

Notice of a public 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 December 2012
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Betts know by **5pm** on **Tuesday 4 December 2012** on **(01904) 551078**.

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **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 December 2012 at 5.00pm**.

3. Plans List

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

- a) **Sports Centre, Heslington Lane, Heslington, York. (12/02990/FULM)** (Pages 4 - 8)
Installation of inflatable dome cover for tennis courts and erection of portakabin. [Heslington] **[Site Visit]**
- b) **Audi York, Centurion Way, York. YO30 4WW (12/02873/FULM)** (Pages 9 - 17)
Erection of car showroom and car deck following demolition of existing building. [Skelton, Rawcliffe and Clifton Without] **[Site Visit]**
- c) **The Market Garden, Eastfield Lane, Dunnington, York. YO19 5ND (12/02930/FUL)** (Pages 18 - 25)
Agricultural building (substantial open-sided steel framed barn) at the eastern edge of the site. [Derwent]
- d) **Health Centre, 1 North Lane, Huntington, York. YO32 9RU (12/03081/FUL)** (Pages 26 - 43)
Alterations and extensions of existing GP surgery to provide additional consulting, treatment and administration rooms and a dispensing pharmacy following demolition of existing dwelling (3 North Lane) and erection of cycle storage, new car park and improved vehicular access.[Huntington/New Earswick] **[Site Visit]**
- e) **Land Adjacent To 5 South Lane, Haxby, York (12/03238/FUL)** (Pages 44 - 60)
Erection four no. terraced buildings. [Haxby and Wigginton] **[Site Visit]**
- f) **62 Tranby Avenue, Osbaldwick, York. YO10 3NJ (12/03400/FUL)** (Pages 61 - 69)
Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4). [Osbaldwick] **[Site Visit]**
- g) **29 Sandringham Close, Haxby, York. YO32 3GL (12/03138/FUL)** (Pages 70 - 74)
Single storey rear extension with replacement attached garage to side (resubmission). [Haxby and Wigginton] **[Site Visit]**

4. Appeals Performance (Pages 75 - 112)

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 31st October 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

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 on the agenda
- Any special arrangements
- Copies of reports

Contact details are set out above.

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

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- 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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<http://democracy.york.gov.uk/ieDocHome.aspx?bcr=1>

EAST AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 5 December 2012****Members of the Sub Committee to meet at Union Terrace Car Park
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10:10	Audi York	3b)
10:35	29 Sandringham Close, Haxby	3g)
11:00	Land adjacent to 5 South Lane, Haxby	3e)
11:30	Health Centre, 1 North Lane, Huntington	3d)
12:05	62 Tranby Avenue	3f)
12:35	Sports Centre, University of York, Heslington Lane	3a)

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Heslington
Team: Major and **Parish:** Heslington Parish
Commercial Team Council

Reference: 12/02990/FULM
Application at: Sports Centre Heslington Lane Heslington York
For: Installation of inflatable dome cover for tennis courts and erection of portakabin
By: University Of York
Application Type: Major Full Application (13 weeks)
Target Date: 10 December 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The University Sports Centre comprises a mix of partially flood lit outdoor tracks, tennis courts and a hockey pitches together with a covered sports hall to the south west of the principal Heslington West campus of York University. Planning permission is sought for the erection of an inflatable cover to allow all weather use of three of the asphalt tennis courts together with the erection of a portakabin to serve as a storage and admin facility directly to the north. It is part of a wider scheme to diversify the use of the University controlled Sports facilities and to develop the sport of tennis in the locality.

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:

CYED6
University of York Heslington Campus

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL:-

3.1 Lifelong, Learning and Leisure raise no objection to the proposal.

EXTERNAL:-

3.2 Heslington Parish Council were consulted with regard to the proposal on 19th September 2012. Any views will be reported verbally the meeting.

3.3 One letter of support has been received in respect of the proposal from a neighbouring resident.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the visual amenity of the wider street scene;
- * The development of the University Sports Facilities and links to the Local Community.

THE STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in the determination of development proposals although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.3 Policy GP1 of the York Development Control Local Plan expects new development to respect or enhance the local environment, be of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area whilst ensuring that residents living nearby are not unduly affected by noise or disturbance. The University Sport Centre lies to the south west of the main Heslington West Campus of York University. The covered Sports Hall lies along the western edge of the site with an athletics track to the east and a series of tennis courts to the south. The proposal envisages the erection of a 9 metre high translucent demountable cover over three flood lit tennis courts covering an area of 47.5 metres by 35.5 metres. The cover would be fixed to the ground through a series of eyebolts some 500mm within the perimeter of the existing fence. It is intended to enable the existing courts to be used more intensively as part of a wider programme to develop the University's facilities in general whilst at the same time developing the sport of tennis in the local community.

4.4 There are no residential properties in the direct vicinity of the site and the application site may only be viewed obliquely in longer distance views from beyond the site boundaries. The existing mature landscaping at the site boundaries would largely mitigate any impact upon the visual amenity of the wider street scene and the proposed inflatable dome would not be visually read against any of the significant buildings of the Campus directly to the north. Any impact upon the visual amenity of the wider street scene is therefore considered to be acceptable and in line with the terms of Policy GP1 of the York Development Control Local Plan.

DEVELOPMENT OF THE UNIVERSITY'S SPORTS FACILITIES AND LINKS WITH THE WIDER COMMUNITY:-

4.5 The proposed inflatable tennis dome is sought for a period of five years after which, should the operation of the courts prove viable the University will explore options and seek funding for a permanent indoor tennis centre. The current proposal is for the provision of an enhanced indoor facility which would improve the level of sports provision on offer to current and prospective students and the local community. The University intends the proposed facility to form a major element of its Tennis Development Strategy to increase participation in competitive and recreational tennis including the ability of local tennis clubs to book courts through the winter months. The proposal is supported by both the Lawn Tennis Association and the Authority's own Sport and Active Leisure Team. The scheme is therefore considered to be acceptable in terms of its wider community benefits.

5.0 CONCLUSION

5.1 The University Sports Centre comprises a series of tennis courts with a running track and associated indoor sports hall lying to the south west of the main Heslington West Campus of York University. Planning permission is sought for the erection of an inflatable dome with associated portakabin store and office over three existing floodlit asphalt tennis courts to facilitate their all weather use. The dome is sought for a period of five years and would be demountable during summer months. It forms part of a wider scheme to develop the University's Sports Facilities as well as catering for the needs of the sport of tennis. It is considered that providing the dome is correctly maintained any impact upon the visual amenity of the wider street scene would be minimal, in addition to the wider community benefits associated with the scheme. The proposal is therefore considered to be acceptable in planning terms and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The building shall be removed by 5th December 2017 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

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

Drawing Refs: - BROO29 K; BROO19J and YU61203 Date Stamped 3rd September 2012

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

**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 impact upon the visual amenity of the wider street scene, the development of the University's Sport Facilities and links to the wider community. As such the proposal complies with Policies ED6 and GP1 of the City of York Development Control Local Plan.

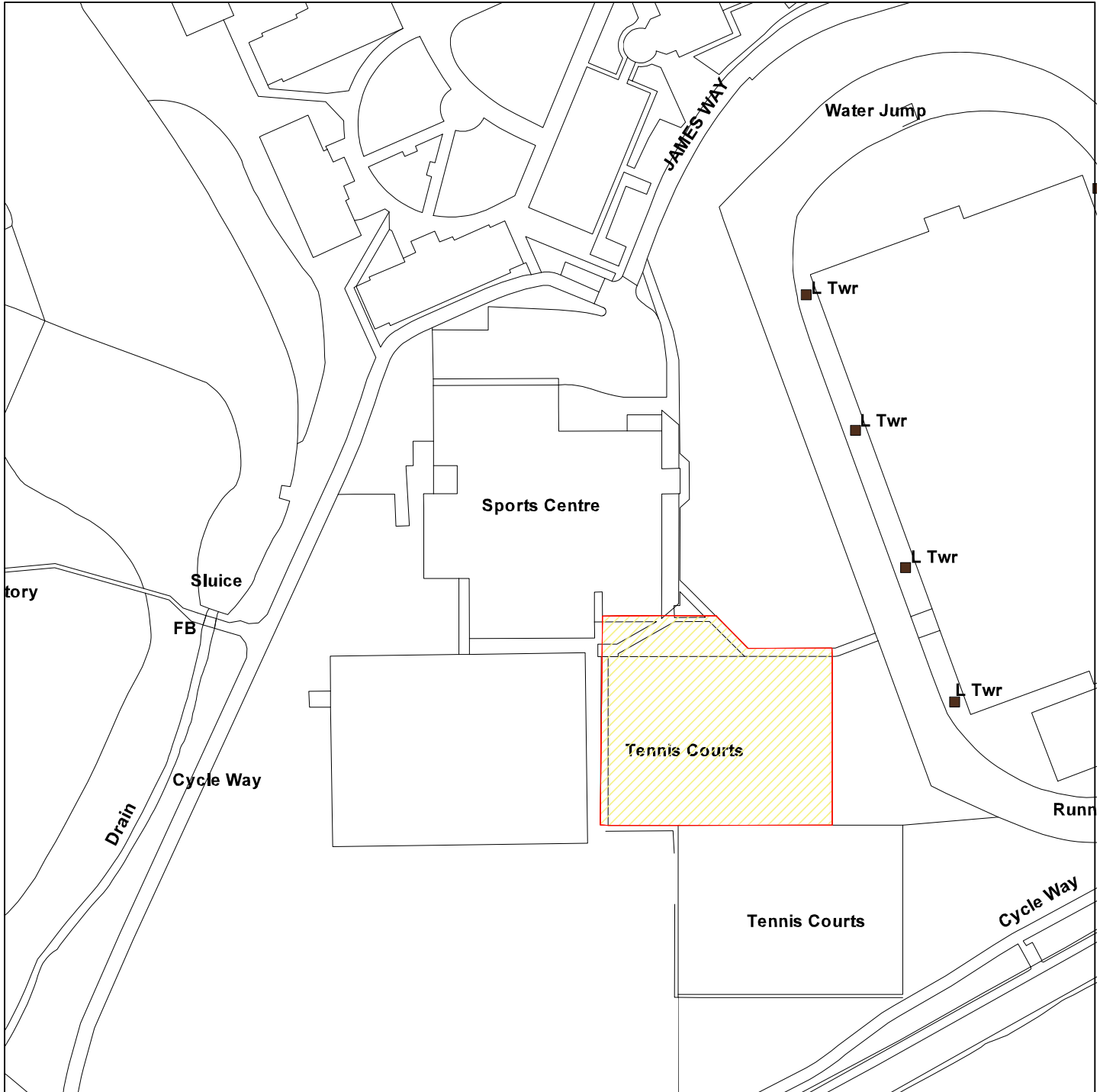
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

12/02990/FULM

Sports Centre, Heslington Lane



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Skelton, Rawcliffe, Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 12/02873/FULM
Application at: Audi York Centurion Way York YO30 4WW
For: Erection of car showroom and car deck following demolition of existing building
By: Mr Mark Taylor
Application Type: Major Full Application (13 weeks)
Target Date: 7 December 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Audi York comprises a single storey profile steel clad unit dating to the 1980s lying in close proximity to a number of other car dealerships at the eastern edge of the Clifton Moor Business Park. Planning permission ref: 12/00613/FULM has previously been given for the re-development of the site to provide expanded sales and office space and to facilitate the re-location of servicing and maintenance functions to the adjacent DHL site. Planning permission is now sought in respect of a revised scheme with a slightly amended location for the sales and office functions, and a two storey decked parking area to the south for staff and visitor parking and to display the used car element of the sales operation. Since submission the application details have been amended and clarified to address highway concerns in respect of the levels of staff and visitor parking together with servicing arrangements.

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:

CYS13
Car Showrooms

CYGP1
Design

CGP15A
Development and Flood Risk

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal.

3.2 Highway Network Management express some concern in respect of the proposed arrangements for servicing and parking for site staff.

3.3 Structures and Drainage Engineering Consultancy object to the proposal on the grounds that insufficient information has been submitted to enable any impact upon the local surface water drainage pattern to be properly addressed.

3.4 Design, Conservation and Sustainable Development were consulted on 14th September 2012. No response has been forthcoming.

EXTERNAL:-

3.5 Clifton (Without) Parish Council raise no objection to the proposal.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the safe and free flow of traffic along the adjoining highway;
- * Impact upon the wider local economy;
- * Impact on a site of archaeological importance ;
- * Impact upon the local pattern of surface water drainage;
- * Sustainability.

THE STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at planning decisions although it is considered that their weight is limited except when in accordance with the National Planning Policy Framework.

IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE:-

4.3 Policy GP1 of the York Development Control Local Plan expects new development proposals to respect or enhance the local environment and be of a density, layout, scale, mass and design that are compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials. The existing Audi dealership comprises two elements, a flat roofed block work and curtain wall clad shed used for servicing and vehicle maintenance and a glazed show room building with a metallic mono-pitched roof. As with the previously approved proposal the demolition of the existing complex of buildings is envisaged together with their replacement with a silver curtain wall clad and patent glazed structure over a slightly larger foot print than existing. A two storey concrete parking deck would be provided to the south of the show room building which would retain the same pattern of scale and massing as the remainder of the proposal. The complex would be closely related to the frontage of the south side of Clifton Moorgate and would be clearly visible in long and short distance views from the north and north east. The adjoining pattern of built development comprises a series of industrial type sheds and large retail units including a number of car dealerships. Whilst there is no clear palette of materials there is a uniform pattern of scale and massing along Clifton Moorgate, which the proposal as revised would respect. This would be reflected by the scheme as revised and as such it is not considered that there would be any detrimental impact upon the visual amenity of the wider street scene.

IMPACT UPON THE SAFE AND FREE FLOW OF TRAFFIC ALONG THE ADJACENT HIGHWAY:-

4.4 Concern has been expressed in respect of the impact of the proposal upon the safe and free flow of traffic along the adjacent highway (Centurion Way) with the possibility of cars being brought in being unloaded within the carriageway and staff cars being parked outside of the site. The applicant has confirmed that adequate arrangements are in place in terms of staff parking over the site and that cars being delivered to the site can be adequately catered for within the site without causing material harm to users of the adjacent highway. The proposal is therefore considered to be acceptable in this respect.

IMPACT UPON THE WIDER LOCAL ECONOMY:-

4.5 The eastern sector of the Clifton Moor Business Park contains a variety of uses centred around the wholesale distribution and motor trade uses. The current proposal is seen as being required to accommodate an expansion and re-configuration of the existing Audi dealership with all ancillary functions transferred to a nearby site.

The proposal would enable the existing business to continue in place on the site whilst at the same time responding to its current trading needs in line with Central Government Planning Policy outlined in the National Planning Policy Framework. Policy S13 of the Draft Local Plan does set out a requirement that proposals for car dealerships be conditioned to withdraw their Permitted Development Rights to become a Class A1 Retail Unit. It is considered that such a requirement would be appropriate in the current circumstances as the site is not suitable for conventional retailing.

IMPACT UPON A SITE OF ARCHAEOLOGICAL IMPORTANCE:-

4.9 Some 130 metres to the south east of the site lies a Roman encampment which is a Scheduled Ancient Monument. In terms of its impact upon the buried archaeology the distance is such as to ensure that any impact would be negligible. In terms of any impact upon the setting of the Ancient Monument the location of intervening development to the south would ensure that any impact would once again be negligible.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DISPOSAL:-

4.10 Concern has been expressed in respect of the level of information submitted in respect of surface water drainage. The application site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. Furthermore the site as currently laid out is substantially hard surfaced. The proposed development whilst adding to the floor area of the complex would not have a material impact upon the area of hard surface and therefore run-off over and above the existing situation. It is therefore considered that surface water drainage could be addressed by an appropriate condition on any permission.

SUSTAINABILITY:

4.11. The application details outline the means proposed to lessen the environmental impact of the scheme by making the building as energy efficient as possible. No indication has however been given in respect of renewable energy generation at the site although details of other similar schemes incorporating energy generation by solar array were submitted as supporting information. It is therefore recommended that any permission be conditioned to require submission of a detailed scheme for 10% renewable energy generation for prior approval.

5.0 CONCLUSION

5.1 Audi York comprises a substantial single storey industrial type shed lying towards the eastern edge of the Clifton Moor Business Park incorporating a vehicle repair and maintenance area together with a glazed car show room fronting on to Clifton Moorgate.

Planning permission(ref:- 12/00613/FULM) has previously been given for the erection of a replacement show room building on the cleared site of the complex with the maintenance and service functions being relocated to a nearby site. The current revised proposal envisages the construction of a glass and curtain wall structure to a branded style associated with the company with a two storey parking deck for staff, visitor and used car parking directly to the south. The adjoining buildings along Clifton Moorgate comprise a range of shed type structures with a pattern of scale and massing similar to that proposed. It is considered that the proposal is acceptable in design terms and that highway concerns can be adequately resolved. The scheme is therefore considered to be 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:- A1A0074A(PL) 01010C; A(PL)01-100 A; A(PL)01-101 A; A(PL)01-102; A(PL)01-103; A(PL)01-200 A. Date Stamped 21st August 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 VISQ10 Details of External services to be app -

4 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, shrubs and other planting. 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.

5 DRAIN1 Drainage details to be agreed -

6 The premises shall be used for a car dealership with associated facilities and for no other purpose, including any other purpose in Class A1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

7 VISQ4 Boundary details to be supplied -

8 HWAY31 No mud on highway during construction -

9 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy 10% of the development's predicted energy demand. The development shall be carried out in strict accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The development shall thereafter be maintained to at least the required level of generation.

Reason: - In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the City of York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction".

10 The development hereby approved shall be constructed to a BREEAM standard of "very good". A Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to the occupation of the building. Should the development fail to achieve a "very good" BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a "very good rating". The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: - In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction".

**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 impact upon the visual amenity of the wider street scene, impact upon the safety and convenience of local highway users, impact upon the wider local economy, impact upon a site of archaeological importance, impact upon the local pattern of surface water drainage, and sustainability. As such the proposal complies with Policies S13, GP1, GP15 (a), GP4a)and HE10 of the City of York Development Control Local Plan.

2. CONTROL OF POLLUTION ACT 1974:-

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. UNEXPECTED CONTAMINATION:-

If as part of the development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Authority'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 Authority may consider taking action under Part IIa) of the Environmental Protection Act 1990.

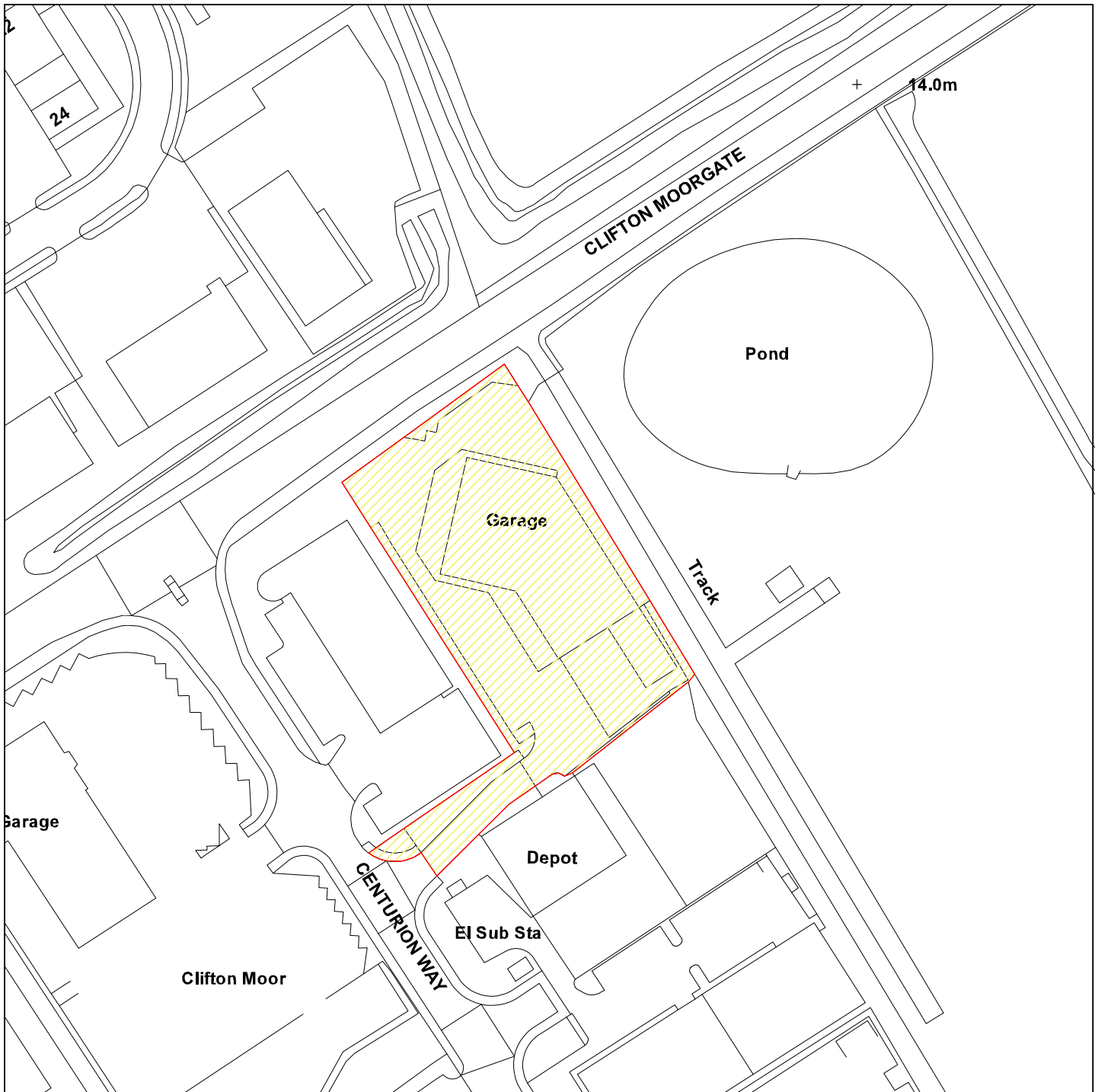
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

12/02873/FULM

Audi York



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Derwent
Team: Major and **Parish:** Dunnington Parish
Commercial Team Council

Reference: 12/02930/FUL
Application at: The Market Garden Eastfield Lane Dunnington York YO19 5ND
For: Agricultural building
By: Mr Tim Graves
Application Type: Full Application
Target Date: 8 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site comprises a mixed agricultural smallholding involving pig breeding with a depot for a horticultural contractor occupying a visually prominent ridge site within the York Green Belt to the north east of Dunnington village. Planning permission is sought for a substantial open-sided steel framed barn at the eastern edge of the site. When initially applied for this was stated as being for the storage of materials and equipment associated with the horticultural contracting business. It has however been subsequently clarified as being for the storage of a significant quantity of straw used in the pig breeding operation currently stored in the open air at various locations across the site.

1.2 The application was deferred from consideration at the 8th November East Area Planning Sub-Committee to allow for the neighbour notification exercise to be re-run following difficulties arising from an IT failure and at the same time clarification was sought from the applicant in terms of the size and purpose of the barn. The neighbour notification exercise has now been carried out and further responses received (see 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 (1) 0003

2.2 Policies:

CYGB1

Development within the Green Belt

Application Reference Number: 12/02930/FUL

Item No: 3c

Page 1 of 7

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to limit use of the building to materials and equipment connected with the pig breeding business.

EXTERNAL:-

3.2 Dunnington Parish Council objects to the proposal on the grounds that it would be harmful to the open character of the Green Belt and could lead to flash flooding of properties down slope of the site.

3.3 Thirty letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- * Concern that the building would be used for purposes other than agriculture and would therefore amount to inappropriate development in the Green Belt;
- * Concern that access to the site would be taken from the bridleway to the south to the detriment of other road users;
- * Concern that the proposal would have a seriously harmful impact upon the openness of the Green Belt;
- * Concern that the building would give rise to flash flooding of properties down slope of the site;
- * Concern that the pig breeding operation at the site does not comply with animal health guidelines in terms of the relationship of the pigs to nearby residential properties.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the open character and purposes of designation of the Green Belt;
- * Impact upon the residential amenity of neighbouring properties.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT:-

4.2 Policy GB1 of the York Development Control Local Plan states that within Green Belt areas planning permission will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would be for one of a number of purposes identified as being appropriate within the Green Belt, including agriculture and forestry. This clearly reflects Central Government Policy in respect of Green Belt areas outlined in paragraphs 79 to 90 of the National Planning Policy Framework (NPPF). Additionally, even if felt to be appropriate within the Green Belt new development should preserve its openness.

4.3 The proposal envisages the erection of an open sided Dutch Barn some 7.6 metres high to the ridge and 6.2 metres high to the eaves as well as some 17.7 metres long and 12 metres wide. It would be orientated north-south following the line of the slope and the applicant has confirmed that notwithstanding the initial application details it would be used to house the significant quantity of hay presently stored in the open at the site which is used for the operation of the pig breeding business. As such the development can be taken as being appropriate within the Green Belt as being for an agriculture related activity. Further clarification has been sought in respect of the nature of the agricultural use of the building and its size; this has not been forthcoming to date.

4.4 In terms of impact upon the openness of the Green Belt the proposed barn would be clearly prominent in views looking up slope from the residential development to the south west. However, in view of its open sided design views of the open countryside beyond would remain even when the proposed barn is partially full. In addition the proposed design is characteristic of other agriculture related developments along the ridge and within the wider vicinity. The impact of the proposal upon the openness of the Green Belt is therefore, on balance, felt to be acceptable. Any impact could also be further mitigated by landscaping around the site boundaries and it is therefore recommended that any permission be conditioned accordingly. As such there would be no conflict with Draft Local Plan Policy GB1 or Central Government Policy outlined in the NPPF.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.4 Policy GP1 of the York Development Control Local Plan expects new development to respect or enhance the local environment, be a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and to ensure that residents living nearby are not unduly affected by noise and disturbance. Planning permission has previously been sought for storage and workshop buildings associated with the horticultural contracting use based at the site (ref:-11/00514/FUL) along with a series of buildings for pig housing (ref:-11/00869/FUL). Both proposals gave rise to significant concerns in respect of impact upon the residential amenity of properties to the west in terms of noise and odour.

Planning permission in respect of both proposals was subsequently refused and the subsequent appeal in respect of the pig housing was dismissed. The current proposal envisages the erection of a Dutch Barn for the storage of fodder and bedding associated with the pig breeding operation which would not have a material impact upon the residential amenity of nearby properties. However, use for the housing of livestock or for activities in relation to the horticultural depot operation would clearly not be appropriate and any permission should therefore be conditioned accordingly. Subject to any permission being so conditioned, it is considered that the terms of Policy GP1 of the Draft Local Plan would be adequately addressed and any impact upon residential amenity would be acceptable.

OTHER ISSUES:-

4.5 Concern has been expressed in respect of the use of the rear access to the site from the adjacent bridleway for the construction and supply of the proposed barn. The applicant has a right of access from the rear for emergency purposes and to gain access to the area of land he owns to the south. He has indicated that the principal access to the site from Eastfield Lane to the north would be used for the construction and supply of the proposed barn.

4.6 Concern has been expressed in relation to the compliance of the pig breeding operation with animal health guidelines in respect of the proximity of the pigs to residential property. Whilst clearly an important issue this is subject to a separate system of statutory control and therefore not a material consideration in respect of the planning application.

4.7 Concern has also been expressed in respect of the proposed surface water drainage from the structure. It is considered that this matter would be most appropriately dealt with by means of a condition on any planning permission.

5.0 CONCLUSION

5.1 The application site comprises a mixed agricultural small holding associated with pig breeding with a depot for a horticultural contracting use occupying a visually prominent ridge location within the York Green Belt to the north east of Dunnington village. Planning permission is sought for the erection of an open-sided Dutch Barn for the storage of hay and fodder associated with the pig breeding operation. As an agricultural development the proposal is considered to be appropriate within the Green Belt. In terms of its impact upon openness it is considered on balance and notwithstanding any possible issue in terms of the agricultural purpose of the building; that any detrimental impact would be minimal as views of open countryside would remain through the structure even when in use. Its scale and massing would also reflect that of other agricultural buildings in the locality.

5.2 Concern has been expressed in respect of potential impact upon the residential amenity of properties to the west and south west in view of the previous planning history of the site. The proposal does however relate solely to the creation of a building to house fodder and bedding for the pigs kept elsewhere on the site and providing any permission is appropriately conditioned to prevent use of the barn for housing pigs or to undertake activities associated with the horticultural contracting use then the proposal, on balance, is considered to be acceptable.

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: - 12:27: 01 and 12:27:02

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

3 The building hereby authorised shall be used solely for the storage of fodder, bedding and equipment in association with the pig breeding activity taking place at the site and for no other purpose including the housing of any livestock.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

4 Development shall not begin until full details of surface water drainage works in respect of the barn hereby authorised have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

5 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, shrubs and other planting. 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.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the open character and purposes of designation of the York Green Belt and the impact upon the residential amenity of neighbouring properties. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GP1 of the City of York Development Control Local Plan and Central Government guidance contained within paragraphs 79 - 92 of the National Planning Policy Framework.

2. CONTROL OF POLLUTION ACT 1974:-

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

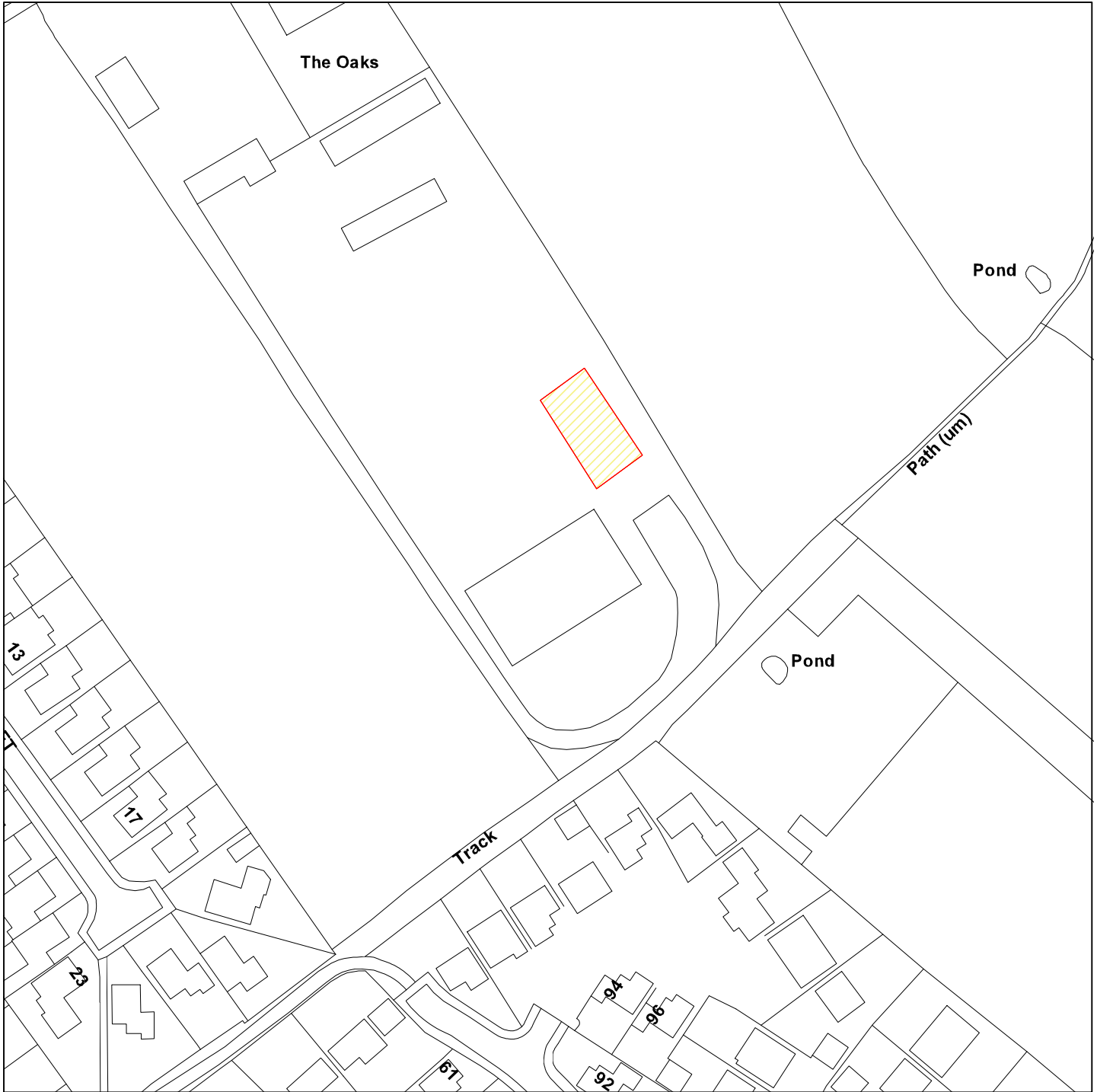
Contact details:

Author: Erik Matthews Development Management Officer

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12/02930/FUL

The Market Garden



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 12/03081/FUL
Application at: Health Centre 1 North Lane Huntington York YO32 9RU
For: Alterations and extensions of existing GP surgery to provide additional consulting, treatment and administration rooms and a dispensing pharmacy following demolition of existing dwelling (3 North Lane) and erection of cycle storage, new car park and improved vehicular access
By: Mr J McEvoy
Application Type: Full Application
Target Date: 26 November 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application proposal relates to the GP Surgery on the corner North Moor Road and North Lane in Huntington. The application site consists of the existing surgery site and 3 North Lane. The application seeks planning permission to extend the existing GP surgery to create nine GP consultation rooms, two nurse treatment rooms, a dispensing pharmacy, and associated reception and waiting areas on the ground floor. On the first floor would be admin rooms, staff facilities, a boardroom and an alternative treatment room. The site would contain eight customer car parking spaces (two to disability standards) and three staff car parking spaces. Cycle parking hoops are proposed to be provided for customers with covered cycle parking proposed to the rear for use by staff.

1.2 At present the GP Surgery contains five GP consultation rooms, a treatment room, a nurse treatment room, and associated waiting rooms, offices, and reception area. At present there is a shared staff and patient car parking area which can accommodate eight cars.

1.3 In order to accommodate the proposed extension it is proposed to demolish the bungalow at 3 North Lane. This dwelling has been purchased by the GP Surgery and is now empty. The site of the existing bungalow would contain the eight patient car parking spaces and a single storey extension which would contain GP consultation rooms. The existing two storey surgery building would be retained, with a part single, part two storey extension being wrapped around the existing building. The proposed extension brings the building significantly closer to North Moor Road.

A small triangular piece of land adjacent to North Moor Road would be retained for the three staff car parking spaces. The proposed extension is contemporary in design and would primarily be finished in a combination of render, timber cladding, and brick.

1.4 Access to the staff car parking spaces would be via an existing dropped crossing along North Moor Road. Access to the patient parking area would be via a widened crossing point across the grass verge from North Lane.

1.5 The application site is within the built up settlement limit of York. The application site is unallocated in the Development Control Local Plan and is outside of Huntington Conservation Area.

1.6 The applicant has indicated that the dispensing pharmacy would be open 100 hours per week. This would be between 07:00 and 23:00 hours Monday to Friday, between 08:00 and 19:00 hours on Saturdays, and between 09:00 and 17:00 hours on Sundays and bank holidays. It is understood that the GP Surgery hours may extend slightly beyond existing but would generally be confined to typical GP Surgery hours i.e. between 08:00 and 18:00.

1.7 This application has been brought before East Area Planning Committee at the request of Councillor Orrell. The reason for calling the application in was due to public interest and concerns over car parking raised by the Parish Council and others in the area. A site visit is recommended to understand the visual impact of the proposed extension, to understand the site constraints and proposed car parking arrangement, and to assess the impact of the proposed building and its use on neighbouring residential amenity.

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

CYT4
Cycle parking standards

CYH9

loss of dwellings or housing land

CYC1

Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections subject to the inclusion of a condition which requires approval of any new plant or machinery to be installed to ensure that there is no harm to the amenity of local residents through noise.

3.2 Transport Planning - Cycle racks should be 1m apart to allow bikes to be locked either side of the stands. Staff parking should be covered and secure. Drainage in the area may need to be approved as there are known drainage issues along the rear of the grass verge. The proposed increase in surgery size increases the likely number of trips to the site; measures need to be put in place to prevent cars parking on the grass verge.

3.3 Highway Network Management - Awaiting comments following receipt of latest information regarding staff and visitor/customer numbers. Update to be provided at Committee.

3.4 Drainage - No objections subject to a condition which requires drainage details to be agreed prior to the commencement of development. Such details to control surface water run-off to a maximum of 2.4 litres/second taking account of a 1 in 100 year storm event.

EXTERNAL

3.5 Huntington Parish Council - Whilst there is full support of the development of the proposed GP surgery to meet the need of the area, there are grave concerns.

These are:

- As to the traffic management issues such a development (increase in services) would create, considering the existing road traffic issues at said location.
- The totally inadequate parking facilities provided for such a size of development; considering the site and the fact that alternative local parking is very limited and the existing parking issues at this location.

As such, it is considered that unless the aforementioned concerns are addressed the development is not viable at this location in Huntington.

3.6 Other Third Parties - Six letters of objection received from local residents and on behalf of the local Lloyds Pharmacy. The letters from residents were received from 18 and 39 Strensall Road, 61 North Moor Road and 5 North Lane (x2). The following comments were raised:

- The inclusion of a dispensing pharmacy creates competition for the chemists across the road, many local residents rely on the chemist for purchases apart from having prescriptions dispensed, it would be a great loss to the local area if the chemist were to close;
- The proposed pharmacy would be able to open longer than the local chemist, therefore giving it an unfair competitive advantage, there is not the need for a dispensing facility for longer hours than the chemist as outside these hours people can use Boots or the supermarkets at Monks Cross;
- The proposed pharmacy has longer operating hours than the doctors surgery and therefore cannot be considered ancillary;
- The pharmacy would sell products and would not just dispense prescriptions, therefore it should be considered an A1 retail use and therefore a sequential test should have been submitted demonstrating that there are no sequentially preferable sites available in the City Centre or edge of centre;
- Extending the health centre is not suitable in this location given its lack of safe pedestrian access;
- There is not enough car parking for the increase in either staff or visitors/customers;
- The late opening times will bring noise and disturbance in the area through car headlights, noise and pollution;
- The residents of 5 North Lane (next door to the bungalow to be demolished and proposed car park) requested an 8 foot high wall on the boundary for the purposes of security and to reduce noise and light pollution;
- The description of development on the application form does not accurately describe the development proposed;
- The proposed development would result in the loss of a house which is contrary to Policy H9 of the Local Plan;
- There is no need for the pharmacy as there are others in the area;
- The three staff car parking spaces do not allow a vehicle to enter the site in a forward gear, turnaround and leave the site in a forward gear; therefore it creates highway safety concerns;

4.0 APPRAISAL

4.1 The key issues are:

- Principle of Development
- Design and Visual Impact
- Car and Cycle Parking
- Neighbouring Amenity

PRINCIPLE OF DEVELOPMENT

4.2 There are two issues to consider in terms of assessing the principle of the proposed development. The first is the loss of a dwelling through the demolition of the bungalow at 3 North Lane. The second is the principle of extending the GP Surgery including the creation of a pharmacy.

4.3 Development Control Local Plan Policy H9 states that the loss of individual residential properties needs to be considered in light of individual site circumstances and the character of and desired uses in the surrounding area. The reason for this policy is due to a shortage of housing in York and to retain existing housing and allocated housing sites. One of the stated justifications for granting planning permission resulting in the loss of a dwelling or dwellings is to improve the distribution of community facilities in the city. Given that the proposal only results in the loss of one bungalow and that this would be replaced with improved and larger community health facilities, it is considered that there is no justification for resisting the proposed development due to Policy H9.

4.4 As stated within the introductory paragraphs of this report, the application site is unallocated in the Development Control Local Plan. Chapter 13 of the Local Plan states that the objective is to protect and enhance existing community facilities. Policy C1 'Community Facilities' states that planning applications for health facilities will be granted where the proposed development in terms of scale and design is appropriate to the character and appearance of the area and where the facility would meet a recognised need. The applicants have submitted a statement explaining the reasoning for their desire to expand and improve the surgery practice. The surgery received a low score in a recent NHS survey due to its access arrangements, DDA requirements, lack of confidentiality, and in some areas infection control. Facilities need to be improved and upgraded to meet modern standards. The population of the city is growing year on year and is expected to continue to do so. In addition the average patient now makes more visits to a GP than previously. The proposed development would enable the surgery to provide a higher quality service with a multi-disciplinary range of services which are expected in such centres. The extension would allow the surgery to meet the needs of a local population which is expanding in size. It is considered that there is a clear need for the proposed extension to these community facilities.

4.5 Comments have been received on behalf of the local chemist operator asserting that the proposed pharmacy constitutes a new A1 retail use and therefore should be assessed as such. The implication of this would mean that a sequential test is needed to justify a new retail facility is to be located in this out of town location rather than in or close to the city or district centres. The claim that the pharmacy is an A1 use centres around the products it may sell and that the pharmacy could clearly operate independently from the GP surgery and would therefore provide a service direct to visiting members of the public.

The objector states that the fact that the pharmacy will be open for a number of hours when the GP surgery is not, further adds to the argument that the pharmacy is a separate planning unit.

4.6 However, the applicant believes that what is proposed is an ancillary element to the proposed D1 health centre use. It is stated that the pharmacy is a small extension of the general health care services which are offered by the practice. It is stated that the proposed pharmacy is an ancillary operation within which 98% of pharmacy income would be generated through description dispensing with only 2% associated with over the counter sales for items such as pain relief, first aid, cough and cold treatments and children's medication. There will be no non-healthcare related / beauty products on sale. In addition the pharmacy would operate health care related activities such as medicine use reviews, blood pressure and diabetic screening, and the collection of prescriptions out of surgery hours. The applicants regard the pharmacy as very much an extension of the existing health service on offer at the site.

4.7 The matter has been investigated with regard to previous appeal decisions and the ultimate conclusion is that for a pharmacy to be considered an A1 retail unit there has to be a primary purpose related to the retail sale of goods to the visiting public. It goes on to state that medical or health services where goods sold are primarily to those who have undergone specialist consultation, are unlikely to be an A1 use and almost certainly are a D1 use. In this case the fact that the pharmacy utilises the same entrance door as would be used to access the GP and nurse consultation services and that the pharmacy would not sell non-medical products, it is considered that the proposed pharmacy is part of the D1 medical and health service offered at this site. The additional opening hours above and beyond those of the GP consultation hours, provides flexibility for customers to use the health care services. It does not, in the opinion of officers, create a separate A1 planning unit as stated by the objector. In order to ensure that the pharmacy remains as a D1 medical and health service, it is proposed that a condition be added to any approval which restricts the premises from selling non-medical products. Additionally a condition is proposing restricting the size of the pharmacy to that shown on the floor plans to ensure it remains a proportionally small part of the health centre. Overall the principle of this development is considered acceptable.

DESIGN AND VISUAL IMPACT

4.8 The existing bungalow which is proposed to be demolished is not of any particular architectural merit and its demolition would not harm the character and appearance of the area. The proposed extension wraps around three sides of the existing GP surgery, only its existing rear elevation which faces the side and rear garden of 60 North Moor Road and a small section of the first storey of the west and east side elevations would remain visible if the extension is built.

The existing surgery building is post-war and is constructed with a brown brick with a shallow pitched roof which is tiled. There are a number of flat roof and shallow pitch single storey extensions to the building and an external staircase enclosure to the rear elevation. The building has no architectural merit and does not have a clear visual identity as a GP surgery. The existing two storey part of the building has a ridge height of 6m and eaves height of 5m.

4.9 The proposed extension would mitigate the appearance of a building with numerous unsympathetic extensions by wrapping an extension around the building. The two most significant parts of the extension are a part single and part two storey front extension towards North Moor Road and towards this roads junction with North Lane and secondly a single storey side extension onto the part of the site currently occupied by the bungalow at 3 North Lane.

4.10 The front extension proposed is contemporary in design. The proposal creates a clear and substantial glazed entrance facing south towards the corner of North Moor Road and North Lane. Around this sits a curved flat roof single storey design which returns to meet a flat roof two storey building which would be extended out from the existing front elevation. Sitting centrally and on top of a section of the curved ground floor extension would be a glazed projecting flat roof extension. The ground floor curved part of the extension would be finished in horizontal timber cladding with large expanses of glazing serving the pharmacy on the west side and the main GP waiting room to the east. Above this, the central projecting extension would be glazed on all three external sides with an overhanging aluminium profile fascia. The two storey extension to the front and west side of the existing building would have a painted render finish with large feature window openings. In total the proposed front extension projects 12.8m forwards of the existing front elevation towards the junction of North Moor Road and North Lane. To the west the extension projects approximately 3.8m towards North Moor Lane leaving a gap of just 0.8m between the building and the footpath along North Moor Lane at its closest point. The proposed two storey part of this extension is 6.3m in height. The single storey curved part of the extension would be 3.4m in height.

4.11 The second major element of extension consists of single storey extension to the east side of the existing building, over land currently occupied by the bungalow and its garden areas at 3 North Lane. This extension would appear flat roofed from North Lane. Behind the frontage would sit a raised mono-pitch roof with raised windows to allow natural light into the GP consultation rooms whilst maintaining privacy. The maximum height of the side extension is 4.2m. This part of the extension would substantially be constructed of brick. The extension projects 16.7m east from the side of the existing building, siting between 1.1m and 2.2m from the boundary with the bungalow at 5 North Lane. The extension has a depth of 6.6m and would sit between 11m and 13.4m back from the front boundary. Within this space between the building and front boundary would be patient car and cycle parking.

4.12 The proposed extensions are undeniably bold and contemporary. The palette of materials consisting primarily of painted render, brick, glazing, and timber cladding has been used to create a proposal with distinct elements. The character of the area is relatively traditional with brick buildings with tiled pitched roofs being the predominant style. However, there are examples in the area of flat roof buildings and the use of white render. Paragraph 60 of the NPPF states that 'Planning policies and 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.'

4.13 The proposed development would create a distinctive building with an appearance which reflects its function i.e. a modern community health care facility. The site is heavily constrained. These constraints include residential dwellings to the rear and east, North Moor Road to the west, and an existing building on site which needs to be retained to continue to provide health care services whilst the extension is constructed. The proposed design has been guided by these constraints, which limit the amount of areas on site which could be developed. It is considered that there would have been benefit in pulling the extension further back from North Moor Road to give a greater separation, however this has been resisted by the applicants agent as the design proposed is based on the needs of the GP surgery and the sites constraints. This would make any significant alterations to this part of the proposal difficult.

4.14 The applicant's agent has revised the plans to reduce the size of the pharmacy window in order to reduce its visual prominence within the street scene, as there were concerns that the size of this opening would make the pharmacy unduly prominent during hours of darkness given its close relationship to the street. Given the position of the NPPF in terms of encouraging innovative design solutions, it is considered that the proposed design is acceptable. Materials could be controlled by condition to ensure that the colour of render, colour and quality of bricks, and the timber cladding finish is carried out to a high quality and where suitable matches existing materials in the area. The side extension is modest in scale and appears as a suitable transition between the bungalow at 5 North Lane and the larger more bold extensions to the front of the surgery.

4.15 There is currently no substantial landscaping on the application site. The front boundary of 3 North Lane is marked by a hedge, ND the applicants are proposing to re-plant a hedge in this location once development is complete. This would help to give a softer edge to the development and partially screen the car park. The applicants have also shown two trees to be planted towards the front of the site, between the proposed front extension and the footpath and grass verge of North Lane. These could help to give the proposed development a softer edge.

A condition could be added to any approval requiring a landscaping scheme to be approved and implemented to ensure the landscaping is carried out and the species planted are suitable. Whilst not part of the application site, the applicants have also agreed to fund the planting of some trees within the substantial grass verge to the front which would further soften the appearance of the development and provide a more attractive setting to the entrance to North Lane. This would be secured through a Section 106.

4.16 The proposed vehicle crossing utilises an existing crossing point as far as possible. This cuts across the grass verge. It is necessary to increase the width of the existing crossing and this will have some impact on the green character of the grass verge. However, the extent of hard standing has been reduced through a design which minimises the width of the vehicle crossing. As discussed above, the applicant has agreed to a planting scheme on the grass verge which would provide compensation for the loss of a small part of the grass verge.

4.17 It is considered that the proposed development accords with the design principles set out in Development Control Local Plan Policy GP1 through being designed in a way which is compatible with the character of the area and incorporating appropriate landscaping where suitable.

CAR AND CYCLE PARKING

4.18 The consultation exercise resulted in concerns being expressed about the level of car parking proposed at the site given the scale of the proposed expansion of the GP surgery. The proposal increases the number of GP consultation rooms by four, nurse treatment rooms by one, as well as adding an alternative treatment room and a dispensing pharmacy. The proposal clearly has the potential to create a significant increase in the number of staff and patients on site at any one time. The number of on-site car parking spaces is proposed to increase by three, from eight to eleven.

4.19 The Development Control Local Plan sets maximum rather than minimum car parking standards. However, a pragmatic approach clearly needs to be taken and developments should not be approved which would cause highway safety issues or significantly harm neighbouring amenity through indiscriminate parking. In addressing concerns raised regarding the number of car parking spaces proposed, the applicants have submitted information including a patient travel survey, a green travel plan which has been produced to encourage sustainable travel choice, and further details about how the surgery would operate and alternative staff parking facilities in the area.

4.20 The applicants have stated that the number of staff employed on site and the number of patients visiting would not grow proportionately to the size of the proposed extension.

It is stated that the additional GP consultation rooms would allow each GP to have their own room rather than sharing, however all will not be working at the same time. Additionally it is stated that it is proposed to spread out the number of patients received over a full day, and the number of GP's receiving patients at any one time is not proposed to significantly increase. Therefore, the applicants do not believe that the number of patients on site at any one time would significantly increase. The proposal would result in an increase in staff through an increase in patient services offered and the opening of the pharmacy.

4.21 Clearly whilst the applicant states that the proposal would not result in a significant increase in the number of patients on site at any one time, approving a substantial extension does create the potential for this to change if demand grows and a greater number of treatment rooms are utilised at any one time. In terms of physical space on site there is the potential for the number of staff and patients to double. Therefore it is reasonable to consider the application in relation to the potential impact over a longer period taking account of potential increases in patient numbers which could take place in the future.

4.22 In order to try and address concerns regarding car parking demand the applicants have carried out a patient travel survey to show what the existing travel patterns are of patients. The patient travel survey was recently carried out over a four week period. Over this time 1958 visiting patients were surveyed. Of these patients 1265 arrived by private car, 571 walked, with the remainder arriving by bus, taxi, walking, cycling or community ambulance. Clearly a strong proportion of patients arrive by car, however the central location of the site within the residential area of Huntington accounts for the large number of people who walk. Even with this large proportion of patients arriving by car at present and only eight car parking spaces being available, there are no known existing highway safety problems associated with indiscriminate car parking in the area.

4.23 The proposal includes an increase in the number of car parking spaces by three but also includes a Travel Plan with the aim of achieving a modal shift towards more sustainable transport choice and away from private car journeys. The applicants have worked with the Council's Travel Planning Coordinator to devise a simple leaflet which can be given to all patients encouraging them to arrive by walking, cycling, or by bus and providing relevant information to enable people to be confident in using a sustainable transport choice. The applicants are committed to continuing to work with the Council's Travel Planning Coordinator to create a substantial modal shift over five years. There are clear health benefits associated with this objective. This would include annual monitoring and the creation of new appropriate measures to continue to encourage a greater proportion of patients to arrive by sustainable transport choice on a year by year basis. Discussions are continuing with the applicant to try and firm up travel planning arrangements and provide more assurance and commitment to a modal shift. An update on these measures will be given at the Committee meeting.

If such measures are not successful the Council's Highway's Department have the power to implement waiting restrictions on adjacent roads if parking on the highway causes problems. The applicant's have agreed to provide £2000 towards any Traffic Regulation Order which is needed in the future to retain highway safety. This would be secured through a S106 if Members are minded to approve the application.

4.24 The applicants state that there is an informal arrangement in place for staff to use the car park of the chip shop and public house across the road from the site. It is stated that this allows up to 25 staff members to park off site and is an existing arrangement which has been on-going for seven years. However, given that this represents an informal arrangement, there is only a limited amount of weight that can be attached to this. Again further discussions are on-going with the applicants in this regard to see if alternative parking arrangements can be formalised and an update will be provided at the meeting.

4.25 To further encourage sustainable transport choice it is proposed to install separate cycle parking for staff and patients. Seven cycle hoops are proposed for patients to enable fourteen bicycles to be parked at any one time. The cycle hoops are close to the building entrance to encourage their use. Staff parking is to the rear of the building. Eleven bicycles could be stored in this area, with a canopy to provide shelter. The staff cycle parking area is located behind a lockable gate to ensure they are secure. It is considered that both the type and amount of cycle parking proposed is suitable and would help encourage sustainable transport choice, therefore reducing the demand for car parking spaces.

NEIGHBOURING AMENITY

4.26 Policy GP1 'Design' seeks to protect the amenity of nearby residents from noise, disturbance, overlooking, overshadowing or from being dominated by overbearing structures. The two storey part of the proposed extension would be positioned away from residential dwellings in the area. The side extension is single storey only; this would be 3.2m in height at its rear where it sits adjacent to the curtilage of 4 Grampian Close. The extension would sit between 1.5m and 2.5m from the boundary. There is a 2.2m high fence separating the application site from 4 Grampian Close. Given the separation distance between the boundary and the proposed single storey extension and its modest height above the existing fence, it is not considered that there would be any significant impact on light to, or outlook from, 4 Grampian Close.

4.27 The proposed single storey side extension would sit between 1.2m and 2.3m from the shared curtilage boundary with 5 North Lane. The proposed extension would be 2.9m in height at this point. It is not considered that this would appear dominant or overbearing given the separation distance from the boundary. There is only one window within this side elevation facing towards 5 North Lane.

This window is raised and would be obscure glazed and would not result in a loss of privacy. A letter was received from the residents of 5 North Lane requesting that a 2m high wall be erected on the boundary. It is considered that a 2m high wall would look oppressive and completely out of character with the surrounding area where dwarf walls and hedges are the common boundary treatments. The applicant has agreed to erect a brick wall along this boundary which is predominantly 1.8m in height. This would mean that patients visiting surgery would be prevented from seeing into the back garden of 5 North Lane. It would also help to mitigate against the noise of vehicles entering and leaving the car park, and prevent car headlights from shining into windows on the side elevation of this bungalow. The proposed boundary wall would step down to 1.5m in height and then 1.2m in height as it reaches the front boundary of the site. Number 5 North Lane has a dwarf wall along their front boundary and it was considered important that the proposed wall respects this and steps down. On the application side of the proposed boundary wall it is proposed to plant a hedge, this would aid in softening the appearance of the brick wall and provide a greener setting to the car park.

4.28 The proposed surgery extension has the potential to increase the number of comings and goings from patients. Given the location of the site adjacent to a busy road and in an area where there is activity associated with local shops, a chip shop, and public house, it is not considered that during the day this activity would have a significant impact on neighbouring amenity. The proposed pharmacy is proposed to be open from 07:00 to 23:00 hours on Monday to Friday, 08:00 to 19:00 hours on Saturday's and between 09:00 and 17:00 hours on Sunday's and Bank Holiday's. Activity first thing in the morning and later in the evening would introduce comings and goings to the site at times when there are none at present. However, given the location of the pharmacy adjacent to a busy road and opposite a public house, it is considered that there is no strong justification for objecting to this activity. There would be no noise associated with the use at the most noise sensitive hours of the day.

5.0 CONCLUSION

5.1 The proposed development would enhance and expand an existing health care community facility. This would be likely to result in significant benefits to both existing customers whilst meeting the needs of an expanding York population. The demolition of a bungalow to enable this to occur is considered acceptable.

5.2 The proposed development incorporates a modern design to create a health centre facility which is appropriate for a modern surgery and will meet the needs of patients. The design respects neighbouring properties and would not harm their amenity. Sustainable transport choice is to be promoted through the provision of cycle parking and the implementation of a Travel Plan which is currently being developed; it is anticipated that this will be finalised before the Committee meeting.

5.3 It is considered that the proposed development is acceptable subject to conditions and a Section 106 agreement. The S106 would need to cover the planting of trees on the grass verge (or funds to enable such planting to take place) and £2000 towards a Traffic Regulation Order to allow waiting restrictions to be created on roads around the GP surgery practice if car parking becomes an issue in the area. The applicant has agreed to fund these measures.

COMMITTEE TO VISIT

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:-

- A LIST OF APPROVED PLANS WILL BE PROVIDED ON THE DAY OF COMMITTEE.

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 information contained on the approved plans, the height of the new build houses shall not exceed 6.5 metres in height, 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.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including a sample panel of brickwork and painted render, timber cladding, roof coverings, and hard ground surface materials, 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.

5 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. 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.

6 The extension hereby approved shall not come into use until the areas shown on the approved plans for car parking and cycle parking (including the installation of a security gate) 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.

Informative - The patient cycle parking hoops shall be spaced 1m apart to allow both sides of the hoop to be used for securing bicycles.

7 The pharmacy service hereby approved shall not offer for sale any products which are not medical in nature that is, not related to the treatment or prevention of illness and injuries.

Reason: To ensure the pharmacy operates ancillary to the approved extended health centre.

9 The floor area of the pharmacy hereby approved shall not extend beyond the floor layout plan shown on the approved plans (drawing number SK06 - rev B).

Reason: To ensure the pharmacy operates as an ancillary facility to the approved extended health centre.

10 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. These details shall include:

Details to include:

- (i) Peak surface water run-off from the proposed development must be restricted to a maximum 2.4 lit/sec.
- (ii) Site specific details of the flow control device manhole limiting the surface water to the 2.4 lit/sec.
- (iii) Storage volume calculations, using computer modelling must be provided, and 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. The full range of modelling should be provided.
- (iv) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- (v) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- (vi) Details should be provided of the future management / maintenance of the proposed drainage scheme.

The development 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.

11 All site preparation and construction works and ancillary operations which are audible at the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday - 08:00 to 18:00
Saturday - 09:00 to 13:00
Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

12 The use hereby permitted shall only operate between the hours of:

- 07:00 and 23:00 hours Monday to Friday
- 09:00 and 19:00 hours on Saturdays
- 09:00 and 17:00 hours on Sundays and Bank Holidays

All plant and machinery shall have been switched off and all customers/patients shall have vacated the premises by this time.

Reason: To protect the amenity of local residents.

13 Details of all new machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the Local Planning Authority for written approval. These details shall include maximum (L_{Amax} (f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To Protect the amenity of local residents from noise.

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
- Design and Visual Impact
- Car and Cycle Parking
- Neighbouring Amenity

As such the proposal complies with Policies GP1, H9, C1 and T4 of the City of York Development Control Local Plan.

2. Demolition and Construction - Informative

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.

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

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site.

Contact details:

Author: Michael Jones Development Management Officer

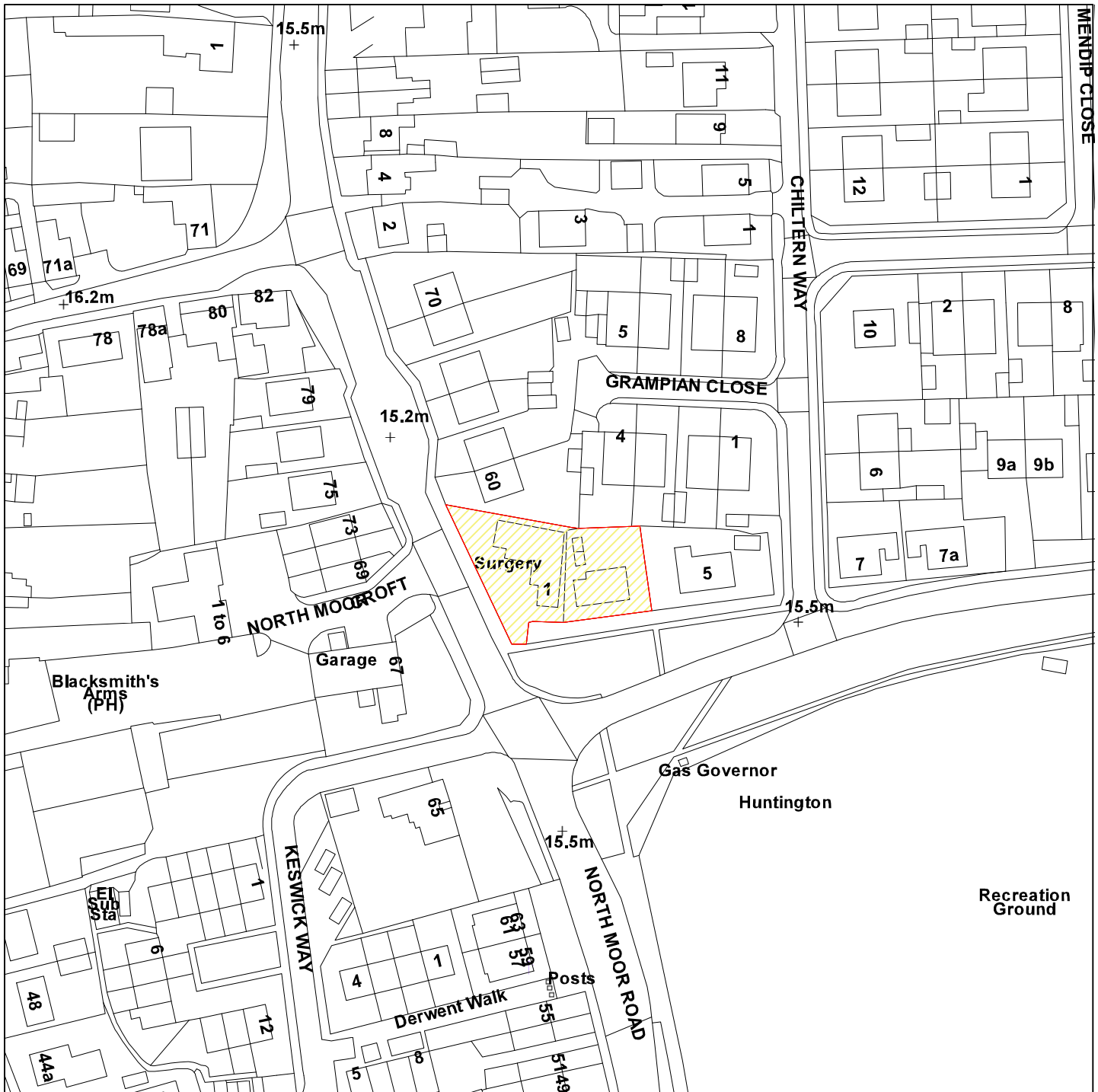
Tel No: 01904 551339

12/03081/FUL

The Health Centre, 1 North Lane, Huntington.



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Haxby And Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 12/03238/FUL
Application at: Land Adjacent To 5 South Lane Haxby York
For: Four no. terraced dwellings (resubmission)
By: Mrs Toni Grainger
Application Type: Full Application
Target Date: 21 December 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of four houses on an area of land adjacent to South Lane in Haxby. The site frontage is approximately 27m with a depth of approximately 17m. The application site is former garden land associated with 8, 10, 12 and 14 York Road. The gardens appear not to have been in use for a significant period of time and have become somewhat overgrown. The proposal consists of a row of four terraced houses. The proposed houses are two stories in height and each would contain two bedrooms. Each house has a rear conservatory, with the two end houses having a single storey side extension which would accommodate a space for a utility and/or study space. The houses would front onto South Lane with gardens to the rear.

1.2 Each dwelling would have one off-road car parking space, accessed off the existing private drive which serves dwellings along this part of York Road.

1.3 The boundary of Haxby Conservation Area runs along the north side of South Lane. The proposed houses are to the south of South Lane and are therefore not within the Conservation Area.

1.4 This application is the re-submission of an application (11/01804/FUL) for two pairs of semi-detached houses which was refused at East Area Planning Committee in October 2011. The previous application was refused for the following reason:

'It is considered that the proposed development, by virtue of its size, height, and the number and position of windows within the rear elevation, would result in a loss of amenity for neighbouring residents. The garden of 16 York Road is long and narrow and the proposed dwellings run parallel to this with a separation distance of between 8.5m and 9.3m.

It is considered that the proposal would appear dominant and overbearing when viewed from the garden of 16 York Road and would result in a loss of privacy through overlooking from the eight first storey windows within the rear elevation of the proposed houses. In addition, the proposed dwellings would be sited to the south of Wren Cottage with a separation distance of approximately 9m. It is considered that the proposal would result in a loss of light and outlook from Wren Cottage, harming the level of amenity currently enjoyed. Therefore the application is considered contrary to Policies GP1 (criterion i) and H4a of the Development Control Local Plan.'

1.5 The plans have been amended in an attempt to overcome this reason for refusal. The most significant amendments are:

- The application is for a row of four terraced houses rather than two pairs of semi detached properties
- The proposed eaves and ridge heights are approximately 4.7m and 7m, the refused application building heights were 5.1m and 8.1m;
- The depth of the proposed houses have been reduced, the distance from the main two storey rear elevation to the boundary with 16 South Lane is between 9.1m and 9.7m, the previously refused scheme had rear separation distances of between 8.5m and 9.3m;
- The proposed house towards the west side of the site has been set back 1.3m from the existing footpath, increasing the separation distance between this house and Wren Cottage to 10.2m, the previous application had a separation distance of 9m;
- The development has been pulled back from the west boundary with 5 South Lane to allow a separation distance at 2 storey level of approximately 3.3m and 1.2m at ground floor level;
- The proposed houses have a conservatory to the rear;
- On the rear elevation the number of windows at first storey level has been reduced from 8 to 4, and the windows proposed within this application are of oriel design which restricts the line of visibility;
- Green landscaping is proposed within the rear garden;

1.6 A site visit is recommended to understand the concerns raised by local residents and the Town Council and to understand the implications of the changes to the design. It should be noted that errors within the submitted plans of the previous application wrongly labelled the rear garden areas, and as such the reason for refusal made reference to harm to the garden of 14 York Road. In fact, the neighbouring garden in question was that of 16 York Road.

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

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYHE2
Development in historic locations

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections as there is no material change in highway layout to the originally proposed application.

3.2 Education - No contribution required towards local education provision.

3.3 Conservation - By virtue of scale, massing, siting and design, the proposed development would not be overly intrusive in views into or out of the conservation area. The proposed development preserves the setting of the conservation area. Should the granting of planning permission be recommended, conditions should be attached requiring:

- Samples for external materials
- Sample panel for brickwork
- Vertical cross section through front elevation illustrating eaves detail, window profiles and set back in reveal, window sills, and band course at 1:20

3.4 Environmental Protection Unit - No objections.

3.5 Drainage - No correspondence received at the time of writing the report, update to be provided at Committee.

3.6 Leisure - No correspondence received at the time of writing the report, update to be provided at Committee.

EXTERNAL

3.7 MP for York Outer - Objections raised to the application on the following grounds:

- The proposed development is inappropriate use for land set out for garden space and would thus damage the aesthetic appeal of the area;
- The existing houses on South Lane are old and attractive and terraced houses and the property in question would not complement these;
- Concerns have also been raised about the impact of the building on the amount of light entering other houses in the area;
- The proposal would make traffic and car parking problems in the area significantly worse.

3.8 Haxby Town Council - Strongly object to the proposed development on the following grounds;

- Backland development;
- Overdevelopment of the site
- Proposal would dominate the streetscene facing directly into Haxby Conservation Area;
- Out of keeping with the streetscene;
- Insufficient car parking;
- Proposal would result in a loss of amenity within the gardens of existing houses on York Road.

3.9 Local Residents - Six objections received from residents of 7 South Lane and 10, 16, 22, and 24 York Road and 1 Orchard Paddock;

- Gardens need preserving for families with children and not lost to development;
- It is unrealistic to suggest that the residents of these houses will not have cars and cycle parking is provided;

- This is an overdevelopment of a small piece of land;
- The development would result in a displacement of those who park in the area behind the houses on York road, moving those cars onto South Lane or York Road resulting in an increased danger;
- The proposal fails to take into account the number of vehicles that would be imported by the residents of the new houses - The idea that the occupants of these houses in a suburb of York would only have one car per household is unrealistic
- South Lane is used as a rat run through the village, any further congestion would only add to the difficulties already experienced in this area.
- The proposal goes some way to addressing previous concerns about height and loss of privacy through the revised design;
- The fact that the site is derelict at present should not be used as a justification for the proposal because this appearance has occurred recently when bought by the current owners;
- Concerns regarding drainage, assurances sought that if the proposal causes drainage problems that the Council or house builder is legally liable;
- The use of underground storage may increase the water table in the area because there will be less land for the water to drain into;
- Disagree with the applicants claim that the houses will provide much needed first time buyer affordable housing in the city, as there is not robust evidence to support this.

One letter of support has been received from a resident of 8a York Road. The letter states that there are no negatives to the proposed development and it would create much needed housing for first and second time buyers.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development;
- Visual impact and design;
- Neighbouring amenity;
- Bin/cycle storage and car parking; and
- Drainage

4.2 Since the previous application was refused there has been a change in national planning policy guidance through the withdrawal of PPS and PPG's and the introduction of the National Planning Policy Framework. Whilst the previous application was only refused on grounds of neighbouring amenity, it is considered that given the changes in the design of the proposal and the change in planning policy, that all matters expressed above need to be re-considered.

PRINCIPLE OF DEVELOPMENT

4.3 City of York Draft Local Plan Policy GP1 states that development proposals will be expected (amongst other things) to respect or enhance the local environment, and 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. It also states, that proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Development Control Local Plan Policy H4a sets the criteria for assessing proposals for windfall housing sites which come forward, such as the application under consideration. The policy states that proposals will be granted planning permission where they are located in an urban area and the site is vacant or underused and involves infilling or redevelopment. Part b) states that sites should have good accessibility to jobs, shops and services by non-car modes. The final parts of the policy require proposals to be of an appropriate scale and density to surrounding development and not have a detrimental impact on existing landscape features.

4.5 A strong presumption in favour of sustainable development is the 'golden thread' running through the NPPF. This presumption in favour of sustainable development should be applied when determining all planning applications. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Issues around the creation of new houses are covered in various sections of the NPPF. Chapter 6 is dedicated to 'Delivering a wide choice of high quality homes'. This states that housing applications should be considered in the context of the presumption in favour of sustainable development. However, in terms of new residential development in gardens, Local Planning Authorities should consider setting out policies to resist inappropriate development, for example where development would cause harm to the local area. Local Planning Authorities are encouraged to set their own approach to housing density to reflect local circumstances. Overall the policy seeks to boost significantly the supply of housing.

4.6 The application site is within the built up settlement limit of Haxby. The site is close to services and facilities such as schools, play areas, shops and a regular bus service into York. The site is considered to be in a sustainable location and is therefore likely to reduce the need to travel, helping to achieve the Council's aim of reducing dependency on the private car. The application site is no longer used as private garden land. The majority of the site is owned by the applicants and the use of the gardens ceased some time ago. The former gardens affected by the proposed development are at the rear of 8, 10, 12 and 14 York Road.

These houses would continue to have yard areas at the rear and therefore would still have access to an area to store bicycles and bins and hang out washing. The former gardens are separated from the walled yards by the private access road which serves the dwellings. The principle of residential development on this site was considered acceptable when the previous application was determined and it is not considered that the NPPF has introduced anything which would warrant a change in this view. The NPPF places a stronger emphasis on the need to support sustainable new housing schemes.

4.7 Concerns have been raised that the proposed development represents unacceptable backland development. However, development described as "backland" usually refers to development on a site to the rear of other existing buildings, without a highway frontage. The proposed dwellings clearly have a highway frontage to South Lane. Whilst the application site is to the rear of dwellings on York Road, it is not considered that the proposal constitutes backland development. The NPPF states that policies should be set to resist harmful garden development. However, any harm has to be substantiated; not all garden development is by definition harmful. Policy H4a of the Development Control Local Plan sets out the criteria which housing windfall sites must achieve. It is considered that the proposed development is in accordance with this criterion. Windfall sites such as this can contribute significantly to meeting the housing needs of the city. Recent information shows a demand for two and three bedroom family type accommodation in the city and the proposal would go some way to meet that demand.

VISUAL IMPACT AND DESIGN

4.8 The proposed development fronts onto South Lane. The proposed houses are set close to the pavement on South Lane in order to allow the maximum level of separation from the rear of the houses to neighbouring gardens. It is considered that designing houses to directly front onto a street is an effective way of making efficient use of land, in appropriate circumstances. The dwelling opposite the application site, known as Wren Cottage, is also sited immediately adjacent to the highway.

4.9 Whilst design did not form a reason for refusal within the previous application, it is considered that the proposed development represents a more sensitive design approach to creating residential development on this site. The proposed houses are simple and traditional in design with a low eaves and ridge height. It is considered that the lower height would reduce the visual prominence of the dwellings so that they appear subservient to the more substantial houses on York Road and within the Conservation Area. The houses would have a pitched roof constructed of slate tiles. The outer walls would be brick to match existing houses in the area and windows and doors would be painted timber.

Details such as window types, opening and reveals could be controlled by condition to ensure that a high quality finish is achieved which is considered necessary within this location adjacent to the Conservation Area. No objections are raised by the Conservation Officer. At present the application site is unused and does not make a positive contribution to the street scene.

NEIGHBOUR AMENITY

4.10 Issues of neighbour amenity were the principle reason for refusal of the previous application. As outlined in paragraph 1.5, the proposal has been amended in a number of ways to try and overcome the harm which the previous application was considered to create.

4.11 Whilst each amendment to the proposed development is relatively small, it is considered that added together they represent a significant amendment in terms of the potential impact on neighbouring amenity. The height of the proposed houses has been significantly reduced, the eaves height is approximately 4.7m with the ridge 7m above the ground. This represents a reduction in ridge height of over 1m. This combined with the slightly increased separation from the rear garden area of 16 York Road results in a development which is less dominant when viewed from this garden area. In addition, the layout plan shows a good amount of green landscaping to be planted within the rear gardens of the proposed houses. This would aid in softening the appearance of the dwelling once the landscaping has matured. The proposed houses are due north of the garden of 16 York Road and therefore would not have a significant impact on the amount of natural light and sunlight entering the garden area. It is not considered that the proposed conservatories would be visually intrusive from neighbouring garden areas.

4.12 Objections were raised to the previous application due to a loss of privacy which was considered to result from 8 first storey windows within the rear elevation of the houses. The proposed development has slightly increased the level of separation between the main rear elevation and the neighbouring garden at 16 York Road. Additionally the applicants propose a hedge and small tree planting within the rear garden of the houses. These changes would create a small benefit in terms of reducing the potential for loss of privacy through overlooking.

4.13 However, of most significant benefit is the reduction in the number of first storey rear windows from 8 to 4 and a change in window design to reduce the potential for overlooking into neighbouring gardens. The reduction in the number of windows reduces the perception of being overlooked. The change in design to create oriel windows which are glazed on only one side reduces both the amount of glazing seen from neighbouring gardens whilst reducing the sphere of vision from within the rear bedrooms.

The oriel windows have been designed to allow views at 45 degree angles to the houses, meaning residents of the proposed houses would have the benefit of a window for light and outlook, but would not directly face towards the edges of garden areas and retaining areas of garden land which are not directly overlooked.

4.14 The rear elevation of the proposed houses is south facing and therefore the oriel windows will still allow a good amount of daylight to enter the rear bedroom. It is considered that the window design ensures there remain areas within the garden of 16 York Road which remain reasonably private. The garden of 16 York Road is not currently completely private due to rear windows within houses on York Road and from people using the access track which separates this garden from the house. It is considered that the increase in separation distance, the introduction of landscaping and most significantly the reduction in the number of windows at first storey level and the oriel window design sufficiently reduces the perceived and actual loss of privacy to a level which is considered acceptable in this context.

4.15 The remaining part of the previous reason for refusal was the loss of outlook and natural light from Wren Cottage, on the opposite side of the road, as a result of the proposed development. Wren Cottage sits on the opposite side of South Lane, and abuts the highway. The dwelling contains four windows in the elevation which faces towards the application site. These four windows (based on the approved plans) serve a kitchen/dining room, a sitting room, and two bedrooms. These windows, along with the two windows in the side elevation, are the primary windows in the house. Therefore it is important for the amenity of the occupiers of Wren Cottage that the front windows receive a good amount of natural light and allow for a reasonable outlook. In addressing this issue, the applicant has significantly reduced the ridge height of the proposed dwellings. Additionally, the proposed house to the west side of the site, opposite Wren Cottage, has been set back from the footpath. The dwelling opposite Wren Cottage would be 10.2m away with a ridge height of 7m. The previous application had a separation distance of 9m and a ridge height of 8.1m. It is considered that these amendments would retain a reasonable level of sunlight which enters the front windows of Wren Cottage and allow for a reasonable outlook.

4.14 The side elevation of the proposed houses would be located to the rear of dwellings at 8, 10 and 12 York Road. The proposed dwellings would be separated from the curtilage of the houses on York Road by an access road and the proposed car parking spaces for the four houses. The main two storey element of 8, 10, and 12 York Road sits approximately 16.6m away from the two storey element of the proposed houses. It is considered that this is sufficient to maintain a reasonable level of outlook for these properties. The only windows in the side elevation of the proposed dwelling to the east side of the site would serve a bathroom and a utility room. The first storey bathroom window could be obscure glazed to maintain privacy.

BIN/CYCLE STORAGE AND CAR PARKING

4.15 Each dwelling would have access to the rear garden without having to pass through the house. The two end houses have independent access to the rear garden areas with the two houses in the middle having a shared access from the rear via the access road. This allows for bins and recycling boxes to be stored within the back garden and away from the public domain. On refuse and recycling collection days the bins and boxes can be moved to the roadside. There are two proposed collection areas adjacent to the footpath. Each dwelling has an enclosed and secure shed/storage building proposed within the rear garden which could be used for the storage of bicycles.

4.16 Concerns have been raised by local residents regarding the lack of car parking associated with the proposed development and more widely within the local area. However, it is important to assess this application on its own merits. The proposal is for four 2-bedroom houses. The Council's maximum car parking standard is one car parking space per two bedroom house. Therefore the proposal complies with the Council's standards in terms of car parking numbers. The application site is within a sustainable location close to everyday facilities and services. In addition, future residents would have access to a regular bus service to York City Centre. Cycle storage is provided for each property. It is considered that the level of car parking proposed is adequate for the number and size of houses proposed in this location. There is on road car parking on South Lane for visitors.

DRAINAGE

4.17 The application site is within Flood Zone 1 as identified by the Environment Agency. Flood Zone 1 is the lowest category in terms of flood risk. In terms of surface water drainage the applicants are proposing to attenuate surface water run-off through the use of underground water storage pipes which release storm water at a controlled rate into the existing sewer. This method of attenuation would ensure that run-off from the site is no greater than at present, therefore not adding to flood risk. The drainage scheme has not been fully designed, however it is considered that there is scope beneath the rear gardens of the houses to accommodate the attenuation system and this could be controlled by condition. Foul water would drain into the existing foul sewer.

5.0 CONCLUSION

5.1 It is considered that the principle of development is acceptable. The proposed houses are located in a sustainable location and would contribute to meeting the housing needs of the City. The existing garden areas are unused and it is not considered that they add to the character and appearance of the area. It is considered that the car and cycle parking and bin storage arrangements are acceptable and in line with local planning policies.

5.2 The application site is constrained by its close relationship with neighbouring dwellings and gardens. The resubmitted plans have sought to address the previous areas of concern regarding the impact on privacy and general enjoyment in the garden area of 16 York Road and in terms of outlook and natural light for the residents of Wren Cottage. It is considered that the proposed development overcomes the previous reason for refusal and is therefore recommended for approval subject to conditions.

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:-

Proposed layout plan 1/G/2012A received 09.10.2012

Proposed elevations 2/G/2012A received 09.10.2012

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

3 Notwithstanding the provisions 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 (enlargement or improvement of dwelling house), B (enlargement of roof), C (alterations to roof), D (construction of a porch), and E (construction of outbuildings) 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 and the character and appearance of the area 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.

4 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 dwellings.

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

5 The first floor window within the east (side) elevation of Plot 1 shall be fitted with obscure glazing to a minimum standard of Pilkington Level 3 (or the equivalent standard) and shall be thus maintained.

Reason: In the interests of the privacy of adjacent residential dwellings.

6 All first floor rear windows within the houses hereby approved, shall be of oriel design with one half fitted with a non-transparent material and shall thereafter be retained.

Reason: In the interests of the privacy of local residents.

7 Notwithstanding the information contained on the approved plans, the height of the new build houses shall not exceed 7 metres in height, 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.

8 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including roof tiles, a sample panel of brickwork, and ground surface materials, 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.

9 Prior to the commencement of development, a drawing showing the vertical cross section through the front elevation illustrating eaves detail, window profiles and set back in reveal, window sills, and band course at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To achieve a visually acceptable appearance on a site adjacent to Haxby Conservation Area.

10 Details of all boundary treatments, including a security gate adjacent to the rear footpath, shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is first occupied.

Reason: In the interests of the visual amenities of the area and crime prevention.

11 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. 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.

12 Prior to the development commencing details of the cycle parking, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the cycle parking facilities have been provided within the site in accordance with such approved details.

Reason: To promote sustainable transport choice.

13 Development shall not begin until full details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development 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.

14 All site preparation and construction works and ancillary operations which are audible at the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday - 08:00 to 18:00

Saturday - 09:00 to 13:00

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Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

15 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 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 £4688.

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.

16 The dwellings shall not be occupied until the areas shown on the approved plans for car parking 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.

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;
- Visual impact and design;
- Neighbour amenity;
- Bin/cycle storage and car parking; and
- Drainage

As such the proposal complies with Policies GP1, GP10, HE2, H4A, T4, and L1c of the City of York Development Control Local Plan.

2. DEMOLITION AND CONSTRUCTION

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

3. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing 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 2A of the Environmental Protection Act 1990.

4. 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

Contact details:

Author: Michael Jones Development Management Officer

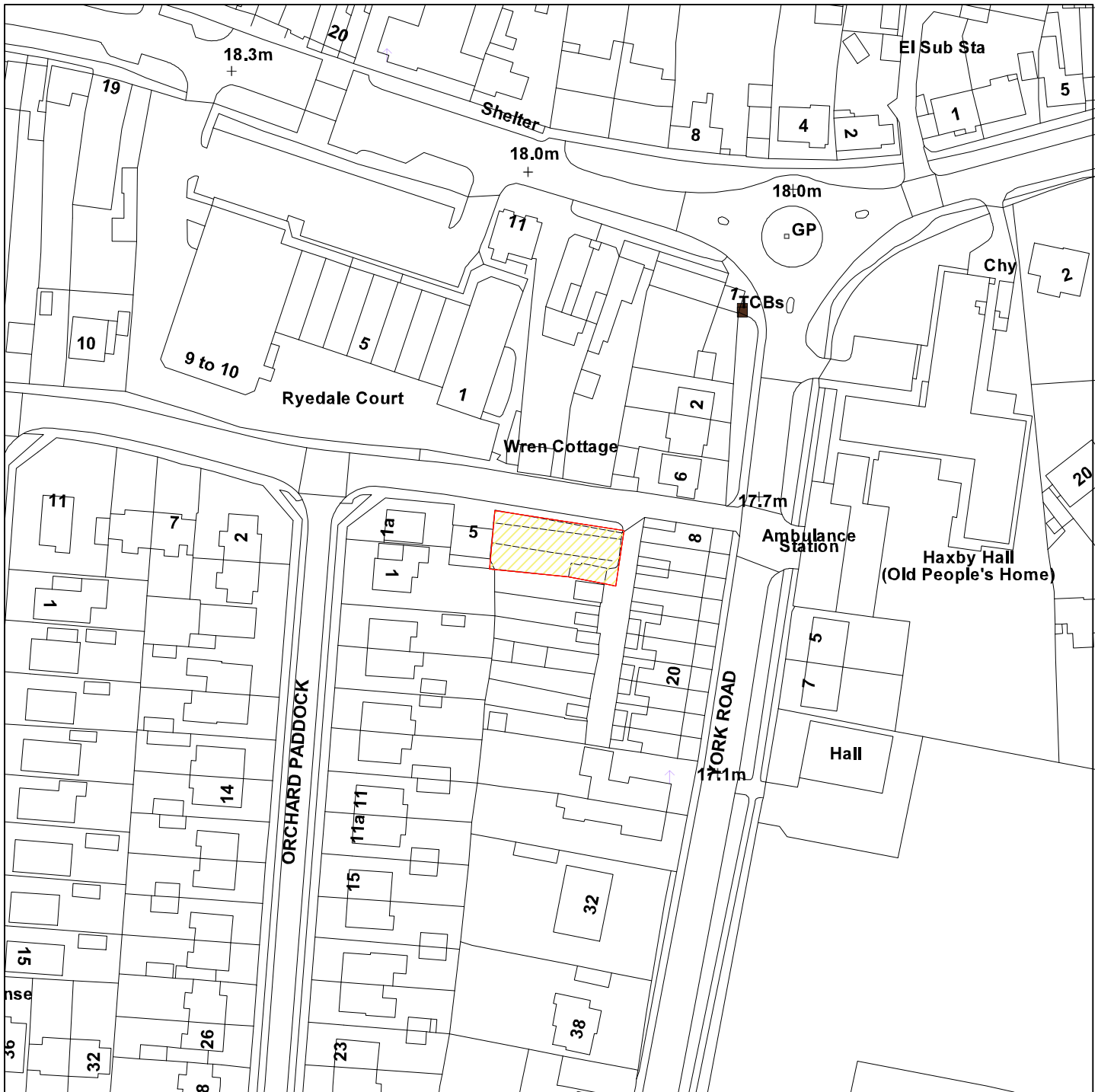
Tel No: 01904 551339

12/03238/FUL

Land Adjacent To 5 South Lane



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Osbaldwick
Team: Householder and Small Scale Team **Parish:** Osbaldwick Parish Council

Reference: 12/03400/FUL
Application at: 62 Tranby Avenue Osbaldwick York YO10 3NJ
For: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
By: Mr Denis Fletcher
Application Type: Full Application
Target Date: 27 December 2012
Recommendation: Approve

1.0 PROPOSAL

THE APPLICATION SITE:

1.1 The application site is known as 62 and 62a Tranby Avenue. The configuration of the dwelling comprises of a three bedroom property that has been extended at two storey height on the side and rear to form a one bedroom flat, originally for the purpose of creating a "granny annex" for the applicant's parents, and garage/ utility area on the ground floor area. Although linked to the original dwelling at ground floor, the one bedroom flat is effectively an independent residential unit and incorporates an en-suite bathroom and kitchen. It has its own entrance and staircase to the first floor.

THE PROPOSAL:

1.2 This application seeks planning permission to convert 62 and 62 A Tranby Avenue from its existing use as a dwelling (Use Class C3) to a house in multiple occupation (HMO) (Use Class C4) for six individual occupants. The internal layout of the dwelling would remain unchanged, and would incorporate four bedrooms at first floor (two within the self contained annex) and two at ground floor.

PROPERTY HISTORY:

1.3 Erection of a two storey side extension for the purpose of creating a "granny annex" (ref: 3/100/297/FA) approved 26.10.1990.

SUPPORTING INFORMATION:

1.4 Design and Access Statement detailing the application site and the proposal.

1.5 A Flood Risk Assessment confirming the site is not within a high risk flood zone.

FOR INFORMATION:

1.6 This application has been called in to the East Area Planning Sub Committee by Councillor Mark Warters on the basis of neighbour amenity issues.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL:

3.1 Integrated Strategy Unit:

62 Tranby Avenue falls within a neighbourhood area where 3.6% of properties are shared houses. Within 100m of the property the proportion of shared houses is 4.4%. As such, in accordance with the provisions of the Draft HMO SPD neither the neighbourhood nor the street level threshold has 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 should also be undertaken.

EXTERNAL:

3.2 Osbaldwick Parish Council - No comments received at the time of writing 23.11.12.

3.3 Neighbour notification was sent on 06.06.2012 the 21 day notification period expires on 09.07.2012. Seven letters of objection have been received from the following properties on the issues listed below:

There are serious flooding and surface water drainage issues in the area.

The concerns relate to additional occupiers at the property will increase the existing problems of standing water in the rear gardens. Photographs have been included on the letters

Noise pollution and disturbance caused by additional visitors to the property.

Who will be responsible for future maintenance of the property?

The occupiers of the property may include ex-offenders, asylum seekers or DHSS claimants, adversely affecting the character of the area

Overconcentration of HMO`s in the area - are any more really needed.

There are many unlet properties in the area

Additional vehicles and potential parking problems causing increased risk of accidents

The value of the property will increase whilst resulting in devaluation of other properties

Student accommodation should be within the university campus to reduce the amount of private properties becoming HMOs.

Accommodation is available for students on the campus and also on the new development at the Hull Road Dairy site

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

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 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 are compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

ACCOMMODATION:

4.6 The host dwelling and first floor flat would provide accommodation for up to six unrelated people. There would be an element of sub-division in that the existing annex would contain two bedrooms, an en-suite bathroom and first floor kitchen within what was previously the third bedroom/boxroom. This would place less pressure on the occupancy of the remainder of the property, which would contain four bedrooms, a ground floor kitchen and first floor bathroom. The submitted drawings and internal inspection of the property confirms that the internal layout would remain as existing. The integral garage would remain and could be used as a store for cycles and wheeled bins/ recycling boxes. The retention of the garage could be conditioned. There is an ample sized enclosed rear garden, which can be used as outdoor amenity space.

PRINCIPAL OF CHANGE OF USE:

4.7 Information received from the Council's Integrated Strategy Team has confirmed that 62 Tranby Avenue falls within a neighbourhood area where 3.6% of properties are shared houses. Within 100m of the property the proportion of shared houses is 4.4%. As such, in accordance with the provisions of the Draft HMO SPD neither the neighbourhood nor the street level threshold has been breached and the principle of a change of use to an HMO is considered to be acceptable.

IMPACT ON THE NEIGHBOUR AMENITY/ CHARACTER AND APPEARANCE OF THE AREA:

4.8 The location of the property is in close proximity to York University and local public transport links into the city centre, together with an ample supply of local shops. This layout would seem reasonable to meet the needs of six people, particularly bearing in mind that the annex provides a degree of separation, albeit within what is still considered to be a single dwelling.

The outside garden area is separated from the occupiers of 58 & 60 Tranby Avenue and 12 Bedale Avenue by a six foot fence and garden shrubbery. Sufficient car and cycle parking is available within the existing garage, driveway and in front of the house. As such the application site would provide adequately sized accommodation suitable for six occupants that would not have a negative effect on the adjacent neighbours or the residential character of the area.

4.9 However, in order to safeguard the visual appearance of the dwelling and the amenities of the adjacent residents, it is considered that the implementation of a management plan should be controlled by condition on any planning approval. The management plan would assist in such issues as providing information and advice to residents, garden maintenance, refuse and recycling collections and property maintenance issues. Given the low concentration of HMO's in the area (according to statistics based on Council Tax records) there is no specific evidence to suggest that the occupation of the property as an HMO would result in additional noise or disturbance or would adversely affect the character of the area

4.10 Whilst there may be flooding and surface water drainage issues in the area, as highlighted by local residents, it is not considered that the proposed development would exacerbate these issues, given that the application relates to a change of use of the existing property, with no additional extensions, and that the number of occupants would be similar to a large family dwelling. Therefore, it would be difficult to suggest that the number of occupants at the dwelling and any additional visitors would noticeably increase the garden flooding issues, to an unacceptable degree that would warrant refusal of planning permission.

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

4.13 The proposal conforms to the Council's maximum car parking standards and therefore no objections could be sustained on these grounds. In addition, there are no car parking restrictions on Tranby Avenue and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass.

4.14 The concentration of the amount of student housing is controlled with an Article 4 Direction placed on all houses within the urban areas of York, which is supported by the SPD (Controlling the Concentration of Houses in Multiple Occupancy) and is further reiterated with the council's visionary document City of York Sustainable Community Strategy - A City Making History 2008. The SPD document focuses on avoiding high concentrations of H.M.O dwellings, in order to avoid the loss of family homes and maintaining community cohesion and helping the development of strong, supportive and durable communities. The property is within the urban area, well served by local facilities and close to public transport routes.

From a sustainability perspective the use for effectively single person accommodation would be acceptable and would help to meet an identified need in the city.

4.15 In terms of managing the amount of occupiers and future occupiers to the property and its potential effect on the neighbourhood, a condition has been recommended to remove "permitted development rights" from this property in order to exercise control over any future extensions or alterations. It is acknowledged that the house has been extensively extended and any further extensions would be relatively restricted. Nevertheless, without this condition further extensions to the rear of the house could be erected without the need for planning permission. Clearly, if the overall number of occupants within the dwelling exceeded six, then the use would fall outside Class C4 and would become a "sui generis" use, and in those circumstances a further application for planning permission may be required.

5.0 CONCLUSION

5.1 The dwelling is considered to be a sufficient size, and with an adequate internal layout, to accommodate six unrelated individuals. The thresholds within the Council's Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Revised floor plan (drwg no YTA2)
- 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-E 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the garage indicated on the submitted drawings shall not be externally altered or converted to living accommodation.

Reason: To ensure that there is adequate cycle parking/storage space at the property and any proposals to increase living accommodation can be assessed on their merits.

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 residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

Contact details:

Author: Sharon Jackson Development Management Assistant

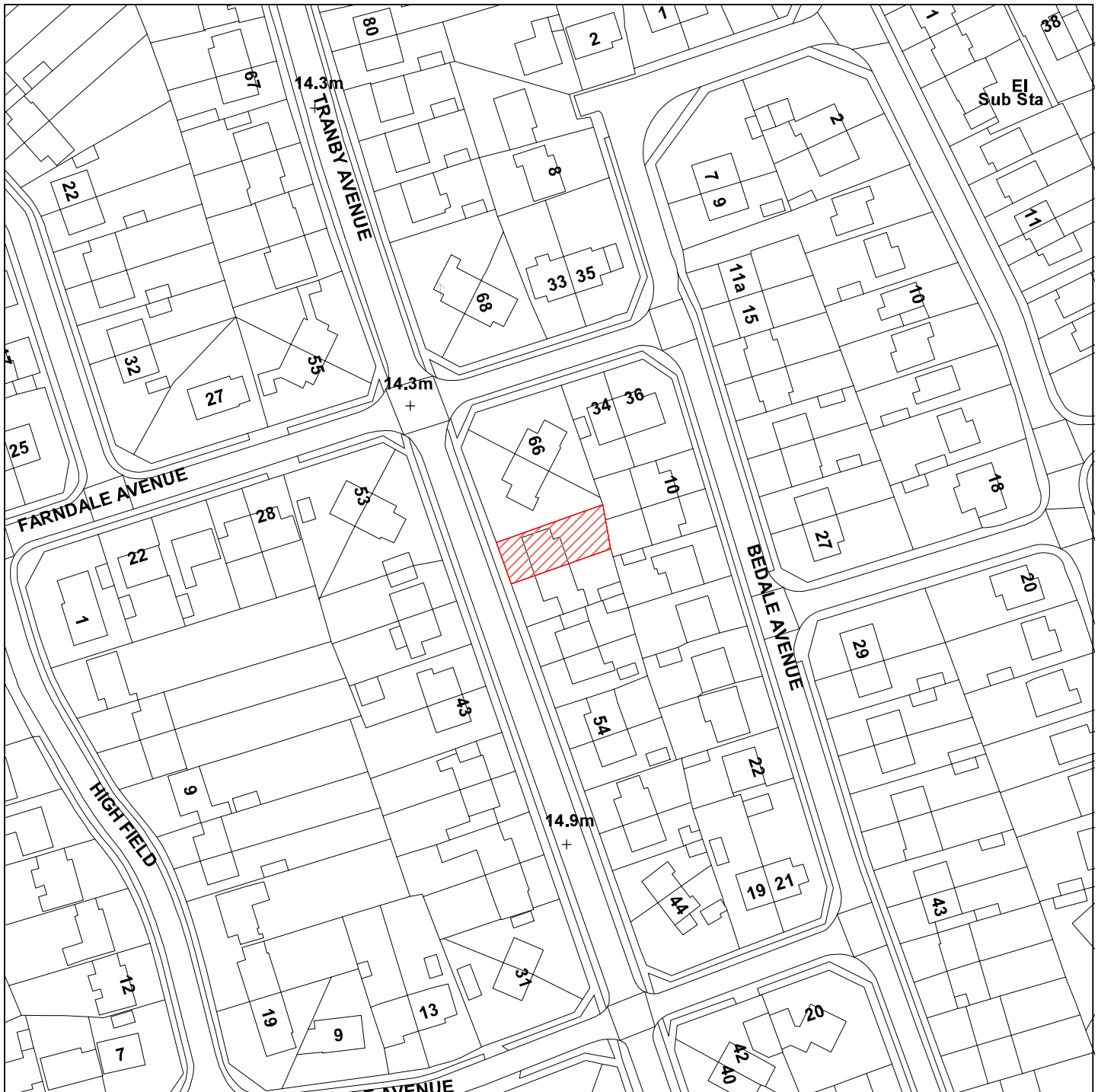
Tel No: 01904 551359

12/03400/FUL

62 Tranby Avenue



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Haxby And Wigginton
Team: Householder and **Parish:** Haxby Town Council
Small Scale Team

Reference: 12/03138/FUL
Application at: 29 Sandringham Close Haxby York YO32 3GL
For: Single storey rear extension with replacement attached garage to side (resubmission)
By: Mr P Brown
Application Type: Full Application
Target Date: 22 November 2012
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks planning permission for a single storey rear extension, with replacement attached garage to side (re-submission) on a detached property at 29 Sandringham Close, Haxby.

1.2 Relevant property History: The application is a re-submission of application ref. 12/1153/FUL, which was refused on 06/07/2012 for the following reason:

" It is considered that the proposed extension by virtue of its height scale and proximity to the side boundary with 31 Sandringham Close would result in a significant loss of light to the side of the adjacent property which contain a number of window openings, and would overdominate the side elevation of that bungalow. The proposal would therefore have a detrimental impact upon the living conditions of the adjacent resident, contrary to the provisions of Council's Development Control Local Plan policy H7, which requires, inter alia, there to be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy. "

The subsequent appeal was dismissed on 24/09/2012. This is discussed in the main body of the report.

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 - No objections 14.11.2012.

3.2.2 Neighbour Response - Letter objection received from 31 Sandringham Close 23.10.2012 - concerns regarding the previous refused scheme remain - the proposal will cause 'significant loss of light' and 'over-dominate the side elevation' of the adjacent bungalow.

4.0 APPRAISAL

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

4.2 Paragraph 17 of the National Planning Policy Framework (Core Planning Principles) contains useful guidance states that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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. There is adequate off-road parking within the garage and on the front driveway. The proposals 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. The revised scheme incorporates a hip to the roof and will soften its visual impact. The design, scale and choice of materials means it will not impact adversely on the street scene. The modest, ornate canopy, on the front elevation is a design feature which, if anything, will add to the visual quality of the street scene.

4.6 Impact on Neighbouring Properties - The only property potentially affected is that of no 31 Sandringham Close. A letter of objection has been received from this property re-iterating previous concerns. The concerns of this neighbour were upheld by both the planning sub-committee and the planning inspector. The original refusal considered the proposed extension would 'overdominate' the side elevation of this neighbouring property, and would result in 'significant loss of light' to this elevation. The appeal decision upheld this view, considering the extension; 'right to the boundary of the plot' would have a 'significant adverse visual impact' on the kitchen window of this neighbouring property, when looking towards the rear.

4.7 Revised Scheme - The substantive change from the previously refused scheme is the incorporation of a hip to the proposed extension. This significantly reduces the bulk and massing on the facing elevation, thus impacting far less on the outlook from the kitchen window of no 31 Sandringham Close. In addition, the height to eaves, at approx 2.6m, dramatically reduces the height of the extension, in close proximity to the shared boundary. The revised proposal would result in massing of a uniform height of approx 2.6m, set back approx 500mm from the shared boundary. The set back to the permitted development height of 4.0m, will be approx 3.0m from the shared boundary. The set back to the apex, at 4.8m, will be approx 4.0m from the shared boundary. As a consequence, significantly more light will now filter along the rear, through the corridor between the two properties.

4.8 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 The revised application is considered to adequately address the reasons for refusal of the previous scheme and is considered to be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing nos. 250-01A - 250-03A - 250-04A - Received 26th September 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. 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 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.

Contact details:

Author: Paul Edwards Development Management Assistant

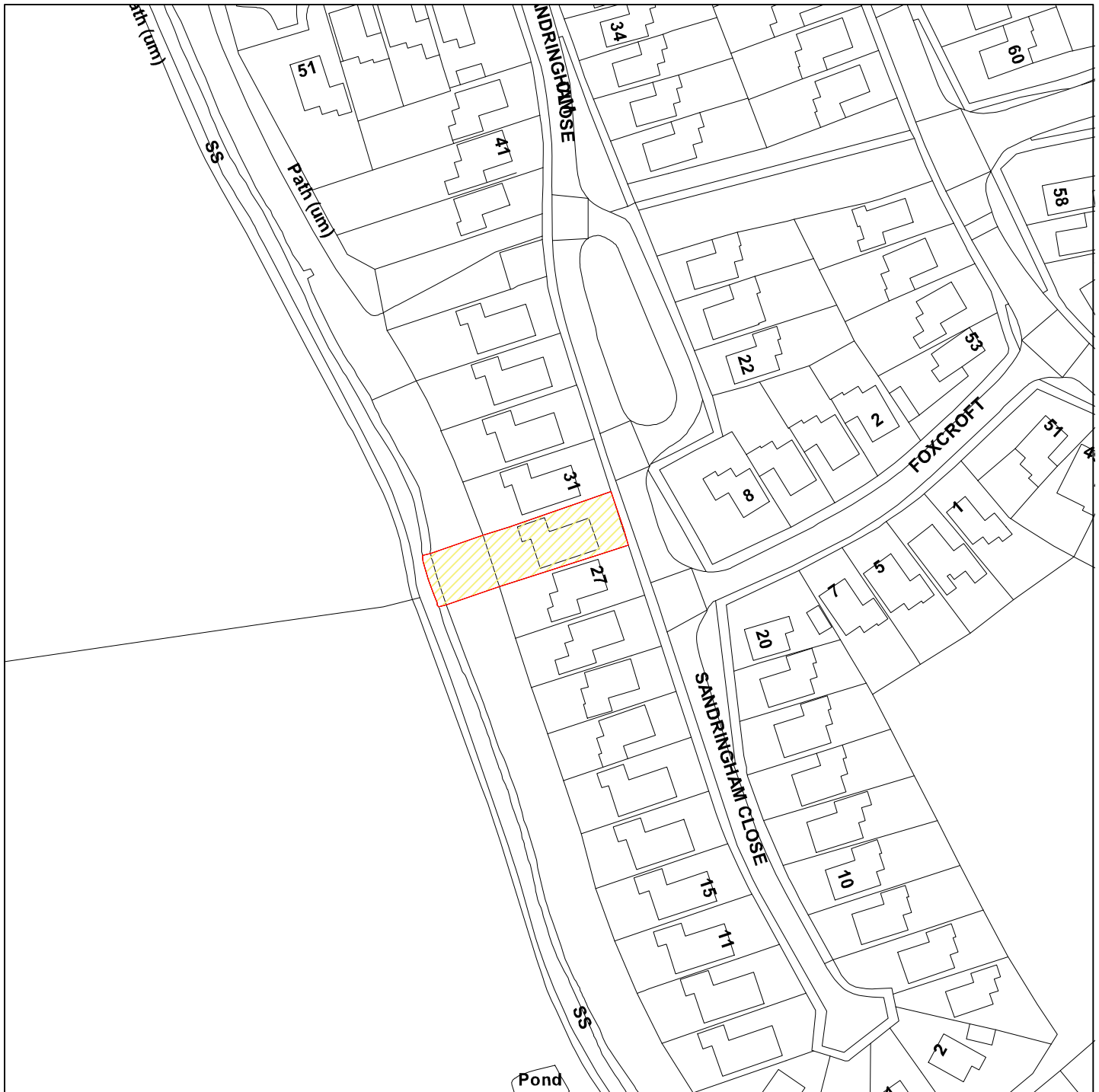
Tel No: 01904 551642

12/03138/FUL

29 Sandringham Close



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	26 November 2012
SLA Number	Not Set



West and City Centre Area Planning Sub Committee	5 th December 2012
East Area Planning Sub Committee	6 th December 2012
Planning Committee	22 nd December 2012

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 31st October 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Until recently, appeals performance in York has been close to (and usually better than) the national average for a number of years. More recently the Government has indicated that it will use appeals performance in identifying poor performing planning authorities with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, for periods of 1st April 2012 to 31st October 2012, for the corresponding period last year, and the full year to 31st October 2012.

Fig 1: CYC Planning Appeals Performance

	1 st April 2012 to 31 st Oct 12			1 st Nov 2011 to 31 st Oct 12			1 st April 2011 to 31 st Oct 11		
	East	West	Total	East	West	Total	East	West	Total
Allowed	13	7	20	15	10	25	4	4	8
Part Allowed	1	0	1	1	0	1	0	0	0
Dismissed	15	4	19	22	15	37	10	8	18
Total Decided	29	11	40	38	25	63	14	12	26
% Allowed	44.83	63.64	50	39.47	40.00	39.68	28.57	33.33	30.77
% Part allowed	3.45	0	2.5	2.63	0	1.59	0	0	0
Withdrawn	0	0	0	1	2	3	2	1	3

Analysis

- 4 The table shows that between 1st April and 31st October 2012, a total of 40 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 20 were allowed. At 50%, the rate of appeals is significantly higher than the 33% national annual average. By comparison, for the same period last year, 8 out of 26 appeals were allowed, i.e. 30.77%
- 5 For the full year between 1st November 2011 and 31st October 2012, CYC performance was 39.68% allowed, higher than the previously reported 12 month period of 31.9%.
- 6 The summaries of appeals determined since 1st April are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 6 appeals determined related to applications refused by Committee.

Fig 2: Appeals Decided against Refusals by Committee from 1st April 2012

Cttee	Ref No	Site	Proposal	Outcome	Officer Rec.
Main	11/01468/OUT	Arabesque House, Monks Cross Drive	Retail warehouse after demolition of existing offices	Allowed	Ref
East	11/02371/FUL	93 Newland Park Drive	Extensions	Allowed	App
East	11/02371/FUL	1Meam Close	First floor extension	Dismissed	App
West & City Centre	11/02318/FULM	Plot 6b Great North Way Poppleton	Care Home	Allowed	Ref
East	12/01153/FUL	29 Sandringham Close	Extension	Dismissed	App
East	11/03175/FUL	238 Strensall Road	Live/work annex (retrospective)	Dismissed	Ref

- 7 The list of current appeals is attached at Annex B. There are 20 appeals lodged with the Planning Inspectorate, 6 in the West and City Centre Sub Committee area and 14 in the East Sub Committee area. 18 are proposed to be dealt with by the Written Representation process (W), 1 by the Householder procedure (H) and 1 by Public Inquiry (P).
- 8 The much higher percentage of appeals allowed since April raises certain issues:-
- 9 The Council decided many of the related applications prior to the publication of the National Planning Policy Framework. However the appeals were dealt with following its publication, and so the guidance within the Framework was taken into account by the Inspectorate. Whilst the lack of an adopted local plan could be considered a significant factor, other local authorities with a local plan have found that the 12 months 'period of grace' given for a local plan or LDF to be made NPPF has not counted for much on appeal and that the NPPF has been afforded considerably more weight. The presumption in favour of sustainable development in the NPPF appeared to be a significant factor in consideration of appeals. For decision making the NPPF states that the presumption in favour means: -

*“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
– specific policies in this Framework indicate development should be Restricted”*
- 10 Inspectors have highlighted the need for a strong evidence base to demonstrate significant harm will result from a development before it should be refused. The NPPF states refusal is a last resort and that every effort should be made to work with developers to look for solutions to planning problems, and that Councils should look for reasons for approving development rather than reasons for refusal. Where a judgment required, for example in respect of the impact on visual amenity within the street, it appears that a more lenient approach is being adopted.
- 11 In response to the reduced appeal performance :-
 - i) Officers will continue to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF Draft Local Plan Policy.

ii) Officers are ensuring that wherever appropriate revisions are sought to ensure that an application can be recommended for approval, even where this has led to some applications taking more than the 8 weeks target timescale to determine. From the applicants' perspective, an approval after 9 or 10 weeks following amendments is preferable to a refusal before 8 weeks and then a resubmission or appeal process. This approach has improved customer satisfaction and speeded up the development process overall, but has affected the Council's performance against the national target. Nevertheless, CYC application performance currently remains above the national performance indicators for Major, Minor and Other application categories.

ii). Additional scrutiny shall be given to appeal evidence to ensure arguments are well documented, researched and argued

iv). Focus is being given within the teams to learning from appeal decisions.

v) The current practice of regular reports reviewing appeal decisions to the Planning Committees will continue. This will include monitoring the impact of the NPPF on Inspectors' decision making and reviewing decisions in the light of these.

Consultation

- 12 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 13 The report is most relevant to the "Building Stronger Communities" and "Protecting the Environment" strands of the Council Plan.

Implications

- 14 Financial – There are no financial implications directly arising from the report.
- 15 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 16 Legal – There are no known legal implications associated with this report or the recommendations within it.

- 17 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 18 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 19 That Members note the content of this report.

Reason

- 20 To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate, over the last 6 months and year.

Contact Details

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Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning &
Sustainable Development, Directorate of
City Strategy

**Report
Approved**



Date

23rd
November
2012

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1st April and 31st October 2012

Annex B – Outstanding Appeals to 23rd November 2012

Appeal Summaries for Cases Determined 01/04/2012 to 31/10/2012

Application No: 11/00497/FUL
Appeal by: Mr Robert Winston
Proposal: Conversion of stable to 2 bed holiday let (resubmission)
Address: Holly Tree Farm Murton Way York YO19 5UN

Decision Level: DEL
Outcome: ALLOW

The application was refused because the site was in the functional flood plain (zone 3b). As part of the appeal the applicant commissioned a Flood Zone Investigation which re-categorised the land within Zone 3a. This was accepted by the Environment Agency and the City Council and as such the appeal was contested only in respect of an inadequate flood risk assessment and the raising of ground levels around the site. The Inspector concluded that the conversion of the building could proceed without an unacceptable increase in flood risk in the area, and as such would not conflict with the NPPF, its associated Technical Guidance of the Council's Strategic Flood Risk Assessment. In imposing conditions he considered it necessary and reasonable to restrict the use of the building to holiday accommodation and that a further flood risk assessment was necessary to safeguard future users of the accommodation. He also required that the existing ground levels be retained to prevent the displacement of water in the event of flooding. An application for the Council to pay the appellant's costs was refused.

Application No: 11/00869/FUL
Appeal by: Miss J Graves
Proposal: Erection of 2no. pig rearing units to rear (retrospective)
Address: The Market Garden Eastfield Lane Dunnington York YO19 5ND
Decision Level: DEL
Outcome: DISMIS

The application sought retrospective planning permission for the erection of two pig rearing units at the Market Garden in Dunnington. The application was refused on the grounds that the development is harmful to neighbouring amenity through odour generated within the pig rearing units and the associated storage of waste. The pig rearing units are in close proximity to a large number of residential dwellings and evidence provided by local residents clearly identified that the units have a significantly harmful impact on the living conditions of local residents and their ability to enjoy their homes and gardens. The Inspector concluded that the proposed pig activities at the site represented a substantial business venture which is in close proximity to a large number of residences. Despite weather conditions on the day of the site visit resulting in relatively low odour levels, the Inspector concluded that the proposal could cause significant odours which would harm the amenity of local residents. The Inspector stated that the number of objections received highlighted the odour problems which the pig enterprise creates. The appeal was dismissed.

Application No: 11/01015/FUL
Appeal by: St Peters School
Proposal: Erection of two storey dwelling to the rear
Address: St Catherines House 11 Clifton York YO30 6AA

Decision Level: DEL

Outcome: DISMIS

The application sought planning permission for the erection of a two storey dwelling to the rear of 11 Clifton. The application site would be occupied in connection with St Peter's School and the proposed house would be accessed via the school grounds. The application was refused on two grounds. The first was the visual impact on the character and appearance of Clifton Conservation Area. The second was that the proposed building could result in the loss of two trees within the curtilage which were considered to positively contribute to the character and appearance of the area. The appeal was dismissed on the grounds of the Council's reasons for refusal. The Inspector concluded that the application site is an important open space and provides a suitable interface between the older residential developments along Clifton and the later higher density developments to the south west. Views of the site from North Parade were considered to be particularly important as the application site provides a green open outlook from what is an enclosed victorian street. The proposed development would erode this. The Inspector agreed with the Council that the Sycamore and Copper Beach trees on the site are of importance and contribute to the character and appearance of the area. Whilst the applicants specialist stated that the development could be created without harming these trees, the Inspector felt that the plans had no margin for error and the trees could be damaged despite tree protection measures. It was also felt that the size of the trees and their closeness to the proposed house would result in pressure for them to be felled in the future. For the reasons above the Inspector did not feel that the application represented sustainable development and the appeal was dismissed.

Application No: 11/01046/FUL
Appeal by: P.K. Homes Ltd
Proposal: Two no. dormer bungalows to rear of 36 Beech Grove and 30 Carr Lane with access from Rosedale Avenue (resubmission)
Address: 36 Beech Grove York YO26 5LB

Decision Level: DEL

Outcome: DISMIS

The application site consists of a plot carved out of the site of a former garage between Carr Lane and Beech Grove. A permission had previously been given by the Authority for a single dormer bungalow on the site with only very minimal external amenity space. The applicant came forward with a re-submitted scheme for two semi-detached dormer bungalows on a slightly smaller footprint. The proposal was refused planning permission on two grounds. The first was that the proposal would have an adverse impact upon the residential amenity of adjoining properties and the second related to the proposal being an over-development of the site. The applicant duly appealed and sought costs on the grounds that the decision was inconsistent and unreasonable in the light of the earlier permission. The Inspector agreed with the second reason for refusal on the grounds that the area of external amenity space fell well below that considered acceptable for prospective occupiers of the properties and that the proposed form of development was alien to the wider area. On those grounds he dismissed the appeal. However, in respect of the first reason for refusal he felt that a refusal on residential amenity grounds was unsustainable and even perverse in view of the earlier permission as it cut to the acceptability of any form of development on that site. As a consequence he agreed to a partial award of costs in respect of the first reason for refusal.

Application No: 11/01468/OUTM
Appeal by: Smith And Ball LLP
Proposal: Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)
Address: Arabesque House Monks Cross Drive Huntington York

Decision Level: COMPV

Outcome: ALLOW

The was an appeal against the refusal of planning permission for the demolition of an office building and erection of retail warehouse development at Monks Cross. The reason for refusal related to the need to maintain a menu of office properties around different sites in the city, of varying sizes and quality providing for the immediate and longer term employment requirements of York. The Inspector allowed the appeal considering :-In spatial terms that the site is as much a part of the retail area as the partially developed office areaWeight attached to RSS diminished by forthcoming likely abolition but in any event its relevance, other than in the broadest sense is minimal. Inspector says relying on the core strategy policies at the stage when it has not been independently examined and tested against the evidence base is counter to the intention of national policy that decision taking should be genuinely plan-led. The draft local plan does not accord with Paragraph 215 of the NPPF and so little weight can be afforded to it, but the employment aims of E3b are similar to the framework requirements. The Inspectors view was that the choice and churn required by the core strategy policies have not been sufficiently tested through the independent assessment process and little weight could therefore be attached to having an excess of supply to provide choice in the office market. The Inspector attached weight to the fact that the building could be demolished even without any new scheme being brought forward and to the fact that employment would come from the retail use of the site despite the proposal being speculative and such employment not be certain. Despite objections from third parties the Inspector saw no reason why a bulky good retail could not be acceptable on the site. The view was that when the core strategy got closer to adoption policies within it may preclude further such developments

Application No: 11/01791/FUL
Appeal by: Mr Ian Lear
Proposal: New shop front (retrospective)
Address: Athena 5 Feasegate York YO1 8SH

Decision Level: DEL

Outcome: ALLOW

The Council refused retrospective listed building consent and planning permission for a replacement shopfront at 5 Feasegate (currently occupied by Patiserie Valerie), a Grade II listed building located within the Central Historic Core Conservation Area. Officers considered the design, form and proportions of the replacement shop front failed to respect the slender proportions and detail of the original cast iron and plate glass principal elevation of this listed building and the adjacent listed building at No.7 Feasegate with which it forms a pair. The Inspector considered the deep fascia above the shopfront to be similar to that of the immediate predecessor (Athena). The Inspector did not consider the failure to align with mullions above or the offset positioning of the shop doorway would result in an unacceptably jarring appearance. Also whilst the Inspector notes that sections of the framing of the shop windows appear thicker and less elegant than those on the upper floors, he considers their dark, low sheen colouring makes them unobtrusive. The Inspector concluded that the scheme provides a clean and unfussy treatment that does not appear bulky or ill at ease with the facade and does not try to mimic the existing components and therefore is one which neither has a harmful impact on the building or on the Conservation Area. The appeal was allowed.

Application No: 11/01792/LBC
Appeal by: Mr Ian Lear
Proposal: New shopfront and signage (retrospective)
Address: Athena 5 Feasegate York YO1 8SH

Decision Level: DEL

Outcome: ALLOW

The Council refused retrospective listed building consent and planning permission for a replacement shopfront at 5 Feasegate (currently occupied by Patiserie Valerie), a Grade II listed building located within the Central Historic Core Conservation Area. Officers considered the design, form and proportions of the replacement shop front failed to respect the slender proportions and detail of the original cast iron and plate glass principal elevation of this listed building and the adjacent listed building at No.7 Feasegate with which it forms a pair. The Inspector considered the deep fascia above the shopfront to be similar to that of the immediate predecessor (Athena). The Inspector did not consider the failure to align with mullions above or the offset positioning of the shop doorway would result in an unacceptably jarring appearance. Also whilst the Inspector notes that sections of the framing of the shop windows appear thicker and less elegant than those on the upper floors, he considers their dark, low sheen colouring makes them unobtrusive. The Inspector concluded that the scheme provides a clean and unfussy treatment that does not appear bulky or ill at ease with the facade and does not try to mimic the existing components and therefore is one which neither has a harmful impact on the building or on the Conservation Area. The appeal was allowed.

Application No: 11/01813/FUL
Appeal by: Market Town Taverns PLC
Proposal: Change of use of recruitment consultancy (Class A2) to bar/restaurant
Address: Relay Recruitment 116 Micklegate York YO1 6JX

Decision Level: DEL

Outcome: ALLOW

Permission refused as the site is in an area where there are a high proportion of licensed premises where residents experience problems of antisocial behaviour. An additional A4 unit (or the expansion of an existing A4 use with a greater capacity for custom) was considered to have the potential to cause cumulative harm to amenity and to have a detrimental impact on the Conservation Area. This decision was in the context of Policy S7 (no net increase in the number of pubs on Micklegate). The Inspector makes the distinction that the scheme is an extension rather than a new use and would result in no net increase in pubs/bars within Micklegate. The Inspector notes the Council provided no substantive evidence to support the claims that the proposal would lead to greater disturbance to residents. Whilst identifying the property as within the licensing cumulative impact zone and identifying Micklegate as under "stress", the Council failed to present evidence that such problems are specifically connected with the present establishment. The Inspector accepted that the business may change, however considered the proffered S106, which would place restrictions on the manner in which it is operated would provide assurances as to the management of the premises in the future. With respects to the impact on the Conservation Area, the Inspector did not accept the Councils assertion that the proposal would lead to a dilution in the mix of uses and a cumulative impact on its character through an increase in evening uses. It was considered that as the proposal is an extension to an existing use which operates during the daytime as well as the evening, the proposal would not have any harmful effect on the role of Micklegate as a mixed, diverse thoroughfare. The appeal was allowed and cost awarded on the basis of the lack of evidence provided by the Council to substantiate its considered impact on residential amenity and its failure to have regard to the proffered obligation.

Application No: 11/01981/FUL
Appeal by: G M Allison
Proposal: 2no. semi-detached dwellings
Address: Site To Rear Of 22A Huntington Road Dennison Street
York
Decision Level: DEL
Outcome: ALLOW

Application was for a house in flood zone 3a. Planning permission was refused on the grounds that the proposed development would not pass the exception test, because there would be no means of escape from the site to higher ground if the area were to flood. Flood Risk Management and Emergency Planning were concerned occupants could potentially be stranded in the house at times of flood and would have to be rescued by the emergency services. The proposed house had sleeping accommodation at 1st floor level, the site would be surrounded by a flood wall which would protect against the projected worse case flooding and occupants would sign up to the Environment Agencies flood warning service. The inspector considered there would be limited extra strain on the emergency services in times of flood due to the measures proposed to protect against flood risk. The appeal was allowed.

Application No: 11/02028/FUL
Appeal by: Mr Phillip Macer
Proposal: Two no. 2 storey detached dwellings with garages after demolition of existing bungalow and outbuildings (amended scheme)
Address: 12 Malton Way York YO30 5SG

Decision Level: DEL

Outcome: DISMIS

The application was for the erection of two houses following the demolition of an existing bungalow. The site is 12 Malton Way which is just outside the Clifton (Malton Way/Shipton Road) Conservation Area. No objections were raised to the demolition of a bungalow or the principle of creating two new houses on the site. The site contains a number of mature trees. The application was refused on the grounds that 1) the height and footprint of the two houses is excessive giving them undue visual prominence on the edge of a conservation area. The houses were also considered to be of a design which would detract from the visual quality of the conservation area. 2) loss of amenity to neighbours through overlooking and the visual dominance of Plot 1 which extended well beyond the neighbouring house and sat close to the curtilage boundary. 3) no bat survey was undertaken despite requests from the Council as it was considered that the existing bungalow contains features which provide roosting opportunities for bats. The Inspector agreed that the existing bungalow is 'undistinguished' and its demolition was acceptable. It was determined that the proposed houses were 'bulky and ill-related' to neighbouring houses and would appear incongruous within their surroundings. The Inspector stated that the ill fit of the houses to the site would result in pressure to remove existing mature trees in the future which currently make a positive contribution to the area. The Inspector agreed with the LPA that the proposal would result in an unacceptable loss of privacy for neighbours of 14 Malton Way. The Inspector agreed with the LPA that a bat survey should have been carried out, citing Circular 06/2005 'biodiversity and geological conservation' - it is essential that the presence of any protected species and the extent they may be affected by a proposal be established and taken into account within a decision - this cannot be conditioned. The appeal was dismissed.

Application No: 11/02217/FUL
Appeal by: Mr Sukru Akgul
Proposal: Conversion of dwelling into 2no. flats with alterations to front elevation (resubmission) (retrospective)
Address: 9 Landalewood Road York YO30 4SX

Decision Level: DEL

Outcome: ALLOW

Planning permission was applied for retrospectively in relation to the conversion of 9 Landalewood Road, a three storey terraced town house within Clifton Moor into two flats involving the conversion of the existing ground floor garage into living accommodation and the provision of a roof terrace to provide amenity space for the upper flat. Permission was refused on two grounds. The first was that the ground floor flat had a sub-standard access from a narrow unlit alleyway to the rear. The second was that the proposal would result in an erosion of the character of the area by removing a unit geared to single family occupation. The appellant modified the access arrangement to allow for the access to both the newly created properties to be taken from the frontage of the property prior to the appeal being heard. The Inspector disagreed in respect of both reasons for refusal and allowed the appeal. In respect of the first reason the Inspector felt that any form of rear access would be clearly unacceptable but ruled that as both newly created properties would be accessed from the front when fully complete then the access arrangement would be rendered acceptable. In respect of the second reason the Inspector ruled that in the absence of any up-to-date evidenced based research into the need for family homes of the type involved in the local area then a refusal on the basis of loss of family housing was unsustainable.

Application No: 11/02318/FULM
Appeal by: Miss Tracey Kay
Proposal: Erection of 3 storey 64 bed care home for older people
Address: Plot 6 Great North Way Nether Poppleton York

Decision Level: CMV

Outcome: ALLOW

The decision was recommended for refusal following a strong objection from City Development and their concerns that the loss of the site would cause the loss of usable employment land that was immediately available for development (CD argued that the usable employment land figure availability was less than the figure for employment land availability) and that the use was not considered an employment use as set out in PPS4. Committee refused the application on the same grounds. Between the decision and the appeal the NPPF was issued which stated that policies should avoid the long term protection of employment use sites. The definition of employment that was in PPS4 was not carried over into the NPPF. The Inspector considered that as a garden centre has been allowed on the neighbouring site and that the Monks Cross Stadium site was being considered that the loss of this site was not considered to be significant. The Inspector concluded that the benefits of the provision of employment opportunities through the provision of a care home, together with the community benefits associated with that provision, outweighs any disbenefit from the loss of a relatively small area of B1, B2 or B8 employment use land.

Application No: 11/02371/FUL
Appeal by: Mr And Mrs Luke-Wakes
Proposal: First floor side extension
Address: 1 Meam Close Osbaldwick York YO10 3JH

Decision Level: CMV

Outcome: DISMIS

The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbours and impact on the street scene. On the basis that the proposal would create an incongruous feature by occupying part of the gap above the adjoining garages. The inspector dismissed the application because of the extension would articulate the overall facade of the building creating a poorly proportioned gap that would be incongruous in the street scene. However, the inspector ruled out the neighbour amenity issues.

Application No: 11/02558/CPD
Appeal by: Mr Hodgson
Proposal: Certificate of lawfulness for proposed siting of caravan/mobile home within the curtilage
Address: 25 The Avenue Haxby York YO32 3EH

Decision Level: DEL

Outcome: DISMIS

The appellant wanted to site a mobile home in the large rear garden of his house. The mobile home would be used by the appellants son who had recently been divorced and was unable to afford separate accommodation. The intention was that the caravan would also accommodate the sons children when they came to visit. The council refused a certificate on the grounds that the use was not incidental to the enjoyment of the dwellinghouse. The inspector found that care needed to be taken in determining whether the use would constitute development. The nature of the residential use of the caravan was an important factor. Four of the six bedrooms of the house on the site were not occupied and the son lived elsewhere. Significantly the appellant had provided no information about the familys domestic arrangements. The majority of mobile homes contain all the facilities for day to day living so for a caravan to be incidental to the main house it needs to be shown that some of these activities would not take place in the caravan, rather that it would be used only, say, for sleeping and recreation. From the limited information supplied it was likely that the mobile home would be used as an independent dwelling and would not be incidental to the enjoyment of the dwellinghouse. The appeal was dismissed.

Application No: 11/02711/FUL
Appeal by: Mr And Mrs Pierson
Proposal: Removal of condition 7 (open space) for approved outline application 10/02271/OUT for erection of detached bungalow
Address: Yew Tree House Vicarage Lane Naburn York YO19 4RS

Decision Level: DEL

Outcome: ALLOW

Outline planning permission was granted for a bungalow (10/02271/OUT). The permission included the council's standard open space condition requiring a financial contribution of #1172. A s.73 application later sought to remove the condition on the ground that there was sufficient open space in the area. The council acknowledged that, in the interim, a children's play area had been provided in the village. Nevertheless there remained a shortfall in the other categories of open space. The council therefore did not remove the condition but reduced to #680 the amount quoted in the informative. The applicant appealed. The inspector quoted paragraph 83 of Circular 11/95 which states that, when granting planning permission, a local planning authority cannot require, by means of a planning condition, a financial contribution from the developer. As such, condition 7 was clearly contrary to the advice. He said that if a contribution were justified the council should have negotiated it by means of a s.106 obligation. Notwithstanding this, and even if it were reasonable to seek a contribution by means of a planning condition, there was no certainty or specificity as to the sorts of open space to which the money would have contributed. The council indicated only that any money would probably be spent on improving sports pitches in Fulford without any details of what this might entail or the necessity for it. Condition 7 was neither necessary nor reasonable, contrary to the tests in Circular 11/95. Accordingly, the appeal was allowed and condition 7 was removed.

Application No: 11/02774/FUL
Appeal by: Mr And Mrs Rodwell
Proposal: Single storey side and rear extension with rooms in roof (amended scheme)
Address: 42 Dikelands Lane Upper Poppleton York YO26 6JF

Decision Level: DEL

Outcome: DISMIS

Two main issues regarding the effects of the proposed extension. The effect upon the appearance and character of the host bungalow and the surrounding area. Second, the effect upon the living conditions of the neighbouring residents at No 2 Montague Walk with particular regard to levels of sunlight and visual impact. The proposed rearward extension would be intrusive in views from Dikelands Lane. It would not appear subservient to the modest bungalow but instead disproportionate and unduly dominating the host building in views from Dikelands Lane. The Inspector concluded that the rear extension would harm the appearance and character of the host bungalow and the surrounding area. The works to the front garage elevation would add interest and be more in keeping but does not outweigh the detrimental impact of the rear section. The Inspector also concluded that there would be an increased overshadowing effect upon the secondary kitchen/breakfasting window and a reduction in afternoon/evening sun to the adjoining section of rear garden of the neighbouring property. The enlarged structure would in addition have an intrusive and overbearing effect upon the neighbours rear rooms and garden. He concluded there would be unacceptable harm to the living conditions that the neighbours at No 2 could reasonably expect to enjoy.

Application No: 11/02816/ADV
Appeal by: Sainsbury's Supermarkets Limited
Proposal: Display of 4no. timber frame banner signs
Address: Sainsbury Plc Monks Cross Drive Huntington York YO32 9GX

Decision Level: DEL

Outcome: DISMIS

Advertisement consent was sought for the retention of banner signage on the entrance to Sainsburys Supermarket. The signage was refused because of its impact on visual amenity. The Inspector agreed considering the size, positioning and amount of the proposed signage, in conjunction with that which already exists, would result in visual clutter. This would considerably detract from the general appearance and character of the locality, particularly close to the roundabout junction which provides an important gateway to this retail area.

Application No: 11/02949/FUL
Appeal by: Mr Richard Pearce
Proposal: Garage to side after demolition of existing sheds
(resubmission)
Address: Glencoe Main Street Elvington York YO41 4AG

Decision Level: DEL

Outcome: DISMIS

Planning permission was refused on the basis that the garage because of its size and scale would have a negative visual impact on the character and appearance of the conservation area by virtue of its mass, design and inappropriate detailing. The inspector considered that Glencoe is an important component within this part of the Conservation Area, where built development is characterised by cottages in the local vernacular and larger period properties surrounding the open expanse of The Green. The inspector dismissed the appeal on this basis the i the scale and proportions of the building and the inappropriateness of the garage door would be evident, resulting in a disruptive feature in the Conservation Area.

Application No: 11/03052/FUL
Appeal by: Mr And Mrs Poole
Proposal: Single storey rear extension
Address: 40 Fordlands Road York YO19 4QG

Decision Level: DEL

Outcome: ALLOW

permission was refused for the following reason. 'The proposed rear extension would project approximately 5 metres from the rear elevation of the application property, in close proximity to the boundary with the adjoined semi-detached property at no. 42 Fordlands Road. It is considered that the size and scale of the extension is such that the development would unduly dominate the side boundary and would cause significant harm to light levels and outlook. As such the proposal conflicts with policy GP1 (criterion i) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.' The inspector stated that the existing high hedge between the properties, although a less permanent, solid feature than the extension proposed, should be taken into account when assessing the impact. He asserted that an extension projecting 3 metres could be erected under permitted development, which together with a 2 m high fence beyond, would not be significantly different to the proposed extension. He considered that the necessary removal of the hedge to make way for the extension would be an improvement to the outlook from the adjoining property.

Application No: 11/03065/LBC
Appeal by: Mr Gordon Harrison
Proposal: Single storey outbuilding to rear
Address: 36 Clarence Street York YO31 7EW

Decision Level: DEL

Outcome: ALLOW

This listed building application was recommended for refusal, due to the scale and mass proposed, spanning the whole width of the plot; it was also considered the proposed building was domestic in nature, as opposed to reading as a secondary store serving the main building. It was considered to be overly dominant causing harm to the historic form and layout of the plot, including the side boundary walls. The Inspector, disagreed, and considered the scale to be appropriate, and that taking into account the existing unsympathetic additions existing to the rear elevation, and also that the existing concrete rear yard does not contribute positively to the setting of the building, the proposal would not harm the character, setting or appearance of this nor adjacent listed buildings.

Application No: 11/03173/FUL
Appeal by: Miss Sarah Rudd
Proposal: Erection of 6ft boundary fence (retrospective)
Address: 21 Wolsey Drive Bishopthorpe York YO23 2RP

Decision Level: DEL

Outcome: DISMIS

Retrospective permission was sought for a 1.8m high boundary fence to three sides of the property. The fence replaces a 2m high conifer hedge. The application was refused on visual intrusion and highway safety. 4. The fence can be seen along Beech Avenue, but it also has an impact in views along Wolsey Drive from the west. The existing street scene is that of a mature and largely open plan housing estate where the dwellings are, in the main, single-storey bungalows. Front boundaries are generally a mix of low walls or hedges, with occasional higher evergreen hedges of up to about 2m in height. Some properties have no front enclosure at all. Inspector states the fence is at odds with the open plan nature of the estate, it has a jarring visual impact at an important location on a bend where three roads meet and it introduces an unnecessarily defensive feature which almost completely screens the appeal property from public view. The fence restricts visibility from the driveway of 20 Wolsey Drive. However, the Inspector concluded that as there was no worsening of the situation with the replacement of the hedge with a fence highway safety has not been worsened.

Application No: 11/03175/FUL
Appeal by: Mr And Mrs R Binns
Proposal: Erection of two storey live/work annex (retrospective)
(resubmission)
Address: 238 Strensall Road York YO32 9SW

Decision Level: CMV

Outcome: ALLOW

The retrospective application was for a detached two storey accommodation for the son of the applicants. The site was in the greenbelt and the applicant put forward the health of their son as the special circumstances for development in the greenbelt. The application was refused on the grounds that the proposal was inappropriate development in the greenbelt and the special circumstances put forward did not overcome the presumption against development in the GB. In addition the siting and urban appearance was considered to be an encroachment of development and impact on the openness of the greenbelt. The appellant requested that a single storey alternative be also considered as part of the appeal process. A single storey building has been permitted at committee 12/01059/FUL. The Inspector agreed with the LPA in that there was no justification for the scale and accommodation of the building, and that it could not be considered an annex. The Inspector also considered that the appearance and the siting of the building caused harm to the greenbelt. The Inspector considered a single storey building and allowed this building. The Inspector disagreed with committee's reason for approval, she considered the single storey building would have a greater impact on the greenbelt, however she considered the circumstances of the applicant's son were special circumstances that overcame the harm to the greenbelt and that accommodation had been reduced to such that it could only be used as an annex. The partner enforcement appeal decisions were dismissed with a variation to the enforcement notice to extend the time period to 18 months for the removal of the two storey building.

Application No: 11/03187/FUL
Appeal by: Mr And Mrs Prescott
Proposal: Extension to garage and erection of boundary wall
(retrospective / resubmission)
Address: 4 Springbank Avenue Dunnington York YO19 5PZ

Decision Level: DEL

Outcome: PAD

The appeal related to alterations to a previously approved garage and retention of a front boundary wall. The Council was not opposed to the alterations to the approved garage. However, planning permission was refused for the retention of the boundary wall as it was considered that the higher section of the wall and timber infill panels would, as a result of its design and scale, appear as an unduly imposing and incongruous feature, which would be out of character with other front garden boundaries within Springbank Avenue. The Inspector concurred, asserting that along Springbank Avenue front boundary walls are generally very low, which gives the street an open and uncluttered character, with views over front gardens. He concluded that amidst such surroundings the front boundary wall at 4 Springbank Avenue looks incongruous and unduly imposing. It makes this part of the road appear far more built up and obscures views of front gardens. As a result it detracts from the streetscene. The appeal was allowed insofar as it related to the alterations to the approved garage, but was dismissed in respect of the retention of the wall. It is understood that the wall has subsequently been reduced in height and now falls within permitted development tolerances.

Application No: 11/03191/FUL
Appeal by: Mr Steve Oates
Proposal: First floor side extension
Address: Kilburn View Murton Way York YO19 5UW

Decision Level: DEL

Outcome: ALLOW

The application was for a first floor rear extension with balcony. The application property is a recent back land development in the conservation area. The area still has in parts the visual character of an agricultural settlement. It was felt that the development would further encroach on open land and that the balcony would appear unduly ornate in its context. The Inspector allowed the appeal. He considered that there was a wide variety of building styles in the conservation area and that the first floor rear extension would have minimal impact on the open character.

Application No: 11/03292/FUL
Appeal by: Mr Keith Lofthouse
Proposal: Dormers to front and rear
Address: 7 The Horseshoe York YO24 1LY

Decision Level: DEL

Outcome: ALLOW

This appeal was submitted to remove condition requiring a matching hung tile as opposed to lead cladding to a previously approved pitched roof front dormer. It was considered that the dormer was to be rather prominent and bulky, and sited too close to the side hip resulting in a cramped appearance. It was therefore considered that lead cladding would increase the dominance of the dormer. Whilst there are a couple of dormers within the street with lead cladding, there are not highly visible when viewing the host property. The Inspector disagreed stating that because of the small scale of the dormer the use of hung tiles would result in a poor appearance and that all small scale dormers should be lead clad.

Application No: 11/03425/FUL
Appeal by: Mr Cunningham
Proposal: Change of use from storage unit (use Class B8) to vehicle workshop (use Class B2)
Address: Unit 2 Moor Lane Bishopthorpe York YO23 2UF

Decision Level: DEL

Outcome: DISMIS

The unit is one of a number of buildings in a converted farm complex. All the units have planning permission to be used for storage. The application was for the use of one of these units as a vehicle repair unit. The application was refused on greenbelt grounds, the noise disturbance to the neighbouring dwellings, and it was considered to be an unsustainable location for a car repair business. The Inspector did not consider that the use of the unit would have a materially greater impact on the greenbelt. The Inspector also considered the site to be relatively sustainable. However the Inspector considered that the proposal would result in noise disturbance to the neighbouring dwellings that could not be overcome by a condition. In addition he considered that allowing this use would set a precedent for the other buildings within the complex. The appeal was dismissed.

Application No: 12/00091/FUL
Appeal by: Mr D Rose
Proposal: First floor side and rear extension.
Address: 93 Newland Park Drive York YO10 3HR

Decision Level: CMV
Outcome: ALLOW

This application was to erect a first floor side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the visual appearance within the street scene. The inspector allowed the appeal on the basis that it was felt the extension would be in accordance with the councils SPD, thus it would harmonise with the visual appearance of the surrounding area. Furthermore there would be no impact on residential amenity. The inspector confirmed that the proposal was for a residential extension and the local objections relating to student occupation could not be considered as part of the application.

Application No: 12/00357/FUL
Appeal by: Mrs Linda Leeper
Proposal: Erection of dwelling following demolition of existing dwelling (resubmission)
Address: Fleurdelys 5 Princess Road Strensall York YO32 5UE

Decision Level: DEL
Outcome: DISMIS

The application was for the demolition of a detached house in a conservation area and its replacement with a larger detached house in the same location. The council refused planning permission for the new dwelling because (1) its size and design were out of keeping with the street scene and harmful to the character and appearance of the conservation area (2) a side window would overlook bedrooms of the adjacent house. Regarding reason 1 the inspector found that the new dwelling would not be significantly different from the existing house and the changes would be barely perceptible to a casual passer-by. The character and appearance of the conservation area would be preserved. Regarding reason 2, the level of overlooking would be unacceptable and could not be overcome by conditions. The planning application appeal was therefore dismissed, due only to overlooking. As the replacement scheme was unacceptable the demolition of the existing house was also unacceptable. The CAC appeal was therefore also dismissed.

Application No: 12/00358/CAC
Appeal by: Mrs Linda Leeper
Proposal: Demolition of dwelling (resubmission)
Address: Fleurdelys 5 Princess Road Strensall York YO32 5UE

Decision Level: DEL

Outcome: DISMIS

The application was for the demolition of a detached house in a conservation area and its replacement with a larger detached house in the same location. The council refused planning permission for the new dwelling because (1) its size and design were out of keeping with the street scene and harmful to the character and appearance of the conservation area (2) a side window would overlook bedrooms of the adjacent house. Regarding reason 1 the inspector found that the new dwelling would not be significantly different from the existing house and the changes would be barely perceptible to a casual passer-by. The character and appearance of the conservation area would be preserved. Regarding reason 2, the level of overlooking would be unacceptable and could not be overcome by conditions. The planning application appeal was therefore dismissed, due only to overlooking. As the replacement scheme was unacceptable the demolition of the existing house was also unacceptable. The CAC appeal was therefore also dismissed.

Application No: 12/00517/FUL
Appeal by: Mr Kevin Jones
Proposal: Two storey side and rear extension
Address: 71 Anthea Drive Huntington York YO31 9DB

Decision Level: DEL

Outcome: DISMIS

The above proposal for two storey extensions to the side and rear of a gable fronted detached house was refused for the following reasons: The proposed two-storey rear extension would be located within very close proximity of the side kitchen window of 69 Anthea Drive and a rear bedroom window of 73 Anthea Drive. It is considered that the proposed extension would result in an unacceptable impact on the amenity and living conditions of the occupiers of these adjacent dwellings by virtue of its size, scale, massing and proximity to the boundary and the loss of light and outlook that would result. As such the proposal conflicts with policy GP1 criterion i and H7 criterion d of the City of York Draft Local Plan fourth set of changes approved April 2005. The proposed roof of the two-storey side extension is higher than the roof height of the existing house. In addition, the front elevation of the extension is not clearly subservient. It is considered that if approved the extension would dominate the existing building and create an uncomfortable visual link between two adjoining properties of differing designs 71 and 73 Anthea Drive. As such the proposal conflicts with national advice in relation to design contained within paragraph 56 of the National Planning Policy Framework, and Policies GP1 criterion a and b and H7 criterion a, b and e of the City of York Draft Local Plan fourth set of changes approved April 2005. The Inspector dismissed the appeal. He considered that the 3m deep two-storey rear extension would not be harmful to neighbours living conditions, but considered that the two-storey side extension would lack visual cohesion and balance and result in the disappearance of any significant spacing between the buildings, and the loss of rhythm of spacing that characterises the street.

Application No: 12/00960/FUL
Appeal by: Mr Matthew Charlton
Proposal: Two storey side extension, single storey rear extension and conversion of existing garage into habitable room (revised scheme)
Address: 4 Duncombe Drive Strensall York YO32 5PJ

Decision Level: DEL

Outcome: ALLOW

The application was to extend forward a garage to the side of a modern house and erect a first floor extension above part of the structure. The application was refused because it was considered it would dominate the property to the side, the rear of which faced towards the side elevation. The Inspector disagreed with the decision. He considered that the proposal was acceptable. In coming to this conclusion he had regard to the fact that the two-storey extension was subordinate to the main house, there were a number of conifers along the boundary and the tenants of the neighbouring property had not objected.

Application No: 12/01098/FUL
Appeal by: Mr & Mrs Mark Whitelock
Proposal: Two storey and single storey side extensions
Address: 8 Rowley Court Earswick York YO32 9UY

Decision Level: DEL

Outcome: DISMIS

The appeal related to the erection of a two storey side extension and a single storey side extension. The Council's concern related only to the two storey extension. Planning permission was refused on the grounds that the close juxtaposition and significant difference in height between the two storey extension and the adjacent bungalow would adversely affect the appearance of the streetscene and would appear incongruous and out of keeping. The Inspector considered that the extension would substantially increase the overall bulk of the built form and that the design fails to set back the extension sufficiently, resulting in the dwelling appearing cramped within its plot. The neighbouring bungalow is set close to the shared boundary and forward of the application property. As the height and bulk of the proposal would extend close to the boundary, it would dominate the neighbouring bungalow and significantly erode the gap between these buildings. He concluded that the scale of the extension and its relationship with its neighbour would result in the property being out of keeping within Rowley Court, detracting from the character and appearance of the area and conflicting with the design aspirations of the National Planning Policy Framework and Policies GP1 and H7 of the Draft Local Plan.

Application No: 12/01115/FUL
Appeal by: Mr A Kitson
Proposal: Two storey side, single storey rear extensions and dormer to rear (resubmission)
Address: 265 Hull Road Osbaldwick York YO10 3LB

Decision Level: DEL

Outcome: DISMIS

Planning permission was sought for a two storey side, single storey rear and rear dormer window. This application was a resubmission of a previous application for a two storey extension (Ref: 11/02925/FUL), refused on the loss of amenity to the property at (no.263). The key difference between the applications was that the revised reduced the first floor level in length by approx 1.6 metres. The extension was considered acceptable in terms of its impact on the character of the street scene. However, it is considered that the size, scale and massing are unsatisfactory on the shared boundary and would impact significantly on the outlook from the adjacent neighbouring property at 263 Hull Road. As such the revised application did not over come the previous issues. The Inspector dismissed the appeal on the basis that the two storey extension would appear extremely large and visual dominant when viewed from the small garden of 263 Hull Road. Overall, it was concluded that the two storey extension would have a significant adverse effect on the neighbours living conditions. There were no objections to the single storey extension or the dormer window by the council because they could be erected without planning permission. The Inspector considered that neither of these elements could be constructed independently of the two storey side extension.

Application No: 12/01122/FUL
Appeal by: Mr And Mrs Turner
Proposal: Detached garage to rear (retrospective)
Address: 16 Vicarage Lane Naburn York YO19 4RS

Decision Level: DEL

Outcome: ALLOW

The application property is located within the defined settlement limit of the village, which is washed over by Green Belt. Retrospective planning permission was sought for the retention of pitched roof detached garage and store situated in the rear garden of this semi-detached dwelling. The applicant originally applied for permitted development under Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO). However, building is subject to an enforcement notice which was upheld on appeal refs APP/C2741/ C/11/2160355 and 2160356, which effectively ruled that the building required planning permission and was, therefore, unauthorised. This was due to the timing of the building operations in relation to changes in the GDPO , which came into force on 1st October 2008. No appeal was made on ground (a), so the Inspector was unable to consider the merits of the building or, if appropriate, grant permission for it. Planning permission was refused because it is considered that by virtue of its size, scale, design and external appearance, the building was not appear subservient to the existing dwelling. Also that it would adversely affect the openness of the Green Belt and constitutes a disproportionate addition to the host property. The Inspector disagreed with the councils decision on the basis of the very special circumstances that out weighed the reason for refusal. The Inspector pointed out that a structure with the same foot print could be erected with a flat roof that does not exceed the height of approx 2.5 m without planning permission. Therefore, the permitted development fall back could have the potential to create a worse effect in terms of visual intrusion on the Green Belt than the current structure.

Application No: 12/01138/FUL
Appeal by: Mr Simon Meakin
Proposal: Single storey side extension
Address: 27 Wigginton Road York YO31 8HJ

Decision Level: DEL

Outcome: ALLOW

The above appeal related to the following refusal for a rear extension: The proposed extension is located on the boundary with 29 Wigginton Road and is 6.3 metres in length. The side elevation of the extension would be located within very close proximity to the facing dining area window and the ground floor habitable room window to the side. The adjacent area of yard, although small, does receive direct sun light during the morning and is of value for quiet recreation adjacent to the kitchen and dining area. It is considered given its proximity that the proposed walling and tiled roof would be unduly dominant, create a tunnel effect and change the character of the internal and external spaces by a degree that is considered unreasonable. As such 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. The Inspector allowed the appeal. The main reasons seemed to be that the single-storey extension would be viewed against a two-storey off-shoot, there is a large front garden that is used for recreation and that it would not have an undue adverse effect on reasonable levels of light and outlook.

Application No: 12/01153/FUL
Appeal by: Mr P Brown
Proposal: Single storey rear extension with replacement attached garage to side and canopy to front
Address: 29 Sandringham Close Haxby York YO32 3GL

Decision Level: CMV

Outcome: DISMIS

The application was for a side extension to a bungalow at 29 Sandringham Close, Haxby. The application was called in by Councillor Richardson at the request of the neighbour from no 31 Sandringham Close. The application was refused at committee on the grounds the proposed extension would overdominate the side elevation of that bungalow and would also result in loss of light to that elevation. The Inspector agreed with members, considering the extension would 'significantly reduce daylight coming in from the rear' and would also have a 'significant adverse visual impact on the kitchen window to the neighbouring window when looking towards the rear' The Inspector did not consider there would be a harmful effect in terms of sunlight, but did consider it would be the case in terms of impact on daylight.

Application No: 12/01164/FUL
Appeal by: Mr Thomas Bilton
Proposal: Two storey side extension and alterations to existing roof
Address: 10 Greencroft Court Dunnington York YO19 5NN

Decision Level: DEL

Outcome: DISMIS

The application site comprised of a detached single storey dwelling situated in a corner position on the junction of Greencroft Court and Greencroft Lane, in close proximity to the junction of Owlwood Lane. Planning permission is sought to erect a two storey side extension on the south elevation of the property, which lies at an angle of approximately 40 degrees to the highway. The application was refused because the height and location of the extension would appear disproportionate to the size and scale of the dwelling as originally built. In addition its close proximity to the highway would increase the assertiveness of the extension and accentuate the impact on the street scene. As such it was considered that the extension do not relate well to the building and would be unduly prominent and incongruous feature within the neighbourhood. The inspector agreed with the councils decision by stating that the extension would change a modest sized bungalow of similar design to other properties into a house of unsatisfactory design that would be out of keeping with its surroundings. The Inspector did not consider that a similar extension at no7 could be considered as setting a precedence because it appeared to host a different roof design, set back from the road and public views.

Application No: 12/01206/FUL
Appeal by: Dr F Iwu
Proposal: Two storey rear extension (resubmission)
Address: 63 Millfield Lane York YO10 3AW

Decision Level: DEL

Outcome: DISMIS

The application was for a two storey rear extension that spanned almost the full width of the rear elevation. The application was a resubmission and was set slightly back from the boundary with 65 Millfield Lane. The application was refused on the grounds that the proximity of the extension to the shared boundary and the living room window of 65 Millfield Lane would result in a loss of residential amenity, would result in a sense of enclosure and would be unduly prominent and overbearing feature to the detriment of the outlook from the rear of 65 Millfield Lane. The Inspector agreed, the appeal was dismissed.

Application No: 12/01805/FUL
Appeal by: Mr James Dalby
Proposal: Two storey side extension, re-roofing of existing single storey rear extension and dormers to rear (resubmission)
Address: 38 Almsford Road York YO26 5NX

Decision Level: DEL

Outcome: ALLOW

The application was for a two storey side extension. It met all design criteria in the fact that it was set back from the front elevation, stepped down from the ridge and constructed with a hipped roof. However, it was located at a junction and turned through 45 degrees from the neighbours. The neighbouring properties are a row of uniform bungalows with a very strong building line. If the extension were constructed it was felt that it would be visually prominent within the streetscene and be over-assertive due to its relationship with the neighbouring bungalows. The Inspector allowed the appeal stating that he found there to be a clear transition from the neighbouring bungalow to the two-storey appeal property due to the separation provided by the detached garage. Although it would extend forward of the existing corner of the dwelling, it would not be overdominant or visually intrusive.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

Outstanding appeals

Officer: Andy Blain **Total number of appeals:** 1

Received on: 05/10/2011 **Ref No:** 11/00044/EN **Appeal Ref No:** APP/C2741/F/11/2160562 **Process:** W **Site:** 91 Micklegate York YO1 6LE **Description:** Appeal against Enforcement Notice

Officer: Erik Matthews **Total number of appeals:** 3

Received on: 30/08/2012 **Ref No:** 12/00049/REF **Appeal Ref No:** APP/C2741/A/12/2181920 **Process:** W **Site:** 35C Drome Road Copmanthorpe York YO23 **Description:** Erection of 2no holiday lodges and hardstanding

Received on: 04/09/2012 **Ref No:** 12/00052/EN **Appeal Ref No:** APP/C2741/C/12/2183126 **Process:** W **Site:** Mount Pleasant Site Office Oak Avenue Acaster Malbis **Description:** Appeal against Enforcement Notice dated 7th August 2012

Received on: 04/10/2012 **Ref No:** 12/00055/REF **Appeal Ref No:** APP/C2741/A/12/2184508 **Process:** W **Site:** 9 Green Dykes Lane York YO10 3HB **Description:** Change of use from a small house in multiple occupation (Use Class C4) to a large house in multiple occupation(sui generis) with two storey side and rear and single storey rear extensions and loft conversion creating 8 bedrooms (resubmission)

Officer: Fiona Mackay **Total number of appeals:** 1

Received on: 15/10/2012 **Ref No:** 12/00059/REF **Appeal Ref No:** APP/C2741/E/12/2184740 **Process:** W **Site:** Railway Station Road York **Description:** Replace existing advertising posters with 2 no. digital advertising units in the outer concourse

Officer: Hannah Blackburn **Total number of appeals:** 2

Received on: 10/09/2012 **Ref No:** 12/00050/REF **Appeal Ref No:** APP/C2741/D/12/2176955 **Process:** W **Site:** 8A Wharton Avenue York YO30 6DJ **Description:** Erection of three bedroom dormer bungalow with associated access

Received on: 05/10/2012 **Ref No:** 12/00057/REF **Appeal Ref No:** APP/C2741/A/12/2182394 **Process:** W **Site:** Brick Farm Benjy Lane Wheldrake York YO19 6BH **Description:** Demolition of existing dwelling, erection of replacement dwelling and alterations (including demolition) to domestic outbuildings to form garage, stores and ancillary domestic accommodation

Officer: Kevin O'Connell						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
27/02/2012	12/00009/REF	APP/C2741/X/12/2170664	W	2 St Aubyns Place York YO24 1EQ	Use of property as a House in Multiple Occupation	
02/11/2012	12/00063/REF	APP/C2741/A/12/2186614	W	Proposed Dwelling To The South Of 39 Sandringham	Erection of two storey dwelling	
Officer: Matthew Parkinson						Total number of appeals: 5
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
11/05/2012	12/00030/EN	APP/C2741/C/12/2176016	W	House Of James Stamford Bridge Road Dunnington	Appeal against Enforcement Notice issued 10 April 2012	
11/05/2012	12/00031/EN	APP/C2741/C/12/2176005	W	House Of James Stamford Bridge Road Dunnington	Appeal against Enforcement Notice dated 10 April 2012	
07/09/2012	12/00053/EN	APP/C2741/C/12/2183305	W	OS Field 8138 Narrow Lane Wigginton York	Appeal against Enforcement Notice dated 10 August 2012	
01/10/2012	12/00061/EN	APP/C2741/C/12/2184900	W	18 Feversham Crescent York YO31 8HQ	Appeal against Enforcement Notice dated 31 August 2012	
Officer: Neil Massey						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
29/08/2012	12/00051/REF	APP/C2741/A/12/2182758	W	11 Feversham Crescent York YO31 8HQ	Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)	
07/11/2012	12/00058/REF	APP/C2741/D/12/2184081	W	72 The Old Village Huntington York YO32 9RB	Two storey rear extension (resubmission)	
Officer: Paul Edwards						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
08/11/2012	12/00062/REF	APP/C2741/D/12/2185791	H	55 Rawcliffe Lane York YO30 5SJ	Two storey and single storey rear and side extensions (amended scheme) (retrospective)	

Officer: Sharon Jackson					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
19/10/2012	12/00060/REF	APP/C2741/A/12/2183491	W	20 Hartoft Street York YO10 4BN	Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
Officer: Victoria Bell					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
14/08/2012	12/00047/REF	APP/C2741/A/12/2180628	W	53A Front Street York YO24 3BR	Change of use of ground floor from retail (use class A1) to hotfood takeaway (use class A5) or restaurant (use class A3) (resubmission)
14/08/2012	12/00048/REF	APP/C2741/A/12/2180716	W	Greensleeves Main Street Holtby York YO19 5UD	Erection of dwelling in garden with detached garage
Total number of appeals: 20					