Strensall for almost all of their shopping needs and thereby making additional journeys by car. Indeed an Inspector's decision in respect of a refused scheme for a new site a short distance away has been quoted in this respect. However the current site is a well established operation and the visitors to the 15 new lodges proposed would be doing nothing different from existing visitors to the site either those staying in the lodges or visiting with touring caravans. It would therefore be unreasonable to refuse permission for the proposal on sustainability grounds.

4.2 Concern has also been expressed in respect of the total number of units proposed. The submitted application plan illustrates the number and location of vehicle pitches be they for static timber lodges or for touring caravans. The current application site covers an area previously used for touring caravans but presently vacant together with an area presently used for storage of touring caravans and mobile homes. No additional land would be taken up by the proposal and the total number of static timber holiday lodge type units would be 42.

IMPACT UPON THE FOUL AND SURFACE WATER DRAINAGE SYSTEM:-

4.3 Policy GP15a) of the York Development Control Local Plan sets out a firm policy presumption that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. In terms of surface water drainage the applicant indicates that any flows would be discharged to a nearby pond and thence by water course to the River Foss. Whilst the water table is acknowledged to be high the site lies within Flood Zone 1 with the lowest identified level of flood risk and any risk of flooding to residential property would be minimal.

It is however recommended that any permission be conditioned to require the submission of a full surface water drainage scheme for prior approval.

4.4 In terms of foul water disposal it is proposed to extend the existing system involving the provision of sealed tank cesspools which are emptied by a locally based company on a frequent basis. There are three tanks to which the new units would be connected a 45,000 litre tank to the east of the site, a further 45,000 litre tank at the north western edge of the site and a further 18,180 litre tank close. By far the ideal solution for such a site would be to manage foul water disposal by the means of a package treatment plant. However, in the current context the very high water table and erratic usage pattern associated with such a lodge development would lead to such a solution being impractical by virtue of the risk of flooding due to the system surcharging in periods of intense use and the risk of the system failure during periods of quiet use due to the need for a constant minimum flow. The applicant has indicated a wish to continue with the current pattern of operation involving a monthly emptying regime and to expand the third tank to equal the remaining two with a 45,000 litre capacity. In the circumstances this is felt to be acceptable subject to a detailed condition appended to any permission requiring that the third tank should be of an equal storage capacity and also requiring the submission of a detailed maintenance regime for prior written approval.

IMPACT UPON THE VISUAL AMENITY OF THE SURROUNDING COUNTRYSIDE:-

4.5 The application site lies somewhat to the north of the Green Belt boundary so the usual presumption against inappropriate development in such areas does not apply. However, the area is of some townscape quality and does contribute towards the wider setting of the Howardian Hills away to the north. However, the proposed additional timber lodges would be largely screened in views from the south and south west by the existing landscaped boundary treatment to the south and west and also by the built complexes of Redwing Farm and the Hoxne Farm cattery. Furthermore the proposal involves the productive re-use of two areas of the site presently in an untidy state with overall positive benefits for the visual amenity of the area. Any impact upon the visual amenity of the wider landscape is therefore felt to be minimal.

5.0 CONCLUSION

5.1 Concern has been raised in respect of the sustainability of the proposal with users travelling into Strensall village to access local shops however, the site is an existing operation with existing users travelling away to make use of shops and services without causing undue harm in terms of additional traffic generation.

5.2 In terms of its impact upon the visual amenity of the surrounding landscape would be minimal in view of the proposed location of the new lodges. A high degree of shelter would be afforded by the existing boundary treatment to the south and west and by the built complexes of Redwing and Hoxne Farm.

5.3 Concern has also been expressed in respect of foul and surface water drainage from the site. Surface water drainage would be to an adjacent pond and thence to the River Foss. Foul drainage would be dealt with in an identical fashion to the existing lodges on site, by discharge to sealed unit cesspools. Whilst far from ideal the alternative solution of using a package treatment plant would not be suitable for a variety of technical reasons. It is therefore recommended that any permission be conditioned to require an expansion of existing capacity on site at the same time as the submission for prior approval of a detailed maintenance scheme for the foul system.

5.4 On balance it is felt that the proposal is acceptable in planning terms and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing Refs:-2057-4 Rev C and PB/11/38B. Date Stamped 12th September 2011.

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

3 VISQ8 Samples of exterior materials to be app -

4 The accommodation hereby approved shall only be used for holiday accommodation purposes and shall not be occupied as a person's sole or main residential home. The site operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: - In order to prevent the full time residential occupation of the site. The site is not considered appropriate for full time residential use due to its position in open countryside away from local services.

5 Within 28 days of the date of this permission, full details of a maintenance scheme for the foul drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved. The scheme must include the following items:-

- i) Details of the size, connections and location of the expanded third sewage tank;
- ii) Details of an alarm system for each tank and an associated emptying procedure including tank storage capacities;
- iii) Details of emergency procedures in the event of tank overflow or leakage;
- iv) Details of record keeping procedures for tank maintenance and emptying including storage of all waste transfer notices for tank emptying.

Reason: - To mitigate the risk of pollution to the site arising from the use of sealed cess pits.

6 No development the subject of this permission shall be commenced until the Local Planning Authority has approved a scheme for the provision of surface water drainage works for the site. Any such scheme shall be implemented to the satisfaction of the Local Planning Authority before the development is first brought into use.

Reason: - To ensure that the development is provided with satisfactory means of drainage and to reduce the risk of flooding in line with Central Government Planning Policy in respect of planning and flood risk outlined in paragraphs 100 to 104 of the NPPF.

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 sustainability of the proposal, proposed means of foul and surface water disposal and impact upon the visual amenity of the surrounding countryside. As such the proposal complies with Policies GP4a), V5, GP1 and GP15a) of the City of York Development Control Local Plan.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

Application Reference Number: 11/02460/FUL

Item No: 5a

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Manor Park, Sheriff Hutton Road



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	25 June 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 July 2012
Team: Major and Commercial Team
Ward: Strensall
Parish: Strensall With Towthorpe Parish Council

Reference: 12/01013/OUT
Application at: Bonneycroft 22 Princess Road Strensall York YO32 5UD
For: Residential development of 9 detached dwellings (amended scheme)
By: Bonneycroft LLP
Application Type: Outline Application
Target Date: 22 June 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks outline consent for the erection of nine houses with all matters reserved except access and layout. Density would be approximately 18 dwellings per hectare. All of the houses would be detached and have a maximum height of 5.4m to the eaves and 8m to the ridge. Five of the houses would have rear projections subservient in height to the main part of the house. All of the houses would have a garage and off-street parking. All of the dwellings would be for sale on the open market. Access would be via the existing access from Princess Road. A turning head would be provided for emergency and service vehicles. A dilapidated bungalow on the site would be demolished.

1.2 The application is a resubmission of 11/01831/OUTM for 10 houses following the committee's refusal in September 2011 and dismissal of the subsequent appeal.

PLANNING HISTORY

1.3 In 2009 an application was refused for a 60-bed care home (09/01176/OUT). The reason for refusal was that, in essence, the size of the care home would have adversely affected the amenity of adjacent residents and the character and appearance of the area. The subsequent appeal was dismissed. In March 2011 planning permission was sought for the erection of 14 dwellings on the site. Officers recommended refusal due, in essence, to overdevelopment resulting in unacceptable impact on the character of the area, protected trees and the amenity of adjacent residents. The application was withdrawn prior to determination.

1.4 The subsequent application for 10 houses (11/01831/OUTM) included a terrace of three 2.5-storey houses along the frontage of the site. The application was refused by the planning committee because the terrace would have: (1) resulted in an incongruous form of development out of scale and character with the

street scene and harmful to the setting of the adjacent conservation area; (2) resulted in the removal of a number of protected trees that contribute to the visual amenity of the area and the setting of the adjacent conservation area; and (3) provided inadequate private amenity space for the occupiers of the three terraced houses.

1.5 The appeal inspector did not support the first two reasons for refusal but agreed that the scheme would lack appropriate private amenity space for the occupiers of the terraced houses.

1.6 The current application addresses the reason for the appeal being dismissed by replacing the three terraced houses with two detached houses. This change provides a less-cramped layout and allows for larger, more appropriate, amenity space. The only other material changes are that (a) Unit 5 now has a rear projection and a side projection (b) Unit 6 now has a rear projection (c) Unit 7 now has a side projection (d) the turning head has been shortened and (e) the parking bays for Unit 7 have been relocated.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Strensall Village CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYNE1
Trees, woodlands, hedgerows

CYL1C
Provision of New Open Space in Development

CYED4
Developer contributions towards Educational facilities

CYT4
Cycle parking standards

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development (Conservation) - The siting and orientation of units 1 and 9 generally respect the pattern of existing built form within the context of the site and are unlikely to detract from the character and appearance of the conservation area in Princess Road. The proposed site layout at the eastern boundary of the site is generally in keeping with the distinct suburban character of the Princess Road/Moor Lane character area.

3.2 Design, Conservation and Sustainable Development (Landscape) - No objection to the revised proposals subject to conditions requiring details of tree replacement, tree protection and landscaping proposals.

3.3 Flood Risk management - No objections. Add standard condition requiring submission of drainage details.

3.4 Adults, Children and Education - Based on current school numbers and current costs a development of nine houses, all of two or more bedrooms, would require a financial contribution of £35,953 towards primary education. The money would be used to cover the cost of three places at a local primary school. The local secondary school (Huntington) currently has enough places to accommodate the pupils expected as a result of the development.

3.5 Environmental Protection Unit - No objections. Sound insulation should be provided to protect occupiers against road and rail noise. This should be made a condition of approval.

EXTERNAL

3.6 Strensall with Towthorpe Parish Council - No objection. The grass verge along the highway boundary should be retained as it is important to the street scene.

3.7 Police Architectural Liaison - The indicative site layout appears to show good levels of natural surveillance whilst still creating defensible space for occupiers. The development would provide residents with a safe, non-threatening environment in which to live.

3.8 Foss Internal Drainage Board - Any approval should have a condition requiring drainage details including 30% attenuation to be submitted for approval.

3.9 Network Rail - No objection to the principle of the development subject to certain detailed requirements being met to protect Network Rail property and the safe operation of the railway.

3.10 English Heritage - Do not wish to offer comments.

3.11 Public Consultation - The consultation period expired on 7 June 2012. Two objections have been received from local residents raising the following planning issues:

- Unit 5 is too close to No.7 Glebe Close resulting in a loss of privacy.
- Unit 1 is too close to the adjacent house 'Greystones' and would cause a loss of amenity, including overlooking.

3.12 One letter of support in principle has been received from a local resident. It is subject to safeguards regarding height, design, materials and tree protection.

3.13 One letter (neither of support nor objection) has been received from a local resident: The amended application is much improved. The garage between units 4 and 5 is close to the boundary with No.3 Orchard Way and would affect protected trees. The ridge height of the houses should be no more than 7.5m. Permitted development rights should be removed in order to protect the surrounding bungalows and the adjacent conservation area.

4.0 APPRAISAL

THE APPLICATION SITE

4.1 The site (0.51ha) is the curtilage of a derelict bungalow in a predominantly residential area. The site lies within the settlement limits of Strensall village and abuts (but lies outside) Strensall Conservation Area. The site is neglected and overgrown. It is occupied by a number of mature trees protected by a preservation order (TPO CYC 53). Immediately to the south is the York to Scarborough railway line. To the east, north and west are one and two storey suburban houses. Along the eastern boundary is the public highway at Princess Road.

POLICY CONTEXT

4.2 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.3 Plan-making and decision taking should be underpinned by the following 12 planning principles: (1) Be plan-led, empowering local people to shape their surroundings (2) Be creative in finding ways to improve the places where people live (3) Drive and support sustainable economic development (4) Seek to secure high quality design and a good standard of amenity (5) Take account of the different roles and character of different areas (6) Support the transition to a low carbon future (7) Contribute to conserving and enhancing the natural environment (8) Encourage the re-use of land (9) Promote mixed developments (10) Conserve heritage assets (11) Actively manage sustainable patterns of growth and (12) Support local strategies to improve health, social and cultural well being for all and deliver community and cultural facilities to meet local needs (paragraph 17).

4.4 Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 186). Local planning authorities should look for solutions rather than problems and seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

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

4.6 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

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

4.8 GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.9 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.10 H4a - Permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

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

4.12 NE1- Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value, will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

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

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

4.15 L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

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

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

4.18 KEY ISSUES

- Principle of Development for Housing
- Density of Development
- Street Scene
- Strensall Conservation Area
- Protected Trees
- Neighbour Amenity
- Sustainability
- Access and Highway Safety
- Ecology and Bio-diversity
- Drainage
- Public Open Space
- Education
- Archaeology

APPRAISAL

4.19 In most respects the Committee found the previous (refused) scheme for 10 houses to be acceptable, subject to conditions. Issues found to be acceptable include the principle of development for housing, access, highway safety, density of development, neighbour amenity, flood risk, drainage, bio-diversity, sustainability, archaeology, provision of public open space, provision of education and secure design. None of these issues were of concern to the appeal inspector. The Committee's main concerns were the impact of the three 2.5-storey terraced houses on protected trees, the street scene and the conservation area.

Whilst the appeal inspector did not support these concerns the replacement of the terrace with a pair of 2-storey detached houses addresses the Committee's reasons for refusal. The houses would be lower than the terrace and appear less dominant in the street scene and the conservation area. Each house would have a private, south-facing rear garden.

4.20 Since submission the houses nearest to the highway frontage have been moved further from the mature Oak trees located along the site frontage. The intervening distance would now be 12m, which now avoids the root protection area and is sufficient to protect the trees from pressure by future occupiers to remove them.

RESPONSE TO REPRESENTATIONS FROM RESIDENTS

4.21 The main part of the house at Unit 5 is unchanged from the previous application. The inspector did not include it in his reasons for dismissing the appeal. In the current application a side projection and rear projection have been added. The submitted layout plan appears to show them as being subservient to the main house. The rear projection would be approximately 6m from the boundary with No.7 Glebe Close but the angle would be oblique. Officers are recommending that a condition be attached preventing windows being inserted in the boundary elevation. The impact on the occupiers of No.7 Glebe Close of the height and design of the rear projection would be carefully considered if the application is approved and reserved matters are submitted. Replacement tree planting or other landscaping would further mitigate any impact.

4.22 The house at Unit 1 is unchanged from the previous application. The inspector did not include it in his reasons for dismissing the appeal. The end elevation of the house would be approximately 6m from the side boundary with the existing house 'Greystones', which abuts Princess Road. Any impact of Unit 1 on the occupiers of Greystones would be mitigated by Greystones' side garage and trees along the boundary. Officers are recommending that a condition be attached preventing windows being inserted in the boundary.

4.23 The houses would be no higher than 5.4m to the eaves and 8m to the ridge. These dimensions are unchanged from the 2-storey houses proposed in the previous application and would be made a condition of approval. The height is not uncommon for 2-storey houses and is acceptable in this location. Design and materials would be submitted as reserved matters. Officers are recommending that a condition be attached to the current application to protect the retained trees. The applicant would be required to replace any trees that have to be felled and to supplement them with additional specimens.

4.24 The garage between units 4 and 5 is unchanged from the previous application. The inspector did not include it in his reasons for dismissing the appeal. The Council's landscape architect is satisfied that it would not materially affect nearby trees.

4.25 Whilst the proposed development has officer support, any further development of the site could affect protected trees, the character of the conservation area or the amenities of adjacent occupiers. Officers therefore recommend that, if planning permission is granted, householder permitted development rights be removed.

5.0 CONCLUSION

5.1 The revised proposal would be in keeping with the character of the area and would not have a significant impact on the street scene, protected trees, the conservation area and adjacent residents. The scheme overcomes the planning committee's concerns about the previous scheme and the inspector's reason for dismissing the subsequent appeal. The application accords with the national Planning Policy Framework and relevant policies of the local plan. The application is therefore acceptable subject to conditions and a s.106 undertaking to cover financial contributions towards open space and education. The applicant has agreed to such an undertaking, which is currently being drafted. Members will be updated at the meeting.

6.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Fully detailed drawings illustrating all of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details: appearance, landscaping and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended.

3 The development hereby permitted shall be carried out in accordance with the approved site layout drawing 1011-03B received 22 June 2012.

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

4 The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, in consultation with the internal drainage board, and carried out in accordance with these approved details. Peak run-off shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

The details shall include a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The details shall also include proposals for the future management/maintenance of the drainage scheme.

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

5 The site shall be developed with separate systems of drainage for foul and surface water.

Reason: In the interest of satisfactory and sustainable drainage.

6 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 alternative 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.

INFORMATIVE:

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 in accordance with the council's advice note Commuted Sums for Open Space in New Developments - A Guide for Developers.. The obligation should provide for a financial contribution, the size of which would depend on the number of bedrooms of the dwelling approved under the reserved matters. As a guide, the financial contribution for a development comprising nine 3-bedroom houses would be £18,036. No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed. You are reminded of the local planning authority's enforcement powers in this regard.

7 No development shall commence unless and until a scheme to ensure the provision of adequate additional school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions 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. The obligation should provide for a financial contribution currently calculated at £35,953. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005. No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

8 The development hereby permitted shall not commence until full details of the proposed vehicular access, adoptable road layout, parking arrangements, manoeuvring and turning space and cycle storage facilities have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason: To ensure appropriate on-site vehicle parking facilities, access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development

9 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded during the construction programme.

10 Any reserved matters application shall include a survey, schedule and plan of all trees on the site in accordance with the recommendations of the current BS 5837. A qualified arboriculturist or other suitably qualified professional shall carry out the survey of all trees with a stem diameter greater than 75mm at 1.5m above ground level. It shall identify those trees to be retained and those to be felled. Where it is proposed to remove a tree, the reason shall be given. The corresponding plan shall show the accurate location of the trunk (with reference number); the canopy spread of each tree in a north, east, south and west direction; the recommended root protection areas; and an arboricultural implications assessment.

The plans shall also include details of the following where they occur near existing trees: existing and proposed levels; existing and proposed surfacing; locations of existing and proposed underground and overhead utilities, including lighting.

The reserved matters application shall ensure that the recommended root protection areas (RPA) of the trees shown to be retained can be adhered to/respected in consideration of the design and construction operations as follows. Protective fencing to current BS5837 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected) to include the recommended RPA. The fencing shall be adhered to at all times during development to create exclusion zones. No development or change in level shall take place within the RPA of the trees to be retained. None of the following activities shall take place within the protective fencing: excavation, raising of levels, storage of any materials or top soil, parking or manoeuvring of vehicles, mechanical cultivation. There shall be no site huts, no sales cabin, no mixing of cement, no disposing of washings, no stored fuel, no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works.

Reason: To ensure the retention and protection of existing trees that are the subject of a tree preservation order (TPO) and/or make a significant contribution to the amenity of the area and/or development and are desirable and/or suitable for retention before, during and after development and to allow an accurate assessment of the compatibility of the detailed development proposals with those trees.

11 Any reserved matters application for landscaping shall include the species, density (spacing), stock size, and position of trees, shrubs and other plants; and seeding mix, sowing rate and mowing regimes where applicable. The scheme shall include replacement tree planting such that for each tree proposed for removal a new one shall be planted on site.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

12 Notwithstanding the information contained on the approved plans, the heights above ordnance datum of all dwellings shall not exceed 5.4 metres to the eaves and 8 metres to the ridge. The heights above ordnance datum of all garages (unless integral to dwellings) shall not exceed 3 metres to the eaves and 5.8 metres to the ridge. Before any works commence on the site a means of identifying ordnance datum on the site shall be agreed in writing and any works required on site to identify that level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

13 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening shall at any time be inserted in the western elevation of the western projection of the house at Unit 5 hereby approved.

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

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening shall at any time be inserted in the northern elevation of the property at Unit 1 hereby approved.

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

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

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

Reason: To protect the amenity of adjoining occupiers.

17 No building work shall take place until details of boundary treatment have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the submitted details.

Reason: To eliminate doubt as to the extent of the site and in the interests of the character and appearance of the conservation area and visual amenity.

18 No development shall take place until details (including location, dimensions and materials) of refuse/recycling enclosure(s) for the proposed development on the site have been submitted to and approved in writing by the local planning authority. The enclosure(s) shall be provided in accordance with the approved details before the development is occupied, retained and used for no other purpose except with the written consent of the Local Planning Authority.

Reason: In the interests of sustainability and visual amenity.

19 No clearance of vegetation shall be carried out on site between the 1st of March and 31st of August inclusive in any year.

Reason: To protect nesting birds.

20 No development shall take place until details have been submitted to and approved by the Council as to how habitats and species known to use the site are to be taken into account within the proposed new building and associated landscaping, and should include measures to offset the loss of habitat. The work shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for declining species (for example bats and birds such as swifts, swallows).

21 Before construction commences a scheme of sound insulation shall be submitted and approved in writing by the Local Planning Authority. The scheme shall show that external noise can be controlled to the following:

- less than 35dB(A) 16 hour Leq in living rooms during the day time (07:00-23:00).

- less than 30dB(A) 8 hour leq in bedrooms during the night time (23:00 to 07:00)

Prior to occupation the sound insulation shall be provided in accordance with the approved scheme.

Reason: To protect the amenity of the occupiers of the proposed dwellings.

22 Before construction commences a scheme of ventilation to the dwellings adjacent to the railway line and Princess Road shall be submitted to and approved in writing by the local planning authority. The scheme shall show how it performs acoustically and complies with condition 21 above. Prior to occupation the ventilation shall be provided in accordance with the approved scheme.

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- The Principle of Development for Housing
- Impact on Protected Trees
- Access and Highway Safety

- Cycle Parking
- Density of Development
- Design and Street Scene
- Neighbour Amenity
- Flood Risk and Drainage
- Bio-Diversity
- Sustainability
- Public Open Space
- Education

As such the proposal complies with the National Planning Policy Framework and policies GP1, GP4a, GP10, GP15a, H4a, H5a, NE1, NE6, NE7, L1c, T4 and ED4 of the City of York Local Plan.

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. CONTAMINATION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990

Contact details:

Author: Kevin O'Connell Development Management Officer

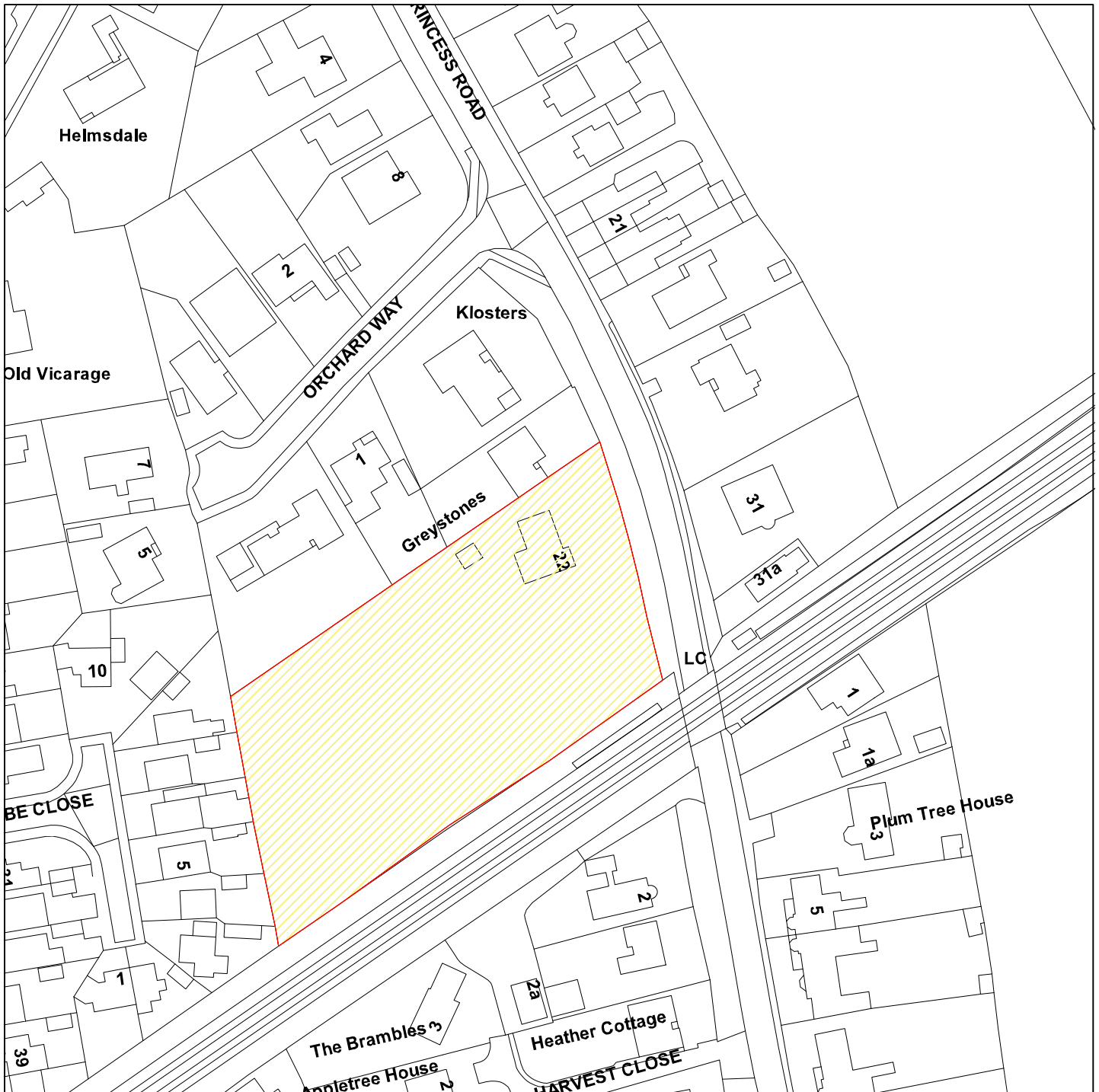
Tel No: 01904 552830

12/01013/OUT

Bonneycroft, 22 Princess Road



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	25 June 2012
SLA Number	Not Set



John
McNicholas
 ARCHITECT

Client:
 BONNYCROFT LLP

Project Title:
 RESIDENTIAL SCHEME
 22 PRINCESS ROAD
 STRENSALL,
 YORK

Drawing Title:
 SITE LAYOUT DRAWING

1011-03B

Scale: 1:500 @ A3 Drawn By: JMC
 Date: FEB '12 Checked By:

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COMMITTEE REPORT

Date: 5 July 2012
Team: Major and Commercial Team
Ward: Heworth Without
Parish: Heworth Planning Panel

Reference: 12/00140/FUL
Application at: Site Adjacent To No 1 Straylands Grove York
For: Two storey detached dwelling to side (resubmission)
By: Mr Chris Carline
Application Type: Full Application
Target Date: 13 March 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a new dwelling within the garden of 1 Straylands Grove. The proposed house is of contemporary design would be two storeys in height. The house would contain four bedrooms in total, two on the ground floor and two on the first. Within the garden is proposed a workshop which would be used by the occupiers of the proposed dwelling as a hobby area.

1.2 The proposed house is modern and contemporary in design. The proposal is two storeys in height with a flat roof. The ground floor would be predominantly constructed of brick. The first floor would appear a more lightweight box separated from the ground floor walls by a horizontal band of glazing situated above the walls, set back in a recessed plane. The first floor would appear as a frame of white render with vertical glazing strips and timber panelling. The proposed dwelling would contain four bedrooms, two on each floor. A carport is proposed to the north of the house with a workshop at the rear of the back garden.

1.3 The site has recent planning history. Outline consent was granted in 2005 (05/01938/OUT) for the erection of a new dwelling in broadly the same location as that proposed. No reserved matters application was ever submitted. In 2007 a full application was approved (07/00761/FUL) for a two storey house of traditional design. In 2010 another full planning application was approved (10/01717/FUL) for a dwelling of modern appearance with a mono-pitched roof to be constructed of brick, timber and render with a zinc roof. None of the approved dwellings were constructed.

1.4 The application site is unallocated white land on the Local Plan Proposals Map. The site is not within a Conservation Area and there are no listed buildings within the immediate vicinity of the site. To the north is stray land separating the site from Malton Road.

1.5 Previous applications were determined under delegated powers. The current application has been brought to Planning Committee at the request of Cllr. Ayre as the design of the proposed dwelling has created significant local interest. A site visit is recommended to understand the context of the application site and the concerns raised by local residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CYL1B
Loss of local leisure facilities

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections, an informative is recommended to be added to any approval to ensure that the developers are aware of legislation covering demolition and construction work.

3.2 Flood Risk Management - The application site is in Flood Zone 1 and should not suffer from river flooding. An objection is raised because insufficient information has been submitted by the applicant with regards to site drainage.

3.3 Highway Network Management - No objections. However, the applicant proposes a crushed aggregate driveway which is not recommended, the surface should be bonded to prevent carry over of material onto the highway. Two conditions and an informative are recommended to be added to any approval.

3.4 Major Project Developments and Initiatives (Architect) – States whilst the proposal is undoubtedly eye catching, it is a positive addition to the area. A number of objections were received from local residents and subsequently the applicant made some revisions to the design to attempt to address these concerns.

Siting of the proposal - The applicant has adopted a different design approach (to the approved dwelling) in siting the building away from Elmfield House, but closer to the road. This is a sensible approach- Elmfield House is a building of merits and should not be crowded out. The proposed building is roughly in line with the row of adjacent properties, however in being the last in the row it abuts a prominent corner on one aspect, albeit slightly set back with a smaller buffer of space between the pavement line and the building line. Setting the building close to the road here still leaves adequate space around it away from adjacent properties. In addition, the applicant has made revisions to slightly reduce the proximity to the boundary in response to local objections to the initial planning proposals. In total this approach is in itself an improvement on the consented scheme.

Design Approach - In choosing to be contemporary the proposal will, by definition, stand out from its neighbours. In doing so it is then not acceptable to be of average design because it will be noticed and has to have a positive impact. Whilst design has some subjective elements it can be assessed on a number of objective criteria:

- Size & Massing - The building is a large house (circa 2100 sqft) but this is slightly smaller than the consented scheme. The footprint is larger than most adjacent properties, but in being flat roofed the overall height is significantly lower than many properties. However being on a prominent corner it will still have a significant visual presence in the street scene -as do many buildings on Straylands Grove. In footprint terms it appears to take up less space than is left as open space and these proportions are comparable with typical other local properties. On size and massing terms it is therefore not radically at odds with this neighborhood.

- Architectural ambition - The applicant has engaged well with the Council as part of the pre application process and subsequently continued to engage with the Council to amend the design to respond to local objections to the proposal. The applicant has demonstrated through this proposal and in the information submitted that they have given considerable thought to the aim of developing high quality design.

- Design Approach - The proposal creates a series of ground floor wall planes, containing the ground floor spaces with (typically) full height glazing slots. Wall planes project into the garden and into the interior spaces creating a defused sense of interior and exterior spaces. The upper floor is expressed as a more lightweight box. Separation of the upper floor from these ground floor walls is articulated in a horizontal band of glazing situated above the walls, set back in a recessed plane. This combines into an elegant proposal that expresses a contemporary way of living, although the building layout is otherwise fairly straightforward and not unusual.

- Materials -The initial application proposals used too much white render and were in stark contrast to the surroundings, but the applicant has made significant revisions. This includes simplifying the range of materials; the ground floor external walls are now extensively brick; upper floor walls have only an expressed frame of white render between which are simple vertical glazing strips and timber paneling. These materials can be seen in the neighbourhood. They will never camouflage the building, but they do appropriately root it in a local context. The applicant has made significant changes to reduce the visual impact of glazing. Glazing is now a relatively small proportion of the external envelope and even compares with the proportion of glazing in many other properties in the area.

3.5 Design Conservation and Sustainable Development (Landscape Architect) - Consent has been given to remove a Copper Beech tree within the application site. The Copper Beech has a Tree Preservation Order attached to it, however due to historic fire damage it is now at risk of failure due to its poor health. The tree is exhibiting significant deadwood and loss of bark. The removal of this tree was approved for these reasons and on the basis that it would be replaced with a new Beech tree. Once planted the replacement tree would be covered by the original Tree Preservation Order. Further comments are currently being sought from the Landscape Architect in regards to the latest landscape proposal, an update will be provided on this at Planning Committee.

EXTERNAL

3.6 Heworth Planning Panel - Object on the grounds that the proposed building is overpowering in scale and inappropriate in design to its surroundings.

3.7 30 letters of objection have been received from local residents. A summary of the content of these letters is presented below:

- the proposed design is incongruous;
- the proposed dwelling would dominate the approach to the residential area and is out of keeping with the character of the area;
- the proposed design is industrial in appearance and does not fit with traditional houses in the area;

- the proposal is flat roofed whereas all other houses in the area have pitched roofs;
- the proposed white facade would stand out on what is a prominent site within the street scene;
- the proposed house is a monstrosity and an eyesore;
- the proposed building would appear overbearing due to its size, design and location close to the footpath;
- the proposed house would be seen from across the stray and would spoil existing views towards the existing traditional residential area;
- the proposed dwelling would overlook neighbours (3 Elmfield Terrace, 52 Westlands Grove and 2 and 4 Straylands Grove);
- a new dwelling on this site is acceptable but it should be one which matches the character of the area;
- the Beech tree should not be removed to make way for the proposed house;
- the proposed house would distract drivers on this busy road;
- any noise generated during construction would be detrimental to local residents;

4.0 APPRAISAL

4.1 Key Issues:

- Impact on the Street Scene
- Neighbouring Amenity
- Highways

4.2 The Application Site - Straylands Grove is a residential street off Malton Road and is unallocated 'white land' on the Local Plan Proposals Map. Many of the dwellings on Straylands Grove are detached. There is no defined building line at this end of Straylands Grove with the dwellings set back from the road with lengthy front gardens. The surrounding streets of Elmfield Terrace, Willow Grove, Westlands Grove, and Elmlands Grove are higher density predominantly semi-detached dwellings. The application site itself is a corner plot which is visually prominent. Access into 1 Straylands Grove is opposite Elmfield Terrace. 1 Straylands Grove has a generous sized plot relative to other dwellings on the street.

4.3 Relevant Planning Policy - Local Plan Policy CYH4a (Housing Windfalls) states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission, in accordance with SP10, where:

- a) the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings;
 - b) the site has good accessibility to jobs, shops and services by non-car modes;
- AND
- c) it is of an appropriate scale and density to surrounding development, and
 - d) it would not have a detrimental impact on existing landscape features.

4.4 Local Plan Policy GP10 (Subdivision of gardens and infill development) states that planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character and amenity of the local environment.

4.5 Local Plan Policy GP1 (Design) states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 Since the previous planning applications for a new dwelling have been approved on this site, national planning guidance has changed with the introduction of the National Planning Policy Framework (NPPF). The NPPF removes gardens from the definition of previously developed sites, however this does not mean that development of new houses in existing gardens is necessarily unacceptable. The NPPF encourages Local Planning Authorities to create policies resisting inappropriate development in residential gardens, for example where development would cause harm to the local area. Given that there is an extant planning permission on this site (permission expires December 2013) and that local planning policies on new residential developments in gardens has not changed since the previous permission, it is considered that the principle of development is acceptable.

IMPACT ON THE STREET SCENE

4.6 Approved application 07/00761/FUL was for a two storey house of relatively traditional character and appearance with the proposed materials being consistent with those used in the surrounding area. The approved application 10/01717/FUL was for a part single and part two storey house of contemporary design and materials choice. The proposed dwelling under consideration within this application continues the theme of contemporary design from the most recent approval. The application site is not within a conservation area or located within the immediate vicinity of listed buildings. Therefore it is not considered that any proposed new dwelling has to be of the same style as existing properties in the area which were built during a different era. However, the proposal should be considered in terms of whether it makes a positive contribution to the street scene.

4.7 In terms of design the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that Local Plans should create policies which respond to local surroundings and materials, but crucially not preventing or discouraging appropriate innovation as a result of good architecture and appropriate landscaping. The NPPF goes on to say that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

4.8 The proposed house is contemporary and modern in appearance. The predominant materials used externally are white cladding, brick and timber panels. Whilst these materials are used in a modern way on the proposed dwelling, they are not dissimilar to existing materials in the area. The ground floor of the proposed house would predominantly be constructed of brick. The applicant wishes for this brickwork to be similar in colour, size and texture to that commonly found in the area. The use of white render is less common in the area but there are notable examples of its use, most significantly on the south elevation of the existing house at 1 Straylands Grove and at first storey level on the front of dwellings on Elmfield Terrace. These dwellings sit either side of the application site. The application proposes use of timber cladding at first storey level; this is not a common feature on other houses in the area. However, clearly timber is a natural product which would weather down and become more naturalistic in appearance over time. The use of timber cladding is understood to have been selected to help the dwelling settle into its setting more successfully given its location close to the stray and the extensive timber fence which runs around the application site. The proposed house is bold and modern and does not follow the more traditional style of houses in the area in terms of its shape and fenestration details, however it is considered that the applicant has considered the surrounding context and selected a palette of materials which are used in the area but then adapted them to create a modern design. The applicant wishes to construct a house which is clearly of its time rather than replicating existing development which was constructed decades earlier.

4.9 The proposed dwelling is bold and striking and sits within a prominent corner plot which acts as the entry point to a substantial residential area. Undeniably the dwelling proposed would stand out; the use of white render would draw the eye to the dwelling. Modern dwellings in traditional settings often generate local opposition from residents who do not wish to see the character of their area changed or have modern design imposed in an area. However, national and local planning policies do not require new residential developments to be the same as those existing. At national level design which is innovative and original is promoted, good design and architecture is encouraged. Local distinctiveness should to be reinforced.

Modern design can divide opinion and it is clear from the consultation exercise that a number of local residents are concerned about the development of a dwelling of such design within this location. However, through pre-application discussions and further adaption of the design during the application process, the Councils Architect believes that the proposed scheme is of good quality and would positively contribute to the character of the area. Much of the success of such a building comes down to detail, therefore a number of conditions are recommended controlling such details as well as building materials. This would ensure a good quality finish to the proposed building.

4.10 Local Planning Policies require new developments to respect the local area and be of a suitable scale and mass. The proposed dwelling is of marginally lesser footprint than the most recent planning application which was approved. The height of the proposed building is a little taller than recently approved, but sits below the eaves height of 1 Straylands Grove and is significantly lower in height than the approved application 07/00761/FUL. The two storey part of the house has been moved closer to the footpath of Straylands Grove than the previous approval. Whilst this makes the dwelling more visually prominent from the street, it also has a significant benefit of pulling the dwelling away from 1 Straylands Grove which allows greater scope for views of this property which has some architectural merit and was constructed in around 1830. The proposed dwelling would appear subservient to the host house on this plot. In order to help to soften the appearance of the modern design and to help it to bed more successfully into the surroundings the applicant is proposing new landscaping. The submitted plan shows three new Silver Birch and one Norway Maple trees to the north of the proposed house (two existing trees to be removed) and three new Silver Birch trees close to the south west corner of the house adjacent to the site boundary with Straylands Grove. Three existing fruit trees to the south of the proposed house would be retained as would one Holly tree to the north which would provides valuable evergreen foliage. It is considered that once established that the proposed trees in addition to the existing trees would significantly reduce the visual prominence of the proposed house. Views of the dwelling on the approach towards the site from either side of Straylands Grove would be limited by the landscaping with glimpses through created. The main view of the proposal would be afforded when parallel to the site. It is considered that the proposed landscaping would help to bed the development into the area and reduce its visual prominence. The landscaping also has the benefit of creating a green setting as one enters the housing area from the stray.

4.11 In terms of design, specialist officer comments are summarised in paragraph 3.4. A dwelling of modern design has been approved on this site previously and this permission remains live and could be implemented at any point up until December 2013. The previous application contained a mono pitched roof constructed of zinc. The materials proposed for the walls were brick and timber, as proposed within this application.

Bringing the house closer to the road than previously approved undoubtedly increases its prominence, however the Council's Architect believes the current proposal has greater architectural merit and also provides more space around the host house at 1 Straylands Grove. The applicant has modified the application since the objections were received from local residents. These changes consist of more timber cladding replacing previously proposed zinc, a reduction in the amount of glazing to reduce its visual prominence during darkness, a small reduction in size of the building, and an increase in landscaping within the site. It is considered that the proposed workshop and car port would not be visually prominent and therefore would not have a significant impact on the street scene. It is Officer opinion that whilst the proposed house is of contrasting style, sufficient emphasis has been put on respecting the site context and its links with the surrounding area to not be harmful to the character and appearance of the area. The proportions of the proposed house respect the traditional character of the area and would not dominate it.

IMPACT ON NEIGHBOURING AMENITY

4.12 North of the site is stray land. To the west is 1 Elmfield Terrace. The side elevation of 1 Elmfield Terrace is a blank wall and this faces across Straylands Grove and towards the proposed house. The rear garden of 1 Elmfield Terrace is approximately 15 m away and it is not considered that the proposed house would have any significant impact on the level of amenity enjoyed within the dwelling or garden of 1 Elmfield Terrace. Likewise the rear of dwellings at 1 to 5 Willow Grove and the front of 2 and 4 Straylands Grove are in excess of 25 m away and the impact on these properties would not be significant.

4.13 The two storey element of the proposed house is located approximately 9.5 m from the existing dwelling at 1 Straylands Grove at its closest point. At ground floor level the proposal is approximately 5m away at the nearest point. The previously approved application was closer to 1 Straylands Grove at two storey level. Both the proposed house and 1 Straylands Grove would have south facing gardens and thus would enjoy a significant amount of natural light. It is not considered that the outlook into the rear garden of 1 Straylands Grove would result in a significant loss of privacy for neighbours. The proposed east elevation of the house contains three windows at first storey level, all of these would be obscure glazed and would be used to light a staircase. Openings at ground floor level would not significantly impact on neighbouring amenity given the 1.6m high close boarded timber fence would separate the curtilages. A condition would be required to be added to any approval to ensure that no new openings are added to the east elevation in order to ensure that privacy is maintained at 1 Straylands Grove and within the proposed house and also ensuring that proposed windows within the first storey of the east elevation are obscure glazed.

HIGHWAYS

4.14 The applicants are proposing enclosed and secure storage for four bicycles. Car parking is provided within the car port for two cars which is within maximum car parking standards. A separate access is proposed for the proposed house to that used by 1 Straylands Grove. Highway Network Management has raised no objections to the proposed development or access arrangements. A condition is recommended whereby the surface material of the hard standing is approved to ensure that a suitable bonded surface is used. Refuse and recycling bin storage is proposed within the rear garden with a separate access gate provided within the boundary fence to allow easy access to the roadside.

SUSTAINABILITY

4.15 A sustainability statement was submitted with the application. The statement confirms that the proposal would achieve at least a Level 3 rating within the Code for Sustainable Homes assessment. A condition is suggested to ensure that the development meets this level as it is a requirement for new small scale residential developments as outlined in the Sustainable Design and Construction interim planning statement.

DRAINAGE

4.16 The submitted drainage information does not comply with the required standards. However, the Flood Risk Management is confident based on the submitted information that a suitable drainage and attenuation system could be installed to meet the required standard. Therefore, a condition should be included with any approval to ensure a suitable drainage system is agreed and subsequently installed.

5.0 CONCLUSION

5.1 The principle of a new dwelling in this location has been established with the previous permissions. Whilst the concerns of the neighbours in relation to the contemporary appearance of the dwelling are noted, the design and materials proposed are considered to have sufficient regard to the surrounding area to ensure there would be no significant harm to the street scene or the amenity of neighbours. The specialist officer (architect) advises that the current proposal has greater merit than that previously approved. Taking into account all other relevant considerations as set out above; the proposed dwelling is considered to be acceptable in this location.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following revised plans received by The CoYC on 11/05/12:-

Proposed Floor Plans and Red Line Boundary (100)-01

Proposed Elevations and Sections (100)-02

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows, doors, or other openings other than those shown on the approved plans shall be inserted into the east elevation of the house at any time. The openings hereby approved within the east elevation shall be obscure glazed, to be achieved through translucent glazing interlayer film or acid etching and not fully obscured painted/film glazing.

Reason: In the interests of the amenities of occupants of the adjacent residential property.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. For the purpose of agreeing bricks a sample panel shall be erected on site. Timber cladding shall be

carried out with a 'secret fixing' construction. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

6 Large scale details (at a scale of 1:20) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- full external wall sections

- glazing framing details

- any external building lighting

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

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

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

8 Prior to the commencement of development, details of the material to be used in the construction of the access into the site and hardstanding area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved details, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

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

Reason: To protect the amenities of adjacent residents.

11 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

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

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

13 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 L1c of the City of York Draft Local Plan.

The alternative arrangements for Condition 9 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 £2836.

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.

14 Following completion of the development and prior to first occupation of the dwelling a Code for Sustainable Homes 'Post Construction Stage Assessment' and final certificate shall be submitted to the Local Planning Authority demonstrating that the development has achieved at least a Level 3 rating. Should the development not achieve at least a level three rating a separate statement shall be submitted to and approved in writing by the Local Planning Authority highlighting what works are to be carried out to bring the development up to the required sustainability standard and when these works are to be carried out.

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

15 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

16 Notwithstanding the information contained on the approved plans, the maximum height of the approved development shall not exceed 6.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

17 Prior to the commencement of development details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

Application Reference Number: 12/00140/FUL

Item No: 5c

a. Peak surface water run-off from the development to be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas from 1 Straylands Grove). Storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

b. Construction details of the storm water attenuation tank.

c. Construction details of Hydro-brake outfall manhole restricting surface water discharge to a maximum of 1.7 l/sec to be constructed downstream of attenuation tank.

d. Details of future management / maintenance of the proposed drainage system.

All works shall be carried out in complete accordance with the approved details.

Reason: To ensure proper drainage of the development.

18 The workshop shown on the approved plans shall be used solely for purposes incidental to the enjoyment of the dwelling house and not for commercial purposes.

Reason: To protect the amenities of adjacent residential occupants.

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, and positively addresses the site circumstances, with particular reference to:

- Impact on the Street Scene;
- Neighbouring Amenity;
- Highways;
- Sustainability; and
- Drainage

As such the proposal complies with Policies GP1, GP4a, GP10, L1c, and H4A of the City of York Development Control Local Plan.

2. INFORMATIVES

CONTAMINATION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. CONTROL OF POLLUTION ACT

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

- (a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (b) All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.
- (c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (e) There shall be no bonfires on the site.

Contact details:

Author: Michael Jones Development Management Officer

Tel No: 01904 551339

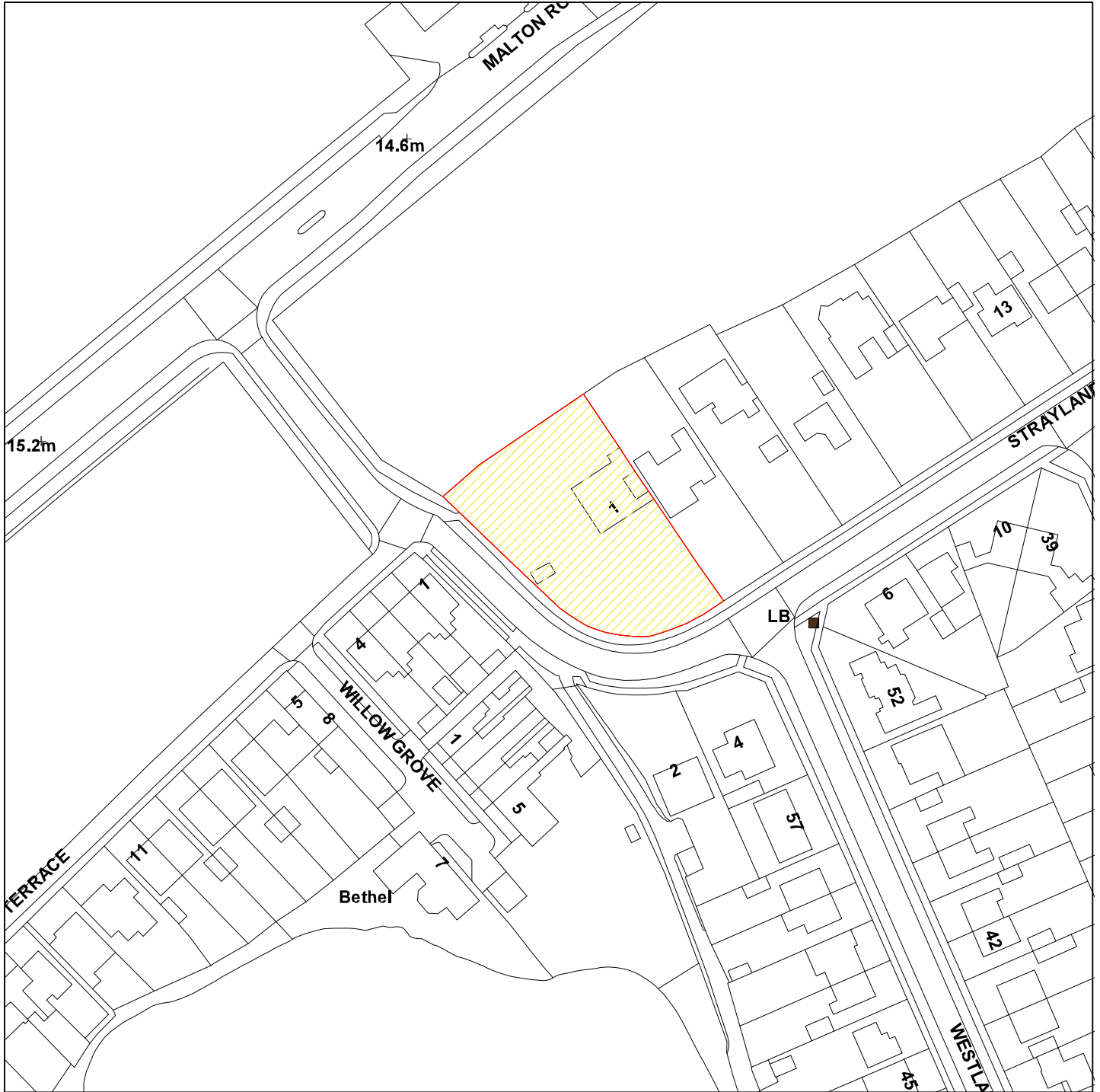
Application Reference Number: 12/00140/FUL

Item No: 5c

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12/00140/FUL

Site Adjacent to n.o. 1 Straylands Grove



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	25 June 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 July 2012

Ward: Strensall

Team: Major and
Commercial Team

Parish: Earswick Parish Council

Reference: 12/01059/FUL

Application at: 238 Strensall Road York YO32 9SW

For: Part retention of existing building and alterations to create single storey dwelling (revised scheme)

By: Mr and Mrs R Binns

Application Type: Full Application

Target Date: 9 May 2012

Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is for the retention of the existing building with alterations to remove the first storey to create a single storey dwelling. A two storey residential building is present on the site which does not have planning permission.

1.2 The site is within the City of York Green Belt as defined on the Proposals Maps. The site is outside the domestic curtilage of 238 Strensall Road, on land to the rear of the property. There is a dilapidated piggery and a static caravan in close proximity.

1.3 The dwelling has been constructed on the site of a previous outbuilding. The submission states the outbuilding had a larger footprint than the proposed building; however an application submitted in 1992 indicates a smaller footprint. This is confirmed by aerial photographs and OS maps. It would appear that that if there was ever a larger building on the site, then part of it had been demolished for some time. From a previous application (3/35/32B/FA - 1992) the one and two storey outbuilding had a footprint of 5.4 metres by 7.7 metres, at its tallest point it was 6 metres (the roof height ranged from 4.4 to 6 metres). The plans show the proposed building to have a footprint of 10.6 metres by 6.6 metres, although the previous two applications indicate a footprint of 10.8 metres by 6.8 metres (not including the staircase) and the agent has confirmed an area of 73 sq m. The application is to remove the first storey and to retain the ground floor and footprint, rather than demolish the building. The altered building would be 5.4 metres in height. The increase in footprint is approximately 77% over that of the previous outbuilding which was 172 cubic metres in volume. The proposed building would be 290 cubic metres (the agent states a figure of 288.5 cubic metres), an increase of 68.5% (67.3%) in volume over the demolished outbuilding.

1.4 The dwelling/annex has all the facilities for independent living, the existing garden curtilage has not been shown on the plans and the red line has been drawn tightly around the building. Whilst the garden is not referred to in the Planning Statement, Figure 2 does show a garden curtilage still present.

1.5 There have been two previous applications for a two storey residential building on this site. Both applications (11/02102/FUL and 11/03175/FUL) were refused on the same grounds: inappropriate development in the Green Belt and its visual impact. The previous application (11/03175/FUL) came before the committee on 2 February 2012. The latter application together with an enforcement notice is the subject of an ongoing appeal.

1.6 This application differs from the previous applications in that the first storey has been removed; and the garden curtilage may have been removed. The previous application offered to remove the partially collapsed piggery; however this has not been put forward in this application. However as with the previous application the applicants have offered to remove the caravan. The caravan appears to have been on the site for some time although it is not shown in the 2007 aerial photographs of the site. The caravan has a degree of permanency by virtue that it has its own enclosed garden. No application for planning permission for the change of use of the land for the siting of a caravan has been received.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYSP2
The York Green Belt

CYGP1
Design

CYGP4A
Sustainability

CGP15A

Development and Flood Risk

CYGB1

Development within the Green Belt

CYGB6

Housing devt outside settlement limits

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 ENVIRONMENTAL PROTECTION UNIT - No objections

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

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.3 EARSWICK PARISH COUNCIL - No comments

3.4 APPLICANT SUBMITTED 3 LETTERS OF SUPPORT FROM NEIGHBOURS
- No detriment to residential amenity
- Improvement on the previous building

3.5 APPLICANT SUBMITTED 2 LETTERS FROM THE STRENSALL MEDICAL SURGERY
- Confirming the personal circumstances of the applicants son

3.6 1 LETTER OF COMMENTS FROM THE NHS COMMUNITY RECOVERY TEAM
- Confirming the personal circumstances of the applicants son
- Finding alternative accommodation may cause a relapse
- The workshop aids rehabilitation

4.0 APPRAISAL

RELEVANT SITE HISTORY

4.1 11/03175/FUL - Erection of two storey live/work annex (retrospective) (resubmission) - Refused, for the following reasons:

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

4.2 This application is subject to an ongoing appeal.

4.3 11/02102/FUL - Erection of two storey live/work annex (retrospective) - Refused, for the following reasons:

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

4.4 97/00256/FUL - Renewal of change of use and alterations to agricultural building to form one holiday cottage with associated parking and access - Approved

4.5 3/35/52B/FA (1992) - Change of use and alterations to agricultural building to form 1 holiday cottage with associated parking and access - Approved

4.6 3/35/52A/FA (1991) - Change of use and alterations to agricultural buildings to form 5 holiday cottages with associated parking and access - Refused, for the following reasons:

'The proposed development fails to comply with policy H16 of the Draft Southern Ryedale Local Plan regarding conversion of redundant rural buildings to alternative uses and would thereby result in a scheme which would be alien to the quality of the existing buildings on this prominent site and the rural character of the area in general'

'The land lies within the Green Belt for the City of York wherein there is a presumption against any new development other than for agricultural, forestry or recreational purposes, or other uses appropriate to such area, or where there are overriding special circumstances. These criteria have not been met in this case'

4.7 This application was subject of Appeal APP/D2728/A/91/196539/P5 - Part dismissed and part allowed, the development allowed was the conversion of stable/store to one holiday cottage (14.04.1992). There was a condition placed on the decision that the building be used as a holiday let only.

KEY ISSUES

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

ASSESSMENT

4.8 The site is within the City of York Green Belt. The National Planning Policy Framework (NPPF) sets out the purposes of including land within Green Belts including to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment. The protection of the Green Belt is one of the core planning principles of the NPPF (Para 17). The NPPF states the types of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. The NPPF sets out the situations where development that is not inappropriate development in the Green Belt these include: the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces; and limited infilling or the partial and complete redevelopment of previously developed sites,

whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including within it than the existing development (Para 89). The NPPF states that the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. The NPPF sets out the 5 purposes of the Green Belt (Para 80) these are: to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.9 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. However the Coalition Government has made clear its intention to pursue the revocation of Regional Strategies and s.109 of the Localism Act 2011 grants powers to the Secretary of State to revoke the RSS which is a material consideration. The NPPF states that the general extent of Green Belts across the country has already been established. The extent of the Green Belt is detailed on the Proposals Map of the City of York Council Development Control Local Plan.

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

4.11 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

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

4.13 The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan and this site clearly falls within the Green Belt. Policy GB1'Development in the Green Belt' reflect advices in the NPPF and the superseded PPG2 in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special

circumstances would be required to justify where the presumption against development should not apply.

4.14 The proposed dwelling does not comply with the type of development listed as appropriate within the Green Belt set out in the NPPF or Policy GB1. In addition it fails to comply with the purposes of including land within the Green Belt by resulting in encroachment of development into the Green Belt. As such the proposal constitutes inappropriate development. Very special circumstances must, therefore, be demonstrated to show that the harm to the Green Belt and its purposes is outweighed by other considerations. In order to address this, the agent has outlined the personal circumstances of the occupant. These are that the applicant's son has a mental illness which justifies the retention of the proposed dwelling. The information submitted indicates that the applicant's son is required to live in close proximity for his continuing health and moving from the proposed dwelling may cause a relapse. The position is supported by two letters from the Strensall Medical Practice and a letter from the NHS Community Recovery Team. Whilst there is sympathy for the applicant's case the personal circumstances are not considered to be very special circumstances that overcome the presumption against inappropriate development in the Green Belt. There is particular concern that the permanent nature of the development is likely to long outlast the personal circumstances of the applicant. It is considered that the needs of the applicant could be met by a less permanent form of development which could be removed from the site when the circumstances no longer apply.

4.15 The applicants have also stated that they would accept the removal of the caravan. As previously discussed the caravan has a degree of permanency, no application for planning permission has been submitted for its siting. Whilst the removal of the caravan is considered beneficial, it is considered to have little material weight as it is in any event unauthorised, and without sufficient justification is unlikely to gain planning permission.

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

4.17 As the development is considered to be inappropriate development within the greenbelt and the personal circumstances of the applicants' son could not be considered in planning terms to be very special circumstances that would overcome this presumption against development in the Green Belt, the imposition of a personal condition would overcome the presumption against development in the Green Belt. As with an annex condition discussed above, when imposing such a condition the full lifetime of the building has to be considered, not just the requirements of the present occupiers. If and when the applicants move away from the site, it would be difficult to refuse the removal of such a condition, resulting in a dwelling in the Green Belt that would not normally have been granted planning permission and in conflict with green belt policy. Government advice contained within DoE Circular 11/95 ("The Use of Conditions in Planning Permissions") recognises that there will be occasions where it is proposed exceptionally to grant permission for the use of a building or land for some purpose that would not normally be permitted, because there are strong compassionate or other personal grounds for doing so. In such a case the permission should normally be made subject to a condition that it shall ensure only for the benefit of a named person, usually the applicant. However, Circular 11/95 cautions that a personal occupancy condition will scarcely be justified in the case of permission for the erection of a permanent building, as in this case. For this reason it is highly likely that such a condition would be removed on appeal to the Secretary of State.

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

4.19 The proposed dwelling, by virtue of its larger size than the previous outbuilding clearly impacts on the openness of the Green Belt. The design of the building is urban, which is incongruous within its rural surroundings. In addition the location of the dwelling does not accord with the prevailing character and pattern of development in the area, which is predominantly linear development. As such it fails to comply with Policies GB1 and GP1 of the City of York Development Control Local Plan. The granting of permission could also weaken the Council's case in seeking to prevent erosion of the local character and the Green Belt's status by virtue of opening up the gardens and paddocks to the rear of the dwellings along Strensall Road to development. Although it is recognised that each application is dealt with on a case by case basis it would become more difficult to resist further such development.

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

5.0 CONCLUSION

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

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

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

7.0 INFORMATIVES:

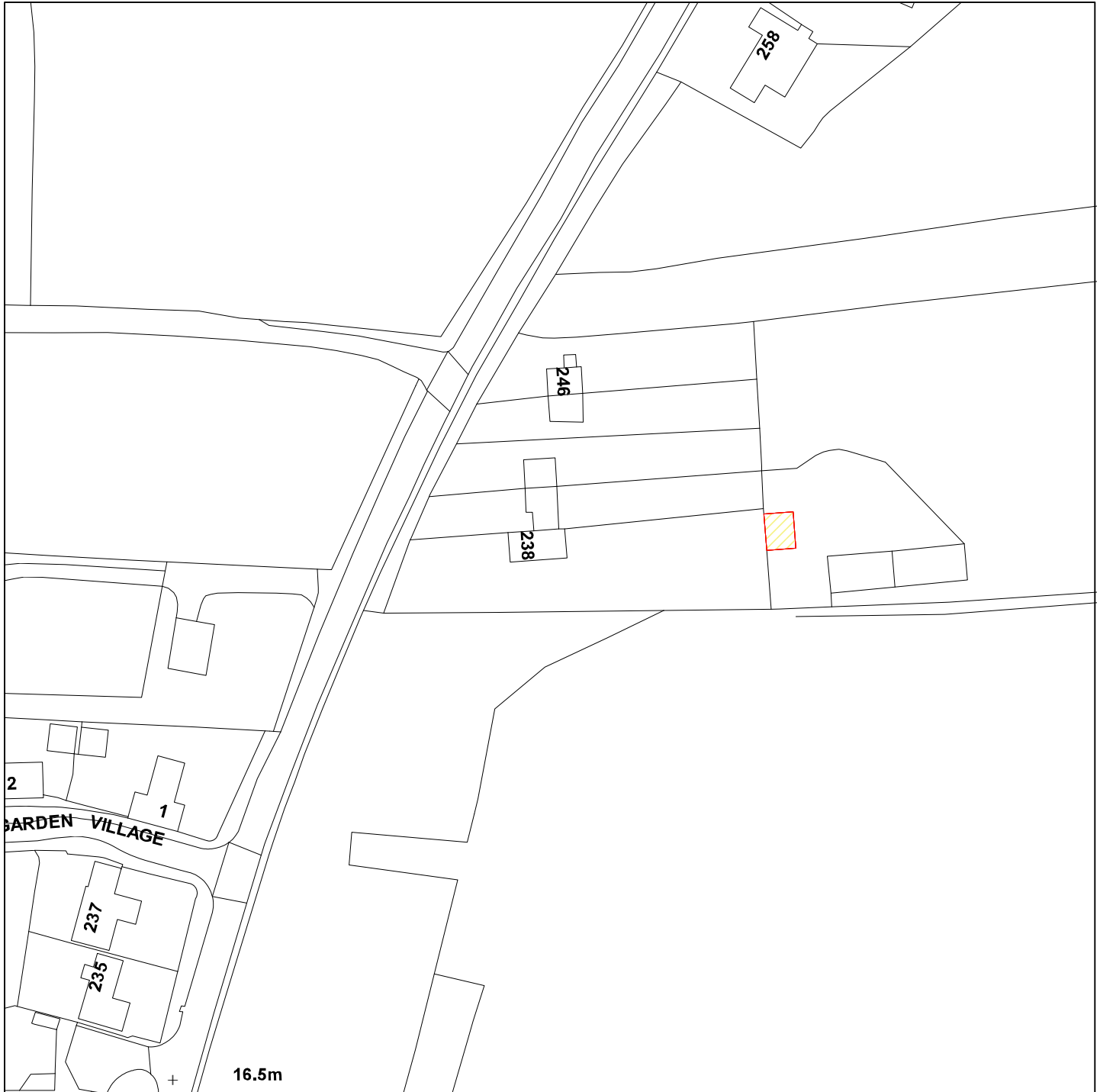
Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

12/01059/FUL

238 Strensall Road



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	25 June 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 July 2012
Team: Householder and Small Scale Team
Ward: Haxby And Wigginton
Parish: Haxby Town Council

Reference: 12/01153/FUL
Application at: 29 Sandringham Close Haxby York YO32 3GL
For: Single storey rear extension with replacement attached garage to side and canopy to front
By: Mr P Brown
Application Type: Full Application
Target Date: 29 May 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for a single storey rear extension, with replacement attached garage to side and canopy to front, at a detached bungalow at 29 Sandringham Close, Haxby.

1.2 Relevant property History: None.

1.3 Note: This application has been called in to committee by Councillor Richardson. The reasons given mirror the concerns aired by the neighbour at no 31 Sandringham Close (outlined below).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None

3.2 External

3.2.1 Haxby Town Council - 2nd May 2012 - No objections, subject to neighbour's concerns about drainage.

3.2.2 Neighbour Response - One letter of objection received from no 31 Sandringham Avenue 01.05.2012. Concerns raised were; loss of daylight and sunlight into the kitchen window resulting from the 'high dark brick wall'; impact on over half of the rear garden; impact on health due to loss of natural light; the presence of a drain which straddles the shared side boundary of no 31 Sandringham Avenue and the application site.

4.0 APPRAISAL

4.1 Key issue(s): Effect upon neighbouring property and the street scene

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

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

4.4 The Application Site - This application seeks consent for additional living accommodation in the form of wrap around extension to side and rear. It also proposes a canopy to front. The proposal incorporates a replacement attached garage; sitting room; and a sun room to rear. The replacement garage does not meet Highways standards; however there is adequate off-road parking on the front driveway. The proposal raises no issues in terms of cycle, or refuse storage.

4.5 Impact on the Street Scene - The side/rear extension will be visible from Sandringham Close. However the design, scale and choice of materials means it will not impact adversely on the street scene. The modest, ornate canopy is a design feature which, if anything, will add to the visual quality of the street scene.

4.6 Impact on Neighbouring Properties - In terms of no 27 Sandringham Close; the rear element will be set back approx 1.0m from the shared side/rear boundary. The projection to rear will be approx 4.0m and there are no windows indicated on the facing side elevation. Given the modest height of approx 2.8m to eaves, there are no serious problems in terms of overshadowing, over-dominance, or loss of privacy. In terms of no 31 Sandringham Close; the key issue is the massing on the shared side boundary, and impact on windows to its facing side elevation. In this case the permitted development fallback position would allow for massing right up to the shared boundary, though it would require a marginal set back beyond the existing rear boundary. Additionally under permitted development the height to ridge would be 4.0m rather than the proposed approx 4.8m. So a very similar extension could in fact be built without requiring planning permission. The impact on the neighbouring property's side kitchen window, will be mitigated by the approx 4.8m set back of the extension from the front elevation. This will allow a significant corridor of light through to this window, and in addition, early morning sunlight.

4.7 Drain Straddling Shared Side Boundary - This constitutes a Building Control issue. An informative will be added to any consent, notifying the applicant to contact this section prior to any commencement of development.

5.0 CONCLUSION

5.1 As outlined above, the proposal is considered to be acceptable in planning terms , and so approval is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

250-03 - 250-04 - Received 21st March 2012.

Application Reference Number: 12/01153/FUL

Item No: 5e

Page 3 of 4

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

3 VISQ1 Matching materials -

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposed single storey side and rear extension, and front canopy; subject to conditions listed above, would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Draft Local Plan.

2. The approved development may impact on a drain which straddles the front/side boundary of the application property and that of no 31 Sandringham Close. The applicant is advised to contact the City of York Council Building Control Team (01904) 551354, prior to the commencement of development.

Contact details:

Author: Paul Edwards Development Management Assistant

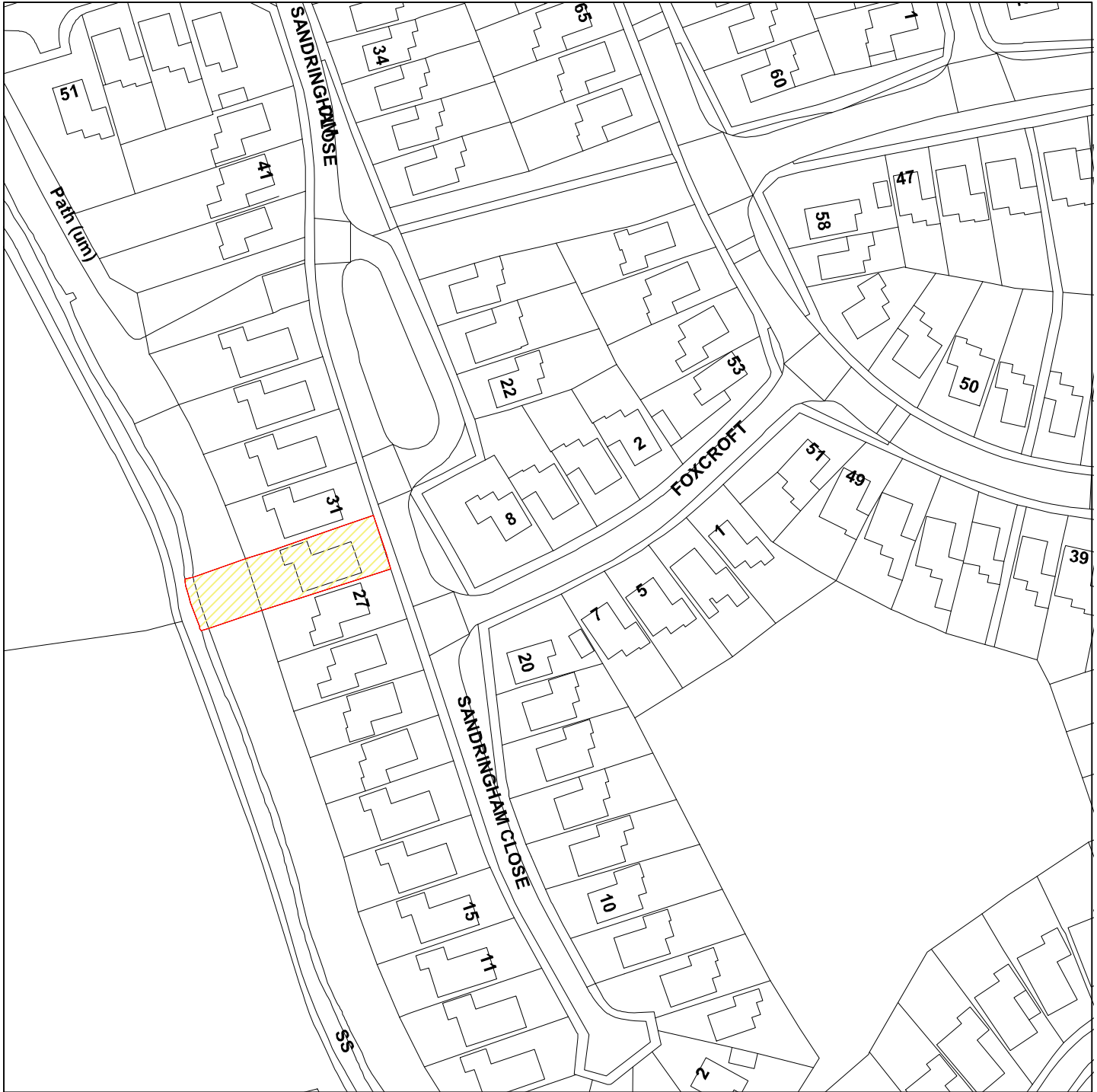
Tel No: 01904 551642

12/01153/FUL

29 Sandringham Close



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	25 June 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 July 2012 **Ward:** Huntington/New Earswick
Team: Householder and Small Scale Team **Parish:** Huntington Parish Council

Reference: 12/01461/FUL
Application at: 72 The Old Village Huntington York YO32 9RB
For: Two storey rear extension (resubmission)
By: Mr Thackray
Application Type: Full Application
Target Date: 18 June 2012
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application property is a mid-terraced cottage located in Huntington Conservation area.

1.2 It is proposed to erect a part two-storey and part single-storey extension to the rear of the property. The two storey extension projects 2.35m. The single storey extension projects a further 1.3m. The property currently has a single-storey rear extension that projects around 1.5m. This is to be demolished.

1.3 In February 2012 a planning application to erect a longer rear extension at the property (12/00009/FUL) was refused using delegated powers. The reason for refusal was as follows:

'The proposed full height two-storey rear extension projects 4m beyond the original rear building line of the property and is located immediately on the side boundary (south) of 74 The Old Village. It is considered that the height, length and proximity of the extension is such that it would unduly dominate and overshadow the rear first floor living accommodation and rear external amenity space of number 74 and create a structure which is out of scale with the original cottage and its densely developed location. As such it is considered that the proposal conflicts with policy GP1 (criterion b and i) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.'

1.4 The application is brought to Committee as the applicant is employed by the City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Huntington CONF

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYH7
Residential extensions

CYGP1
Design

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Conservation - No objections.

3.2 External

Parish Council - No objections.

Neighbours:

Residents at 74 The Old Village - object for the following reasons:

1. The two-storey extension would reduce light to an already dark house and be overbearing.
2. Overshadowing of small rear garden.
3. Noise due to thinness of party walls.
4. The property/area already has inadequate car parking.
5. The roof should be slate rather than pantiles.
6. The extension will have a greater impact than the schemes refused at 78 The Village.
7. Concerns regarding neighbours accessing the site through garden.
8. Concerns that the extension is being built on land owned by 74.

Case Officer response - points 1, 2, 4 and 5 are considered in the appraisal. Points 3, 7 and 8 are civil matters or can be addressed through building regulations. The applicant has stated that they believe all of the development is on land within their ownership. Point 6 relates to the major re-configuration and extension of 78 The Village that was granted consent in 2007 after being previously refused. It is not considered that this has a bearing on the current planning application.

76 The Old village - object due to loss of privacy in garden and overshadowing. Disagree that the extension is sufficiently oblique to avoid harm.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The impact on the street scene/conservation area.
- The impact on neighbours' living conditions.
- Parking and storage.

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

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

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

4.5 The NPPF (chapter 12, paragraph 132) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.6 Local Plan Policy HE3 states that proposals in Conservation Areas will only be acceptable where there is no adverse impact on the character and appearance of the area.

THE IMPACT ON THE STREETSCENE/CONSERVATION AREA

4.7 The proposed extension would not be unduly prominent from public areas. It will be partly set against an existing two-storey extension. The feeling of space between 74 and 76 The Old Village will remain as will views of trees within the rear gardens. The property is unusual in that the front roofslope is clad in slates and the rear is in pantiles. It would seem sensible to use pantiles for the rear extension roof.

THE IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.8 It is noted that a two-storey extension was approved at number 70 in 2003 (03/03596). This extension is around 3.5 metres long at its longest part; however it has been stepped back to around 2.1m immediately adjacent to number 72.

4.9 The two-storey element of the extension that is subject to this application would project 2.35m past the first floor windows of number 74 and around 1m past the ground floor openings. The nearest ground floor opening serves a bathroom. The mid-point of the ground floor kitchen window is around 3m from the extension. This is considered adequate separation to avoid undue harm; this room also has an opening to the side. It is considered that the level of projection of the two-storey extension past the ground floor off-shoot of number 74 is now so modest that the overall impact on the patio and small garden in respect to light and dominance will be minimal.

4.10 The key issue is the impact of the two storey extension on the first-floor bedroom window of number 74.

4.11 The mid-point of the window is set in approximately 2.35m from the side elevation of the two-storey extension. The extension projects around 2.35m. The extension has been designed so that it complies with what is often termed the '45 degrees rule'. The 'rule' is not used in any approved guidance by the Council, however is useful in assessing whether a proposal would unduly harm daylight and outlook. On balance, it is considered that the proposal would be acceptable in this respect. In having regard to this consideration is given to the fact that the impacted window is relatively wide and the eaves height of the proposed extension is reasonably low.

4.12 As the extension is to the south consideration must also be given to the impact on sunlight. If the extension was approved it would be expected that the bedroom would receive direct sunlight in the early morning, however, direct summer sunlight would start to be blocked from around 9.00 a.m. onwards. It would be expected that during late morning during the Spring and Summer months the sun would rise above the extension and still reach the bedroom window.

4.13 The first floor rear bedroom of the application property was visited to assess the impact that the two-storey extension to number 70 had on their light on outlook. It was felt by the case officer that the outlook and light levels were still good when in the bedroom and the extension was not unduly dominant.

4.14 The single storey element of the proposed extension is modest and not considered to be such to cause undue harm. It would project past the off-shoot of number 74 by around 2.2m.

4.15 It is considered that the extension is sufficiently oblique to 76 the Village to avoid undue harm to the living conditions in the house. Elevations in number 76 that face the application property have no significant openings. There will be a little additional overlooking of the garden of 76, however, much of the small external area will remain screened.

PARKING AND STORAGE

4.16 The application property retains adequate garden space. The property has a small parking space for one car in the front garden. The proposed works increase the number of bedrooms from 2 to 3. On balance it is considered that the parking arrangements are adequate to meet the needs of the property given the location is within relatively close proximity to a range of shops, schools and services. There is also some on-street parking available in the vicinity.

5.0 CONCLUSION

5.1 For the reasons set out in this report it is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

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

Drawings dated April 2012 received by the Local Planning Authority on 20 April 2012.

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

3 VISQ1 Matching materials -

7.0 INFORMATIVES: Notes to Applicant

1. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<http://www.communities.gov.uk/publications/planningandbuilding/partywall>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

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 effect on residential amenity, car parking, the impact on the street scene and conservation area. As such the proposal complies with Policy GP1, H7 and HE3 of the City of York Development Control Local Plan.

Contact details:

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

Tel No: 01904 551352

Application Reference Number: 12/01461/FUL

Item No: 5f

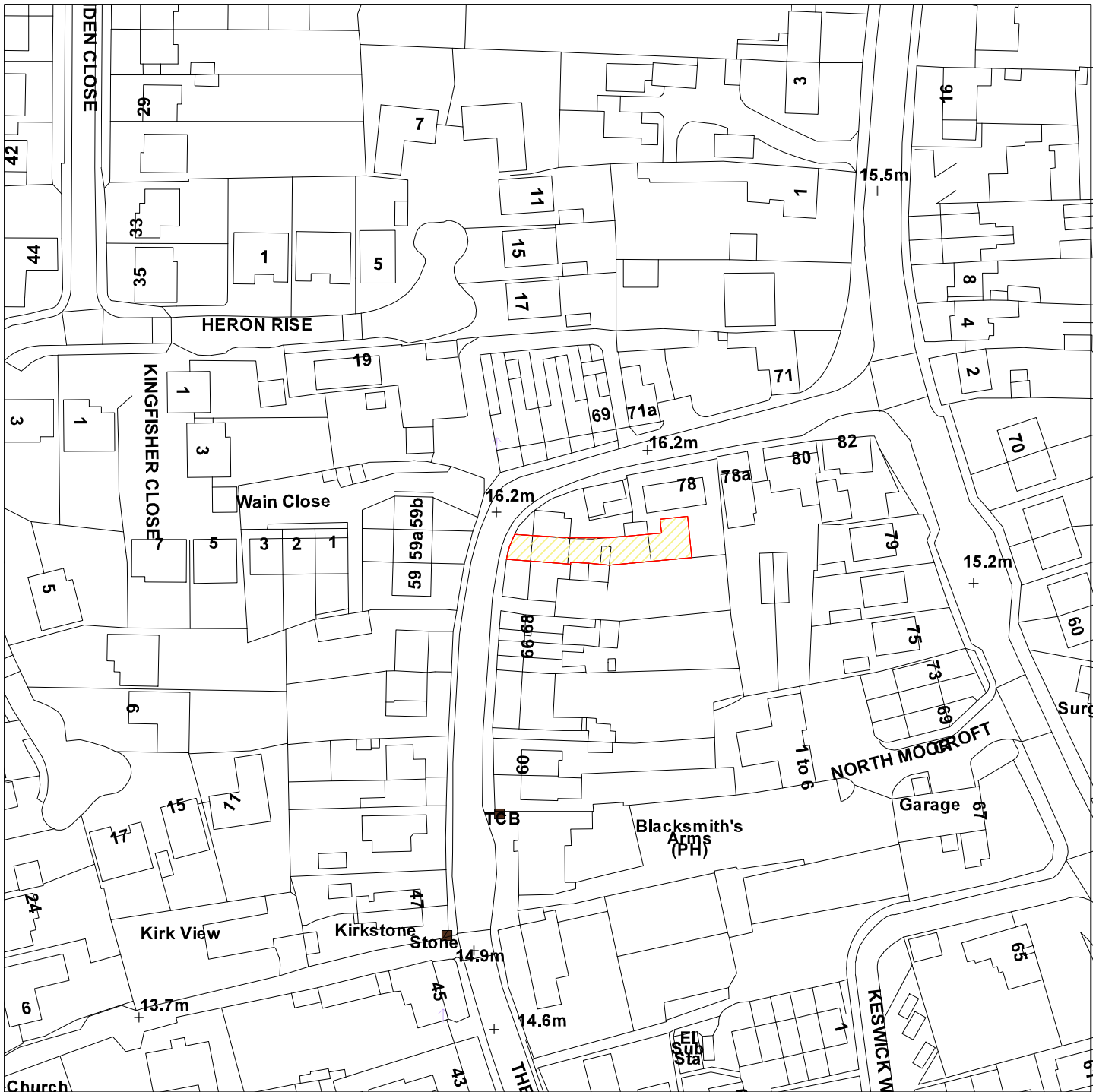
Page 6 of 6

12/01461/FUL

72 The Old Village, Huntington



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	25 June 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 July 2012
Team: Householder and Small Scale Team
Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 12/01963/FUL
Application at: 1 Hazelwood Avenue Osbaldwick York YO10 3PD
For: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
By: Mr Mark Ramsey
Application Type: Full Application
Target Date: 17 July 2012
Recommendation: Approve

1.0 PROPOSAL

THE PROPOSAL:

1.1 This application seeks planning permission to convert a four bedroom single occupancy dwelling house (Use Class C3) into a four bedroom house in multiple occupation (HMO) (Use Class C4). The application site is a detached single storey dwelling comprising of flat roof dormer window on the rear roof slope and three velux roof lights on the principal roof slope. The property is set back from the public domain and occupies a side driveway leading to a pitched roof detached garage. The rear garden is enclosed in a 1.8 metres close boarded fence. The surrounding neighbourhood consists of similar properties set behind a strong building line. The predominant treatment of the front boundaries consists of walls, with garden planting and front lawns and infill planting.

PROPERTY HISTORY:

1.2 There is no relevant property history documented at this property.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL:

3.1 City Development - There are no policy objections to the principle of development. However consideration should be given to the protection of the character of the area and the amenity of local residents.

EXTERNAL:

3.2 Osbaldwick Parish Council - raises objection in principle to the establishment of any further HMO'S.

3.3 Neighbour notification was sent on 06.06.2012 the 21 day notification period expires on 09.07.2012. One objection received from the owners of the John Wright Electrical Services Ltd, 14-16 Farndale Avenue stating the potential additional off street parking could raise problems for access into the commercial building.

3.4 Any further comments received up to the end of the consultation period will be up date at the committee meeting.

3.5 This application has been called in to the East Area Planning Sub Committee by Councillor Mark Waters on the basis of neighbour amenity and parking problems.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;

4.2 The NATIONAL PLANNING POLICY FRAMEWORK (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 SUPPLEMENTARY PLANNING DOCUMENT -Controlling the concentration of Houses in Multiple Occupancy. This document was approved by Cabinet Members on 15 April 2012. This guidance has been prepared in connection with an Article 4 Direction that City of York Council placed on all houses within the defined urban area, bringing within planning control the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4). The new SPD advises applications for change of use from dwellings to HMO's will be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying Council Tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.4 DRAFT LOCAL PLAN POLICY CYH8 - "Conversions". Where a material change of use has occurred, for properties changing use from C3 (dwelling house) to the new use class C4 (H.M.O). Policy H8 sets out the current criteria in conjunction with the new (SPD) by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

4.5 DRAFT LOCAL PLAN POLICY CYH8 CYGP1 states that development proposals will be expected, amongst other things, to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 DRAFT LOCAL PLAN POLICY CYH8 CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

PRINCIPLE OF CHANGE OF USE:

4.7 The application site lies within a sustainable location in an established residential area. The property is a convenient distance from local amenities and good transport links to the city centre. The proposed layout of the property would continue the two existing bedrooms of the ground floor and two existing bedrooms within the roof space. This would leave a communal kitchen, living room and bathroom on the ground floor and shower room on the first floor. Furthermore, there is an ample sized enclosed rear garden, which can be used, as outdoor amenity space.

4.8 Information received from the Council's Integrated Strategy Team has confirmed that Hazelwood Avenue falls within a neighbourhood area where 3.6% of properties are shared houses. Within 100m of the property there are no shared houses. As such, in accordance with the provisions of the Draft HMO SPD the neighbourhood and street level threshold have not been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of should also be undertaken. In view of the details provided it is considered that the principal of a change of use is acceptable in this location.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA:

4.9 The internal and external layout is suitable for four occupants in terms of providing a reasonable level of residential amenity. The property has a detached garage, which appears large enough to accommodate a vehicle and bicycle and bin storage. In addition the side drive way provides ample off street parking which could accommodate two cars. The surrounding neighbourhood is characterised by a mixture of single storey well spaced detached dwellings along with traditional semi detached dwellings, located in close proximity to a local supermarket and small business. On balance it is not considered the proposal has a negative effect on the residential character of the area.

MANAGEMENT PLAN

4.9 The applicant has submitted supporting information described as a maintenance plan to protect the amenity of the adjacent occupiers. The supporting information has stated that there would be two off street parking places for up to four cars as well as cycle storage in the garage and rear garden shed. In addition arrangements for garden maintenance / grass cutting of the garden area are to be undertaken by the applicant. The implementation of a comprehensive management plan would be required and can be controlled by condition, which would provide an opportunity for any problems that may arise to be referred to the applicant. The occupiers are required to adhere to the plan at all times.

RESIDENTIAL AMENITY:

4.10 The occupiers of the building on the opposite road to the application site known as John Wright Electrical Services Ltd, 14- 16 Farndale Avenue have expressed concerns regarding the possibility of increased levels of on street parking blocking access to the rear of this commercial building. Whilst it is appreciated that there is the potential of additional cars to the property, the applicant has demonstrated that a maintenance plan is in proposed to deal with such issues as on street parking. It is also the case that a private car park to the rear of the commercial building accommodates the vehicles associated with the Electrical Contractors. In addition, there are no car parking restrictions on Hazelwood Avenue and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass.

4.11 The applicant has supplied appropriate plans that clearly demonstrate the property would provide adequately sized accommodation suitable for four occupants. On this basis it is not considered the proposed change of use would have a detrimental impact on adjacent residential amenity or amenity of the occupiers of the local businesses opposite the application site.

5.0 CONCLUSION

5.1 The dwelling is considered to be a sufficient size to accommodate four people. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Plans dated 21.05.12

3 Prior to the dwelling being occupied a management plan shall be agreed in writing with the Local Planning Authority to demonstrate the control of the following:

i) Information and advice to residents

ii) Garden maintenance

iii) Refuse and recycling collections

iv) Property maintenance issues

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

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A-H of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

7.0 INFORMATIVES:

Contact details:

Author: Sharon Jackson Development Management Assistant

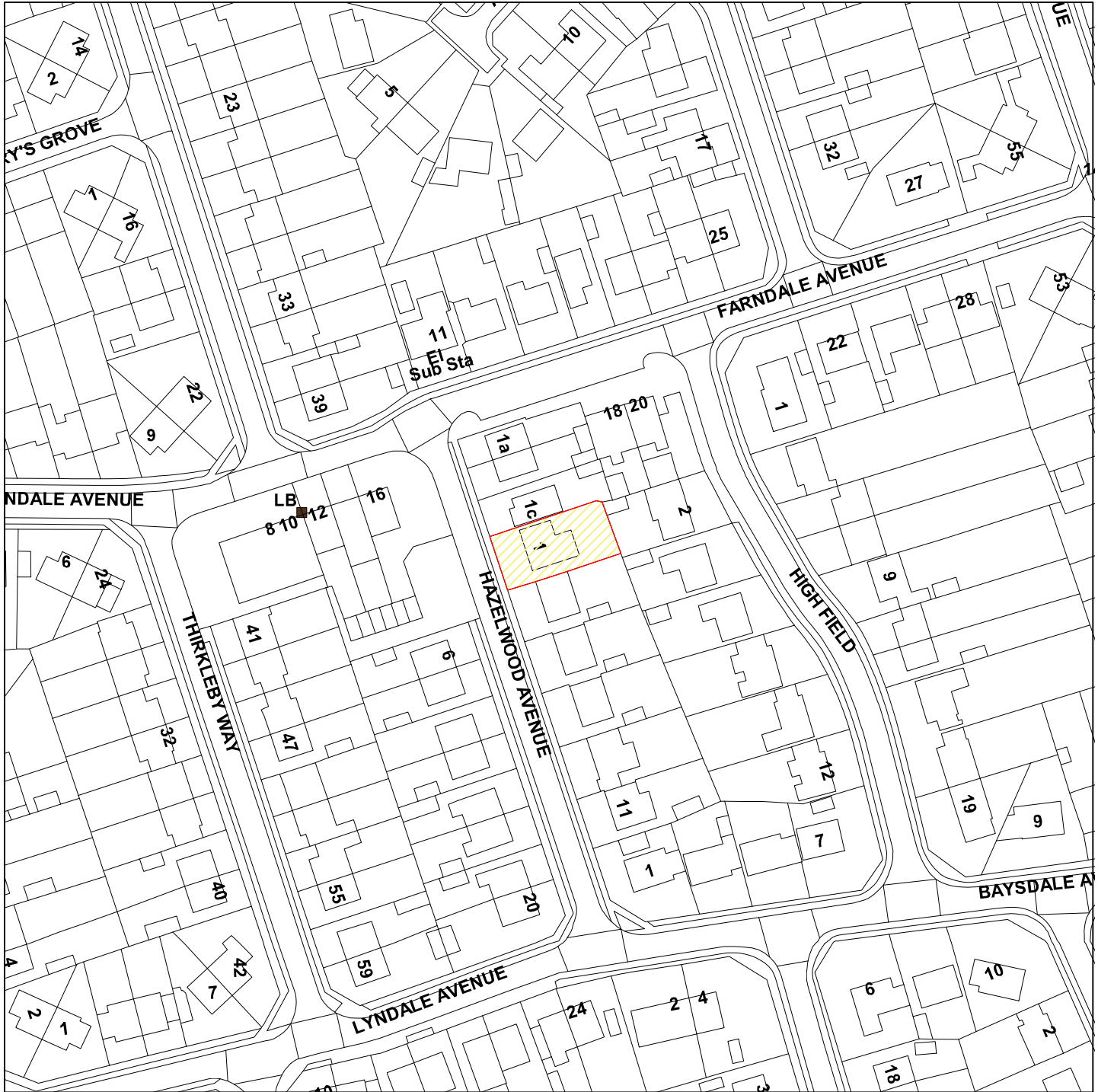
Tel No: 01904 551359

12/01963/FUL

1 Hazelwood Avenue



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	25 June 2012
SLA Number	Not Set

Ms Sharon Jackson
Development Management Assistant
East Area Planning Sub-Committee.

41 Thirkleby Way
Osbalwick
York YO10 3QA

Sub-Committee Meeting 5th July 2012 / 1 Hazelwood Avenue Osbalwick York YO10 3PD.

Dear Ms Jackson

Would you please find enclosed, a petition signed by residents in or around the near vicinity of 1 Hazelwood Avenue Osbalwick which is of course having an application considered by Thursdays East Area Sub-Committee meeting for change of use from dwelling house (Use Class C3) to a house in multiple occupancy (Use Class C4). I think you will find its contents self explanatory.

It was my intention to attend the meeting on Thursday in order to speak on behalf of the petition but unfortunately, a domestic health problem has now rendered that impossible, hence this letter.

As you may well know, Osbalwick Parish Council (myself included) have not been favourably inclined to the new percentage approach towards dealing with the uncontrolled gallop of multiple lets on the east side of York fearing that it will not, as suggested, aid control and distribution of landlord and university driven HMO's but indeed prove to be an enabler or facilitator making life easier and simpler for officers and committees to just nod through complex difficult applications. The belief is that all applications need to be considered on their own merits however much more work this may involve for the administration. All we see the percentage system doing is ensuring that one fifth of the family housing stock in Osbalwick is consumed by multiple occupancies with all the frightening social consequences that involves!

You know, and I assure you I am in no way trying to impress or name drop, back in the sixties and seventies I worked on various committees within the house of commons (as a national trade union officer) and learnt much of the committee workings and procedures of the Labour Movement from people such as Denis Healy, Michael Foot and Tony Benn. I tell you the foregoing just to explain that I am not a complete novice when it comes to these matters.

However all this is an aside when it comes to the issue of 1 Hazelwood Avenue, the petition is from and on behalf of our local residents who are in the direct line of fire arising from whatever decision our East Area Sub-Committee may arrive at. I would suggest that this decision may prove the acid test? facilitator or control? nod through or consideration of the merits of the case in question? We shall see!

Thanking your goodself and the committee for your kind forbearance and in anticipation of a fair and just decision.

Yours faithfully

Laurie Pye.

We the signatories to this letter wish to express the gravest of concern at the possibility of our East Area Planning Sub-Committee may grant planning permission for 1 Hazelwood Avenue to be converted into four bedroom house in multiple occupation (HMO) (Use Class C4).

Irrespective of percentage guide levels regarding the distribution of HMO's throughout York, the property in question could have disastrous consequences for those of us living in close proximity to 1 Hazelwood Avenue. The property is situated immediately opposite the entrance to a very busy Electrical Contractors car park and loading yard in what is a very narrow street. At certain times of the day, there can be fifteen to twenty vehicles attendance with vans coming and going, more often than not to load up with materials. This is particularly true from 7-0 am with the result that those living in the premises directly opposite this entrance have great difficulty getting their own vehicles out of their drives.

Any multiplicity of vehicles at this address should it be converted to HMO status would be a disaster. We have two HMO's in the next street Thirkleby Way who's tenants (at the time of writing) own nine vehicles between them, many of which are left on the street or on the grass verges most of the day. Any similar situation in this area of Hazelwood Avenue would bring the bring matters to a standstill. We think you will find that paragraph 3.3 of the agenda report makes this very point.

Having read the full report by Development Management Assistant Sharon Jackson is presents the case for recommending approval to the Sub Committee as a trouble free simple nod-through issue. Quite honestly we are at a complete loss as to how this comes about. We can only conclude that officers visited the site at the quietest part of the day when everyone is out working but that is not when the problems arise. Also, there are other factors in play here that are not touched on! For instance just around the corner of this busy T/Junction are a very is a sizeable Sainsburys Store, a Hair Salon and a Chinese Takeaway. All these provide additional vehicles that have to park away from this triple junction and commercial and shopping area.

We sincerely implore the committee to turn this application down on the basis of the foregoing factors and not lumber us as Council Tax paying residents of Osbaldwick with yet another major problem to futher disrupt our community.

PS: We have drawn up a colour coded map for your guidance but will have to get those to you on the day of the meeting via the good offices of our Ward Councillor Mark Warters.

Joyce & Rodger Helme	55 Thirkleby Way
Alan and Lynne Triffitt	2 Highfield Avenue
Lynsay Lamb	55 Tranby Avenue
Dennis & Elaine Green	47 ThirklebyWay
Laurence & Audrey Pye	41 Thirkleby Way
Eva & David Wormold	24 Thirkleby Way
Cyril Turvey	1c Hazelwood Avenue

Jean Alderon	3 Hazelwood Avenue
Nelly & Michael Sanderson	14 Hazelwood Avenue
Phillip & Karen Oliver	43 Thirkleby Way
Valerie Todd	28 Thirkleby Way
Chris & Julie Sowerby	39 Thirkleby Way
Brian & Alison Souter	1 Highfield Avenue
Robert & Denise Peel	15 Farndale Avenue
Patricia Sorrell	11 Farndale Avenue
Sean & Geraldine Robinson	1b Highfield Avenue
Craig Wedge & Clair Gregson	57 Thirkleby Way
Peter & Joanna Graham	40 Thirkleby Way
Alan & Anne King	29 Thirkleby Way
Bill & Jean Robertson	7 Farndale Avenue
Norman & Margaret Rice	4 Highfield Avenue

1a/1b/1c HAZELWOOD AVE. 11
WOULD BE ISOLATED.

12/01963/FUL

1 Hazelwood Avenue

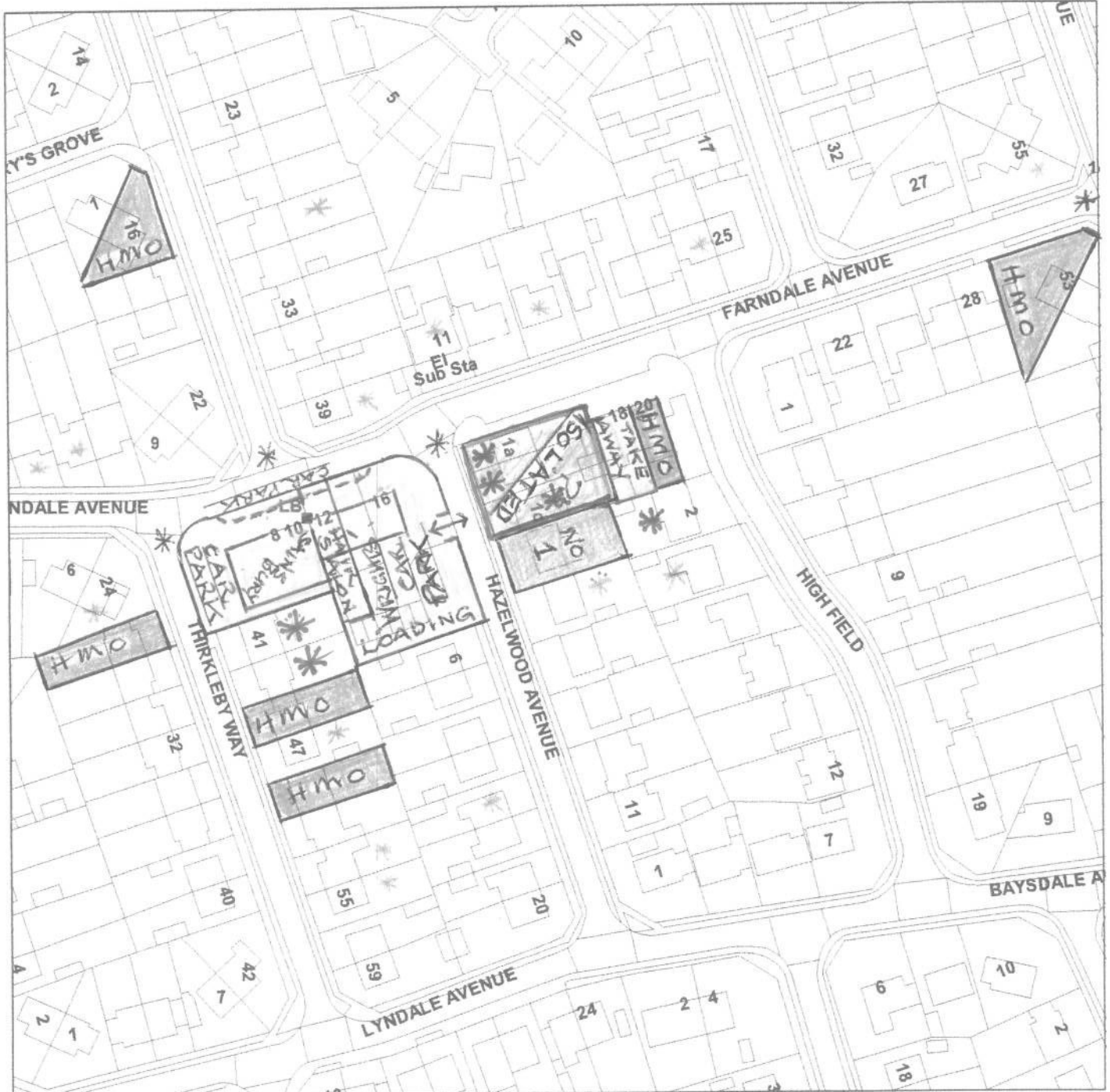


HMO's
PROPOSED HMO
BUSINESS PREMISES & PARKING AREAS
OBJECTORS TO PROPOSAL

* VERY BUSY ROAD JUNCTIONS



AGENDA ITEM SG) 1 HAZELWOOD AVENUE - HANDED OUT AT MEETING



THE HMO AT NO. 20 FARNDALE AVE IS JUST SOME 85 METERS FROM NO 1 HAZELWOOD AVE. Scale: 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	25 June 2012
SLA Number	Not Set



East Area Planning Sub-Committee

5th July 2012

Report of the Director of City and Environmental Services

Enforcement Cases - Update

Summary

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

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

6. 57 new cases were received for this area within the last quarter, 43 cases were closed and 339 remain outstanding.

Following the last quarter's record number of received cases (114) the new cases are slightly below the normal quarterly average although many of that previous high number are still being worked on.

To update members on staffing levels in the team, Tim Goodall started work with us as a temporary full time enforcement officer on June 11th. This contract runs until the end of September when the position with the secondment of officers to Union facility time will either be renewed for a further period or will come to an end. In the meantime Tim will be covering enforcement cases across the city and it is expected that this will significantly help with the situation in the east area of the city which does currently have the majority of the outstanding enforcement cases.

There are 103 Section 106 monitoring cases outstanding for this area after the full payment of 2 financial obligations in this quarter. These have brought in a total of £3628 of outstanding financial contributions attached to developments in the east area. Letters have gone out on some other developments where the contributions are now required and responses to these are awaited.

We currently still have 3 pending prosecutions for the failure to comply with enforcement notices which are currently with legal services and they have been in correspondence with the relevant parties. In this quarter we have served 2 enforcement notices with a further one drafted ready for service for which authorisation was signed some weeks ago. We have also received authorisation for 4 further notices during the last quarter and instructions are in the process of being sent over to legal services for the preparation of the notices.

Consultation

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

Options

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

The Council Plan 2011-2015

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

10. Implications

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

11. There are no known risks.

Recommendations.

12. That Members note the content of the report.

Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if Members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Matthew Parkinson or Alan Kendall by 5pm on Wednesday 4th July 2012. Please note that the cases are now presented in Parish order so hopefully this will make it easier for members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at

the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

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

Contact Details

Author:

Matthew Parkinson
Planning Enforcement
Team Leader.

Tel. No: 551657

Dept Name: **City and
Environmental Services.**

**Chief Officer Responsible for the
report:**

Michael Slater

Assistant Director (Planning and
Sustainable Development)

**Report
Approved**



Date 22/6/2012

*Chief Officer's name: Michael Slater
Title: Assistant Director (Planning and
Sustainable Development).*

**Report
Approved**



Date 22/6/2012

Specialist Implications Officer(s) *List information for all*

Implication ie Financial

Name

Title

Tel No.

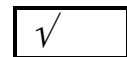
Implication ie Legal

Name

Title

Tel No.

Wards Affected: *All Wards*



For further information please contact the author of the report

Background Papers:

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

Report to Area Sub-Committee in July 2010 – Enforcement Cases
Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 1, 2, 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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