



## Notice of meeting of

### East Area Planning Sub-Committee

**To:** Councillors Moore (Chair), Hyman (Vice-Chair), Hall, King, D'Agorne, Greenwood, Smallwood, Vassie, M Waudby and B Watson

**Date:** Thursday, 14 September 2006

**Time:** 2.00 pm

**Venue:** Guildhall, York

### AGENDA

**1. Declarations of Interest**

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

**2. Minutes** (Pages 2 - 5)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 10 August 2006.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee 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 13 September at 5.00pm.

**4. Plans List**

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

- a) **23 Hospital Fields Road, Fulford** (Pages 6 - 12)  
**(06/1458/FULM)**
- b) **122 Strensall Road, Huntington (06/01020/FUL)** (Pages 13 - 24)
- c) **12 Grange Close, Skelton (06/01398/FUL)** (Pages 25 - 28)
- d) **St Peters School (06/01428/FUL)** (Pages 29 - 32)
- e) **Garage Yard, Escrick Street, Fulford** (Pages 33 - 38)  
**(06/01568/FUL)**
- f) **212 Shipton Road (06/01061/FUL)** (Pages 39 - 47)
- g) **17 Worcester Drive, Osbaldwick** (Pages 48 - 53)  
**(06/01198/FUL)**
- h) **Gateway York Hotel, Kexby (06/01437/FULM)** (Pages 54 - 58)
- i) **Swallow Hall Golf Course, Wheldrake** (Pages 59 - 64)  
**(06/00438/FULM)**
- j) **Wheldrake Primary School (06/01553/FUL)** (Pages 65 - 69)

#### **5. Urgent Business**

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

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

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

Contact details are set out below.

#### Democracy Officer:

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**EAST AREA PLANNING COMMITTEE  
14 September 2006**

**Index to plans list items**

<b>SITE</b>	<b>OFFICER</b>	<b>ITEM</b>	<b>VISIT</b>	<b>WARD</b>
23 Hospital Fields Road 06/1458/FULM	AG	4a		Fishergate
122 Strensall Road 06/01020/FUL	HB	4b		Strensall
12 Grange Close, Skelton 06/01398/FUL	KO'C	4c	V	Sk/Raw/Cl
St.Peters School 06/01428/FUL.	MJ	4d		Clifton
Garage yard, Escrick Street 06/01568/FUL.	KO'C	4e		Fishergate
212 Shipton Road 06/01061/FUL	HS	4f	V	Sk/Raw/Cl
17 Worcester Drive 06/01198/FUL	AG	4g	V	Osbaldrick
Gateway York Hotel, Kexby 06/01437/FULM	KO'C	4h		Derwent
Swallow Hall golf course 06/00438/FULM	MJ	4i		Wheldrake
Wheldrake Primary School 06/01553/FUL	MJ	4j		Wheldrake

**SITE VISITS - Wednesday 13 September 2006**

<b>10.00 am</b>	<b>Meet coach at Clarence Street. Return to Clarence St. after visits.</b>
<b>10.15</b>	<b>212 Shipton Road - Item 4f</b>
<b>10.35</b>	<b>12 Grange Close, Skelton - Item 4c</b>
<b>11.00</b>	<b>17 Worcester Drive, Osbaldrick - Item 4g</b>

City of York Council

Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	10 AUGUST 2006
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), HALL, KING, GREENWOOD, SMALLWOOD, M WAUDBY AND B WATSON
APOLOGIES	COUNCILLORS D'AGORNE AND VASSIE

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**13. INSPECTION OF SITES**

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
Northfield, 15 North Lane, Wheldrake	Cllrs Moore, Greenwood, Hall, Hyman, King and B Watson.	To familiarise Members with the site.

**14. DECLARATIONS OF INTEREST**

The Chair invited Members to declare any personal or prejudicial interests which they had in any of the business on the agenda.

No interests were declared.

**15. MINUTES**

**RESOLVED:** That the minutes of the Sub-Committee held on 13 July 2006 be approved and signed by the Chair as a correct record.

**16. PUBLIC PARTICIPATION**

It was noted that there were no registrations to speak under the public participation scheme.

**17. PLANS LIST**

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

**17a. Northfield, 15 North Lane, Wheldrake, York (06/01438/FUL)**

Members considered a Full Application, submitted by George Blades and Sons Ltd for the erection of one detached dormer bungalow with associated external works at Plot 4 (resubmission).

Officers updated that 6 further letters of objection had been received from neighbours and the issues raised were circulated at the meeting.

Representations were received in objection to the application from a neighbour who was also speaking on behalf of the immediate neighbour to the site. She raised concerns that applications had been refused on four occasions for this site on the same grounds and that they could not see that there had been any change in this application. She requested Members to refuse the application on the same grounds.

Representations were also received in support of the application from the applicants agent who circulated photographs showing the application site and neighbouring properties together with Local Plan extracts in relation to density. He indicated that he did not feel the application was out of character or that the proposal would lead to a loss of light to the adjacent dwelling. He explained that shrubbery, adjacent to the neighbouring property, would be removed and that this would improve light to the dwelling.

Representations were received from a representative of Wheldrake Parish Council who indicated that he was also speaking on behalf of a number of residents in the vicinity of the site. He stated that residents wished to retain the rural character of the village and objected to this additional development.

Certain Members raised concerns regarding information emailed by the applicants agent to Sub-Committee members relating to the proposed appeal lodged against the Committee's previous decision.

A number of Members who had attended the site meeting, the previous day, indicated that the visit had now confirmed to them that the proposal would not be an overdevelopment of the site. Members also referred to the Sub-Committees minutes of 13 April 2006, when the previous application had been refused, and when concerns had been raised by some Members at the loss of light to a window at 15a Northfield. Members considered that, with the removal of shrubbery and a tree from the boundary, this objection would be overcome.

Councillors Smallwood and B Watson asked that their continued opposition to the proposal be noted. They indicated that they supported local residents objections to the scheme and the retention of the rural aspect of the village.

**RESOLVED:** That the application be approved subject to the conditions outlined in the report and the addition of the following informative regarding the use of the garages for the avoidance of any doubt.

This application site includes 2 bays and accompanying forecourt of the 3 bay garage block A on the north side of the site, as shown on Stuart Fletcher site layout plan drawing no. 1017A accompanying this application. Consequently, this decision includes part of the garage block A and forecourt as part of the approved scheme for a dwelling on this site plot 4, notwithstanding Condition 20 attached to a previous decision no. 04/02009/FUL for three dwellings on the adjacent land dated 13 July 2004, which restricted the use of the garage to the three dwellings which were approved at that time.

**REASON:** In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of housing development, visual amenity, density, residential amenity, education and open space provision. As such the proposal complies with PPS1, PPG3, Policy H3 and H4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4a, H5a, GP1, GP4a, GP10, NE1, T4, ED4 and L1c of the City of York Local Plan Deposit Draft.

**17b. Nunthorpe Lodge, York Street, Dunnington (06/01101/FUL)**

Members considered a Full Application, submitted by Mr and Mrs L A Stephenson for the erection of a pitched roof detached dwelling on land to the west/rear of Nunthorpe Lodge, with access to York Street (revised scheme).

Officers updated that the site plan attached to the report should have shown the application site at the rear of Nunthorpe Lodge and that the word 'prior' required adding to reason 12 (page 23) following the word 'amphibians' in the final line.

Officers also updated that the applicant had yesterday amended the height of the dwelling, reducing the height by 250 mm giving a ridge height of 9 metres. He confirmed that this was the only change to the scheme and that the design, layout and position were as detailed in the report.

Representations were received in objection to the scheme from a neighbour who indicated that this was the fifth design for this site and that approval had eventually been granted in March 2005 following a number of amendments. She indicated that this application now contained many of the adverse features contained in earlier applications and the neighbours requested Members to refuse this application.

In reply to a note passed to the Chair at the meeting by the objector, Officers measured the distances to boundaries and confirmed that these were correct in the Officers report and that, in their opinion, no information had been omitted from the report.

Representations were received in support of the scheme from the Applicants Agent who explained that the scheme had been resubmitted as the applicant wished the design of the house to be more in keeping with the site and its surroundings. He indicated that the full height glazing, facing York Street, on the approved scheme had now been omitted and that this had been replaced by 2 small obscure glazed windows at first floor level and 4 secondary ground floor windows which faced the adjacent property. The balcony had also been removed and although the roof height had been increased it was felt that the pitch of the roof was now more in keeping with adjacent property.

Members commented that they felt that the amended scheme did not overcome the previous objections and grounds for refusal which related to the location, scale and massing of the dwelling which would dominate and overshadow neighbouring dwellings.

**RESOLVED:** That the application be refused.

**REASON:** The position, size, scale and massing of the proposed house is considered to dominate and overlook neighbouring properties on York Street which results in an imposing development and a loss of privacy and general amenity for the occupiers of these houses. This is therefore considered inappropriate to the site and its surroundings and does not comply with design guidance in PPS1 or with the City of York Draft Local Plan (incorporating the 4th set of changes) policies H4a Part c (Housing Windfalls), GP1 (Design) or GP10 (Subdivision of gardens and infill development).

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 3.40 pm.





### 3.0 CONSULTATIONS

#### Internal

Highway Network Management - Highway Officers have no objections to the scheme subject to modest revisions being resubmitted concerned with dimensions of parking bays and visibility splays. Officers have also requested contributions for a real time travel information system at a cost of around £7000.

Archaeology - Watching brief on all groundworks. The site lies outside the AA1 but in an area where there have been prehistoric and roman material found and where a nineteenth century hospital and ordnance depot stood.

EPU - No Objection in principle. The main issues that need addressing should the development go ahead are as follows:

Noise - There may be noise during the construction phase of the development. This has the potential to affect the amenity of neighbouring properties. A condition is felt appropriate to restrict the hours of work. There is also the issue of permanent plant/machinery which may be fitted as part of the scheme. Although not causing a statutory nuisance, this plant/machinery may give rise to a loss of amenity. A condition is recommended to require the approval of any noisy plant/machinery.

Contaminated land - The site in question is within 250m of a landfill site. There is the potential for migrating gases that could present a health risk if the development were to go ahead and suitable gas protection measures were not incorporated. A condition is recommended that requires the developer to undertake an assessment of the situation that will involve a minimum of 3 months gas monitoring. The historical maps show that a tramway depot was within 250m of the site and that the site itself was used as a ordnance depot.

City Development - No response at time of writing.

#### External

Parish/Planning Panel Response - No objections however the Fishergate Planning Panel are concerned with the overall appearance of the proposed building and are concerned about the lack of texture and style.

Neighbour Response - No Objections from consulted neighbours.

### 4.0 APPRAISAL

Key issue(s): Effect Upon the Street scene

THE APPLICATION SITE. - The application site is a Brownfield site located within an area that saw much development during the 19th century. The site is upon the former military hospital of around 1850 that was superseded by an MOD Ordnance depot. Subsequently the site appears to have been developed spasmodically,

previously been used as an industrial estate and the most recent application of recent years was for the installation of a 2 storey portable office building for the storage of files and office material. The site has now been cleared and is currently fenced and underused.

There are old military buildings to the north of the plot and within the locality with light industrial units to the south and housing beyond. The site is 150m from the Ouse and the established cycle route.

**DEVELOPMENT PRINCIPLE** - The development will occupy unallocated land within this area of light industrial uses. These uses have been expanding to encompass high density residential and speculative office development over recent years and this scheme follows that trend. It is felt that the reuse of this prime Brownfield site close to the city centre is appropriate and acceptable. The applicant has provided evidence that they have examined other sites that are allocated within the Local Plan and have provided evidence to support their decision however at time of writing Officers are awaiting confirmation of this from City Development.

**SUSTAINABILITY** - The proposed building is within easy walking and cycling distance of the City centre and as such reduces the need for employees to use a private car to access their place of work. The site is also a Brownfield site and as such is previously developed land that takes pressure off other less suited potentially Greenfield sites.

The building itself does propose to utilise bricks that have a high embedded energy however the proposed building will encompass natural ventilation that reduces solar heat gain and maintains adequate internal temperatures without the need for air conditioning. The offices internally are open plan and the width of the structure is being maintained at a suitable distance to allow through day lighting to the internal spaces. The main south facade will act as a thermal mass device soaking up the solar heat during the day and releasing later. Moreover the proposed car park is intended to be constructed using a permeable material to reduce water run off. In sustainability terms the scheme will meet current Building regulations and is expected to exceed them and should result in another flagship development for the city in sustainability terms.

**VISUAL IMPACT** - The Office building is of a modern design that relies on modernist principles and features. This works well for the most part however Officers had reservations about the main southern elevation. This elevation, although relieved by the main entrance was very bland as submitted and in the officers opinion failed to create a facade that they believe is necessary in the interests of high quality design. Negotiations with the architect and developer have subsequently taken place to address this and revised plans are expected at time of writing. The revisions will relieve the appearance of this solid wall by utilising contrasting bricks and basing the concept on a De Stijl method of abstraction that Officers feel works well and will contribute positively to the locality.

The rest of the structure is well designed and the 'gable' elements being totally glazed are considered a quality and unique design feature.

## 5.0 CONCLUSION

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 streetscene and locality and its impact upon employment allocation within the city. As such the proposal complies with Policies GP1, GP4a, E4 and SP7 of the City of York Deposit Draft Local Plan, as well as Regional Spatial Strategy Policy YH8 and PPS6 Planning for Town Centres (2005).

**6.0 RECOMMENDATION:** Approve

1 TIME2

2 VISQ8

3 PLANS2

4 ARCH2

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

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

Reason: To protect the amenity of local residents

6 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

This should, where possible date back to 1800

Reason: To protect human health

7 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Informative: the site appears to have been used as an ordnance depot, therefore the investigation should also include potential military contaminants.  
Reason: To protect human health

- 8 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Reason: To protect human health

- 9 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health

- 10 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health

- 11 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect human health

- 12 A gas survey shall be carried out on the site over a period of at least three months to consider the effects of landfill gas migration. This shall be undertaken prior to the commencement of the development.

Reason: To protect human health

- 13 Based on the information from the gas survey a gas protection regime shall be designed using a risk based method. The monitoring results and gas protection regime shall be submitted to and approved by the Environmental Protection Unit of the City of York Council prior to the commencement of any development on site.

Reason: To protect human health

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

1.

Demolition and Construction - Informative

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

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

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

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

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

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

6 There shall be no bonfires on the site.

2. Informative:

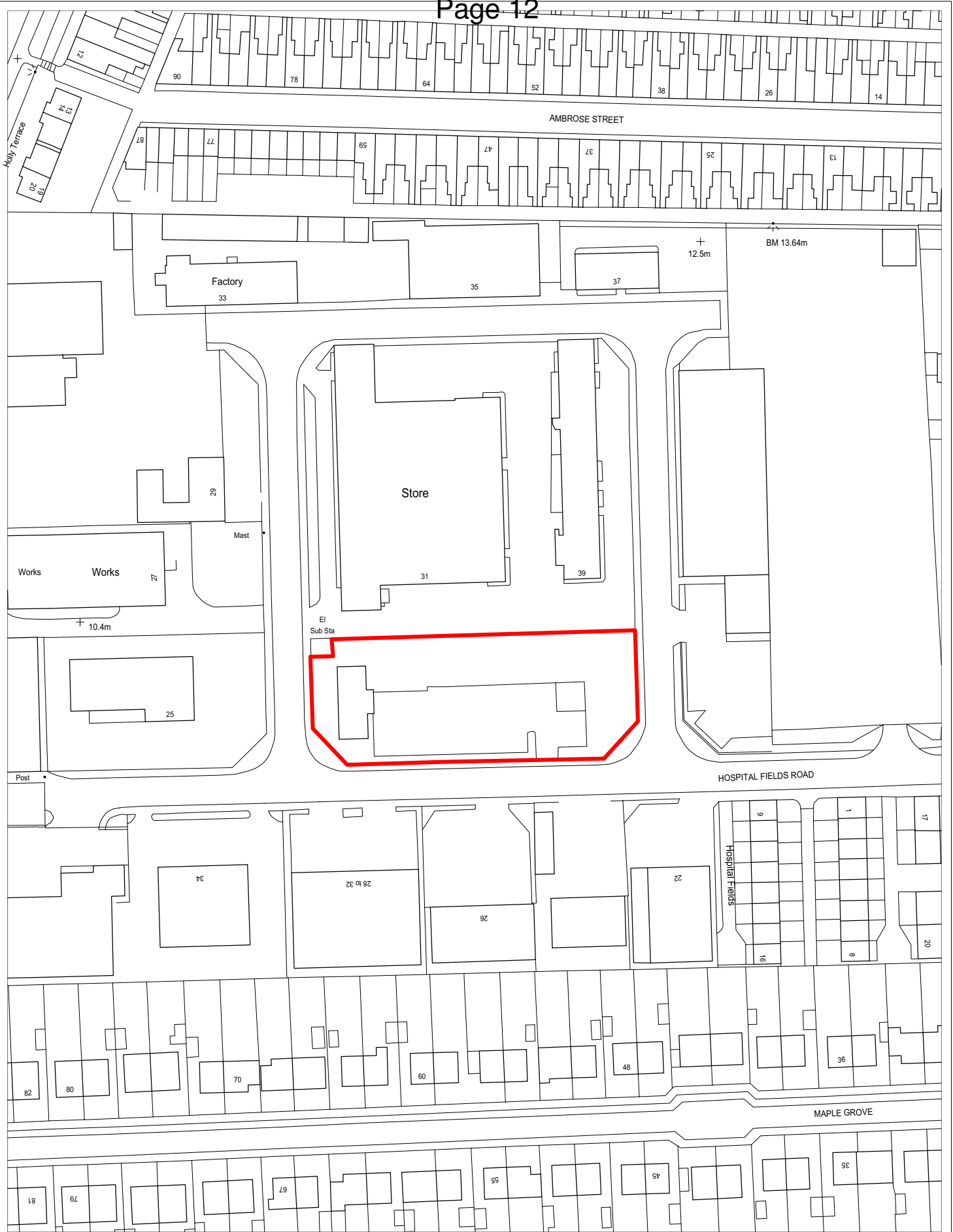
The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

3. 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 streetscene and locality and its impact upon employment allocation within the city. As such the proposal complies with Policies GP1, GP4a, E4 and SP7 of the City of York Deposit Draft Local Plan, as well as Regional Spatial Strategy Policy YH8 and PPS6 Planning for Town Centres (2005).

**Contact details:**

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**Tel No:** 01904 551596



ITEM 1 06/1553/FUL 23 HOSPITAL FIELDS ROAD



SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 1/9/2006  
 Drawing No.

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

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City of York Council LA 1000 20818





2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYGP10  
Subdivision of gardens and infill devt

CYGP9  
Landscaping

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYHE10  
Archaeology

CYNE1  
Trees, woodlands, hedgerows

CYT4  
Cycle parking standards

CYH2A  
Affordable Housing

### **3.0 CONSULTATIONS**

#### 3.1 Internal

(i) City Development - Proposal needs to satisfy Policy H4a. Should be noted that the proposal is below the recommended density set out in Policy H5a. Policy GP4a requires a sustainability statement for all development. Policy L1c requires a commuted sum payment towards off site provision of open space on sites of less than 10 dwellings.

In response to agent's letter regarding affordable housing provision - Disagree with the assertion that there is no policy justification for the Council's request for affordable housing based on unadopted status of the development plan...[and]...that the affordable housing note is flawed and cannot be given weight....In this case, however, the extant consent is a material consideration and...a key issue is the differences between the two schemes. Firstly, the number of units remains the same between the two schemes which is a significant factor. Had the number of units changed in this revised submission it would be appropriate to reassess the application in terms of the policy change since the previous application. Secondly, the mix in terms of house sizes has changed and the current scheme offers a wider mix of choice, including some smaller units. In conclusion...note that there is an existing consent with no requirement for affordable housing, there is no proposed change to the number of units in the current application and there are improvements in the housing mix.

(ii) Highway Network Management - No objections. Access to the site is to be taken via the existing vehicular access onto Strensall Road, which is to be widened to 5m to allow for two-way traffic flow. The widening of the access will be carried out under section 184 of the 1980 Highways Act and will also require the relocation of 2 no. existing bollards. These works will be at the applicants expense. Sightlines at the means of access are acceptable and the limited amount of development proposed is not expected to have a detrimental impact on the existing highway network. The internal layout is proposed to provide a private shared surface drive. The layout provides parking in accordance with CYC maximum standards and turning for vehicles clear of the public highway. Request conditions.

(iii) City Archaeologist - ARCH2 and condition requiring photographic recording requested.

(iv) Conservation Officer - requests recording condition based on methodology provided by Council.

(v) Landscape Architect - Should be no new wall between private road and 124 Strensall Road because excavations would cause damage to roots of protected trees. Existing privet hedge should remain. Requests details of service runs for same reason. Requests conditions for protective fencing, details of driveway construction and landscaping (to include supplementary planting along northern boundary fence and within front gardens of terraced houses).

In response to revised plan - Disappointed that a wall is still proposed adjacent to the Walnut, objections to this were raised in the previous application; subsequently this boundary detail was never approved [a condition was attached requiring details of means of enclosure to be agreed]. Prefer to see privet hedge retained. The applicant could erect a 2m wall along this boundary without requiring planning consent. However, [as the council] has made the applicant aware that this...may cause damage to the protected tree...this could be construed as wilful damage. The railing detail 7 alongside the horse chestnut...would be an acceptable compromise. Further detail under condition of highway access tactile paving required. Pleased to see hedge to rear and planting within front gardens as suggested. Condition LAND1 and tree protection.

(vi) Environmental Protection Unit - No objections subject to conditions covering contamination and hours of construction.

(vii) Education - financial contribution sought of £15,531 towards secondary education provision.

### 3.2 External

(i) Earswick Parish Council - No objections.

(ii) Foss Internal Drainage Board - No objection provided there is no increase in the rate of discharge to the public sewer and recommend condition to confirm this.

(iii) North Yorkshire Police - The cul-de-sac layout and good levels of natural surveillance from surrounding properties should help provide a secure environment. Only weakness appears to be the type and height of fencing proposed for the northern boundary. A 1.2m high post and rail fence will not provide a secure boundary. Should be a min. 1.8m high vertical close boarded fence.

(iv) Response from local residents raising following issues:

- request condition that excludes windows in SW face of plot 5 dwelling.
- request existing wall and railings on main road retained.
- some concern about visual impact of plots 1-4 as pushed forward towards the road.

## 4.0 APPRAISAL

4.1 The main issues are considered to be:

- principle of residential development
- density of development
- affordable housing provision
- character and form
- residential amenity
- trees/landscape
- highways
- land contamination
- drainage
- archaeology
- sustainability
- education and public open space contributions

4.2 Relevant planning policy is contained within national government advice in Planning Policy Statement 1: Delivering sustainable development and Planning Policy Guidance Note 3: Housing (March 2000), Regional Spatial Strategy (RSS) for Yorkshire and Humberside (2004) and at the local level in the City of York Draft Local Plan (incorporating the 4th set of changes, April 2005), details of the latter are contained in section 2.2.

4.3 The principle of housing development on the application site at a density of 22 dwellings per hectare following demolition of the existing unlisted buildings with

access via a shared drive from Strensall Road has been agreed by approval of the previous application (04/02668/FUL). A lower density on the site was approved as this had regard to the scale and density of the surrounding area. The proposed scheme would provide a mix of house sizes, including two two-bedroom houses, two three-bedroom houses and two five-bedroom houses, which is encouraged by PPG3 and Policy H3c of the Draft Local Plan, and is a greater mix than the previous approval, which was for four three-bedroom houses, one four-bedroom house and one five-bedroom house.

4.4 Since the last application was approved in September 2004, the Council has adopted the City of York Draft Local Plan (incorporating the fourth set of changes, April 2005). The significant policy situation that has changed as a result of this, is that relating to affordable housing, which is a material consideration in the determination of the application. The previous application was determined on the basis of the second set of changes to the Local Plan and fell below the site threshold for provision of affordable housing. Applications submitted after April 2005 have been consistently assessed on the basis of Policy H2a of the draft Local Plan incorporating the fourth set of changes, which is based on the 2002 housing needs survey (updated in 2006) and seeks a 50% affordable provision for all new housing developments on sites of more than 2 dwellings or 0.03ha in villages with less than 5,000 population, including Earswick.

4.5 The applicant's agent has been approached about the provision of affordable units on the site, but disagrees with the Council's policy justification to request such provision. He highlights the fall-back position that exists in the form of the extant permission with no requirement for affordable housing. He claims that the applicant will implement the extant permission if the Council continue to request affordable housing on the site, and as the improved mix of house types provided by the current scheme, including two-bedroom houses, would be lost as a result contrary to policy objectives.

4.6 The existence of the previous approval is a material consideration that needs to be weighed in the determination of the application. What needs to be considered is whether the policy situation has changed significantly since the last decision to outweigh the important material consideration of an extant permission and whether any beneficial planning purpose would be served by refusal of the current application.

4.7 In design terms, the two rear dwellings are of substantial greater massing and height than the existing dwellings adjacent to the site and to that of the previous approval (10m high as opposed to 8.7m maximum height). They would be located on the fringe of the village, and in close proximity to the boundary with York Green Belt, with plot 5 being closer to the boundary by approximately 3m than the previously approved buildings, though this would be angled to the site boundary.

4.8 The scheme also proposes a terrace of four houses (21m in length) at the front of the site, forward to the existing house to be demolished and those either side of the application site. At its nearest point, the terrace would be 3.6m from the site boundary. This would result in a more continuous frontage, closer to the road, which is not typical of the form of the surrounding area.

4.9 The proposed dwellings on the frontage would be located only 1m from the southern site boundary and would project significantly further forward than the adjacent property to the south, 120 Strensall Road. However, they would be to the north of no.120, which is itself set 5m away from the shared boundary. There is sufficient distance between the proposed properties and the adjacent dwellings to the north to preserve a reasonable standard of privacy and amenity levels. The removal of a continuing agricultural and livestock use may also improve amenity levels of existing dwellings, in terms of smell, vermin and general noise and disturbance. The development would provide a reasonable level of amenity for future occupiers.

4.10 The two protected trees would be unaffected by the siting of the dwellings, though care needs to be taken to avoid damage to their roots from excavations of foundations, erection of boundary enclosures and creation of the access road. These could be dealt with by condition. However, there is still an issue with regards to the construction of the proposed 1.7m boundary wall with piers adjacent to the protected Walnut. Therefore, a condition would need to be attached to any approval seeking an alternative means of enclosure to be agreed. An existing privet hedge exists along this boundary that could be retained or replaced following construction.

4.11 The widening of the current access to serve the six dwellings and no. 124 is considered acceptable in highway terms, given the access would offer adequate visibility and sufficient width to allow two way flow of traffic at the site entrance. The development is considered not to have a material impact on the highway network, having regard to the size of the development. The internal layout would provide for the dwellings to be accessed in an acceptable manner, with commensurate car parking provided. There would be opportunities to provide secure cycle parking, and this could be dealt with through condition.

4.12 The site was last used for agricultural and livestock purposes. Local Plan Policy GP6 requires that the evidence of the possibility of contamination has been investigated and proposals for dealing with any contamination are included. In order to assess the potential affect of contamination, a desk top study of the historical use of the site has now being provided by the agents with this application. This reveals there should not be any contamination issues. Environmental Protection advise conditioning to cover the possibility of uncovering contaminated land as the development progresses (condition 8).

4.13 In drainage terms, conditions that were attached to the previous approval seeking detail of drainage works should still be attached to any approval. Yorkshire Water previously confirmed that the existing the public sewer on Strensall Road had the capacity to deal with foul water. The Foss Internal Drainage Board have requested a condition to confirm details of surface water drainage, which would be covered by the aforementioned conditions.

4.14 The applicant has submitted a sustainability statement at the request of officers. This concludes that the site is in a sustainable location, accessible by public transport and close to a number of local services and again makes reference to the principle of redevelopment already been agreed. An informative was attached to the

previous approval requesting that the applicant examine the recycling of materials from the site as part of the development for sustainability purposes.

4.15 Conditions are requested by the Council's Archaeologist requiring an archaeological watching brief and a photographic recording of the site and its buildings. The applicant has agreed to pay education and open space contributions on the occupation of the first dwelling of £15,531 and £9,907 respectively, as requested by officers.

## **5.0 CONCLUSION**

5.1 The principle of development of the site for six residential properties with access via a shared drive and the form of development being located to the front and rear of the shared parking area has been established by the approval of the previous extant permission. This extant permission is a material consideration in the determination of the application.

5.2 The proposed scheme has some positive and negative aspects in comparison to the extant permission. It proposes the same number of units though offers the opportunity for a wider mix of housing with the introduction of two smaller units. The new buildings would be more prominent in views of the site, particularly along the street, due to the cumulative effect of the continuous built form and proximity to the site boundary of the frontage properties and increased height and scale of those at the rear.

5.3 The policy situation has changed significantly since the last decision was made in terms of affordable housing provision. However, the applicant's agent has confirmed that the fall-back position of the extant permission would be implemented if the request for affordable housing is pursued. If the fall-back position were implemented, not only would there be no affordable housing provision, but the introduction of the wider housing mix including smaller house types would not be achieved.

5.4 Therefore, on balance, given the presence of the extant permission, the scheme is recommended for approval subject to the signing of a Section 106 agreement to cover education and public open space contributions.

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

1 TIME2

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

Drawing no. ILF/01B dated 25/07/06 and drawing nos. ILF/02, ILF/03 and ILF/04 dated April 2006;

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

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

3 VISQ8

- 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 and shrubs within the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

- 5 Prior to commencement on site, including demolition, building operations, any excavations and the importing of materials, protective fencing to BS5837 Part 8 shall be erected around all existing trees shown to be retained. To protect existing trees within the development site, the fencing shall be erected below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further from the tree. Fencing shall also be erected along the boundary with 124 Strensall Road to protect neighbouring trees. Before commencement on site, the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones : excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, no mixing of cement, no disposing of washings, no stored fuel et al. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone' shall be attached to each section of fencing. All contractors shall be familiarised with the details of the above and be clear of its gravity.

Reason: To protect existing trees, some of which are subject to a tree preservation order, which are considered to make a significant contribution to the amenity of this area.

- 6 Notwithstanding the information contained on the approved plans, the height of the approved houses shall not exceed the following specified heights as measured from existing ground level.

Plots 1 and 4 - 8.5m;

Plots 2 and 3 - 8.1m;

Plots 5 and 6 - 10m.

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.

- 7 Notwithstanding the boundary enclosure detail 1 shown on the approved plan, drawing no. ILF/01B, details of a means of enclosure to the site boundary with 124 Strensall Road, adjacent to the walnut tree, 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 occupied.

Reason: To protect the adjacent preserved Walnut tree.

- 8 ARCH2

- 9 A comprehensive photographic record of all standing buildings shall be made prior to the demolition of the buildings on the site, and two copies submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a record of the buildings on the site is made for archaeological purposes, and a public record is kept at York Archives.

- 10 Any chemical or other contaminants detected during site works shall be reported to the Local Planning Authority prior to any further development of the site. Any remediation for this contamination shall be agreed in writing with the Local Planning Authority and implemented in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: To ensure the safety and amenity of future occupiers are protected.

- 11 The site shall be developed with separate systems of drainage for foul and surface water. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the local planning authority. The development shall take place in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage and to ensure that the development can be properly drained.



- 12 Unless otherwise agreed in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

13 NOISE7

14 HWAY12

15 HWAY18

16 HWAY19

17 HWAY31

18 HWAY40

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

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

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

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

## **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 density, housing mix, affordable housing, character and form, residential amenity, trees, highways, land contamination, archaeology, drainage, education facilities and public open space. As such the proposal complies with guidance in PPS1 and PPG3 and Policies H2a, H3c, H4a, H5a, GP1, GP4a, GP6, GP10, HE10, NE1 and T4 of the City of York Draft Local Plan incorporating 4th set of changes.

2. INFORMATIVE:

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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Cafe Licence - Section 115 - Miss T Santana (01904) 551367

3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town & Country Planning Act 1980 relating to this development

5. The applicant is encouraged to examine whether all or a significant part of the materials on site be recycled as part of the development, for sustainability purposes.

6. INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £9,907.

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.

7. INFORMATIVE:

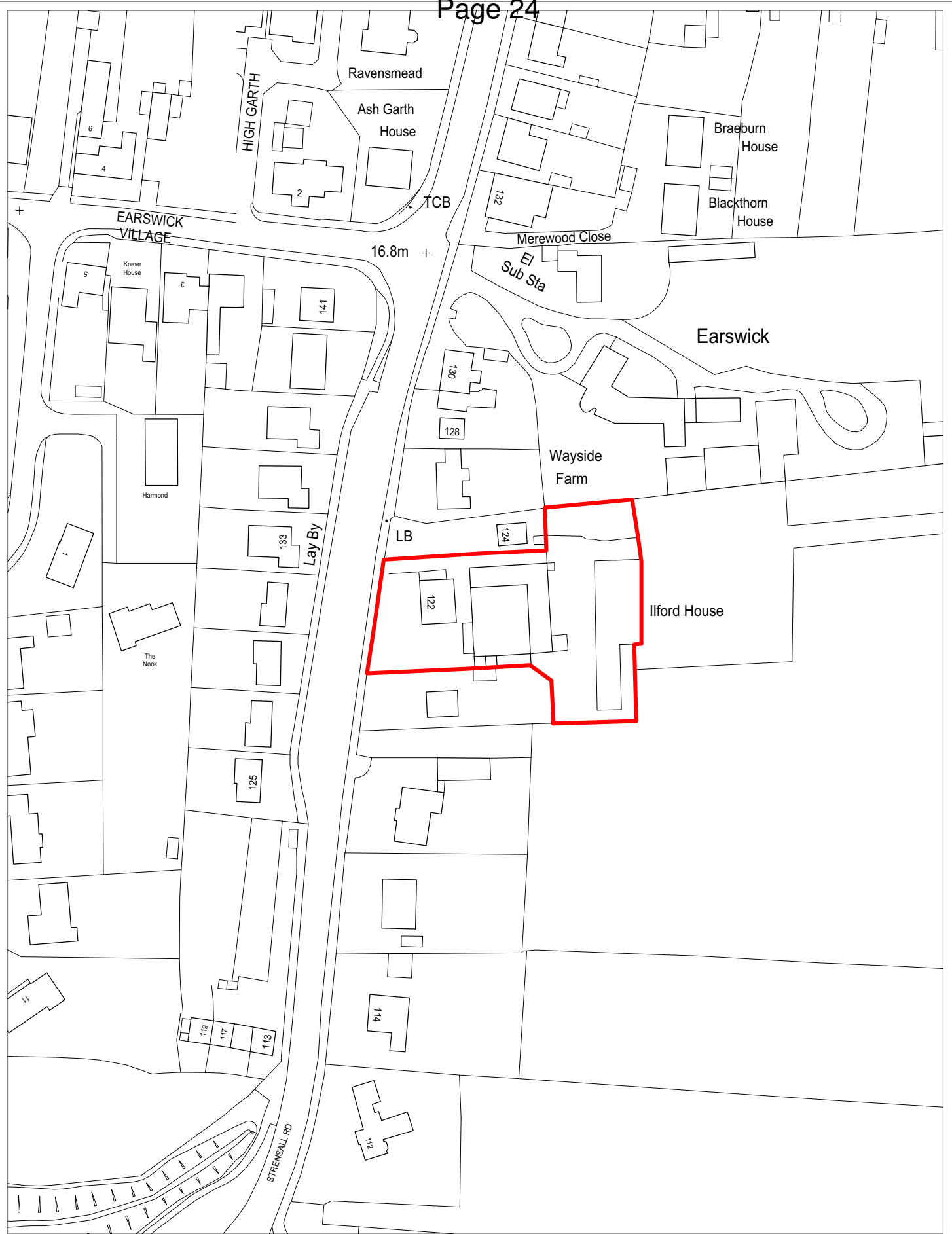
The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £15,531 . The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

**Contact details:**

**Author:** Hannah Blackburn Development Control Officer

**Tel No:** 01904 551477



CITY OF  
**YORK**  
COUNCIL

**06/1020/FUL ITEM 2 122 STRENSALL ROAD**

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 1/9/2006  
Drawing No.





CYGP1  
Design

CYH7  
Residential extensions

### **3.0 CONSULTATIONS**

3.1 Internal  
Highway Regulation - No objections

3.2 External  
Skelton Parish Council - No objections

#### 3.3 Public Consultation

One letter of objection has been received from the occupier of the adjacent bungalow at No.14: The 2-storey side extension would deprive her kitchen/dining area and bathroom of natural daylight and sunlight. It would also block views of the sky from her kitchen.

### **4.0 APPRAISAL**

4.1 Key Issues  
Neighbour amenity;  
Visual appearance.

#### 4.2 Neighbour Amenity

The proposal is markedly different from the application that was refused planning permission in 2004. The previous 2-storey side extension would have been located largely on the site of the existing garage. The extension would have extended from almost the front elevation of the house to the rear elevation and would have been less than 0.5m from the boundary with the bungalow at No.14. The footprint of would have been approximately 8.3m by 3.5m. The kitchen window of No.14 faces the application site, across the neighbour's carport. The outlook from the kitchen window would therefore have been dominated by the 2 storey-high, blank side wall of the extension, albeit viewed from under the translucent roof of the carport.

The side extension as currently proposed would lie to the rear of the existing garage so that it would not directly block the outlook from No.14's kitchen window. Moreover, at 7m by 3.3m it would be slightly smaller than previously proposed. Much of the extension would be screened by part of No.14's property, in particular the garage. This part of the house has no windows overlooking the application site. Part of the extension would still be visible from the kitchen and it would partially block views of the sky. However, as the affected window is to a kitchen rather than to a main living room, and as light to, and outlook from, that window is reduced by the objector's own car port, officers consider that the extension would not significantly affect the amenity of the neighbouring occupiers.

The works at the rear of the house, mainly comprising the conservatory, would not be visible from No.14 and would be screened from No.10 by the 3m-high boundary hedge. The impact of these works on the adjacent occupiers would therefore be negligible.

#### 4.3 Visual Appearance

The appearance of the works, whilst being fairly large, would be subservient to the main house and would be in keeping with the character and appearance of the area. Materials would match the existing building and the area generally.

### 5.0 CONCLUSION

5.1 On balance, the proposed development would not cause undue harm to interests of acknowledged importance, with particular reference to residential and visual amenity. As such, the proposal complies with policies GP1 and H7 of the City of York Local Plan Deposit Draft.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2
- 2 The development hereby permitted shall not be carried otherwise than in complete accordance with the approved plans and other submitted details or as may otherwise be agreed in writing by the Local Planning Authority.
- 3 VISQ1
- 4 PD5

### 7.0 INFORMATIVES:

#### Notes to Applicant

1. 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 on the street scene and amenity of neighbours. As such the proposal complies with policies GP1 and H7 of the City of York Local Plan Deposit Draft.

#### Contact details:

**Author:** Kevin O'Connell Development Control Officer  
**Tel No:** 01904 552750



CITY OF  
**YORK**  
COUNCIL

06/1398 ITEM 3 12 GRANGE CLOSE, SKELTON



SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 1/9/2006  
Drawing No.

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Clifton  
**Date:** 14 September 2006              **Parish:** Clifton Planning Panel

**Reference:** 06/01428/FUL  
**Application at:** St Peters School Clifton York YO30 6AB  
**For:** Erection of fencing enclosure at each end of former public footpath (retrospective)  
**By:** St Peters School  
**Application Type:** Full Application  
**Target Date:** 8 September 2006

**1.0 PROPOSAL**

St. Peters School is located in the Clifton Conservation Area in Clifton. Previously a public footpath ran through the school grounds. On the 16th May 2006 The Planning Inspectorate determined that the footpath should be closed to public use. A gate was erected at each end of the footpath by St Peters School and planning permission is now sought for the permanent erection of a gate on both the northern and southern entrance of the former public footpath.

This application was requested to be heard at Planning Committee by Cllr Scott and Cllr Reid as it was suggested that there may be a high level of public interest in the site.

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

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

Floodzone 2 Flood Zone 2 CONF

Schools Queen Anne 0253

**2.2 Policies:**

CYGP1  
Design

CYHE3  
Conservation Areas



### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - No objections

Conservation - No objections

#### 3.2 External

Clifton Planning Panel - Support the application

Response to site notices' posted 19/07/06 - No correspondence received

### **4.0 APPRAISAL**

#### 4.1 Key Issue(s): Impact on the Conservation Area

4.2 The Application Site - St Peters School is in Clifton within the Clifton Conservation Area. The former public footpath that ran through the school was closed to the public on 16th May 2006. Gates have been erected at both ends of the footpath in order to ensure it is not used as a public through route. These were a temporary measure and consent is now sought for permanent gating. The footpath is no longer open to the public and this application is simply concerned with the impact of the gates themselves.

4.3 Draft Local Plan Policy GP1 states that development proposals will be expected to respect or enhance the local environment. Policy HE2 (Development in Historic Locations) states that within conservation areas development proposals must respect adjacent buildings, open space, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals must maintain or enhance existing urban space, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.4 Impact on the Conservation Area - The proposed gate on the southern boundary of the school is less visually important in terms of protecting the character and appearance of the area. The proposed gate is of simple design and it is considered that it would not cause significant harm to the visual amenity of the area. The proposed gate on the northern boundary, adjacent to Clifton, would be visually prominent within the conservation area. A Conservation Officer looked at the plans and raised no objections to them in terms of their impact on the conservation area. The front boundary of St Peters School is characterised by a black steel fence with simple styling. The proposed gate is of the same design and style and it is considered that it would maintain the character of the area and would not cause detrimental harm to the street scene.

## 5.0 CONCLUSION

The proposed gates would not harm the character and appearance of the area.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Drawing No. 1071-6/1 received by The CoYC on 23/06/06

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

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

## 7.0 INFORMATIVES:

### Notes to Applicant

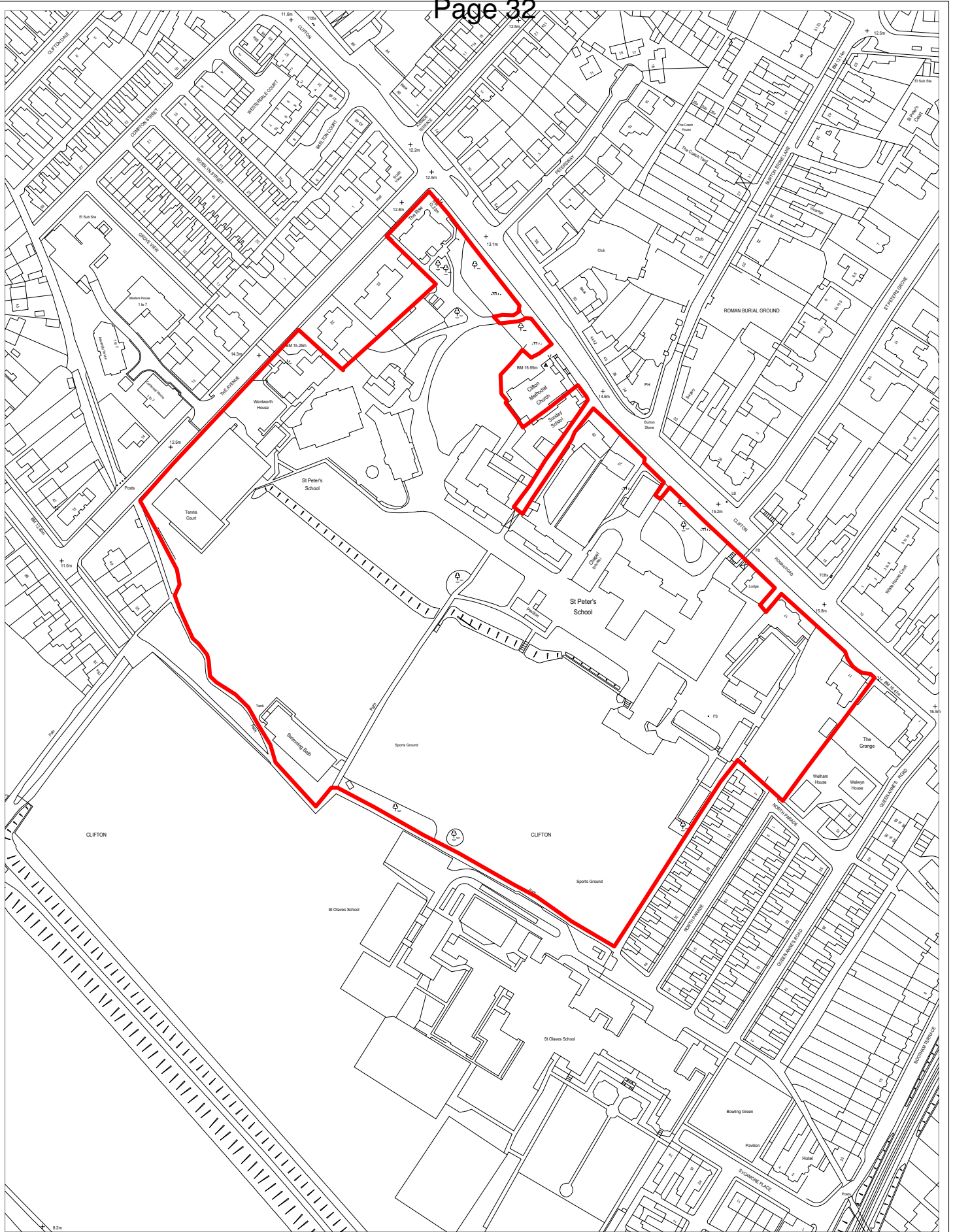
#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Clifton Conservation Area. As such the proposal complies with Policies GP1 and HE2 of the City of York Draft Local Plan.

### Contact details:

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325



CITY OF  
**YORK**  
COUNCIL

06/1428/FUL ITEM 4 ST. PETER'S SCHOOL

SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 1/9/2006  
Drawing No.



**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Fishergate  
**Date:** 14 September 2006              **Parish:** Fishergate Planning Panel

**Reference:** 06/01568/FUL  
**Application at:** Garage Yard Escrick Street York YO10 4AW  
**For:** Erection of a three storey block of 4 apartments (Resubmission 05/02076/FUL)  
**By:** J T M Developments Ltd  
**Application Type:** Full Application  
**Target Date:** 5 September 2006

**1.0 PROPOSAL**

1.1 Former builder's yard measuring 0.024 hectares on the north side of Escrick Street, opposite Fishergate Primary School. Escrick Street joins Fawcett Street to the west. The site was last used as a builder's yard and has since been cleared.

1.2 The application is a resubmission of an earlier application (05/02076/FUL) that was refused in December 2005. It comprises a new 3 storey building on the front part of the site. The building would extend across the width of the site, incorporating a drive-through access serving three car parking spaces to the rear. The building would rise to a height of 9.9m to the pitch of the gable roof with the third storey set into the roof space. Three of the apartments would be 1-bed; the fourth would be 2-bed. Externally, the building would have a rendered finish on the ground floor with brickwork at first and second floor level. First and second floor flats would have french doors and juliet balconies on front and rear elevations

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Schools Multiple (Spatial)

2.2 Policies:

CYE3B

Existing and Proposed Employment Sites

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYGP15  
Protection from flooding

CYE8  
Non conforming uses

CYL1C  
Provision of New Open Space in Development

CYHE10  
Archaeology

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highways - No objections, subject to highway conditions. The applicant should be advised that there would be a recommendation to remove the site from inclusion in the local Respark zone. The removal of one Respark Bay is not considered grounds for objection, though the applicant will be expected to pay for the amendment to the traffic regulation order to remove the space and for the scheme to be excluded from the Respark scheme, and any costs encountered in the associated works.

Environmental Protection - No objections. The applicant submitted (with the previous application) a desk top study and site investigation indicating ground contamination that will require remediation by condition. An hours of work condition also should be attached.

UDC (Archaeology) - No objection, subject to archaeological watching brief condition on all groundworks associated with the development..

Structures and Drainage - No objections.

Policy - No objection if proposal satisfies policies E3b, H4a, GP1, GP4a and L1c.

Leisure - As there is no on site open space, commuted off site sums should be paid to the Council for amenity open space (such as New Walk or Walmgate Stray) for play space (Cemetery Road) and sports pitches (within the south zone of Sport and Active Leisure Strategy).

### 3.2 External

Local Member - Continued objection. The building breaks the existing roofline on Escrick Street, and is out of character with the scale of surroundings buildings. The three storeys will result in unacceptable shading of surrounding properties on Escrick Street and Terrace. The increase in density in dwelling units will exacerbate traffic problems on Escrick Street. Increased traffic is highly undesirable close to a school, and the extra on street car parking from new residents will cause problems during the already frenetic school run. The objections of local residents are justified. The previous decision by the planning committee was correct.

Planning Panel - Continued objection. Structure is too high resulting in an overbearing impact on Escrick Terrace; proposed parking provision would result in increased parking competition with local residents; increased traffic congestion; access onto Escrick Street and Fishergate is hazardous and would be increased by additional traffic associated with the development. The site is unlikely to revert to a builder's yard as suggested by the applicant.

Public Consultation - six local residents and property owners maintain their previous objections. The height of buildings will lose daylight, sunlight and privacy to neighbouring properties and generally effect residents' quality of life. Consider none of the objections have been overcome by changes to the scheme.

## 4.0 APPRAISAL

### 4.1 Key Issues

Neighbour amenity.

### 4.2 The Application Site

Former builder's yard measuring 0.024 hectares on the north side of Escrick Street, opposite Fishergate Primary School. Escrick Street joins Fawcett Street to the west. The site was last used as a builder's yard and has since been cleared. On the west side of the site is a ginnel behind the rear yards and 2-storey houses of Escrick Terrace. To the east of the site is a 2.5-storey residential development.

### 4.3 Introduction

The main issues of relevance to this application are the principle of housing development, visual amenity, residential amenity, highway considerations and open space. All of these issues were considered by the committee when it determined the previous application on 8 December 2005. Members considered that the scheme was acceptable except for the impact it would have on the occupiers of Escrick Terrace to the west of the site. Members determined that the impact on the neighbours was unacceptable and refused the application for the following reason:

The proposed development, by virtue of the proximity, height and size of the gable end elevation of the building facing neighbouring properties on Escrick Terrace, would result in an overbearing and domineering form of development, causing unacceptable harm to the amenities of those properties. This is considered contrary to advice on protecting amenity in paragraph 29 of the 'Planning System: General Principles', published alongside PPS1: Delivering Sustainable Development and policy GP1 criteria i) of the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

#### 4.4 Neighbour Amenity

When the previous application was being considered officers recognised that the development would have an impact on the occupiers of Escrick Terrace. The new building would be approximately 7.25m from the rear elevations of the Escrick Terrace properties and just 1m from their rear yards. Nevertheless officers considered that, on balance, the development would not be unacceptably overbearing or domineering.

Escrick Terrace is already overshadowed during the middle of the day and early afternoon by the large Fishergate school building to the south. Whilst the development would cause some further loss of light to the properties on Escrick Terrace this impact would be limited to the early morning. The proposed development would cause no light loss in the late afternoon and evening. The development was therefore considered to be acceptable in terms of sunlight and daylight. Moreover the development would not cause any direct overlooking. The development was also considered to have some benefit to the amenities of neighbours in that it would remove the builders yard use, which if reintroduced (albeit improbably) would be likely to cause noise and disturbance.

Whilst officers were ambivalent about the application, due to the impact on the occupiers of Escrick Terrace, the application was recommended for approval. Members however were less circumspect about the proposal and, after considering all relevant planning issues, considered that the impact on Escrick Terrace was too significant for planning permission to be granted and the application was refused.

The current application is identical to the previous scheme. Whilst the current application includes a supporting statement it raises no new issues and does not overcome the objection to the previous approval. In the light of the clear guidance from members officers recommend refusal of the current application.

## 5.0 CONCLUSION

5.1 The impact on the occupiers of Escrick Terrace is unacceptable contrary to PPS1 and policy GP1 of the City of York Local Plan Deposit Draft.

**6.0 RECOMMENDATION:** Refuse

- 1 The proposed development, by virtue of the proximity, height and size of the gable end elevation of the building facing neighbouring properties on Escrick Terrace, would result in an overbearing and domineering form of development, causing unacceptable harm to the amenities of those properties contrary to paragraph 29 of the 'Planning System: General Principles', published alongside PPS1: Delivering Sustainable Development and policy GP1 of the City of York Draft Local Plan.

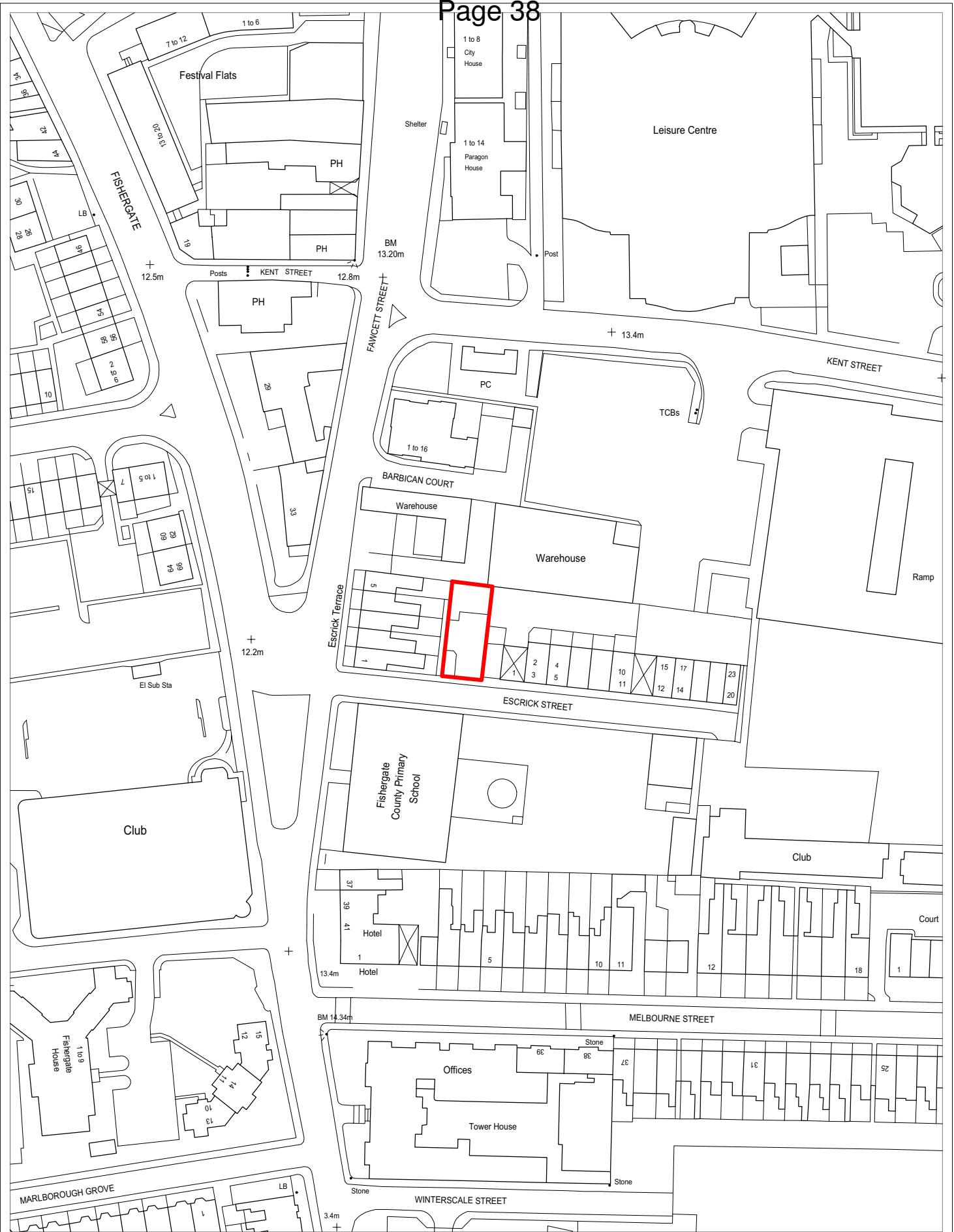
## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Kevin O'Connell Development Control Officer

**Tel No:** 01904 552750





ITEM 5 06/1568 GARAGE YARD, ESCRICK STREET



SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 1/9/2006  
 Drawing No.

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

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City of York Council LA 1000 20818



H4 - Housing development in existing settlements  
L1 - Open spaces in new residential developments  
S10 - New local and village shops

### 3.0 CONSULTATIONS

#### INTERNAL

3.1 ENVIRONMENTAL PROTECTION UNIT has concerns regarding this application. The site is in close proximity to residential properties. I therefore have concerns regarding nearby residents being adversely affected by noise during any demolition, construction and refurbishment work. Although the site is unlikely to be affected by land contamination, I would recommend that a condition, which places a watching brief for the discovery of any unsuspected contamination, is placed on the approval. Therefore, the following conditions are recommended:

1. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

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

Reason: To protect the health of the occupants.

I would also request that the following informative is included:

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:

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

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

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

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

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

6 There shall be no bonfires on the site.

**3.2 HIGHWAYS NETWORK MANAGEMENT:** The proposal replaces an existing retail unit and as such in traffic terms the net increase in traffic can be considered to be that which will be generated by the residential element of the scheme.

The retail element requires a theoretical maximum of 6 car spaces to CYC Annex E standards and the residential units 4 spaces. The submitted scheme indicates 4 car spaces are to be provided, however it is officer view that 5 spaces may be practically accommodated on the site frontage.

Experience of other sites around the city has demonstrated that in terms of demand for parking the retail and residential uses have differing peak periods. The demand for parking by residents will be at it's greatest during the evening and overnight, during which times the demand for parking from retail units will be very low, leading to an efficient sharing of the car parking facilities. The surrounding residential streets are unrestricted and are capable of accommodating any limited shortfall in parking.

Officers have considered pursuing the applicant for the cost of implementing a Traffic Regulation Order. However on balance officers do not consider that this approach would be appropriate due to the detrimental impact waiting restrictions could have on local residents and shops.

Covered and secure cycle parking has been indicated on the submitted plans and will be conditioned accordingly. The site is considered to be in a sustainable location and is well served by a number of frequent bus services, including Park and Ride.

Conditions: Hwy 18, Hwy19

**3.3 LIFELONG LEARNING AND CULTURE:** As there is no on site open space commuted sums should be paid to the Council for

- a) amenity open space - which would be used to improve a local site such as Rawcliffe Recreation Ground, Lake or Country Park
- b) play space - which would be used to improve a local site such as Rawcliffe Recreation Ground or Country Park

c) sports pitches - would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy.

The contribution to off site provision is to be based on "Harrogate" or latest York formula through a Section 106 Agreement.

## EXTERNAL

3.4 RAWCLIFFE PARISH COUNCIL: Object for the following reasons;

- The proposed development will have a significant impact on the street scene.
- By its size, scale and massing the proposed development will not be subservient to the original property and the street scene.
- It is noted on the plans that 4 parking spaces are designated on the forecourt for the use of owner/residents. The proposal will prevent parking in front of the shop on the road way and cause problems for customers at all the shops on the parade and occupiers of adjoining residential properties on what is a narrow road.
- Guidance of police architectural liaison officer on crime and disorder issues sought.
- The third apartment will only have velux rooflights. Is there a loss of amenity for the potential occupier?
- A site visit is necessary
- There are objection from neighbours and another business
- If approved the following should be controlled: Hours of work, means of access, dilapidation survey and measures to prevent egress of mud and detritus onto the roadway.

3.5 PUBLICITY: The application has been advertised by neighbour letter and site notice, ten public responses were received raising the following matters:

- the proposals will result in additional on street parking
- higher and deeper than other buildings
- no need for more dwellings
- vehicles will have to cross pavement
- loss of on street parking
- no rear access
- height of building
- loss of privacy
- noise from future tenants
- loss of views
- risk of flooding

## 4.0 APPRAISAL

4.1 The application scheme has been revised since first submitted to reduce the height of the rear element and to divide the open space at the rear between the proposed residential and retail use.

4.2 The site is within an existing built up area on a transport corridor well served by public transport and the site currently accommodates a retail unit at the end of a short parade of shops. There is no objection in principle to the proposed uses, residential and retail, in this location in accordance with policies H4 and SP10 of the draft City of York Local Plan. The key issues are considered to be the impact on the amenity of adjoining occupiers, the highways impact and visual impact of the proposed development.

## VISUAL IMPACT

4.3 The proposal are to replace an existing single storey building with a two storey building. The highway onto which the application site faces is developed along its north-eastern side and characterised by two storey buildings and the erection of a two storey building as proposed in this location would not be out of keeping with the street scene. The rear element has been reduced in height to make this subservient to the main range and reduce the bulk of the building. As such the proposals are considered to comply with the aims of policy GP1 of the draft City of York Local Plan.

## IMPACT ON LIVING CONDITIONS AT NEIGHBOURING DWELLINGS.

4.4 The proposals have been amended to reduce the height of the rear element and remove living accommodation from that part of the roof space. As a consequence the sideways facing roof lights have been removed and the overlooking and overbearing impact on neighbouring properties on Shipton Road are considered to have been removed by this amendment. Windows in dwellings at the rear are separated by a distance of 27 metres and hence no material loss of privacy is considered to result. As such the proposals are considered to comply with the aims of policy GP1 of the draft City of York Local Plan.

## HIGHWAYS IMPACT

4.5 The proposed site layout incorporates adequate off street parking for the proposed retail use and residential accommodation in accordance with City of York Council Parking Standards. It is understood from objections received that there is a pre-existing competing demand for on street parking from the residential and retail uses along this section of highway. This matter has been raised with, and is independent of this application, is being considered by the highways network management team regarding the need for on street parking controls. Whilst the concern is that the introduction of additional dwellings will exacerbate that pre-existing problem the proposals incorporate adequate parking provision for the development hereby proposed and hence there is no planning objection to this development on parking or highway safety grounds.

## OTHER MATTERS

4.6 Due to the restricted size of the site provision of public open space on the site is inappropriate and in accordance with Local plan Policy L1 a financial contribution should be secured for the provision of amenity open space, children's play space

and adult recreation space in the vicinity of the site. The combined level of contribution being £1029.00 based on the Harrogate Formula of April 2006.

4.7 The proposals are to replace a shop unit with a larger retail unit with flats above. This is not considered to result in any increase in crime or disorder. The access alleyway at the side of the building should be gated to reduce opportunities for crime.

4.8 The site is in an area at risk of flooding and the applicant has assessed that risk and proposed measures to reduce the impact of flooding on the building.

## 5.0 CONCLUSION

5.1 For the reasons given above the Local Planning Authority considers that proposal, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to the living conditions enjoyed by occupiers of adjoining dwellings, the character and appearance of the area and highway safety. As such the proposal is considered to comply with Policies GP1, H4, SP8, and S10 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG4 and PPG13. The application is therefore recommended for approval.

**6.0 RECOMMENDATION:** Approve.

1 TIME2

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

Drawing Number M02/428/04 received 3 August 2006.  
Drawing titled 'site plan' received 3 August 2006.

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

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

3 VISQ8

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

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

- 5 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

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

Reason: To protect the health of the occupants.

7 HWAY18

8 HWAY19

## **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 living conditions enjoyed by occupiers of adjoining dwellings, the character and appearance of the area or highway safety. As such the proposal complies with Policies GP1, H4, SP8, and S10 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG3, PPG4 and PPG13.

2. The alternative arrangements of the above open space contribution condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1029.00

3. 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:

- 1 The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1:



1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

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

6 There shall be no bonfires on the site.

**Contact details:**

**Author:** Howard Smith Development Control Officer

**Tel No:** 01904 551352



CITY OF  
**YORK**  
COUNCIL

ITEM 6 212 SHIPTON ROAD 06/1061



SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 1/9/2006  
Drawing No.

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

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City of York Council LA 1000 20818



External

Parish/Planning Panel Response - No objections subject to neighbours.

Neighbour Response - 3 Objections were received in relation to the original plans after neighbour consultation letters were sent out. The main issues of concern were:

The overdevelopment of a modest plot that was deemed to be out of character with the locality.

Over dominance of the proposed extension.

Noise associated with the increase in rooms.

Privacy affected by windows.

Loss of sunlight caused by the extensions.

Drainage.

Affect on outlook.

After revised plans were submitted neighbours were reconsulted and four objections were received stating that the plans would still constitute overdevelopment and would harm sunlight, outlook and amenity.

Environment Agency - Although not formally consulted the property does not appear to be located within a designated Flood Zone.

#### **4.0 APPRAISAL**

Key issue(s): Development Upon the Plot, Impact Upon Neighbours

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

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.

THE APPLICATION SITE. - The application property is a detached bungalow at the head of this suburban cul de sac and occupies a triangular plot that is narrow to the rear and extends to either side. The property has apparently previously had modest extensions in the form of a flat roof side extension and a small porch to the rear.

There is a 2metre close boarded fence to the perimeter of the property. There is an existing dormer to the rear with a single window serving a wc.

**EFFECT UPON THE STREET SCENE** - The proposal will have limited impact upon the street scene through the proposed side extension and garage. The demolition of the existing garage will place the side extension in a more prominent position. However this is not considered to be detrimental to the street scene. Revised plans show a new pitched roof dormer to the front that is considered acceptable.

**EFFECT UPON NEIGHBOURING AMENITY** - The proposal has been amended from the original Planning Application by reducing the size of the western single storey element from 9.55m to 6.05m and removing a previously proposed gable window to the eastern kitchen/bed 4 extension. The proposed double garage was to remain to the eastern edge of the plot. Revised plans were requested during the current application and achieved the removal of a second window to the existing dormer leaving only the in situ window. Further modifications involved the hipping of both of the extensions by a maximum amount in order to relieve the dominant impact upon the boundaries and also hipping the proposed garage roof along with lowering the eaves as much as possible.

### Overlooking

In terms of overlooking the removal of all proposed first floor windows has omitted the issue and the only window that remains is the existing bathroom. These modifications have resulted in awkward room size and shapes internally and have resulted in the addition of a front dormer.

### Dominance

The proposed extensions have been modified to create two hips to the two proposed rear projections. This has removed any gable feature that was considered over dominant in relation to neighbours and has created a much more modest extension that slopes away from the rear boundary. The rear garden of the plot is tight and is similar to those properties on Meadlands that also have modest gardens in width. The rear extensions have been substantially modified since the previous submission and it is believed that the reduction in length, the hipped roofs to both the garage and the extensions and the reduction in eaves height of the garage will relieve the impact upon neighbours and on balance recommendation is for approval.

### Overshadowing, Impact Upon Living Conditions Through Loss of Light

The orientation of the plot is somewhat awkward and in order to fully assess this proposal the case officer undertook an exercise of modelling the proposal in 3d. This created an approximate 3d model whereby the sunlight and shadows could be shown. This, together with the traditional methods of estimating the sun paths illustrates that the present house on this plot already obscures much of the sunlight from neighbouring properties. When compared utilising this 3d guide it was apparent that the proposed extensions to the house would slightly, but not dramatically impact upon sunlight reaching neighbouring properties. This exercise was undertaken based on the plans as originally submitted and it is expected that the revised hip

features would further reduce the impact. On the basis of this it is felt that the garage would perhaps have the most harmful impact but in light of the hipped roof and lowered eaves it is felt that the proposal would not adversely overshadow neighbouring properties more than the existing building already does.

OVERDEVELOPMENT - The proposal intends to develop upon a unusual suburban plot and it is the opinion of the case officer that the modifications proposed are not excessive. The reduction in footprint from the original scheme, the hipped roofs and the removal of windows have reduced the extensions' impact upon the locality. Careful consideration should still be given to the potentially dominant effects upon neighbours but on balance the proposal is recommended for approval.

## 5.0 CONCLUSION

The proposal attempts to balance the concerns of adjoining residents while at the same time providing suitable accommodation to be created within this suburban dormer bungalow to the applicants wishes. The proposal has been amended to a sufficient degree so as to minimise the impacts upon neighbours through reducing the sizes and footprints as well as hipping the roof and removing rear overlooking windows. As such is recommended for approval.

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

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2
- 2 PLANS2
- 3 VISQ8
- 4 Notwithstanding the approved plans no further windows shall be installed to the rear elevation of the property unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours

- 5 GARAG1

6 NOISE7

**7.0 INFORMATIVES:**

**Notes to Applicant**

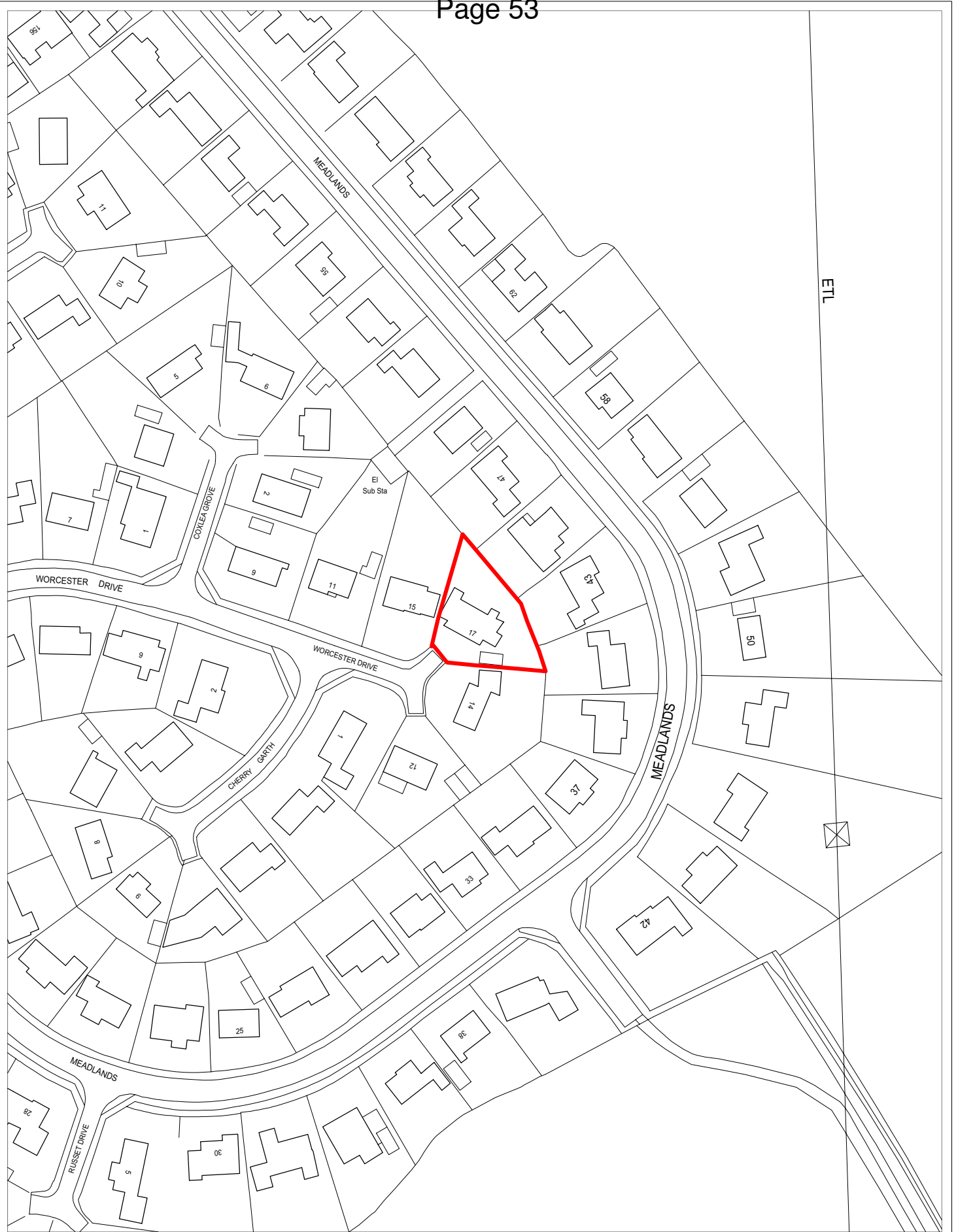
1. REASON FOR APPROVAL

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

**Contact details:**

**Author:** Andrew Graham Development Control Officer

**Tel No:** 01904 551596



CITY OF  
**YORK**  
COUNCIL

**ITEM 7 17 WORCESTER DRIVE 06/1198**

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 1/9/2006  
Drawing No.





**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Derwent  
**Date:** 14 September 2006              **Parish:** Kexby Parish Council

**Reference:** 06/01437/FULM  
**Application at:** The Gateway To York Hotel Hull Road Kexby York YO41 5LD  
**For:** 6 no. single storey, detached, timber lodge, guest bedroom units and connecting path around existing pond at the rear of the hotel.  
**By:** Colin And Sharon Marsh  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 25 September 2006

**1.0 PROPOSAL**

1.1 Erection of six bothy lodges, which are essentially single-storey log cabins, for use as accommodation for hotel guests. The lodges would be octagonal with a hipped roof. Each lodge would be approximately 7m across and 3.7m high. They would be arranged around the existing pond in the hotel grounds to the rear of the main hotel building. No additional guest or staff car parking would be provided.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP15  
 Protection from flooding

CYGP1  
 Design

CYGB1  
 Development within the Green Belt

CYGB11  
 Employment devt outside settlement limits

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3

Water protection

CYNE4A

International and National Nature Conservation Sites

CYNE7

Habitat protection and creation

CYHE10

Archaeology

### **3.0 CONSULTATIONS**

3.1 Internal

3.2 Environmental Protection Unit - No objections subject to standard watching brief condition with respect to contamination .

Environment & Conservation - The lodges will be partly visible in certain locations but the detrimental impact on the open character of the greenbelt as seen from a public perspective would be very limited. Additional landscape mitigation measures would be required in the form of an approved landscape scheme (to include pond management) in order to make the appearance and quality of the scheme acceptable.

Highways - No objections. The proposal is unlikely to materially increase the level of traffic currently generated by the site.

Archaeology - The site is in an area that has produced significant prehistoric and Romano-British features and deposits. Add a watching brief condition for all groundworks.

3.2 External

English Nature - No objections.

York Natural Environment Panel - No objection in principal. However the application should be deferred pending provision of more information. There is no ecological report; the site proposed for development may be an ecologically rich meadow. The site is adjacent to a main river so drainage/ sewage details would be of use. The location of the bothies would lend itself to the incorporation of a Sustainable Urban Drainage Scheme (SUDS). There is a need for appropriate landscaping but a judgment on this is difficult without any survey information, e.g. wouldn't want to plant trees on valuable meadow habitat. There is good scope for habitat creation and enhancement of existing habitat (hedges, meadow, trees), again though an ecological report would be useful for identifying what could be done and where. The landscaping shouldn't be dealt with as a condition, but should be provided up front with the development proposals.

Yorkshire Water - The proposal is remote from the nearest public sewerage system. The application should be referred to the Environment Agency and the local authority's environmental health section for comment on private treatment facilities.

Parish Council - No response.  
Public Consultation - No response.

## 4.0 APPRAISAL

### 4.1 Key Issues

Impact on the green belt  
Impact on Ecology/SSSI  
Drainage.

### 4.2 The Application Site

2-storey, 30-bed hotel fronting onto the A1079 in the green belt close to the village of Kexby. The hotel occupies a flat site. The area behind the hotel, ie where the lodges would be located, is partly lawned with a large pond in the centre. The rest of the area is unmown grass. In front of the hotel is parking for 30 cars plus overspill parking for 8-10 cars. To the north and west of the site is agricultural land. Also to the west, close to the main road fronting the site, are two houses. To the east is the river Derwent, which is in an SSSI.

### 4.3 Impact on the Green Belt

The site is washed over by the green belt and is outside any development limit. National and local planning guidance restricts the type of development that is acceptable in the green belt. Hotel development in the form of additional guest accommodation is not one of the specified types of development that are considered appropriate in the green belt. Moreover, whilst the lodges could be largely screened by landscaping their erection would conflict with the purposes of including land within the green belt. The proposal therefore conflicts with PPG2 and policy GB1 of the City of York Local Plan Deposit Draft.

The site has a substantial planning history. In 1991 planning permission for an extension to the hotel was granted (by the council's predecessor authority) to provide leisure facilities for guests and accommodation for employees. In 1996 the permission was renewed (again, by the council's predecessor). In 1998 an application was submitted (to CYC) for a 2-storey extension to the hotel to provide additional bedrooms and conference room. Planning permission was granted because, whilst the proposal conflicted with green belt policy, most of the extension would have been within the footprint of the earlier approvals. In 2004 the hotel operator applied to renew the consent. Officers considered that, as there had been no material change in circumstances since the extension had first been approved, permission should be granted, which it was.

The current proposal is entirely different to any of the previously-approved schemes. Whilst the previous applications were approved (contrary to green belt policy) mainly because of the precedent set by the 1991 approval, officers consider that this history should not influence consideration of the current application. Consequently the application is recommended for refusal.

### 4.4 Impact on Ecology

The site lies adjacent to a river corridor, which has been designated an SSSI. Moreover, the site is adjacent to open countryside and has a pond in its centre. The lodges would be located next to the pond and up to the boundary of the SSSI. The application does not include an ecological report so the impact on the ecology of the

site and its surroundings cannot be adequately assessed. Further information would be required in order for the council assess the impact of the proposal on the natural environment.

#### 4.5 Drainage

The proposal is in the flood plain (zone 3) and is remote from the nearest public sewerage system. Yet no information has been supplied on the means of disposing of foul and surface water. Bearing in mind the ecological sensitivity of the site and the surrounding area drainage and flood protection information would be required in order for the council assess the impact of the proposal.

### 5.0 CONCLUSION

5.1 The proposal conflicts with PPG2 and relevant policies of the City of York Local Plan Deposit Draft relating to impact on the green belt, ecology, drainage and flood protection.

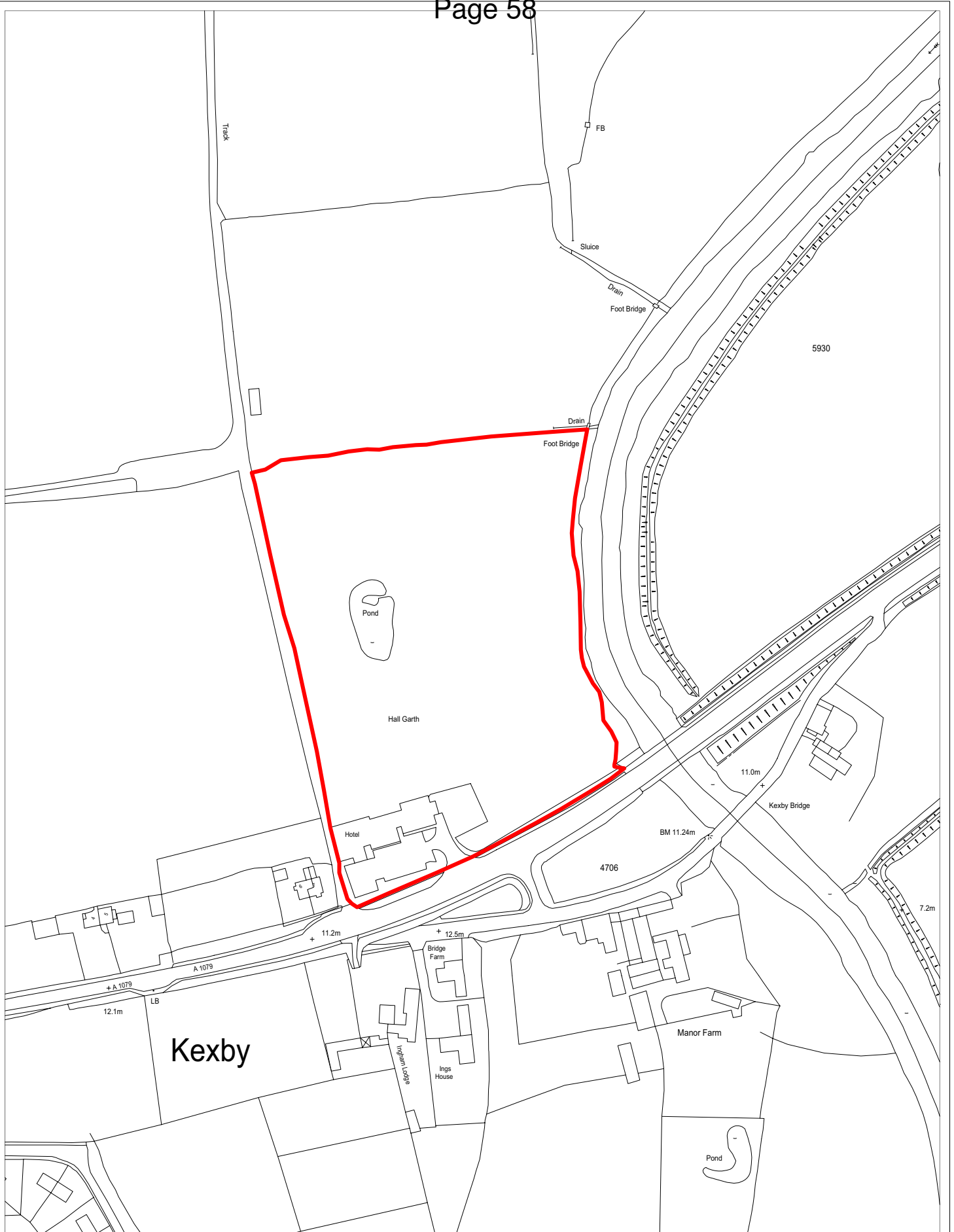
### 6.0 RECOMMENDATION: Refuse

- 1 The proposed development conflicts with national and local green belt planning policy which states that there is a presumption against inappropriate development unless there are very special, defined, circumstances. The local planning authority does not consider that there are substantial or compelling reasons to justify setting aside green belt policy in this case. The proposals therefore conflict with PPG2 and policies GB1 and GB11 of the City of York Local Plan Deposit Draft.
- 2 Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the natural environment in the vicinity of the site contrary to policies GP1, NE2, NE3, NE4a, and NE7 of the City of York Local Plan Deposit Draft.
- 3 Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems contrary to policies GP1 and GP15A of the City of York Local Plan Deposit Draft.

### 7.0 INFORMATIVES:

#### Contact details:

**Author:** Kevin O'Connell Development Control Officer  
**Tel No:** 01904 552750



CITY OF  
**YORK**  
COUNCIL

06/1437/FUL ITEM 8 GATEWAY YORK HOTEL, KEXBY

SCALE 1:2500  
Originating Group

DRAWN BY PSL  
Project

DATE 1/9/2006  
Drawing No.





Environment and Conservation - No objections to the proposal in terms of the impact on the character of the Green Belt. Although the extension of the golf course would result in a change in character of the landscape it would be seen in the context of the existing golf course. The proposed earthworks are subtle and will not create a significant visual change to the land.

Lifelong Learning and Culture - Strongly support the plans for the expansion of the golf course. The proposal may increase participation in sport and ensure the long term viability of the club.

### 3.2 External

Wheldrake Parish Council - No objection to the application, however the following safeguards should be considered. A) Improved safety at the entrance as the visibility splay at the entrance is poor. B) There should be adequate aftercare to trees/planting. C) Safeguards to prevent vehicles being hit by wayward golf balls.

York Natural Environment Panel - Not opposed to the development in principle. A more detailed landscaping scheme should have been included in order to ensure compliance with the Council's policy on biodiversity.

Sport England - The proposal would help increase the level of participation in this sport as well as help develop the existing facility.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Impact on the Green Belt
- Impact on the visual amenity of the area
- Impact on the highway

4.2 The Application Site and Nature of Proposal - Swallow Hall Golf Course and Driving Range is within Wheldrake. The current site is a monoculture, cultivated field seen against the backdrop of Wheldrake Wood, with a hedge running along the boundary with Wheldrake Lane. Swallow Hall currently operates a short (mostly par 3's) 18 hole golf course. The proposal is to extend the golf course into and adjacent agricultural field to create a longer 18 hole course and a shorter 9 hole course. The golf course and the adjacent agricultural land are all within the City of York Green Belt.

### 4.3 PLANNING POLICIES

4.3.1 Planning Policy Guidance 2: Green Belts states that land within the Green Belt has a positive role to play in providing opportunities for outdoor sport and outdoor recreation near urban areas. Development within the Green Belt is considered inappropriate unless it is for one of the uses listed; outdoor sport and recreation facilities are included within this.

4.3.2 Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation states that in rural areas those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of country towns. Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community.

4.3.3 Draft Local Plan Policy GB1: Development in the Green Belt states that planning permission for essential facilities for outdoor sport and outdoor recreation will only be granted where:

- the scale, location and design would not detract from the open character of the Green Belt; and
- it would not conflict with the purposes of including land within the Green Belt; and
- it would not prejudice the setting and special character of the City of York.

4.3.4 Draft Local Plan Policy L3: Golf Courses and Driving Ranges states that applications for golf courses and driving range developments will be permitted providing:

- the proposal would not have an adverse effect on the landscape; and
- new buildings are kept to the minimum in line with operational requirements of the activity; and
- proposals would not lead to the loss of existing public rights of way; and
- the proposal does not involve development on the best and most versatile agricultural land; and
- the proposal would not be visually intrusive due to the use of floodlighting or extensive fencing.

4.4 Impact on the Green Belt - Green Belt policy states that developments are inappropriate unless they are for one of the developments listed, this includes outdoor sport. The main purpose of the Green Belt is to maintain the open character of the area and to reduce urban sprawl. The extension of the existing golf course does not compromise the purposes of Green Belt classification. The agricultural land would be grassed and gently undulated with numerous trees planted within the site. It is considered that the proposal is appropriate development within the Green Belt.

4.5 Policy L3 - There would be no buildings on the new golf course area. The new landscaping including tree planting would help the course fit well within its surroundings. There would be no loss of a public right of way and the area is classified as Grade 3b agricultural land which is considered of moderate quality and not worthy of special protection. There would be no new lighting and the area would not be fenced off, merely screened by green landscaping.

4.6 Impact on the visual amenity of the area - The proposed undulation of the land is relatively gentle and would not look out of place within the wider area. The proposed planting scheme includes a high proportion of native trees which would help the golf course blend well within the local area over time. A landscaping condition could be attached to any approval to ensure that a full and detailed planting scheme is submitted to and approved by the City Council before work commences.



4.7 Highway issues - It is considered that the golf course expansion would not bring significantly greater customer numbers. There is an overspill car park around the clubhouse which could be used if customer numbers are significantly greater than anticipated. The front hedge requires regular trimming in order to maintain visibility splays, this is a maintenance issue which can be controlled under highway regulations.

## 5.0 CONCLUSION

It is considered that the proposed golf course expansion complies with relevant local and national planning policies.

## 6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing Job No. GD 089 received by The CoYC on 30/03/06

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

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

3 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. 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.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed earthworks engineering plan indicating all changes to the existing ground levels.

Reason: So that the Local Planning Authority may be satisfied with the finished development

## 7.0 INFORMATIVES:

**Notes to Applicant**

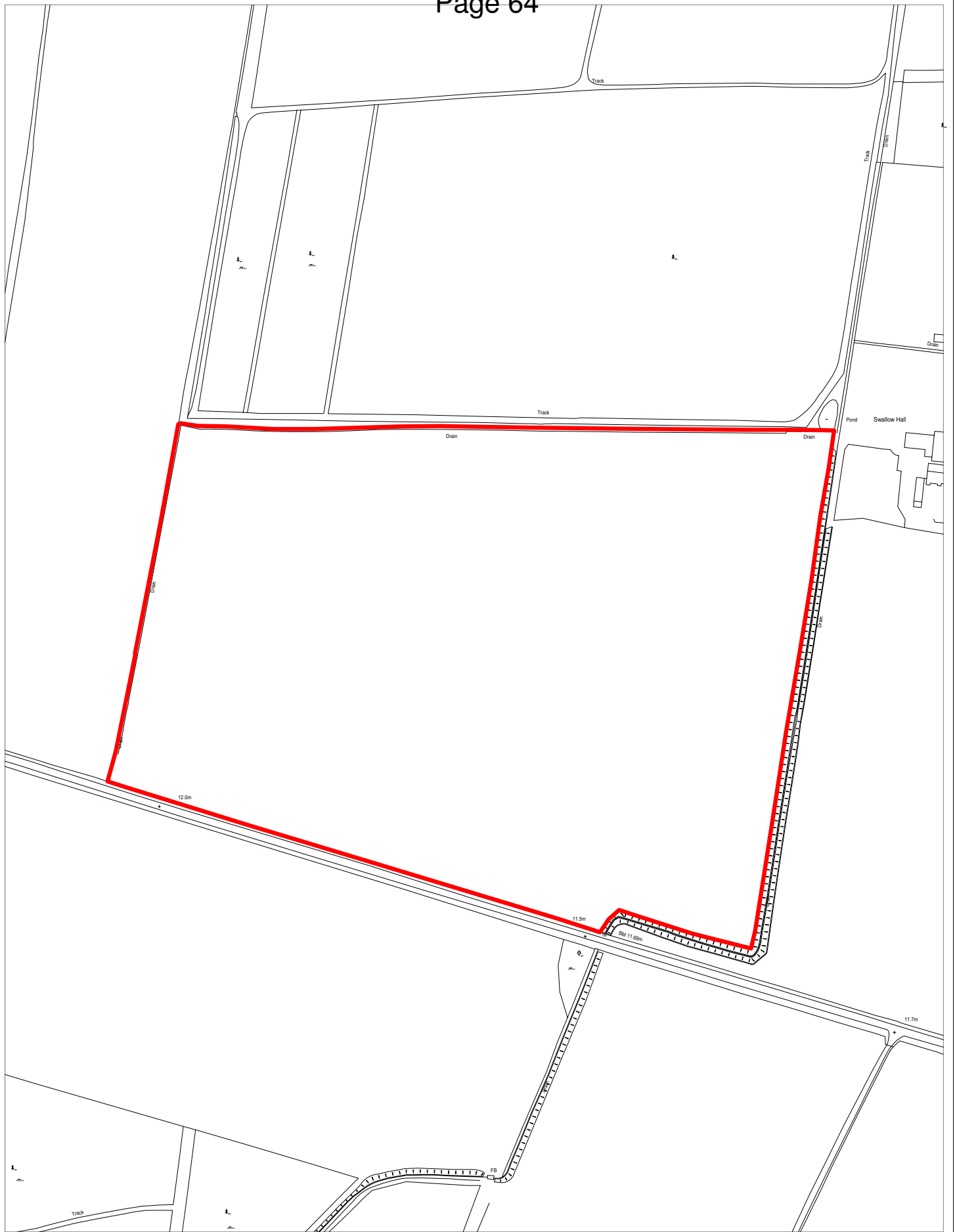
1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Green Belt, visual amenity of the area, and the highway network. As such the proposal complies with Policies GB1, GB13 and L3 of the City of York Draft Local Plan.

**Contact details:**

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325



CITY OF  
**YORK**  
COUNCIL

06/0438 ITEM 9 SWALLOW HALL GOLF COURSE

SCALE 1:3500  
Originating Group

DRAWN BY PSL  
Project

DATE 1/9/2006  
Drawing No.



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

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City of York Council LA 1000 20818

**COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Wheldrake  
**Date:** 14 September 2006              **Parish:** Wheldrake Parish Council

**Reference:** 06/01553/FUL  
**Application at:** Wheldrake C Of E Primary School North Lane Wheldrake York YO19 6BB  
**For:** One and two storey pitched roof side and rear extensions  
**By:** York Diocesan Board Of Education  
**Application Type:** Full Application  
**Target Date:** 1 September 2006

**1.0 PROPOSAL**

Wheldrake with Thorganby Church of England School is a primary school educating 4 to 11 year old children. This application seeks planning permission for an extension to the school and internal alterations to improve the teaching facilities available at the school.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYED1  
Primary and Secondary Education

**3.0 CONSULTATIONS**

3.1 Internal

Highway Network Management - As there is no proposed increase in staff or pupil numbers there are no highway objections to this proposal.

Educational Planning Officer - No objections.

Sustainability Officer - The information submitted does not constitute a sustainability statement as it only deals with design and construction and does not address other important sustainability issues. The applicant makes the point that the new building will be much more energy efficient than the current temporary portable accommodation. However, added value should be sought to what are basic requirements of the school.

### 3.2 External

Wheldrake Parish Council - No objections as long as the portable classroom units are removed if the application is successful.

Response to site notice (posted 10/08/06) and neighbour consultation letters (sent 19/07/06) - One piece of correspondence received from the residents of 1 Greengales Lane. The following concerns were raised:

- the height of the development, as the ridge of the proposed roof is higher than the gutter level of the existing north east elevation
- the width of the proposed north east elevation
- the location of the bicycle shed

To minimise the impact of the developments encroaching onto 1, 3, and 5 Greengales Lane the following is suggested:

- the height of the development is restricted to below the gutter level of the existing north east elevation
- the development is kept within the original building line of the left wall of the existing north east elevation (Classroom 6 on the playground area).
- The bicycle sheds are relocated away from the end of the north east elevation to minimise encroachment towards Greengales Lane
- Existing trees are maintained and additional trees are planted to screen the development from Greengales Lane.

## 4.0 APPRAISAL

### 4.1 Key Issue(s):

- Street Scene
- Impact on local residents

4.2 The Application Site - Wheldrake with Thorganby C of E School currently comprises the main building with three mobile classroom units. The primary school currently educates approximately 210 pupils between the ages of 4 and 11. The proposed school extension would result in no significant increase in student numbers as the temporary classroom units would be removed.

4.3 Draft Local Plan Policy GP1 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.

4.4 Draft Local Plan Policy ED1: Primary and Secondary Education states that planning applications for new/extended primary and secondary education facilities will be granted permission provided that:

- a) it would meet a recognised need; and
- b) the proposed development is of a scale and design appropriate to the character and appearance of the locality; and
- c) an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; and
- d) where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

4.5 Impact on the Street Scene - The proposed extension is on the north east and north west elevations of the school. The extensions are of contemporary design which it is considered would not harm the character and appearance of the school or the street scene. The proposed extensions have incorporated some of the design principles contained on the current school building. The proposal also involves the removal of 3 temporary classroom units. These units are not of the style and design which are suitable as a long term classroom solution at this school. It is considered that the extension would provide a more visually acceptable classroom solution than the current units on site whilst also providing a better working environment for the pupils and teachers.

4.6 Effect Upon Neighbouring Property - A letter of objection was received from residents of 1 Greengales Lane. Greengales Lane runs along the eastern boundary of the school, the proposed extensions take the school closer to this boundary. It is considered that whilst the school would be closer to dwellings along Greengales Lane there would not be significant harm caused to the amenity which neighbours could reasonably expect to enjoy. There would be over 40 m between the school extension and neighbouring properties and it is considered that the school extension would not have a dominant or overbearing impact on these properties. There is some green landscaping along the boundary which would also help reduce the impact of the proposal on local residents. It is considered that the new extension would not generate significantly increased levels of noise for neighbouring properties.

4.7 Sustainability - The City of York Council is keen to promote sustainable development where possible. A full detailed sustainability statement was not submitted with the application, however an access statement and energy saving measures sheet did accompany the application. Whilst much of the information submitted is the minimum required to satisfy building regulations there has been some consideration of sustainability. It would be of benefit if a greater degree of sustainability was incorporated into the design of the extension, however building regulations determine what is acceptable in terms of the physical build of the structure. Planning does have a role to play in promoting sustainability, however it is considered that a lack of greater sustainable detailing in this proposal is not sufficient reason to refuse this application.

## 5.0 CONCLUSION

It is considered that the proposed school extensions would not cause significant harm to the street scene or the amenity of local residents.

## 6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing No. 1284/01, 1284/02, 1284/03, 1284/04A (20/07/06), and 1284/05 received by The CoYC on 07/07/06

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

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

3 VISQ1

4 Prior to the development commencing details of the car and cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the LPA.

Reason: to promote the use of cycles and 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 the impact on the street scene and the amenity of local residents. As such the proposal complies with Policies GP1 and ED1 of the City of York Draft Local Plan.

### Contact details:

**Author:** Michael Jones Development Control Officer

**Tel No:** 01904 551325



CITY OF  
**YORK**  
COUNCIL

ITEM 10 06/1553/FUL WHELDRAKE PRIMARY SCHOOL

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 1/9/2006  
Drawing No.

