

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

**To:** Councillors Wiseman (Chair), Douglas (Vice-Chair),  
Firth, Fitzpatrick, Funnell, Hyman, King, McIlveen,  
Warters and Watson

**Date:** Thursday, 12 April 2012

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**A G E N D A**

**If Members have any additional queries or questions about cases on Agenda Item 7 then please e-mail or telephone Matthew Parkinson or Alan Kendall by 5pm on Wednesday 11<sup>th</sup> April 2012.**

**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 annexes to agenda item 7 on the grounds that they contain information which is classified as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

- 3. Minutes** (Pages 4 - 16)  
To approve and sign the minutes of the last meeting of the Sub-Committee held on 8 March 2012.

- 4. Public Participation**  
At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 11 April 2012 at 5.00pm.**

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

- a) **Yearsley Bridge Adult Training Centre, (Pages 17 - 38)**  
**Huntington Road, York. YO31 9BN**  
**(11/03269/FULM)**

This full major application is for the erection of 32 dwellings, 1no retail unit and 1no veterinary surgery following the demolition of existing buildings. [Heworth] **[Site Visit]**

- b) **Lyngarth Cottage, 76 The Village, (Pages 39 - 48)**  
**Stockton on the Forest, York. YO32 9UW**  
**(11/03296/FUL)**

This full application is for the erection of a two storey dwellinghouse. [Strensall] **[Site Visit]**

- c) **Inner Space Stations, 339 - 341 Hull (Pages 49 - 55)**  
**Road, Osbaldwick, York. YO10 3LE**  
**(12/00309/FUL)**

This full application is for the variation of condition 3 of approved application 03/02728/FUL (extension to sales building) to allow 24 hours use.

The application is brought to Committee at the request of Cllr. Warters because the proposal is to remove a condition that had previously been deemed necessary. [Osbaldwick] **[Site Visit]**

**d) The Laurels, Brecks Lane, Strensall, (Pages 56 - 64)  
York. YO32 5UZ (12/00148/FUL)**

This full application is for the removal of conditions 5 (code for sustainable homes) and 6 (10% on-site renewable energy) of approved application 11/00676/FUL for the erection of 8no. two storey dwellinghouses following the demolition of a large bungalow on Brecks Lane.

The application has been called in for a Committee decision at the request of Cllr Doughty, as the original application for the housing development was determined by the Committee. [Strensall]

**e) Methodist Chapel, The Village, Stockton (Pages 65 - 75)  
On The Forest, York. YO32 9UW  
(12/00241/FUL)**

This full application is for the erection of a two storey dwelling (with rooms in the roof) following demolition of the existing chapel.

The application has been called in by Cllr Doughty due to concern by some residents of the village that the proposal would be overdevelopment. [Strensall] **[Site Visit]**

**f) 12 Whitelands, Earswick, York. YO32 9FX (Pages 76 - 82)  
(12/00733/FUL)**

This full application is for a two storey rear and single storey front and rear extensions.

This application has been brought before the Committee by Councillor Doughty on issues of overdevelopment. [Strensall] **[Site Visit]**

**6. Appeals Performance and Decision (Pages 83 - 103)  
Summaries**

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> January to 28<sup>th</sup> March 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to that date is also included.

**7. Enforcement Cases-Update** (Pages 104 - 296)

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.

**8. Urgent Business**

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

**Democracy Officer:**

Name- Judith Betts

Telephone – 01904 551078

E-mail- [judith.betts@york.gov.uk](mailto:judith.betts@york.gov.uk)

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

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

Contact details set out above.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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## **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session (CMDs)) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

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

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

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**EAST AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 11th April 2012****Members of the Sub Committee to meet at Union Terrace Car Park  
at 10.00 am.**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:10	Yearsley Bridge Training Centre, Huntington Road	5a)
10:35	12 Whitelands, Earswick	5f)
11:05	Methodist Chapel/Lyngarth Cottage	5e) & 5b)
11:45	Inner Space Stations, Hull Road	5c)

MEETING EAST AREA PLANNING SUB-COMMITTEE

DATE 8 MARCH 2012

PRESENT COUNCILLORS DOUGLAS (VICE-CHAIR), WISEMAN (CHAIR), FIRTH, FITZPATRICK, FUNNELL, HYMAN, KING, MCILVEEN, WARTERS AND WATSON

<b>Visited</b>	<b>Attended by</b>	<b>Reason for Visit</b>
93 Newland Park Drive	Councillors Douglas, Firth, Fitzpatrick, Funnell, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site.
Block C, Chemistry Department.	Councillors Douglas, Firth, Fitzpatrick, Funnell, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site.
Former Allenby Nursery Site, Elvington	Councillors Douglas, Firth, Fitzpatrick, Funnell, McIlveen, Warters, Watson and Wiseman.	So that Members can understand the potential impact on the Green Belt and to understand the concerns raised by local residents.
Osborne House, 7 School Lane	Councillors Douglas, Firth, Fitzpatrick, Funnell, McIlveen, Warters, Watson and Wiseman.	To familiarise Members with the site as it had been called in by the Ward Member.

## 46. DECLARATIONS OF INTEREST

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



Councillor McIlveen declared a personal non prejudicial interest in Agenda Item 4a) (Former Allenby Nursery Site) as he had worked on another site that was owned by the housing association, Home Housing Association.

It was reported that if the application was approved, that the site would be managed by a housing association, such as Home Housing Association. Councillor McIlveen clarified that he only worked for the Association and was not related with the applicant or working for the adjoining owner. He also declared a personal non prejudicial interest in Agenda Item 4e) as a member of York Residential Landlords Association.

Councillor Warters declared personal non prejudicial interests in Agenda Items 4a) (Former Allenby Nursery Site) and 4c) (Osborne House, 7 School Lane) as he knew both applicants but had not entered into any correspondence with them regarding the application.

No other interests were declared.

**47. MINUTES**

RESOLVED: That the minutes of the East Area Sub Committee held on 2 February 2012 be approved and signed by the Chair as a correct record.

**48. PUBLIC PARTICIPATION**

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

**49. 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.

**49a Former Allenby Nursery Site, Wheldrake Lane, Elvington York (11/02736/FULM)**

Members considered a major full application by Mr Roy Handley for the erection of 18 dwellings at the former Allenby Nursery Site.

In their update to Members, Officers reported that a letter had been received from the local MP outlining a number of concerns regarding the application such as;

- The size of the proposed development.
- The lack of a traffic management plan included in the application.
- That a highways condition be added, if the application was approved, to control the methods of working.

It was also reported that an open space statement had been provided to Officers from the applicant. The statement said that the area would be designated for children's play and that this would be managed by the Housing Association.

The Chair shared a response that she had received from Council Highways Officers about how they felt that the additional level of traffic that would be generated by the proposed development would be limited and that they were of the opinion that there were no safety concerns raised by the application.

In response to questions from Members, Officers reported that the dwellings on the site would remain as affordable homes as a Section 106 agreement would be signed by the applicant. They stated that an eligible resident for the affordable homes would be defined and would include for example someone who had been resident in Elvington Parish for five years or more.

Representations in objection to the application were received from a local resident. He spoke about how he felt that sufficient circumstances had not been provided to show that there was a need for additional housing in Elvington.

Representations in support of the application were received from the applicant's agent. He referred to a Council Housing Needs Assessment survey that concluded that there was a need for more housing in the village. He added that the site would be close to amenities such as the school and medical centre, and stated that the development would have good footpath access and would be well screened.

Questions from Members to Officers related to the Housing Needs survey carried out, if the proposed play area would be for sole use by the residents of the new properties and if the application used an efficient amount of land.

It was reported that the play area would be solely for use by residents and that the site would retain a number of considerable protected trees along its frontage.

Some Members felt that the scheme was altruistic, whilst others felt that existing traffic problems remained.

RESOLVED: That the application be approved subject to a Section 106 agreement and with the following additional conditions;

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

Details to include:

1. Details to include calculations and invert levels to ordnance datum of the proposals for the new development.
2. Peak surface water run-off from the proposed development must be restricted to a maximum of 2.0 lit/sec (based on a Greenfield Run-off) as per drainage statement by Stevenson Associates dated 24/02/2012.
3. Details of the flow control device limiting the surface water to the 2.0 lit/sec.

4. Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worse-case volume required.
5. Details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
6. Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent run off from the site affecting nearby properties.
7. Details should be provided of the future management/maintenance of the proposed drainage scheme.

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

19. Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;
  - a) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
  - b) where contractors will park
  - c) where materials will be stored within the site
  - d) details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
  - e) measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

20. Details of the communal open space area, as identified on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the design of the open space, any equipment or seating to be installed, and a management and maintenance plan. The open space shall be created in complete accordance with the approved details within three months of the occupation of the first dwelling on the site. This area shall be retained as public open space accessible by local residents.

Reason: To ensure a high quality and usable public open space area is created for the benefit of local residents and thereafter maintained.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Principle of development in the Green Belt
- Design and visual impact on the Green Belt
- Neighbouring amenity
- Amenity of future occupiers
- Highway and Traffic
- Sustainability
- Open space
- Drainage

As such the proposal complies with Policies GP1, GP4a, GP6, GP15, GB1, GB9, H4a, H5a, and T4 of the City of York Development Control Local Plan.

**49b 77 Lawrence Street, York. YO10 3DZ (12/00045/FUL)**

Members considered a full application by Mr Joe Reynolds for the conversion of a shop (use class A1) to an 8 bedroom house in multiple occupation with external alterations including two front dormers (resubmission).

In their update to Members, Officers informed the Committee that an amended plan had been submitted by the applicant showing improved cycle facilities. In response to a question from a Member relating to this, Officers stated that the Council's Housing Standards Officers felt that the residents' amenity would not be affected by the increase in cycle storage in the rear yard.

Some Members raised concerns about parking around the property and the possible use of the ground floor lounge as a bedroom.

Officers responded that although parking had been problematic in the local area that the property was located near to the city centre and was on a bus route. It was reported that planning permission would be needed to convert the ground floor lounge into an additional bedroom.

Representations in support of the application were received from the applicant. He informed the Committee of proposed alterations to the building such as the removal of an external staircase, and the reinstatement of a large bedroom from two subdivided rooms. In response to a question from a Member, the applicant stated that the fire escape was within the building and that there would be fire exit doors at each level.

Some Members felt that the application was better than a previous one which was considered by the Committee. Other Members felt that concerns about parking would not be addressed.

**RESOLVED:** That the application be approved with the following amended conditions;

5. The house in multiple occupation hereby approved shall not be occupied until the facilities on the approved plan for the secure storage of six bicycles have been

provided. These facilities shall thereafter be retained and used for no other purpose except with the written consent of the Local Planning Authority.

Reason: In the interests of sustainable transport and amenity.

10. No work shall take place on site except between the hours of 0800 and 1800 on Mondays and Fridays and 0900 and 1300 on Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

REASON: In the opinion of the Local Planning Authority the proposal, subject to any amended conditions and those in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to: use as a house in multiple occupation; design and street scene; neighbour amenity; transport and highway safety; waste management; and provision of open space. The application therefore complies with policies GP1, H8, T4 and L1c of the City of York Local Plan Deposit Draft.

**49c Osborne House, 7 School Lane, Fulford, York. YO10 4LU (11/03367/FUL )**

Members considered a full application by Ms Karin de Vries for a two storey front extension, two storey rear extension with room in roof, single storey extension and porch to side.

In their update to Members, Officers reported that additional plans had been received and that if planning permission was granted that additional conditions could be added, in respect of the plans.

Representations in support were received from the applicant. She spoke about how she felt that the energy requirements of the property would be significantly lower with the extension. She added that, in her opinion, the property was not in the green belt, but in an urban setting adjoining it. She also stated that the new extension would have a coherent design.

Representations were received from a representative of Fulford Parish Council. He urged Members to consider the site as it currently was and that it should be judged against the Council's Green Belt policy.

Members asked questions about the ways in which a property could detrimentally affect the Green Belt. Officers responded that in some circumstances visibility of a property from the Green Belt could be seen as detrimental by view of its massing. Further questions to Officers from Members related to current extensions in the area and how new regulations would affect permitted development rights.

Some Members felt that as the building was not situated in the Green Belt itself, was not in the conservation area and was not readily visible from the village that it was an acceptable development.

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

3. The proposed louvers shown on the north and south elevation of the dwelling shall be constructed as approved and not removed or materially altered unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect neighbours privacy

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

Revised plans numbered OH/110 Rev B and OH/110 Rev B dated 24.02.2012.



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

REASON: In the opinion of the Local Planning Authority the proposal subject to the conditions listed above and in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene, neighbours living conditions, the Green Belt and conservation area. As such the proposal complies with Policies GP1 and HE2 of the City of York Development Local Plan and advice contained in Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Guidance 2 (Green Belts).

**49d Block C, Chemistry Department, Alcuin Way, Heslington.  
YO10 5NB (11/03412/FULM)**

Members considered a major full application by the University of York for the erection of a two storey Chemistry building incorporating teaching, office and research facilities following the demolition of an existing building.

In their update to Members, Officers suggested that if Members were minded to approve the application that a condition relating to the hours of demolition, construction works and ancillary operations be altered from 08:00-16:00 on Saturday to 09:00-16:00 in order to avoid adversely effecting the amenity student accommodation to the north east and south west of the site.

Representations in support of the application were received from the applicant's agent. He informed the Committee that the planned building would be higher than the current building, but that it would fit in with other buildings around the site. He added that the new building would allow for the Chemistry Department to enhance its teaching reputation and suggested that the proposal would help York's economic strategy.

Questions between Members, the applicant's agent and Officers took place regarding the hours of construction, the comparable increase in people that would use the building and the increase in car parking on and around the site.

It was reported by the applicant's agent that previous construction work had only been permitted to take place until 1pm on a Saturday, but this had lengthened the overall amount of time spent on construction. Members were informed that there would be an increase in usage of the building due to the planned expansion of the department. In relation to car parking on the site, it was reported that the level of parking across sites on the University campus was capped.

Following further discussion on the hours of construction, one Member suggested that construction works could take place from 09:00-16:00 out of term time and from 09:00-13:00 in term time.

RESOLVED: That the application be approved with the following amended condition;

9. All demolition, construction works and ancillary operations which are audible beyond the University site boundary, 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 during term time, and  
09:00 to 16:00 during vacations.

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring residents.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on the visual amenity of the wider street scene and impact upon the local pattern of surface water drainage. As

such the proposal complies with Policies GP1, ED6, GP15a and T4 of the City of York Development Control Local Plan.

**49e 93 Newland Park Drive, York. YO10 3HR (12/00091/FUL)**

Members considered a full application by Mr D Rose for a first floor side and rear extension.

Officers informed the Committee that a condition could be added to any approval that the lawned garden of the property remain as a grassed area to prevent it being turned into a concrete parking area. It was suggested that as there was parking provision at the front of the house, that this would be unlikely. Some Members raised further concerns about parking issues such as difficulty in access and egress over the verge and kerb if there was an increase in the number of cars attached to the property.

Other Members asked if a condition could be added to planning permission to state that a planned first floor office space remain in that use, and not be used for another use, such as a bedroom. Officers suggested that when considering the application, Members should judge the property as it was in its current state.

Representations were received from the Ward Member, Councillor Barnes. He made reference to new proposed planning regulations relating to limits on Houses in Multiple Occupation (HMO) and stated that Newland Park Drive would exceed the proposed limit for HMOs. He added that he felt that if the driveway was concreted that it could lead to a detrimental amount of water run-off. Finally, he felt that as there was a potential for seven bedrooms within the property that one bathroom and one kitchen was not sufficient for the occupants.

During debate, Members felt that a condition needed to be added to widen the access for exiting cars from the property. They also added that as the proposed extension would be located over the garage that this would create a terraced effect to a semi detached property, which would in their view, be detrimental to the streetscape.

RESOLVED: That the application be refused

REASON: The proposed first floor side and rear extension, by reason of its size and scale, would not appear subservient to the host property, would unbalance its appearance and significantly erode the original space between the dwellings which is an important visual characteristic of the style of properties in the area. As such, it is considered that it would appear incongruous in the street scene. The development would therefore, conflict with national planning advice in relation to design contained within paragraphs 33 and 34 of Planning Policy Statement 1 (“Delivering Sustainable Development”), Policies GP1 (a and b) and H7 (a, b and e) of the City of York Draft Local Plan (April 2005), and with the Council’s Supplementary Planning Guidance “A Guide to Extensions and Alterations to Private Dwelling Houses” (March 2001).

Councillor S Wiseman, Chair

[The meeting started at 2.05 pm and finished at 4.00 pm].

**COMMITTEE REPORT**

**Date:** 12 April 2012                      **Ward:** Heworth  
**Team:** Major and                              **Parish:** Heworth Planning Panel  
Commercial Team

**Reference:** 11/03269/FULM  
**Application at:** Yearsley Bridge Adult Training Centre Huntington Road York  
YO31 9BN  
**For:** Erection of 32 dwellings, 1no retail unit and 1no veterinary surgery  
following demolition of existing buildings  
**By:** Andy Cramer and Jeremy Binnian  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 24 February 2012  
**Recommendation:** Approve

**1.0 PROPOSAL****Application site**

1.1 The application site is almost rectangular and gradually slopes downward to the south. On site there is a 2-storey building facing Huntington Road, which is of domestic appearance, setback around 10m from the street and has a garden setting. Behind are a group of single storey buildings and an area of hardstanding which previously served as car parking. At the south end of the site are a grassed area and a further car parking area. There are a row of tall Poplar Trees along the eastern boundary. There is an access road within the site which is used by the newly constructed ambulance station to the west of the site. Along Huntington Road there are 2-storey houses to each side of the application site. Kirkham Avenue, a residential cul-de-sac backs on to the site to the east. There is a playground, beyond the Poplar trees to the southwest, beyond a grassed area to the south of the site are residential blocks, 3-storey in height. This grassed area is within flood zone 3.

**Proposals**

1.2 Planning permission is sought for a mixed use development. There would be two single storey buildings at the Huntington Road end of the site; a retail unit and a veterinary unit, each with their own car parking and servicing areas. Behind would be 32 houses. The houses would be 2-storey in height: 15 x 2-bed, 15 x 3-bed and 2 x 4-bed. Of the 32 houses, 8 would be affordable units: 4 of these would be 3-bed, 3 x 2-bed. The land at the south end of the site would become public open space, which would be handed over to the council. There is a proposed legal agreement submitted with the application which includes delivery of the affordable units, contributions of £17,091 towards sports pitches and £4,648 to manage the

amenity open space, a contribution towards bus stop improvements, and provision of travel passes for future occupants.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Floodzones GMS Flood Zones 2 & 3

### 2.2 Policies:

CYH2A	Affordable Housing
CYGP1	Design
CYNE1	Trees, woodlands, hedgerows
CYH4A	Housing Windfalls
CYSP7	The sequential approach to development
CYT4	Cycle parking standards

## 3.0 CONSULTATIONS

### Housing Development (Communities and Neighbourhoods)

3.1 Report that the amount of affordable housing is acceptable and compliant with council's brownfield target which is 25%. It is proposed 8 of the 32 homes are affordable, 5 to be rented, 3 for private sale. It was asked that these units be 'pepper potted' around the site (no more than 2 next to each other) and the affordable housing plan proposed is agreed to.

### Design, conservation and Sustainable Development

Landscape officers

3.2 The site is a landmark along Huntington Road because it provides a pleasant degree of openness and greenery, in particular the northern stretch which maintains a garden character to the side of the existing detached lodge house. This element of the site should be incorporated into any proposals.

3.3 Officers consider the boundary with Huntington Road needs to be green using hedging and large-species trees, with a substantial degree of openness about it. The Ash tree and hedges toward the front of the site should be retained (T9, H6 and H11). The existing trees at the access, a Cherry and a Lime have unfortunately been placed under a great deal of stress due to past road/car park construction and more recently utilities to the new ambulance station. Due to the poor condition of the

trees these could be removed, but they should be replaced (two for one) with large-species trees and greenery which would provide an attractive green frontage to Huntington Road to echo that further north along the boundary.

3.4 There are a limited number of good specimen trees on site, the best being the Ash, Oak and Poplars. Although much of the remaining planting is of lower individual quality per se, greater consideration must be given to the value that the overall vegetation brings to the street scene and the development site.

3.5 Officers ask for trees and vegetation to be provided along the main access road within the site. The following trees should also be retained and suitably accommodated: T1 Oak: which has the potential to provide a focal point at the end of the cul-de-sac. The Cotoneaster T15 and Hawthorn T18 (behind the proposed vets) should be retained if at all possible.

3.6 A long line of tightly spaced Lombardy Poplars stand just within the northeast boundary. These form a very distinctive and attractive landscape feature due to their height and uniformity and are visible from the surrounding streets. Unfortunately the Poplars are not very compatible with housing development on this site. They pose a considerable restriction to the developable area due to the root protection area. Also because of their height and nature they would pose safety concerns, perceived or otherwise, for future residents. There may also be concerns about subsidence. The Poplars are currently in reasonable condition, but they can be problematic as they enter old age when they start to 'break out'. They lose their aesthetic appeal if they have to be reduced. Ideally all the Poplars would be retained because they are such a strong feature but this would only be suitable if the spaces either side were to remain as open areas or car park. If the removal of at least two thirds of these trees is accepted then there has to be on site mitigation for aesthetic, environmental and bio-diversity reasons.

Countryside officer

3.7 Bats are very mobile and often change their roost sites frequently, bat surveys are only valid for a limited time, after which time re-survey may be necessary to confirm the status or level of interest of the building has not changed. Officers recommend more updated, survey work should be carried out at this site (the last survey was carried out in 2008) in order to establish whether there is any evidence of recent use and to determine the current use of the site by bats.

3.8 Bat surveys carried out on site in 2007 involved a full scoping and bat potential survey. The buildings were assessed as having medium-high potential for bats due to the presence of features with potential to provide roosting opportunities, such as gaps under loose tiles and behind soffits and fascias. Because of the presence of suitable habitat, surveys were then commissioned for the following activity season and carried out during May 2008. No roosts or roosting behaviour was identified

during this time but foraging activity was recorded around the trees within the south eastern corner of the site.

3.9 Parts of the Training Centre have since become overgrown with ivy, and this can provide suitable roosting habitat or conceal further habitat features. This also provides good nesting habitat for birds. The buildings do still have potential for supporting roosting bats and there is still good quality foraging habitat within the site itself (the garden areas have become very overgrown in recent years) and also within the immediate surrounding area, particularly with the River Foss just to the west of the site.

### Environmental Protection Unit

#### Commercial premises

3.10 There is potential noise disturbance from deliveries, customer vehicle movements and external plant/equipment. Officers ask that to ensure the impact is acceptable deliveries are only between 08:00 and 18:00 and details are plant/equipment are provided for approval.

#### Residential

3.11 Officers recommend conditions which ensure that noise levels within houses and gardens meet national and council standards. A noise assessment carried out for the site found that it falls within Noise Exposure Category C during the night time. Noise was primarily from the main road, there was also noise associated with the Ambulance Station. In such circumstances national policy within PPG24: Planning and Noise advises conditions should be imposed to ensure a commensurate level of protection against noise.

3.12 Both the World Health Organisation Guidelines on Community Noise and BS8233 (Sound Insulation and Noise Reduction for Buildings: Code of Practice) recommend that to avoid sleep disturbance the LA max in a residential dwelling should not exceed 45dB(A) for single sound events. The maximum night time noise levels recorded during the survey were regularly above 73dB. Despite the glazing specification proposed by the applicants (which would reduce noise levels by 28dB) future residents would likely suffer disturbance. Officers recommend that glazing with a specification of 35dB is installed where necessary, which would limit the occasions to no more than 3 per night.

3.13 The Council's general view of provision of amenity spaces/communal areas/gardens is that the continuous noise level should not exceed 50dB(A) when measured over a 16 hour period. The acoustic report recommends that an acoustic barrier be constructed between the dominant noise source and proposed amenity areas (facing Huntington Road and the York Ambulance Station access road). The report recommends that the barrier be a 1.5m high, 19mm thick close boarded fence. It is predicted that such a barrier could provide attenuation of up to 10dB.



Thus, resultant external (continuous) noise level at amenity areas fronting the roads will be no more than 55 dB (A).

#### Construction

3.14 A Construction Environmental Management Plan is requested, to manage the impact of noise, vibration, dust and waste disposal prior to and during construction. A condition is also suggested that requires piling to use a method that would lead to the least disturbance.

#### Contamination

3.15 Officers have suggested conditions to deal with contamination. The site was previously used as a hospital and laundry and is located adjacent to a closed landfill site. Council records also show that the southern end of the site contains an infilled pond/ditch. The Environmental Appraisal submitted with the application includes the results of some preliminary soil sampling, which reveal a contamination hotspot in the vicinity of trial pit TP03. Officers required additional soil sampling in the vicinity of TP03 and in the areas which were not previously sampled. Gas monitoring is also required due to the adjacent closed landfill site and the onsite infilled pond/ditch. If significant contamination is detected, then cleanup work (remediation) will be required to ensure that the site is suitable for its proposed use.

#### Low Emission Strategy

3.16 In line with the Council's emerging Low Emission Strategy (framework approved June 2011), development proposals should demonstrate how they are meeting 'best endeavours' for reducing emissions during both construction and operational phases. Any developer should strive to obtain as much modal shift away from private cars as possible, and aim to promote the uptake of low emission vehicles on site via provision of necessary infrastructure such as electric vehicle recharging facilities.

#### Highway Network Management

3.17 Officers have commented as follows:

- Details have been requested which demonstrate that the servicing to the commercial premises can operate adequately, in particular waste collection for the veterinary unit.
- The car parking to plot 18 is close to the ambulance station and this could lead to conflict.

### Lifelong Learning and Culture

3.18 Officers have agreed to the open space contributions proposed, towards sports pitches provision and management of the on-site open space.

### Education

3.19 Officers advise that no contribution towards education facilities is required as there is presently space within schools in the catchment area. It is noted that the scheme at the Nestlé site was approved on the basis that any required education contribution would be calculated prior to occupation of any dwellings onsite because the precise number was not known when consent was granted.

### Environment Agency

3.20 No objections. Comments as follows:

- Some dwellings at the southern end of the site are located in Flood Zone 2. Flood Zone 2 is land that could flood under extreme conditions with a 0.1% annual chance of flooding. It is recommended floor levels of the dwellings within Flood Zone 2 are set a minimum of 300mm above ground level.
- EA ask to be consulted further if Yorkshire Water do not allow the foul water to be connected to the main sewer.
- The controlled waters at this site are of low environmental sensitivity, therefore EA have no comments with regards to land contamination issues.

### Yorkshire Water

3.21 Ask for the site to have separate systems for foul and surface water drainage; to be agreed by the planning authority and installed accordingly.

### York Natural Environment Panel

3.22 Advise landscaping should be to a high standard introducing a natural element into a largely human environment. There is an opportunity to de-culvert the beck and create a miniature floodplain to increase the flood capacity of the area, particularly important given the proximity to the River Foss. The Panel would advocate the retention of the poplars and other trees where possible (this could be achieved by reducing the density of the housing which would appear to be over-development).

Planning Panel

3.23 No response to date.

Publicity

3.24 Comments have been received on behalf of the ambulance station who will share the access road. It is asked that a solid brick wall is erected rather than houses at plots 18 and 19, which will prevent residents being disturbed by noise and ambulance headlights. It is asked that the parking spaces to plot 18 are removed to prevent cars reversing onto the access road. It is also asked that the access road be two way continuously, and that no cars are allowed to park on the road in locations where they may obstruct ambulances.

3.25 The applicants undertook a community involvement exercise prior to submission. The applicants invited local councillors, the parish council and residents of houses surrounding the site to meet and sent a newsletter to 239 homes in the vicinity of the site. A meeting was held with the occupants of 196 Huntington Road who asked whether some of the trees on site adjacent their house could be removed and whether the path between the two sites, which links Huntington Road to Kirkham Avenue was discussed (it is an adopted public footpath and will remain). 4 other responses were received. Concerns were raised about privacy, car parking in the surrounding streets and additional traffic generation. It was asked if yellow lines could be added to prevent this. There was also concern Ambulances may be obstructed by cars parked on the access road.

## **4.0 APPRAISAL**

4.1 Key issues:-

- Principle of development
- Affordable housing provision
- Design
- Amenity of future and surrounding occupants
- Sustainability
- Highway network management
- Open space and Education provision
- Drainage
- Flood risk
- Bats - protected species

Principle of development

4.2 A mixed use including retail, veterinary surgery and houses is proposed. The proposed retail use is classed as a town centre use. The National Policy Framework advises that Local planning authorities should apply a sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Such uses should be located in town centres, then in edge of centre locations. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applications should be refused if the sequential test is failed, or if developments would have a significant adverse effect on the vitality and viability of the town centre.

4.3 The proposed retail unit would provide 446 sq m in floor space and officers understand it will replace the existing Spar convenience store on the opposite side of Huntington Road. A sequential text exercise has not been undertaken. However there is no objection to the development in principle as given its scale, it would serve the locality and would not have a material effect on the vitality and viability of the city centre or the local centres, as identified in the Local Plan.

4.4 The site is brownfield/previously developed and within a built up area. Public transport links run from Heslington Road into the city centre. As such the location is suitable for housing considering the requirements of PPS3: Housing, which sets a priority for development of previously developed land within an accessible distance of a range of community facilities and with good access to jobs, key services and infrastructure. A mix of 2, 3 and 4 bed sized houses are welcome, as these are dwelling types identified as being most needed in York's latest strategic housing market assessment.

Affordable housing provision

4.5 The City of York Affordable Housing Viability Study 2010 advises that within urban areas, on brownfield sites where over 15 houses are proposed, the affordable housing target is 25%. Local Plan policy H2a asks for these to be split 60/40 between being for affordable rent and discounted sale.

4.6 Of the houses proposed 4 x 2-bed and 4 x 3-bed would be affordable. 5 for social rent, 3 for discounted sale. This offer would be secured through a legal agreement and is in line with Council targets.

## Design

4.7 The National Planning Policy Framework advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This means development which:-

- will function well and add to the overall quality of the area
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- is visually attractive as a result of good architecture and appropriate landscaping.

4.8 Local Plan policy NE1 requires that when trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.9 The commercial premises would be adjacent Huntington Road with the proposed houses behind. The commercial premises would be single storey with brick elevations. Due to their shape and proximity to the road, they would not be typical of the traditional urban grain of development along the road. The applicants are unwilling to amend the shape and position of the buildings. The buildings would be aligned in building line with their immediate neighbours and a combination of low level planting and trees would soften their visual impact and on balance the development would not have an undue impact on the appearance of the street.

4.10 The retail store and plots 6 - 8 have been configured to allow vegetation along the east boundary in this area to be retained, including the Oak tree behind 50 Kirkham Avenue and the hedgerow and Ash tree toward the front of the site. This vegetation makes a positive contribution to the setting; its retention is desirable. 13 new trees are also proposed along the site facing Huntington Road and the Hawthorn tree, which would be behind the proposed veterinary unit is also shown as being retained. It is necessary to remove over half of the row of Poplar trees which align the site boundary to the east to enable the site to be viably developed. In mitigation planting is proposed within the area at the south of the site which will become public open space, which will enhance the appearance and bio-diversity of this area. Trees and hedges will also be added within the streets to be created. A reasonable amount of planting, combined with the retention of existing vegetation will enhance the proposed setting, by screening boundary walls, fences and car

parking. A detailed landscaping scheme, including boundary treatment will be required to be approved as a condition, as this will be crucial to deliver a scheme of acceptable appearance.

4.11 The houses are all to the east of the existing access road within the site. Due to noise levels there would be blank gable ends and boundary walls facing the access road. Trees and hedges will be required by the side of plots 18 and 32 to add interest to this route. The houses are typically arranged as a series of terraces with car parking either to the front or at/in front of garages. Where possible rear gardens back onto one another, which is preferred on security grounds. Access to the rear gardens where required will be gated and private. The houses in the surrounding area are typically 2-storey with detailing and materials which reflect the time at which they were constructed. The proposed houses would be 2-storey with gable roofs and porches. They would be predominantly brick with timber cladding used as a secondary material around/between the windows. Roof tiles are yet to be agreed. Slate tiles or red pantiles would fit with the character of the area. Concrete tiles have been proposed which can appear unduly heavy and draw attention. As such condition is proposed to agree material samples.

4.12 The residential element of the scheme is deemed to be acceptable on design grounds; the layout and house types are suitable for the site and a reasonable amount of planting will be incorporated that will add character and increase the attractiveness of the development.

#### Amenity of future and surrounding occupants

4.13 The proposed houses are all 2-storey in height. At their closest rear elevations are 9m from the ends of gardens and the closet distance between buildings would be between 57 Kirkham Avenue and plot 11 where the rear elevation of no.57 would be around 17m from the blank side elevation of plot 11. The separation distances between the proposed houses and those to the east are not as generous as those between houses to the east of the site. However they are adequate and the proposed houses would not be unduly over-bearing and would not unduly overlook neighbouring gardens.

#### Future occupants

4.14 Outlook: Separation distances between front and rear elevations are typically between 14 to 17 m which is acceptable. Headlights from ambulances would not affect residents as gardens are screened by boundary walls and there would be no openings to habitable rooms facing the access road.

4.15 Noise: Based on the findings of the noise report on average noise levels within the proposed houses would be acceptable. However at monitoring point 2 (by the vehicle access point to the ambulance station) there were 3 occasions at night time

where maximum noise levels were recorded at around 81 dB. British Standards advise that internal noise levels should not exceed 45 dB max at night, adequate attenuation will be required to ensure this standard is met, and can be secured via a condition.

4.16 Storage: it is intended that waste bins would be stored within the rear garden areas. There would be a shed in the back garden of each dwelling. The sheds would provide cycle storage space and are recognized under code for sustainable homes as being adequate for such. The dimensions of shed would be secured as a condition of approval to ensure they are fit for purpose.

### Sustainability

4.17 In accordance with the recommendations in the Core Strategy and requirements of the Interim Planning Document on Sustainable Design and Construction at least 10% of energy demand from the houses will be met by renewable resources (roof mounted solar panels) and the homes will be constructed to a Code for Sustainable Homes level 3 standard.

### Highway network management

4.18 A transport study has been undertaken and the findings were that the traffic that would be generated as a consequence of the development would not have a material impact on the highway network. Each of the houses have at least one car parking space and cycle storage. All but 2 of the 3 and 4-bed sized houses would have 2 car parking spaces and there would be 4 visitor spaces for all the houses. The retail premises would have 11 car parking spaces and space for 12 cycles. The vets would have space for 8 cars and 6 cycles. There is adequate parking for the development and it is unlikely off street parking would compromise highway safety. To encourage use of public transport the developers will offer future residents a travel pass which would allow travel within the city for a 6-month period.

4.19 An objection has been received on behalf of the ambulance station, it would prefer for the parking to plot 18 to be deleted and preferably the main access road would be continuously allow 2 way traffic. These measures would prevent any conflict with ambulances leaving the depot. As a traffic calming measure a chicane would be created by widening the footpath outside plot 18, this would slow down traffic approaching the driveway to plot 18 (where cars may be reversing out onto the road) and give ambulances leaving the depot priority. This is deemed to be a suitable layout which would reduce vehicle speeds and improve safety.

### Open space and Education provision

4.20 An area of land around 60m by 25m in area at the south end of the site is proposed as public open space. It is proposed the land is handed over to the Council to maintain and a sum of £4,648 would be provided for maintenance. The railings which presently separate the open space to the south of the site will be removed and access will also be provided from the site into the children play space to the east. A contribution of £16, 517 toward sports provision is proposed, which accords with the Council's Open Space supplementary planning guidance note. A contribution toward education provision is not required at this time as there is adequate space at schools within the catchment area to accommodate the additional demand this development would generate.

### Drainage

4.21 York's latest Strategic Flood Risk Assessment requires that surface water flows from all sites should, where practicable, be restricted to 70% of the existing runoff rate i.e. 30% reduction. This is acknowledged by the applicants and an underground storage tank would be provided on site to limit surface water run-off. Final drainage details would be a condition of approval.

### Flood risk

4.22 Plots 31 and 32 are within Flood Zone 2. The rest of the houses are not in the flood zone. Land to the south of the site (where the public open space is proposed) is within flood zones 2 and 3. Flood zone 2 has a 0.1% chance of flooding each year. York's SFRA advises that houses are appropriate development in flood zone 2, provided adequate mitigation is taken to prevent flood risk. The Environment Agency recommend that the houses within flood zone 2 are raised at least 300mm from ground level. The recommendations put forward by the EA will be secured by condition to ensure the houses are safe. In addition they should be constructed with flood resilient measures and the applicants will be informed of such.

### Bats

4.23 Local Plan policy NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In new developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme.

4.24 Officers have requested that a fresh bat survey be carried out to see whether circumstances have changed since the last survey in 2008, when no bat habitats were found. Only following a survey will the correct mitigation required be known. If no bat habitats are found, replacement habitat facilities would be sought within the



proposed development, however requirements will be more arduous if bats are found. A bat survey is expected prior to committee, if not it is suggested that the decision be deferred until a survey has been implemented.

## 5.0 CONCLUSION

5.1 An outstanding item is the required bat survey so levels of mitigation required (due to the demolition of the buildings on site which may accommodate bats) can be dealt with via a suitably worded planning condition. Otherwise the development proposed is acceptable in principle and is welcomed in that it would help deliver the type of dwellings, and affordable housing, which is recognised as being needed in the city. In addition the houses will meet the latest sustainable design and construction standards. These benefits outweigh any identified harm and the scheme would not unduly compromise highway safety.

5.2 Approval is recommended subject to findings of the requested bat survey

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Site layout - 1286/06/01 M

Landscaping plan - Popplewells drawing 2282/3 B

House types

Contemporary Sutton - AS 1286 06 11

Fulstow - 1286 06 11E & 11P

Welton - 1286 06 08 Welton (con)

Marston - AS 1286 06 08

Garages - G100 \_ G200

Retail premises - 1308 001 001 A

Veterinary unit - 1308 001 004 D

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

3 The development shall be constructed to at least Level 3 of the BRE Code for Sustainable Homes (CSH). A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to

Application Reference Number: 11/03269/FULM

Item No: 5a

achieve level 3 of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve level 3 of the code. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

4 No less than 10% of the development's predicted energy requirements shall be provided from on-site renewable energy sources. Confirmation of such shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings hereby approved.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

5 VISQ8 Samples of exterior materials to be approved

6 Brickwork to the commercial premises

A sample panel of the brickwork to be used on the commercial buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their prominent location.

7 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.

- a) Doors and windows to commercial units - to include section showing openings within their reveals.
- b) Eaves/verge to commercial units.
- c) Entrance canopy to retail premises.

Reason: In the interests of visual amenity

## 8 Landscaping

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

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

9 All trees shown as being retained on Popplewells drawing 2282/3 B shall be protected during construction works in accordance with BS 5837 2005: Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and finalised construction details for the retaining wall and paving shall also be included. The development shall be implemented in accordance with the approved statement.

Reason: to ensure trees to be retained are appropriately protected in the interests of amenity.

## 10 Cycle storage

There shall be covered and secure cycle storage (at least 1 space per house) for each dwelling which shall be provided prior to occupation and retained at all times. For houses without garages cycle storage shall be provided within the rear garden areas. The storage spaces shall be at least 1.8m by 0.7m.

Reason: To ensure adequate space for such storage, and to promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and PPG13: Transport.

11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting

that Order), development of the type described in Classes A, D, E, F; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

The garages shall be retained for storage use and shall not be converted into living accommodation.

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

## 12 Highway construction

No dwelling to which this planning permission relates shall be occupied unless or until the areas to be used by pedestrians and vehicles have been constructed in accordance with the approved plans and are surfaced, sealed and positively drained and street lighting has been provided on site.

Locations of street lights shall be approved by the Local Planning Authority and the development carried out in accordance with the approved details.

Reason: To ensure appropriate access and egress to the properties, in the interests of visual amenity, highway safety and the convenience of prospective residents.

13 The hours of delivery to and dispatch from each commercial premises shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday	08:00 - 18:00
Saturday, Sunday & Bank Holidays	09:00 - 18:00

REASON: To protect the amenities of adjacent residents

## 14 Insulation to dwellings (noise)

Unless otherwise approved in writing by the Local Planning Authority the building envelope of all residential buildings shall be constructed so as to achieve internal noise levels of 30 dB LAeq,1hour and 45 dB LAMax (between 23:00 - 07:00) in bedrooms and 35 dB LAeq1hour (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: In the interests of the amenity of future occupants.

15 Details of all machinery, plant and equipment to be installed at the commercial premises, which are audible at any residential accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and predicted noise levels at the nearest noise sensitive receivers. Details of any proposed noise mitigation measures, if required, should also be provided. 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 amenities of adjacent residents

#### 16 Construction Management Plan

Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants in the surrounding area and in the interests of highway safety.

17 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

REASON: To protect the amenities of adjacent residents

#### 18 Development on Land Affected by Contamination

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

a. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

b. Submission of Remediation Scheme

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

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out

remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

#### 19 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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

20 The dwellings within Flood Zone 2 shall have finished floor levels set a minimum of 300mm above ground level.

INFORMATIVE: It is also recommended that flood resilient measures are considered in the construction of dwellings in flood zone 2. Further information is available from the Planning Portal. See Guidance on flood resilient design and construction.

Reason: To protect the houses from flooding in accordance with PPG4.

21 Development shall not begin until details of foul and surface water drainage

Application Reference Number: 11/03269/FULM

Item No: 5a

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 in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

INFORMATIVE: With respect to surface water drainage, the submitted details shall incorporate the following:

- Existing and proposed ground levels and drainage routes.
- Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run-off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run-off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

**22 Details of bat mitigation - to be finalised following the requested bat survey.**

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal is acceptable in principle and, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, highway safety and flood risk. As such the proposal complies with Policies SP7, GP1, GP4, GP7, GP9, NE1, T4, H2 and H4 of the City of York Development Control Local Plan.



## 2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town & Country Planning Act 1990 relating to this development

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

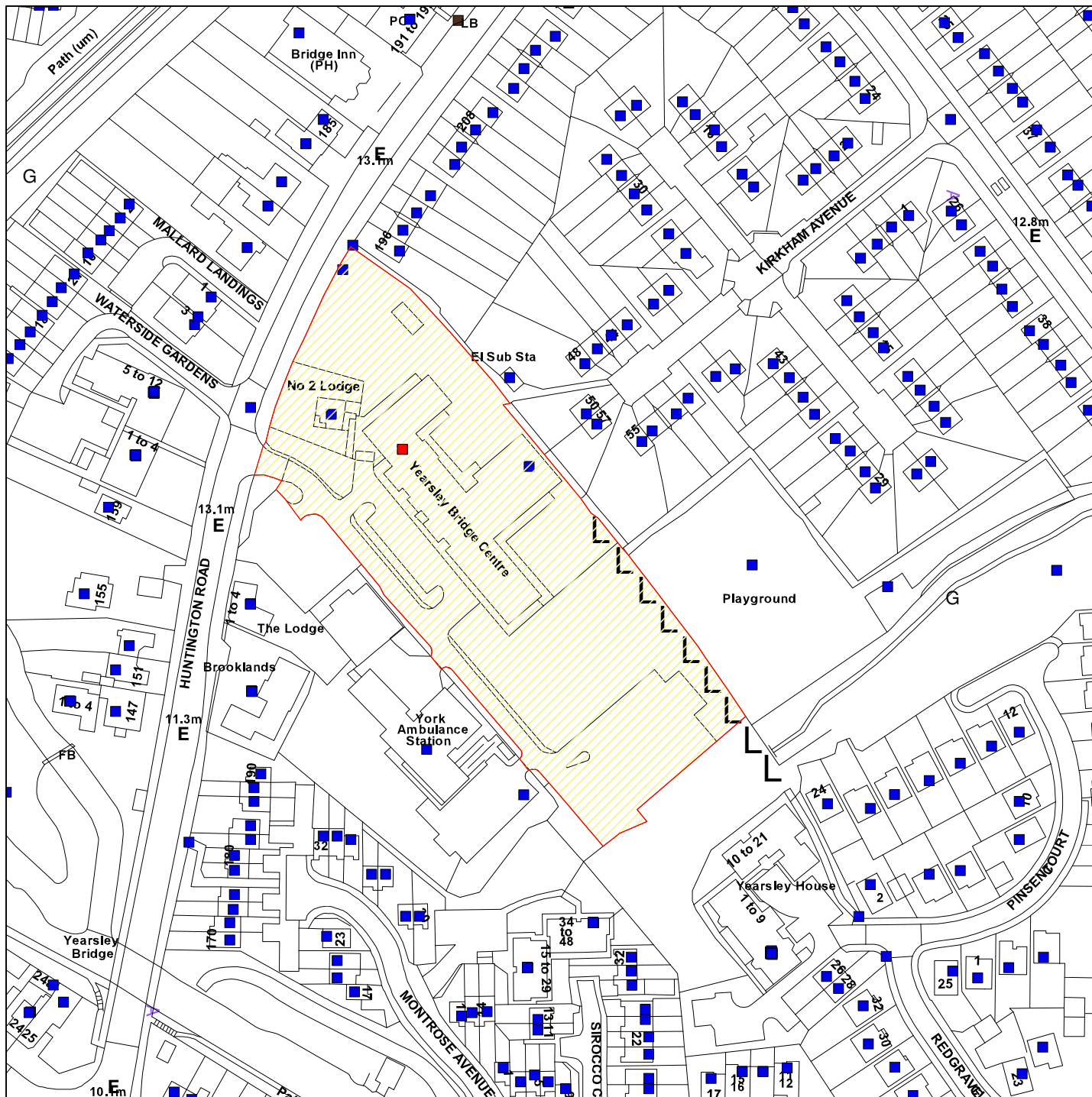
**Tel No:** 01904 551323

# Yearsley Bridge Adult Training Centre Huntington

11/03269/FULM



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Location plan
<b>Date</b>	29 March 2012
<b>SLA Number</b>	Not Set



## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Stockton On Forest CONF

City Boundary GMS Constraints: York City Boundary 0001

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

### 2.2 Policies:

CYGP1 Design

CYGP10 Subdivision of gardens and infill devt

CYHE2 Development in historic locations

CYH4A Housing Windfalls

CGP15A Development and Flood Risk

## **3.0 CONSULTATIONS**

Internal

### **DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT**

3.1 It is considered that the siting, design, scale and mass of the proposed two storey dwelling house, together with the cumulative change to the setting of Stockton Grange and the loss of the open character of the development site, will harm the significance of the designated heritage asset. The degree of harm to the setting of Stockton Grange and the significance of the designated heritage asset is considered to outweigh the benefits of the proposed development of the two storey dwelling house.

### **ENVIRONMENTAL PROTECTION UNIT**

3.2 No objections.

### **HIGHWAY NETWORK MANAGEMENT**

3.3 No comment.

YORK CONSULTANCY (DRAINAGE)

3.4 Object to submission on the grounds of insufficient information.

External

STOCKTON ON THE FOREST PARISH COUNCIL

3.5 This is overdevelopment of the site in a conservation area, which would have a detrimental impact to the listed buildings neighbouring properties. This development would have a very negative impact and overlook the neighbour's properties.

3.6 The application was publicised by site notice and letters of neighbour notification. The deadline for comments was 29 March 2012.

3.7 THREE LETTERS OF OBJECTION have been received raising the following concerns;

(i) harmful to the setting of 2 No. listed buildings, particularly Stockton Grange. The setting of the house is very much a part of the design of the house and we don't believe the renowned architect, Walter Brierley, ever envisaged this effect to be compromised by other dwellings in such close proximity.

(ii) the dwelling would have a detrimental impact on the character and appearance of the Conservation Area

(iii) the dwelling would overcrowd the site and increase traffic on the narrow access lane. With a further dwelling, the lane, which is in a poor state of repair, could become an access for four houses. It is unsuitable. We would refute the agent's statement that the lane, adjacent to the electric gates, is wide enough to allow two way traffic. Also contrary to the planning statement, the junction of the lane and the Village has not been widened. This was a requirement of the previous permission for the dwelling at Laurel House, as was the requirement to make up the lane, neither has been complied with.

(iv) other misleading statements within the application include the statement that the land is currently a building site and existing trees of merit are to be kept. The whole area has been cleared in preparation for this proposal and in contravention of at least one Tree Preservation Order.

(v) the siting of the proposed dwelling is 10 metres from the chapel - the 22 metres separation distance between properties should be observed. A daylight / sunlight assessment has not been submitted. It would show that the dwelling would overshadow the chapel garden rendering it depressing and unusable.

(vi) given this is a backland site, then it is better suited to a bungalow / dormer design

(vii) poor design of new dwelling that does not relate to existing surrounding properties.

#### **4.0 APPRAISAL**

4.1 The key issues are considered to be:

- impact on the setting of adjacent listed buildings and the conservation area
- neighbour amenity
- drainage
- highway issues

#### **POLICY CONTEXT**

4.2 Relevant Central Government guidance is contained in the National Planning Policy Framework (March 2012).

##### Delivering a wide choice of high quality homes

Paragraph 53 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

##### Requiring good design

Paragraph 56 refers to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

##### Conserving and enhancing the historic environment

With reference to the historic environment, the NPPF states that local planning authorities should recognise that heritage assets are an irreplaceable resource and should conserve them in a manner appropriate to their significance. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.3 Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

#### PRINCIPLE OF RESIDENTIAL DEVELOPMENT ON THE SITE

4.4 The site is located within the curtilage of an existing dwelling. Policy H4a relates to housing developments within existing settlements and states 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. Policy GP10 of the Draft Local Plan states 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.

4.5 In the context of Local Plan Policies H4A and GP10, Officers in accepting that this site is within defined settlement limits, consider the key issue to be the impact of the proposal on the character and amenity of the local environment.

#### IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

4.6 Local Plan Policy HE2 states that within conservation areas and in locations which affect the setting of listed buildings, proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.7 The 2007 permission for the detached dwelling within the former curtilage of Stockton Grange had sited the dwelling towards the centre of the plot, immediately adjacent to Stockton Grange. The revised scheme in 2010 resited the dwelling, now known as Laurel House, further to the rear of the site, such that it left a greater area of land towards the front of the plot free of development. This is the site to which this application relates.

4.8 At the time of the 2007 application, the Council accepted the principle of only one dwelling on a relatively large plot and the consequence of no requirement for affordable housing on the basis of the impact a higher density would have on the setting of the adjacent listed building. It was considered that the siting of the dwelling was such that it would prevent an application for a second dwelling.

4.9 In considering the 2010 application, the Officer notes within the report that "whilst a separate dwelling could conceivably be erected on this part of the site, such a proposal is unlikely to be acceptable due to the impact on the listed building, mature trees and the conservation area".

4.10 In terms of views from public vantage points and in particular from the public highway, the Village, the proposed dwelling would be sited to the rear of the Methodist Chapel and therefore would be significantly obscured from view. A public footpath, Beanland Lane, runs alongside the access to the application site offering views back to the village, however mature trees which line the public footpath limit views of the application site. Subject to future redevelopment proposals for the Methodist Chapel site, it is therefore considered that the proposal would have a minimal impact on the appearance of the Conservation Area.

#### IMPACT ON THE SETTING OF STOCKTON GRANGE

4.11 Although Officers acknowledge that there would be limited views of the proposed dwelling from public vantage points, the impact of the proposed dwelling on the setting of the Grade II listed Stockton Grange, regardless of whether there are public rights or ability to access or experience that setting, is an important consideration in the determination of this application.

4.12 Paragraph 132 of the National Planning Policy Framework advises that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

4.13 Paragraphs 133 and 134 continue by advising that; “where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

4.14 It is considered that the setting of Stockton Grange makes a positive contribution to the significance of this listed building. To the north west of the principal elevation of Stockton Grange, the setting of the listed building is characterised by a lawned garden and gravel driveway, bounded by a laurel hedge. A series of outbuildings and established trees and shrubs lie to the north of the listed building. Beyond the laurel hedge at the boundary of the garden, the application site to the north contributes to the open character of its setting. This contrasts with the pattern and density of the built form in the Village which lies beyond.



4.15 The application site is visible from the driveway and garden of Stockton Grange and from the first floor of the forward projecting wing of the listed building. The established trees and shrubs that lie at and beyond the north eastern boundary of the site, within the grounds of Elm Tree Farmhouse, also contribute to the character of the setting of the listed building.

4.16 Officers consider that the proposed scale and mass of the two storey dwelling would have a negative visual impact on the existing open character of the setting of the listed building and would interrupt views to the established trees and shrubs situated at the north eastern boundary of the application site. The proposed dwelling would create a sense of containment that would harm the existing character of the setting to the north of the listed building.

4.17 The setting of Stockton Grange has recently been subject to change with the erection of Laurel House and it is considered that further development would cause cumulative harm to the setting of the listed building. The open character of the land to the north of the listed building would be lost and the pattern and density of the built form altered in this part of the Conservation Area.

#### DESIGN, SCALE AND MASS

4.18 It is not considered that the design of the proposed dwelling takes reference from the architectural character of existing buildings within the context of the development site. Furthermore, the scale and mass of the dwelling is not subservient to Stockton Grange and would appear visually dominant within the setting of the listed building. The pattern of the horizontal emphasis window openings to the front elevation and the blank first floor gable to the south east elevation are considered to detract from the design of the proposed dwelling.

#### NEIGHBOUR AMENITY

4.19 Local Plan Policy GP1 seeks to ensure that residents living nearby development proposals are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.20 The proposed dwelling would be orientated to look over the access drive to the south west of the site with the rear elevation having principle first floor windows facing the garden of Elm Tree Farmhouse. Given the mature vegetation which exists on this boundary, it is not considered that the proposed dwelling would give rise to a significant loss of amenity to residents of this property in terms of overlooking, a sense of overbearing or loss of light. The Methodist Chapel would be the closest property to the proposed dwelling at a distance of 10 metres away. Only one first floor (bathroom) window is detailed on this elevation and given that the Methodist Chapel site is currently not in residential use, it is not considered that significant

weight can be attached to the concerns of the owner of this building with respects to the overshadowing of the garden.

## HIGHWAY ISSUES

4.21 In response to points raised by neighbours with respect to the vehicular access, a condition was applied to the 2010 "Laurel House" permission to require the initial 10 metres of the vehicular access to be surfaced, sealed and positively drained. This condition has not been appropriately discharged and requires attention. The improvement to the visibility splay at the junction with the public highway was a condition of the previous 2007 permission and works were satisfactorily completed.

4.22 With respects to this proposal and given that the visibility splay has been improved, Officers do not consider that the vehicular movements associated with one additional dwelling would be detrimental to the safety of highway users.

## FLOOD RISK AND DRAINAGE

4.23 Policy GP15a: Development and Flood Risk requires that sustainable drainage is encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.24 The proposed method of surface water drainage is via soakaways however insufficient information has been submitted to show that these would perform to BRE standards, to prove that the ground has sufficient capacity to accept surface water discharge to prevent flooding of the surrounding land and the site itself. If the soakaway proves to be unsuitable then an alternative would be necessary. Should Members be minded to approve the application, Officers would request delegated authority to approve a satisfactory scheme of surface water attenuation rather than dealing with the details by means of a condition.

4.25 The development is in low risk Flood Zone 1 and should not suffer from river flooding

## 5.0 CONCLUSION

5.1 Officers acknowledge that there would be limited views of the proposed dwelling from public vantage points. Notwithstanding this, by virtue of the siting, design, scale and mass of the proposed dwelling, together with the cumulative change to the setting of the Grade II listed Stockton Grange and the loss of open character which would result from the development of the site, Officers consider that the proposal would cause significant harm to the designated heritage asset. The application is therefore recommended for refusal.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Refuse

1 The siting, design, scale and mass of the proposed dwelling, together with the cumulative change to the setting of the Grade II listed Stockton Grange and the loss of open character, would cause substantial harm to the significance of the designated heritage asset for this and future generations. There is considered to be no substantial public benefit from the development that would outweigh the degree of harm to the setting of Stockton Grange. The proposal is therefore contrary to the Government's aims as set out in paragraphs 129 to 134 of the National Planning Policy Framework and City of York Draft Local Plan Policy HE2.

2 Insufficient drainage details have been submitted to show how surface water generated by the proposal would be properly attenuated. The application therefore conflicts with Policy GP15a of the City of York Council Development Control Local Plan and Policy CS22 of the emerging City of York Core Strategy; the council's adopted Strategic Flood Risk Assessment.

#### Contact details:

**Author:** Rachel Tyas Development Management Officer (Wed - Fri)

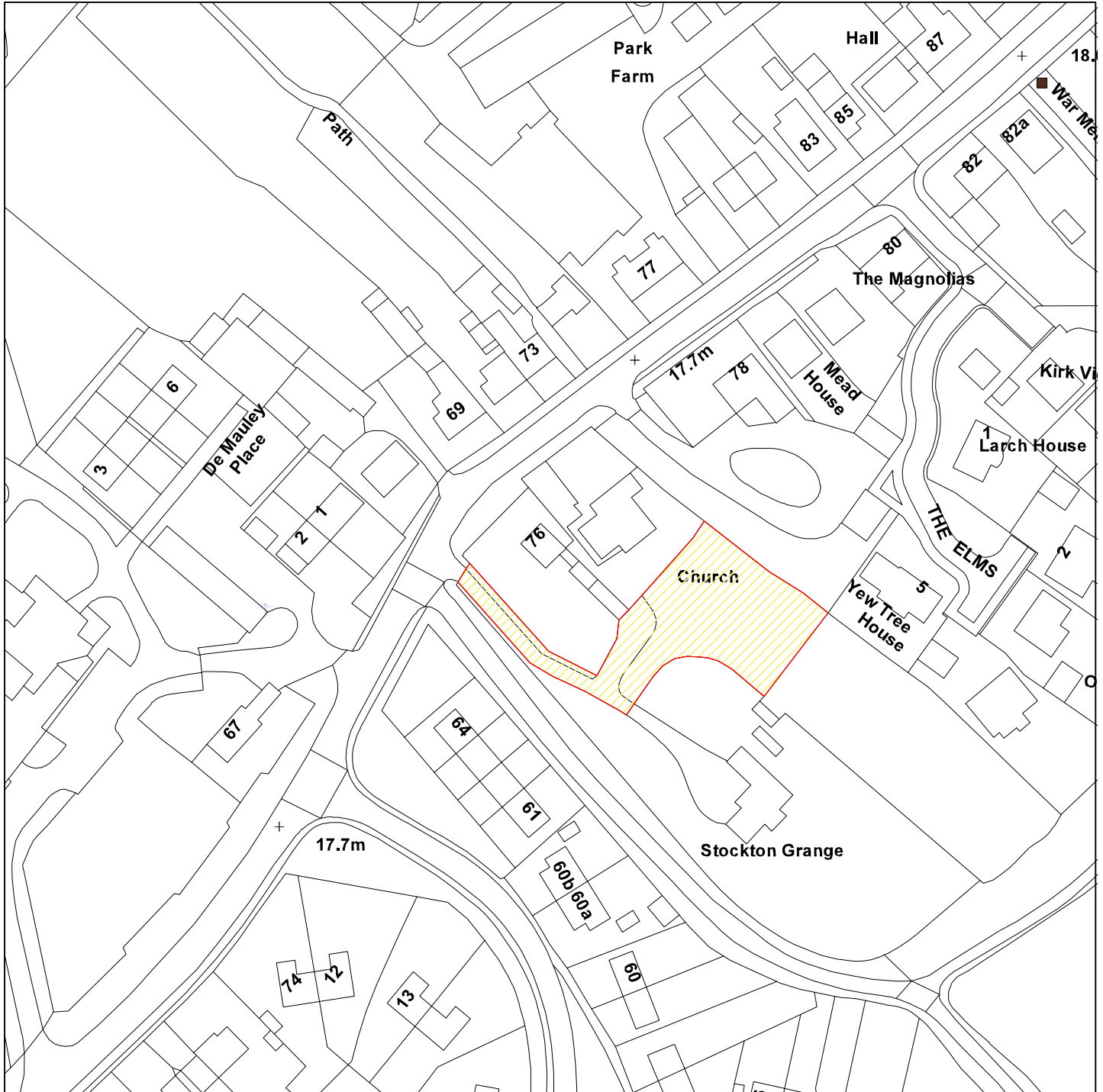
**Tel No:** 01904 551610

11/03296/FUL

Lyngarth Cottage, 76 The Village, Stockton On The Forest



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	26 March 2012
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 12 April 2012                      **Ward:** Osbaldwick  
**Team:** Major and                      **Parish:** Murton Parish Council  
                    Commercial Team

**Reference:** 12/00309/FUL  
**Application at:** Inner Space Stations 339 - 341 Hull Road Osbaldwick York YO10  
3LE  
**For:** Variation of condition 3 of approved application 03/02728/FUL  
(extension to sales building) to allow 24 hours use  
**By:** Inner Space Stations  
**Application Type:** Full Application  
**Target Date:** 21 March 2012  
**Recommendation:** Approve

**1.0 PROPOSAL**

## LOCATION

1.1 The application site is Inner Space Stations petrol station located on Hull Road to the west of the large B&Q store. The rear gardens of residential properties (Tranby Avenue) adjoin the western side of the site. Vehicular and pedestrian access is from Hull Road.

## PROPOSAL

1.2 In 2003 planning permission was granted for a single storey flat roof extension to the sales and control building at the petrol station. The extension was 65sqm in size and almost doubled the sales floor area of the building. The total floor area of the building at the time was 100sqm. A condition was included on the consent that 'The hours of operation of this approved use shall be confined to 6.45 hours to 22.45 hours from Monday to Saturday, 7.30 hours to 22.45 hours on Sunday'

1.3 This application is to vary the condition to allow 24 hour use of the shop premises. Prior to the inclusion of this condition no restrictions were in place in respect to the opening hours of the shop. The petrol station, including the shop has been opening for 24 hours, for the past 18 months or so.

## PLANNING HISTORY

1.4 It is understood that a garage with petrol pumps has existed on the site for at least 50 years. The scale and intensity of the use has increased in recent years. In the 1980's the site was granted consent and re-developed to provide a petrol filling station with a car wash, canopy and sales building. Since this period a number of

other planning applications have been submitted. The additions that have been permitted have included extensions to the shop and the provision of jet wash facilities with associated staff room. In 2007 planning permission was granted to use the petrol station car park to the north of the site for a van/car hire depot. The applicant has confirmed that this use was implemented, although not functioning at the current time.

1.5 In December 2011 an application to extend the retail sales area was withdrawn. The intention was to open the extended retail sales area for 24 hours. As there is a condition in place seeking to restrict opening hours of the existing shop it was felt that it would be preferable if this issue could be addressed in advance of considering an application for an extension.

1.6 The application is brought to Committee at the request of Cllr. Mark Warters because the proposal is to remove a condition that had previously been deemed necessary.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYS10 New local and village shops

CYGP1 Design

## **3.0 CONSULTATIONS**

3.1 Internal

### **ENVIRONMENTAL PROTECTION UNIT**

No objections. The proposal is not to actually expand the overall size of the facility. It is understood that the facility has been open for 24 hours in the past 18 months. During this time the only complaint received has related to spray from the car wash operation.

3.2 External

Application Reference Number: 12/00309/FUL

Item No: 5c

Page 2 of 6

## MURTON PARISH COUNCIL

Object because of the impact on residents living in Tranby Avenue. Support neighbours concerns in respect to breaching the 24 hour alcohol licence. There is not the need for another outlet to be open for 24 hours. If it is approved meaningful conditions should be applied and monitored.

## OSBALDWICK PARISH COUNCIL

Object because the condition was put in place to protect neighbours amenity. The 2007 York Retail study says the need for convenience shopping has been met and there is no policy support or demand for 24 hour opening. The aim is to provide a late night facility for students that will inconvenience residents due to noise and light pollution.

## NEIGHBOURS

Letters have been received from 3 households in support of the proposal and 2 households who object to it.

The letters of support raise the following issues:

- The 24 hours shop is a useful and convenient facility through the night.
- Having a manned shop through the night adds comfort in case of an emergency.
- Not aware of any problems associated with the 24 hour opening.

The letters of objection raise the following issues:

- There have been on-going noise problems with the site, particularly from use of the jet washes after 23:00.
- The condition to restrict opening hours was done to protect residents living conditions and should remain.
- Visitors to the site shout and bawl, the facility is only for students, taxi drivers and late night revellers.
- Because of noise from the facility nearby houses are being converted to short term lets.
- The site is already overdeveloped.
- It will increase traffic congestion at the entrance to the site.

## 4.0 APPRAISAL

4.1 The key issue in assessing the proposal is whether allowing the 24 hour use of the extension to the shop would cause unacceptable harm to the living conditions of nearby residents.

4.2 Criterion i of policy GP1 of the Local Plan (design) states that proposals will be expected to ensure that residents living nearby are not unduly affected by noise. This requirement is also repeated in policy S10 that relates to new or extended local shops.

4.3 When the extension to the shop was approved in 2003 the applicant initially stated on the application form that he intended to have 24 hour opening. However, he later confirmed with the planning officer that he had no intention of changing the opening hours from those that existed at the time which was 06.45 - 23:00 hours. A resident living in Tranby Avenue and Murton Parish Council objected to the proposal believing that there was to be 24 Hour opening. To help address these concerns the condition that is subject to this application was included.

4.4 It should be noted that there are no restrictions in place in respect to the opening hours of the petrol station. Also it is doubted that the condition relates to the area of the shop building that existed at the time of the application, as the reason for the condition was to ensure the hours were 'in accordance with the current opening hours of the existing shop'. However the hours of the 'existing shop' were not restricted by any condition. In addition, a small extension (approximately 15sqm) to the shop was approved in 2006 (06/0178). There was no restriction included in respect to the operating hours of this element.

4.5 If the application to vary the condition were refused it is considered that it would still be possible to open the petrol station 24 hours each day and it would still be possible to sell produce from at least half of the shop. It is unclear whether customers would be able to enter the shop after 22:45 as the entrance door is through the extension approved in 2003, however, it would presumably be possible for customers to order goods from the kiosk. Around a third of the existing premises are used for storage and preparation, planning permission would not typically be required to use this space for shop sales.

4.6 On balance it is not considered that allowing all of the shop to be open 24 hours would have a material impact on noise levels. The premises are not currently of a size where people would typically seek to undertake a 'large shopping expedition' at night time. It is very likely that between 22:45 and 06:45 the vast majority of customers would wish only to purchase a small number of items from the shop and a reduction in the floor area would not have a significant impact on activity levels at such times. It is likely to be the case that most purchases would be associated with petrol sales, however, some customers might arrive on foot. The premises have a 24 hour alcohol licence for off sales.

4.7 If Members were minded to refuse the application, some regard should be given to whether it would be possible to enforce condition 3 of planning permission



03/02728. The condition is unclear in that it refers to a use being approved (a service station shop) whereas the description of development relates to operational development (an extension). It is very unlikely that the condition would apply to the whole shop and it may be the case that because the condition is not clear and precise it would fail the test for conditions set out in Department of the Environment Circular 11/95 "The Use of Conditions in Planning Permissions".

## **5.0 CONCLUSION**

5.1 It is noted that the applicant did not object to the condition when it was imposed in 2003 as at the time it was understood there was no intention to open the Petrol Station overnight. This is not, however, a reason to retain the condition.

5.2 The concerns of some local residents and Murton Parish Council and Osbaldwick Parish Council in respect to late night noise coming from the site are noted. It is considered however, that closing a portion of the shop during night time hours would have negligible impact on actual noise levels. It is likely that most visitors to the shop would primarily be paying for petrol and those arriving on foot after 10.45 pm would just be purchasing a small number of items. It is unlikely that a reduction in what is a relatively modest shop sales area would have any significant impact on the number and nature of these visits.

5.3 Furthermore the enforceability of the condition is questionable given that it does not appear to have related to the original shop, and a more recent extension was not restricted.

5.4 It is recommended that the application to remove condition 3 of planning permission 03/02728/FUL is approved.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

## **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 local noise levels. As such the proposal complies with Policies GP1 and S10 of the City of York Development Control Local Plan.

## **Contact details:**

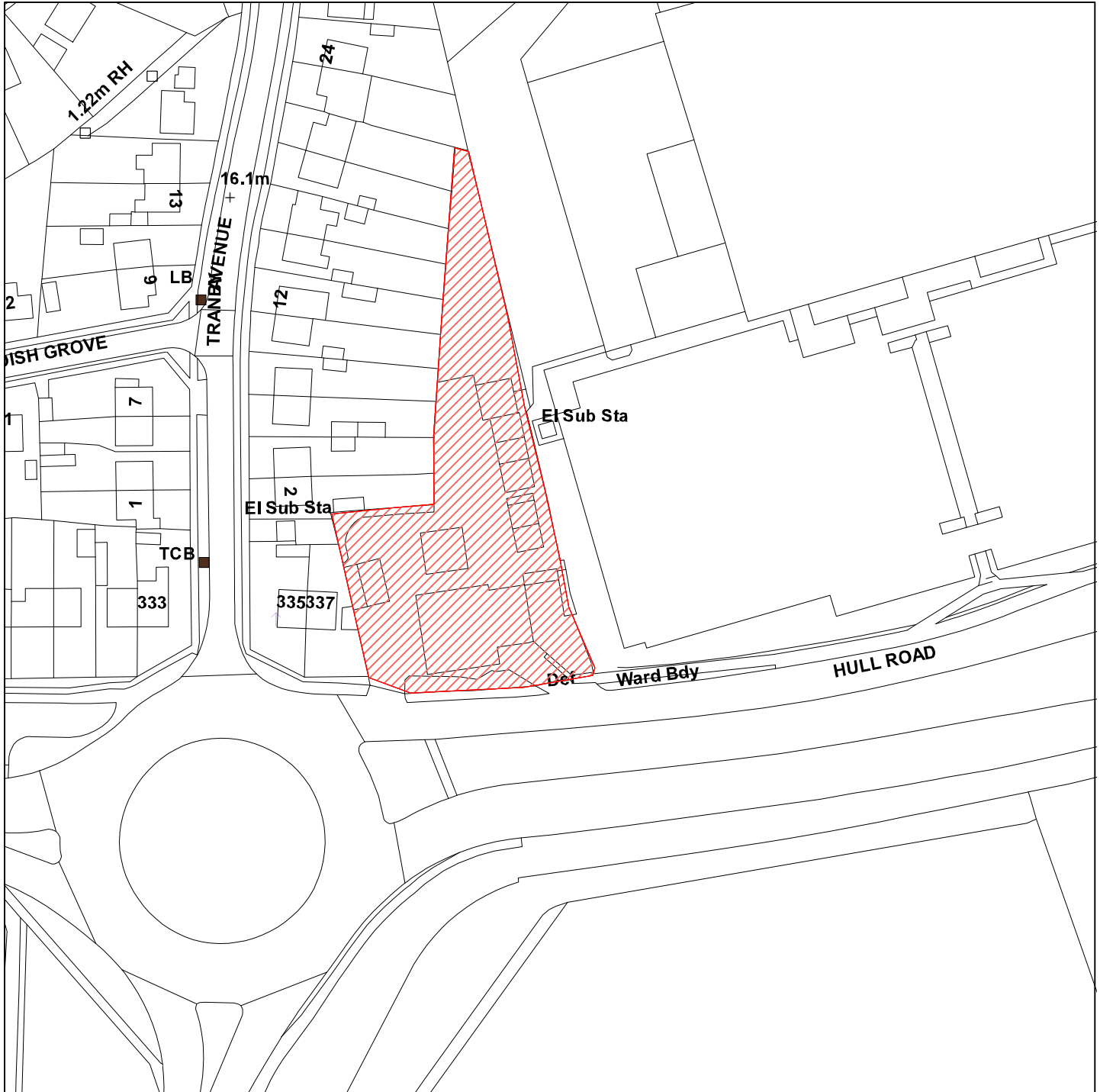
Application Reference Number: 12/00309/FUL  
Page 5 of 6

Item No: 5c

**Author:** Neil Massey Development Management Officer (Wed/Thurs/Fri)  
**Tel No:** 01904 551352

# 12/00309/FUL

## Inner Space Stations, 339 - 341 Hull Road



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	26 March 2012
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 12 April 2012  
**Team:** Major and Commercial Team  
**Ward:** Strensall  
**Parish:** Strensall With Towthorpe Parish Council

**Reference:** 12/00148/FUL  
**Application at:** The Laurels Brecks Lane Strensall York YO32 5UZ  
**For:** Removal of conditions 5 (code for sustainable homes) and 6 (10% on-site renewable energy) of approved application 11/00676/FUL for erection of 8no. two storey dwellinghouses  
**By:** Mr D Gath  
**Application Type:** Full Application  
**Target Date:** 15 March 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application is for the removal of Condition 5 (Construction to achieve at least Level 3 of the Code for Sustainable Homes) and Condition 6 (provision of 10% on-site renewable energy) from approved application 11/00676/FUL. This application related to the erection of 8 no two storey dwellings following the demolition of a large bungalow on Brecks Lane. This application was approved by East Area Sub Planning Committee on 8 September 2011. Construction has started on site.

1.2 The application has been called in for a Committee decision at the request of Cllr Doughty, as the original application for the housing development was determined by the Committee.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP4A  
Sustainability

### **3.0 CONSULTATIONS**

#### **INTERNAL CONSULTATIONS**

No comments received from internal consultees.

#### **EXTERNAL CONSULTATIONS/REPRESENTATIONS**

##### **STRENSALL PARISH COUNCIL - Object**

- Policy GP4a and Code for Sustainable Homes and 10% renewable energy was the regulation at the time of the approval based on the design and access statement and requested by the applicant (page 18)
- The Parish Council are aware of similar applications that have been dismissed at appeal.

##### **1 LETTER OF OBJECTION**

- Does not make any sense for the dwellings to be exempted from any regulation which make them more energy efficient. Need to be as 'green' as possible

### **4.0 APPRAISAL**

#### **RELEVANT SITE HISTORY**

11/00676/FUL - Erection of 8no. two storey dwellinghouses and associated garages with new access to Brecks Lane following demolition of existing dwelling - Approved

#### **KEY ISSUES**

1. Change in policy direction since the original application was approved.

#### **ASSESSMENT**

4.1 The National Planning Policy Framework published 27 March 2012 puts emphasis on sustainable development, one of the Frameworks' core principles being to support the transition to a low carbon future and encourage the use of renewable resources. The Frameworks states that local policies should set the requirements.

4.2 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) sets out what proposals should take account of and what should be included within the proposal with regards to the principles of sustainable development. The CYC Interim Planning Statement on Sustainable Design and Construction gives more specific guidance for developments, such as constructing dwellings to (the minimum) Level 3 of the Code for Sustainable Homes, and

provision of on-site renewable energy for all proposed dwellings. Since the original application was approved the Interim Planning Statement has been amended to reflect Policy CS21 contained in the emerging Core Strategy (see below).

4.3 The Core Strategy has been submitted to the Secretary of State to consider the soundness of the plan. In terms of shaping the Council's future policies, it is clearly more up-to-date than the Draft Local Plan of April 2005 and it is on this basis that the application has been submitted. Policy CS21 states that developments of 10 dwellings or more should be built to Level 3 of the Code for Sustainable Homes and incorporate onsite renewable energy/low carbon energy generation equipment to reduce predicted carbon emissions by at least 10%. This Core Strategy policy complies with the criteria set out in the National Planning Policy Framework. The development under consideration relates to the erection of 8 dwellings, i.e. below the threshold of 10 dwellings set by Policy CS21.

4.4 In recognition of Policy CS21, in January 2012 a change was made to the Council's Interim Planning Statement such that there is no longer a requirement for new residential developments of less than 10 dwellings to achieve the Code for Sustainable Homes Level 3 rating. In addition, there is no longer the requirement for such developments to achieve at least 10% of the developments' energy demand from renewable technologies.

4.5 In the original application the applicant's supporting information did state that the development would comply with Level 3 of the Code for Sustainable Homes and suggested that this be secured by a condition. The supporting information made no reference to on site renewable energy generation. However, the application was submitted and determined prior to the amendment to the Council's Interim Planning Statement, which signals a change in the Council's position on these matters. As the proposed development is below the 10 dwelling threshold set by Policy CS21 and the revised Interim Planning Statement the previous requirements no longer apply to the development.

4.6 Central Government advice contained within Circular 11/95 states that a condition should not be retained unless there are sound and clear cut reasons for doing so. By virtue of the change in the Council's policy, it is considered that the two conditions in question can no longer be reasonably applied or enforced and their removal is considered acceptable.

## **5.0 CONCLUSION**

5.1 The proposal accords with the Council's most up-to-date Interim Planning Statement on Sustainable Design and Construction as revised in January 2012 and is therefore recommended for approval.

**6.0 RECOMMENDATION:** Approve

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

Drawing Number 1482/PL/01/B received 13 July 2011

Drawing Number 1482/M'ham/01B received 24 August 2011

Drawing Number 1482/Bedale/01/B received 24 August 2011

Drawing Number 1482/Hepton/01 received 4 April 2011

Drawing Number 1482/Spode/01 received 4 April 2011

Drawing Number 1482/P7G/01 received 30 June 2011;

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

2 The development shall be carried out using the following external materials: Terca Baggeridge Bradfield Multi brick and Sandtoft concrete double pantile in terracotta red.

Reason: So as to achieve a visually cohesive appearance.

3 VISQ7 Sample panel ext materials to be approved -

4 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**b. Submission of Remediation Scheme**

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

**c. Implementation of Approved Remediation Scheme**

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

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

Reason: To ensure that risks from land contamination to the future users of the land



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

5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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

6 The building envelope of all buildings with a facade onto Brecks Lane 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. In accordance with the Noise and Vibration report (Ref 2053/1) written by Blue Tree Acoustics submitted 10 January 2012. The submitted report recommends a number of ways to achieve the desired levels (Section 5 of the report), and these should be incorporate into their development to comply with the BS8233 levels.

Reason: To Protect the amenity of the residents of the proposed development

7 HWAY9 Vehicle areas surfaced -

8 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb/footway to match adjacent levels.

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

9 HWAY19 Car and cycle parking laid out -

10 HWAY21 Internal turning areas to be provided -

11 HWAY25 Pedestrian visibility splays protected -

12 HWAY40 Dilapidation survey -

13 Details of all means of enclosure to the site boundaries, including planted screening to adjacent dwellings, shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) following the completion of the development hereby approved, no further extensions or curtilage buildings of the type described in Classes A and B of Schedule 2 Part 1 of that Order shall be carried out to the dwelling without the prior planning permission of the Local Planning Authority.

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

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the property.

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

16 Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of the system of street lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, highway safety, and sustainability. As such, the proposal complies with Policies GP1, GP10, H4a, ED4 and L1c of the City of York Council Development Control Local Plan (2005); Policy CS21 of the emerging City of York Core Strategy; the City of York Interim Planning Statement on Sustainable Design and Construction as revised in January 2012; and the National Planning Policy Framework (2012)

**Contact details:**

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**Tel No:** 01904 551347





CGP15A

Development and Flood Risk

CYNE1

Trees, woodlands, hedgerows

CYNE7

Habitat protection and creation

CYL1C

Provision of New Open Space in Development

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYH4A

Housing Windfalls

CYHE3

Conservation Areas

### **3.0 CONSULTATIONS**

#### **INTERNAL**

3.1 Design, Conservation, Sustainable Development (Conservation) - The design, scale and mass of the proposed dwelling house would be visually dominant and detract from the character and appearance of the conservation area. The scale and mass of the dwelling would not make a positive contribution to the character and local distinctiveness of the historic environment and would have a negative impact on views from listed buildings opposite the site, to the north east and to the south. The degree of harm to the setting of the listed buildings and the character and appearance of the conservation area would outweigh the wider benefits of the development.

3.2 Design, Conservation, Sustainable Development (Landscape) - The willow tree on the adjacent property is worthy of protection. Its amenity value should be respected by safeguarding the tree during construction and ensuring its compatibility with the development proposals. This information is essential in order for the application to be determined.

3.3 Design, Conservation, Sustainable Development (Archaeology) - The council's standard archaeological watching brief condition ARCH2 should be applied if the application is to be approved.

3.4 Design, Conservation, Sustainable Development (Countryside) - The chapel building is unlikely to provide roosting opportunities for bats. Care should be taken during demolition to minimise potential impacts. The redevelopment would provide the opportunity to enhance bat habitats. Such measures should be made a condition of approval.

3.5 Lifelong Learning and Culture - As there is no on site open space commuted sums should be paid to the Council for amenity open space, play space and sports pitches in the local area. The payment calculation should be based on the latest York formula and through an s.106 agreement.

3.6 Environmental Protection Unit - No objections. The contamination assessment is satisfactory. Standard informatives regarding demolition/construction and the council's low emission strategy should be attached to any approval.

3.7 Structures and Drainage - The development is in low risk Flood Zone 1 and should not suffer from river flooding. Insufficient information has been provided by the developer to determine the potential impact of the proposals on the existing drainage systems.

## EXTERNAL

3.8 Stockton on the Forest Parish Council - No response.

3.9 Public Consultation - The consultation period expired on 29 February 2012. Two letters have been received from neighbouring occupiers citing the following planning issues:

- \* Impact on the mature willow tree at No.78;
- \* Overdevelopment;
- \* Impact on the conservation area;
- \* Overlooking.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES:-

- Impact on the conservation area and listed buildings;
- Impact on Trees;
- Neighbour amenity;
- Highway issues;
- Open space;

- Flood Risk and Drainage;
- Bio-Diversity.

## POLICY CONTEXT

4.2 The National Planning Policy Framework states that where a development plan is absent, silent or relevant policies are out of date, permission should be granted for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. It sets out 12 core planning principles including that planning should support sustainable economic development, seek high quality design and a good standard of amenity, and conserve heritage assets in a manner appropriate to their significance

4.3 The NPPF states housing applications should be considered in the context of the presumption in favour of sustainable development,

4.4 The NPPF states that in determining planning applications, local planning authorities should take account of:

- i) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- ii) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- iii) the desirability of new development making a positive contribution to local character and distinctiveness.

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

4.6 GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

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

4.8 H4a - Permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-



car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

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

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

4.11 HE2 - Within or adjoining conservation areas and in locations that affect the setting of listed buildings, scheduled monuments or archaeological remains, development proposals must respect adjacent buildings open spaces, landmarks, and settings and have regard to local scale, proportion, design and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landscapes and other townscape elements that contribute to the character or appearance of the area.

4.12 HE3 - Within conservation areas demolition will only be permitted where there is no adverse effect on the character or appearance of the area.

4.13 HE4 - Consent will only be granted for the following types of development where it would not have an adverse effect on a listed building: development in the vicinity of a listed building, demolition, internal or external alterations, change of use or erection of an antenna.

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

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

## THE APPLICATION SITE

4.16 Single-storey vacant chapel alongside the main road through Stockton village. The site is within a conservation area and close to listed buildings to the side, rear and front (including 69 The Village, 71 The Village, 78 The Village and Stockton Grange). The immediate area is residential.

## PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.17 The site is in a sustainable location within the village envelope and with access to shops and public transport. The principle of the use of the site for housing is acceptable.

## IMPACT ON THE CONSERVATION AREA AND LISTED BUILDINGS

4.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local planning authorities to preserve or enhance the character or appearance of conservation areas. The current application should be assessed against this duty.

4.19 The site is in a conservation area and within the setting of a number of listed buildings. They include: no. 69 The Village, a grade II, two-storey detached house dating from the mid to late eighteenth century; no. 71 The Village, a Grade II, two-storey house, dating from the early nineteenth century; Elm Tree Farmhouse at no. 78 The Village, a Grade II, two-storey, detached house dating from the mid to late eighteenth century; and Stockton Grange, a Grade II detached dwelling house dating from 1907 and designed by Walter Brierley.

4.20 The Methodist chapel dates from the mid twentieth century. It is of limited architectural interest and makes a neutral contribution to the character and appearance of the conservation area. The demolition of the chapel is unlikely to harm the character and appearance of the conservation area, subject to acceptable detailed proposals for the redevelopment of the site.

4.21 The proposed dwelling house is of a relatively large scale and mass when considered within the context of existing buildings in The Village. The mass of the dwelling house is increased by the two storey additions to the side and rear. The two storey addition to the south west serves as a double garage with billiard room to the rear and bedrooms to the first floor. Although the ridge height of this two storey addition is stepped down from that of the principal building, the front gable protrudes forward of the principal elevation of the dwelling house. The design of the forward projecting addition contributes to the bulky, incongruous appearance of the proposed dwelling house and steps forward of the building line of the neighbouring cottage at no. 76 The Village. The design of the two-storey and part single-storey addition to the rear also contributes to the large scale, mass and building footprint of the proposed dwelling house.

4.22 The proposed dwelling house would be visually dominant within the setting of the listed buildings opposite at nos 69 and 71 The Village and within the setting of Elm Tree Farmhouse situated to the north-east of the site. The scale and mass of the proposed dwelling house would dominate views from nos 69 and 71 The Village looking to the south-east. The design, scale and mass of the north-east elevation of

the proposed dwelling house, including the two-storey and part single-storey rear addition to the principal building, would have a negative impact on views from the setting of Elm Tree Farmhouse looking to the south-west.

4.23 The proposed house would be visible from the setting to the north-west of Stockton Grange. The scale and mass of the proposed house, together with the design of the two storey glazed section to the rear elevation, would detract from existing views from the setting of Stockton Grange looking north towards, the cumulative change to the setting of Stockton Grange associated with the impact of the proposed dwelling house replacing the existing Methodist Chapel should be considered together with current proposals for a two-storey house to the south-east of the development site (ref. 11/03296/FUL).

4.24 In conclusion, the design, scale and mass of the proposed dwelling house would be visually dominant within the context of existing buildings in this part of The Village and detract from the existing character and appearance of the conservation area. In considering the requirements of the National Planning Policy Framework, the scale and mass of the proposed house does not make a positive contribution to the character and local distinctiveness of the historic environment within the context of The Village. The design, scale and mass of the proposed dwelling house would have a negative impact on views from the listed buildings opposite at nos 69 and 71 The Village, from Elm Tree Farmhouse to the north-east and from the setting of Stockton Grange to the south. The degree of harm to the significance of the designated heritage assets, that is the setting of the listed buildings and the character and appearance of the conservation area, would outweigh the wider benefits of the proposed development.

#### IMPACT ON TREES

4.25 The application form incorrectly states that there are no trees or hedges on adjacent land that could influence the development. There is in fact a large, mature, attractive willow within the curtilage of no.78 The Village and very close to the north east boundary of the application site. The tree has high amenity value by way of its visibility along The Village street in both directions. The tree forms part of the landscape setting of the listed building and the development site and makes a positive contribution to the character and appearance of the conservation area.

4.26 Although the tree is not currently subject to a tree preservation order (TPO) it is located within the conservation area therefore work to the tree requires notification to the local planning authority. A 30% crown reduction has been agreed between the owner of no.78 and the council. The tree is a fine mature specimen with a large bole. Its root protection area as a circle around the centre of the trunk could have a 12m radius.

4.27 Officers recognise that part of the chapel is within the recommended root protection area of the tree; therefore it would be acceptable for the proposed dwelling to exist on the same footprint on this side. But no part of the footprint should come closer to the willow such that it enters the root protection area. Consideration must also be given to the height of the proposed dwelling in relation to the crown spread of the tree. Willow is a species with a high water demand; therefore the foundations of the property would need to be designed to take account of the tree's presence.

4.28 In order for the application to be approved the applicant will need to demonstrate that the development proposals would be compatible with the tree and that it would be properly protected during construction. To do this the tree should be accurately plotted, showing the location of the tree trunk in relation to the property boundary; the crown spread in all directions; the diameter of the trunk at 1.5m above ground level; the root protection area based on 12 x the diameter; and the footprint of the existing building. This information, which has not been provided by the applicant, should guide the design of the proposed dwelling and is essential before the application can be considered for approval.

#### NEIGHBOUR AMENITY

4.29 The dwelling would be unlikely to have a material impact on adjacent occupiers due to one or more of the following mitigating factors: (a) the distance the proposed house and neighbouring houses; (b) absence of significant windows facing the neighbouring houses; (c) absence of windows on neighbouring houses facing the site; (d) boundary walls, fences and planting.

#### HIGHWAY ISSUES

4.30 The development would use the chapel's existing access from The Village. Sight lines are adequate and traffic flows are likely to be much lower than for the chapel use. The proposed double garage would provide adequate space for cycle storage.

#### PUBLIC OPEN SPACE

4.31 A developer contribution of £3,668 would be required for the provision of public open space in accordance with policy L1 of the local plan. If planning permission were to be granted this should be included as part of a planning obligation.

## FLOOD RISK AND DRAINAGE

4.32 The development is in low risk Flood Zone 1 and should not suffer from river flooding. However, insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing surface water drainage systems. Part of the site would be drained by means of soakaways but no evidence has been supplied to show that, in this area, soakaways would work. An appropriate assessment should be carried out to prove that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself. Part of the site would drain to main drains but the applicant has not shown how the run-off would be attenuated. In agreement with the Environment Agency/IDB/City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). As no soakaway test has been carried out the proposed permeable paving cannot be included in the run-off calculations and cannot be used to show a reduction in surface water run-off.

## BIO-DIVERSITY

4.33 The chapel building appears to be well sealed so is unlikely to provide roosting opportunities for bats. Therefore a bat survey is not required. Care should be taken during demolition to minimise potential impacts. The redevelopment would provide the opportunity to enhance bat habitats. Such measures should be made a condition of approval.

4.34 Council records show a lot of bat activity, as well as confirmed roost sites, within Stockton on the Forest including an old record of a roost at a property next to the application site. Whilst this is not a recent record, bats can very often return to the same roosting sites year after year and there is good quality foraging, commuting and roosting habitat in the area. The existing chapel appears to be well sealed so is unlikely to provide roosting opportunities for bats. For this reason a bat survey is not required as part of this application. However, the surrounding area does provide good bat habitat so care should be taken during demolition to minimise any potential impacts. The redevelopment of the site also provides opportunities for carrying out habitat enhancement work to benefit bats such as provision of bat tiles or bat bricks into the new dwelling. This should be made a condition of any approval.

## 5.0 CONCLUSION

5.1 The proposal would have an unacceptable impact on the character and appearance of the conservation area and listed buildings in the vicinity of the site. The application does not show how a mature willow tree in the vicinity of the site would be protected or how surface water would be attenuated.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Refuse

1 The proposal would, by reason of its location, size and design result in an incongruous form of development that would be out of scale and character with the street scene and, given its prominence, would be harmful to the character, appearance and visual amenity of the conservation area and to the setting of listed buildings in the vicinity of the site. There is considered to be no substantial public benefit from the development that would outweigh the degree of harm to the setting of the neighbouring listed buildings, contrary to the provisions of the National Planning Policy Framework regarding Heritage Assets and policies GP1 (Design), HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings) of the City of York Local Plan Deposit Draft.

2 The protected willow tree along the north-east boundary of the site contributes to the character and appearance of the conservation area. The application has not demonstrated that the design and scale of the proposed dwelling and the construction method for building it would protect the tree from irreversible damaged, which would be detrimental to the character and appearance of the conservation area and the setting of listed buildings in the vicinity of the site, contrary to policies NE1 (Trees, Woodlands and Hedgerows), HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings) of the City of York Local Plan Deposit Draft.

3 Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with Central Government policy within the National Planning Policy Framework seeking to minimise flood risk , policy GP15a (Development and Flood Risk) of the City of York Local Plan Deposit Draft; Policy CS22 of the emerging City of York Core Strategy; and the council's adopted Strategic Flood Risk Assessment.

### 7.0 INFORMATIVES:

#### Contact details:

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

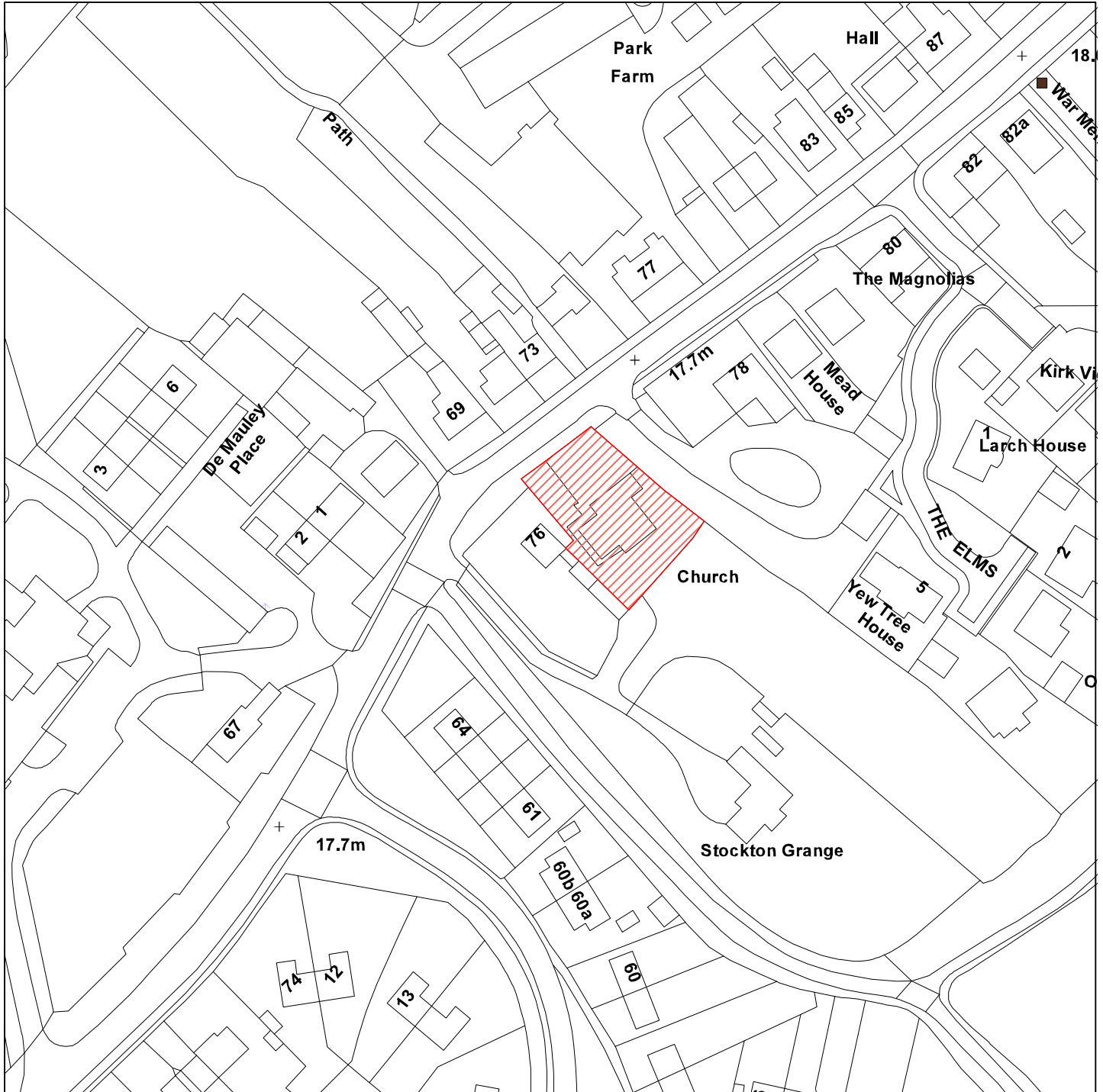
**Tel No:** 01904 552830

12/00241/FUL

Methodist Chapel, The Village, Stockton On The Forest



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	26 March 2012
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Date:** 12 April 2012  
**Team:** Householder and  
Small Scale Team

**Ward:** Strensall  
**Parish:** Earswick Parish Council

**Reference:** 12/00733/FUL  
**Application at:** 12 Whitelands Earswick York YO32 9FX  
**For:** Two storey rear and single storey front and rear extensions  
(resubmission)  
**By:** Mr Chowdhury  
**Application Type:** Full Application  
**Target Date:** 10 April 2012  
**Recommendation:** Householder Approval

### 1.0 PROPOSAL

#### THE SITE:

1.1 The application site is a detached two storey dwelling set within a generously sized plot incorporating a detached double detached garage located to the side of the dwelling. The property is designed with a forward gable projection set down from the main ridge. There is a later two storey side extension along with a pitched roof porch in the centre of the principal elevation and a single storey rear extension all approved on 23.06.2005. The dwelling is well spaced from adjacent residential dwellings located in an area of similar property styles centred around a cul-de-sac comprising open plan front garden areas. The rear elevation is marked by a 1.8 metre high timber fence.

#### THE PROPOSAL:

1.2 Planning permission is sought to erect a two storey extension on the rear elevation incorporating a mono- pitched roof forming a gable continuing the existing fenestration incorporating materials that would match the existing dwelling. The extension at first floor level would project a distance of approximately 3.0 metres in to the rear garden and a total of 6.0 metres at single storey height. The additional windows at ground and first floor would replicate the existing window design providing views on to the rear garden. In addition the application includes an extension to raise the ridge height of a previously approved side extension and redevelopment and extension to the original porch on the principal elevation.



**SUPPORTING INFORMATION:**

1.3 The application includes a letter from the applicant explaining the reasons behind the extension. The applicant has confirmed that the extensions would provide additional living areas for the purpose of accommodating the applicant's elderly parent.

**PROPERTY HISTORY:**

1.4 One and two storey pitched roof side extensions (ref: 05/00987/FUL) approved 23.06.2005

1.5 This application has been brought before East Area Planning Sub-Committee by Councillor Doughty on the following issues of overdevelopment.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1 Design

CYH7 Residential extensions

**3.0 CONSULTATIONS**

Internal

3.1 None

External

3.2. Earswick Parish Council - Objections on the following issues:

- Size and scale
- Parking
- Overdevelopment

3.3 Neighbour consultation letters objections received from 9, 11 and 13 Whitelands on the following issues:

Application Reference Number: 12/00733/FUL

Item No: 5f

- Overdevelopment/ size and scale/ detrimental to the surrounding area.
- Detrimental to the surrounding area.
- Loss of space between the dwellings.
- Parking
- Inaccurate plans
- Possible change of use

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Effect upon neighbours
- Effect upon surrounding area.

4.2 National Planning Policy Framework sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

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

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

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

### **VISUAL APPEARANCE:**

4.6 In terms of visual appearance the development of the principal elevation would be visually prominent within the street scene. However, the extension to the existing porch would break up the potential massing of the extended ridge height. As such it is not considered that there would demonstrable harm to the appearance or

residential character of the street. The extensions on the rear elevation would be visible when viewed from the rear gardens of the adjacent dwellings and oblique views between the spaces between the dwellings. Therefore it is not considered the appearance of the extension would have a detrimental impact on either the existing dwelling or the surrounding area which consists of mainly large well spaced dwellings set back from the public highway. Furthermore, the dwelling is situated in area of varied property styles, set back from the public domain, adequately separated from the adjacent neighbouring properties.

#### NEIGHBOUR AMENITY:

4.7 In terms of residential impact the main issues would be the detached dwellings on the rear elevation at 9, 11 and 13 Whitelands. These neighbours have made representations to the application on the following issues:

- Overdevelopment/ size and scale/ detrimental to the surrounding area.
- Detrimental to the surrounding area.
- Loss of space between the dwellings.
- Parking
- Inaccurate plans
- Possible change of use

4.8 The rear gardens of these adjacent dwellings have been inspected. Whilst it is accepted the extension would reduce the open appearance between the host property and the dwellings it is not considered that the proposal would appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents as a result of unreasonable overshadowing or loss of light, due to the remaining distance to the shared boundary. The extension on the rear elevation would be an ample distance in the region of 6.0 metres on the ground floor elevation and 9 metres from the first floor from the shared boundary and an additional distance in the region of 33 metres from rear the rear windows screened by a close boarded wooden fence. New windows proposed on the rear elevation would serve en-suite facilities for the secondary bedroom and the proposed master bedroom. Therefore it would be unlikely that the extensions would result any significant overlooking and as such would be unlikely to create unacceptable loss of privacy. The proposed single storey extension would be screened by the close boarded wooden fence treatment thus would not be visible from within the public domain. Furthermore, the proposed development would leave an acceptable distance from the main living areas of the adjacent property, thus it is not considered that the site would appear overdeveloped or that the extensions would appear out of keeping in their spacious surroundings.

**PARKING:**

4.9 There is no specific evidence that the proposed development would result in parking problems. The applicant has stated that the proposal would allow his elderly parent to live at the property. Therefore there would be the potential for one extra car. It is considered that there is sufficient garage and off street parking available should this scenario arise.

**INACCURATE DRAWINGS:**

4.10 In terms of the submitted drawings, it is considered that sufficient information has been submitted for the application to be determined, and that the block plan/detailed floor plan clearly show the relationship of the proposed extensions in relation to the site boundary.

**CHANGE OF USE:**

4.11 There is no indication within the application that a change of use is proposed now or the future.

**5.0 CONCLUSION**

The design and materials are considered acceptable therefore the proposal is unlikely to detract from the character and appearance of the residential area. Nor is it considered that the revised proposal will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents. On this basis approval is recommended.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Householder Approval

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Drg No 11.53 2, 3 and 4
- 3 VISQ1 Matching materials -

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

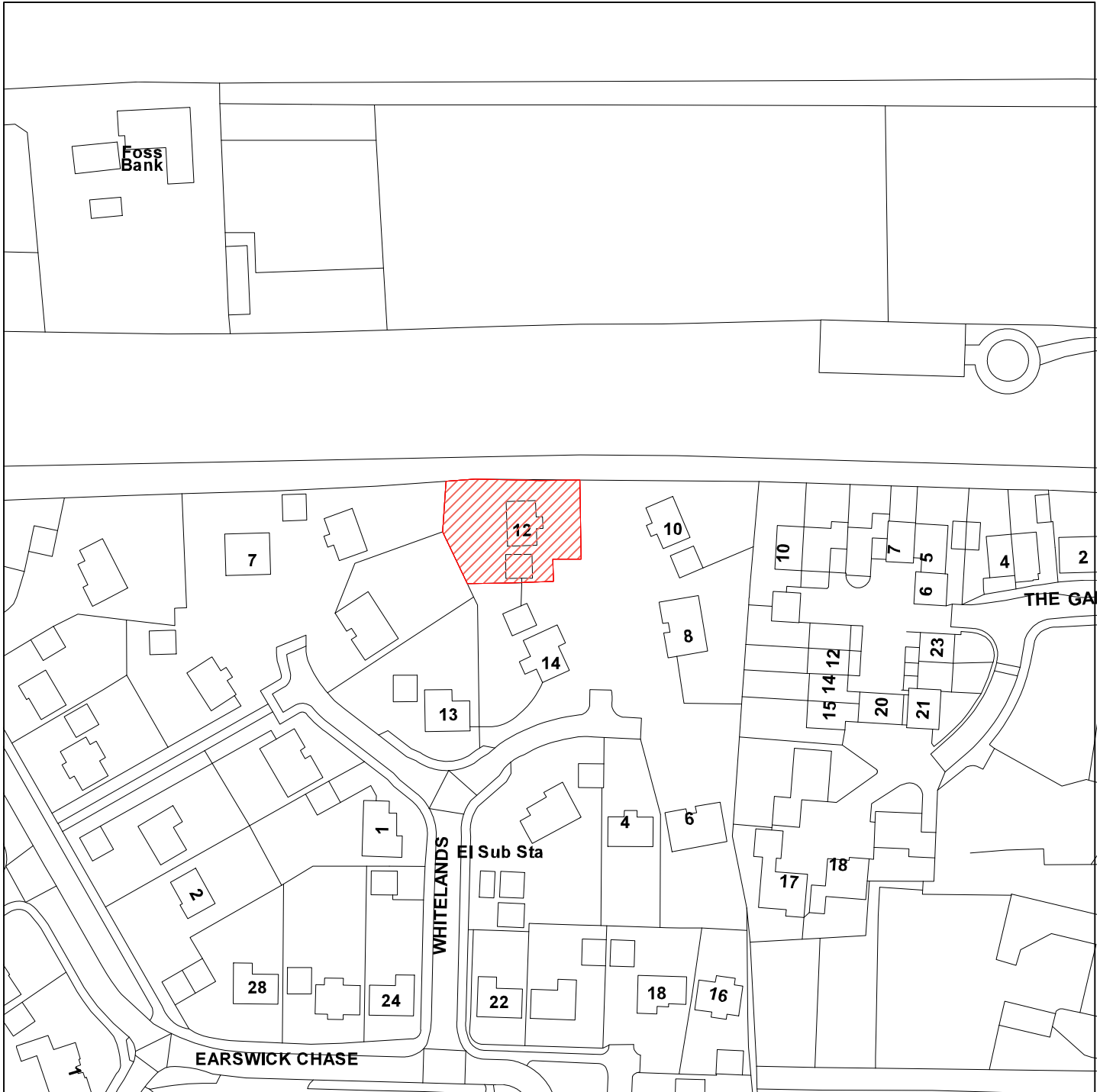
**Contact details:**

**Author:** Sharon Jackson Development Management Assistant

**Tel No:** 01904 551359

12/00733/FUL

12 Whitelands, Earswick



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	26 March 2012
<b>SLA Number</b>	Not Set



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**East Area Planning Sub Committee** 12<sup>th</sup> April 2012

**West and City Centre Area Planning Sub Committee** 19<sup>th</sup> April 2012

**Planning Committee** 26<sup>th</sup> April 2012

## **Appeals Performance and Decision Summaries**

### **Summary**

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1<sup>st</sup> January to 28<sup>th</sup> March 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to that date is also included.

### **Background**

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, from periods from 1st April 2011 and 1<sup>st</sup> January 2012, to 28<sup>th</sup> March 2012.

**Fig 1: Appeals Decided by the Planning Inspectorate  
To 28<sup>th</sup> March 2012**

	1/1/12 to 28/3/12			1/4/11 to 28/3/12		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	2	2	4	6	7	13
Part Allowed	0	0	0	0	0	0
Dismissed	6	6	12	17	18	35
Total Decided	8	8	16	23	25	48
<b>% Allowed</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>26.09</b>	<b>28.00</b>	<b>27.08</b>
% Part Allowed	0	0	0	0	0	0
Withdrawn	0	0	0	3	2	5

### Analysis

- 4 The table shows that between 1<sup>st</sup> January and 28<sup>th</sup> March, a total of 16 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 4 were allowed. At 25.0%, this rate of appeals allowed is significantly lower than the 33% national average.
- 5 Between 1<sup>st</sup> April 2011 and 28<sup>th</sup> March 2012, CYC performance was 27.08% allowed, slightly higher than the previously reported 12 month period of 26.67% but still below the national average.
- 6 The summaries of appeals determined since 1<sup>st</sup> January are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 4 of the appeals determined related to applications refused by Committee.



**Figure 2: Appeals Decided against Refusals by Committee 1<sup>st</sup> January to 28<sup>th</sup> March 2012**

Reference	Site	Proposal	Outcome	Officer Rec.
<b>11/00860/OUTM</b>	Grain Stores Clifton	Mixed Use Development	Dismissed	Refuse
<b>11/01831/OUTM</b>	Bonneycroft Strensall	Residential Development	Dismissed	Approve
<b>11/01937/FUL</b>	111 Newland Park Drive	Extensions	Dismissed	Approve
<b>11/02745/FUL</b>	111 Newland Park Drive	Extensions	Allowed	Approve

- 7 The list of current appeals is attached at Annex B. There are 20 appeals lodged with the Planning Inspectorate, 8 in the West and City Centre Sub Committee area and 12 in the East Sub Committee area. 11 are proposed to be dealt with by the Written Representation process (W), 2 by Informal Hearing (I), 5 by the Householder procedure (H) and 2 by Public Inquiry (P).

### **Consultation**

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

### **Council Plan**

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

### **Implications**

- 10 Financial – There are no financial implications directly arising from the report.
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.

- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

**Risk Management**

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

**Recommendation**

- 15 That Members note the content of this report.

**Contact Details**

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>
Jonathan Carr, Head of Development Management, Directorate of City Strategy	Mike Slater Assistant Director Planning & Sustainable Development, Directorate of City Strategy

01904 551303

**Report  
Approved**



**Date** 28<sup>th</sup> March  
2012

**Specialist Implications Officer(s)** None.

**Wards Affected:**

All  Y

**For further information please contact the author of the report**

**Annexes**

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> January  
and 28<sup>th</sup> March 2012**

**Annex B – Outstanding Appeals to 28th March 2012**

## Appeal Summaries for Cases Determined 01/01/2012 to 28/03/2012

**Application No:** 10/01714/FUL  
**Appeal by:** Mr Pready  
**Proposal:** Retrospective application for amendments to single storey extension granted under application 06/00552/FUL  
**Address:** 4 Scarcroft Lane York YO23 1AD

**Decision Level:** DEL

**Outcome:** ALLOW

The appeal related to a detached cottage along Scarcroft Lane which is grade 2 listed. The cottage had two small single storey lean to extensions prior to 2006. Permission was granted for an L - shaped extension, which would sit behind the boundary wall that runs parallel with Scarcroft Lane. It was also proposed to enclose the opposite side of the yard area (parallel with the alley behind Dale St) but this part of the scheme was omitted as the high rendered wall on this side was deemed to be too dominant in relation to the cottage (higher than the window cill at first floor level) and as boundary walls in the area were all brick and around 1.7m high. A C - shaped extension was then built without permission and the yard enclosed with rendered walls around 2.4m high. Retrospective applications for retention were refused, deemed to be harmful to the appearance of the listed building and the setting. Inspectors opinion was that the setting of the building was defined by its shape and generous size of the plot. The extension built would not harm this setting, given that public views are from Scarcroft Lane only (the other alley is now gated).

---

**Application No:** 10/01715/LBC  
**Appeal by:** Pready  
**Proposal:** Retrospective application for amendments to single storey extension granted under application 06/00690/LBC and internal alterations.  
**Address:** 4 Scarcroft Lane York YO23 1AD

**Decision Level:** DEL

**Outcome:** ALLOW

The appeal related to a detached cottage along Scarcroft Lane which is grade 2 listed. The cottage had two small single storey lean to extensions prior to 2006. Permission was granted for an L - shaped extension, which would sit behind the boundary wall that runs parallel with Scarcroft Lane. It was also proposed to enclose the opposite side of the yard area (parallel with the alley behind Dale St) but this part of the scheme was omitted as the high rendered wall on this side was deemed to be too dominant in relation to the cottage (higher than the window cill at first floor level) and as boundary walls in the area were all brick and around 1.7m high. A C - shaped extension was then built without permission and the yard enclosed with rendered walls around 2.4m high. Retrospective applications for retention were refused, deemed to be harmful to the appearance of the listed building and the setting. Inspectors opinion was that the setting of the building was defined by its shape and generous size of the plot. The extension built would not harm this setting, given that public views are from Scarcroft Lane only (the other alley is now gated).

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**Application No:** 11/00449/FUL  
**Appeal by:** Mr G Topping  
**Proposal:** Change of use from office (use class B1) to 2no self contained flats (use class C3) with external alterations to rear (resubmission)  
**Address:** 70 The Mount York YO24 1AR

**Decision Level:** DEL

**Outcome:** DISMIS

Officers refused an application for the change of use of 70 The Mount from offices to 3 flats as based on the noise report submitted and the context of the surrounding area, it was considered that future occupants would constantly be disturbed by noise. The appeal premises occupy a corner plot adjacent to the junction of Holgate Road and The Mount and a public house. The submitted noise impact assessment indicated that the building fell within Noise Exposure Category C, where permission should not normally be granted. The appellants noise assessment detailed a sound attenuation scheme which would achieve satisfactory levels of noise within the proposed flats. This would involve non opening acoustic double glazing on both the front and rear elevations and proposed the use of acoustic wall ventilators which could provide natural ventilation without the need to open windows. This was disputed given the sites location within an Air Quality Management Area. The Inspector accepted that it would be technically possible to overcome the issue of noise and the effects of poor air quality within the building but only through the use of mechanical ventilation and agreed with the Council that sealed windows and a reliance on mechanical ventilation would not be a particularly sustainable development and would not offer the same level of amenity provided in most dwellings with the external environment in terms of both noise and air quality being below normally recommended and required standards. The Council contention that the demand for flats is well provided for elsewhere within the City was noted. The Inspector concluded that in the absence of evidence demonstrating a significant need for such accommodation, the proposed development would not normally be permitted given the sites noise level classification and stated that there are no other factors put forward which are sufficient to outweigh that general approach. The Inspector dismissed the Appeal.

---

**Application No:** 11/00860/OUTM  
**Appeal by:** Water Lane Ltd  
**Proposal:** Outline application for redevelopment of site for uses including offices (B1c), hotel (C1), residential institutions (C2), dwelling houses (C3) and non-residential institutions (D1) including parking and new access arrangements after demolition of existing warehousing units (application to extend time period for implementation of 07/01992/OUTM allowed on appeal dated 15/09/08)  
**Address:** Grain Stores Water Lane York

**Decision Level:** COMP  
**Outcome:** DISMIS

The appeal relates to an application for extension of time for submission of reserved matters and implementation of a mixed use development including a significant residential element previously granted on appeal in 2008 at the former York Grain Stores, Water Lane. At the previous public enquiry the appellant had submitted a Unilateral Undertaking indicating that he would be willing to support a quantum of 38% affordable housing as part of the proposal. The previous appeal inspector had accepted this and it was taken forward as part of the permission. In the application for extension of time a revised Unilateral Undertaking was submitted which deleted all reference to affordable housing although the applicant indicated a willingness to negotiate a lower figure. In the meantime the Interim Target Figures had been adopted based upon the Dynamic Viability Model and the detailed study of the housing market in the City by Richard Fordham Associates. The applicant initially took exception to having a target set through the Dynamic Viability Model though they were eventually persuaded to consider a target in the range of 19%. Then without warning he appealed non-determination and submitted a twin-track planning application. The twin track planning application was refused at Committee in December. The appeal duly went to public inquiry at which the applicant took issue with the Council's Five Year Housing Land Supply also. The Inspector after due deliberation dismissed the appeal ruling that there should be no impediment to an affordable housing target at the adopted figure of 25% for the site. She did however take issue with the Authority's mode of establishing a Five Year Housing Land Supply which she felt wasn't properly compliant with Central Government Guidance outlined in PPS 3 as a consequence the Five Year Supply was in fact a 3.6 year supply.

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**Application No:** 11/00909/LBC  
**Appeal by:** Mr Peter Mandy  
**Proposal:** Erection of two storey dwelling to rear attached to retained outbuilding  
**Address:** 25 The Green Acomb York YO26 5LL

**Decision Level:** DEL

**Outcome:** DISMIS

The application was for a two storey dwelling the rear garden of 25 The Green. The dwelling would be attached to an existing small outbuilding. The division of the site had already been undertaken. The site is within the Acomb Conservation Area and the host dwelling is Grade II listed. The application was refused on the following grounds: the proposed dwelling by virtue of its scale, design, subdivision of the plot, and expanse of hardstanding would be prominent in views of the site, appear incongruous with the scale of the outbuilding and the setting of the listed building. The development would fail to preserve or enhance the character and appearance of the curtilage listed out building, parent dwelling, and their setting; In addition there was no evidence that the applicant has assessed the significance of the designated heritage asset. The proposed development has not been adequately justified. The proposed plans of the outbuilding were inadequately detailed. As such the information submitted failed to demonstrate that there would not be harm to the historic, architectural interest, and setting of the listed building. The Inspector dismissed the appeal and agreed with both reasons for refusal. The Inspector agreed that the proposed dwelling overwhelmed the existing outbuilding by virtue of its design and scale. Its greater presence would alter the subordinate visual relationship with the listed building, while its design to suggest a range of outbuildings would give a false perspective to the historic relationship. The subdivision of the rear garden into separate plots was considered to disrupt the integrity of the garden's relationship with the listed building. Fences would form visually intrusive features and the large area of hardstanding at the centre of the garden would adversely affect its contribution as a garden space. As such the Inspector considered that the proposed development would not preserve the interest of the appeal building or of the lis

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**Application No:** 11/01477/FUL  
**Appeal by:** Mr & Mrs Whitford  
**Proposal:** Two storey rear and single storey side extensions  
**Address:** 27 Church Street Dunnington York YO19 5PP

**Decision Level:** DEL

**Outcome:** ALLOW

The appeal related to an application to erect a wide single-storey side extension (incorporating a garage and conservatory) to a cottage in Dunnington conservation area. The application was refused as it was felt that the large amount of development would detract from the linear character of the former burgage plot. The Inspector allowed the appeal stating that as the extensions were set well back from the frontage they would not be prominent and trees to the rear would still be clearly visible. She also referred to other similar developments in the area and felt that the linear character of the former burgage plot would remain.

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**Application No:** 11/01562/LBC  
**Appeal by:** Punch Partnerships Ltd  
**Proposal:** Installation of extract/intake vents and cellar cooling system to the rear (retrospective)(resubmission)  
**Address:** Royal Oak Inn 18 Goodramgate York YO1 7LG

**Decision Level:** DEL

**Outcome:** DISMIS

This joint listed building and planning application for the retention of a ducting/flue, intake unit and condenser unit at the rear of the Royal Oak Public House was recommended for refusal given the adverse visual impact on the listed building without sufficient justification and compelling evidence that a more suitable system could not be provided. The Inspector considered that the combination of the three additions, with their disparate shapes, proportions and finishes, amounted to a clutter of equipment, functional and utilitarian in appearance, out of keeping with the special character of the building. The effect was exacerbated by their proximity, in a narrow and constrained wall area, immediately adjacent to two windows and a door. Whilst the Inspector considered that the equipment was required to allow the business to operate effectively, he did not consider that more suitable alternative measures had been fully investigated. The visual impact would be aggravated by the requirements of the Noise Impact Assessment which are necessary to ensure that the living conditions of the occupiers of the adjacent flat would not be harmed. The appeals were dismissed.

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**Application No:** 11/01564/FUL  
**Appeal by:** Punch Partnerships Ltd  
**Proposal:** Installation of extract/intake vents and cellar cooling system to the rear (retrospective) (resubmission)  
**Address:** Royal Oak Inn 18 Goodramgate York YO1 7LG

**Decision Level:** DEL

**Outcome:** DISMIS

APP/C2741/E/11/2161856 is the main appeal reference number - teamp p16, case officer Debbie Smith direct line 0117 372 8607 This joint listed building and planning application for the retention of a ducting/flue, intake unit and condenser unit at the rear of the Royal Oak Public House was recommended for refusal given the adverse visual impact on the listed building without sufficient justification and compelling evidence that a more suitable system could not be provided. The Inspector considered that the combination of the three additions, with their disparate shapes, proportions and finishes, amounted to a clutter of equipment, functional and utilitarian in appearance, out of keeping with the special character of the building. The effect was exacerbated by their proximity, in a narrow and constrained wall area, immediately adjacent to two windows and a door. Whilst the Inspector considered that the equipment was required to allow the business to operate effectively, he did not consider that more suitable alternative measures had been fully investigated. The visual impact would be aggravated by the requirements of the Noise Impact Assessment which are necessary to ensure that the living conditions of the occupiers of the adjacent flat would not be harmed. The appeals were dismissed.

---

**Application No:** 11/01656/FUL  
**Appeal by:** Mr Sukhvinder Dhillon  
**Proposal:** Demolition of out-buildings to rear and erection of single-storey building comprising 3no. bedsits  
**Address:** Bridge Fisheries 4 Intake Avenue York YO30 6HB

**Decision Level:** DEL

**Outcome:** DISMIS

Bridge Fisheries occupies a two storey semi-detached shop unit with a large rear yard and ancillary service buildings to the north west of the District Hospital. The owner had applied for planning permission to clear the service buildings and erect a series of single storey bed-sit type properties within the yard but with the take-away use continuing. The existing substantial boundary wall and gate would also remain to seal off the site from the adjacent highway. Planning permission was refused on the grounds that the development would create unacceptable living conditions for future occupiers of the site and that it would appear cramped oppressive and represent over development of the site. The appellant duly appealed on the grounds that the first reason for refusal was highly subjective and that the second was contrary to the general thrust of emerging government policy. The Inspector totally disagreed indicating that the proposed bed-sits would provide a standard of accommodation well below that usually accepted and that the form of the development would appear cramped and highly incongruous within the wider street scene. The appeal was dismissed.

---

**Application No:** 11/01720/FUL  
**Appeal by:** Mr Will Cook  
**Proposal:** First floor side extension  
**Address:** 112 Hamilton Drive York YO24 4LD

**Decision Level:** DEL

**Outcome:** DISMIS

The Inspector considered the main issues in this case are the impact of the proposed extension on the street scene and on the amenity of adjacent residential occupiers. The side boundary to the appeal property is angled to the frontage, with the space narrowing towards the rear of the house. The proposed extension would follow the boundary so that it would be around 4m wide along the frontage. The ground floor would project forward of the building line, whilst the first floor would be set back. The Inspector felt that since the roof of the extension would exceed the ridge height of the existing roof, the result would be an unbalanced appearance to the semi-detached pair of houses which would appear incongruous in the street scene. From the east the side elevation and roof of the extension would appear prominent, with a significant impact on the street scene contrary to Local Plan Policy H7 (a) and (e). Secondly he felt the extension would have a significant adverse impact on the neighbouring property through an overbearing appearance. This would be contrary to Policy GP1 (i) in the Local Plan, specifically criterion i).

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**Application No:** 11/01831/OUTM  
**Appeal by:** Bonneycroft LLP  
**Proposal:** Residential development of 10 dwellings (amended scheme)  
**Address:** Bonneycroft 22 Princess Road Strensall York YO32 5UD

**Decision Level:** CMV

**Outcome:** DISMIS

Inspectors Main Findings. The loss of trees would be unfortunate but would be mitigated by replacement planting and retaining the main trees. The height and mass of the terrace, the main concern of local residents, would not look out of place in the street scene nor would it have an unacceptable impact on the conservation area. Locating the private amenity space alongside the public highway would also be acceptable in terms of the street scene and conservation area. However, it is unclear whether the amenity space on the highway frontage could be termed private because it would be largely open and overlooked. The only truly private space available to the occupiers would be on the west side of the terrace, i.e. away from the public highway. However, this space was small, cramped and out of keeping with the spacious, suburban character of the rest of the development. For this reason, only, the inspector dismissed the appeal. The appellant applied for costs. The inspector concluded that despite the officer recommendation to approve the application, none of the three reasons for refusal was unreasonable and all were supported by adequate evidence in the councils appeal statement. He said it was not unreasonable for members to disagree with their officers on the impact of the proposed terrace of three houses. The landscape officer had commented that the revised scheme was on the side of acceptable. That, said the inspector, reads as a close decision and, on that basis, it cannot be unreasonable for members to have come to an equally close but different view. The application for costs was refused.

---

**Application No:** 11/01836/ADV  
**Appeal by:** Cloverleaf Restaurants Limited  
**Proposal:** Display of 4no. externally illuminated fascia signs, 2no. freestanding signs and 2no. panel signs on proposed new restaurant  
**Address:** Plot 5 Monks Cross Drive Huntington York

**Decision Level:** DEL

**Outcome:** DISMIS

A split decision was issued in relation to signage for a new restaurant at Monks Cross. The fascia signage and two freestanding signs were granted consent however a refusal was issued in relation to two freestanding signs proposed along the Monks Cross Drive frontage. The Inspector agreed with the Council that although predominantly commercial, the area in the vicinity of the proposed restaurant has an open and spacious feel complemented by the high quality of landscaping. Existing signing is minimal and non-illuminated and has little impact on the character of the area. The Inspector considered that the addition of two further illuminated signs on the site frontage, in close proximity to one another, would be excessive and cause significant harm to the character and appearance of the area. Although one sign could be accommodated (as we also accept) the Inspector felt (like us) unable to issue a split decision because neither position proposed would be appropriate if there is to be only one sign.

---

**Application No:** 11/01902/FUL  
**Appeal by:** Mr John Palmer  
**Proposal:** Siting of portable building and use of adjacent car parking spaces as car wash (retrospective)  
**Address:** Site Adjacent To Burger King And Junction Of A1237 Stirling Road York  
**Decision Level:** DEL  
**Outcome:** DISMIS

Inspectors Main Findings. The car wash and valeting business is operated from a steel container near the top corner of the car park. The container is small in comparison with the units in the retail park and its location within the car park avoids congestion. However, the container occupies a very open position adjacent to the access road into the retail park and well away from buildings. It is clearly visible from the car park, the access road and the A1237 ring road. Planting along the roadside and on the edge of the car park is limited in height and does little, if anything to screen the container. The appellant is willing to consider additional landscaping it would need considerable time to mature and may in itself be out of keeping with the area. The utilitarian design of the container and its rather cluttered appearance are out of keeping with the otherwise open nature of this part of the car park and the backdrop provided by the retail and commercial units. Whilst I appreciate that the appellant appears willing to adapt the external appearance of the container, I must determine the appeal on the basis of the proposal before me. I find therefore that given its siting and design, the container is an unduly prominent and obtrusive feature.

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**Application No:** 11/01937/FUL  
**Appeal by:** Mr Colin Packer  
**Proposal:** Two storey side extension and single storey rear extension  
**Address:** 111 Newland Park Drive York YO10 3HR

**Decision Level:** CMV  
**Outcome:** DISMIS

This application was to erect a two-storey side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbour at 113 Newland Park Drive. The inspector dismissed the appeal on the basis that the single storey extension at 4.0 metres in length would appear over bearing and dominant for the adjacent neighbour at 113 Newland Park Drive. The inspector confirmed that the proposal was for a residential extension and the local objections relating to student occupation could not be considered as part of the application.

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**Application No:** 11/02745/FUL  
**Appeal by:** Mr Colin Packer  
**Proposal:** Two storey side extension and single storey rear extension (revised scheme)  
**Address:** 111 Newland Park Drive York YO10 3HR

**Decision Level:** CMV  
**Outcome:** ALLOW

The application is revised version of an earlier proposal for the erection for a two storey side extension of a semi-detached dwelling in order to form an en-suite bedroom and utility room at ground floor with a further bedroom and en-suite facilities at first floor. The proposed single storey rear extension proposed on the previous application (11/01937/FUL) has been reduced in length and repositioned to comply with the rules of householder permitted development. The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbour at 113 Newland Park Drive. The inspector considered the single storey permitted development extension in connection with the refused application because this was under construction at the time of the site visit. The Inspector allowed the appeal on the basis that the application would not harmfully affect the living conditions of the neighbours at (no.113) subject to a condition for the erection of a close boarded boundary fence of approx 1.8 metres in height. The inspector confirmed that the proposal was for a residential extension and the local objections relating to student occupation could not be considered as part of the application.

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**Application No:** 11/02904/FUL  
**Appeal by:** Mr S Chisholm  
**Proposal:** Single storey side extension and two storey rear extension - resubmission (revised scheme)  
**Address:** 3 Beech Grove Upper Poppleton York YO26 6DS

**Decision Level:** DEL  
**Outcome:** DISMIS

The dwelling lies within the Conservation Area, within a cul-de-sac of semi-detached houses, of two basic designs, many of which largely unaltered, retaining their original form size and symmetrical appearance. This application was the third refused submission. seeking permission for a single storey side and two-storey rear extension. One appeal has also previously been dismissed. The application was refused on the grounds that it would erode the setting of the house and unbalance the symmetry of the group, by virtue of the scale and design. The inspector agreed noting that leaving only 1m space to the side boundary would significantly diminish the open character of the area and that the two-storey rear extension would form a bulky and large addition, dominating the rear elevation and would unbalance the symmetry of the pair of dwellings.

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Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed



## Outstanding appeals

<b>Officer:</b> Andy Blain					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 05/10/2011	<b>Ref No:</b> 11/00044/EN	<b>Appeal Ref No:</b> APP/C2741/F/11/2160562	<b>Process:</b> W	<b>Site:</b> 91 Micklegate York YO1 6LE	<b>Description:</b> Appeal against Enforcement Notice	
<b>Officer:</b> Chris Newsome					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 26/09/2011	<b>Ref No:</b> 11/00050/REF	<b>Appeal Ref No:</b> APP/C2741/A/11/2161507	<b>Process:</b> P	<b>Site:</b> Arabesque House Monks Cross Drive Huntington	<b>Description:</b> Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)	
<b>Officer:</b> Diane Cragg					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 10/02/2012	<b>Ref No:</b> 12/00008/REF	<b>Appeal Ref No:</b> APP/C2741/H/12/2170797	<b>Process:</b> W	<b>Site:</b> Sainsbury Plc Monks Cross Drive Huntington York YO32	<b>Description:</b> Display of 4no. timber frame banner signs	
<b>Officer:</b> Erik Matthews					<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b> 12/01/2012	<b>Ref No:</b> 12/00003/REF	<b>Appeal Ref No:</b> APP/C2741/A/12/2168056/NWF	<b>Process:</b> W	<b>Site:</b> 36 Beech Grove York YO26 5LB	<b>Description:</b> Two no. dormer bungalows to rear of 36 Beech Grove and 30 Carr Lane with access from Rosedale Avenue (resubmission)	
<b>Received on:</b> 07/03/2012	<b>Ref No:</b> 12/00010/REF	<b>Appeal Ref No:</b> APP/C2741/A/12/2171993	<b>Process:</b> W	<b>Site:</b> 9 Landalewood Road York YO30 4SX	<b>Description:</b> Conversion of dwelling into 2no. flats with alterations to front elevation (resubmission) (retrospective)	
<b>Officer:</b> Gareth Arnold					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 23/01/2012	<b>Ref No:</b> 12/00007/REF	<b>Appeal Ref No:</b> APP/C2741/A/12/2169412/NWF	<b>Process:</b> W	<b>Site:</b> Holly Tree Farm Murton Way York YO19 5UN	<b>Description:</b> Conversion of stable to 2 bed holiday let (resubmission)	
<b>Officer:</b> Heather Fairy (Mon - Wed)					<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b> 16/02/2012	<b>Ref No:</b> 12/00016/REF	<b>Appeal Ref No:</b> APP/C2741/D/12/2170925	<b>Process:</b> H	<b>Site:</b> 42 Dikelands Lane Upper Poppleton York YO26 6JF	<b>Description:</b> Single storey side and rear extension with rooms in roof (amended scheme)	

<b>Officer: Kevin O'Connell</b>					<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
19/01/2012	12/00006/REF	APP/C2741/A/12/2169123/NWF	W	Yew Tree House Vicarage Lane Naburn York YO19	Removal of condition 7 (open space) for approved outline application 10/02271/OUT for erection of detached bungalow
27/02/2012	12/00009/REF	APP/C2741/X/12/2170664	W	2 St Aubyns Place York YO24 1EQ	Use of property as a House in Multiple Occupation
<b>Officer: Michael Jones</b>					<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
13/12/2011	11/00059/REF	APP/C2741/A/11/2167241/NWF	W	The Market Garden Eastfield Lane Dunnington	Erection of 2no. pig rearing units to rear (retrospective)
04/01/2012	12/00001/REF	APP/C2741/A/11/2166686/NWF	W	St Catherines House 11 Clifton York YO30 6AA	Erection of two storey dwelling to the rear
13/03/2012	12/00015/REF	APP/C2741/A/12/2170530	W	12 Malton Way York YO30 5SG	Two no. 2 storey detached dwellings with garages after demolition of existing bungalow and outbuildings (amended scheme)
<b>Officer: Matthew Parkinson</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
<b>Officer: Neil Massey</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
15/03/2012	12/00013/REF	APP/C2741/D/12/2172258	H	Kilburn View Murton Way York YO19 5UW	First floor side extension
<b>Officer: Rachel Tyas</b>					<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>
26/01/2012	12/00004/REF	APP/C2741/A/12/2168876/NWF	I	Relay Recruitment 116 Micklegate York YO1 6JX	Change of use of recruitment consultancy (Class A2) to bar/restaurant

<b>Officer: Simon Glazier</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
06/02/2012	12/00012/REF	APP/C2741/D/12/2170289	H	1 Meam Close Osbaldwick York YO10 3JH	First floor side extension	
12/03/2012	12/00014/REF	APP/C2741/D/12/2172426	H	93 Newland Park Drive York YO10 3HR	First floor side and rear extension.	
<b>Officer: Sharon Jackson</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
07/03/2012	12/00011/REF	APP/C2741/D/12/2171540	H	40 Fordlands Road York YO19 4QG	Single storey rear extension	
<b>Officer: Victoria Bell</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
02/09/2011	11/00038/REF	APP/C2741/A/11/2159809	W	25 The Green Acomb York YO26 5LL	Erection of two storey dwelling to rear attached to retained outbuilding	
30/12/2011	11/00060/REF	APP/C2741/A/112167481/NWF	I	Plot 6 Great North Way Nether Poppleton York	Erection of 3 storey 64 bed care home for older people	
<b>Total number of appeals: 20</b>						



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**East Area Planning  
Sub-Committee****12<sup>th</sup> April 2012**

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 required under the Agreement.

### **Current Position**

6. 114 new cases were received for this area within the last quarter, 74 cases were closed and 325 remain outstanding. The number of new cases is the most received in a quarter for at least 6 years. This has also coincided with the loss of Mandy Swithenbank on a temporary secondment to Union duties and as yet this post has not been backfilled. It is currently being advertised with a view to filling this vacancy until at least the end of September. Hopefully officers will have an update on this for Members at the meeting.

There are 105 Section 106 monitoring cases outstanding for this area after the full payment of 4 for this quarter and partial of 2 more. These have brought in a total of £48328 of outstanding financial contributions attached to developments in the east area. Letters have gone out on some other developments where the contributions are now required and responses to these are awaited.

We currently have two pending prosecutions for the failure to comply with enforcement notices which are currently with legal services and they have been in correspondence with the relevant parties. In this quarter we have served 1 enforcement notice and we have a further 5 cases in which enforcement notices are being prepared for service. A temporary stop notice was served on an unauthorised development and authorisation for further action is currently being sought on this. 1 Planning Contravention Notice has also been served during this period in order to establish land ownership details and this information has subsequently been used in the upcoming enforcement notice.

### **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.

## **Council Plan 2011-2015**

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

### **10. Implications**

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

### **Risk Management**

11. There are no known risks.

### **Recommendations**

12. That members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if Members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Matthew Parkinson or Alan Kendall by 5pm on Wednesday 11<sup>th</sup> April 2012. Please note that the cases are now presented in Parish order so hopefully this will make it easier for Members to reference cases in their respective areas.

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

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

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

**Contact Details**

**Author:**

**Author's name**

Matthew Parkinson  
Planning Enforcement  
Team Leader.

**Chief Officer Responsible for the report:**

**Chief Officer's name**

Michael Slater  
Assistant Director (Planning and  
Sustainable Development)

**Dept Name** City Strategy  
Tel No. 551657/551657.

**Report  
Approved**



**Date** 28/3/2012

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

**Report  
Approved**



**Date** 28/3/2012

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

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

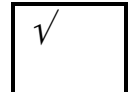
*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

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**For further information please contact the author of the report**

**Background Papers:**

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

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

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)



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

Document is Restricted

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of the Local Government Act 1972.

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