



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Hyman (Vice-Chair),
D'Agorne, Greenwood, Hall, King, Smallwood, Vassie,
B Watson and I Waudby
- Date:** Wednesday, 11 April 2007
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

1. **Declarations of Interest**

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

2. **Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of the Annexes to agenda item 7 on the grounds that they contain information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

3. **Minutes**

(Pages 2 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 15 March 2007.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Tuesday 10 April 2007 at 5.00pm.

5. Plans List

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

- a) **Clifton Garage, 82-84 Clifton, York** (Pages 10 - 30)
(06/02809/FULM)

Erection of 2 no. three storey blocks of 14 no. flats and 1 no. retail unit and associated car parking (resubmission). [*Clifton Ward*]

- b) **Land Lying to the East of Centurion Office Park, Tribune Way, York** (Pages 31 - 45)
(07/00248/OUTM)

Outline application for mixed use B1 and B8 development on land to the east of Centurion Park (layout, scale, appearance, access and landscaping) and residential development comprising 12 no. dwellings to land lying to the south of Centurion Park (siting and access only) (resubmission). [*Skelton, Rawcliffe and Clifton Without Ward*]

- c) **43 Yarburch Way, York** (07/00379/FUL) (Pages 46 - 51)

Two storey side extension and change of use from single dwelling house to house in multiple occupation. [*Hull Road Ward*]

- d) **43 Yarburch Way, York** (07/00376/FUL) (Pages 52 - 56)

Single storey pitched roof side extension. [*Hull Road Ward*]

- e) **Drome Farm, Elvington Lane, Elvington, York** (Pages 57 - 62)
(07/00077/FULM)

Continued use of land for processing brick rubble and concrete. [*Wheldrake Ward*]

- f) **5 Northfields, Strensall, York (06/02710/FUL)** (Pages 63 - 72)
Erection of 1 no. 5 bedroom dwelling house to rear of 5 and 6 Northfields, Strensall. [*Strensall Ward*]
- g) **101 East Parade, York (07/00327/FUL)** (Pages 73 - 78)
Erection of detached two storey dwelling to rear of 101 East Parade, Heworth. [*Heworth Ward*]
- h) **Forest Farm, Lingcroft Lane to Crockey Hill, York (06/02719/FUL)** (Pages 79 - 88)
Change of use of 4 no. turkey sheds to B8 storage (resubmission). [*Fulford Ward*]
6. **Clifton Hospital : Outstanding Section 106 in relation to Management of the Landscape.** (Pages 89 - 92)
This report details the current status of the outstanding Section 106 agreement in relation to the former Clifton Hospital site.
7. **Enforcement Cases Update** (Pages 93 - 173)
Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.
8. **Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972

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

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

Contact details are set out below.

Democracy Officer:

Name: Jill Pickering

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

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****TUESDAY 10 APRIL 2007**

TIME	OFFICER	SITE
10:00		Meet at Clarence Street coach park
10:10	MS	Centurion Park, Clifton Meet at Hornbeam Close, followed by Tribune Way
11:15	DC	Northfields, Strensall
11:45	MJ	43 Yarburgh Way, Badger Hill

City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	15 MARCH 2007
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), D'AGORNE, GREENWOOD, HALL, SMALLWOOD, VASSIE, I WAUDBY AND POTTER (SUB FOR CLLR KING)
APOLOGIES	COUNCILLORS KING AND B WATSON

66. SITE VISITS

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Clifton Garage, Clifton, York	Cllrs Greenwood, Hyman, Moore and B Watson.	To familiarise Members with the site and to assess the impact on adjacent properties and the Conservation Area.
8 St Peters Grove, Clifton, York	Cllrs Greenwood, Hyman, Moore and B Watson.	To assess the impact of the extension, the amenity of adjacent dwellings and the new build on the existing building and the Conservation Area.

67. CONDOLENCES

The Chair made the sad announcement that Roger Armistead's father had recently passed away. Members asked that their condolences be passed on to Roger.

68. DECLARATIONS OF INTEREST

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

Councillor I Waudby declared a personal non-prejudicial interest in Plans item 4b) (Clifton Garage, 82-84 Clifton, York) as she had purchased a car from the garage prior to it ceasing trading.

Councillor D'Agorne declared a personal prejudicial interest in Plans item 4c) (The Gimcrack, 294 Fulford Road, York) as he lived on Broadway West

adjacent to the site and he left the room and took no part in the discussion or voting thereon.

Councillor Greenwood declared a personal prejudicial interest in Plans item 4g) (35 Common Road, Dunnington) as the application was for her own property and she left the room and took no part in the discussion or voting thereon.

69. MINUTES

RESOLVED: That the minutes of the last meeting of the Sub-Committee held on 22 February 2007 be approved and signed by the Chair as a correct record.

70. PUBLIC PARTICIPATION

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

71. 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.

71a. Executive Communication Services Ltd, 8 St Peters Grove, York (06/02828/FULM)

Members considered a major full application, submitted by Hearthstead Homes Ltd, for the conversion of existing building and erection of 4 storey block to provide a total of 12 x 2 bed apartments with associated on-site parking and secure cycle storage (resubmission).

Officers requested the addition of an informative requesting the applicant to liaise with the Council's Sustainability Officer regarding sustainability measures that could be implemented. He also referred to concerns raised at the site meeting regarding materials delivered to the site and problems with off loading in the cul de sac. In order to alleviate any problems Members could agree to demolish part of the existing wall to enable materials to be unloaded on site and the wall rebuilt upon completion or, to suspend the Traffic Regulation Order and residents parking during construction hours for the length of the build. Officers confirmed that the suspension of the TRO was their preferred option and that they would seek to suspend the minimum amount of residents parking adjacent to the site.

Representations in support of the application were received from the applicants agent. He confirmed that, in response to residents concerns regarding vehicular access to the site by construction vehicles that he was happy to liaise with Officers to implement a traffic management plan. He stated that he had worked closely with Officers to refine details of the application to ensure that the proposals responded to the location. He also confirmed that the roof height had been reduced to between 1 metre and

1.2 metres above the existing but that the eaves height was similar to adjacent buildings.

Some Members felt that the roof height should also be consistent with adjacent properties in the Conservation Area but it was stated that properties on the opposite side of the road were of a similar height to that proposed. It was confirmed that there were a variety of roof heights and styles in the area, which it felt, did not detract from the Conservation Area. Concern was also expressed that there were a number of bathrooms proposed without natural light.

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

1. Prior to the development a Construction Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to control site construction traffic and deliveries to and dispatch from the site. Once approved the development hereby permitted shall be carried out in full accordance with the details submitted unless otherwise agreed in writing by the Local Planning Authority.
2. The applicant is advised to contact the Council's Sustainability Officer Ms. K. Peat on (01904) 551666 for further advice on sustainable measures that can be incorporated in the conversion of the existing building.
3. Attention is drawn to the requirement that the Road Traffic Order in place on St. Peters Grove be varied to exclude the site from eligibility for residents parking permits and to allow for the accommodation of construction traffic and is also drawn to the applicants undertaking to fund this variation to the sum of £1500.

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 character and appearance of the Clifton conservation area, the living conditions of occupiers of neighbouring dwelling and highway safety. As such the proposal complies with Policies SP8, SP10, GP1, H4, H3, NE1, T4, T13, L1, HE2, HE3 and HE5 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS3, PPG13, PPG15.

71b. Clifton Garage, 82 - 84 Clifton, York (06/02809/FULM)

Officers requested that this major full application, submitted by Mr R Pulleyn, for the erection of 2 no. three storey blocks of 14 no. flats and 1 no. retail unit and associated car parking (resubmission) was deferred as it appeared that some residents had not received notification of the Committee date and had therefore not had the opportunity to comment on the application.

The Chair confirmed that he was pursuing problems with the Planning Uniform computer system with Officers to ensure that this did not reoccur.

RESOLVED: That this application be deferred to the next meeting of the Sub-Committee on Wednesday 11 April 2007 to allow full consultation with all interested parties.

REASON: To ensure that full consultation is undertaken with all interested parties prior to Member consideration of the application.

71c. The Gimcrack, 294 Fulford Road, York (07/00199/FUL)

Members considered a full application, submitted by Wrigley Developments Ltd, for the amendment to a previously approved scheme 04/00559/FUL for the conversion of coach house to a dwelling.

Officers updated that if the application was approved Condition 2 would require amendment to include a revised drawing number and date and Condition 6 required the deletion of the words "before the development commences". They also confirmed that consultation had been undertaken with Fishergate Planning Panel and not Fulford Parish Council, as stated in the report, and that no objections had been raised.

The applicants agent, who was in attendance to answer any queries on the application, confirmed that the windows originally proposed in the stable block had been found to be impractical and that the builder had inserted windows with a lower cill height and with a much larger pane size to allow more light into the property. He stated that this application proposed additional glazing bars, which would help restore some of the character to the building.

The Chair referred to a condition of the original May 2004 planning application for the whole site. This had stated that details of enclosure to the site boundaries should be agreed in writing with the Local Planning Authority which include the provision of a 2m high fence, wall or railings between the extension to the main building and the south site boundary between the retained stable block and the northern site boundary.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amendment of Conditions 2 and 6 as follows:

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

drawing no's

- 04:53:122 rev H

- 04:53:20 rev A

- 04:53:126

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

6 Details of a means of enclosure around the approved dwelling shall be submitted to and approved in writing by the Local Planning Authority and shall be provided on site before the dwelling is first occupied.

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 visual amenity, the Fulford Road conservation area, protected trees, residential amenity and highway safety. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP10, H4, HE2, HE3 and T13 of the City of York Local Plan Deposit Draft.

71d. 37, Crossways, York (06/02793/FUL)

Members considered a full application, submitted by Mr and Mrs Murray, for the change of use from residential dwelling to house in multiple occupation.

An email received from the applicant, was circulated, which gave additional details in relation to the ground and first floor accommodation and sizes for the parking area and outside space.

Officers updated that if the application was refused they requested the amendment of the reasons to include reference to national policies in particular National Planning Policy Statement No.1 (2005) "Delivering Sustainable Development".

Members questioned the number of bathrooms and toilets available in the property. Officers confirmed that the report referred to those that were available for all residents not to those available for individual bedrooms.

Representations in objection to the application were received from a neighbour who stated that he felt the proposal would be detrimental to the area. He felt that the change of use would create a student hostel with insufficient amenities and would be a noise nuisance. Neighbours felt that the proposal could result in residents having up to 7 cars, that the property would not be as well maintained or the garden cultivated as would a private householder. The garden area would become a bin and cycle

storage area further reducing amenity space and he requested Members to support refusal of the application.

Representations were also received from the applicant who indicated that he had purchased the property 17 years ago and extended more recently. It was where his family had grown up but that the property was now too large for his needs. He stated that the property had sufficient living accommodation for the number of proposed residents and that access to an ensuite bathroom, on the first floor, would with alteration be accessed from two bedrooms. The Universities best practice code for rented properties had been complied with and he confirmed that the properties standards would be in excess of these.

Members raised concerns that there was insufficient space for the number of bedrooms proposed, that insulation between rooms would be insufficient and that there would be insufficient bathroom/washing facilities for all the proposed residents.

RESOLVED: That the application be refused.

- REASON:
- 1 Due to the size of the dwelling-house to be changed to house in multiple occupation, together with a lack of essential facilities proposed for a minimum of 7 residents living together as a single household, the proposed change of use would harm the living condition of the future occupiers, contrary to Planning Policy Statement no. 1 (2005) and policy H8 of the City of York Draft Local Plan 2005.
 - 2 Due to the loss of domestic character by removing a large section of amenity space for vehicle parking within a domestic curtilage of this size, together with the consideration that the internal layout will be unsuitable for the number of residents as described above (no.1 of the reason for refusal), the proposed change of use would result in an over-intensification of the application site. Hence, it would have an adverse effect on the residential amenity of the neighbouring properties, contrary to Planning Policy Statement no. 1 (2005) and policy H8 of the City of York Draft Local Plan 2005.

71e. 453 Strensall Road, York (07/00234/FUL)

Members considered a full application, submitted by Mr and Mrs A Binner, for a two storey pitched roof rear extension and single storey extension to the side.

Officers updated that if the application was approved an additional condition requiring the submission of a construction site management plan would be required.

The Chair requested the addition of an informative advising the applicant to contact the Councils Sustainability Officer.

RESOLVED: That the application be approved subject to the imposition of the conditions set out in the report and the addition of the following additional condition and informative:

Prior to the development a Construction Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development hereby permitted shall be carried out in full accordance with the details submitted unless otherwise agreed in writing by the Local Planning Authority.

Informative: The applicant is advised to contact the Council's Sustainability Officer Ms. K. Peat on (01904) 551666 for further advice on sustainable issues to be considered for domestic extensions.

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 residential and visual amenities. As such the proposal complies with Policies GB4, GB1, H7 and GP1 of the City of York Local Plan Deposit Draft.

71f. Annamine Nurseries, Jockey Lane, Huntington (06/01619/FUL)

Members considered a full application, submitted by Advent Park and Leisure Homes Limited, for the use of land for the display of relocatable portable dwellings with new fence and gates to the Jockey Lane frontage.

Officers updated that if the application was approved there was a need to add at the end of Condition 5 the words "on this site".

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report and the addition at the end of Condition 5 of the words "on this site".

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 allocated employment use of the site, highway safety and visual amenity. As such the proposal complies with Policies E3a and GP1 of the City of York Local Draft Local Plan incorporating the 4th set of changes approved April 2005.

71g. 35 Common Road, Dunnington (07/00218/FUL)

Members considered a full application, submitted by Mr and Mrs Greenwood, for a replacement conservatory to the rear of the property.

RESOLVED: That the application be approved subject to the imposition of the conditions set out in the report.

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 visual appearance, impact on the conservation area and neighbour amenity. As such the proposal complies with policies GP1, H7, HE2 and HE3 of the City of York Local Plan Deposit Draft.

CLLR MOORE, Chair

The meeting started at 2.00 pm and finished at 3.17 pm.

COMMITTEE REPORT

Committee: East Area
Date: 11 April 2007

Ward: Clifton
Parish: Clifton Planning Panel

Reference: 06/02809/FULM
Application at: Clifton Garage 82 - 84 Clifton York YO30 6BA
For: Erection of 2 no. three storey blocks of 14 no. flats and 1 no. retail unit and associated car parking (resubmission)
By: Mr R Pulleyn
Application Type: Major Full Application (13 weeks)
Target Date: 20 March 2007

1.0 PROPOSAL

- 1.1 This is a full planning application for the erection of 12 No. 2 bed flats, 2 No. 1 bed flats and a retail unit with associated access and parking following demolition of Clifton Garage.
- 1.2 The accommodation is proposed to be arranged in two blocks, one fronting Clifton and one on the rear of the site. The frontage block rises to three storeys, the upper floor of which is within the roof space and drops from three to two storeys in the rear range. The frontage block provides 7 no. 2 bed flats over a 360 square metre (net floor space retail unit). The block on the rear of the site is split between three and two storeys and provides 5 No. 2 bed flats and 2 No. 1 bed flats.
- 1.3 Vehicular access is provided to an adoptable standard from Clifton at the eastern end of the frontage. 23 parking spaces are provided in the centre of the site which are divided between the residential and retail uses. Cycle stores and bin storage is provided in detached buildings for each of the residential blocks. Visitor cycle parking for the retail unit is provided near the entrance. Storage for the retail unit is provided within a secure yard. Turning and unloading space is provided for heavy goods vehicles.
- 1.4 The site measures 0.2 hectares and has a road frontage width of 28 metres on Clifton and a depth of 75 metres. The boundary of Clifton Conservation Area bisects the site with the southern half (Clifton road frontage) being inside the Conservation Area.
- 1.5 A scheme for the erection of 24 flats in two blocks was submitted in January 2003 and later withdrawn. Two subsequent schemes for 24 and 23 flats were refused consent in 2004 and appeals against these decisions were dismissed in June 2005.
- 1.6 An application for 14 flat and a 400 sqm retail unit was submitted and later withdrawn. The application currently under consideration was submitted as an amendment to that application scheme.

- 1.7 A parallel application for the demolition of the garage buildings within the Conservation Area is under consideration (ref. 06/02810/CAC). This can be determined by officers under delegated powers following determination of this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area - Clifton

2.2 Policies:

SP8 - Reducing dependence on the car
SP10 - Strategic Windfalls
H4 - Housing devp in existing settlements
H5 - Residential densities over 25 per ha
T4 - Cycle parking standards
T13 - Car park standards in York CC/District C
GP1 - Design
GP3 - Planning against crime
GP4 - Environmental sustainability
GP9 – Landscaping
GP11 - Accessibility
HE2 - Development in historic locations
HE3 - Conservation Areas
HE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
L1 – Open space

3.0 CONSULTATIONS

INTERNAL

- 3.1 CITY DEVELOPMENT: The site is not allocated on the City of York Proposals Map (April 2005). However the site is located within a Conservation Area.
- 3.2 Housing Windfalls. Policy H4a (Housing Windfalls) stipulates that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission in accordance with SP10 where:
- a) The site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings;
 - b) The site has good accessibility to jobs, shops and services by non - car modes

AND

- c) It is of appropriate scale and density to surrounding development, and
 - d) It would not have a detrimental effect on existing landscape features.
- 3.3 The proposed development at Clifton Garage is in compliance with part a) and b) of the policy. The DC Officer must be satisfied that this proposal is in compliance with parts c) and d) of the policy.
- 3.4 National Guidance and Residential Density. PPG3 (Housing) considers density, which stipulates a minimum of thirty dwellings per hectare. It suggests that local planning authorities should therefore;
- avoid development which makes inefficient use of land - less than 30 dwellings per hectare
 - encourage more efficient use of land - between 30 and 50 dwellings per hectare
 - seek greater intensity of developments with good quality transport links.
- 3.5 This is also related to policy H5a (Residential Density). The policy outlines the appropriate densities for new residential developments. Densities of 40 dwellings per hectare are encouraged for developments in the urban area. The policy also suggests that the scale and design of the proposed residential development should be compatible with the character of the surrounding area and must not harm local amenity.
- 3.6 In relation to density at Clifton Garage, fourteen flats have been proposed to be built on an area of 0.2 hectares. The density of the proposed development is approximately 70 dwellings per hectare. Therefore the density is above the recommended amount in policy H5a of 40 dwellings per hectare.
- 3.7 Mix of Dwellings. Policy H3c (Mix of Dwellings on Housing Sites) states that a mix of new houses types, sizes and tenures will be required on all new residential development sites where appropriate to the location and nature of development.
- 3.8 New Local or Village Shops. As part of the proposal is for a ground floor retail unit, account must also be taken of policy S10 (New Local or Village Shops) this policy states that planning permission will be granted for the development or extensions of an existing local/village shop provided that:
- i) the proposal is within the defined settlement limits ; and
 - ii) the shop is intended to serve a local need, and the scale of provision is appropriate to the locality; and
 - iii) there is no adverse effect on the amenity of neighbouring properties or on the character of the area.
- 3.9 The proposed development at Clifton Garage is in compliance with part i) of the policy. The applicant must be able to show that the retail unit will serve local need in both quantitative and qualitative terms. The DC Officer must be satisfied that this proposal is in compliance with part iii) of the policy.

3.10 Conservation Areas. This site is located within Clifton Conservation Area therefore account must be taken of policy HE3 (Conservation Areas). This policy states that within a conservation area, proposals for the following types of development will only be permitted where there is no adverse effect on the character and appearance of the area:

- § Demolition of a building (whether listed or not);
- § External alterations
- § Change of use which are likely to generate environmental or traffic problems.

3.11 Provision of New Open Space In Development . Developments for all housing sites will be required to make provision for the open space needs for future occupiers. This should be provided in addition to any area required for landscaping.

3.12 Car and Cycle Parking. Policy T4 (Cycle Parking Standards) states that the provision of cycle parking will be required in accordance with the standards set out in Appendix E to the draft City of York Local Plan. Information regarding car parking standards is also set out in Appendix E. Comments should also be received from the Highways Department.

3.13 Sustainability. Policy GP4a (Sustainability) states that all residential development is required to be accompanied by a sustainability statement, describing how the proposal fits for the criteria a - i listed in the policy.

3.14 UDC - CONSERVATION ARCHITECT: Proposals lie within the Clifton Conservation Area (no 2) close to the village green which remains the focus of the former village nucleus. About half of the site extends NE beyond the conservation area boundary. The conservation area statement states that "this area still retains its essential rural character, with mainly small scale dwellings and local shopping clustered around the village green. The uses around this open space do not conflict with the predominantly residential character of the area". The existing garage, with its open forecourt and extensive large scale outbuildings to the rear, are considered to be incongruous to the character and appearance of the area.

3.15 These revised proposals would restore enclosure onto Clifton. Although of three storeys in height, the frontage buildings have a lowered eaves course resulting in an eaves height and roof profile not uncharacteristic of the area. The apartments facing Clifton introduce some variety through the different window design and the extensive shop-front has been divided into four bays.

3.16 The retail unit itself has been reduced in size and given a service yard. It appears to have been successfully integrated into the overall form and massing of the frontage block. Notwithstanding the drawings further development of the shopfront details would be required by way of condition. The exposed gable of this block has been relieved by the window and the use of tumbled gabling.

Slate has been suggested for the roofing but we wish to consider the implications of using pantiles on this block.

- 3.17 It is beneficial to the more open character of the earlier grain to have split the accommodation into two blocks. The reduction in height of the rear block to mainly two floors and its set-back from the boundary of between 2-3m has overcome earlier objections concerning the impact on neighbouring properties and also on the pedestrian ginnel. The windows facing this route will improve security.
- 3.18 Overall the massing, roof modelling and scale of the development is considered compatible with the area. The scheme would appear to improve the character and appearance of the conservation area.
- 3.19 Please condition the following items for prior approval by the LPA: [attached as suggested conditions 3-5]
- 3.20 UDC - ARCHAEOLOGIST: This site is located in the AAI and close to the historic core and village green of Clifton. Clifton and Bootham lie along the line of a Roman road and the area has produced important Romano-British features and deposits, including burials. An archaeological evaluation of this site was carried out by On-Site Archaeology in April 2003. This evaluation indicated that there are three distinct periods of activity on this development site. The first period dates possibly to the 2nd/3rd century AD; activity at this time consists of the infilling of a wide ditch. The second phase dates to the 12th or 13th century and suggests a building which occupied the rear part of the site was demolished at this time and the area was subsequently ploughed. The third phase dates to the 1st century onwards and consists of a sequence of pits which were ultimately used for refuse disposal.
- 3.21 The proposed development will have a significant impact on these features and deposits. The features and deposits are not of national importance therefore they do not merit preservation in-situ. However, they will need to be recorded prior to development taking place. I therefore recommend that condition ARCH1 is imposed to secure the archaeological excavation of the footprint of Block B and those parts of Block A which have not been previously destroyed by petrol tanks and service pits. Conditions ARCH2 and ARCH3 should be imposed to secure an archaeological watching brief on all other groundworks and to approve the foundation system used for this development. [attached as suggested conditions 7-9]
- 3.22 UDC - COUNTRYSIDE OFFICER: Whilst there are some opportunities for bats to nest within the site no evidence of bats has been found. I do not consider that a survey is required but would recommend that a condition be attached requiring suitable replacement habitat [attached as condition 10]. If bats are discovered during construction then work should cease and Natural England be consulted before continuing.

- 3.23 LIFELONG LEARNING AND LEISURE: In accordance with adopted Supplementary Planning Guidance a contribution should be required to provide funding towards 2 additional secondary school places at Canon Lee School.
- 3.24 DRAINAGE ENGINEER: The site is in low Flood Risk Zone 1 and should not suffer from river flooding. No objections subject to approval of full drainage details prior to commencement [suggested conditions 38-41 secure this].
- 3.25 ENVIRONMENTAL PROTECTION UNIT: The EPU has considered the application with regard to the environmental protection interests, namely air quality, contaminated land and noise and other amenity issues. Comments on each are provided;
- 3.26 Air Quality. In January 2002 City of York Council declared an Air Quality Management Area (AQMA) based on predicted exceedences of the annual average nitrogen dioxide objective in five areas of the city. The declaration of the AQMA placed a legal duty on the council to improve air quality in the city and to demonstrate that it is actively pursuing the 40ug/m³ annual objective to be achieved by 31st December 2005. In order to demonstrate a commitment to improving air quality the council was required to prepare an Air Quality Action Plan (AQAP). The AQAP identifies measures the council intends to take to improve air quality in the city following the declaration of the AQMA. The proposed site along Clifton is not included within City of York Council's Air Quality Management Area. At this location only the carriageway is included within the AQMA since at the time of the declaration, although it was demonstrated that the nitrogen dioxide annual average objective would most likely be met, it was an area in which residents and businesses wanted to see an air quality improvement. Despite this area regularly experiencing long periods of standing/slow moving traffic, particularly during peak hours on the outbound carriageway, historical monitoring data from nitrogen dioxide diffusion tubes in the vicinity of this site has indicated that nitrogen dioxide concentrations are currently well within current health based guideline values. The introduction of further residential dwellings at this location will therefore not result in any requirement to extend the AQMA beyond it's current boundary (providing air quality in this area does not deteriorate).
- 3.27 From an air quality perspective, it is encouraging to see that the ground floor is maintaining its retail use, and that residential is proposed for first floor and above only. This will, to some extent, protect future occupants from poor air quality if the air quality situation should worsen in future years. The Traffic Assessment submitted in support of the application has indicated that the proposed redevelopment of the application site will not materially change it's traffic generating potential beyond that associated with the present use. There is therefore unlikely to be any significant deterioration in air quality as a direct result of additional traffic from this development. Since the site is located adjacent to the AQMA, it is recommended that any parking facilities should reflect the Council's minimum parking standard. In summary, the Environmental Protection Unit does not anticipate any air quality grounds on which to refuse this application.

- 3.28 Contaminated Land. The site has previously been an operational garage and currently operates as a vehicle hire site. Both these uses have the potential to contaminate the site which would affect future occupiers of the site and workers developing the site. Should permission be granted for this development, I would request that conditions [11 to 17] suggested below be placed on the permission.
- 3.29 Noise and other amenity issues. The application site fronts the Clifton Road which is a busy route in to and out of York. There is the potential that the site could be adversely affected by noise from the traffic however, the road is predominantly residential so in this case I would request that should permission be granted for the development, the applicant carries out a noise survey and that the facade of the properties facing Clifton Road be capable of achieving acceptable internal noise levels. This is covered by suggested condition 18.
- 3.30 The proposed retail unit and servicing access is both close to existing residential and the proposed new flats. The transport assessment shows that the traffic generated by the proposal will not increase beyond that already accessing the site, however, the hours these vehicles may access the site should be restricted to minimise disturbance to existing and proposed residents. This is suggested by conditions [19-20] which reflect the hours contained within the application form.
- 3.31 The retail unit may cause noise which could adversely affect the occupiers of the flats above, this noise could arise from within the retail unit or from the use of external plant and machinery such as refrigerators, compressors or air conditioning units. To ensure this does not occur I would request suggested conditions [21 and 22] be placed on the permission should it be granted. In addition, the retail unit may require extraction units to be installed to cover cooking or welfare areas. To ensure these do not adversely affect existing or future occupants I would request suggested condition [23].
- 3.32 Finally, the redevelopment of the site may adversely affect the existing residents, to minimise the disturbance, I would request that condition [24] and the following informative [informative number 2] be placed on the permission.
- 3.33 HIGHWAYS NETWORK MANAGEMENT: A Transport Assessment has been carried out for the proposed development and whilst there is expected to be an increase in traffic that will be generated by the site over the existing use, it will not result in unacceptable delays, congestion or safety issues on Clifton.
- 3.34 The development is to be served via the existing Easternmost access on the site frontage, which is to be upgraded and will lead to an internal highway, which is to be designed and constructed to an adoptable standard and offered for adoption under Section 38 of the 1980 Highways Act. Sightlines at the proposed access are acceptable on the critical traffic approach side but could be hindered on the departure side by the presence of parked cars to the front of the adjacent bank. In order to protect the sightlines at the junction and manage the parking effectively kerb build outs are proposed.

- 3.35 The internal access provides a turning head which is suitable for the types of vehicle likely to be servicing the site. An internal loading bay is also to be provided, which will allow delivery vehicles to wait clear of the public highway. In order to ensure the lay-by is available for delivery vehicles and to protect the adjacent public highway from indiscriminate parking the applicant has indicated that they are willing to fund the provision of Traffic Regulation Orders.
- 3.36 Car parking for both the flats and the retail unit has been provided in accordance with City of York draft Local Plan Appendix E standards. Secure cycle stores for the flats have been provided within the development. Cycle parking for the retail unit is to take the form of Sheffield stands to the Clifton frontage, within the public highway.
- 3.37 The site is bounded to the West by a Public Right of Way (Clifton no.9) As part of the redevelopment of the site an existing blind spot along the route is to be widened out to improve visibility along the route thus reducing the fear of crime factor for footpath users.
- 3.38 Suggested conditions and informatives; [are attached to the recommendation as conditions 25-33 and 37 and informatives 5-7]

EXTERNAL

- 3.40 POLICE COMMUNITY SAFETY OFFICER: Raising height of wall to Dead Mans Alley is welcomed and the railings should extend along the length of this wall. Surveillance of cycle stores has been improved but is still poor. Improved security for accessible doors and windows should be considered. The flat roof provides the opportunity for access. The amenity spaces are too small to cause problems but thought should be given to the ownership of these areas, the open plan design creates the impression of public rather than private space. Significant levels of anti-social behaviour have been recorded in other open plan developments. Whilst these areas are behind gates these will not always be closed. There is no provision of secure storage space other than for cycles and bins.
- 3.41 FIRE SERVICE: No comments. Comments will be provided when the consultation is received from building control.
- 3.42 YORKSHIRE WATER: Development should take place with separate systems for foul and surface water drainage. Surface water discharge to the existing network should be restricted to current surface water run-off rates and discharge points. Water supply can be provided to the site. Conditions are recommended regards the disposal of waste water [attached as conditions 38 to 41].
- 3.43 CONSERVATION AREAS ADVISORY PANEL: The panel were encouraged by this much improved scheme. However they would prefer to see uniform pitch roof dormers on the front elevation and clarification of the first floor windows with the attic windows and the recess on the front elevation.

- 3.44 ENGLISH HERITAGE: We do not wish to comment. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 3.45 YORK CIVIC TRUST: The retail unit will attract large vehicles and these will park on the adopted site road to the detriment of local residents. We would not object to a smaller shop. Adopting the highway would prevent control of HGV parking. The Clifton elevation is improved from previous schemes.
- 3.46 CLIFTON PLANNING PANEL: We object. The retail unit is an excessive size and will create traffic that will be oppressive and dangerous.
- 3.47 PUBLICITY: neighbour letter, press notice and site notice have advertised the application. 8 letters of support (including two petitions totalling 32 signatures) and 221 letters of objection have been received.

The following points were raised in support of the application:

- modest size of retail unit
- little parking so little traffic generation, bus stop outside
- the proposed buildings are a great improvement on the current eyesore
- this shop more overlooked than existing SPAR
- would provide much needed housing
- this will improve shopping choice in Clifton and attract shoppers
- will generate more customers for all businesses in Clifton

The following points were made in objection:

- will increase traffic levels
- additional traffic noise, congestion and pollution
- noise and fumes during deliveries
- the proposed access is dangerously close to an existing junction
- the Conservation Area is essentially residential
- this large retail unit will destroy small traders
- this will cause noise and disturbance
- the access is not suitable for HGV
- the large retail unit is not compatible with flats
- no provision of affordable housing
- overshadowing
- overlooking
- overdevelopment of the site
- already sufficient retail provision for the area
- detrimental to appearance of surrounding environment
- refuse facilities should be covered and enclosed
- frontage block too large and overpowering
- unacceptable impact on this important gateway to the city
- no room on frontage for disabled motorised chairs
- SPAR is half the size but has 12 parking spaces
- nature of retail business is unknown
- parking restrictions and conditions will not be enforced
- noise from plant will disturb residents

- too many apartments
- loss of light
- will result in noisy cramped living conditions
- design not of adequate quality for the area
- will increase on street parking in the area - especially outside restricted hours
- will destroy village atmosphere
- existing shops adequate
- shop should not sell food
- conditions will be ignored

4.0 APPRAISAL

4.1 The site is in an area of archaeological interest and a watching brief and approval of foundation design can be secured by condition. The site is not at risk of flooding and approval of drainage details can be secured by condition.

4.2 Key Issues

- A) Housing policy
- B) Retail/Employment policy
- C) Effect on character and appearance of area
- D) Effect on amenity of dwellings
- E) Traffic and parking
- F) Open space and education provision
- G) Sustainability

ISSUE A: Housing policy

4.3 The application site is an unallocated brownfield site and lies within the built up area of the city. As such, in accordance with draft Local Plan policies H4 and GP10, there is no objection in principle to the redevelopment of the site for residential use subject to compliance with other local plan policies. Notwithstanding the fact that the proposals incorporate a retail unit the proposals would result in a residential density of 70 dwellings per hectare. Policy H5a of the Draft City of York Local Plan seeks to secure residential densities of not less than 40 dwellings per hectare. The proposals are below the threshold for which an affordable housing offer would be sought.

ISSUE B: Retail/employment policy.

4.4 The proposed retail unit would measure 360 square metres (3873 sq ft) net floor space and would occupy the ground floor of the frontage block. The unit would have a frontage onto Clifton and would stand in a run existing retail units. There is no objection in principle to the development of additional retail units in this location. Policy E3b of the draft City of York Local Plan seeks to protect employment land. Given the employment created by the retail unit the proposals are not considered to be contrary to the aims of Policy E3b.

ISSUE C: Effect on character and appearance of area

- 4.5 The comments of the Conservation Architect (section 3.14) and Conservation Areas Advisory Panel (3.43) are noted. The scheme has been amended from previous submissions to build up the blocks from more traditionally proportioned and styled elements. The proposals are considered to be sympathetic to the character and appearance of this part of the Conservation Area and to provide an improvement to the existing buildings. As such the proposals are considered to comply with policies HE2 and HE3 of the Draft Local Plan and the aims of PPG15. Details of the design of important building elements, such as windows and doors, and external materials are recommended to be secured to be approved by conditions 3-5.

ISSUE D: Effect on amenity of dwellings

- 4.6 The distance of separation between the proposed buildings and adjoining residential properties is considered adequate to prevent any overbearing impact or unacceptable loss of light. The proposed development is arranged in such a way as that no window of a habitable room in the proposed development opposes a clear glazed window of a habitable room in an existing dwelling with a separation distance of 20 metres or less. As such it is considered that adequate levels of in building privacy will be provided for the proposed and existing dwellings in accordance with the aims of policy GP1 of the draft Local Plan.
- 4.7 The proposals would result in the removal of the existing car showroom and associated B2 general industrial uses. These lawful B2 uses have considerable potential to impact detrimentally on the living conditions of adjacent residential dwellings and the removal of these potentially harmful uses from the site is a material consideration in determining this application.
- 4.8 The proposals incorporate access from Clifton to residential parking and also parking and servicing for the retail unit at the rear of dwellings on Avenue Terrace. The movement of vehicles to the residential units is not considered likely to generate noise and nuisance beyond that which residential areas could reasonably expect to experience. The servicing and accessing of the retail unit is however considered to have the potential to cause nuisance principally through noise at unsociable hours. It is however considered that by limiting hours of store opening and delivery times that this nuisance can be controlled to an acceptable level both for occupiers of existing dwellings and the proposed new dwellings. Noise from plant and machinery can also be controlled through appropriate conditions.
- 4.9 Given the controls over the operation of the retail use particularly hours of operation and delivery times it is considered that the proposals will not result in an unacceptable detriment to the living conditions of occupiers of dwellings adjoining the site.

ISSUE E: Traffic and parking.

4.10 The proposals are considered to incorporate adequate of street parking for the proposed residential and retail uses in accordance with Local Plan Policy and the aims of PPG13. Turning facilities are provided within the site for HGV deliveries. Cycle parking is provided for the residential units in covered secure cycle stores and the opportunity exists for staff cycle parking for the retail unit to be provided within the yard. Visitors cycle parking is provided adjacent the store entrance. Details of cycle parking including stands and means of enclosure can be conditioned to be approved and implemented.

ISSUE F: Open space and education provision.

4.11 Informal amenity space is provided on the site in accordance with locally adopted standards as set out in policy L1c of the draft Local Plan. Three flats benefit from private open spaces. The applicant has undertaken to enter into a legal agreement to provide financial contributions in lieu of on site children's play space and sport pitches, as the site is considered too small for the on site provision of play and sports areas, and towards the provision of 2 places at Canon Lee School.

ISSUE G: Sustainability.

4.12 The site lies within easy travel by modes other than the private car and is close to local services. As such the site is considered to be in a sustainable location. The applicant has also agreed to achieve a BREEAM rating of 'very good' or 'excellent' and this can be secured by suggested condition 34.

5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the living conditions enjoyed by occupiers of neighbouring dwellings, highway safety, the character and appearance of the Clifton Conservation Area and the long term health of trees on the site. As such the proposal complies with Policies SP8, SP10, GP1, GP3, GP4a, GP9, GP11, HE2, HE3, HE5, L1, T4 and T13 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS3, PPG6, PPG13 and PPG15. The application is therefore recommended to be approved.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing Number 05:50:51 Revision C received 2 March 2007

Drawing Number 05:50:52 Revision C received 2 March 2007

Drawing Number 05:50:55 Revision A received 2 March 2007

Drawing Number 05:50:56 Revision B received 2 March 2007

Drawing Number 05:50:60 Revision A received 2 March 2007

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 VISQ7

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Shop-front

Front Entrance (door and surround) of flats from Clifton

Guard Rails

Door canopy

Eaves and Verge details including "tumbling"

Dormer details

Windows and doors (both to be set-back from the face of the building)

Rain water goods (to be cast iron or aluminium)

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

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

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

7 ARCH1

8 ARCH2

9 ARCH3

- 10 Before development commences on site full details of bat conservation and habitat mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented on site before the building to which they relate is first occupied.

The measures shall include:

- i) If commencement of any works (including demolition) is to be carried out between 1st April and 30th September a further survey of the buildings shall be carried out no more than 1 month prior to the commencement of any work and the results submitted to the Local Planning Authority 2 weeks before commencement.
- ii) a plan of how demolition works will be carried out to accommodate bats
- iii) details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for inclusion for bats include special tiles, bricks, soffit boards, bat boxes, bat lofts and should provide for a net gain in wildlife value on the site.
- iv) a programme of works

The works shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of a protected species in accordance with the aims of PPS9.

- 11 A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site, including the potential for the migration of landfill gas. 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.

Reason: to protect the health & safety of workers and future occupants of the site.

- 12 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 site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 13 A risk based remedial strategy shall be developed based upon 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. The remedial strategy shall have due regard for UK adopted policy on risk assessment.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 14 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 the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 15 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 on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of structural components and any proposed underground services.

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

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 17 Any fuel tanks and any associated pipe work shall be removed from site in accordance with the Health and Safety Guidance Note 41 - Petrol filling stations: Construction and Operation and in full consultation with City of York Council petroleum officers. A method statement and remedial strategy shall be submitted to and approved by the local planning authority prior to the commencement of this work.

Reason: To protect human health and the wider environment

- 18 The building envelope of all residential buildings with a facade fronting onto Clifton Road, shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future occupants

- 19 The retail unit hereby approved shall only be open for retail sales to the public between the hours of be confined to 0730 hours to 2230 hours and the building shall be closed and vacated by 23:00 each night.

Reason: To protect the amenity of future occupants

- 20 All deliveries to and despatch from the retail unit shall be confined to the following hours:
Monday to Friday 0800 hours to 1800 hours
Saturday, Sunday and Bank Holiday 0900 hours to 1300 hours

Reason: To protect the amenity of future occupants

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

Reason: To protect the amenity of future occupants

- 22 Before the use hereby permitted commences the retail unit shall be insulated to control noise in accordance with a scheme to be approved in writing by the local planning authority.

Reason: To protect the amenity of future occupants

- 23 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of future occupants

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the living conditions of nearby dwellings

- 25 HWAY1

26 HWAY7

27 HWAY13

28 The development shall not be brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbs and highway to match adjacent levels.

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

29 HWAY19

30 HWAY21

31 HWAY31

32

The development hereby permitted shall not come into use until the build out on Clifton to prevent parking over the new access and improvements to Clifton no.9 PROW (including works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

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

33 Prior to works starting on site a dilapidation survey of the highways adjoining the site (including the site frontage onto Clifton and adjacent PROW) shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

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

34 No development shall take place until the applicant has provided to the Local Planning Authority for approval a BREEAM report that achieves 'Very Good' or 'Excellent' rating with certification. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met, prior to the first occupation of the development.

35 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.

- 36 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.

- 37 Method of Works: Prior to the commencement of any works on site a detailed method statement identifying the programming and management of construction works shall be submitted and approved in writing by the LPA

Reason: In the interests of free flow of traffic and highway safety.

- 38 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres of either side of the centre line of the sewer, which crosses the site.

Reason: In order to allow sufficient room for the maintenance and repair of the sewer.

- 39 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory and sustainable drainage.

- 40 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including and details of balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development shall be properly drained.

- 41 Unless otherwise approved 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 water drainage works.

Reason: To ensure that no discharge takes place until proper provision has been made for its disposal.

7.0 INFORMATIVES:

INF1. 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 neighbouring dwellings, highway safety, the character and appearance of the Clifton Conservation Area and the long term health of trees on the site. As such the proposal complies with Policies SP8, SP10, GP1, GP3, GP4a, GP9, GP11, HE2, HE3, HE5, T4 and T13 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS3, PPG6, PPG13 and PPG15.

INF2. 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. There shall be no bonfires on the site.

INF3. 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 £10,363.00.

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.

INF4. 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 £31,062.00. The basis for this calculation is contained within the Council's Supplementary Planning Guidance on Developer Contributions to Education Facilities dated January 2005.

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

INF5. Informative:

The applicant is to be made aware of the route of the public right of way, known as Clifton path 9. The route should not be damaged/altered/hindered in any way without prior written consent from the authority's PROW unit

INF6. 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

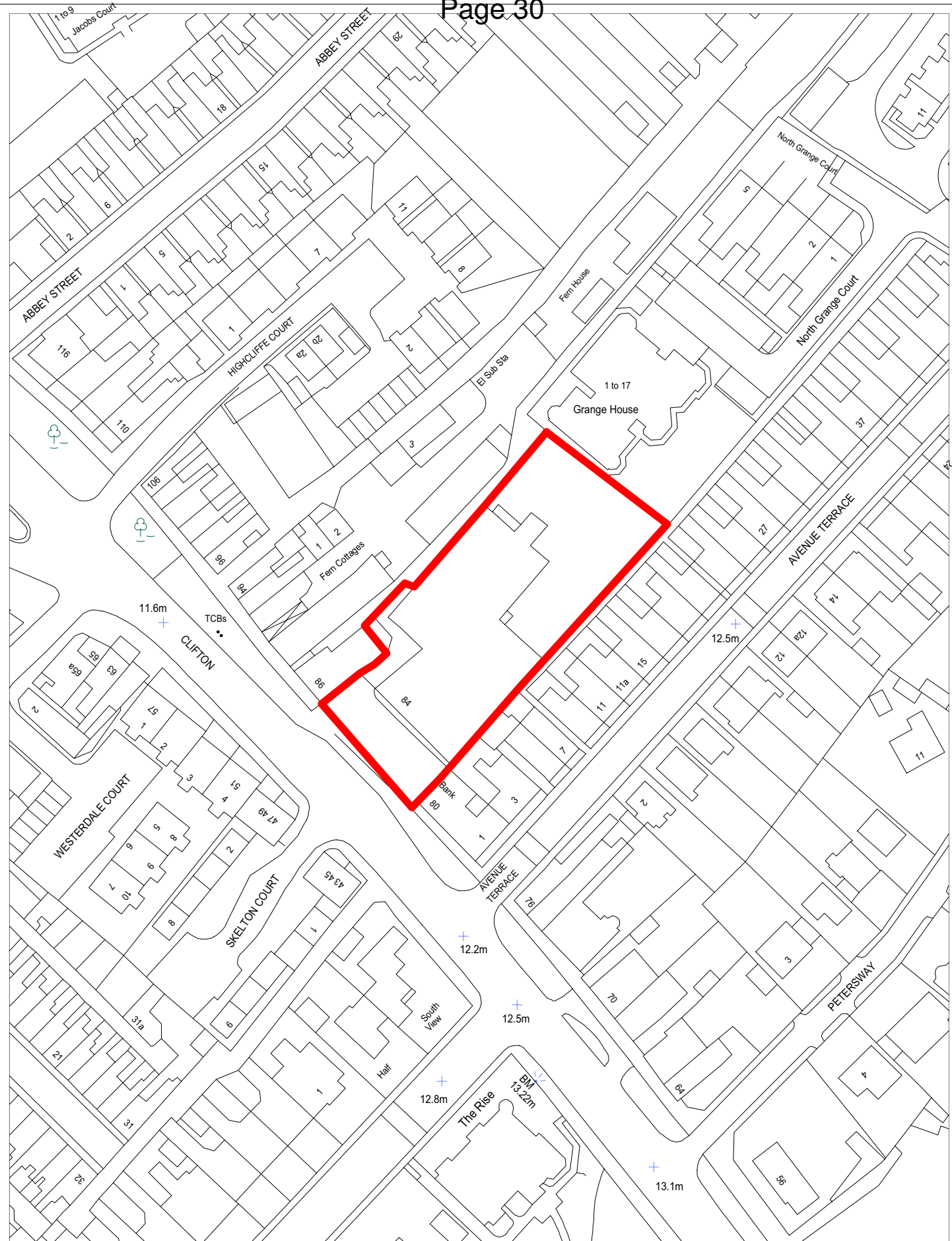
INF7. INFORMATIVE:

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.

Contact details:

Author: Howard Smith Assistant Area Team Leader

Tel No: 01904 551352



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

Site Plan : 06/2809/FULM

SCALE 1:1000

DRAWN BY JB

DATE 2/3/2007

Originating Group

Project

Drawing No.

Organisation



COMMITTEE REPORT

Committee:	East Area	Ward:	Skelton, Rawcliffe, Clifton Without
Date:	11 April 2007	Parish:	Clifton Without Parish Council

Reference: 07/00248/OUTM
Application at: Land Lying To The East Of Centurion Office Park Tribune Way York
For: Outline application for mixed use B1 and B8 development on land to the east of Centurion Park (layout, scale, appearance, access and landscaping) and residential development comprising 12 no. dwellings to land lying to the south of Centurion Park (siting and access only) (resubmission)
By: Keyland Gregory Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 15 May 2007

1.0 PROPOSAL

This application contains two elements which are to be considered as part of this single application. The first aspect of the application is for outline planning permission (access and siting only) for 12 dwellings. The proposed dwellings are located on an undeveloped parcel of land between Unit 3 and Hornbeam Close which is a modern housing development served off Water Lane. The site area for the residential element of the application is approximately 0.28 ha which would equate to 43 dwellings per hectare. The second element seeks permission (layout, scale, appearance, access and landscaping) for a mixed B1 and B8 development. Specifically this consists of an extension to Unit 4 of Centurion Office Park to create a laboratory and warehouse in conjunction with the existing office unit. A totally new unit is proposed, Unit 5, which would be a B8 warehouse/distribution centre with ancillary office. Access to these two units would be via Tribune Way off Clifton Moorgate. The proposed light industrial development would be located on a parcel of land east of existing Units 1, 2, and 3. East of the proposed Units 4 and 5 is a former Roman Camp with the land being within the Green Belt.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYE3B
Existing and Proposed Employment Sites

CYH2A
Affordable Housing

CYH5A
Residential Density

CYSP8
Reducing dependence on the car

3.0 CONSULTATIONS

3.1 Internal

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

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

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

Affordable Housing

On a previously withdrawn application (ref 06/01594/OUT) one of the reason for refusal given in the officer's report was the lack of affordable housing proposed. The application site area exceeded 0.3ha. This application was therefore in conflict with policy H2a. On the current application, although the same number of units are proposed, the site area has been reduced to 0.28ha in order to avoid triggering the affordable housing policy. This has been achieved by removing a section of land to the west of the site from the application site boundary.

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

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

Housing Mix

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

Environmental Protection Unit - No objections to this application. However, the proposed residential dwellings are in close proximity to the proposed industrial development and existing industrial area. Therefore there is a concern regarding the occupants of the dwellings being adversely affected by noise from the potential use of the industrial units. A noise condition and a demolition and construction informative were suggested to be added to any approval.

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

Highway Network Management - Unit 4 has 44 and Unit 5 has 13 proposed car parking spaces. Appendix E of the Local Plan indicates that Unit 4 should have a maximum of 35 and Unit 5 a maximum of 5 car parking spaces. A plan showing the link between Hornbeam Close and the proposed housing development was submitted. This shows a 4.5m carriageway and 2m service verges which complies with the standards laid out in the Highway Design Guide.

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

3.2 External

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

Response to Site Notice and Neighbour Letters - 26 pieces of correspondence received. The following points were raised:

- Hornbeam Close is unsuitable as an access road to the proposed development; the Close was never intended to serve traffic other than this existing small cul-de-sac;
- If residential development is allowed access should be via Tribune Way and not Hornbeam Close;
- Hornbeam Close is too narrow to allow cars to pass safely side-by-side and there is no off street parking provision for visitors. This creates the hazard of poor visibility

and vehicles partially obstructing the footpath to park or having to mount the footpath to pass other vehicles:

- If the Close is used to access a further 12 properties in addition to the existing 13 properties, traffic levels are likely to double. This may compromise the safety of children and may increase the risk of accidents. The road is not adequate to serve 25 properties;
- The increased traffic levels would reduce the quality of life that was expected when the original properties on Hornbeam Close were purchased;
- There may be a loss of security and privacy and an increase in lighting levels and an exacerbation of an existing drainage problem;
- The proposal may devalue the existing properties in the area;
- The increase in dwellings would increase traffic levels on the local road network which could increase the risk of accidents;
- If the housing area was connected to the industrial estate it could be used as a cut through in order to access Clifton Moorgate;
- The land is allocated for employment and the need to create local employment opportunities has never been greater with high profile job losses announced in York recently. A dangerous precedent could be set if this employment land is lost;
- There is no affordable housing provision;
- Fire and Ambulance services would have great difficulty in accessing the proposed development using Hornbeam Close as an access route;
- The sewerage system has struggled to cope with the current waste which has caused numerous problems over the last 6 years;
- Developing the site would mean HGV lorries passing through the estate which would cause nuisance.

4.0 APPRAISAL

4.1 Key Issues:

Proposed Residential Development

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

Proposed Business/Industrial Development

- Design
- Job Creation
- Highways

4.2 The Application Site - The whole of the application site is allocated as a standard employment site where B1 (Business), B2 (General Industrial), and B8 (Storage or Distribution) uses are considered appropriate. The application site has been subject to similar proposals recently. These applications were withdrawn before being heard at committee. A summary of the previous applications are below:

06/00451/OUTM - outline application for light industrial and residential development with access to both through Tribune Way off Clifton Moorgate.

06/01594/OUTM - outline permission for 12 houses through the existing residential cul-de-sac Hornbeam Close.

06/02341/OUTM - outline permission for 12 houses accessed through Hornbeam Close and two business premises to the East of Centurion Office Park accessed through Tribune Way.

The most recent application was recommended for refusal on three grounds:

1 The application site lies within an area which is designated as a standard employment site. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that the proposed change of use would lead to significant benefits to the local economy. Therefore the proposed residential development is considered contrary to Policy E3b of the City of York Draft Local Plan.

2 The application site is within the urban area and it is considered to be in a sustainable location. The proposed residential development creates a small unused area of land to the north and west of the site. Due to its location and size, this land would not be capable of further development in the future. Therefore it is considered that the proposed residential development would not lead to an effective and efficient use of this site which could place development pressure on land within less sustainable locations in the future. This is considered contrary to PPS1 and PPS3.

3 The application site is within a sustainable location and can be accessed by a variety of transport modes. Maximum car parking standards are in place to encourage more sustainable transport choices and reduce car use. The 42 proposed car parking spaces at Unit 4 exceed the maximum standards of 25 which are set out in Appendix E of the Local Plan. It is therefore considered that the proposed development is contrary to the City of York Draft Local Plan Policy SP8: Reducing Dependence on the Car.

Issues relating to the proposed Residential Development

Loss of Part of a Standard Employment Site

4.3 Draft Local Plan Policy E3b states that standard employment sites (such as Centurion Park) will be retained within their current use class. Planning permission for other uses will only be given where: a) there is a sufficient supply of employment land to meet both medium and longer term requirements in both qualitative and quantitative terms; AND conforms with ONE of the following criteria: b) unacceptable environmental problems exist; or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.4 The application for outline permission to erect 12 dwellings must conform with part a) and one of parts b) to d) in policy E3b as outlined above. Parts b) and d) do not appear to be of relevance for this application as environmental problems are not evident and residential development is not considered ancillary to the existing or proposed employment units.

4.5 Robust employment land supply data has not been supplied which justifies the loss of employment land for present and future B1, B2, and B8 use. Whilst the application site is relatively small in relation to the entire site it could set a precedent for a further reduction in employment land provision over time. Due to the

constraints placed on the availability of greenfield development sites around York by the existing Green Belt, it is particularly important to ensure that land currently designated for employment uses are safeguarded for their identified land-uses. Up to date information is not available as to what level of employment land is currently required in York. It is not considered that the application satisfies part a) of Policy E3b but it is up to members to assess the importance of protecting existing employment land in the absence of up to date information on the employment land requirement for York in the present and future.

4.6 Regarding part c) of Policy E3b the applicant has stated that the proposed residential units are required to make the light industrial units financially viable. Financial data was submitted regarding the costs of developing Units 4 and 5 and the expected returns. This financial information has been kept confidential due to its commercially sensitive nature. This data was analysed by Council Officers in order to form a view on whether the industrial development was financially viable on its own. A fully detailed financial analysis was not carried out as the Council does not have full financial and market data available for all sites in York. On the basis of the basic financial assessment which analysed the submitted costs and revenues it was concluded they do not seem unreasonable and it was concluded that, with no residential development, there would be a negligible return for the developer. It was noted that the site acquisition costs were a little higher than one may expect and the site has no physical characteristics which would lend itself to abnormal development costs. It is therefore assumed that a change in market conditions makes this site less attractive to investors than was anticipated. It is a consideration for members as to whether this justifies the loss of part of an allocated employment site to housing.

Residential Density

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

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

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

Affordable Housing Provision

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

4.11 There is a continued need for the development of affordable housing within York. The Housing Need Survey shows that there is a strong demand for affordable housing in order to meet current and future accommodation needs. The size of the proposed housing site has been reduced from a previous application to below the 0.3ha affordable housing activation level and therefore there is no requirement to provide affordable housing on this development at this time. As outlined within the policy team's consultation response the site is seen as a whole and therefore any further housing development in the future would be added to the size of the proposed development within this application and therefore affordable housing would be required at that stage.

Efficient Use of Land within the Urban Area

4.12 Surrounding the proposed site of the residential developments are three strips of land. These are between the proposed housing development and Unit 3, west of the proposed residential development and an easement strip to the east, on land which is adjacent to the Green Belt. These strips of land are designed to provide an acoustic and visual barrier between the business and residential developments. PPS1: Delivering Sustainable Development and PPS3: Housing highlights the need for the effective and efficient use of land in sustainable locations. It is possible to argue that the development potential of this land within the urban area would not be utilised by this development which in turn could put pressure on land to be developed in the future which is within a less sustainable location. The strips of land do however bring the advantage of providing a visual and acoustic barrier between the proposed houses and existing and new business developments. The exact nature of this barrier would be a matter for consideration at the reserved matters stage. It is considered that mounding and tree planting could provide better living conditions for residents than if the residential and business elements directly bordered each other. It has to be assessed whether the potential benefit outweighs a less than effective and efficient use of urban land.

Highways

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

Issues relating to the proposed Light Industrial/Storage and Distribution development

Design

4.14 The area around the application site is dominated by office/light industrial units and car dealerships which are of typical design for these types of developments within this sort of location. Unit 4 already exists on site, this application seeks permission to expand this and provide new premises, Unit 5, north of Unit 4. The proposed extension of Unit 4 follows the design principles contained within the existing unit and surrounding area, such as being of a similar height, having rounded roofs and incorporating matching materials. The applicant states that this extension would be used part as a laboratory (single storey element) and part as a warehouse.

The warehouse element has little fenestration, this is similar to the warehouse/distribution depot which is located adjacent to Water Lane. Unit 5 is significantly smaller in scale than the proposed Unit 4 extension but is of similar style and would also house a warehouse/distribution centre. It is considered that the proposed developments would appear in keeping with the surrounding area. There is some space between the proposed developments and the site boundary which gives some scope for green landscaping which could soften the visual impact of these units.

Job Creation

4.15 It is stated that ADVA Optical Networking have exchanged contracts to occupy the proposed Unit 4 of Centurion Park subject to planning permission. ADVA are currently located on Kettlestring Lane in Clifton Moor and employ 65 members of staff at this site. ADVA has secured an external contract from BT which it is hoped will support the expansion of the business. It is hoped that the contract will underpin a significant increase in numbers employed over the next 12 months to 120. The first phase of the proposed development would be to complete the ADVA Unit which must be complete by August 2007. In order to meet this timescale work must commence in mid April. Information has not been submitted regarding expected employment levels at Unit 5. Interest has been expressed from a flooring company but Unit 5 has been split into three to allow flexibility and to increase the chances of letting out the unit. Job creation provides benefit to the local economy and should be considered against Local Plan Policy E3b and a judgement made on whether the loss of some designated employment land is justified by the potential creation of jobs in the short term.

4.16 Existing Units 1, 2, and 3 which are all office buildings have been marketed since September 2003 when they were formally opened. This has consisted of the distribution of brochures, local press adverts, and the launch of a dedicated website. This has brought relatively little success in terms of attracting businesses to the premises. This raises question marks regarding the desirability of this site for further office development. The lack of success of B1 office development on the site has prompted the land owners to want to bring a different use to the site, namely laboratories and warehousing, this would likely bring a lower return than offices (if let) but can be made financially viable by the proposed residential development.

Highways

4.17 Local car parking standards in line with PPG13: Transport are set out in Appendix E of the Local Plan. The data provides maximum car parking standards which should not be exceeded, this is to encourage more sustainable forms of travel. Unit 4 has 44 and Unit 5 has 13 proposed car parking spaces, the Local Plan stipulates that this should be a maximum of 35 and 5 car parking spaces respectively. It is stated within the application that these car parking spaces have been provided in line with the requirements of the proposed businesses which it is anticipated would occupy these premises. It has to be determined whether this over-provision of car parking spaces is justified in this case.

5.0 CONCLUSION

On balance it is considered that the wider economic benefits through the creation of jobs counteracts the arguments against losing a section of designated employment land to residential development. The residential element would appear as an extension to an existing housing site and a buffer is provided to protect residential amenity.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

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

- 2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the building works of the residential element, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale (including mix and type of housing) of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

- 3 The dwellings to be erected on this site shall be no higher than two storeys. No external alterations to the roof to incorporate an additional floor shall be carried out following the completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.

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

Drawing Numbers: - 4234A/TP03, 4234A/TP04, 4234A/TP06 and 4234A/TP08 received by The CoYC on 13/02/07.
- 4234A/TP05 and 4234A/TP07 received by The CoYC on 05/02/07.

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

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

- 5 No works in relation to the 12 residential units hereby permitted shall be commenced before the two B1 and B8 developments (Units 4 and 5) have been completed.

Reason: To ensure the employment developments are completed.

6 HWAY1

7 HWAY7

8 HWAY10

9 HWAY21

10 HWAY31

11 HWAY40

- 12 Prior to the development hereby approved commencing full details of car parking layout and turning areas in accordance with Annex E of the Local Plan shall be submitted to and approved in writing by the LPA and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 13 Prior to the development hereby approved commencing details of a footpath linking Tribune Way to the employment element of the development site shall be submitted to and approved in writing by the LPA, such footpath shall be constructed and available for use prior to the development coming into use.

Reason: To promote sustainable travel.

- 14 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the LPA. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction materials, and the hours during which this will be permitted.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

15 ARCH2

16 The building envelope of all bedrooms and living rooms, shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future residents

17 No residential 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.

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:

£128 per 1 bedroom property
£815 per 2 bedroom property
£1223 per 3 bedroom property
£1630 per 4 bedroom property
£2037 per 5 or more bedroom property

18 No residential 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.

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 £61,554. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

- 19 Unless otherwise agreed in writing no development shall take place until the applicant has provided to the Local Planning Authority for approval an independently verified BREEAM report that achieves a 'Very Good' or 'Excellent' rating with certification. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met, prior to the first occupation of the development.

Reason. To ensure that the development is sustainable and accords with Policy GP4A of the draft City of York Local Plan.

- 20 NOISE7

- 21 VISQ8

- 22 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.

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 amenity of local residents. The creation of new employment overcomes the loss of a parcel of designated employment land. As such the proposal complies with Policies GP1, E3b, and H5a of the City of York Draft Local Plan.

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:

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

3. 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 City of York Council Highway Network Management Team:

Section 38/278 - adoption of highway.

4. 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.

5. INFORMATIVE - Demolition and Construction

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

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

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

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

2. 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".

3. 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.

4. 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.

5. 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.

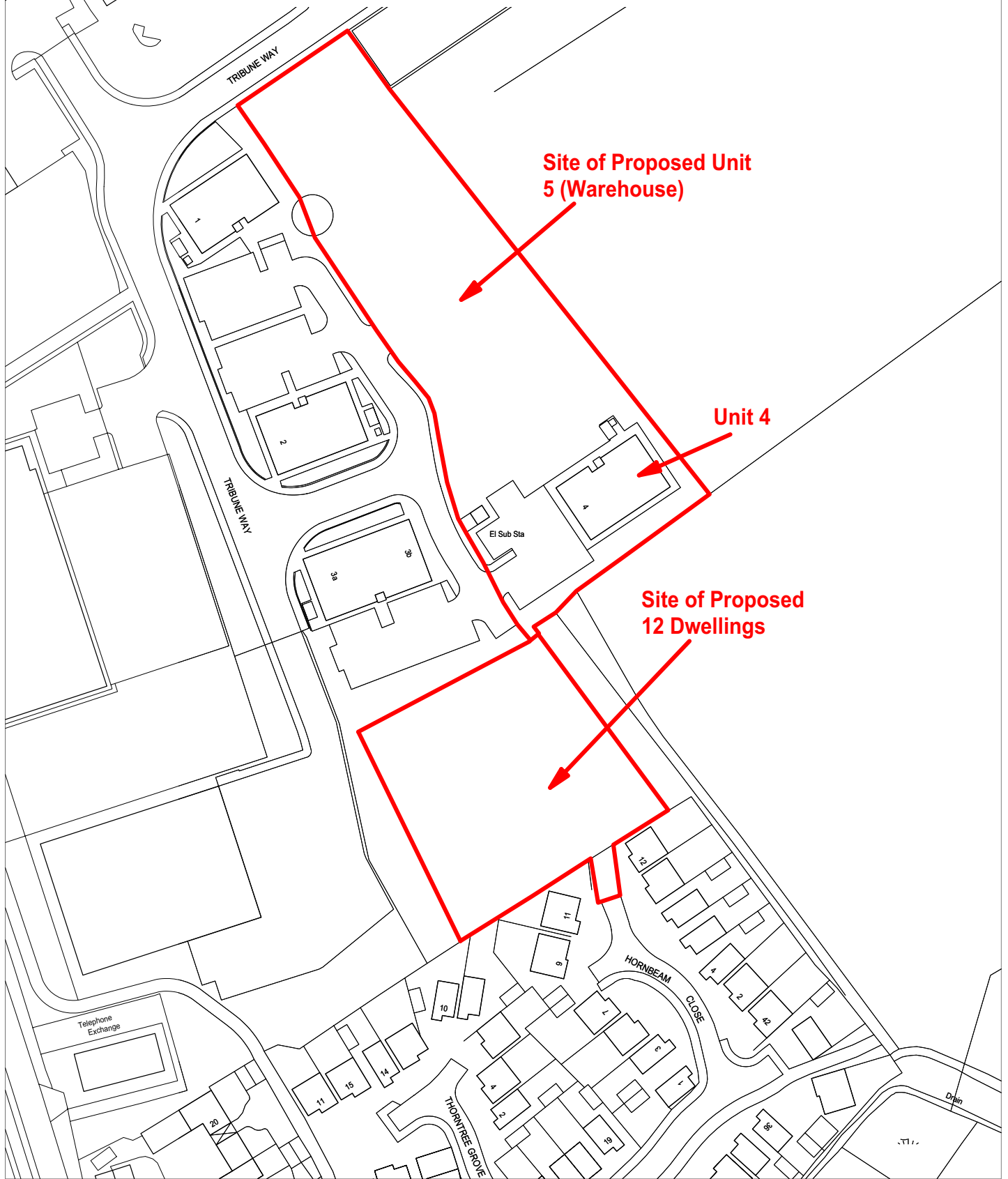
6. There shall be no bonfires on the site.

Contact details:

Author: Mike Slater, Assistant Director, Planning and Sustainable Development

Tel No: 01904 551604

Land lying to the East and South of Centurion Office Park.
Outline application for mixed use B1 & B8 development
on land to the East of Centurion Park and Residential
development comprising 12 No. dwellings to land lying
South of Centurion Park.



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

07/00248/OUTM

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 28/3/2007
Drawing No.



COMMITTEE REPORT

Committee: East Area
Date: 11 April 2007

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 07/00379/FUL
Application at: 43 Yarburgh Way York YO10 5HD
For: Two storey side extension and change of use from single dwelling house to house in multiple occupation
By: Mrs S Clarkson
Application Type: Full Application
Target Date: 2 May 2007

1.0 PROPOSAL

This application seeks planning permission for a two storey pitched roof side extension and the conversion of the dwelling to a house of multiple occupation (HMO). The house currently has four bedrooms with the proposal bringing the property up to seven bedrooms. The existing side garage would be removed to make way for the side extension.

This application is being heard at Committee after being called in by Cllr Moore and Cllr Simpson-Laing. A separate application is being heard for a single storey side extension (07/00376/FUL) at this property and it is worth noting that an application is currently being considered for a HMO at 41 Yarburgh Way (07/00212/FUL).

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

CYH7
Residential extensions

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - Cycle storage should be provided, 1 space per bedroom.

Environmental Protection Unit - No objections.

3.2 External

Hull Road Planning Panel - Object on the following grounds:

- the proposal is for a multi occupancy dwelling which is a commercial venture and has no place in a residential community, the only existing business situated on Badger Hill are the shops which serve the residents of Badger Hill, this proposal does not serve a purpose;
- it is considered to be a gross overdevelopment by the massive design and would produce a terracing effect between the neighbouring property. It is important that the space between properties is retained;
- there is not sufficient parking for the number of tenants, as a result parking spaces may be taken up in front of the shops at a considerable inconvenience to shoppers;
- the length of the proposal is disproportionate in relation to the dimensions of the existing property;
- the proposed development projects some distance to the rear resulting in the removal of amenity space;
- the paving of the front garden to provide parking spaces detracts from the visual amenity of the area and provides insufficient space for the possible number of vehicles;
- the proposed cycle store at the front of the property will be an eyesore to all people passing by;
- the site plan does not agree with the floor plans;
- there is no bin storage provided, bins are likely to therefore be stored at the front of the property and will be an eyesore to all people passing by;
- a new access would be required in order to utilise the parking space;

Neighbours - Three letters of objection received from 28 and 30 Yarburgh Way and 35 Deramore Drive. The following points were raised:

- the Badger Hill Estate is becoming a campus due to the large number of students in the area;
- there is already an overflow of parked cars from the shops in the area and student cars would make the problem worse;
- the continued creation of HMO's can have a detrimental impact on the value of properties in the area;
- neighbouring houses are already student lets and if approved this would create too high a concentration of students in a small area changing the character of the street and causing noise and parking issues;
- the high number of student lets in the area is having an effect on the local primary school which is having to cope with a reduced intake;

- the houses are being extended to such a size that family's are never likely to move back into these properties which could have a detrimental impact on the value of local houses;
- student houses are often not very well maintained which is making the estate unsightly;
- if it is a student house they are likely to spend more time in the house than a family would leading to more overlooking of neighbouring properties.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Street Scene
- Living Conditions of Neighbours

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

4.3 Local Plan Policy H7 states that the design and materials should be sympathetic to the main dwelling and the locality of development. The design and scale should be appropriate in relation to the main building and there should be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

4.4 Local Plan Policy H8 states that planning permission will only be granted for the conversion of a dwelling house to a HMO where: the dwelling is of sufficient size (min 4 bedrooms); external alterations would not harm the character or appearance of the building or area; adequate off and on street parking and cycle parking is incorporated; there would not be an adverse impact on neighbouring amenity; and adequate provision is made for the storage and collection of refuse and recycling.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that side extensions should be sympathetically designed to appear subservient to the main house.

4.6 Visual Impact on the Street Scene - The front of the proposed side extension has been designed to appear in keeping with the main property and the character of the area. The extension appears well proportioned with windows being of a similar style to the main house. 41 and 45 Yarburgh Way have been extended in a similar way at the side and it is considered that from the road side at Yarburgh Way the character of the area would not be significantly harmed. However the rear of the proposed side extension has a flat roof which would appear incongruous and would harm the appearance of the dwelling. The rear of the property backs onto Hull Road and this is therefore an important elevation visually.

4.7 Living Conditions of Neighbours - The proposed HMO would convert a four bedroom property into a seven bedroom HMO. Whilst the house is detached there would only be approximately a metre between this property and 41 and 45 Yarburgh

Way. A high level of occupancy and activity is likely from a seven bedroom HMO and within this location with it being closely bordered on both sides it has the potential to create an unacceptable level of noise and disturbance. It is considered that the proposal constitutes an overdevelopment of the site and an intensity of use of the property which is disproportionate to its original purpose within its setting.

4.8 41 Yarburgh Way only has one window within its side elevation which faces the application site. This window appears to be secondary in nature and it is considered that the impact of the extension on this window would not significantly harm the living conditions of residents living at number 41. The two storey side extension is of significant length and protrudes out from the rear of the main house by approximately 4.8 m and is approximately 0.6 m from the shared curtilage boundary with 41. It is considered that the structure would appear dominant and overbearing when viewed from the rear windows and rear garden of 41 Yarburgh Way.

4.9 Car and cycle storage - Whilst the proposed paving over of the existing 'green' front garden is regrettable this could be done without planning permission and so no objection could be sustained regarding this issue. The proposed number of car parking spaces complies with the Council's maximum car parking standards. Cycle storage would be in the form of seven ground fitted metal hoops. It is considered that these are not acceptable at the front of a residential accommodation. Bicycles stored within the front garden would not be screened from the street and are therefore not as secure as if they were away from view of public areas. The cycle storage would also not be covered which may dissuade residents from owning a bicycle and leaving it open to the elements. It is considered that the proposed cycle store would not reduce dependency on the car, as cycle use would not be an attractive alternative.

4.10 Neighbour concerns - Letting out a dwelling to students rather than young professionals or a family is no different in planning terms. It is therefore not within the remit of the planning system to control student occupancy levels of the Badger Hill Estate. The fact that students may occupy a house is not a planning consideration. Neither is it a planning issue how a development affects the value of other houses in the area. It has to be judged whether significant harm would be caused to the living conditions of neighbours through potentially high occupancy levels.

5.0 CONCLUSION

- The proposed flat roof element of the extension would add an incongruous design feature to the property.
- The structure would appear dominant and overbearing for neighbours.
- The change of use to a HMO has the potential for a significant amount of noise and disturbance due to the location of the property close to 41 and 45 Yarburgh Way.
 - The proposed cycle store is not suitable for a residential property.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

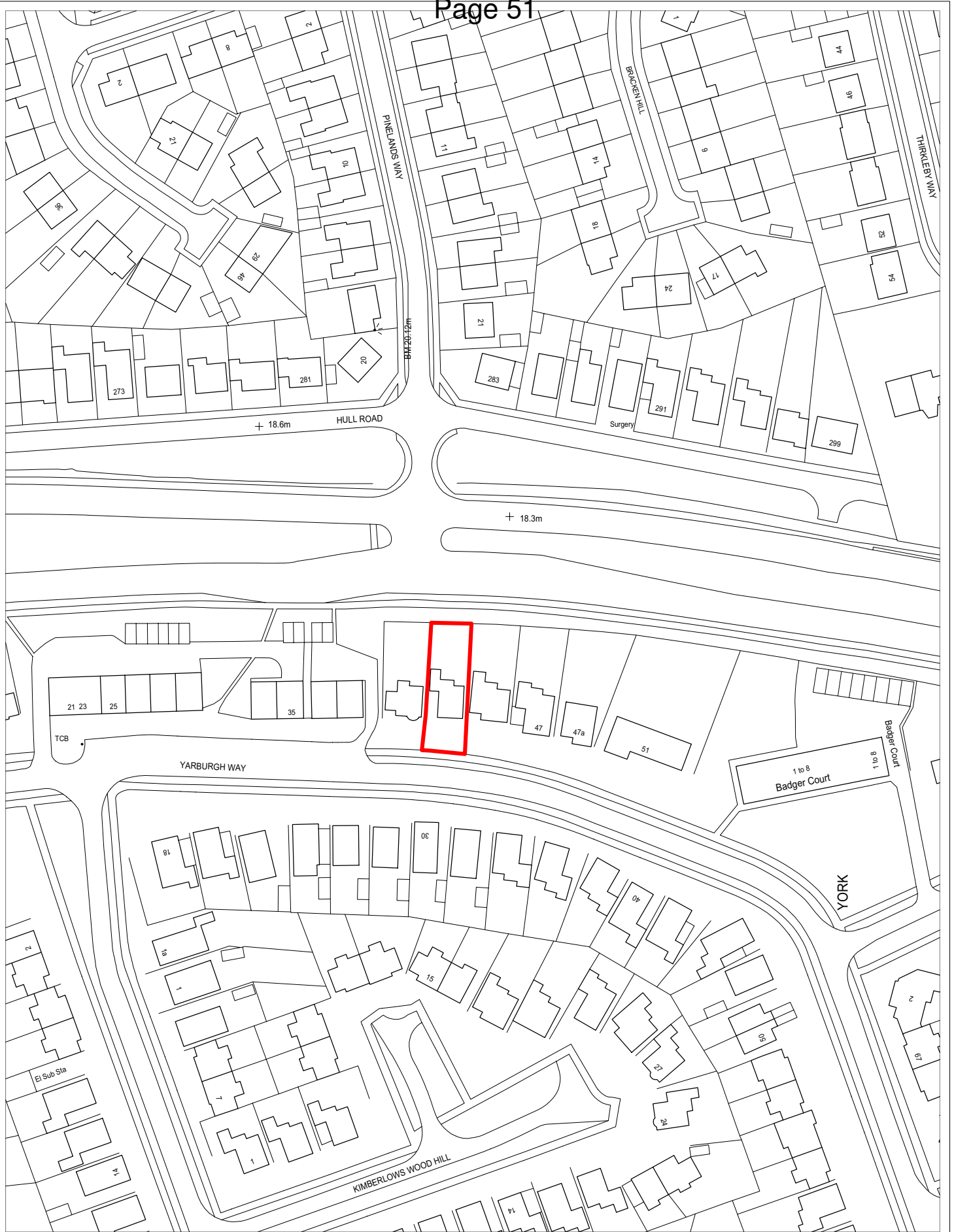
- 1 It is considered that the proposed extension and conversion from private dwelling house to a house of multiple occupation would harm the living conditions which neighbours could reasonably expect to enjoy because of the potential noise and disturbance from the high level of occupancy and activity. The application site is located close to neighbouring properties and therefore there is a high potential for the living conditions of neighbours to be harmed. The proposal constitutes an overdevelopment of the site and an intensity of use of the property which is disproportionate to its original purpose within its setting.
- 2 The proposed side extension protrudes out approximately 4.8 m at two storey level from the rear of the main house. This adds a large structure close to the shared property curtilage boundary with 41 Yarburgh Way. It is considered that the structure would appear dominant and overbearing when viewed from the rear of the property and its garden.
- 3 The proposed cycle parking hoops within the front garden are not covered and not considered secure. Therefore they would not promote cycle use and dependency on the car would not be reduced.
- 4 The proposed extension harms the appearance of the dwelling and character of the area through the addition of an incongruous flat roof design. Therefore the proposal is contrary to Policies GP1, H7 and H8 of the City of York Draft Local Plan and design principles contained within Planning Policy Statement 1.

7.0 INFORMATIVES:

Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325



CITY OF
YORK
COUNCIL

43 YARBURGH WAY - 07/00379

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 28/3/2007
Drawing No.



COMMITTEE REPORT

Committee: East Area
Date: 11 April 2007

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 07/00376/FUL
Application at: 43 Yarburgh Way York YO10 5HD
For: Single storey pitched roof side extension
By: Mr And Mrs S Clarkson
Application Type: Full Application
Target Date: 13 April 2007

1.0 PROPOSAL

This application seeks planning permission for a single storey pitched roof side extension at 43 Yarburgh Way. The application site is a detached house which has previously been developed through a rear conservatory and a side garage.

This application is being heard at Committee as an application on the same site (07/00379/FUL) is being considered after being called in by Cllr Moore and Cllr Simpson-Laing.

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

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections.

3.2 External

Hull Road Planning Panel - Object on the following grounds:

- the length of the proposal is disproportional in relation to the dimensions of the existing property;
- the proposed development projects some distance to the rear resulting in the removal of amenity space;
- the proposed extension projects in front of the existing property detracting from the visual amenity of the area;
- the paving of the front garden to provide parking spaces detracts from the visual amenity of the area and provides insufficient space for the possible number of vehicles at this property which is clearly intended to be a multi occupancy dwelling;
- the proposed development has the potential to accommodate 8 tenants;
- the Panel are of the opinion that the study and garden room are intended to be bedrooms. There are examples of this being done in this area previously;
- the proposed cycle store at the front of the property will be an eyesore to all people passing by;
- the site plan does not agree with the floor plans;
- there is no bin storage provided, bins are likely to therefore be stored at the front of the property and will be an eyesore to all people passing by;
- a new access would be required in order to utilise the parking space;
- the proposed development would remove yet another family house from the pool of family housing with gardens which York already suffers from a shortage of;
- this development is regarded as a commercial venture which would be of no benefit to Badger Hill.

Neighbours - Three letters of objection received. These were from 28 and 30 Yarbrough Way and 35 Deramore Drive. The following comments raised:

- it is likely that the house would be used as a HMO for students;
- neighbouring houses are already student lets and if approved this would create too high a concentration of students in a small area changing the character of the street and causing noise and parking issues;
- the plans for the ground floor look very similar to those submitted for 41 Yarbrough Way which is currently applying for retrospective permission to create a HMO;
- if it is a student house they are likely to spend more time in the house than a family would leading to more overlooking of neighbouring properties;
- student accommodation on Badger Hill is getting too high;
- the application site took along time to sell which was probably because it is next door to two student properties and families do not want to move in;
- student houses are often not very well maintained which is making the estate unsightly;
- the houses are being extended to such a size that family's are never likely to move back into these properties which could have a detrimental impact on the value of local houses;
- there have already been problems with the level of noise from existing student houses.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Street Scene
- Living Conditions of Neighbours

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

4.3 Local Plan Policy H7 states that the design and materials should be sympathetic to the main dwelling and the locality of development. The design and scale should be appropriate in relation to the main building and there should be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that the basic shape and size of the extension should be sympathetic to the design of the original house.

4.5 Visual Impact on the Street Scene - The proposed extension has a hipped roof and would appear in keeping with the main house. There are a number of extensions in the area including two storey extensions at 41 and 45 Yarburgh Way. The revised plan incorporates a set back of the extension from the front of the house which would make the extension appear subservient to the main house. It is considered that the extension would not cause harm to the appearance of the dwelling or the character of the area. Bicycle storage hoops are proposed within the front garden of the property. Bicycle storage hoops would not require planning permission at a dwelling house and therefore the visual impacts or practical use of the hoops are not a consideration within this application.

4.6 Living Conditions of Neighbours - The proposed extension protrudes beyond the rear of the main house but in line with the existing conservatory. The extension is approximately 0.6 m off the property curtilage boundary with 41 Yarburgh Way. Whilst the proposed extension extends significantly beyond the rear of number 41 it is considered that there would not be any significant harm to the living conditions of the residents of this property. The outside wall of the proposed extension would only be a fraction over 2 m in height. It is worth noting that a means of enclosure that was 2 m in height could be erected without planning permission in this location. 41 Yarburgh Way only has one small window in its side elevation which is secondary in nature. It is considered that a single storey extension close to this window would not harm the living conditions of neighbours significantly.

4.7 Concerns of Neighbours - Who occupies a dwelling house is not a planning consideration. Neighbours have expressed concerns about the level of student occupancy in surrounding area; this is not a consideration for this application. The proposed layout plan shows four bedrooms in the property and thus it is not a HMO. If the property was to become a HMO a further application would need to be submitted and the impacts of a HMO on the surrounding area would be assessed at that stage (as they are on application 07/00379/FUL).

5.0 CONCLUSION

No significant harm to the amenity of neighbours or the street scene.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

Revised plans

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

7.0 INFORMATIVES:

Notes to Applicant

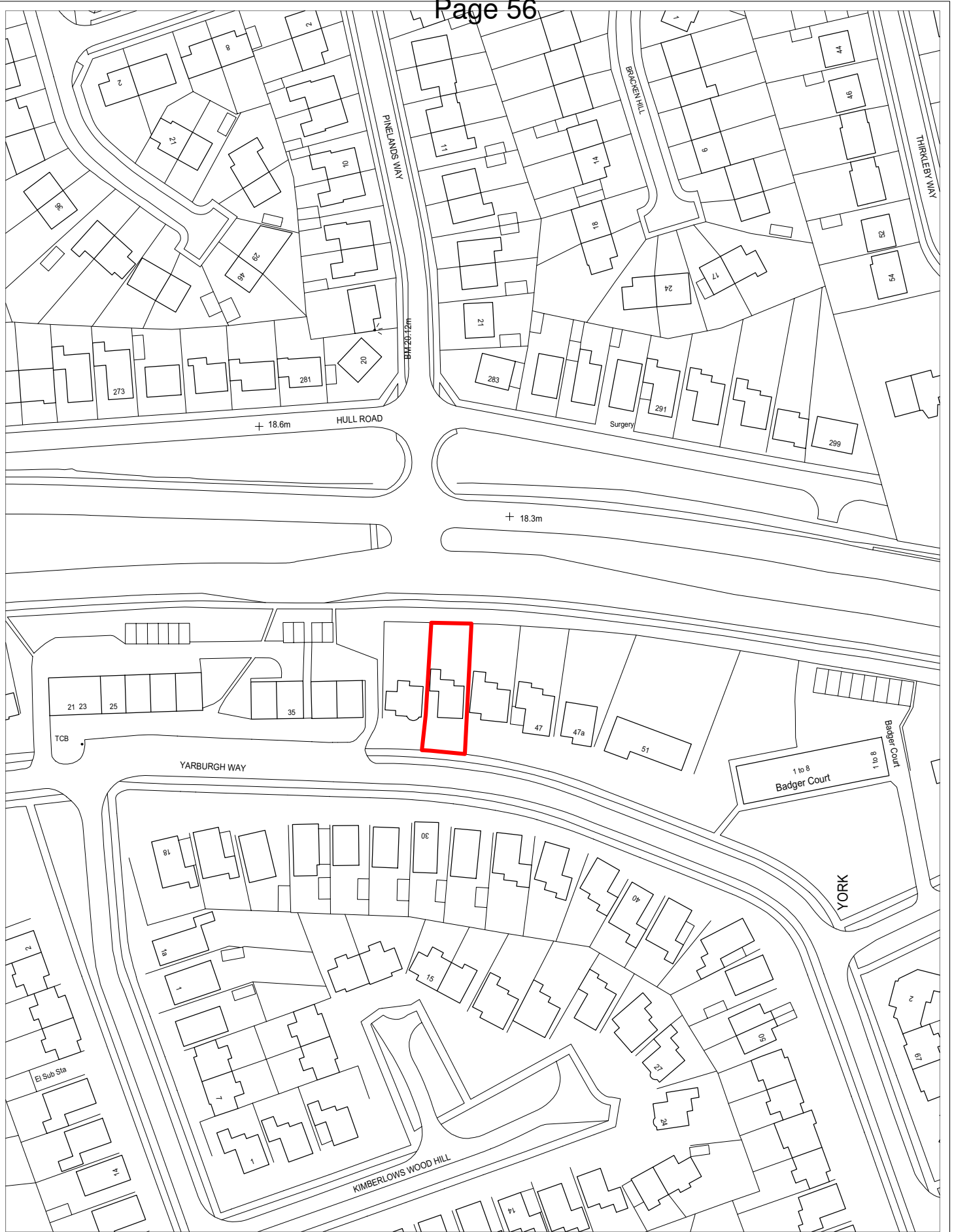
1. REASON FOR APPROVAL

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

Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325



CITY OF
YORK
COUNCIL

43 YARBURGH WAY - 07/00376

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 28/3/2007
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
Date: 11 April 2007

Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 07/00077/FULM
Application at: Drome Farm Elvington Lane Elvington York YO41 4AR
For: Continued use of land for processing brick rubble and concrete
By: F R Handley
Application Type: Major Full Application (13 weeks)
Target Date: 24 April 2007

1.0 PROPOSAL

This application seeks planning permission to continue the use of A1 Haulage at Drome Farm. The business operates by collecting brick waste and concrete and processing it before selling it on to be re-used. The business has been operating for over ten years but the previous temporary consents have expired. The site area is 1.64 hectares and is located off Elvington Lane in Dunnington.

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:

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. Highway related conditions relating to the previous approval should be re-applied to this application. In re-applying the condition relating to 2.4 m x 150m sight lines it should be noted that shrubs and trees have been allowed to become overgrown and affect visibility splays. This should be trimmed back.

Environmental Protection Unit - This application has been examined in regard to environmental protection unit interests namely air quality, contaminated land and noise and other amenity issues. The operation of crushing of brick rubble and concrete is currently regulated by a permit issued by the EPU. The site is inspected

once every calendar year to monitor compliance with the conditions placed on the permit, there is the capability to take action where the site is not operating in accordance with the permit for example where dust is created which goes off site. The nearest residential property may be adversely affected if the operation were to extend to be operational over the weekend as such it is requested that the applicant be tied to the hours of operation requested in the application by way of condition should permission be granted for this proposal.

City Development - The site is located within the Green Belt and account must be taken of Policy GB1. There are examples of cases in the past where this sort of use has been put in the same use class as a former brick works and coal mine. It has been considered that the processing of brick rubble and concrete comes under the same use class as mineral extraction. Mineral extraction is one of the uses of land which is acceptable within the Green Belt. There are no policy objections.

3.2 External

Elvington Parish Council - No objections but would like to see an appropriate height limit set.

Site Notice (posted 05/03/07) - No correspondence received.

4.0 APPRAISAL

4.1 Key Issue:

- Impact on the Green Belt

4.2 Nature of the current business - Brick, rubble and concrete processing has been carried out at this site for over ten years. Concrete, brick waste, inert material and topsoil is brought onto the site and sorted into its separate components. The brick and concrete is then crushed and sold off to be re-used on temporary roads, car parks, and for landscaping. The topsoil is also stored and sold off. The previous temporary consents for this activity have now expired and the applicant has applied for permanent use of the site for this use.

4.3 The inert material is currently tipped onto a separate parcel of land at present. The tipping of the inert material has planning consent until October 2007 (ref no. 02/03296/FUL). Consent is not requested for this aspect of the business and it is stated within the application that the brick, rubble, concrete and top soil processing activities would continue without the need to tip inert material.

4.4 Approximately 20 staff are currently employed on the site which operates between 08:00 and 17:00 Monday to Friday. The business currently has permission to operate between 08:00 and 18:00 Monday to Saturday. There are approximately 200 heavy goods vehicles which visit the site during a normal working day. Access to the site is off Elvington Lane.

4.5 Policy - The relevant Local Plan Policy is GB1 Development in the Green Belt which states that planning permission will be granted for mineral extraction (provided high environmental standards are attainable) where:

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

The City Development Team have considered examples of previous planning decisions and have concluded that the proposed operation is classed as mineral extraction in this case.

4.6 This site has been operating a brick rubble and concrete processing facility for over ten years. Two temporary consents have been granted in the past which have now expired. Granting planning permission would simply establish the existing use of the site on a permanent basis. It is considered that the continued use of this site would not cause harm to the Green Belt. The site can be controlled through conditions which ensure that its operations remain suitable.

4.7 It is important that the rural open character of the Green Belt is maintained where possible. The processing plant is currently well screened by green landscaping along Elvington Lane. A condition can be imposed to ensure this is maintained. Previously a height restriction of stockpiling of materials was set at 8 metres. This has shown to be suitable over recent years and the processing area has not harmed the openness of the Green Belt with this condition in place. It therefore appears suitable to impose an 8 metre height restriction as a condition with any approval.

4.8 The Environmental Protection Unit monitor the site and issue a permit for its continued use. They will continue to monitor the site and control issues such as noise, air quality and contaminated land. The nearest dwellings to the processing area are over 500 m away and it is considered that the living conditions of residents of these properties would not be unduly harmed by the proposal.

4.9 The highways department have no objections to this application subject to certain conditions. It is not anticipated that there would be any extra vehicle movements than have operated from the premises over recent years. It is not considered that vehicle movements would substantially increase in the future as the restricted site area does not provide scope for a significantly greater level of activity.

5.0 CONCLUSION

No significant harm to the Green Belt.

6.0 RECOMMENDATION: Approve

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

Drawing Numbers 06:22:02 received by The CoYC on 12/01/07

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

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

- 2 No outside storage of equipment associated with maintenance operations shall take place without the prior written approval of the Local Planning Authority.

Reason: To reserve the rights of control of the Local Planning Authority in the interests of amenity.

- 3 Stockpiles shall not exceed 8 metres in height unless the prior written approval of the Local Planning Authority has been given.

Reason: In the interests of the visual amenity of the Green Belt.

- 4 No work shall take place on site except between the hours of 0800 and 1800 on Mondays to Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

- 5 Within 3 months of the date of this permission details of the measures to be employed at all times, to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority.

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

- 6 Access to the site shall be via the main access to Drome Farm off Elvington Lane as shown on drawing 06:22:02.

Reason: In the interests of highway safety.

- 7 Within 3 months of this permission, the initial 30m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site and thereafter maintained.

Reason: In the interests highway safety.

- 8 Within three months of this permission, sight lines of 2.4m x 160m in both directions shall be created at the junction of the existing access serving the site with the public highway and thereafter maintained.

Reason: In the interests of road safety.

- 9 Within 3 months of this permission details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, with the agreed details carried out and thereafter maintained.

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

- 10 Within 1 month of this permission a detailed landscaping plan showing the existing screening of the development from Elvington Lane shall be submitted to the Local Planning Authority. This screening shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the Green Belt.

7.0 INFORMATIVES:

Notes to Applicant

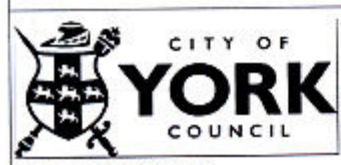
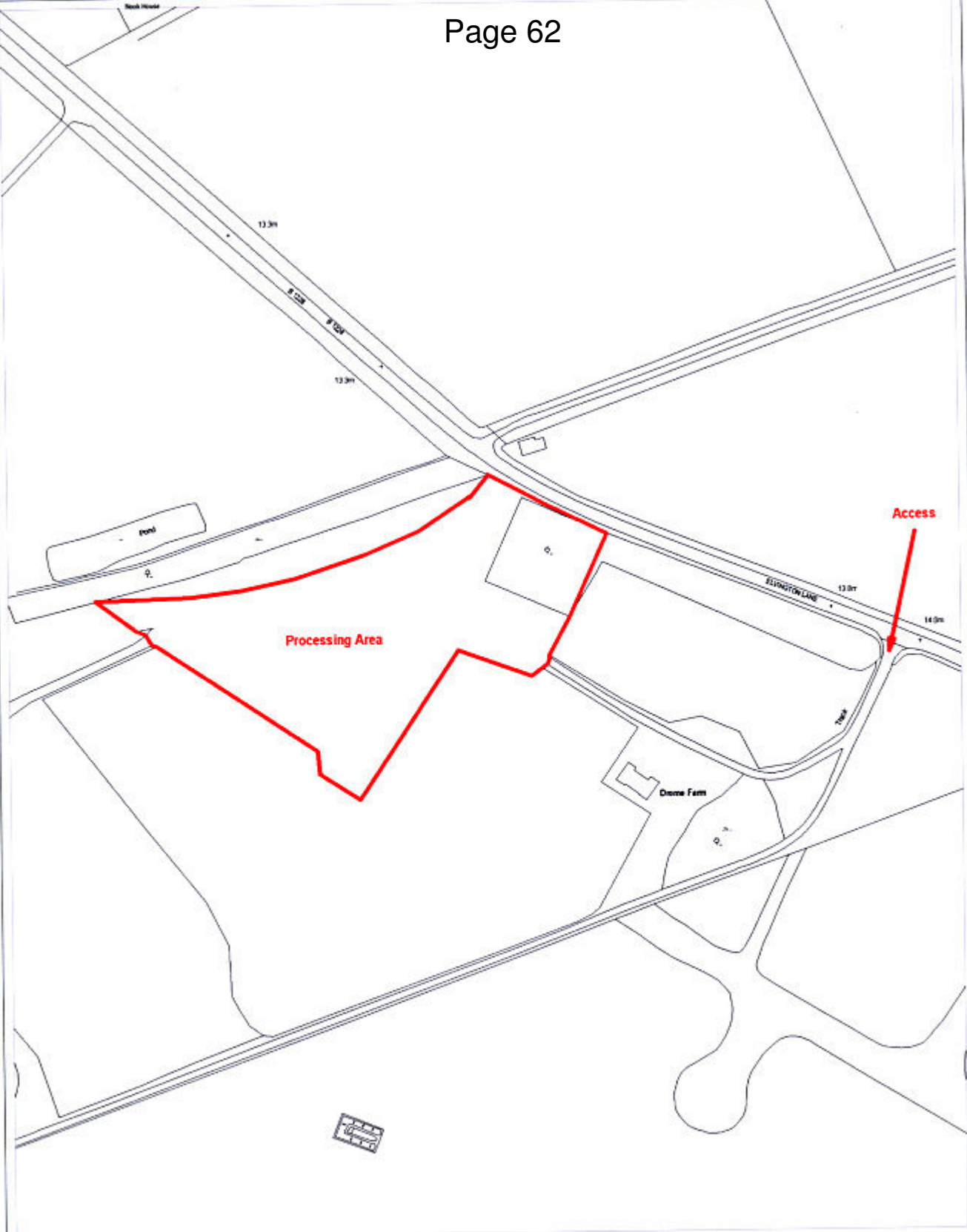
1. REASON FOR APPROVAL

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. As such the proposal complies with Policy GB1 of the City of York Draft Local Plan.

Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325



07/00077/FL/M - Drome Farm, Elmington Lane. Continued use of land for processing brick, rubble & concrete.

SCALE 1:2500	DRAWN BY PSL	DATE 28/3/2007
Originating Group	Project	Drawing No.

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COMMITTEE REPORT

Committee: East Area
Date: 11 April 2007
Ward: Strensall
Parish: Strensall And Towthorpe Parish Council

Reference: 06/02710/FUL
Application at: 5 Northfields Strensall York YO32 5XN
For: Erection of 1 no. 5 bedroom dwelling house to rear of 5 and 6 Northfields
By: Potts And Capeling
Application Type: Full Application
Target Date: 2 February 2007

1.0 PROPOSAL

Planning permission is sought for the construction of a detached house on land to the rear of the above properties.

Members may recall that an application was considered at planning committee on the 9th February 2006 for two dwellings on the same site and that this application was refused for four reasons. The reasons related to the density of development being inappropriate to the character of the area, the loss of landscape features from the site, the inappropriateness of taking access from Northfields to serve the development and the relationship of the proposed scheme to the existing houses on Northfields. There was also a refusal on half the application site for the construction of a detached dwelling in 1999, this application was similarly refused because of the density of the development and the impact of the proposal on the landscape value of the site.

Since the submission of the last application the applicants have taken down the mature hedging to the front of the site and all vegetation/trees within it. The fence adjacent to the hedge has also been removed and re-erected so that it forms the back boundary of the application site. The applicants, who took the view that they did not own the hedge facing Netherwoods on the last application, have taken legal advice and had it confirmed in writing that this land is theirs. This is in dispute by Hogg the builders who believe the hedge is theirs, Hogg's are now proceeding to legal action to have the hedge and fence reinstated.

This application is for the erection of a detached 5 bedroomed dwelling fronting Netherwoods with access from that road.

Two amendments have been submitted to the original scheme. The first amendment increased the distance to the side boundary with 1 Northfields to 1.75 metres. The second amendment was in response to the concerns of the landscape architect about the impact of the development on trees within the garden of 12 Netherwoods. The amendment shows the building pulled off the boundary so that it is now 2.25 metres away and the remodeling of the garage part of the dwelling which increased the height and depth of the building.

The application is supported by a design and access statement.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

3.0 CONSULTATIONS

Internal

Highway Network Management

There is a discrepancy between the s.38 adoption drawing and the applicants proposed site plan. It would appear as though part of the public highway is being enclosed within the site. I would ask that the applicant revises their site plan using the s.38 plan for reference, the drive length will be reduced to 5.3 metres and as such the dwelling would benefit from being pushed back slightly to provide an absolute minimum drive length of 5.5metres with non protruding garage doors conditioned. Permission should not be issued until revised plans are received.

The proposal is to construct a single dwelling in the garden of the existing properties nos 5&6 fronting Northfields. Access is to be taken from the existing highway on Netherwoods via a new dropped vehicular crossing, which will be formed under Section 184 of the 1980 Highways Act at the applicants expense.

Visibility at the proposed means of access is considered suitable given the low number of units served by Netherwoods and the negligible level of traffic that will be generated by the proposed dwelling.

Car and cycle parking for the proposed dwelling have been provided in accordance with the relevant CYC maximum standards. Three conditions are suggested to ensure satisfactory access arrangements.

An amended plan was submitted to deal with the concerns of the highways authority. Highways now raise no objections to the proposal subject to conditions relating to car and cycle parking arrangements

Environmental Protection Unit

No objections in principle subject to a watching brief condition related to contaminated land and a condition controlling hours of working.

Urban Design and Conservation

Landscape Architect

Considers that it would be suitable to reinstate a hedge along the front boundary. A predominantly beech hedge would be appropriate possibly including Holly and Privet to compliment existing hedges. There is also scope for the planting of two new small trees at the two ends of the front garden.

Trees at the bottom of 12 Nether wood were retained by condition on the original Netherwoods scheme and should be protected now. to protect trees the building should be redesigned such that the building footprint is kept a minimum of 2.5m away from the site boundary and hardstanding should be 1.5m from the boundary. At the moment properties 1-6 Northfields and 12 Netherwoods relate well to each other around the space that this rear garden area affords. Due to the massive size of the dwelling this spatial quality will be lost. The size of the property would be disproportionate to the resulting small depth of rear garden, consequently the new house would have a dominating effect.

Comments on the amended proposal

Following the latest amendment, the proposed building is now set an adequate distance away from the neighbouring trees to enable their protection.

The reduction in the width of the property has also given it more 'space' and helped to reduce its physical and hence visual impact. I therefore withdraw my previous objection.

External Consultations

Parish Council

The PC has arrived to it's comments on the grounds of the application as presented. As there is currently an ongoing issue of the ownership of a strip of land and that a piece of ancient hedge has been destroyed without permission. We can only look at this application as garden infill but as an overall comment we wish to object strongly to this scheme on the following grounds:-

The mass density and size of the property seems to indicate a 5 bedroomed house at a density of approx 20-22 dwellings per ha. this is in conflict with policies H3c and H5a of the York draft local plan and advice in PPG3 and draft PPS3. The design is in such a location likely to cause a visual change in the street scape and local vista and contrary to policies GP1 and H7. The development appears to be a windfall development within a back garden. The development is not affordable housing and would be against the draft local plan.

The PC are also concerned that the development has been progressed without formal planning permission, as noted is under land dispute. This development is in the first stages of site development and has not only destroyed irreparable local natural history the development may affect surrounding natural features. The parish council are conscious that all members of the locality have concerns over this development and as such a wide and inclusive discussion should be entered into at the earliest opportunity.

14 letters of objection have been received covering the following points:-

- two previous applications have been refused on this site as contrary to policies GP10 NE1 and GP1
- the applicant on the previous application seemed to accept that he did not own the land between the site and the highway (where the hedge has been removed) however they now seem to consider that they have ownership
- the hedge on the boundary has been removed without any proof being given to the occupiers of Netherwood that they have ownership
- Ownership of the ransom strip is now been challenged
- deliberation of the development should be delayed until the issue of the ransom strip has been resolved

- when the houses on Netherwood were constructed greenery had to be disturbed as little as possible and new boundary treatment had to be hedges to match existing
 - 1 Netherfields, following the removal of the hedge and fence, looks on to a dump and disused garage
 - the applicant is issuing a direct challenge to the planning authority by claiming previous decisions are defective
 - design and access statement is littered with untrue and inaccurate statements and expressions of opinion which have no basis in reality
 - It is untrue to say that the gardens were unused no. 6's has in recent years been improved
 - Both houses to the rear of the site have undergone extensions it is inconsistent to reduce the gardens to such an extent
 - the amenity value of the site has been destroyed for neighbours and the applicants.
 - the site provided an important wild life habitat. NE1 says that such amenities should be preserved
 - there are two previous refusals on this site in the objectors view there has been no changes to the site which would allow the council to reverse this decision
 - the proposed dwelling will be built close to plot boundaries and would
 - The building is so close to the boundary with 12 Netherwoods that trees within no. 12 will be put in jeopardy
 - In the objectors opinion the fencing and hedge removed by the applicants are not within their ownership and the applicants should not have signed certificate A to say that they own all the land to which the application relates.
 - the proposals are in clear contravention of policy GP10.
 - Netherwoods was designed as a single sided development with no footpaths to the north side, the proposal could not comply with the requirements of GP11
 - the proposed dwelling would dominate houses adjacent to the site including those on the opposite side of Netherwoods
 - The original scheme for Netherwoods showed tree protection measures for all trees including those that have been removed by the applicant and those within the garden of 12 Netherwoods. The remaining trees are now under threat from the position of the proposed dwelling
 - the loss of the trees would loose a habitat for eighteen recorded protected species and would expose a blank wall of 4.2 metres which would be intrusive and overpowering
 - The basis on which the applicants established ownership is not credible the objector believes that Hogg can prove their ownership
 - there are no changes in circumstances which would allow the council to reverse previous decisions on this site
 - the proposed dwelling is close to plot boundaries and would be directly overlooked and be directly overlooking
 - it is understood that there is currently no access to the site and the council are not prepared to allow access from Northfields
 - the width of the road on Netherwoods was designed for single sided housing development
 - access for emergency vehicles would be restricted
 - the proposal does not satisfy highway visibility requirements
- 5 further comments have been made as a result of the amendments these can be summarised as follows:-

- Amendments are merely cosmetic adjustments, submitted with a view to diffusing certain objections to the original plans
- proposal will still take away light from the living area of 1 Northfields and resulting in looking at a large brick wall
- proposal will cast a shadow and cause loss of privacy to adjacent properties
- proposal will create a lego-land and effect, detract from the value of the adjacent housing stock and affect the future ability to re-let voids
- The fact that the gable wall has been set back makes no difference to the loss of light as the height of the roof pitch has been increased and the width of the building has been increased by 1.3 metres
- the comments of the Conservation Architect are welcomed and considered to be sufficient reason to refuse planning permission
- The concerns of the highways officer have not been addressed
- The adoption plan would benefit from being more accurately related to the situation on the ground
- A committee site visit is requested

The application has been advertised by means of a site notice posted on the 19th December 2006

4.0 APPRAISAL

The proposal raises the following key issues:-

- The principle of developing the site
- The effect of the development on the character and form of the area
- Impact upon neighbouring properties
- Impact on trees
- Planning position in relation to the dispute over land ownership
- How the proposal sits in relation to previous refusals on the application site

The Principle of Developing the Site

The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. GP10 says that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of development of the site conforms with local and national policies

Effect on the Character and Form of the Area

Advice within policy GP10 says that development should not be detrimental to the character and amenity of the local environment. Planning policy statement 2 gives similar advice all be it in different wording.

Controversially the site is now devoid of any vegetation, trees and hedging having been removed (without the trees being covered by a tree preservation order there were no planning powers to prevent the removal of vegetation from this site).

However surrounding the site the adjacent properties are well landscaped and the hedges and trees form an attractive feature of the area. Adjacent to the site all the properties are houses, detached on Netherwoods and semi-detached on Northfields. All are reasonably substantial blocks of building. The site to some extent provides a visual break between the properties on Northfields and those on Netherwoods. The development of the plot with a detached house will lose the space between buildings and increase the sense of enclosure along the entrance to Netherwoods however in the officers view this is a change in street scene rather than anything that could be classed as detrimental to the character and amenity of the local environment in such a way that would warrant the refusal of planning permission. The introduction of new landscaping along the frontage of the new plot including a replanted hedge will help to assimilate the new development in to its surrounding.

Impact upon neighbouring properties

The site is surrounded by residential properties. The proposed house is sited towards the front of the plot. The side elevation of the proposed dwelling facing 12 Netherwoods stands 7 metres high to the ridge and 4 metres to the eaves, at 2.25 metres away from the joint boundary. The proposal is 12 metres from the ground floor conservatory and 16 metres from the main rear elevation of 12 Netherwoods. 12 Netherwoods is west of the application site. The other side elevation of the proposal stands 8.5 metres high to the ridge and 5 metres to the eaves, 1.75 metres away from the joint boundary with 1 Northfields, and 13 metres from its rear elevation. 1 Northfields is east of the plot. Both the adjoining properties will experience some loss of light in either the morning or evening but the distances between the properties meet the standards of 12 metres generally applied as a reasonable distance between side and main elevations and in the officers view this is not a reason to refuse planning permission based on proximities proposed between the dwellings.

The distance between the rear of the proposed house and the rear of properties on Northfields is approx. 22 metres and is sufficient to provide adequate privacy between properties. The front elevation of the house will be approx. 16 metres from the house on the opposite side of Netherwoods across the intervening road. Whilst this is less than would be ideal the public domain between the two sites means that generally a lesser standard of distance is acceptable, the proximity between buildings being offset by the road and proposed and existing vegetation. Again officers can not substantiate a refusal of planning permission based on the proximity between buildings.

Trees

The details of the application have been amended to take into account the concerns of the Landscape Architect. The building and hardsurfacing have been pulled away from the joint boundary with 12 Netherwoods. The Landscape Architect comments that the amended plans are sufficient to protect the trees within the garden area of 12 Netherwoods. It is also confirmed that the amendment are sufficient to overcome concerns about the dominating affect of the building.

Planning Position in Relation to the Dispute over Land Ownership

The applicant has submitted details which in his view confirm that he owns the land on which the hedge formerly stood and he has a letter from his solicitor confirming this. Hogg the Builder who constructed the houses on Netherwoods is of the opinion that the land on which the hedge stood is theirs and indeed had been maintaining the hedge since the Netherwoods estate was constructed. There are letters passing between the parties via solicitors and the issue of land ownership will continue until either ownership is proved in court or one of the parties accepts that the land is not theirs/ stops pursuing the matter. Either way the issue of land ownership does not affect the acceptability of the development as applied for although it may affect the ability of the applicant to implement the permission if it is approved. If members are mindful to approve the application an informative will be added to any decision notice issued referring to the land dispute .

Previous Refusals

There were four reasons for refusal on the last application considered on this site in February 2006. The reasons related to the density of development being inappropriate to the character of the area, the loss of landscape features from the site, the inappropriateness of taking access from Northfields to serve the development and the relationship of the proposed scheme to the existing houses on Northfields. In officers view these reasons for refusal have been over come. In terms of density the previous application was for two dwellings on the same site area, the density proposed now is 24 dwellings to the hectare this is below the requirement of policy H5(a) of the Local Plan but of course this needs to be balanced against character and form.

In relation to the loss of landscape features these have now been removed from the site, the features were not protected under planning legislation and therefore their removal could not be prevented.

The access to the site is now in dispute however access is definitely proposed from Netherwoods on this application not from Northfields. There is no basis therefore to refuse permission based on the accesses impact on Northfield properties. Lastly in relation to the impact of the development on adjacent residents and the character of the area, these issues are considered earlier in this report and the development is considered to be acceptable in these terms.

5.0 CONCLUSION

GP10 and H4(a) of the City of York local plan supports the principle of infill development within settlement limits subject to the character and form of the local environment. the principle of development is also supported by Planning policy statement 3. In officers opinion the scheme as amended is acceptable both in its relationship to adjacent sites and in terms of its impact on the character of the area.

There is a land dispute on this site which affects the applicants ability to access this site. This land dispute does not in officers view affect the acceptability of the scheme although it may well affect the ability of the applicant to implement and permission granted until any dispute is resolved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 VISQ8

3 HWAY18

4 HWAY30

5 HWAY31

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

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

- 7 Any contamination 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 on site.

Reason: To protect the health and safety of workers on the site, future occupiers of the site and the integrity of any proposed underground services

- 8 All works and ancillary operations during demolition and construction, including collections and deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and bank holidays.

Reason: To protect the amenity of nearby residents

9 PLANS1

- 10 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. The scheme shall be based on the landscape proposals shown on plan no NS/02C. The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

**7.0 INFORMATIVES:
Notes to Applicant**

1. 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 - Heather Hunter or Anne-Marie Howarth (01904) 551418

2. 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 £2037

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.

3. REASON FOR APPROVAL

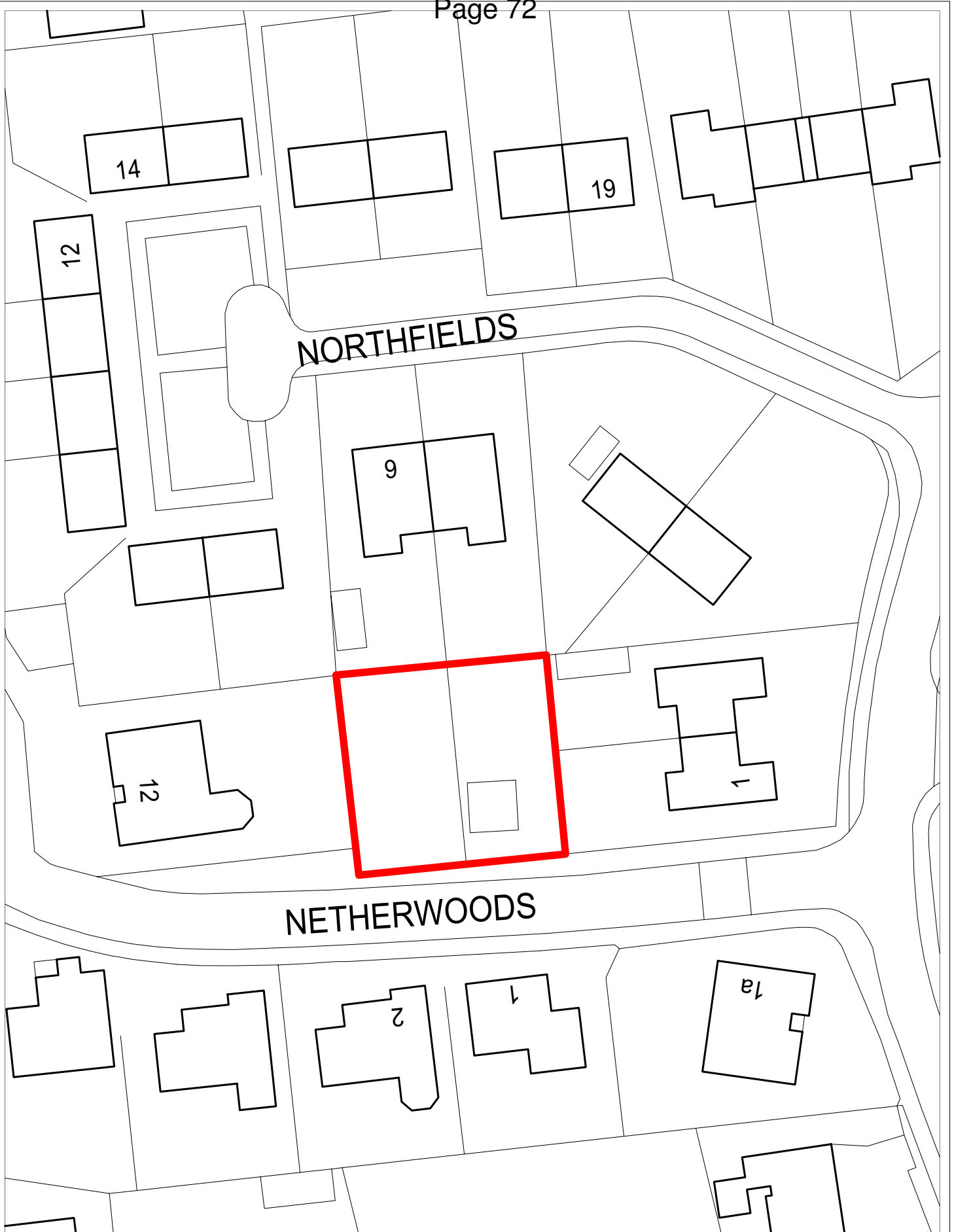
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact of the development on the character and form of the area and residential amenity. As such the proposal complies with Policies H4(a), GP10 and GP1 of the City of York Local Plan Deposit Draft.

4. There is a dispute over the ownership of land over which access to this site is to be gained. The applicant should be aware that this planning permission in no way resolves the land dispute between the parties.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

Tel No: 01904 551657



CITY OF
YORK
COUNCIL

13 NETHERWOODS, REAR OF 5/6 NORTHFIELDS, STRENSALL - 06/02710



SCALE 1:500
Originating Group

DRAWN BY PSL
Project

DATE 28/3/2007
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
Date: 11 April 2007

Ward: Heworth
Parish: Heworth Planning Panel

Reference: 07/00327/FUL
Application at: 101 East Parade York YO31 7YD
For: Erection of detached two storey dwelling to rear of 101 East Parade
By: Mr Tom Dodson And Ms Maggie Serafim
Application Type: Full Application
Target Date: 10 April 2007

1.0 PROPOSAL

1.1 This is a full planning application to erect a two/three bedroom, two-storey house within the rear garden of a large detached property.

1.2 The proposed dwelling is contemporary in style. It is 'L' shaped with a relatively large ground floor footprint of approximately 75 square metres. It incorporates several elements to reduce energy use including solar panels and the careful location of glazing. It is intended to have no off-street car parking. The proposed garden area is approximately 150 square metres.

1.3 The property is proposed to be accessed via a narrow lane that runs between 101 and 99 East Parade. There is currently a workshop and several dwellings located off the lane. The site is located in the Heworth/Heworth Green, East Parade/Huntington Road Conservation Area.

1.4 The application is brought to Committee as one of the applicants is employed within the City Strategy Directorate.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heworth Green/East Parade 0042

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Heworth CE Primary 0201

2.2 Policies:

CYGP1
 Design

CYGP10
Subdivision of gardens and infill devt

CYH4
Housing devp in existing settlements

CYGP9
Landscaping

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 Internal

Highway Regulation - No objections. It is not considered that a recommendation for refusal can be substantiated on traffic generation/safety grounds - even if associated car parking were to be created on site.

Environment and Conservation - Supportive of the style of architecture. Consider the principal of development in the garden area is acceptable. However, it is considered that the proposed house should be reduced in height in order to minimise its visual impact on the setting of the existing dwelling within the garden to the rear of East Parade.

Environment Protection - No objections

3.2 External

Planning Panel - Object. Concerns in respect to the lack of off-street parking for occupiers and visitors given the pressure on on-street parking. Feel the poor quality and lighting of the private access raises safety issues for non-car users. Welcome aspects of the proposal, including sustainable approach to design.

Conservation Areas Advisory Panel - Contrary to policy GP10 (subdivision of gardens). Over-development in an area that was characteristic of houses set in large gardens. Little amenity space.

Neighbours

1 objection from 3 Parade Court - View that the development should be set further back into the site.

4.0 APPRAISAL

4.1 Proposals to make more efficient use of land for residential accommodation within previously developed, accessible locations are in line with the thrust of current local and national planning policy. However, in assessing the acceptability of the

application it is important to ensure that the proposal does not cause harm to issues of significance.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding over-development and ensuring that new development is not detrimental to the character and amenity of the local environment. Policy HE3 (Conservation Areas) seeks to protect the character and appearance of such areas.

4.3 The key issues to address when assessing this application are considered below:

ACCESS AND PARKING

4.4 It is intended that the property will be car free. The property is accessible on foot to a range of shops and services. The private lane that must be accessed to reach East Parade is narrow, however it is an adequate width for pedestrians to pass vehicles. Visibility when exiting from the private Lane to East Parade is also poor.

4.5 Although there are currently more than the recommended five units off the private lane it is not considered that a refusal of permission for the additional house on highway grounds could be substantiated given its accessible location. It is also considered that there would be no highways objection were a car parking space be created within the site.

4.6 The scheme incorporates cycle parking. There is reasonable overlooking of the private lane that links the site of the proposed house with East Parade.

STREETSCENE/CONSERVATION AREA

4.7 The property will not be clearly visible when viewed from East Parade. The main consideration is the impact on the character when viewed from the courtyard and lane at the rear of the site. There has been a reasonable amount of recent development in the area to the rear of East Parade giving a relatively eclectic character. However, it is the case that the group of long rear gardens that the application property is one of retains an attractive openness with landscaping and views to the church spire to the east.

4.8 Given that there has been much recent development in the area and there is some historic precedent of development along the axis where the home is proposed it is not considered that a proposed dwelling would necessarily harm the existing character or appearance of the Conservation Area. It is the case, however, that care needs to be taken to ensure that the development does not dominate the rear gardens. It is considered to achieve this it is important that the height of the house is kept to a practical minimum and space is retained for a reasonable degree of separation and landscaping.

4.9 The house as proposed is considered to be an attractive unfussy contemporary solution incorporating traditional materials appropriate to the location. Although the style of development keeps the ridge relatively low, it will still reach 6.8 metres. Although the garden is long it is not the case that there is adequate space and

landscaping around the proposed development for it to be significantly screened. It is also the case that the scale is such that it will not read as an outbuilding subordinate to the main house. For this reason it is felt that the development would appear unduly prominent within the existing garden area and detract from its established character.

4.10 The scheme would lead to the loss of some fairly modest trees within the garden. This is not considered to be unduly damaging.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS.

4.11 The proposed dwelling would be relatively tight to several properties; however, in most instances it is not considered that significant harm will be caused taking account of the character of the area. The housing to the rear is far enough or 'oblique enough' to avoid undue loss of light and outlook. An existing double garage will also partly screen the development. Number 6 is a mews style property to the west across the private lane. There is a first floor bedroom window looking across the site - it is considered that the narrow width of the proposed elevation closest to this property and the limited proposed glazing is sufficient to avoid unacceptable harm.

4.12 The main concern relates to the impact on number 105 East Parade. This is a semi-detached property with a long, narrow rear garden (approximately 30m x 7m). It is considered that the living conditions within the house will not be unduly harmed given the degree of separation and limited fenestration to the rear. However, it is considered that the development of a two-storey house within 1.5 metres of the side boundary of the garden is unreasonable. The side elevation is proposed to extend for almost 10 metres and would change the character of much of 105's rear garden.

4.13 In respect to privacy it is considered that the main openings are sensitively located. Where there is an element of overlooking that may be harmful it could be addressed by obscure glazing. There is however, a balcony proposed on the south elevation at first floor level. It is considered that this has the potential to cause significant annoyance. The main neighbour impacted upon would be the host property. The balcony would only be around 6 metres away from the new rear garden boundary. This distance is considered unsatisfactory even taking account of the fact that the owners of the host property are supportive of the scheme.

5.0 CONCLUSION

5.1 It is considered that there may be justification for limited residential development within the rear garden of 101 East Parade. However, it is considered that the scale of the development as submitted would, detract unduly from the from the openness of the long gardens that are important to the established character. The location of the broad two-storey elevation close to the garden of 105 East Parade and the provision of a balcony close to the garden of the host property are also considered to be unreasonable in respect to the likely impact on living conditions.

5.2 Because of a delay in serving notice on the owner of the private lane the application will not expire until 6 April 2007. It is recommended that members give officers delegated authority to refuse the application once this period expires.

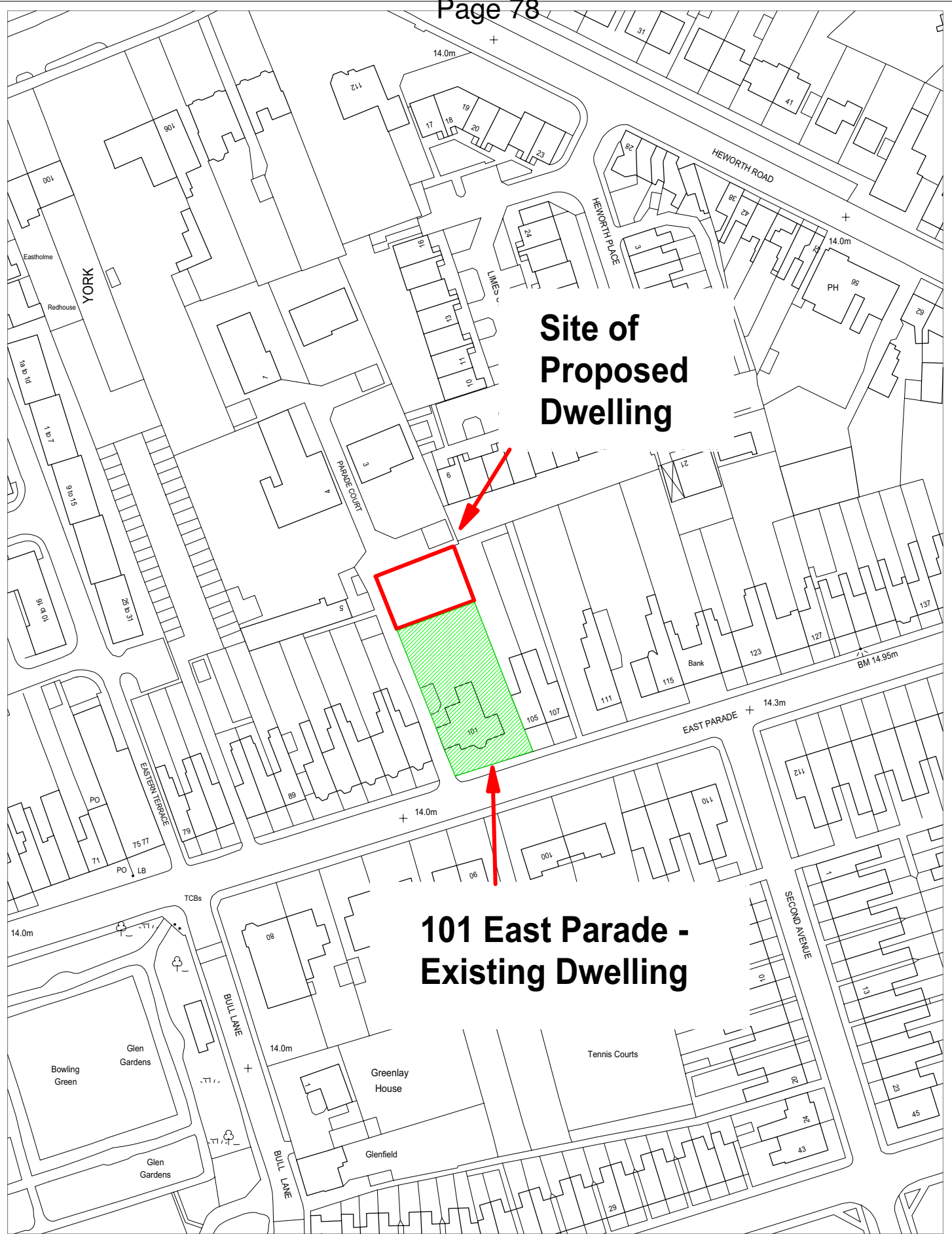
6.0 RECOMMENDATION: Refuse

- 1 The long rear garden of 101 East Parade (coupled with gardens to the east) is a positive environmental characteristic of the urban area. It is considered that because of its scale and height the proposed dwelling would appear unduly prominent within the garden and detract significantly from the area's openness. As such, it is considered that the proposal fails to comply with policy GP1 (criterion a and b) HE3, GP10 and H4a (criterion c) of the City of York Local Plan Fourth Set of Changes Approved 2005 and advice contained with Planning Policy Statement 1 and Planning Policy Guidance Note 15.
- 2 The proposed east elevation of the dwelling is located in very close proximity to the narrow garden of 105 East Parade and extends for a distance of 10 metres at two-storeys in height. It is considered that this would have a very negative impact on the open character of the garden and the occupiers' enjoyment of it. As such the proposal conflicts with policies GP1 (criterion i), GP10 and H4a (criterion c) of the City of York Local Plan Fourth Set of Changes Approved 2005
- 3 The balcony on the proposed south elevation of the dwelling would be in very close proximity to the garden of the 'host property'. It is considered that this has the potential to create conflict and detract significantly from the occupier's enjoyment of their garden. As such the proposal conflicts with policies GP1 (criterion i), GP10 of the City of York Local Plan Fourth Set of Changes Approved 2005.

7.0 INFORMATIVES:

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)
Tel No: 01904 551657



Site of Proposed Dwelling

101 East Parade - Existing Dwelling



101 EAST PARADE - 07/00327



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 28/3/2007
Drawing No.

9, St. Leonards Place, York, YO1 2ET
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City of York Council LA 1000 20818

COMMITTEE REPORT

Committee: East Area
Date: 11 April 2007

Ward: Fulford
Parish: Fulford Parish Council

Reference: 06/02719/FUL
Application at: Forest Farm Lingcroft Lane To Crockey Hill York YO19 4RD
For: Change of use of 4 no. turkey sheds to B8 storage
(resubmission)
By: C W Foster And Sons
Application Type: Full Application
Target Date: 5 February 2007

1.0 PROPOSAL

1.1 The proposal is for the change of use of 4 redundant turkey sheds into B8 storage use as defined in the Use Classes Order (as amended 2005). All 4 buildings are identical in size and appearance and stand approx. 140 metres to the north east of Forest Farm House, a farm on the A19 just south of the Fulford interchange with the A64. Each building is approx. 18m x 79m offering approx. 5800sqm of space. The height to the ridge of each building is 5.5 metres. Each building can be described as a typical turkey shed in appearance and are constructed out of concrete block and boarded timber to the walls and sheets to the roof. There are large doors in the gable ends of all the buildings (3m x 3m) and each building has a large silo next to it. Internally, the buildings are open plan except for numerous timber props which hold the roof up. There are agricultural fields bordering the site on all sides.

1.2 Each building was used for the breeding and keeping of turkeys but have been unused since October 2005 following an alleged downturn in the poultry industry.

1.3 It is proposed to re-use the buildings in their present form for general B8 storage use with the storage of motor vehicles prior to their sale in local showrooms as the proposed use. No external alterations are proposed although two of the buildings would be sub-divided, thereby creating 6 potential units.

1.4 Access will be direct from the A19 and this already serves the existing farmhouse and a further range of former agricultural buildings adjacent to the road which have been converted into business use.

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:

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

CYGB11

Employment devt outside settlement limits

CYGP4A

Sustainability

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

This application is basically a re-submission of p.a. 06 / 414 / FUL, the highway response to which is re-printed above. This new application has the benefit of being accompanied by a detailed transport assessment including accident statistics and a Travel Plan Statement supplement.

Of the points raised at the initial planning application the following have been addressed either by inclusion within the TPA or elsewhere within the application: -

The total size of the sheds remains the same i.e. 5,800sqm

Staffing levels are now predicted to be around 10 persons (2 persons for "turkey shed" use)

Estimated daily traffic flows (all vehicles) of 73 - in; 71 out (TRICS) Estimated hourly max (all vehicles) of 14 - in; 4 - out (local estate agents)

Vehicle parking / turning now shown

Cycle storage included but not detailed

The metalling and widening of the internal access road has been extended but not as far as the application site nor including the public footpath

The existing RoW (Fulford No 16) extends from Forest Lane at White House Farm upto but not through Forest Farm. It is noted that, as part of the Travel Plan, the applicant is agreeable in principle to the conversion of this Public Footpath to a Public Bridleway and formally extending it upto the A19 through land in his ownership by way of a Section 25 agreement 1980 H/w Act.

The average daily (12 hourly) traffic volume for the A19 at the application site access is approximately 8,000 vehicles in each direction; normally there would need to be a nominal 5% increase in traffic volumes (400 vehicles in either direction) as a

consequence of an application to warrant consideration of further access improvements. The current access has only recently been built and it fully complies with major private access design criteria regarding features such as sightlines, kerb radii, width, layout and construction.

The only concern I have is the introduction of additional turning manoeuvres from/onto a busy road that is subject to the national speed limit of 60m.p.h., but as the recommended minimum sight lines of 215m in both directions are achievable at the access and as a forward sightline within the A19 then I do not consider that a refusal on highway safety grounds could be substantiated.

It is requested that conditions be attached to any permission granted to control the issues identified above.

The existing RoW (Fulford No 16) currently extending from Forest Lane at White House Farm upto but not through Forest Farm to be extended through land in the applicants ownership upto the A19 and converted to a public bridleway by way of a Section 25 agreement 1980 H/w Act.

Reason- To promote the use of cycles and thereby reduce congestion on the adjacent roads

3.3 City Development.

The site is in the Green Belt although generally the re-use of buildings within the green belt for employment use is acceptable. An assessment should be made in terms of the impact of this particular use in the green belt. The sustainability of the site should also be assessed in conjunction with Policy GP4a of the draft local plan.

3.4 EPU.

No objections and recommend that the hours of operation be restricted to the times as applied for in the application. These being 07.00 to 19.00 Mon to Sat and 07.00 - 17.00 Saturdays and Sundays.

3.5 EXTERNAL

3.6 Fulford Parish Council.

Concerned as it changes agricultural buildings that are appropriate within the green belt to a commercial and possibly light industrial usage. In the application the envisaged use of the buildings is not made clear. If the units are going to be let out the owner will not be able to control the sort of activities undertaken in the buildings. Also, no identifiable need for release of these sheds for the proposed use has been proven. There is a general presumption against inappropriate development in the green belt.

Acknowledge that farm diversification might mean the continued survival of the remaining agricultural activity. However, the sort of activity proposed here, seems to us not to be appropriate for this purpose. Also concerned as to whether any agricultural buildings will remain or whether all or the majority of the buildings on site will have been transformed from agricultural use. In that case it would not be a case of farm diversification but of the transformation of a farm to a business estate. The turkey sheds should be retained for agricultural use or alternatively for use that is specified within planning guidance as appropriate for a green belt location. York has a clearly formulated approach as to the location of commercial

developments. This sort of development should be redirected towards an existing settlement on a brown field site. Other sites are available within Greater York that are especially earmarked for commercial/storage/industrial enterprises such as this. To use a site within the green belt for this purpose is inappropriate. It will prejudice the purposes of the green belt. Amongst other reasons it will not safeguard the surrounding countryside from encroachment and it will not preserve the setting and special character of historic York and it will not recycle derelict or other urban land.

Acknowledge that other sites are nearby that are inappropriate for green belt. At Forest Farm itself conversion of existing agricultural buildings to an office, workshop and warehouse space was granted planning permission in 2004. As a result there are already 3 commercial and 8 office units at Forest Farm. If the current planning application is also granted, it will cumulatively undermine the character and openness of the green belt along the A19. Refer to Planning Appeal Decision APP/C2741/A/06/2023733 Assistance House, Malton Road, Hopgrove, York paragraph 10 where it is stated that the fact that a proposal might be relatively unobtrusive is not in itself a good argument as it could be repeated too often, thus cumulatively undermining the openness of the Green Belt. This paragraph is about an unobtrusive addition to an existing commercial building without any change of use envisaged. It would seem even more pertinent to the application at Forest Farm where the majority of buildings are still agricultural. Although a previous application for change of use at Forest Farm was allowed, cumulatively it undermines the character of the green belt in this locality too much. This is especially apparent by unavoidable aspects such as increased car parking, increased traffic generation, advertising signs and lighting. These combined will be detrimental to the existing character of this locality.

Object to the effect of commercial signage that will be visible from the A19. Signs on the A19 and advertising on the buildings would change the character and appearance of the green belt viewed from the A19 but also from the wider countryside. It would impact negatively on the appearance of York as a historic city when viewed from the surrounding countryside but also from an important access road to the City of York, the A19.

The additional traffic generation will compromise road safety on the A19. Worried that additional use will be made by cars of Forest Lane to avoid the often congested roundabouts at the A64/A19 junction. It proposes a condition that the only access route for motorised vehicles will be directly from the A19 and that no traffic except for cyclists and pedestrians will be allowed to use Forest Lane.

3.7 Third Parties.

No objections received.

4.0 APPRAISAL

4.1 The main planning issues are considered to be

- Green Belt and countryside issues
- amenity
- highways

Green Belt and countryside:

4.2 PPG2: Green Belts states that the re-use of buildings within the Green Belt is not inappropriate providing that it does not have a materially greater impact than the present use on the openness and purposes of including land within the Green Belt; that strict control is exercised over the extension of re-used buildings and associated uses of land; that the buildings are of permanent and substantial construction, and capable of conversion without major reconstruction; and form, bulk and general design is in keeping with their surroundings.

4.3 North Yorkshire Structure Plan policy E9 states that planning permission within Green Belt areas will normally only be granted for change of use or redevelopment which is in connection with agriculture and forestry, outdoor sport and recreation, cemeteries or institutions in extensive grounds and other uses appropriate in a rural area. Draft City of York Local Plan policies GB1, GB3 and GB11 largely reflect that advice in PPG2: Green Belts and the Structure Plan.

4.4 In terms of the impact on the Green Belt itself, the proposed re-use does relate to the conversion of the existing buildings on the site, with no extension or alterations to the existing buildings proposed. The roof of the building would also remain as existing. The form, bulk and design is considered to be in keeping with the surroundings. The buildings themselves are of permanent and substantial construction, and are perfectly capable and suitable for conversion and will look identical to existing. They are visible from the A19 although they are approx. 150 metres from it. The appearance of the site at this point and the buildings themselves will appear unaltered and therefore the impact on the openness of the Green Belt will be non-existent. The development is considered to accord with the provisions of Green Belt policy.

4.5 PPS7: Sustainable Development in Rural Areas states that the preference of re-use of buildings in the countryside is for economic development purposes, which is also reiterated in Draft Local Plan policy GB3. The development is considered to accord with policy advice in this respect. As relevant to this application, Structure Plan policy E9 states change of use of existing buildings would normally only be granted in connection with other uses appropriate in a rural area. Re-use for economic development purposes is considered to accord with this, bearing in the mind the advice in PPS7 on preference for economic development purposes. If approved, the permission would not allow for retail sales and would be restricted to B8 storage use only. The main use that has been identified by the applicant is the storage of cars prior to their sale at local showrooms although other similar storage uses would also be appropriate. It is recommended therefore that the use be restricted by condition within the Class B8 use class, allow no external storage and external alterations to the buildings. The layout and type of building largely self limits its future use anyway. It is a relatively low building at 5.5 metres with relatively small doors at either end. Internally the extensive number of piers which help to hold the roof up seriously limits the future use of the building logistically.

4.6 PPS7 also makes reference to a number of criteria that local planning policies should take account of. Issues in terms of the potential impact on the countryside and landscapes, and the suitability of the buildings have been discussed above. The

site in itself has some wildlife value given its close proximity to a large coppice of trees and a fishing lake. However, there are no extensions to the buildings proposed and no existing planting will be removed. The proposed use is therefore not expected to result in any impact on wildlife when compared to the established farm use. In relation to local economic/social needs, local planning policies do promote employment use, and in rural areas in particular the reuse of buildings. Such planning policies apply across the whole of rural areas of York, and do not restrict reuse for employment purposes in specific locations.

4.7 PPS7 also makes reference to settlement patterns and accessibility, which under Local Plan policy GB3 criteria is more tied to residential rather than employment uses. The vast majority of trips to the site would be vehicle based, given the nature of the proposed use. In sustainability terms it is acknowledged therefore that the site / proposed use would promote some additional vehicle movements although members will note that the Highways Authority are not objecting to this per se. Weighed against this is the re-use of buildings itself which accords with sustainability aims and objectives.

Amenity

4.8 The only house on the site is the 'farmhouse' and this is approx. 150 metres from the site of these buildings and is in the ownership of the applicant. Therefore it is well separated from the proposed re-use and any associated traffic movements although it is acknowledged that the access will pass to the rear of the property. However, given the other uses on the site and a condition restricting hours of operation this is not considered a problem by officers. There are no other dwellings within half a mile of the site.

Highways.

4.9 The detailed comments of the highways officers are at para. 3.2 of this report and they are raising no objections to the proposal. This follows on from the submission of a detailed transport assessment. The main entrance into the site has recently been upgraded, widened and tarmaced as a result of the previous conversion scheme on the brick outbuildings by the road. The access arrangements are therefore considered acceptable. The track down from the buildings eastwards towards White House Farm is also a public right of way although at this stage it does not extend through Forest Farm. As part of the proposal this PROW will be upgraded to a public bridleway and formally extending it up to the A19 through land in the applicant's ownership through a Section 25 agreement in the 1980 Highway Act. This is a move which officers welcome.

Parish Council comments.

4.10 The comments of the Parish Council at para. 3.6 are very detailed and the concerns are acknowledged. The issues regarding appropriate development in the Green Belt and commercial uses have been discussed above and officers have explained that it is not inappropriate given that the scheme involves the re-use of existing buildings rather than the erection of new buildings. It is acknowledged that the use proposed does further reduce the likely farming use of the land following on

from the previous conversion of the other buildings on the site next to the farmhouse and this is of some concern to officers. An agricultural storage building was approved in 2005 although this has not yet been implemented although it does suggest that the farming use is still viable to some extent although this type of building and layout is generally only suitable as a turkey shed. Officers have considered why some of the buildings subject of this application cannot be converted to this agricultural use although it is acknowledged that a typical poultry shed of this type does not lend itself to a normal agricultural storage type use due to its height, access and internal arrangement. Furthermore, some diversification of this sort can result in the future survival of the agricultural holding.

4.11 Issues such as signage would be controlled by other legislation or the advertisement regulations. The example they refer to at Assistance House on Malton Road is not the same as the case here as that application (dismissed on appeal) was for the erection of a new building rather than the re-use of buildings as in this case.

5.0 CONCLUSION

5.1 The principle of the re-use of the buildings for storage (B8) uses is considered in principle to accord with Green Belt and sustainable development in rural areas policies. There are no external alterations to the buildings would be in keeping, and be acceptable in relation to the Green Belt. The development would be acceptable in highways terms. The development would accord with national, structure and local planning policies.

6.0 RECOMMENDATION: Approve

1 TIME2

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

- 2005-6-70
- Proposed site layout.

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 HWAY10

4 HWAY22

5 HWAY36

6 The existing RoW (Fulford No 16) currently extending from Forest Lane at White House Farm upto but not through Forest Farm to be extended through

land in the applicants ownership upto the A19 and converted to a public
bridleway by way of a Section 25 agreement 1980 H/w Act prior to use hereby
approved commencing unless an alternative timescale is approved in writing
by the Local Planning Authority.

Reason- To promote the use of cycles and thereby reduce congestion on the
adjacent roads.

- 7 The use hereby permitted shall be confined to the following hours:

Monday to Friday 07:00 to 19:00
Saturday, Sundays 08:00 to 17:00

Reason. To protect the amenities of the occupiers of the Forest Farmhouse.

- 8 The development hereby approved does not allow for any storage of goods,
materials or refuse outside of the confines of the buildings hereby approved.

Reason. In the interests of protecting the Green Belt and amenity.

- 9 Details of any associated external lighting within the development hereby
approved shall only be implemented in accordance with details which have
been previously submitted to and approved in writing by the Local Planning
Authority.

Reason: To ensure the development has an acceptable effect on the Green
Belt and on the nearest residential properties to the site in terms of light
pollution.

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

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

- 11 The use of the buildings shall be limited to B8 storage use only as defined in
the Town and Country Planning (Use Classes Order) 1987 (as amended 2005
or by any future order).

Reason. The buildings are considered unsuitable in terms of location and
appearance for any other use.

- 12 There shall be no external alterations to the buildings without the prior written
consent of the Local Planning Authority.

Reason. In the interests of protecting the Green Belt and amenity and in order
for the Local Planning Authority to control the future appearance and possible
use of the buildings.

HWAY18

7.0 INFORMATIVES:

Notes to Applicant

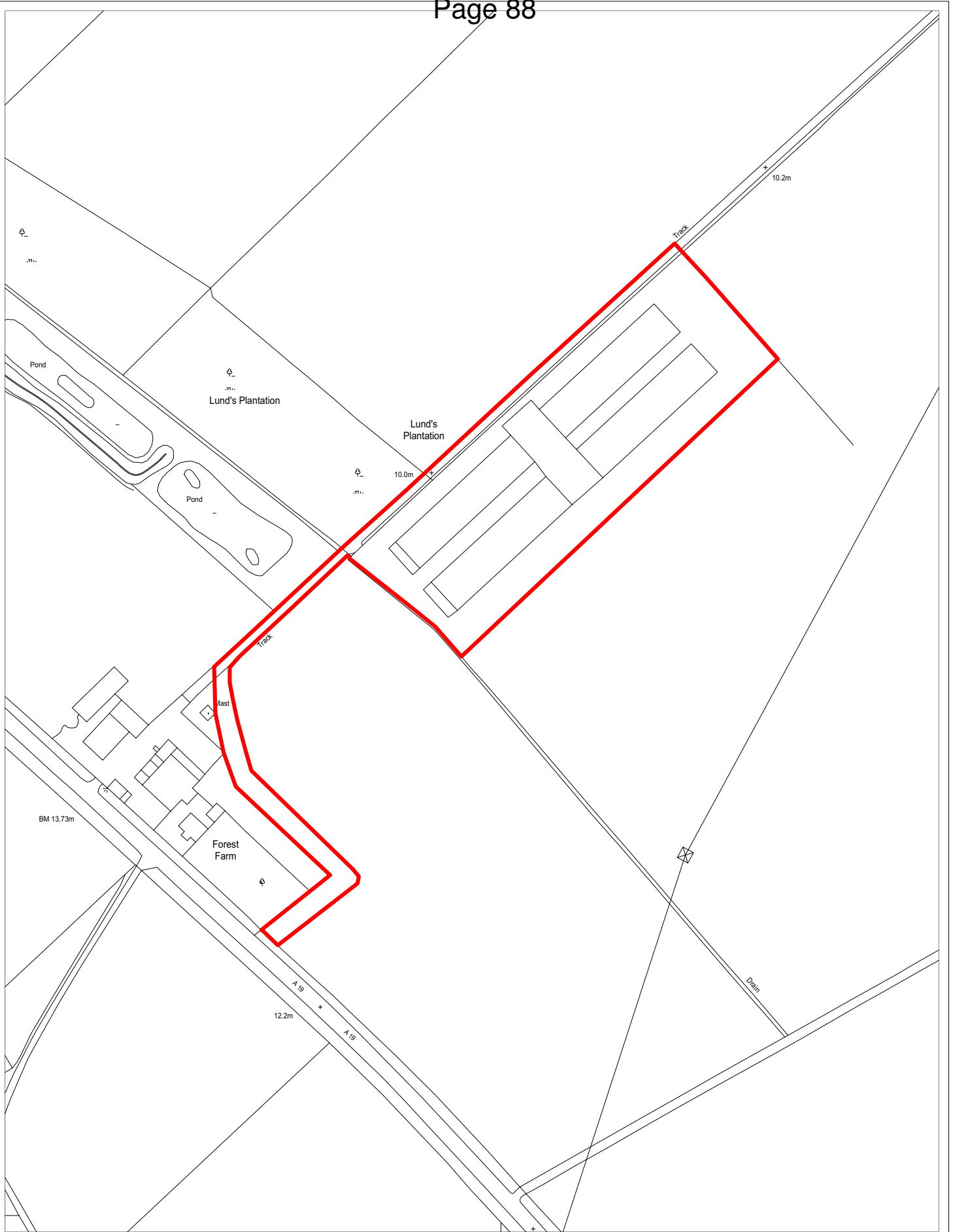
1. REASON FOR APPROVAL

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 effect on the York Green Belt, visual amenity, sustainable development, residential amenity and highways issues. As such the proposal complies with Central Government Guidance, in particular PPG2: Green Belts and PPS7: Sustainable Development in Rural Areas, Policies E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, GB1, GB3, GB11, GP1 and GP4a, of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

Contact details:

Author: Matthew Parkinson Development Control Officer

Tel No: 01904 552405



CITY OF
YORK
COUNCIL

FOREST FARM, SELBY ROAD, FULFORD - 06/02719

SCALE 1:2500
Originating Group

DRAWN BY PSL
Project

DATE 28/3/2007
Drawing No.





North East Area Planning Committee**11 April 2007**

Report of the Director of City Strategy

Clifton Hospital : Outstanding Section 106 in relation to Management of the landscape.**Summary**

1. This report details the current status of the outstanding Section 106 in relation to Clifton Hospital. Members are asked to note the contents of the report.

2. Background

2.1 Clifton Hospital was closed in 1991 and outline consent was granted by Ryedale District Council in 1994 for the redevelopment of the site. This consent was subject to a Section 106 agreement between the then owner, the Area Health Authority, and Ryedale District Council. Following Government reorganisation in 1994, the area was passed to the City of York Council for determination of any detailed consents. Following an application from Persimmon's and Henry Lax Ltd., a detailed consent was granted in 1996 and work is ongoing. The consent granted was subject to the original Section 106 agreement and is binding on successors in title.

2.2 The Section 106 included a number of conditions relating to the parkland to the south of the main hospital, which was originally part of the hospital grounds and is currently part of the green belt. Its inclusion was in part to ensure that this area remained as green belt and was managed to retain this interest.

2.3 The land has remained in the ownership of Henry Lax and Persimmon's.

The Section 106 Agreement

2.4 There were a number of conditions relating to the area of parkland, including a requirement to transfer 1ha of land at the southern end of the site to the Council for £1.

2.5 In Feb 2006 a report was taken to Executive Committee with regard to the transfer of this open space to the Council. This transfer was approved and is being progressed with the Council's Legal Team.

2.6 There are though still several outstanding issues including the submission of a landscape plan and five year management plan for the site, implementation of these plans, the establishment of a new footpath link from Shipton Rd to the Ouse cycleway and the clearance and maintenance of the old sewage works site to the Council's satisfaction.

2.7 This report updates Members of their status.

Update 2007

- 2.8 With regard to legal matters, besides the land transfer, the proposed footpath link is also with the Council's Legal section for a formal creation to be made. The work necessary to form this route has though already been carried out and is in use.
- 2.9 With regard to the management plan and its implementation, nothing has yet been formally received, however, land management following the prescription set out by the Council's Countryside Officer in 2004 is now being implemented on an annual basis under the supervision of the Countryside Officer. As a result the area has been tidied up substantially, the grass has been managed and, importantly, the ragwort (a noxious weed) has been controlled. This will be the 3rd year of this control and it is hoped that the quantity present will now be substantially reduced. The patches of Japanese Knotweed have also been managed.
- 2.10 Further work on the restoration of the old sewage works site have also been carried out but there are final reinstatement issues that still need to be done in order to bring the area to a standard where it can be managed properly. This includes removal of rubbish and surface debris to allow proper seeding to occur. Discussions on this are still pending for resolution this year.
- 2.11 Other work that is still pending is the limited tree planting work for the agreed area. This should have been carried out this winter but the Council's Countryside Officer unfortunately has not arranged it. A review will though be required as a number of trees have died or been cut down over this winter.

Consultation

3. The Clifton Without Parish Council were consulted on the original management proposal and are kept informed of what is happening on the site.

Analysis

- 4.1 The Section 106 agreement for Clifton Hospital has still not yet been fully implemented, at least in formal terms, however, substantial progress has been made and there are now only a relatively few issues still outstanding. Notably the final reinstatement of the old sewage treatment plant and the formal submission of a management plan.
- 4.2 With regard to the management plan, although there is nothing formally agreed, we are working to the main elements of agreed proposals and there are only limited prospects in being able to justify much more than we are implementing. The intention is therefore to try to get this formalised before June.
- 4.3 With regard to the sewage treatment plant, this is likely to be the most difficult to resolve, however, discussions are ongoing with a view to finally sorting this out in the coming year.
- 4.4 For the most part therefore the bulk of the Section 106 is now either resolved or in hand.

Corporate Objectives

- 5.0 The management of this site ensures that the green separation between Clifton Without and Clifton is retained.

Implications

- 6.1 There are no financial implications with regard to this report.
- 6.2 There are no equality implications.
- 6.3 Human Resources implications are limited to the time spent by the Countryside Officer in organising and supervising the management of the Clifton Hospital site.
- 6.4 There are no legal, Crime and Disorder or IT Implications with regard to this report.
- 6.5 The property implications were dealt with within the report regarding the transfer of land to the Council in Feb 2006.

Risk Management

- 7. There are no known risks with regard to the implementation of the proposals on the Clifton Hospital site.

Recommendations

- 8. Members are requested to note the progress made with regard to the completion of the Section 106 agreement and the ongoing work still required in order to achieve a satisfactory conclusion to this long standing case.

Reason: To update Members on progress with the Section 106 agreement conditioned as part of the planning application for the Clifton Hospital site.

Contact Details

Author:

Author's name Bob Missin
Title Countryside Officer
Dept Name City Strategy
Tel No. 551662

Chief Officer Responsible for the report:

Chief Officer's name Mike Slater
Title Assistant Director Planning & Sustainable Development, City Strategy

Report Approved

Date 29/03/07

Specialist Implications Officer(s)

Implication ie Financial
Name
Title
Tel No.

List information for all
Implication ie Legal
Name
Title
Tel No.

Wards Affected: Skelton, Rawcliffe and Clifton Without

All tick

For further information please contact the author of the report

Background Papers:

Joint Report of the Directors of Development Services and Leisure Services to the Executive Committee 1st Feb 2006 on the Acquisition of Land at Clifton Hospital.



Planning and Transport (East) Area Sub-Committee

11 April 2007

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. Members should note that 89 new cases were received for this area within the last quarter. 84 cases were closed and 175 remain outstanding. There

are 48 Section 106 Agreement cases outstanding for this area after the closure of 4 for this quarter.1 case resulted in the service of formal enforcement notice. 1 case has been referred to Legal and awaits service.

Consultation

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

Options

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

Corporate Priorities

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

10. Implications

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

Risk Management

11. There are no known risks.

Recommendations

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

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

Contact Details

Author:

Author's name

Mandy Swithenbank/
Alan Kendall
Planning Enforcement Officer

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
*Assistant Director (Planning and Sustainable
Development)*

Dept Name City Strategy
Tel No. 551376/551324

Report Approved **Date** 29/03/07

*Chief Officer's name Roger Armistead
Title Area Development Control team leader*

Report Approved **Date** 26 March 2007

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

Implication ie Financial

Name

Title

Tel No.

Implication ie Legal

Name

Title

Tel No.

Wards Affected: *All Wards*

All

For further information please contact the author of the report

Background Papers:

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

Report to Area Sub-Committee in January 2007 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

Document is Restricted

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

Document is Restricted