

**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, 6 September 2012

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Members please note that as there is only one site visit the coach has not been booked. Officers will be travelling to the site using pool car(s).

If you require transport to the site, please attend the main reception area at 9 St Leonards Place at 10am on Wednesday 5 September 2012. **Do not go to Union Terrace car park.**

1. Declarations of Interest

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

2. Minutes

(Pages 4 - 12)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 9 August 2012.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 5 September 2012 at 5.00pm**.

4. Plans List

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

- a) **55 Rawcliffe Lane, York. YO30 5SJ** (Pages 13 - 18)
(12/02484/FUL)

This application relates to an amendment to a previous planning permission granted in December 2011 (Ref: 11/02797/FUL) for a two storey side and single storey rear extension, on a detached dwelling at 55 Rawcliffe Lane, Clifton Without.

The application has been called to Committee for a decision by Councillor J. Watt due to concerns over a proposed balcony on the rear extension being constructed without planning permission and further concerns regarding privacy.[Skelton, Rawcliffe and Clifton Without] **[Site Visit]**

- b) **Tyree, 97 York Street, Dunnington, York.** (Pages 19 - 40)
YO19 5QW (12/01840/FUL)

This application seeks planning permission for the erection of four dwellings with associated gardens, new site access and pond extension.

This revised application has been brought before East Area Planning Sub-Committee at the request of Councillor Brooks on the grounds of highway safety and inappropriate and uncharacteristic development density at the entrance to the village. [Derwent]

- c) **Manor Park, Sheriff Hutton Road, (Pages 41 - 48)**
Strensall, York. YO32 5TL (11/02460/FUL)

This application is for the retention of a show lodge and siting of fourteen 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]

5. **Urgent Business**

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

Democracy Officer:

Name- Judith Betts

Telephone – 01904 551078

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

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

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

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Scrutiny Committees

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

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

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EAST AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 9th September 2012**

Members of the Sub Committee will be travelling to the site using pool cars.

If transport is required please meet at 9 St Leonards at 10 am on Wednesday 5 September 2012.

TIME (Approx)	SITE	ITEM
10:10	55 Rawcliffe Lane	4a)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	9 AUGUST 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, KING, MCILVEEN, CUTHBERTSON, FIRTH, WARTERS, CUNNINGHAM-CROSS (SUBSTITUTE FOR COUNCILLOR WATSON) AND BOYCE (SUBSTITUTE FOR COUNCILLOR FUNNELL)
APOLOGIES	COUNCILLORS WATSON AND FUNNELL

11. INSPECTION OF SITES

Site Visited	Attended by	Reason for Visit
Howards of Clifton	Councillors Boyce, Cuthbertson, Douglas, Galvin, McIlveen, and Warters.	As an objection has been received and the officer recommendation was to approve.
House of James, Stamford Bridge Road	Councillors Boyce, Cuthbertson, Douglas, Galvin, McIlveen, and Warters.	As objections have been received and the officer recommendation was to approve.
Tyree, 97 York Street, Dunnington	Councillors Boyce, Cuthbertson, Douglas, Galvin, McIlveen, and Warters.	At the request of Councillor Brooks.

12. MINUTES

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 5 July 2012 be approved and signed by the Chair as a correct record.

13. DECLARATIONS OF INTEREST

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

14. PUBLIC PARTICIPATION

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

15. 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.

16. HOUSE OF JAMES, STAMFORD BRIDGE ROAD, DUNNINGTON, YORK. YO19 5LN (12/01259/FULM)

Members considered a major full application (13 weeks) from the House of James Transport for the erection of an extension to cover an existing loading area (retrospective).

Officers provided the following update.

- Paragraph 4.5 of the report which refers to Dunnington should read Elvington.
- In Condition 1 Drawing Ref: BS2870-02 Rev F should be substituted for BS2870-02 Rev A.
- Condition 3 to be amended
- Condition 4 to be amended
- New Condition 5 with regard to parking of vehicles on site

Representations were received from the agent in support of the application. She advised Members that this was an established commercial site with a long history of use as a warehouse. She explained that if approved, the application would allow her client to provide a secure all weather loading and unloading area which was vital for a long term contract as an intermediate distribution centre. She confirmed that very special circumstances had been demonstrated and accepted. The extension would infill the existing building complex and any impact on the openness of the green belt is deemed to be marginal.

Members acknowledged that the landscaping of the hard standing area was included as a condition of the approval.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended and new conditions below.

Amended Condition 3

Notwithstanding the application details hereby approved, full details of the fencing, landscaping, including a planting schedule and phasing and bunding, including, spot heights, details of material and sections shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission. The development shall thenceforth be undertaken in strict accordance within 56 days of the date of this permission.

Reason:- To protect the openness and visual amenity of the Green Belt and to secure compliance with York Development Control Local Plan Policies GB1 and GB11.

Amended Condition 4

The turning area hereby authorised and illustrated on Drawing Ref:- BS2870-02 Rev F shall be provided within 56 days of the date of this permission and shall be kept free from obstruction at all times thereafter.

Reason:- To protect the openness of the Green Belt and to secure compliance with Policies GB1 and GB11 of the York Development Control Local Plan.

New Condition 5

At times when the depot is not in operation no more than 4 HGVs or associated trailers shall be parked within the area hatched to the south west of the building complex illustrated on Plan Ref:-BS2870-02 Rev F and no other external parking shall take place other than within the yard area directly adjacent to and to the north east of the building complex.

Reason:- To secure the openness of the Green Belt and to secure compliance with Policies GB1 and GB11 of the York Development Control Local Plan.

REASON: The proposal, subject to the conditions listed in the report and the amended and new conditions above, would not cause undue harm to interests of acknowledged importance. In particular, it is considered that the potential harm to the Green Belt by reason of inappropriateness is outweighed by other considerations, specifically the safeguarding of local employment and economic growth. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GB11 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

17. TYREE, 97 YORK STREET, DUNNINGTON, YORK YO19 5QW (12/01840/FUL)

Members considered a full application from MDL Land Ltd and Mrs K Wheeler for the erection of four dwellings with associated garages, new site access and a pond extension.

Officers provided the following update.

- An email has been submitted by Cllr. Brooks outlining her objections to the application. This was circulated to Members by email and by hard copy at the meeting. It raised the following concerns.
 - Development would have detrimental effect on the character of the entrance to the village.
 - Sub division of gardens is contrary to Dunnington Village Design Statement
 - Development would not respect or enhance 95 York Street nor area which it is proposed to develop
 - Development would not respect form, layout and density of development in the area.
 - It would cause increase in traffic onto York Street at an already difficult junction – moving entrance westward increases the danger of east bound traffic waiting to turn in being shunted from the rear by a vehicle coming over the blind summit of bridge at speed.

- The Parish Council object to the proposed development on the following grounds:
 - Poor visibility in all directions.
 - The cluster of junction exits which are already in place around the application site makes it unreasonable to add any additional access points, the original enlarged access was reasonable but would impact on pedestrian traffic of the route popular with children going to school.
 - The railway bridge fencing was erected by Dunnington Parish Council, the amended proposals involve disturbing such features yet there has been no advance notice from any party involving the applicant**.
 - *A response to this point has been submitted by the applicants. The response states that the bank in question is within the ownership of the applicants and that the fence line is owned and maintained by the Highway Authority. Regardless, Officer's advise that land ownership issues are not a material*

consideration in the determination of planning applications and weight should not be given to such issues.

- The Chair of Dunnington Village Design Statement has submitted objections in terms of the proposal being contrary to Policy HE3 and GP10 of the Local Plan as the proposal would seriously detract from the quality, semi-rural undeveloped character, and delightful entrance to the village. The proposal is a subdivision of a garden which would be detrimental to character and amenity of the environment.
- Objections have also been raised regarding the access, these objections are along the same lines as objections previously raised and summarised in the Committee Report. The letter also outlines that the Village Design Statement seeks to preserve open spaces and encourage the retention of larger garden plots.

Officers advised Members that proposed condition requires the development to be a maximum of 8.2m high. However, for reasons of flood risk the finished floor level of the houses may need to rise a little. Therefore it is suggested that the maximum height should be 8.6m. Officers consider that this increase in height would not harm the character and appearance of the area.

Representations were received from the Chair of the Dunnington Village Design Statement in objection to the application. She made the following comments:-

- Road in front of no 97 falls within the conservation area – the proposed development would materially alter the road.
- Sub division of garden plots should not be allowed.
- Concern regarding flooding due to drainage/sewage issues in the area.
- Concerns over traffic turning into/off York Road from proposed access road. Hold ups could lead to accidents due to blind summit of bridge.

Representations were received from Dunnington Parish Council who circulated a plan to Members at the meeting. He raised concerns over the increasing volume of traffic on York Road and the impact of this on the proposed development. He stated that a speed survey undertaken two years previously had shown that 49% of vehicles were speeding on entering the village and 55% speeding leaving the village over the blind summit of the bridge. He also expressed concerns over drainage on the site.

Representations were received from the applicant's agent in support of the application. He advised the Committee that this was a small scale, low density scheme. Proposed houses on plots 1-3 would be well away from existing houses and the proposed house on plot 4 would be well screened. Mature landscaping on the site would be retained with additional planting on northern boundary. With regard to the new vehicular access proposed, City of York Highways officers have confirmed this is in accordance with national guidelines.

Discussion took place regarding the choice of location of the vehicular access road onto York Road. City of York Council Highways officers advised that the additional traffic generated would be very low. They acknowledged that there was a perceived safety issue but when sightlines were assessed, the location of the proposed access road conformed with national guidelines.

With regards to foul and surface water drainage on the site and concerns raised over possible flooding, Members noted that proposed condition 7 required details to be provided and approved by the council.

Members accepted that the land was suitable for development although some raised concerns over the layout at end nearest bridge on the grounds that it does not necessarily fit in with existing buildings due to hipped roofs.

They expressed serious concerns in relation to the proposed location of the access road. Members acknowledged that the sightlines adhered to national guidelines however they agreed that there was too great a potential for accidents due the combined effect of the proximity of the proposed junction to the blind summit of the bridge, the fact that traffic does not adhere to speed limits and the effect of the slope.

They agreed that further consideration should be given to establishing a safer location for the access road.

RESOLVED: That the application be deferred to a future meeting.

REASON: In order that further discussion can take place between council officers and the applicant with regard to establishing a safer location for the access road.

18. HOWARDS OF CLIFTON, 61 CLIFTON, YORK. YO30 6BD (12/01807/FUL)

Members considered a full application from Mrs Nelson for the change of use from a hairdressers (use class A1) to a mixed use retail bakery/cake shop and tearoom.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance with particular reference to the loss of a retail use, the control of food and drink uses, the impact on the character and appearance of the conservation area, highway issues, cycle parking and neighbour amenity. The application therefore complies with the overall aims and objectives of the National Planning Framework and policies GP1, S6, S9, T4, HE2 and HE3 of the City of York Local Plan.

19. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2012 and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That the content of the report be noted.

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

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 3.10 pm].

COMMITTEE REPORT

Date: 6 September 2012 **Ward:** Skelton, Rawcliffe and Clifton Without
Team: Householder and Small Scale Team **Parish:** Clifton Without Parish Council

Reference: 12/02484/FUL
Application at: 55 Rawcliffe Lane York YO30 5SJ
For: Two storey and single storey rear and side extensions (amended scheme) (retrospective)
By: Mr Nigel Courtis
Application Type: Full Application
Target Date: 7 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to an amendment to a previous planning permission granted in December 2011 (Ref: 11/02797/FUL) for a two storey side and single storey rear extension, on a detached dwelling at 55 Rawcliffe Lane, Clifton Without. The extension varies from that which was originally approved in that a first floor balcony has been incorporated outside one of the bedrooms, at the rear of the property. This application seeks to regularise the situation.

1.2 The application has been called to Committee for a decision by Councillor J. Watt for the following reasons:

1. This is an unacceptable attempt to bypass the due process, which resulted in planning permission for an extension without a balcony in December 2011.
2. The balcony which I understand has been constructed without planning permission will still adversely affect the amenity of number 57 Rawcliffe Lane in that:
 - a. I have been advised by the resident at No 57 that the balcony enables an overview of the No 57 garden over an area where an existing screening - willow tree is likely to have to be removed in future to avoid drain damage.
 - b. The proposed screen panel at the side of the balcony intended to screen the view of the neighbouring bedroom is insufficiently robust to be considered permanent.

- c. There is a considerable and unacceptable difference between being able to see casually into a neighbouring garden from an upstairs window and having a balcony on which you can sit and 'intrusively' view into a neighbour's private amenity space

1.3 Note: This is a revision of approved scheme ref. 11/02797/FUL.

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

Schools GMS Constraints: Clifton Without Junior 0189

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal - None

3.2 External

Clifton Without Parish Council - 13/08/2012 - Note should be taken of neighbours concerns and the completion of investigations into the recently taken enforcement action.

Neighbours - The occupant of no 57 Rawcliffe Lane has not written in response to this application but did object to the previous application ref; 11/1797/FUL - on the grounds of loss of privacy from the proposed balcony.

The neighbour at no. 53 asks why in the amended plans there have been no details of the alteration to the playroom and bedroom wall that is adjacent to our property.

4.0 APPRAISAL

4.1 Key Issues

- Impact on neighbours

The relevant policies and guidance:

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 Draft Local Plan Policy CYH7 - states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

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

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

4.6 The vast majority of the extension has already been authorised by virtue of the planning permission granted in December 2011. That application originally incorporated a first floor balcony that was subsequently removed from the plans due to concerns over the privacy of the neighbouring property at 57 Rawcliffe Lane.

However, during the construction process, a balcony was constructed served by double door from one of the first floor bedrooms, although in a different position to that which had originally been proposed. Being at the rear, the new proposals have no material impact on the streetscene.

4.7 Impact On Neighbouring Properties - In terms of 53 Rawcliffe Lane, the balcony is not considered to have a material impact as it is for the most part screened by the "L" shape of the two storey extension. It is understood that further changes have been made to the configuration of the extension adjacent to this property. This is under investigation and further clarification is being sought from the applicant/agent. An update will be given at the meeting.

4.8 In terms of no 57 Rawcliffe Lane, the separation distance from the two storey element means there are no serious issues in terms of overshadowing or over-dominance. The edge of the balcony, which has been constructed without planning permission, is approx 2.0 m further away from the boundary with this neighbouring property than the one omitted from the previous scheme and is also set further slightly back. The balcony is relatively small, measuring approx 2.8 m x 1.6 m, and it is unlikely that a large number of people would be gathered on the balcony at any one time. A person of approx 1.8 m in height, standing on the balcony, cannot look down onto this neighbouring property's patio, although the rear garden can be seen. However, the revised scheme incorporates a 1.8m high screen panel (not yet installed), and it is considered that this will provide an adequate level of privacy. It is considered that details of the screen, and a time scale within which it should be installed, can be secured by condition.

5.0 CONCLUSION

5.1 Subject to a condition requiring details of the privacy screen to be submitted and approved, and installed within a reasonable time scale, the proposal is considered to be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing nos CRL/1/04 and CRL/1/05 received 12th July 2012.

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

2 Within 28 days of the date of this permission, full details of the privacy screen to the first floor balcony shown on Drawing no. CRL/1/04 shall be submitted to the Local Planning Authority for written approval. The privacy screen shall be erected within a period of 28 days following the date of approval, and once erected shall be thus maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and privacy of the adjacent occupiers.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the amenity and privacy of adjacent occupiers. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan.

Contact details:

Author: Paul Edwards Development Management Assistant

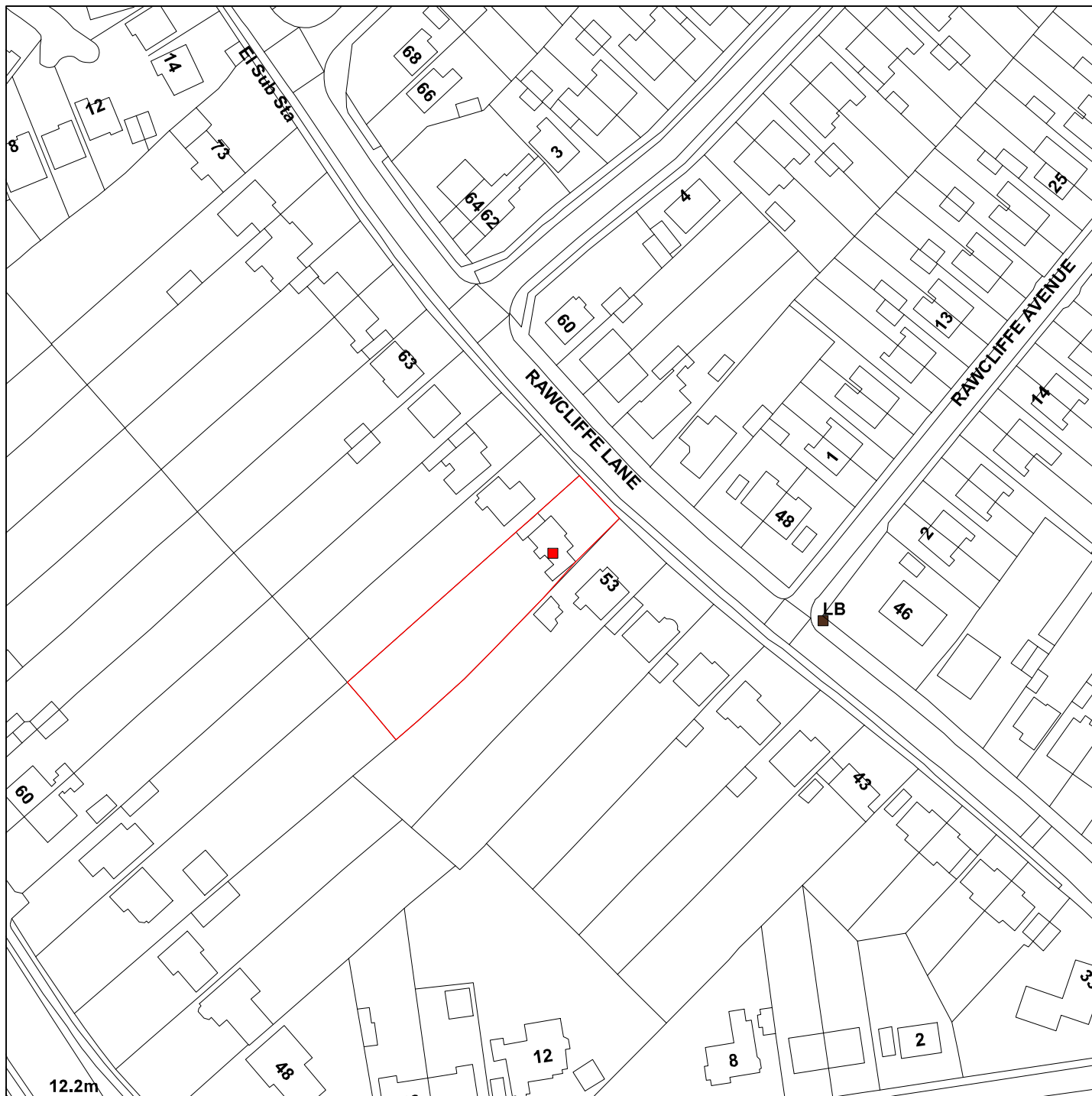
Tel No: 01904 551642

55 Rawcliffe Lane

12/02484/FUL



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	28 August 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 9 August 2012 **Ward:** Derwent
Team: Major and **Parish:** Dunnington Parish
 Commercial Team Council

Reference: 12/01840/FUL
Application at: Tyree 97 York Street Dunnington York YO19 5QW
For: Erection of 4no dwellings with associated garages, new site
 access and pond extension
By: MDL Land Ltd & Mrs K Wheeler
Application Type: Full Application
Target Date: 13 July 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of four houses within the garden of Tyree at 97 York St, Dunnington. Tyree is a semi-detached dormer bungalow set with an extensive garden which extends west to the old railway line and bridge and east to the rear of dwellings at 91 to 95 York St. The site measures approximately 0.44 ha in size.

1.2 The application site is unallocated 'white land' on the Local Plan Proposals Map and is within the settlement limit of Dunnington. The boundary with the Green Belt runs along the south boundary of the site. Although none of the application site is within Dunnington Conservation area, the boundary runs along York St to the north of the site. York St rises up from the east to the west as one goes over the old railway bridge. Views are afforded over the application site from these raised positions on York St.

1.3 The proposed houses would be served off a new private drive. This would be created to the north west of 97 York St. The existing vehicular access to 97 York St would be removed and the front garden landscaped. A new garage would be built to the rear of 97 York St for use by its occupants. Three of the four proposed houses are to the west of the 97 York St, these consist of two semi-detached three bedroom houses with detached garages and one detached three bedroom house with integral garage. To the east, behind 95 York St a four bedroom house is proposed with integral double garage. All four dwellings are two storey in height of traditional design and would be constructed of red brick with stone cills with red concrete pantiles as the roof covering. The windows and doors are proposed to be uPVC. An existing pond to the west of the access drive would be enlarged and a new pond created to the west of Plot 4. Additional landscaping is proposed along the north boundary of the site and within the vehicle turning area. The existing car port connected to 97 York St would be demolished to make way for the access drive.

Application Reference Number: 12/01840/FUL

Item No: 4b

1.4 The application site has been subject of a previous planning application for residential development. In 2005 an application was refused for the erection of 11 dwellings with garages after the demolition of 95 and 97 York St. The application was refused on three grounds which were:

- 1) The proposed access onto York St was considered to have insufficient sight lines which could cause a road safety issue for highway users;
- 2) The application site contains Great Crested Newts and a full survey to assess the impact of the development on these protected species was not carried out; and
- 3) The proposed layout of the houses was considered unacceptable and would result in a cramped visual appearance and poor relationships between dwellings. It was considered that the occupants of the proposed dwellings would have a poor standard of residential amenity due to the lack of separation distances.

1.5 This revised application has been brought before East Area Planning Sub-Committee at the request of Cllr. Brooks on the grounds of highway safety and inappropriate and uncharacteristic development density at the entrance to the village.

1.6 A decision on the application was deferred at the East Area Planning Committee in August to allow discussions to take place regarding alternative access arrangements for the site. The proposal now under consideration incorporates a revised access point located 7.3m further east (i.e. further away from the old railway bridge) from that previously considered and deferred at the August meeting. Additionally, the applicants have relocated Plots 1 and 2 to the east by 1m to create larger rear gardens. The garages for plots 1 and 2 have been relocated 2m further east. A new dwarf wall with timber fence above has been incorporated to the west of 97 York Street to provide additional screening from the private drive.

1.7 The Committee Report in front of Members has not radically altered since the previous revision of the plans was considered at the August meeting as large elements of the proposal remain unchanged. For Members information, changes have been made to paragraphs 3.8, 3.9, 3.11, 4.10, and 4.13. Paragraph 4.9 has been added. The list of proposed approved plans has been amended to reflect the latest site plan. As a site visit took place prior to the August meeting, it is not considered that a further site visit is necessary.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Dunnington Conservation Area CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: Dunnington CE Primary 0194

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYHE2
Development in historic locations

3.0 CONSULTATIONS

INTERNAL

3.1 Housing Strategy and Enabling - A commuted sum towards off-site affordable housing of £46,282.50 is required.

3.2 Adults, Children and Education - A contribution of £11,984 is required to fund one place at Dunnington Primary School.

3.3 Drainage - The application is in Flood Zone 1 and should not suffer from river flooding. There are no objections to the application subject to a condition requiring foul and surface water drainage details to be approved.

3.4 Countryside/Ecology - A Great Crested Newt (GCN) survey was carried out in 2010 and 2012 and showed that a small population was present in the existing garden pond. The 2012 survey identified the pond as a breeding pond. Much of the rest of the site provides suboptimal habitat for GCN. The old railway line acts as a good commuting corridor to suitable habitat elsewhere. As part of the application the garden pond would be retained and enhanced for GCN. The pond would be extended and deepened in sections. A new pond would also be created with marginal planting around the site and new terrestrial habitat to provide suitable foraging and refuge and hibernation piles. The mitigation scheme proposes dropped or angled kerbs throughout the development to ensure there are no barriers to newt movement. A management plan would need to be drawn up and implemented in order for Natural England to grant a license for the works. The old railway line provides good foraging and commuting habitat for bats which are present in the local area. There are opportunities within the development for work to be carried out for the benefit of the local bat population.

3.5 Landscape - In response to the original proposal - The belt of hedgerow and trees along the southern perimeter of the site creates a valuable green edge to the village. At the most westerly point, adjacent to the farmer's access gate, is a multi-stemmed Ash of no great stature. The western section of the southern boundary is mostly conifers, the middle section mostly Blackthorn, Laurel and Cotoneaster plus a young mature Acer and mature Lombardy Poplar. The eastern section contains a tight line of Lombardy poplars. Unit 4 is close to one Acer and one Poplar. The Acer could be retained and would be compatible with unit 4. The roots of the single Poplar are likely to be affected by the development, and such a tree would not be compatible with a dwelling at such close proximity. Nonetheless, the single Poplar is quite separate from the remaining group and its loss would not have a significant impact on the overall public amenity.

Whilst the steep driveway may have to be in bitmac, the remainder could be in resin bound gravel with setts to soften the appearance of the hardstanding. The pond would create a pleasant attractive central feature however this is severely compromised by the garages for plots 1 and 2, which is thus detrimental to the amenity of the development, and gives the pond a rather ridiculous restricted setting. York Natural Environment Panel (YNEP) suggested the replacement pond should be located at the bottom of the rear gardens of unit 4 where it would have a better relationship with the wider habitat. Thus the central area could be planted up with a large-species tree as a central focal point, within a planted/grassed area. There is an existing long conifer hedge (maintained at a reasonable height) at the lower level along the boundary of York Street.

I suggest that any of this that lies to the west of the proposed private drive is removed and replaced with a native mixed hedge or shrubbery, including some trees.

In response to the revised scheme - The additional planting presents an improvement to the scheme. As mentioned previously, the surface treatment of the drive would have a significant effect on the visual quality of the development. This could be conditioned. It is unfortunate that no changes have been made to the garage locations for units 1 and 2 as these significantly detract from the central pond feature and setting of the proposed properties.

3.6 Environmental Protection Unit - There are concerns that some of the land will have been filled with unknown material which may have been contaminated. Therefore conditions are recommended to ensure any contamination, if discovered, is addressed through remedial action.

3.7 Parks and Open Spaces - There is no on-site communal open space and therefore a commuted sum payment towards off-site provision/improvement in the local area is sought.

3.8 Highway Network Management - reconsultation has taken place on the revised plans. However, it should be noted that Highway Network Management had no objections to the previous proposals. The revised proposals under consideration have been developed through discussions between the applicants' representatives and Highway and Planning Officers. There is in principle support for the revised proposal, however detailed advice will be provided as an update at Planning Committee.

EXTERNAL

3.9 Dunnington Parish Council - Have been reconsulted on the revised plans, any comments received will be notified to Members as part of the Committee update.

3.10 York Natural Environment Panel - Regret the loss of a green corridor only for the majority of it to be replaced with hard standing and buildings. The proposals would isolate the existing pond by hard standing with minimal connection for Great Crested Newts to access suitable surrounding vegetation/terrestrial habitat. There may be confusion in terms of ownership and responsibility of the pond. The Panel would suggest the creation of a new pond to the rear of the garden in plot 4 which isn't surrounded by hardstanding and would be in one ownership and have good connectivity to terrestrial habitat. The Panel advocate planting to soften and screen the proposals to mitigate for the loss of green space.

3.11 Local Residents - Two separate consultations were carried out, the first when the application was received, and the second when the revised plans under consideration were received. Ten letters were received in respect of the first consultation, eight in objection, two not objecting but raising concerns, and the following comments were made:

- The proposed access would have poor visibility;
- The proposed access is close to Pear Tree Lane which causes potential highway safety problems;
- Visibility of cars coming over the bridge from the west is poor;
- The proposal would make crossing the road at Pear Tree Lane more difficult;
- The proposed access would make it very difficult to turn right and head towards the main part of the village;
- Building new houses in an existing garden is contrary to the Village Design Statement and would detract from the attractiveness to the entrance to the village;
- The proposed removal of trees and shrubs would detract from the current attractiveness of this important part of the village;
- Water runs down York St off the bridge and into the front gardens of 91 and 93 York St, if the proposed road accessing these properties is higher than the driveways of 91 and 93 York St it could make the drainage/potential flooding problem worse;

- The removal of trees and shrubs from the site would not improve the appearance of the village;
- Building in back gardens de-values existing properties;
- The proposal does not respect the existing building line along York St, positioning two properties closer to the road;
- The site is a gateway and entrance to the village, and the level of development would detract from its current green appearance;
- The house (plot 4) proposed to be built behind 95 York St is unreasonable as it is too close to the boundary and the height of the house (8m) would cut out sunlight currently enjoyed at number 95;
- Plot 4 is by far the largest house and it would be more reasonable for this to be a bungalow and smaller given its close proximity to the rear boundary of 95 York St.

Five letters of objection were received in respect of the second consultation regarding the revised plans which were deferred at August's Committee meeting, the following comments were made:

- The revised plans make visibility from the west even more difficult as it is closer to the bridge;
- Unclear how the access would work as it seems to be half way up the bridge on York St, would the bridge need to be flattened;
- A highway warning sign would have no effect, most vehicles travel in excess of the 30 mph speed limit;

- The revised plans do not remove the concerns expressed previously about traffic risks;
- The proposal is contrary to Policies HE3 and GP10 as they seriously detract from the quality, semi-rural undeveloped character and entrance to the village;
- The proposal is contrary to the Village Design Statement regarding the subdivision of gardens.

Neighbours have been reconsulted on the revised plans. Any comments received will be brought to Members attention as part of the Officer update at Committee.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development;
- Density, design and visual impact including the impact on the setting of the Conservation Area;
- Impact on neighbouring amenity;
- Access and highway safety;
- Sustainability;
- Ecology;
- Drainage;
- Open space, affordable housing and education provision;

PRINCIPLE OF DEVELOPMENT

4.2 Paragraph 49 of the National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' However, Paragraph 53 requires local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst written significantly before the NPPF the Development Control Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' follows this theme by stating that planning permission will be granted for sub-division of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where:

- The site is in the urban area and is vacant or underused; and
- The site has good accessibility to jobs, shops and services by non-car modes; and
- It is of an appropriate scale and density to surrounding development; and
- It would not have a detrimental impact on existing landscape features.

4.3 The application site is within the settlement limit of Dunnington. It is therefore considered to be within a sustainable location and has access to services and facilities by non-car modes. Whilst the site is used as a domestic garden, its size in relation to the host dormer bungalow is very large. The proposed residential development would make more efficient use of this sustainable site. York has a shortage of housing, particularly family sized housing. Given the need for new housing, the size and sustainability of the site and the NPPF's presumption in favour of sustainable development, it is considered that the broad principle of development is acceptable. The previously refused application from 2005 was not considered unacceptable on the grounds of the principle of development and there is no reason to contradict this view in light of current policy guidance.

DESIGN AND VISUAL APPEARANCE

4.4 Whilst there are houses on the west side of the old railway bridge, the application site makes a contribution to the visual entrance to Dunnington. The site is green and open and provides an appropriate visual transition from agricultural land to the west to the more built up appearance of York St and Dunnington Village to the east. New residential development on this site would have some impact on this character. The planning application which was refused in 2005 did not cite visual impact of development on this site. The proposal was considered to be cramped due to the amount of development on site, but no issue was raised in terms of the impact of development on the setting and entrance to the village. Dunnington Village Design Statement was completed and published in 2006, whilst containing a number of design principles the application site is not specifically mentioned as needing to be retained as an open or green area. The application site provides a green setting to the village; however it is not considered that objections to some form of appropriately scaled residential development on this site could be sustained given the previous planning decision.

4.5 The NPPF encourages Local Authorities to set their own policies in relation to housing density to reflect local circumstances. Policy H5a 'Residential Density' states that in locations such as the application site, a density of 30 dwellings per hectare should be achieved. However, this target contains a caveat which states that the scale of any proposed development should be compatible with the surrounding area and not harm residential amenity. The proposed development of five houses (existing dormer bungalow plus four houses proposed) on a site of 0.44 ha represents a density of just 11.4 dwellings per hectare. The previously refused scheme was 25 dwellings per hectare.

4.6 Given the characteristics of the site and its setting it would clearly be inappropriate to create a high density residential development in this area. Additionally the constraints of the site severely restrain the amount of land which is potentially developable.

These constraints include a significant change in levels from the road and a site shape of which includes a narrow strip of land which runs along the rear of 91 to 95 York Street. It is therefore considered that a low density development is the most appropriate in this location.

4.7 The proposed houses are traditional in design. The houses would be constructed of brick with pantile roofing. The houses would be two storeys in height, measuring between 7.2m and 8.2m in height to the ridge and between 5m and 5.1m to the eaves. The area around the application site contains a variety of building design, no one style dominates and it is considered that the traditional design of the proposed houses would appear appropriate within this location. Plot 4 is set significantly back from the road and is behind an existing bungalow at 95 York St, it would therefore only be visually prominent from a small number of vantage points. Plots 1 to 3 are further towards the west of the site. Therefore they would be partially screened by the bank which leads from the site to the raised sections of York St. The proposed house at Plot 1 is set back approximately 6m from the site boundary and would have a finished floor level 2.3m lower than York St. The separation from the footpath and road has enabled the applicants to incorporate additional planting to further reduce and soften the visual impact of this house.

4.8 The application site contains significant areas of hardstanding which is the result of the need for a refuse vehicle to enter the site, turn around and leave in a forward gear. However, swept paths showed an area of land which could accommodate a substantial new tree which would help to break up the visual appearance of the hardstanding. Little of the landscaping within and around the site is being removed and there is plenty of scope for supplementary landscaping in both public and private areas of the development. The Landscape Architect is content with the proposals and it is recommended that a condition is added to any approval whereby a good quality landscaping scheme is agreed and implemented. Overall it is considered that the visual impact of the proposed development would be acceptable. It is not considered that the proposal would harm the character or setting of the Conservation Area which runs along York Street.

4.9 The latest revision of the plans relocates Plots 1 and 2 to the east by 1m. This enables these dwellings to have slightly larger rear gardens. As a result of this the applicants have relocated the garages of Plots 1 and 2 to the east by 2m to provide sufficient turning space and to provide more amenity space between the front of the houses and the garages. It is not considered that these modest changes in layout have any significant visual impact. A benefit of the access moving 7.3m to the east is that it creates a larger area of green landscaping between the access road and the rear of the garages. This provides a more natural setting for the pond but also allows a greener more landscaped entrance to the application site.

This green area could accommodate additional landscaping and potentially a new tree which would add to the character and appearance of the area and soften the visual impact of the development. Detailed landscaping proposals would be agreed and secured through condition. See proposed condition 4.

IMPACT ON NEIGHBOURING AMENITY

4.10 The proposed access is to the west of 97 York St. The relocation of the access to the east has resulted in the access being in closer proximity to this dormer bungalow. The applicants have proposed a combination of wall, fence, and hedging to screen this dwelling from the access road. It should also be noted that the part of the dwelling which is closest to the access road is a garage/storage area. It is considered that an acceptable level of amenity would be retained for occupiers of this dwelling. The originally proposed access was directly in front of number 97 York St. This was considered unacceptable as cars would be turning into the site and directly facing this dwelling and its front windows at close proximity before turning in front of the house across the front garden. It is Officer opinion that an access in such a location would result in an unacceptable loss of amenity and privacy, as cars entering and leaving the site would cause nuisance through noise, disturbance and headlights. It is considered that the proposed scheme provides a significantly better level of amenity for this dwelling than would be the case with an access point directly opposite its front windows.

4.11 The proposed houses at plots 1 to 3 are a significant distance from any existing houses and would not unduly affect amenity. The proposed house at Plot 4 is located closer to existing neighbouring dwellings. The revised plans have moved plot 4 further away from the boundary with 95 York St and the roof has been hipped away from the neighbouring curtilage. It is considered that this house would not cause significant harm to neighbouring amenity. At the nearest point the proposed house is 18m away from number 95. Given that Plot 4 is not directly behind number 95 this separation distance is considered acceptable. The revised plan has increased the separation distance between the proposed house at Plot 4 and the rear garden boundary of number 95 to approximately 4m. The roof of Plot 4 has also been hipped away from the boundary to reduce the visual bulk of this house as viewed from this neighbouring house and garden. 95 York St has a substantial garden and it is not considered that the proposed development would unduly harm the enjoyment of this garden. There are two windows within the north elevation of Plot 4, one at ground and one at first storey level. Both of these windows would serve wc's/shower rooms. Therefore it would be reasonable to require these windows to be obscure glazed to protect privacy and a separate condition restricting the insertion of any additional windows within the north elevation.

ACCESS AND HIGHWAY SAFETY

4.12 The majority of concerns raised by local residents in respect of the proposed development relate to highway safety and the proposed access. The proposed access would serve five dwellings and is located between the Pear Tree Lane access to the east and the railway bridge to the west. The access sits on a slight bend in the road. The applicants carried out a vehicle speed survey prior to submitting the application to understand how people currently use the road. Whilst some vehicles were travelling at speeds in excess of the 30 mph speed limit at the site, the mean average speed was 30.5 mph.

4.13 Detailed advice from Highway Network Management will be provided at the Planning Committee meeting. However it should be noted that Highway Officers have been heavily involved in discussions regarding the revised plans and have contributed to the revised arrangement which is under consideration. The applicants' highway consultants have submitted additional information in support of the proposed access. They state that horizontal plan visibility to the side of the kerb has increased to 70.5m. The long section drawing shows that the visibility splay to the west is 82m. They state that the effective sightline to a car travelling eastbound is 88m. The required visibility in the "Manual for Streets" sets a required visibility level of 48.5m based on the speed survey results submitted by the applicants. The available visibility is, therefore, 22m in excess of the minimum requirement. The previously proposed relocation of the fence back into the site and highway warning sign on the approach to the site continue to be part of this application.

SUSTAINABILITY

4.14 The most recent change to the Sustainable Design and Construction Interim Planning Statement removes the requirement for developments of less than 10 dwellings to achieve Code for Sustainable Homes Level 3 and 10 per cent on site renewable energy. However, a sustainability statement continues to be a requirement under Policy GP4a.

4.15 The applicants' statement promotes the sustainability of the site's location, which is within 400m of shops, a primary school, and a medical practice. There is a bus stop within 200m of the application site which serves a 30 minute frequency bus service to Stamford Bridge and Nether Poppleton and an hourly frequency service to York and Bridlington. In terms of building and site design, the applicant states that the use of non-renewable materials will be minimised and energy efficient lighting and heating would be used. Recycling and bike storage is proposed and there would be a general landscape enhancement. From an economic perspective, the development would create jobs within the building trade. It is considered that the applicants have considered sustainability in line with Policy GP4a.

ECOLOGY

4.16 Draft Local Plan policies NE6 and NE7 seek to protect and enhance existing natural habitats, particularly on sites where there are protected species. There is a small existing pond on the application site which is known to be a breeding pond for Great Crested Newts (GCN). The applicants are proposing to retain this pond and to enlarge it in terms of both its depth and footprint. An additional pond is also proposed to the south of the site to aid with GCN habitat enhancement. Additionally the application site is proposed to be developed in a way which removes any restrictions to GCN movement. For example kerbs would be angled to allow a newt to walk across it. The Council's Countryside Assistant believes that the proposal is acceptable from an ecological perspective. The applicants would require a license from Natural England to develop this site. Such a license would only be given if an acceptable management plan for the future maintenance of the site and pond is provided. It is therefore considered that a planning condition relating specifically to newts is not required as the Natural England licensing procedure would adequately cover this. An informative is proposed to highlight to the applicants that approval is required from Natural England. The application site is currently undeveloped and contains some areas which are of wildlife value, such as hedges and unmown grassland to the site edges. A general wildlife enhancement condition is proposed to help create a better wildlife environment for bats and invertebrates.

DRAINAGE

4.17 The application site is within Flood Zone 1 and should therefore not suffer from river flooding. At present the site is green and undeveloped. The proposed development would reduce the amount of land within the application site which is permeable. The applicants are proposing to create separate systems for foul and surface water drainage. The surface water drainage system would limit surface water runoff to a level equivalent to a green field site. This would include underground storage tanks to ensure that water is released from the site at a suitable and controlled rate. The Council's drainage engineer raises no objections to the proposed drainage system subject to detailed design which can be secured by condition.

OPEN SPACE, AFFORDABLE HOUSING AND EDUCATION PROVISION

4.18 The applicant is not proposing to provide on site communal open space. Therefore in line with Policy L1c of the Draft Local Plan and the supporting planning guidance (July 2011) a commuted sum payment is required to fund the provision or improvement of children's equipped play space, informal amenity open space, and outdoor sports facilities. The application is for three no. 3 bedroom houses and one no. 4 bedroom house. The required commuted sum payment is £8848.

4.19 Given the number of houses proposed and the location within a rural village, there is no requirement for on site affordable housing provision. However, a commuted sum payment is sought under current interim affordable housing targets. The commuted sum required to satisfy this policy £46,282.50.

4.20 Policy ED4 of the DC Local Plan seeks financial contributions towards local education facilities to meet the additional demand created by a new residential development. The consultation response from Adults, Children and Education confirmed that the development needs to fund one primary school place at the local school. This sum is £11,984.

4.21 The applicants have confirmed that they are happy to pay the required commuted sums. These sums would be sought through a S106 with the above heads of terms used as the basis for drawing up the agreement should Committee Members is minded to approve the application.

5.0 CONCLUSION

5.1 The application is recommended for approval subject to the conditions listed below and the completion of a Section 106 agreement requiring the developers to pay to the Council:

- £8848 towards open space
- £46,282.50 towards affordable housing
- £11,984 towards education

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Proposed Site Plan 10:33:02 Rev J received 24/08/12

Proposed Plans and Elevations - Plots 1 - 3 Rev C received 24/07/12

Proposed Plans and Elevations - Plot 4 10:33:04 Rev C received 10/07/12

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 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 for the construction of the houses and the road surface shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

4 Prior to the construction of any dwelling hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the occupation of the final dwelling. 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.

5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.6 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.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the two window openings within the north elevation of Plot 4 shall at all times be obscurely glazed to a minimum level of Pilkington Level 3 (or the equivalent standard), prior to occupation of the property. No windows, doors or other openings shall be inserted into this elevation without the prior written consent of the Local Planning Authority.

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

7 Prior to the construction of any dwelling hereby approved, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- Peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must 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 must 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. Therefore maximum surface water discharge = 0.7 l/sec

Details of surface water flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 0.7 l/sec.

Site specific details of the 80.1 m³ attenuation tanks must be provided.

- These details shall be provided with a topographical survey showing the proposed ground levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

- Details to prove suitability of existing piped watercourse by way of CCTV survey and to carry out any remedial works necessary.

- Details of the future maintenance/management of the drainage system.

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

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

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

9 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

10 The initial 10m of the access, measured from the nearside highway boundary, shall not exceed a gradient of 1 in 20 (5%). Elsewhere within the site the gradient of pedestrian and vehicular areas shall not exceed 1 in 12 (8.3%).

Reason: To ensure vehicles safely approach and enter the public highway and that the site is accessible to people with disabilities.

11 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.

12 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

13 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

14 Prior to the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

15 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works)

- Realignment of fence line along site frontage in accordance with sight lines and provision of warning signage

have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

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

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

17 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include the following information:

- The routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- Where contractors will park
- Where materials will be stored within the site
- Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

18 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 with no working on Sundays or public holidays

Reason: To protect the amenities of adjacent residents

19 No development shall take place until details have been submitted to and approved in writing by the Council of the measures that are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the area. The work shall be completed in accordance with the approved details.

Reason: In order to enhance the habitat and biodiversity of the locality.

20 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) An assessment of the potential risks to:
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments.
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**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:

- Principle of development;

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- Density, design and visual impact including the impact on the setting of the Conservation Area;
- Impact on neighbouring amenity;
- Access and highway safety;
- Sustainability;
- Ecology;
- Drainage;
- Open space, affordable housing and education provision.

As such the proposal complies with the overall aims and objectives of the National Planning Policy Framework, and Policies GP1, GP4a, GP9, GP10, NE6, NE7, HE2, H4a, H5a, and L1c of the City of York Development Control Local Plan.

2. INFORMATIVES:

Highways

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Improvement/Increasing width of highway - Section 62/72 - Michael Kitchen 551336

3. INFORMATIVE:

In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage, it is recommended that the applicant should install a standard domestic 13A electrical socket on an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket. Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

4. DEMOLITION AND CONSTRUCTION

The construction 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".

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 manufacturer's instructions.

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.

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.

There shall be no bonfires on the site

5. GREAT CRESTED NEWTS

A license is required from Natural England to carry out the development hereby approved due to the presence of Great Crested Newts on the application site. Work shall not commence until a license for the work and the management and maintenance of the habitat has been received from Natural England.

Contact details:

Author: Michael Jones Development Management Officer

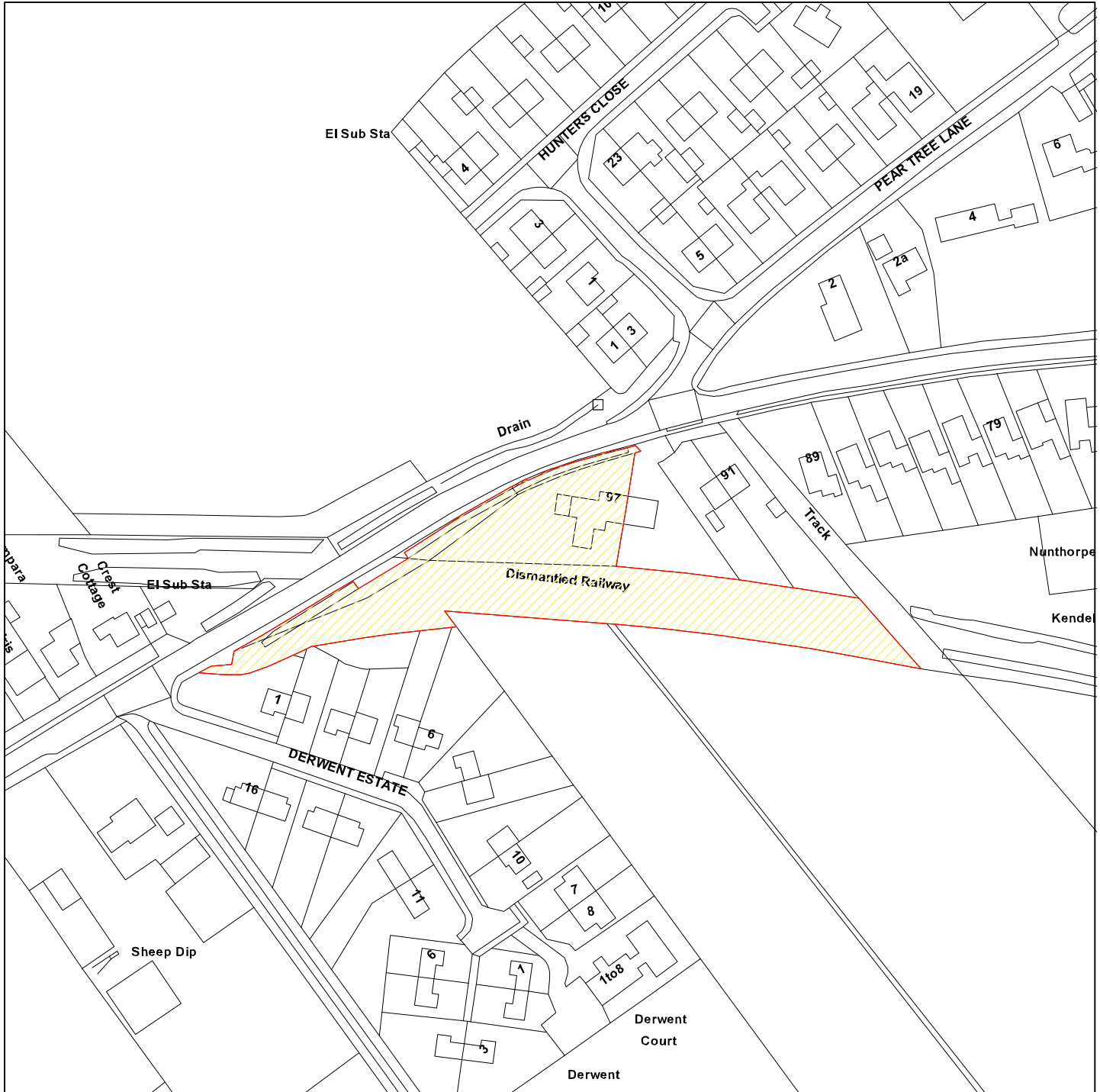
Tel No: 01904 551339

97 York Street Dunnington

12/01840/FUL



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Organisation	Not Set
Department	Not Set
Comments	
Date	28 August 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: 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 granted 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 lodges in an area presently used for the storage of touring caravans and trailers together with the retention of the existing show lodge for holiday use, 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 to be 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.

1.3 The application was deferred from consideration at the 5th July 2012 East Area Planning Sub-Committee following receipt of an enforcement complaint that one or more of the existing timber lodges were being used as permanent residential accommodation. Investigation of the complaint is on-going.

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

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 whether 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 states 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 45,000 litre tank at the north western edge of the site and a further 18,180 litre tank at the rear of the office building. 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 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 landscape 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 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 The 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 considered that the proposal is acceptable in planning terms and approval is therefore 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:-

Drawing Refs:-2057-4 Rev C and PB/11/38B received 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 National Planning Policy Framework

**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, the 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:

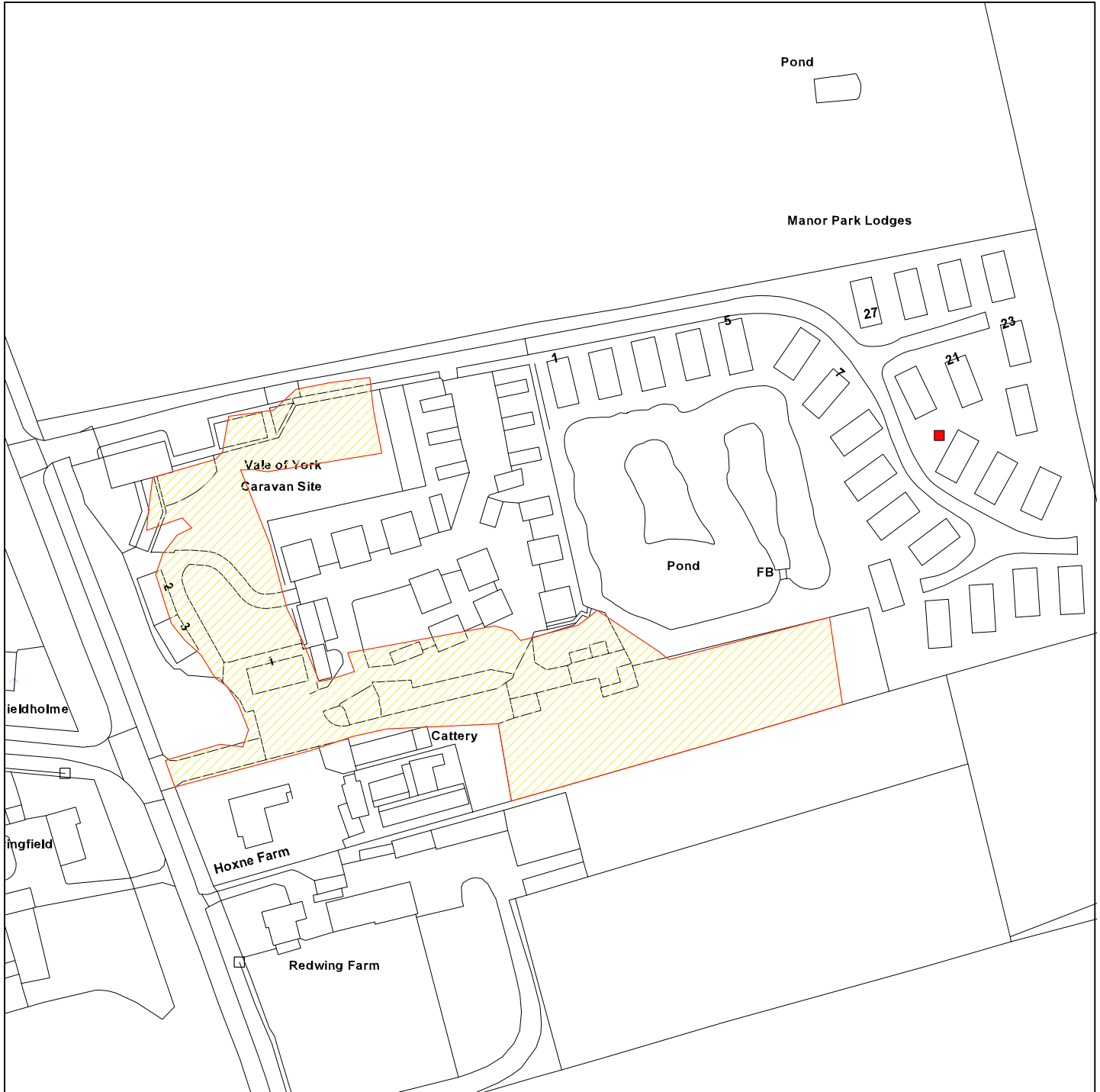
Author: Erik Matthews Development Management Officer
Tel No: 01904 551416

Manor Park, Sheriff Hutton Road

11/02460/FUL



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Organisation	Not Set
Department	Not Set
Comments	
Date	28 August 2012
SLA Number	Not Set