



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Hyman (Vice-Chair),
D'Agorne, Greenwood, Hall, King, Smallwood, Vassie,
B Watson and M Waudby
- Date:** Thursday, 15 June 2006
- Time:** 2.00 pm
- Venue:** Guildhall

AGENDA

1. Declarations of Interest

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

2. Minutes

(Pages 3 - 10)

To approve and sign the minutes of the meeting held on 11 May 2006.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 14 June at 5.00pm.

4. Plans List

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

- a) **Water Tower, Church Balk, Dunnington
(06/0894/FUL)** (Pages 11 - 16)
- b) **Newsham House, Main Street, Holtby
(06/0452/FULM)** (Pages 17 - 26)
- c) **Thornlea, 23 The Village, Wigginton
(06/00514/OUTM)** (Pages 27 - 36)
- d) **Thornlea, 23 The Village, Wigginton
(06/00516/OUTM)** (Pages 37 - 46)
- e) **Airfield Business Park, Elvington
(06/0589/FULM)** (Pages 47 - 58)
- f) **21 The Copper Beeches, Dunnington
(06/0698/FUL)** (Pages 59 - 68)
- g) **15 Murton Way, Osbaldwick
(06/00010/FUL)** (Pages 69 - 78)
- h) **St Oswald's C of E Primary School, Fulford
(06/0784/FUL)** (Pages 79 - 84)
- i) **26 Hopgrove Lane South, Stockton on Forest
(06/0912/FUL)** (Pages 85 - 90)
- j) **21 Lamel Street
(06/00869/OUT)** (Pages 91 - 98)

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

Note: When business on this agenda is viewed to be extraordinarily lengthy the Chair may call a 5/10 minute adjournment at an appropriate point in proceedings to enable Committee Members to have a short break.

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552030
- E-mail – jill.pickering@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 are set out above.

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EAST AREA PLANNING SUB-COMMITTEE - 15 June 2006**Index to plans list items**

SITE	OFFICER	ITEM	VISIT	WARD
Dunnington Water Tower 06/0894/FUL	NM	1	yes	Derwent
Newsham House, Holtby 06/0452/FULM	DH	2	yes	Derwent
Thornlea, Wigginton 06/0514/OUTM	DC	3	no	Haxby/Wigg
Thornlea, Wigginton 06/0516/OUTM	DC	4	no	Haxby/Wigg
Elvington Airfield Industrial Estate 06/0589/FULM	MP	5	yes	Wheldrake
21 Copper Beeches, Dunnington 06/00698/FUL	MP	6	no	Derwent
15 Murton Way, Osbaldwick 06/0010/FUL	MJ	7	no	Derwent
St. Oswald's School, Fulford 06/0784/FUL	MJ	8	yes	Fulford
26 Hopgrove Lane South 06/0912/FUL	DH	9	no	Strensall
21 Lamel Street 06/00869/OUT	DC	10	yes	Hull Road

SITE VISITS**Start 10.00am from Clarence Street coach park on Wednesday 14 June**

10. 15	21 Lamel Street	item 10
10. 40	Newsham House, Holtby	item 2
11. 10	Dunnington Water Tower	item 1
11. 40	Elvington Airfield Industrial Estate	item 5
12. 10	St. Oswald's School, Fulford.	Item 8 Last visit.

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City of York Council

Committee Minutes

MEETING	PLANNING AND TRANSPORT (EAST AREA) SUB-COMMITTEE
DATE	11 MAY 2006
PRESENT	COUNCILLORS MOORE (in the Chair), CUTHBERTSON (substitute for HALL), D'AGORNE, HYMAN (VICE-CHAIR), KING, ORRELL, SMALLWOOD, VASSIE, B WATSON and M WAUDBY.
APOLOGIES	COUNCILLOR HALL

99. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
12A The Village, Wigginton	Cllrs D'Agorne, Hyman, Moore, Orrell, Vassie and B Watson.	Requested by Members
Designer Outlet Centre, Fulford	Cllrs D'Agorne, Hyman, Moore, Vassie and B Watson.	Requested by Members

100. DECLARATIONS OF INTEREST

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

Cllr Smallwood declared a personal non-prejudicial interest in Plans Item 2 (69 Fourth Avenue, Heworth) as the Applicant had visited his home to present the application. He advised the Applicant that he would not comment on the application. He exercised his right to remain in the room and took part in the discussion.

Cllr D'Agorne declared a personal and prejudicial interest in Plans Item 5 (Gimcrack, Fulford Road) as he was a near neighbour. He left the room for that item and took no part in the discussion thereon.

Cllr Cuthbertson declared a personal non-prejudicial interest in Plans Item 7 (12a The Village, Wigginton) as he was a member of the Parish Council, and the Parish Council had discussed the application but he had not taken part in any discussions. He exercised his right to remain in the room and took part in the discussion.

Cllr Moore declared a personal non-prejudicial interest in Plans Item 4 (Clifton Moor Retail Park) as he was Chair of Rawcliffe Parish Council and the clerk to

the Council was present to speak on the item. He had not, however, taken part in any discussion on the application. He exercised his right to remain in the room and took part in the discussion.

101. MINUTES

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

102. PUBLIC PARTICIPATION

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

103. 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.

(Plans Item 1) MACARTHUR GLEN, ST NICHOLAS AVENUE, YORK

Members considered a Major Full Application (13 weeks), submitted by McArthur Glen Designer Outlets, for a proposed storage building and associated landscaping to the west wing area and alterations to the car park. (Ref: 06/00564/FULM)

Officers advised that condition 11, hours of working, was to be modified and the hours of delivery restricted to Mon – Sat 0630 hrs – 2230 hrs and Sun 1000 hrs – 2230 hrs. Officers advised that a condition about construction hours should be added if the application was approved.

The Applicant was present to answer questions.

Members discussed building efficiency and were disappointed that more efforts had not been made to improve efficiency. Members agreed that an informative about building efficiency should be added. Members discussed use of space at the site and raised concerns that if the new storage building was allowed, further temporary units may in the future be placed on the site. Members agreed that condition 6 should be amended to prevent this.

RESOLVED: That the Application be approved subject to the conditions in the report, and with the following amended and additional conditions and informative:

1. The container units shown on drawing 0113.EX04 submitted with the application shall be removed in their entirety from the site within two weeks from the beneficial use of the storage building hereby approved and no further container units shall be allowed on the site without the prior written permission of the Local Planning Authority.

Reason: To ensure the development is acceptable in terms of the effect on the openness of the Green Belt

2. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

Informative

1. The applicant is strongly advised to take account of sustainable development in the building construction of the proposal, and to contact the Authority's Sustainability Officer, Kristina Peat, on 01904 551666 in this respect.

REASON: The proposal, subject to the conditions in the report and listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the York Green Belt, visual amenity, trees and landscaping, highways considerations, sustainability and the effect on the amenities of the nearest neighbouring properties.

Cllr D'Agorne requested that it be noted that he opposed this application.

(Plans Item 2) STORE REAR OF 69 FOURTH AVENUE, YORK

Members considered a Full Application, submitted by Mr G A Harrison, for erection of 2 dwellings after demolition of an existing store. (Ref: 06/00637/FUL)

Officers updated that an objection had been received from Heworth Parish Council who raised concerns about overdevelopment and that the site was inappropriate for residential use. Highways had not raised any objections. Officers updated that the refusal referred to PPG1 and that this should be amended to PPG51.

Representations were received in support from the agent for the Applicant.

Members raised concerns about the siting of the proposal, overdevelopment on the site and the lack of amenity space.

RESOLVED: That the application be refused.

REASONS:

1. The proposed dwellings by virtue of their siting and design will detract from the amenity of adjacent residential properties in particular 65 and 67 Fourth Avenue and the flats to the rear of 69, 71 and 73 Fourth Avenue. This is contrary to GP1 of the City of York Draft Local Plan and the thrust of PPS1 and PPG3.

2. The proposed dwellings located at the rear of an existing row of shops, served via a rear alley and located in close proximity to the rear of 69 Fourth

Avenue with no outdoor amenity space, will not provide a level of amenity that future occupiers of the dwellings should expect to enjoy. This is contrary to policy GP1 of the City of York Draft Local Plan and the thrust of PPS1 and PPG3.

(Plans Item 3) 47 HEWORTH ROAD, YORK

Full application, submitted by Mr N Hall, for erection of 3 one-bedroomed attached dwellings on land to the rear of 47 Heworth Road. (Ref: 06/00084/FUL)

This Application was withdrawn by the Applicant prior to the meeting.

(Plans Item 4) PROPOSED CAR VALETING SERVICE AT SHOPPING CENTRE CAR PARK, STIRLING ROAD, YORK

Members considered a Full application, submitted by Car Valeting Ltd, for change of use part of a car park to temporary office and canopy for a car valeting service (re-submission). (Ref: 06/00704/FUL)

Officers updated that there had been an objection from Rawcliffe Parish Council on the grounds of the colour of the canopy and subsequent loss of visual amenity, the loss of car parking spaces and pedestrian safety.

Representations were received in objection from the Clerk of Rawcliffe Parish Council

Members discussed water recycling and that the proposal was for a hand car wash. Officers reported that previous concerns about traffic and safety had been overcome as the site had been moved closer to the recycling bin area. Members agreed to add a condition to ensure the colour of the car wash canopy matched nearby roofs.

RESOLVED: That the application be approved subject to the conditions in the report and with the following additional condition:

1. No development shall commence until details of the colour finish of the proposed canopy have been submitted to and approved in writing with the Local Planning Authority. This colouring shall as near as possible match that of the existing roofs of the buildings on Clifton Moor Retail Park. This agreed colouring shall be maintained unless previously agreed in writing with the Local Planning Authority.

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

REASONS: The proposal, subject to the conditions in the report and listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on the highway network, amenity of the local area and sustainable development.

(Plans Item 5) THE GIMCRACK, 294 FULFORD ROAD, YORK

Members considered a Full application, submitted by Wrigley Property Development Ltd, for amendment to condition 4 of planning permission 02/03282/FUL for residential development. This requires the refurbishment of the stable block before the occupation of first dwelling. (Ref: 06/00624/FUL)

Members agreed to amend the condition listed in the report to replace the words of the second paragraph 'final dwelling' with 'seventeenth dwelling'.

RESOLVED: That the application be approved subject to the condition in the report, as amended as follows:

1. The following wording amends Condition 4 of planning approval 02/03282/FUL. All other conditions of that approval remain unaltered.

Works on the refurbishment and re-use of the existing stable block building to the north of the main Gimcrack building shall be completed before the occupation of the 17th. dwelling on site other than the stable block'.

Reason. In the interests of preserving an important ancillary outbuilding with an historical association to the main Gimcrack building and ensuring it is brought back into use before the completion of work on the site.

REASONS: The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the future development of this building.

(Plans Item 6) 240 MELROSEGATE, YORK

Members considered an outline application, submitted by Tom Barker, for the siting, design, external appearance and means of access to 2 two-storey dwellings after demolition of an existing bungalow. (Ref: 06/00503/OUT)

Officers updated that the scheme had been amended and the driveway slightly widened. Revised plans had been submitted. Officers recommended that should the scheme be approved that three highway related conditions be added

Members discussed parking areas and requested that it be conditioned to ensure the driveway was surfaced with permeable materials.

RESOLVED: That the application be approved subject to the conditions in the report and the following additional conditions and informative:

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

TB/M/3A, TB/M/4

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

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

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

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

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

Reason: In the interests of highway safety.

4. Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

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

REASONS: The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design, impact on neighbours and ecology.

(Plans Item 7) 12A THE VILLAGE, WIGGINTON, YORK

Members considered a Full application, submitted by D J Martell, for a single storey pitched roof side extension. (Ref: 06/00696/FUL)

Officers updated that Wigginton Parish Council had no objections.

It was raised that a neighbour had concerns about build up gas from a vent, and Officer reported that they would check that there was no blow back of gas into the neighbours house.

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

REASONS: The proposal, subject to the conditions in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the streetscene and neighbours' living conditions.

CLLR R MOORE, in the Chair

The meeting started at 2.00 pm and finished at 3.55 pm.

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COMMITTEE REPORT

Team: East Area
Date: 15 June 2006

Ward: Derwent
Parish: Dunnington Parish Council

Reference: 06/00894/FUL
Application at: The Water Tower Church Balk Dunnington York YO19 5PR
For: Two storey pitched roof side extensions (revised scheme)
By: Mr And Mrs T Briggs
Application Type: Full Application
Target Date: 21 June 2006

1.0 PROPOSAL

1.1 It is proposed to erect an extension to a former water tower that was extended to the rear and converted to a single dwelling in the late 1990's. A large domestic garage has also been added within the curtilage. Permitted development rights for extensions and outbuildings were taken away when consent was granted for the works. The proposed extension is for two 2-storey 'wings' proposed to be located at either end of the previous rear extension. The extensions increase the width of the rear extension from 9.3 metres to 13.2 metres. The original water tower is 6.5 metres wide at its base and the 'head' is 8.5 metres wide..

1.2 The former water tower and extension is located within the Green Belt outside the defined settlement limit. It is prominent when viewed from Eastfield Lane to the south-east and the A166 to the north.

1.3 An application to extend the building has been refused twice previously. In 2004 (04/03406) a larger extension that also incorporated a granny flat was refused. This was because of its scale and the impact on the openness of the Green Belt. This decision was appealed against and dismissed.

1.4 In December 2005 an application for a two-storey extension was submitted. This extension was less balanced than the current proposal and had square rather than curved ends. Its footprint was marginally larger than the current application. The application was refused under delegated powers as it was considered to be in conflict with local and national Green Belt policy.

1.5 The application is reported to Committee at the request of the Local Member.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGB1
Development within the Green Belt

CYGB4

Extension to existing dwellings in GB

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management - no objections

3.2 External

Neighbours - none received.

Parish - support because it has been sympathetically developed and preserved in the past as part of the history of the village. The extensions are in sympathy with the existing building and so in line with the VDS.

4.0 APPRAISAL

4.1 The proposal should be judged primarily against policies GP1, GB1 and GB4 of the City Of York Draft Local Plan and advice contained within PPG2. Policy E9 of the North Yorkshire County Structure Plan is also of significance. In March 2006 the Dunnington Village Design Statement was also approved - this is also a material consideration.

4.2 Impact on neighbours

There is adequate separation to neighbouring properties to avoid harm to living conditions.

4.3 Green Belt

This is considered to be the key issue. In submitting the revised scheme the agent has emphasised the sensitivity of the extension and the requirements of the inhabitants for greater space to meet the needs of their maturing children. Significantly he also argues that the starting point for extensions should be the water tower as converted into a dwelling rather than the original water tower. This argument is put forward as Policy GB4 of the Local Plan states that subject to a proposal not being visually intrusive and appropriately designed an extension of up to 25% in size of the original dwelling is acceptable. The inspector in dismissing the appeal in May 2005 considered that the original building (i.e. the water tower) should be the 'starting point'. In coming to this conclusion he stated that given the draft status of the Local Plan greater weight should be attached to national planning policy relating to Green Belts.

It is considered that the proposal would conflict with the thrust of both national and local Green Belt policy. In respect to extensions Planning Policy Guidance Note 2 (Green Belts) states in paragraph 3.6, "provided that it does not result in disproportionate additions over and above the size of the original (italics) building, the extension or alteration of dwellings is not inappropriate in Green Belts." This seems to make it clear that even for properties that have been converted to domestic use the original building should be the starting point. In respect to the re-use of buildings (3.8) it makes it clear that the proposals should not have a materially greater impact on the openness of the Green Belt than the earlier use and that strict control should be exercised over the extension of re-used buildings. The footprint of the former water tower was increased by almost 100% to allow it to be converted to a three-bedroom dwelling in the 1990's. This does not include the large garage added within the curtilage. In this context it is difficult to justify any further increase taking account of the thrust of national planning policy that seeks to protect the openness of the Green Belt.

Policy GB4 of the Draft Local Plan (Extensions to existing Dwellings) refers to small scale extensions to the original dwelling rather than the 'original building'. The supporting text states that extensions of up to 25% of the original dwelling could be acceptable. This may seem to suggest that the proposal is compatible with Draft Local Plan policy. However, it is not considered that this policy and supporting text purposely seeks to contradict the clear national planning policy guidance on Greenbelts, but is a result of an attempt to separate policy relating to the extension to original dwellings (GB4) and extensions relating to the reuse of buildings in other uses (GB3). No specific policy exists relating to the extension of buildings that have since been converted to residential use. It is accepted that this gives the potential to interpret Policy GB4 in the way that the applicant has done. However, it is not considered that this accords with the overall thrust of the Green Belt chapter (or national guidance). For example, the supporting text to Policy GB3 states (5.35) that if consent is granted to extend and convert a building, following its conversion permitted development rights will normally be removed to give protection from future obtrusive development. This was the case at the water tower with permitted development rights removed for future extensions and outbuildings.

4.4 Visual Impact

Despite some recent tree planting the former water tower and extensions are very prominent when viewed from adjoining highways. It is considered that the increased bulk resulting from the increase in width of the extension will inevitably conflict with the vertical proportions of the structure and the extensions together are considered disproportionate relative to the scale of the original building. Guidance within the Dunnington Village Design statement does not give support to development that impacts on the openness of the Green Belt and guideline 32 states that when original functional buildings are converted for new use, evidence of their original function should be retained. Clearly it will still be apparent that the home was a water tower, however, the development will further domesticate the appearance of the structure.

4.5 Personal Circumstances

The applicant's aspiration to increase the size of the property and improve its internal layout to meet the requirements of his family do not amount to very special circumstances that can outweigh Green Belt policy.

5.0 CONCLUSION

5.0 For the reasons outlined above officers consider the proposal to conflict with Green Belt policy and therefore be unacceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The site of the original water tower has already been extended considerably beyond its original size. The proposed extension when combined with earlier additions would lead to a disproportionate amount of development going far beyond what could be considered a limited extension. The proposals would be visible from surrounding land and by definition such development is considered harmful to and inappropriate in the Greenbelt. As such the proposal conflicts with Policy E9 of the North Yorkshire County Structure Plan, Policies GB1 and GB4 of the City of York Draft Local Plan (fourth set of changes) 2005 and advice within PPG2.

7.0 INFORMATIVES:

Contact details:

Author: Neil Massey Development Control Officer (Thurs/Fri)

Tel No: 01904 551657



WATER TOWER, CHURCH BALK, DUNNINGTON (06/894)

SCALE : 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 31/5/2006
Drawing No



1. NM

9, St Leonards Place, York, YO1 2ET
 Telephone: 01904 513161

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GB11 Employment Development outside settlement limits
GP1 Design
GP4a Sustainability
GP6 Contaminated Land
T4 Cycle Parking

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management – No objection, subject to amended plans showing the widening of the access point into the site for the first 20m. On submission of these plans, raise no objection subject to conditions (12,13). The site is presently being used for the storage of cars and we have not been made aware of any problems caused by this. Visibility at the existing access is within the guidelines and the access is to be widened into the site.

Environmental Protection – No objection, subject to a contaminated land condition (4) due to the previous agricultural use of the site.

3.2 External

Parish Council – The re-use of farm buildings to help farmers diversify is often accepted in planning applications and can be a good thing. However in this case, object for the following reasons:

- the proposal would only make increasing traffic volume and speed in the village worse
- the potential use of the buildings is unknown. Newsham House has become a location for York City Cars Ltd, a retail outlet for cars. This may be a clue to future use.
- it is unlikely the buildings are being converted on spec as similar buildings remain unlet within a mile or two of the site. A recent attempt to market Willow Court Barn for commercial purposes on the same farm site failed. The Property section of CYC considers Holtby unfavourable for employment purposes.
- re use is normally allowed for diversification which adds to farm incomes. These buildings have been out of farming for many years and are not therefore diversification
- Holtby could also be affected by noise, security, floodlighting, verge damage by traffic, drainage, sewage.
- Wildlife and protected newts are found close to the site.
- Several planning regulations breaches have already occurred, showing that controls fail. Close monitoring of this development will be needed.

Any further representation on the amended plans will be reported to Committee.

Drainage Board – No objections subject to conditioning of soakaways (as the means of surface water drainage)

Yorkshire Water – No observations.

Safer York Partnership – The analysis of recorded crime in and around Holtby village from 01.01.2005 to 30.04.06 shows 14 crimes. One of these is an aggravated vehicle theft from the application premises in late March/early July. Crime prevention can be a material consideration, identified by PPS1 and companion guide 'Safer Places'. The applicant should provide details of what crime prevention measures are being considered (officer note: this has now been provided by the applicant's agent, and comments from Safer York Partnership are awaited).

Public Consultation – Nineteen letters of objections have been received on the following grounds:

- site is unsuitable for employment use due to its Green Belt location. Does not comply with planning policies relevant to change of use or redevelopment of existing buildings.

- not farm diversification as the agricultural activities on the site have long since ceased.
 - proposal will make traffic problems in Holtby worse, and the area in general and is not served by direct bus services, nor for pedestrians
 - the village has no facilities to support such a development.
 - poor access on a narrow bend
 - no details of proposed uses are given. Other such sites in the area remain vacant.
 - use has already commenced. Site is currently been used for car sales on the internet.
- Conditions should be used so only commercial storage is accepted.
- planning history of the site should be taken into account.
 - environmental problems, such as noise, floodlighting, drainage, sewerage and damage to wildlife would result.

Six further letters reiterating objections to the amended plans have also been received.

4.0 APPRAISAL

4.1 The main planning issues are considered to be

- Green Belt and countryside issues
- amenity
- highways

Green Belt and countryside:

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

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

4.4 In terms of the impact on the Green Belt itself, the proposed re-use does relate to the conversion of the existing buildings on the site, with no extension to the existing footprint of the buildings proposed. The cladding of the pole barn type structure with timber boarding and use of blockwork would be reasonably significant, but would be in keeping with appearance of the other buildings on the site, and may also improve its overall appearance. The roof of the building would remain as existing. This application, if approved, would allow only for the cladding of this pole barn type structure as stated, and not for its demolition and rebuilding. The alterations proposed to other two buildings are modest. The form, bulk and design is considered to be in keeping with the surroundings. The buildings themselves are of permanent and substantial construction, and capable of conversion.

4.5 The removal of other outbuildings on the site, together with planting around the boundaries of the site with open countryside would be likely to improve the visual impact of the site on the Green Belt and on the rural setting of the village. Part of the boundary planting scheme involves augmenting an existing hedge with new planting trees, which accords Holtby Village Design Statement guidelines that hedges should be infilled with a mixture of species to create better biodiversity. No external storage would be permitted, to further reduce the impact on the Green Belt. The development is considered to accord with the provisions of Green Belt policy.

4.6 PPS7: Sustainable Development in Rural Areas states that the preference of re-use of buildings in the countryside is for economic development purposes, which is also reiterated in Draft Local Plan policy GB3. The development is considered to accord with policy advice in this respect. As relevant to this application, Structure Plan policy E9 states change of use of existing buildings would normally only be granted in connection with other uses appropriate in a rural area. Re-use for economic development purposes is considered to accord with this, bearing in the mind the advice in PPS7 on preference for economic development purposes. If approved, the permission would not allow for retail sales.

4.7 PPS7 also makes reference to a number of criteria that local planning policies should take account of. Issues in terms of the potential impact on the countryside and landscapes, and the suitability of the buildings have been discussed above. The site in itself has little wildlife value, but rather this may increase on site through planting along the site boundaries. In relation to local economic/social needs, local planning policies do promote employment use, and in rural areas in particular the reuse of buildings. Such planning policies apply across the whole of rural areas of York, and do not restrict reuse for employment purposes in specific locations. The existing use of the building(s) for storage would also appear to show there is some demand for the use.

4.8 PPS7 also makes reference to settlement patterns and accessibility, which under Local Plan policy GB3 criteria is more tied to residential rather than employment uses. The site entrance lies 175m from the Holtby settlement limits, which is not considered unreasonable for accessibility for employment use, though pedestrians would have to walk along the road as there is no pavement. The vast majority of trips to the site would be vehicle based, given the nature of the proposed use. Residential properties outside the settlement limits are found on the opposite side of the road to the site. Cycle storage is proposed in the buildings, and the site certainly would be accessible from the village for cyclists. The existing soakaways system is proposed to be used for drainage (subject to condition, 9), which is deemed a sustainable form of drainage. Mains foul drainage would be used. A sewage works is adjacent the site. Re-use of buildings itself accords with sustainability aims.

Amenity

4.9 The layout of the site does allow for the existing dwelling (Newsham House) be well separated from the proposed re-use. The boundary between the buildings and Newsham House is defined by an existing hedgerow/planting, with the access arrangements to the buildings also well separated from Newsham House. The nearest other dwellings are over 100m from the site, and the likely visual improvement to the site may improve their visual amenities. No external lighting is proposed at this stage, and any details of any such lighting in the future is covered through condition. To further protect amenities, hours of working and deliveries are controlled by condition (6,7,10).

4.10 The applicant's agent was been asked to provide details of crime prevention measures, bearing in mind the comments of the Safer York Partnership citing a car theft on the site. This information, received as the report was submitted for Agenda, has been passed onto the Safer York Partnership for comment. It states that a secure gate has already been installed across the access following the theft, that the building where the theft took place is currently open sided and would be enclosed under this application (the pole barn), and that appropriate alarm systems would be fitted when final users are identified.

Highways

4.11 The access into the site is to be widened for the first 20m to allow simultaneous passage of vehicles into the site. Visibility at the access point onto the highway is considered acceptable. Levels of traffic generation are also considered acceptable, also bearing in mind there would have been traffic generation associated with the former use of the buildings for

agricultural purposes in the past. The car parking as shown is commensurate to the floorspace of the buildings and secure cycle parking would also be provided. Details of surfacing of the internal access routes are also required through condition 12.

COMMITTEE TO VISIT

5.0 CONCLUSION

5.1 The principle of the reuse of the buildings for workshop (B2) storage (B8) uses is considered in principle to accord with Green Belt and sustainable development in rural areas policies. The proposed external alterations to the buildings would be in keeping, and be acceptable in relation to the Green Belt. The external appearance of the site may be improved with development, including the planting and removal of more dilapidated buildings. The development would have an acceptable effect on the amenities of the existing dwelling adjacent the site, and the nearest other residents in Holtby. The development would be acceptable in highways terms. The development would accord with national, structure and local planning policies.

6.0 RECOMMENDATION: APPROVE

1. PLANS1 Approved Plans
Site Plan Updated 15/05/06, CE/H/2, CE/H/3CE/H/4, CE/H/5, CE/H/6, CE/H/7, CE/H/8
2. VISQ1 Matching Materials
3. The development hereby approved does not allow for any storage of goods, materials or refuse outside of the confines of the building other than in the case of refuse, in the purpose built refuse storage areas as shown on approved plan 'site plan updated 15/05/06'. The enclosure of the refuse storage areas shall be approved in writing by the Local Planning Authority within two months of the date of this consent, and implemented in accordance with these details within one month of the agreement in writing of the Local Planning Authority and thereafter maintained.
Reason: In the interests of protecting the Green Belt and amenity.
4. Within three months of the date of this consent, the following details shall be submitted to and approved in writing with the Local Planning Authority.
 - (a) A desk study to identify any potentially contaminative uses which have or are currently occurring on site.
 - (b) A site investigation based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of Potentially Contaminated Land: Code of Practice.
 - (c) A risk based remedial strategy shall be developed based upon the findings of the site investigation. The approved strategy shall be fully implemented within a specified timescale agreed in writing with the Local Planning Authority. The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).
 - (d) A validation report detailing sample locations and contaminant concentrations.
 - (e) A timetable of any proposed remedial works.Reason: To ensure the development has an acceptable effect on the wider environment.
5. Within two months of the date of this consent a detailed landscaping scheme shall be submitted to and agreed in writing with the Local Planning Authority which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of three months from the agreement in writing

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

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

6. The hours of operation of this approved use shall be confined to 08:00-18:00 Mondays to Saturdays, and no working on Sundays and Bank Holidays.
Reason: To safeguard the amenities of adjoining occupants.
7. NOISE7 Restricted hours of construction
8. VISQ10 Details of External services to be approved
9. Details of the soakaways to be used, including details of tests to prove their particular suitability in accordance with BRE Digest 151, shall be submitted to and agreed in writing with the Local Planning Authority within two months of the date of this planning consent. If their suitability is not proven, the applicant will be required to provide alternative surface water drainage proposals prior to development commencing. The development shall be carried out in accordance with these approved details and thereafter be maintained.
Reason: In the interests of satisfactory drainage.
10. Details of any associated external lighting with the development hereby approved shall only be implemented in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development has an acceptable effect on the Green Belt and on the nearest residential properties to the site in terms of light pollution.
11. Notwithstanding the proposed floor plans submitted with the application, details of the cycle parking areas to be provided within the buildings on the site shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this planning consent, and implemented in accordance with these approved details within one month of the approval in writing of the Local Planning Authority and thereafter maintained.
Reason: To promote use of cycles thereby reducing the congestion on adjacent roads.
12. Within 3 months of the date of this planning consent, the initial 20m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent the egress of water and loose material onto the public highway.
13. HWAY19 Car and cycle parking laid out

7.0 INFORMATIVES:

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular

reference to the effect on the York Green Belt, visual amenity, sustainable development, residential amenity and highways issues. As such the proposal complies with Central Government Guidance, in particular PPG2: Green Belts and PPS7: Sustainable Development in Rural Areas, Policies E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, GB1, GB3, GB11, GP1, GP4a, GP6 and T4 of the City of York Draft Local Plan.

2. INFORMATIVE:

Your attention is drawn to the fact that this consent is for the conversion of buildings rather than reconstruction. If it becomes apparent during works on the site that rebuilding works are required, notwithstanding the consent, then you should immediately contact the Council for advice and for a view as to whether further planning consent is required.

3. INFORMATIVE

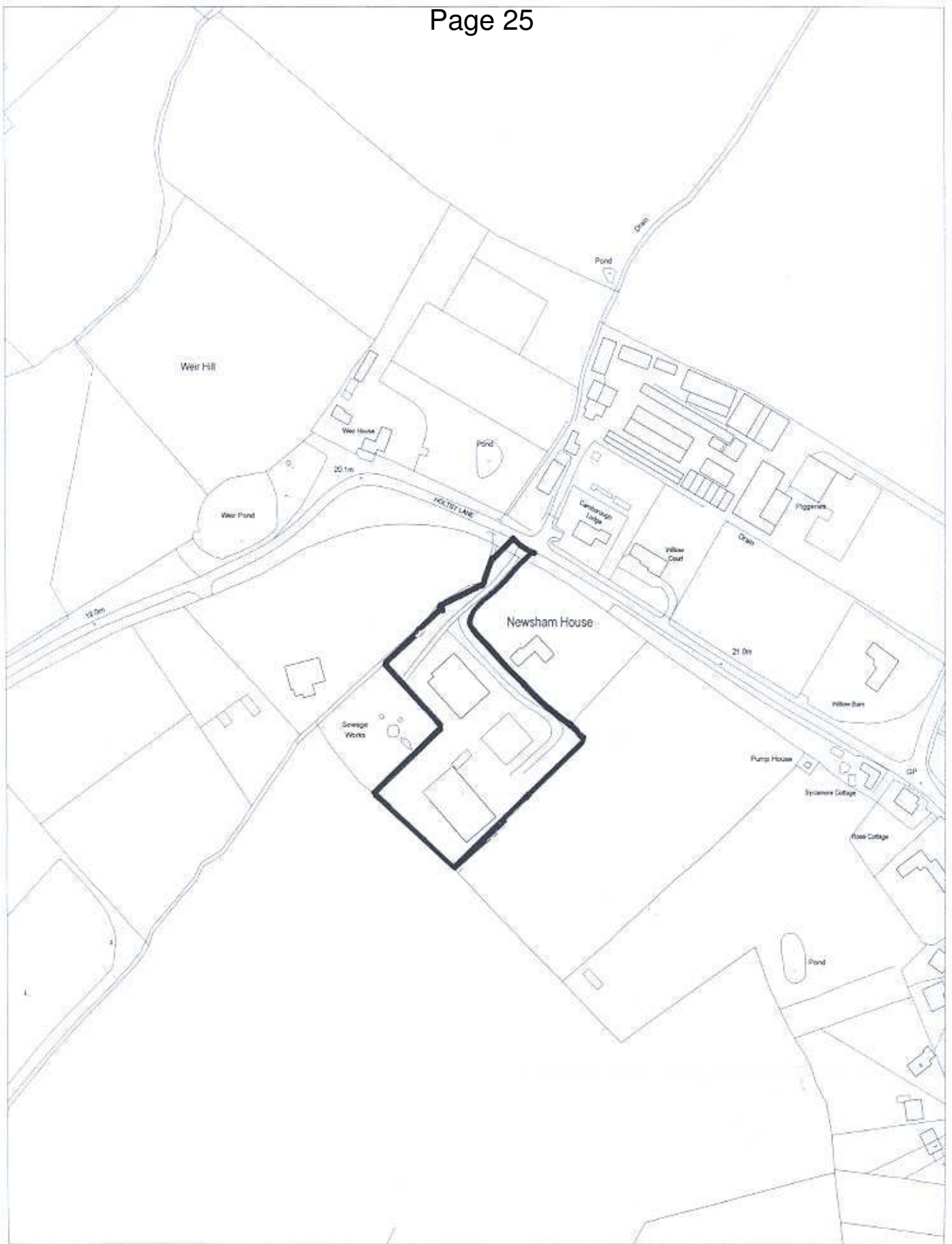
The applicant be advised that planning permission is granted for only B2/B8 uses under the Town and Country Planning (Use Classes) Order 1987 as amended, and that retail sales of cars from the site is not permitted in any way by this planning consent.

Contact details:

Author: Darren Hendley Development Control Officer

Tel No: 01904 551477

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Site Plan : Newsham House Holtby

SCALE 1:2500

DRAWN BY JB

DATE 1/5/2006

Originating Group

Project

Drawing No

Organisation

OG/0452/FULM

2. DH

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

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York City Council LA 1000 2018

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2.2 Policies:

3.0 CONSULTATIONS

3.1 Internal

Countryside Officer - No further survey necessary on this site although the countryside officer will check the site himself. Since the last application there has been a replacement of PPG9 with PPS9 this places greater emphasis on the need to enhance biodiversity and encourages the incorporation of wild life features. A condition should be incorporated into any decision that requires a wildlife enhancement plan

Drainage - Insufficient information has been submitted to show the impact on the existing drainage system. However a significant increase in surface water flow appears likely. This extra flow should be attenuated to prevent the overloading of Westfield beck. The development should not be raised above the level of the adjacent land to prevent runoff from the site affecting nearby properties

Natural Environment Panel - The proposal is contrary to GP10 and therefore is not supported by the panel. Of the two schemes proposed this one is preferred because of the larger garden area to be retained

Environment and Conservation - From 'the cottage' on Back Lane eastwards to 'Greenacres', where the lane narrows down to a boarded-in, long footpath, the character of the vicinity is that of an attractive, quiet leafy residential lane. The large trees and open space provided by the gardens and church yard contribute to the local amenity. Looking westwards from 'The Cottage' along Back Lane the environment is relatively sterile and lacks the localised character seen further up the lane. This exemplifies the danger of back garden development and the creation of plots where the garden sizes are too small to contribute any spatial quality and to support any significantly sized trees.

The proposal to introduce four houses in the rear garden area of nos 23-31 is over development because it would be detrimental to the amenity and character of Back Lane and Church Lane. The development would result in the loss of trees or they would be functionally incompatible with the small gardens and proximity of dwellings especially on the south side. These trees are clearly visible and add to the valuable tree cover and to public amenity. They currently have the space to be retained. A tree survey should be carried out to establish the quality of the trees should any need removing, for arboricultural reasons large trees capable of growing the full size should be put in place.

Environmental Protection - No objections in principle but require a contaminated land survey/condition and a condition controlling the hours of operation of the construction site.

City Development - Set out all the relevant policies and concludes that the DC officers assessment is the crucial issue in determining the acceptability of the proposal.

Lifelong Learning and Leisure - Commuted sum payment should be paid to the council towards off-site open space facilities

3.2 External

Wigginton Parish Council - The drawings provided are not to any scale and therefore fail to provide the true impact of such major development on the local area. The inclusion of a three storey terrace is totally at variance with the rest of the village and with its large

frontage, would totally dominate the main street of the village. We have made this point on the two earlier applications and nothing, as far as the parish council is concerned, has changed.

The inclusion of a further four houses at the rear of the development would create a mass that is totally unacceptable to the surrounding environment. Such a loss of open ground would reduce the natural drainage in the area and will exacerbate the already increased risk of local flooding.

The four houses would dominate the single storey dwellings at the rear and we are concerned about the creation of a mini cul-de-sac at the rear of the development off Church Lane. Church Lane, and the adjoining back lane, are two of the oldest thoroughfares in the village and are therefore an important part of the village's character and therefore are not to be altered or changed in anyway. Church Lane is a very quiet bridleway used extensively by children and pedestrians on-route to the local school. The anticipated increase in the amount of traffic using Church Lane is potentially very dangerous and a major concern.

In line with the limitations placed on the last development in this area all traffic related to the building of the development must approach from the village and not Back Lane or Church Lane.

We strongly object to this application for outline planning permission.

Police Traffic Management Liaison Officer - Church Lane is a bridleway. Motor vehicles have unrestricted access to premises to the rear of the village along Church Lane which is just over a cars width. Church Lane is well used by cyclists and pedestrians alike and there is no footpath facility. If a car and pedestrian meet in the lane there is little or no room for both to pass comfortably. The car parking area to the rear of the proposed development would have seriously restricted visibility into the lane or into the car parking area. If cars meet on the lane vehicles will have to reverse onto the carriageway. The 'way' is not designed for this type of use and danger would be caused to other road users

North Yorkshire Police - Designing out crime issues are difficult to assess at this time however the applicant should be made aware of the advice in PPS1. Secure cycle parking should be included with the application.

Neighbours - 17 letters of objection have been received covering the following points:-

- Concerned the impact the development will have on the children getting to Wigginton Primary school particularly as more children are being encouraged to walk and cycle
- Church Lane which runs along the side of the development is one of the main pedestrian links between the village and two public footpaths, both the public footpaths are extensively used as they create links to all the major services both within Wigginton and Haxby
- If the properties are to be sheltered accommodation there is potential for additional traffic from carers, nurses etc coming to the site
- The village area of Wigginton is predominantly the only street left that retains any character and should be protected at all costs. It is mainly made up of two storey cottages and houses, to introduce a three storey building of such height and scale would completely ruin this area and would be detrimental to the character of the village and would dwarf adjacent properties
- The walking route is a haven for wildlife that is enjoyed by everyone, a high block of housing would ruin this
- Object to the demolition of 5 perfectly good houses in an age when sustainability is encouraged
- Check the roof heights of this development to ensure lift equipment can be incorporated or else the roof heights may be even higher
- Church Lane can already be blocked by deliveries to the Rosedale nursing home next door
- Object to being bombarded by planning applications from this company for this site, by doing this they seem to be trying to confuse people

- It is interesting to note that around the time a photographer was spotted taking photos of the site the outward appearance of one of the cottages changed for the worst with a graffitied number for the house sprayed on the front wall
- There is already a vast amount of both sheltered housing and bungalows in both villages, enough is enough
- There is currently no vehicular access to the site from the village
- Numbers 30 and 34 opposite the site are described as 'two storey 1980's' this is incorrect these properties are amongst the oldest in the village. No. 34 existed in at least 1824
- Governing body of the school concerned about the loss of the safe route to school
- Wigginton recreation hall now let parents drop there kids off in their car park to join the walking bus it is not considered that this could continue if the safety of Church Lane were to change
- The nursery at the school site and baby and toddler sessions at the recreation hall will also be affected
- After the council have just spent thousands of pounds providing safety features around the school it is a bit ironical that parents and pupils are now threatened by this proposed development
- The distance of the flats from major local shops is likely to cause residents to shop in supermarkets using cars and so increase traffic
- The demolition of the existing buildings will cause nuisance pollution and a traffic hazard
- Parking provision is unlikely to be adequate this means parking elsewhere such as on The Village or obstructing Church Lane
- The proposal constitutes overdevelopment which is inappropriate to the village
- The increase in densities proposed should only be contemplated in inner city areas and will destroy the character of the village
- Three storeys will dominate the properties either side at both front and back. In an ordinary domestic dwelling the bedroom would not be occupied for any significant length of time, however both second and third floor flats would be occupied for much longer and overlook neighbours who have enjoyed considerable privacy for many years
- The highest roof line of the development is shown as being as high as Rosevale Nursing Home and in reality, the flats are likely to be much taller
- There will be increased strain on drains and sewers

4.0 APPRAISAL

4.1 The key issues are considered to be

- Sustainability and the sequential test
- Design considerations
- Highways issues
- Open space and education contributions
- Drainage

4.2 Sustainability and the sequential test

Central Government guidance regarding new housing is contained within Planning Policy Guidance Note 3: Housing. Policy H4a and H5a of the Draft Local Plan are also relevant.

The key aim of local and national policy is to locate new housing on Brownfield land in sustainable locations. PPG3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate

scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 30 dwellings per hectare should be achieved sites such as the application site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

The emphasis of both PPG3 and local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings. Wigginton with its proximity to local facilities and accessibility is considered to be a sustainable location however officers have concerns about increasing the density and scale of development on the site because of the important role it plays in maintaining the visual character and qualities of the settlement. These issues are discussed below under design considerations.

4.3 Design Considerations

One of the key principles identified in PPS1 is to ensure that development plans and decisions taken on planning applications contribute to the delivery of sustainable development is that 'planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.'

Furthermore PPS1 says Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

Such a stance is supported by Local plan policies GP1, GP10, H4a and H5a which seek to ensure scale design density, layout and mass are compatible with the site surroundings.

This area of Wigginton village retains a rural character and the area around the site remains the village heart. The buildings along the frontage are generally two storey, in short terraces or semi-detached/detached blocks. The one exception to this is the large nursing home formerly the Rectory adjacent to the site which is a substantial building and has had substantial extensions. The site and adjacent properties (nos11-31 The Village) retain a traditional relationship to Back Lane/ Church Lane of frontage plots with long, narrow plots extending to a narrow back lane. The linkages around the site to both the church and the school make the area an important focal point for the village.

In officers opinion the design submitted takes its reference from the nursing home using the height and length of this building to justify the scale of the proposal. The scheme cuts across the traditional form of the site by putting emphasis on the width rather than the depth of the plots, it also disregards the smaller scale of development both on and adjacent to the site and the spaces between buildings which afford glimpses through the site to the land and church at the back. The development to the rear would be a dominant and urbanising feature along the back lane which would be detrimental to the rural character of the site and again emphasises the width rather than the depth of the plot. Officers are also concerned that the requirements to improve the Church Lane access would change the nature of the site detracting from its rural feel and from its attraction as a safe route to the village school and other parts of the village

Based on the information submitted it is considered that the proposal does not respond to the requirements of PPS1 or the requirements of policies in the local plan which seeks development that is compatible with its surroundings.

4.4 Highways

Limited information has been submitted in relation to access issues. It can be noted from the Highway comments that in order for the proposal to be acceptable from their point of view the application needs to be supported by a plan showing improvements to Church Lane in detail. The sketch layout plan does in fact show some realignment of the access road in accordance with discussions with highways on the previous applications on the site and Highways are satisfied that any additional information they required could be achieved through conditions.

4.5 Open space and education

Under Policy L1c there would be an open space provision requirement for this site. If the scheme were acceptable in all other respects the provision of open space could be dealt with by condition. There would also be a need to assess whether a contribution would be required towards education provision however without knowing the type of occupation of the flats these issues cannot be fully assessed.

4.6 Drainage

There are concerns that because of the significant increase in hard surfaces that this proposal creates extra flows into the drainage system would need to be attenuated to prevent overloading of Westfield Beck. As no details have been forthcoming about how this could be achieved the acceptability of the proposal from a drainage point of view cannot be assessed.

5.0 CONCLUSION

5.1 The principle of redeveloping sites in sustainable locations is consistent with government guidance and advice within local plan policies. However the requirement of all the relevant guidance is that development should be compatible with the character of the area in terms of scale, massing, density and design. In officers opinion the scheme submitted fails to take account of the character of this part of Wigginton and therefore cannot be supported in planning terms.

5.2 There are other matters relating to the details of the scheme which have not been resolved such as provision of open space and education contributions which Officers believe are not insurmountable were the scheme to be acceptable in all other respects.

5.3 The applicant has failed to submit details of how the additional flows from this site will be attenuated before entering Westfield Beck and as such the acceptability of the proposal in relation to drainage cannot be assessed.

5.4 For members information work has been commenced to look at a conservation area around the central core of Wigginton. It will be necessary to await the outcome of the appeal on this site to progress the conservation area further at which point a report could go to main committee on this issue.

6.0 RECOMMENDATION: Refuse

- 1 The proposal, by virtue of the scale, massing, bulk, overall height of the building, and access and layout of the site is considered to be out of character with, and detrimental to the appearance of The Village, and hence contrary to policies GP1, GP10 and H4a of the draft City of York Local Plan (incorporating the 4th set of changes), and the aims of PPS1 and PPS3.

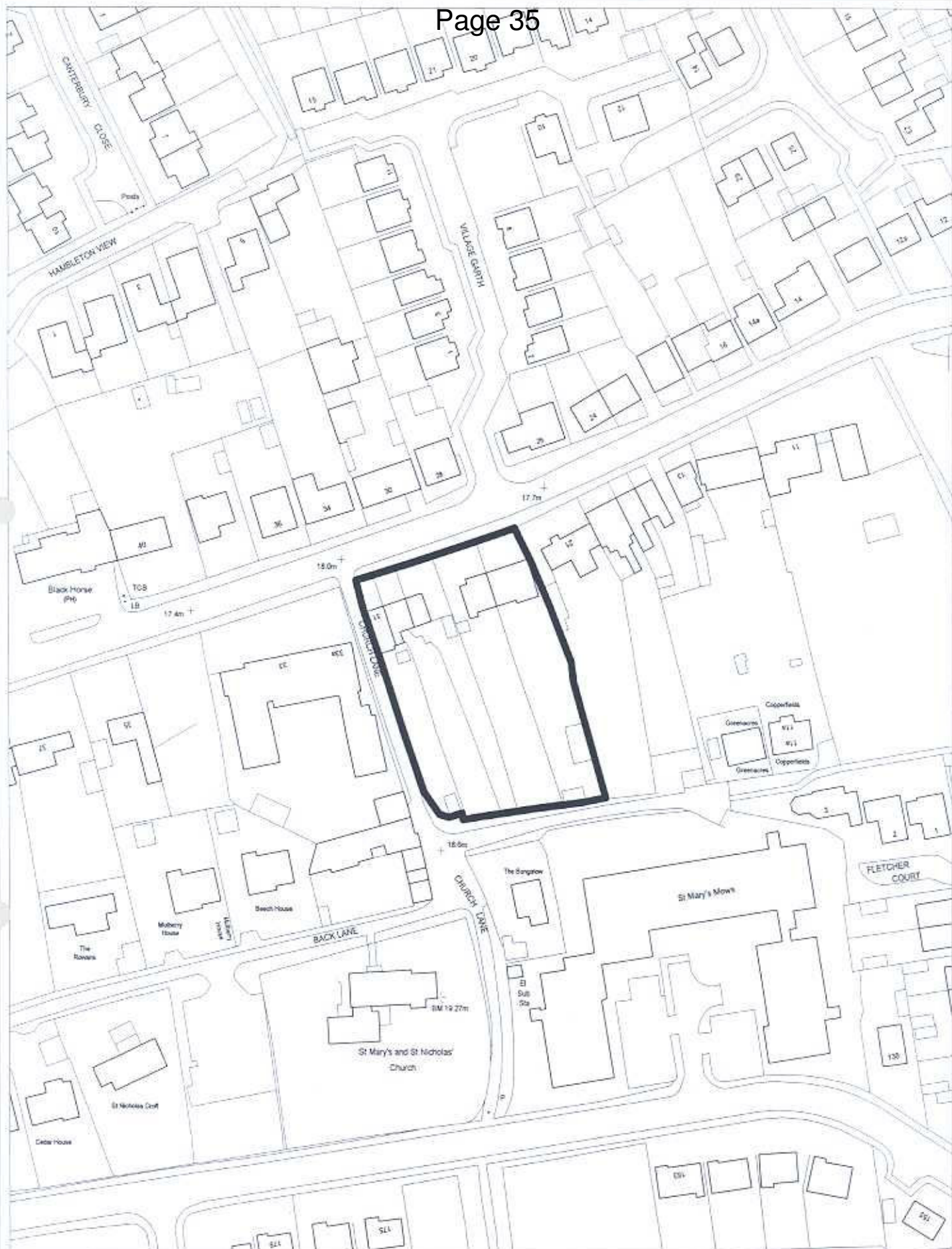
- 2 Insufficient information has been submitted to show how the site will be properly drained so as not to overload Westfield Beck. This is contrary to the requirements Draft local plan policy GP15a (incorporating the 4th set of changes) and the aims of PPG25

7.0 INFORMATIVES:

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)
Tel No: 01904 551657

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

THORNLEA, 23 THE VILLAGE, WIGGINTON

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project 06/00514/OUTM.

DATE 23/5/2008
Drawing No. 3.



DC

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2.2 Policies:

3.0 CONSULTATIONS

3.1 Internal

Housing - The proposal will require an affordable housing quota there has been no approach from the developer prior to the submission of this application.

Countryside Officer - No further survey necessary on this site although the countryside officer will check the site himself. Since the last application there has been a replacement of PPG9 with PPS9 this places greater emphasis on the need to enhance biodiversity and encourages the incorporation of wild life features. A condition should be incorporated into any decision that requires a wildlife enhancement plan.

Environment and Conservation - From 'The Cottage' on Back Lane eastwards to 'Greenacres', where the lane narrows down to a boarded-in, long footpath, the character of the vicinity is that of an attractive, quiet leafy residential lane. The large trees and open space provided by the gardens and churchyard contribute to the local amenity. Looking westwards from 'The Cottage' along Back Lane the environment is relatively sterile and lacks the localised character seen further up the lane. This exemplifies the danger of back garden development and the creation of plots where the garden sizes are too small to contribute any spatial quality and to support any significantly sized trees. The flatted development is more acceptable because it could be possible to retain all the desirable trees. This scheme would also allow a greater spatial quality to the rear with room for additional/replacement planting. Nonetheless, the presence of 20 cars en masse would be a detracting element.

Environmental Protection - No objections in principle but require a contaminated land survey/condition and a condition controlling the hours of operation of the construction site.

Natural Environment Panel - The proposal is contrary to GP10 and therefore is not supported by the Panel. Of the two schemes proposed this one is preferred because of the larger garden area to be retained.

City Development - Set out all the relevant policies and concludes that the DC officers assessment is the crucial issue in determining the acceptability of the proposal.

York Consultancy - The development is in low risk flood zone 1 and should not suffer from river flooding. Based on the limited information submitted the proposals do not appear to significantly increase surface water run-off and therefore there are no objections.

Highways - No objections in principle, however, the detail submitted is not adequate to approve the means of access. It is assumed that the access will be taken from the bridleway church lane. The plan submitted with the previous scheme should be submitted to support this application.

Lifelong Learning and Leisure - Commuted sum payment should be paid to the Council towards off-site open space facilities.

3.2 External

Wigginton Parish Council - The drawings provided are not to any scale and therefore fail to provide the true impact of such major development on the local area. The inclusion of a

three storey terrace is totally at variance with the rest of the village and with its large frontage, would totally dominate the main street of the village. We have made this point on the two earlier applications and nothing, as far as the parish council is concerned has changed. The structure would dominate the single storey dwellings at the rear and we are concerned about the creation of a mini cul-de-sac at the rear of the development off Church Lane. Church Lane and the adjoining Back Lane are two of the oldest thoroughfares in the village and are therefore an important part of the village's character and therefore are not to be altered or changed in any way. Church Lane is a very quiet bridleway used extensively by children and pedestrians on route to the local school. The anticipated increase in the amount of traffic using Church Lane is potentially dangerous and a major concern.

In line with the limitations placed on the last development in this area all traffic related to the building of the development must approach from The Village and not Back Lane or Church Lane. We strongly object to this application for outline planning permission.

Police Traffic Management Liaison Officer - Church Lane is a bridleway. Motor vehicles have unrestricted access to premises to the rear of The Village along Church Lane which is just over a cars width. Church Lane is well used by cyclists and pedestrians alike and there is no footpath facility. If a car and pedestrian meet in the lane there is little or no room for both to pass comfortably. The car parking area to the rear of the proposed development would have seriously restricted visibility into the lane or into the car parking area. If cars meet on the lane vehicles will have to reverse onto the carriageway. The 'way' is not designed for this type of use and danger would be caused to other road users.

North Yorkshire Police - Designing out crime issues are difficult to assess at this time however the applicant should be made aware of the advice in PPS1. Secure cycle parking should be included with the application.

Neighbours - 15 Letters of objection have been received covering the following points:

- Concerned the impact the development will have on the children getting to Wigginton Primary school particularly as more children are being encouraged to walk and cycle.
- Church Lane which runs along the side of the development is one of the main pedestrian links between the village and two public footpaths, both the public footpaths are extensively used as they create links to all the major services both within Wigginton and Haxby.
- If the properties are to be sheltered accommodation there is potential for additional traffic from carers nurses etc coming to the site.
- The Village area of Wigginton is predominantly the only street left that retains any character and should be protected at all costs. It is mainly made up of two storey cottages and houses to introduce a three storey building of such height and scale would completely ruin this area and would be detrimental to the character of the village and would dwarf adjacent properties.
- The walking route is a haven for wildlife that is enjoyed by everyone, a high block of housing would ruin this.
- Object to the demolition of 5 perfectly good houses in an age when sustainability is encouraged.
- Check the roof heights of this development to ensure lift equipment can be incorporated or else the roof heights may be even higher.
- Church Lane can already be blocked by deliveries to the Rosedale Nursing Home next door.
- Object to being bombarded by planning applications from this company for this site, by doing this they seem to be trying to confuse people.
- It is interesting to note that around the time a photographer was spotted taking photos of the site the outward appearance of one of the cottages changed for the worst with a graffitied number for the house sprayed on the front wall.

- There is already a vast amount of both sheltered housing and bungalows in both villages, enough is enough.
- There is currently no vehicular access to the site from the village.
- Numbers 30 and 34 opposite the site are described as 'two storey 1980's' this is incorrect these properties are amongst the oldest in the village. No. 34 existed in at least 1824.
- Governing body of the school concerned about the loss of the safe route to school.
- Wigginton Recreation Hall now let parents drop there kids off in their car park to join the walking bus. It is not considered that this could continue if the safety of Church Lane were to change.
- The nursery at the school site and baby and toddler sessions at the Recreation Hall will also be affected.
- After the Council have just spent thousands of pounds providing safety features around the school it is a bit ironical that parents and pupils are now threatened by this proposed development.
- The distance of the flats from major local shops is likely to cause residents to shop in supermarkets using cars and so increase traffic.
- The demolition of the existing buildings will cause nuisance pollution and a traffic hazard.
- Parking provision is unlikely to be adequate this means parking elsewhere such as on The Village or obstructing Church Lane
- The proposal constitutes overdevelopment which is inappropriate to the village.
- The increase in densities proposed should only be contemplated in inner city areas and will destroy the character of the village.
- Three storeys will dominate the properties either side at both front and back. In an ordinary domestic dwelling the bedroom would not be occupied for any significant length of time, however both second and third floor flats would be occupied for much longer and overlook neighbours who have enjoyed considerable privacy for many years.
- The highest roof line of the development is shown as being as high as Rosevale Nursing Home and in reality, the flats are likely to be much taller.
- There will be increased strain on drains and sewers.

4.0 APPRAISAL

4.1 The key issues are considered to be

- Sustainability and the sequential test
- Design considerations
- Highways issues
- Affordable housing
- Open space and education

4.2 Sustainability and the sequential test

Central Government guidance regarding new housing is contained within Planning Policy Guidance note 3: Housing. Policy H4a and H5a of the Draft Local Plan are also relevant.

The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPG3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an

appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 30 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

The emphasis of both PPG3 and local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings. Wigginton with its proximity to local facilities and accessibility is considered to be a sustainable location however officers have concerns about increasing the density and scale of development on the site because of the important role it plays in maintaining the visual character and qualities of the settlement. These issues are discussed below under design considerations

4.3 Design Considerations

One of the key principles identified in PPS1 is to ensure that development plans and decisions taken on planning applications contribute to the delivery of sustainable development is that 'planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'.

Furthermore PPS1 says planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

Such a stance is supported by Local Plan Policies GP1, GP10, H4a and H5a which seek to ensure scale design density, layout and mass are compatible with the site surroundings.

This area of Wigginton village retains a rural character and the area around the site remains the village heart. The buildings along the frontage are generally two storey, in short terraces or semi-detached/detached blocks. The one exception to this is the large nursing home formerly the Rectory adjacent to the site which is a substantial building and has had substantial extensions. The site and adjacent properties (nos. 11-31 The Village) retain a traditional relationship to Back Lane/ Church Lane of frontage plots with long, narrow plots extending to a narrow back lane. The linkages around the site to both the church and the school make the area an important focal point for the village.

In officers opinion the design submitted takes its reference from the nursing home using the height and length of this building to justify the scale of the proposal. The scheme cuts across the traditional form of the site by putting emphasis on the width rather than the depth of the plots, it also disregards the smaller scale of development both on and adjacent to the site and the spaces between buildings which afford glimpses through the site to the land and church at the back. Officers are also concerned that the requirements to improve the Church Lane access and the provision of hardstanding and car parking in the rear area would change the nature of the site detracting from its rural feel and from its attraction as a safe route to the village school and other parts of the village.

Based on the information submitted it is considered that the proposal does not respond to the requirements of PPS1 or the requirements of policies in the Local Plan which seeks development that is compatible with its surroundings.

4.4 Highways

Limited information has been submitted in relation to access issues. It can be noted from the highway comments that in order for the proposal to be acceptable from their point of view the application needs to be supported by a plan showing improvements to Church Lane in detail. The sketch layout plan does in fact show some realignment of the access road in accordance with discussions with highways on the previous applications on the site and highways are satisfied that any additional information they required could be achieved through conditions.

4.5 Affordable Housing

In this location Policy H2A of the Draft City of York Local Plan seeks a contribution of 50% of units towards housing need in developments of 15 or more units, or 0.3 hectares or over, and is supported by the advice in Planning Policy Guidance Note 3. In the absence of any agreed offer of affordable housing it is recommended that the application is refused as being contrary to Policy H2A of the Draft City of York Local Plan and the aims of PPG3.

4.6 Open space and education

Under Policy L1c there would be an open space provision requirement for this site. If the scheme were acceptable in all other respects the provision of open space could be dealt with by condition. There would also be a need to assess whether a contribution would be required towards education provision however without knowing the type of occupation of the flats these issues cannot be fully assessed.

5.0 CONCLUSION

5.1 The principle of redeveloping sites in sustainable locations is consistent with Government guidance and advice within local plan policies. However the requirement of all the relevant guidance is that development should be compatible with the character of the area in terms of scale, massing, density and design. In officers opinion the scheme submitted fails to take account of the character of this part of Wigginton and therefore cannot be supported in planning terms.

5.2 As the development is for 15 houses, 50% affordable housing is required in accordance with Policy H2A of the Local Plan. In the absence of an offer of affordable housing it is recommended that the application is refused.

5.3 There are other outstanding matters relating to the details of the scheme such as provision of open space and education contributions which officers believe are not insurmountable were the scheme to be acceptable in all other respects.

5.4 For Members information work has been commenced to look at a conservation area around the central core of Wigginton. It will be necessary to await the outcome of the appeal on this site to progress the conservation area further at which point a report could go to main committee on this issue.

6.0 RECOMMENDATION: Refuse

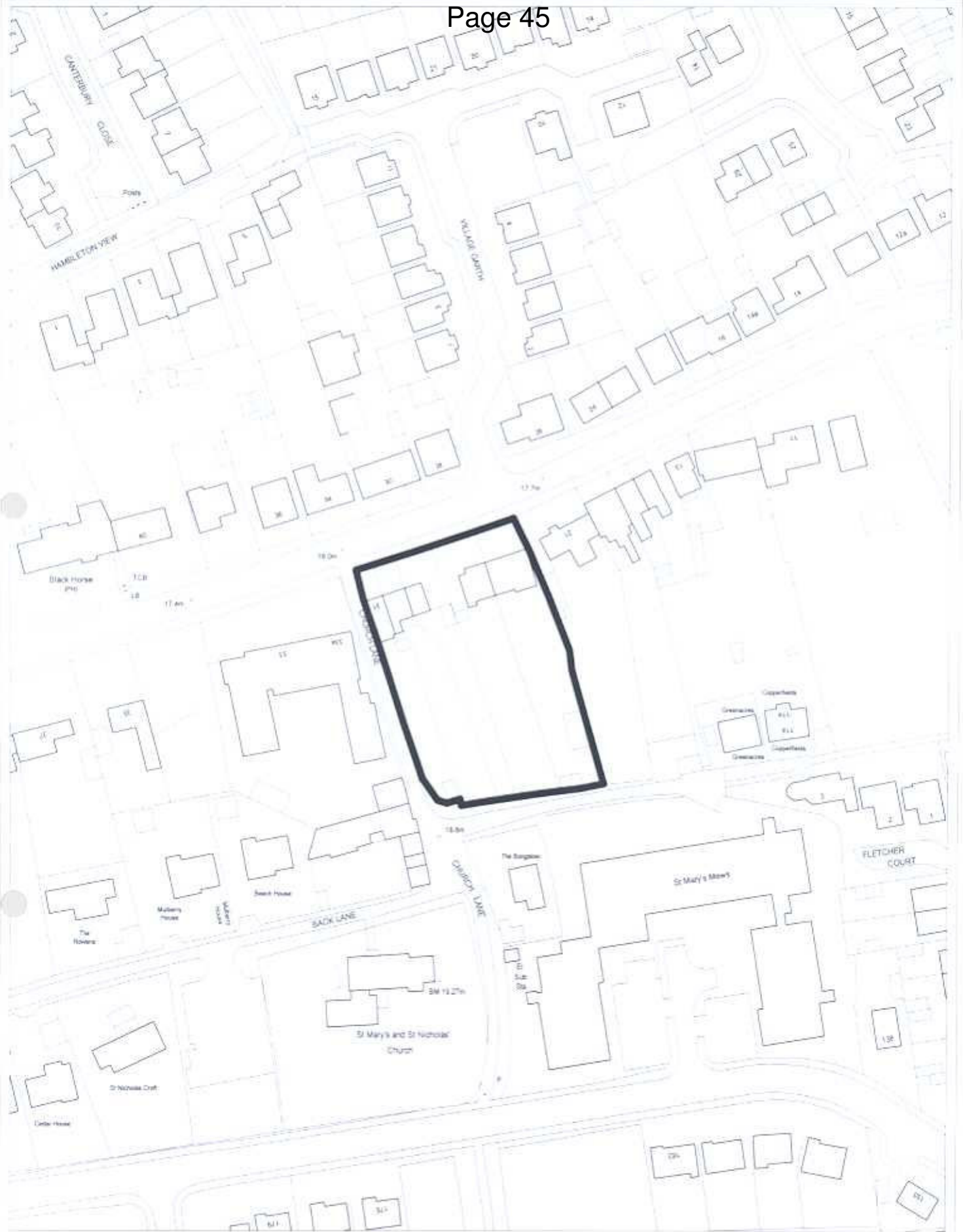
- 1 The proposal, by virtue of the absence of any offer of affordable housing, is contrary to the aims of PPG3 and Policy H2a of the Draft City of York Local Plan (incorporating the 4th set of changes).
- 2 The proposal, by virtue of the scale, massing, bulk, overall height of the building, and access and layout of the site is considered to be out of character with, and detrimental to the appearance of The Village, and hence contrary to Policies GP1, GP10 and H4a of the Draft City of York Local Plan (incorporating the 4th set of changes), and the aims of PPS1 and PPG3.

7.0 INFORMATIVES:

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THORNLEA, 23 THE VILLAGE, WIGGINTON

SCALE 1:1250
Originating Group

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Project
06/00516/OUTM

DATE 23/5/2006
Drawing No. **4.**

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COMMITTEE REPORT

Team: East Area
Date: 15 June 2006

Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 06/00589/FULM
Application at: Plot E Airfield Business Park Whitley Road Elvington York
For: Erection of 6 no. business units and associated servicing areas
By: Wm Birch And Sons Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 19 June 2006

1.0 PROPOSAL

1.1 The proposal is for the erection of 6 single storey starter industrial units on a piece of land at the Elvington Airfield Industrial Estate.

1.2 The site is within an existing employment site identified within the City of York Deposit Draft Local Plan incorporating the 4th set of changes, approved April 2005.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

2.2 Policies:

CYNE1
Trees, woodlands, hedgerows

CYE3B
Existing and Proposed Employment Sites

CYGP4A
Sustainability

CYGP1
Design

CYT5
Traffic and pedestrian safety

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Network Management.

No objections to the principle of a commercial development in this general area however there are two fundamental complications with the development as proposed.

- a highway drain cuts across the site in the area of proposed units 1 and 2.
- the site is partially public highway, there being a 9m x 90m (approx) visibility splay at the junction of Whitley Road and Halifax Way in a southerly direction.

Applicant in discussion with the Highways Authority to discuss this further.

3.4 EPU.

The Environmental Protection Unit have no objections to this application. Recommend that restrictions are placed on the application which include hours of operation for the units.

Other developed units on Elvington industrial estate are tied to a similar restriction. Allowing this application to run for 24 hours per day would set a precedent for other units to request a similar operation. If this did occur there would be a significant impact on the amenities of the local residents.

Also recommend conditions restricting hours of construction to the standard times and that if any contaminated materials are detected during site workings, remedial strategies can be put in place.

3.5 Archaeology.

Watching brief on all groundworks required. The site lies within the boundaries of the WWII airfield at Elvington, and in an area which has produced extensive crop mark evidence for a late prehistoric / Roman British landscape. This development may reveal features and deposits which must be recorded through a watching brief.

3.6 Landscape Officer.

The recently completed development on the opposite side of the road (plot A ref 02/3100) through much negotiating at the time has ensured the successful protection and retention of trees on and neighbouring the site, resulting in a large development footprint and adequate space around existing trees. The same standard will be expected of this plot. Those few trees that do exist are the only aesthetically redeeming features of the business park.

The current proposal is unacceptable due to the impact on trees subject to a tree preservation order (ref: CYC 145) and one other pine that is worthy of retention. Nonetheless I feel that it is likely to be possible to redesign the site without too much loss of floor space, because the silver birch that is shown as being retained could be removed. It is not worthy of retention due to the presence of a soft decay pocket over a large, old pruning-wound low down on the trunk.

There are several protected trees within the site area and it is imperative that these are protected during development and that the proposed buildings be moved far enough away so as not to harm them. It is acceptable to have porous hard surfacing between the tree protection areas and the building lines with minimal excavation and disruption. The two mature pines are absolutely fantastic specimens and their adequate protection is paramount. There is also a young pine growing close to the south boundary which is shown as being retained. This is an attractive addition to the group of pines, therefore it too requires adequate protection.

The Ash tree is an attractive open grown specimen with long term potential. Therefore any buildings should accommodate its mature size.

3.7 City Development.

The site is Plot E of the designated Elvington Airfield Business Park. It is proposed that the proposed business units be used for B1, B2, B8 and A2 uses. It is allocated in the local plan as a standard employment site restricted to B2 and B8 uses. It is a schedule 2 employment site which restricts the use of B1 and A2 uses (which are applied for within the planning application). Therefore there is no policy objection to B2 and B8 uses as this is allocated within the local plan. However, due to problems maintaining the supply of B2 and B8, the site is restricted to this use class, therefore B1 is not permitted.

An A2 use would constitute a loss of employment land, and therefore would need to be justified under the provisions of Policy E3b. If A2 use is required, it is suggested that further information be obtained from the applicant detailing its proposed use.

If the application is for B2 and B8 use alone, there would be no policy objection, however if B1 and A2 uses are required, more information should be requested.

3.8 EXTERNAL

3.9 Elvington Parish Council.

Has no objections in principle. Have 6 concerns however:

- i) Worried that development will result in 24 hour noise pollution affecting neighbouring properties.
- ii) Worried that there is inadequate parking provision for workers and visitors.
- iii) Layout and access proposals seem to invite heavy goods traffic to use the road normally open for museum entry, to the detriment of museum staff and visitors. Therefore, could the access be reviewed.
- iv) Suggest some sort of screening (trees / fence) to soften the visual impact of the units when viewed from Elvington Lane.
- v) Concerned at the steadily increasing volume of traffic on Elvington Lane.
- vi) In order to facilitate a response to above ii) and iii) are prepared to support the lifting of the TPO's shown on the site plan.

3.10 York Natural Environment Panel. The number of units should be decreased to better accommodate the tree protection order trees, an asset to the area and a good screen to the proposed units. Developer should be aware that landscaping at a small cost will increase the marketing value of the units.

3.11 Yorkshire Tourist Board

The museum is a significant visitor attraction in the area. This development would significantly reduce the visual aspect of the museum's entrance and thereby effect visitors experiences which would have a detrimental impact on future visitor numbers. The access will be dangerous. Air Force War Memorials are too important to be threatened in this manner.

3.12 Yorkshire Air Museum.

- Development is detrimental to the visual aspect of a historic museum site and to the setting of a Grade II listed building.
- Would compromise views of the front entrance which would lead to a loss of public and corporate business.
- Access to the museum and airfield would be seriously affected by commercial traffic parking and using the same small access road.
- Serious traffic hazard.

- Is the third museum in York and was recently referred to by the City of York Council as a 'jewel in York's crown and has won numerous awards. Is a prime site to become the National Air Museum.
- Receives 70 000 visitors every year. Is the only allied Air Forces Memorial in Europe and has a collection and archive of major international significant.
- Development would see the entrance to the museum relegated to the 'back yard' of an industrial site. Waste bins and cycle sheds would obscure the front entrance and the number of commercial vehicles would cause intolerable congestion in this narrow road.
- Future of the museum will be placed in serious jeopardy.

3.11 Third Parties. 98 letters of objections received making the following observations.

- Development will obscure the museum entrance and effect visitor numbers and the museum's future existence.
- Yorkshire Air Museum is one of the most historical facilities in Europe and a Memorial to ex-servicemen and allowing the construction of yet another trading estate so close to it will have a severe detrimental effect on its future.
- Business developments can be rebuilt or relocated easily, but a living piece of history can not. If the museum declines you'll never get it back.
- It is a memorial to 56,000 men who were killed during the 2nd World War and they deserve a little respect. I appreciate that councils are only interested in money, but a little thought should be given to this development.
- Will result in the felling of wonderful, mature Scots Pine trees.
- Access to the site in front of the air museum will be unsafe and confusing because museum visitors and commercial traffic will mingle.
- 24 hours a day, 7 days a week activity in such close proximity to a site where remembrance services take place is unacceptable.

- Would be hazardous to visitors.
- Would defile two war memorials, one church and countless other memorials located near the air museum. This would be a National and International scandal.
- Will make entrance and exit from the museum dangerous.
- The site is in the Green-Belt. Develops the only open land which is contrary to the required ambience of the Green-Belt.
- The present route along Elvington Lane is already grossly littered with HGVs - some parked overnight. This results in a back-up onto Elvington Lane which will make the situation worse.
- Will destroy the rural war-time atmosphere of the museum. The museum should be protected from the encroachment of modern commercialism.
- The Memorials to the 4 & 6 groups of bomber-command are immediately by the boundary of the application site. There is also a Garden of Remembrance in this area.
- Increased traffic on Elvington Lane.
- Will involve the demolition of an old RAF building.
- Is it an absolute necessity to develop this site?
- Gross over-development of the site.
- Whitley Road (entrance to application site) is the sole entry point for Elvington Airfield and the Air Museum and is already a busy road. The extra traffic generated by this development would be a hazard to all concerned.
- Loss of passing trade to all parties.
- Could be dangerous to flying aircraft.
- Will have wide-spread implications for the regional economy and employment.
- Access should be taken from Halifax Way and not Whitley Road.
- It is the only museum in the Country to cater to the entire history of aviation.
- It will impact on the listed control tower.
- The size of vehicles entering the site should be restricted.

- The museum is a registered charity.
- There is plenty of room at the southern end of the industrial estate which could be used.

4.0 APPRAISAL

4.1 KEY ISSUES.

- local plan allocation.
- employment creation.
- visual impact of the development.
- protected trees.
- highway implications.

4.2 Local Plan allocation / employment creation.

The comments of the City Development Officer at paragraph 3.7 of this report are especially relevant to this application. The site is allocated as an employment site in the local plan and therefore the principle of a development of this sort here is acceptable. By virtue of this allocation the Council have accepted that this site is suitable for an employment use and therefore there can be no objection in principle to industrial units being erected here.

4.3 However the Elvington Airfield Business Park has been allocated only for a B2 (General Industrial) or B8 (Storage and warehousing) use and the applicant has applied not only for this but also B1 (Business) and A2 (Professional Services). It has since being indicated that they are not interested in an A2 use but would like to pursue a B1 use if possible.

4.4 Due to the constraints placed on the availability of greenfield development sites around York by the existing Green Belt and the effects this has on land values, it is particularly important to ensure that land currently or previously designated for employment uses in Schedule 2 of the local plan are safeguarded for their identified land use. It will be difficult to replace land designated for employment use if this is developed for other uses and therefore any use outside the B1, B2 or B8 classification is not acceptable on an allocated employment site. Any A2 use is therefore not acceptable and would be against the principles and aims of both the Regional Spatial Strategy, PPS6 and local plan policy.

4.5 Further to this, some allocated sites are further restricted to just B2 and B8 use and Elvington Airfield Business Park falls within this category. High land values in the City make it difficult to maintain a supply of land suitable for B2/B8 uses and therefore some sites must be maintained in order to encourage such uses.

4.6 However, since this site was allocated for B2 and B8 use (first done in the 3rd set of changes and re-imposed in the 4th set of changes) the Use Classes Order has been amended by the Use Classes (Amendment) Order 2005 and further amended by The Town and Country Planning Act Use Classes Order 2006. There are now three sub-sections to the B1 use and these are as follows:

- a) Offices, other than a use within Class A2 (Financial Services).
- b) Research and development of products or processes.
- c) Light industry.

4.7 Parts b and c are very similar in their classification and generally can be considered together. They offer similar industrial / manufacturing uses to the types one would generally associate with classes B2 and B8 and which the restrictive policy is seeking to achieve.

Therefore, providing that the use of the buildings can be controlled to include only parts b and c of Use Class B1, the spirit of what policy E3b of the draft City of York Local Plan is seeking to control can be achieved. Officers are of the view that a suitable condition can be worded that restricts use to those covered by classes B1 (parts b and c) and classes B2 and B8. The applicant has expressed his agreement to this restriction.

4.8 Visual Impact / Impact on the Air Museum.

There are a significant number of objections to the development, mostly from the Yorkshire Air Museum and its trustees. The main concerns rest around the impact the development will have on the Museum, both in terms of its setting and appearance and matters of highway safety.

4.9 Whilst these concerns are acknowledged, the site is allocated in the draft local plan as an employment site and therefore the principle has already been established through the due local plan process. There is therefore an agreed expectancy on behalf of the Council that this site should come forward as an employment site. Given this allocation, officers cannot raise any objections to the proposed use of the site.

4.10 The main issue is therefore the details of the scheme and ensuring that any development respects its setting next to an important leisure and tourism use and that it doesn't materially harm or hinder the museums objectives, appearance or future or that of the area.

4.11 The area in question is classified as 'Plot E' within the allocated Elvington Airfield Business Park area and remains the only undeveloped area within this allocation. It is also the most sensitive given its position next to the air museum and at the most northerly end of the site closest to Elvington Lane. It will be the first site one sees when turning into the Business Park onto Halifax Way from Elvington Lane.

4.12 At the moment the site is a largely overgrown, somewhat derelict looking site which is not particularly well maintained. A small storage type building stands close to the southern boundary and this is to be demolished as part of this proposal. Other existing industrial style buildings already built on other parts of the business park are clearly visible just beyond this sites southern boundary and to a large extent these frame this site visually when looking from Elvington Lane towards the application site and the Air Museum. This is a material consideration when considering the visual impact of the proposed development.

4.13 The units are in two separate positions within the site. Units 1-5 run from the top end of the site, along its eastern boundary with Halifax Way, following the slight curve of the road. They offer accommodation over two floors, are mainly flat roofed in design with a ridge height of 7 metres. They are similar in design and style to the new units on the other side of Halifax Way immediately across the road from this site. There is a further detached unit (Unit 6) on the sites Southern boundary in the approx. position of the existing storage building.

4.14 Protected trees.

There are several protected trees within the site. These are 2 Pines in the south east corner and an ash on the eastern boundary about half way up. A further young pine (unprotected) is growing close to the southern boundary close to the mature protected pines and this is also considered worthy of retention. An unprotected silver birch close to the western boundary with the air museum is not considered worthy of retention due to the presence of a soft decay pocket close to an old pruning wound low down on the trunk. However, it is vital that the scheme respects these trees and also the number of plant species which have been identified as successfully re-colonising the site. As submitted the proposed layout is too close to the protected pines and would result in the loss of the ash tree. No replacement to mitigate against this is shown.

4.15 Highways.

Concern has been expressed by many of the objectors over highway safety given that the entrance to the application site is off Whitley Road, the same road from which access to the Air Museum is taken. However, given the size of the units and the amount of parking spaces shown within the confines of the site boundaries, the Council's highway officers have raised no objections in principle to the scheme and do not consider access off Whitley Road to constitute an unacceptable highway danger, even given its dual use as the main entrance to the Air Museum. Their comments about the presence of a drain across the site can be quite easily overcome by diverting the drain and this is done via an agreement between the relevant parties. As for the possible use of highway land for the development (which in turn may affect the visibility splays across the junction of Whitley Road and Halifax Way) this can be overcome through negotiation with our highways officer on the exact extent of the land owned by the Council. Whilst the area in question is relatively small and may result in only a small amendment to the overall layout of the site, any changes could affect visibility splays at the junction and also the parking layout within the site. At the time of writing this report, this issue has still not been resolved and therefore this makes it very difficult to fully assess the scheme in terms of highway safety around the junction of Halifax Way and Whitley Road.

4.16 Visual Impact.

The position of the site is such that there is bound to be some visual impact from any scheme of this kind, however modest it may be. The key issue is to minimize this as much as possible. The most sensitive part of the site is the northern end closest to Elvington Lane and close to the junction of Halifax Way and Whitley Road. Many of the objectors express concerns about the impact on the setting of the entrance to the Air Museum and which will put visitors off visiting the attraction. Whilst officers don't necessarily concur with this view it is agreed that this area is important visually and any proposed development should maintain some openness close to the junction of Whitley Road and Halifax Way, both in terms of basic good design practices and so as to maintain a degree of visual separation between the Air Museum and this site.

4.17 Currently the most northerly unit, Unit 1 extends almost to the very end of the site and at its closest point is within 2 metres of Halifax Way. Although some landscaping is shown in this area it is further over adjacent to Whitley Road and is quite limited in its extent and depth. It will do little to screen the site. Officers consider that the close proximity of Unit 1 to this junction constitutes poor design and is visually unappealing when seen from outside the site. The scheme would benefit enormously from the deletion of Unit 1, the benefits of which would be twofold. Firstly it brings the development more in line with the end of the corresponding units on the other side of Halifax Way and allows the area vacated by Unit 1 to be more effectively landscaped so resulting in better visual separation between this site, the road and consequently the entrance to the Air Museum. The protected Ash tree shown to be lost would still be lost from its current position but a replacement mature specimen could be planted in this area in line with Policy NE1. This would be more visually appealing and would help to frame the site in a much more effective manner. It would also be more of a focal point standing on the cusp of the entrance to the Business Park and the Air Museum. This option has been discussed with the Council's landscape officer and they are in agreement to this, subject to details. Good quality boundary treatment on this northern boundary should also be encouraged in order to better frame the site and give it greater visual separation from Whitley Road. A post and rail fence or such like is recommended.

4.18 Unit 5, the most southerly unit along the Halifax Way boundary extends too close to the protected Scots pines and in order to allow for the required levels of separation between the

end of the buildings and the protected Pines, it needs to be moved a couple of metres further away. This also helps to reduce the developed area.

4.19 The detached Unit 6 at the southern end of the site is the unit closest to the Air Museum buildings. However, this is quite modest in size and stands against the backdrop of an existing large industrial building built on another part of the site. At the moment this dominates views from north to south and has a significant impact on the setting of the museum. Officers consider that the position of proposed Unit 6 does not make this impact materially any worse. Some additional planting around this area, including the planting of a replacement tree for the diseased silver birch close will reduce the impact from this building to acceptable levels. Other than this, there are no officer objections to the position or design of Unit 6. The suggested more extensive and mature planting area on the northern boundary of the site would also help to screen Unit 6 and the existing building behind it.

4.20 The changes proposed above have been briefly discussed with the applicant and in principle accepted by them. Officers consider that this would represent a much more acceptable scheme than the one submitted here, although this is subject to meeting with the applicant and details being submitted and due and proper consideration given to them. A full re-consultation would also need to take place. However, at the time of writing this report there has been no formal resubmission of the scheme and there would be no time to re-consult the objectors as part of the 13 week determination lifespan of this application. Therefore the existing submitted scheme remains the one under consideration here and officers consider that it represents an overdevelopment of the site which cannot be supported.

5.0 CONCLUSION

5.1 Whilst there are no objections in principle to the development, the extent of the development and the impact this will have visually from Elvington Lane and on the setting of the junction down to the entrance to the Air Museum is unacceptable. The loss of the protected Ash Tree is also totally unacceptable unless a suitable replacement site can be found for it. This scheme does not do this. Unit 5 is too close to the protected Scots Pines on the southern boundary and would be harmful to their future health and vitality. It needs moving further away and again, this scheme does not show this. The comments/concerns of the highway authority, although likely to be quite easily overcome have not been adequately answered and a degree of uncertainty still hangs over this issue, particularly over the extent of the use of highway land and how this affects sight lines around the Whitley Road / Halifax Way junction. This is also unacceptable and further precludes a positive recommendation.

5.2 Although a revised, smaller scheme could be supported by officers in the future, this application remains unacceptable and contrary to the relevant local plan policies.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

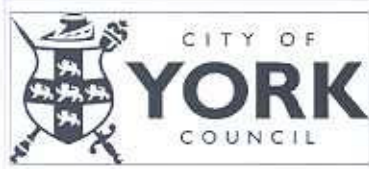
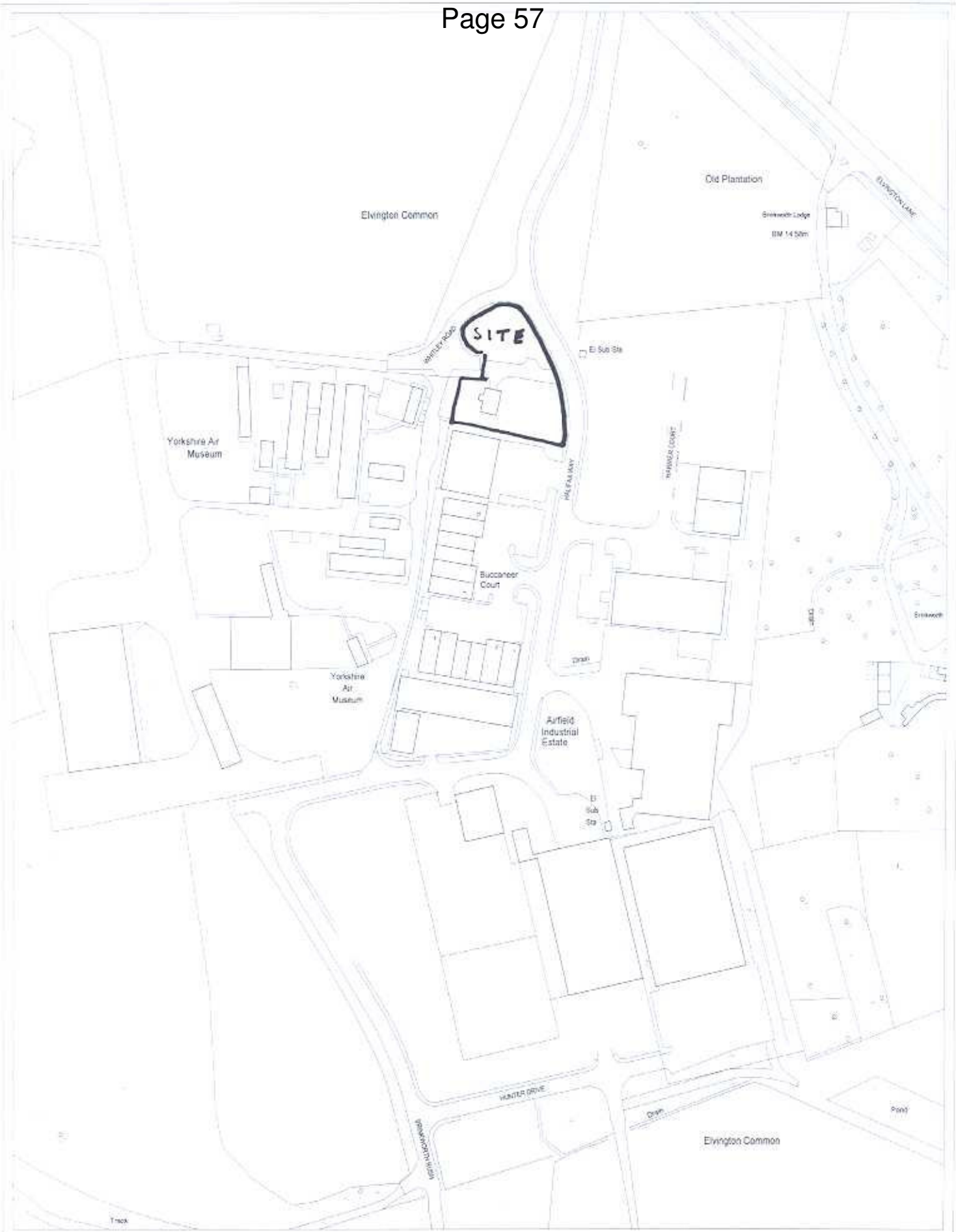
- 1 In the opinion of the Local Planning Authority the development constitutes an overdevelopment of the site and is consequently harmful to the visual amenity of the area. The buildings will dominate views of this prominent site from Elvington Lane due to their close proximity to the junction of Halifax Way and Whitley Road and the lack of proposed landscaping in this area. In turn this affects local visual amenity in general and the setting of the entrance road down to the Yorkshire Air Museum and this results in unacceptable levels of visual separation between the two sites. This is contrary to the objectives of PPS1 and Draft Local Plan Policy GP1, particularly parts b and d.
- 2 The development as proposed results in the loss of an Ash Tree (T3) which is protected by Tree Preservation Order no. CYC145 and which the Council consider to be an attractive, healthy specimen which adds significantly to the visual amenity of the area and which has good long term vitality and potential. No replacement planting of the tree is proposed which mitigates against this loss. In addition, Unit 5 is considered to stand too close to the Pine Trees (T4 and T5) protected by the same protection order and this will harm the amenity and future vitality of these trees. The above is considered to be contrary to national policy in PPG9 (Nature Conservation) and the Policy NE1 of the draft City of York Local Plan (4th set of changes, approved April 2005).
- 3 The site plan shows development partially within the public highway and within the visibility splay of the junction of Whitley Road and Halifax Way which harms highway safety at this junction.

7.0 INFORMATIVES:

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AIRFIELD BUSINESS PARK, ELVINGTON

SCALE 1:2500
 Originating Group

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 Project 06/0589/FULM

DATE 30/5/2006
 Drawing No. 5. MP



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COMMITTEE REPORT

Team: East Area
Date: 15 June 2006

Ward: Derwent
Parish: Dunnington Parish Council

Reference: 06/00698/FUL
Application at: 21 The Copper Beeches Dunnington York YO19 5PU
For: Flat roof dormer to rear and pitched roof to existing flat roof to rear extension (resubmission)
By: Mr And Mrs Flack
Application Type: Full Application
Target Date: 29 May 2006

1.0 PROPOSAL

1.1 This proposal is a re-submission of a previous scheme refused in May 2005. The reason for refusal was given as follows:

'The proposed dormer window is considered to have a detrimental impact on the character and appearance of the bungalow. This is by virtue of its size and appearance which, it is considered, dominates the existing rear roof slope and is not subservient to the main dwelling. This also has a negative impact on the character and appearance of this part of the village. Furthermore, it dominates views of the property from the houses on Church Lane and this is considered detrimental to the living conditions of the occupiers of these properties, in particular, no's 3 and 5'.

1.2 A subsequent appeal into this decision was dismissed and a copy of the Inspector's report is appended for members information.

1.3 This amended scheme has been altered to show a reduction in the size of the dormer window. The dormer in the previous scheme extended across the entire rear roof slope and measured 5.9 metres wide x 1.6 metres deep. In its revised format here it measures 2.8 metres wide x 1.4 metres deep. Its design still shows the dormer having a flat roof and extending up to the ridge of the main house.

1.4 The bungalow is located within the settlement limits of the village about 25 metres north west of the church. However, it is outside the Dunnington Conservation area. It is surrounded by residential properties on all sides with same sized bungalows to either side and two storey houses to the rear. It is a pitched roof bungalow with a smaller hipped roof projection off the rear elevation.

1.5 Permission is also sought to place a hipped roof over a small area of flat roof at the very back end of this rear projection. The area in question is very modest at 1.8 metres and the new roof will hip into the existing roof at its apex. It is no higher than the existing roof (eaves 2.2 metre and ridge 3.2 metres). There were no objections to this element of the proposal previously, either by the Council or the Planning Inspector.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Network Management. Had no objection to the previous application for the larger dormer window so the smaller dormer is also acceptable in highway terms.

3.3 EXTERNAL.

3.4 Dunnington Parish Council.

Loft extension, flat roofed is not in accordance with the village design statement. Intrusive for houses in Church Lane.

3.5 Third Parties / Neighbours.

3 letters of objection received making the following observations.

3.6 From the owner of no. 19 Copper Beeches.

- No's 19 and 21 are very small semi-detached bungalows and are totally unsuited to upper floor accommodation and have never been designed with this in mind. Although reduced in size it is still a roof extension from the apex of a very shallow roof.
- Would be intrusive and an eyesore and will completely unbalance the back of these properties and will reduce the value of the property.
- Design not in keeping with the local area.
- Concerned at the effect of the proposal on the party wall and party roof and questions whether structurally the bungalow is adequate to take them.
- Life tenant in the property is not in the best of health and who is concerned about the intrusion on the house and loss of privacy.
- If approved, will lead to further applications to extend again.

3.7 From 3 Church Lane (to the rear of the application site).

- Scale of the proposal is not in keeping with the size of the bungalow. Inspector said that the original proposal would be unacceptably intrusive. Believes this still to be the case.
- No other examples of such extensions in the village that are so readily visible to neighbours.
- This style of bungalow was not designed to incorporate a first floor.
- Will dominate the view from the main thoroughfare running north out of the village as it passes the church.
- Loss of amenity. Would directly overlook the rear of this house which currently enjoys complete privacy. Would overlook back garden and conservatory, 24 hours a day. A small garden with no privacy will be horrendous and the house will be robbed of its most precious

asset. When you buy a house that backs onto a bungalow, you are buying privacy and that should be a serious consideration in the decision making process.

- If approved, it will set a precedent and a further application will be submitted to place a dormer over the second bedroom. The intention of the original application would then be achieved.

3.8 From 5 Church Lane.

- Would detract visually from a very pleasant locality.
- Would have a negative impact on the character of the street.
- Overdevelopment of the site and would set an inappropriate precedent in the street.
- Loss of privacy in back garden of no.5.
- Contrary to design guidelines in the Dunnington Village Design Statement.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Comparison to the previous scheme and Inspectors decision report.
- Impact on the design and appearance of the house and the street scene.
- Impact on the privacy of neighbours.

4.2 Draft Local Plan policy H7 seeks to control extensions to properties within established settlements. Such developments are considered acceptable, in principle, subject to design and neighbour amenity considerations.

4.3 The comments of the Inspector are a material consideration here and his report (attached) is very concise and well informed. The first key issue is the principle of the dormer development (the small new pitched roof over the flat roof is acceptable to both the Council and the Planning Inspector). The large, full width dormer was refused due to its size and its visual domination of the roofslope. The Inspector in his report addresses this issue and ultimately concurs with this view.

Regarding the principle however, in paragraph 4 of the report he states that

'...in the rear garden of the appeal site I did not see any rear dormers about, but, bearing in mind the varied character and appearance in this part of Dunnington, I do not take that as an objection in principle to the proposal'.

and in para. 7 says that '...taking into account the existing character and appearance of the area...the principle of a rear dormer at this property is acceptable'.

Therefore the principle of placing a dormer window to the rear of this property has to be considered acceptable.

4.4 However, on the issue of size the Inspector concluded that 'its scale and massing, would, overall, be unacceptably intrusive. It would also unacceptably unbalance the rear of nos 19 and 21'.

In order to address this point, this scheme reduces the width of the dormer by 2.9 metres and the height by 200mm. The only public view of the dormer would be from the footpath and road to the east, towards the church. The dormer is now contained to the western side of the roof closest to its boundary with no.19. Therefore views of the dormer will now be more fleeting from the front than before, given that the proposed window is now positioned further along the roof and further away from the road. Furthermore the Inspector concluded

in paragraph 3 of his report that a dormer to the rear 'would not have any material adverse impact on the Copper Beeches frontage'.

It no longer dominates the roof slope in the same way as before and is in better scale and proportion to the existing roof. More than half of the original roof is now visible and whilst the dormer is somewhat regrettably still shown with a flat roof, being on the rear elevation and largely unseen from public views this is considered acceptable. It does not project above the ridge of the bungalow. Officers accept that the previous dormer was too large, was intrusive and unacceptably unbalanced the rear of nos 19 and 21. Officers did try to get the dormer reduced in size last time but the applicant refused to do this. The Inspector noted this in para.7 of his report and whilst not attempting to redesign the proposal expresses some sympathy with those attempts. Officers therefore conclude that this smaller dormer window is an improvement on previous and better respects the existing roof. Its scale and massing is better related to the existing roof and it no longer unbalances the rear of these properties. Given that the Inspector has indicated support for the principle of a dormer window this design solution is considered acceptable.

4.5 Loss of amenity / privacy.

All three objection letters refer to a loss of privacy and amenity and this was considered at some length in the previous committee report. Even allowing for the reduction in the size of the dormer window the issue regarding overlooking and loss of privacy is still largely the same. The issue is dealt with by the Inspector in para. 5 of his report and the following is directly quoted from the Inspector's report:

4.6 'I share the view in the officer report to committee that there would be an acceptable separation distance to the windows and the relationship between the 2 properties in that respect is not unusual in an urban area where the rear elevations of dwellings face each other. Taking the above into account, as well as the boundary treatment between the two properties and the low ridge line of the appeal site bungalow, I am not persuaded (on the basis of my site observations) that there would be any unacceptable reduction in privacy at the rear garden at no.3. That garden already experiences a degree of overlooking from the first floor level at an adjacent property. It follows, therefore, that I should come to a similar view in respect of no.5 and also no.19 where it and no.21 are separated by a low boundary fence that already enables mutual overlooking into, and from, rear gardens.

'Further, I give little weight to the view of the owner of no.19 that the proposal at the adjoining bungalow would result in structural problems at his property. This is a matter for control under the building regulations'.

4.7 The above sentiments are material to the objections over loss of privacy. They concur with the opinion of the Planning officer previously and whilst the reason for refusal did not specifically refer to a loss of privacy it did state that the dormer window 'dominated views of the property from the houses on Church Lane and this is considered detrimental to the living conditions of the occupiers of these properties, in particular, nos 3 and 5'. Given the Inspector's statement on this issue the Council have to conclude that the window is not harmful to the living conditions of neighbours.

4.8 Dunnington Village Design Statement.

This document has been adopted by the City of York Council since the previous decision was made. The Parish Council say in their response that the scheme is not in accordance with this but not stated why. Therefore this comment has to be largely disregarded. One of the objectors does make reference to the village design statement and quotes guidelines 19a, 19d, 20 and 28. These state that proposals should respect and enhance adjacent properties and the areas in which they are sited, respect the form, layout and density of development in the locality and respect neighbour's property, privacy and amenity. The last

of those issues has been dealt with in some detail above. The other guidelines merely re-iterate what are normal development control objectives and guidelines 19a, 19d and 20 have been fully considered both by officers and a planning Inspector. These guidelines would carry more weight if the dormer was proposed to the front roof slope facing Copper Beeches and I would have little hesitation in recommending refusal if this was the case. However, given that it is on the rear elevation and largely unseen from public views, the general aims and objectives of the village design statement, ie conservation and respecting existing character are in no way compromised. The site is also outside the Dunnington Conservation area.

4.9 There are no objections to the new small area of pitched roof over the existing flat roof on the end of a previous rear extension. The Council, nor any neighbours objected to this element of the scheme in the previous application and the Inspector was also content that this was acceptable.

5.0 CONCLUSION

5.1 This amended scheme is considered to address the previous reasons for refusal and given the clear and concise comments / recommendations of the planning inspector, officers now consider it to be acceptable. The proposal therefore meets the provisions of Policy H7 of the draft City of York Local Plan.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

drawing no: FO1/488/02

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

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 VISQ1 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 its impact on design and appearance in the street scene, impact on the design of the bungalow and impact on neighbours. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Matthew Parkinson Development Control Officer

Tel No: 01904 552405

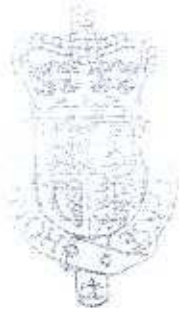


21 THE COPPER BEECHES, DUNNINGTON

SCALE: 1:1250
 Original Date: 06/0698/FUL
 Project: PSJ
 DRAWN BY: 6
 DATE: 30/5/2006
 Drawn by: MP

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Appeal Decision

Site Visit made on 13 February 2006

by **Peter F Davies BSc(Hons) Dip TP MRTPI**

an Inspector appointed by the First Secretary of State

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Date:

17 FEB 2006

Appeal Ref: APP/C2741/A/05/1191270

21 The Copper Beeches, Dunnington, York YO19 5PU

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs P Flack against the Decision of the City of York Council.
- The application, Ref: 05/00458/FUL, dated 1 March 2005, was refused by notice dated 13 May 2005.
- The development proposed is a flat roofed dormer to the rear - together with a rear, pitched roof extension.

Decision

1. I dismiss the appeal.

Reasons

2. While the submitted planning application describes the proposal as a rear dormer, it is more appropriately described as that set out above. The Council has no objection to the latter, and limited, element of the proposal (extension) and I have no reason to disagree. My determination of the appeal proceeds accordingly.
3. The Copper Beeches is within the built-up area of Dunnington and comprises a variety of building styles - detached houses and detached and semi-detached bungalows (the latter including the site) in a variety of styles and with varying alignment to the frontage. The dormer element of the proposal would be to the rear of No 21. I saw no front dormers to the bungalows at the frontage, albeit they are a feature of those on Church Lane reflecting their built design. The dormer, to the rear, would have no material adverse effect on The Copper Beeches frontage.
4. To the rear, however, 2 matters arise. Firstly, in the rear garden of the appeal site I did not see any rear dormers about but, bearing in mind the varied character and appearance in this part of Dunnington, I do not take that as an objection in principle to the proposal. Secondly, however, the size and extent of the dormer does raise concern. While sited below the ridge line, it would extend across most of its width with 2 large windows. Its scale and massing would, overall, be unacceptably intrusive. It would also unacceptably unbalance the rear of Nos 19 and 21.
5. In addition to the above, an occupant of the house at No 3 Church Lane is concerned that the proposal would have a dominating visual impact on his property and adversely affect privacy there - a similar concern arising at No 5. On the former, the dormer would be set

SCANNED

into the roof of No 21 and seen against that background, not resulting in any material harm. As to the latter, the rear - first floor elevation - at No 3 has 2 bedroom windows one, I was told, used as a study. They would face the 2 dormer windows at the site, these lighting dressing-room and bedroom accommodation. I share the view in the Officer Report to Committee that there would be an acceptable separation distance to the windows and the relationship between the 2 properties in that respect is not unusual in an urban area where the rear elevations of dwellings face each other. Taking the above into account, as well as the boundary treatment between the 2 properties and the low ridge-line of the appeal site bungalow, I am not persuaded (on the basis of my site observations) that there would be any unacceptable reduction in privacy at the rear garden at No 3. That garden already experiences a degree of overlooking from the first floor level at an adjacent property. It follows, therefore, that I should come to a similar view in respect of No 5 and also No 19 where it and No 21 are separated by a low boundary fence that already enables mutual overlooking into, and from, rear gardens.

6. Further, I give little weight to the view of the owner of No 19 that the proposal at the adjoining bungalow would result in structural problems at his property. That is a matter for control under the Building Regulations. I have to determine the land-use implications of the proposal.
7. Bringing all these matters together, the proposal is acceptable when assessed against the living conditions of the occupants of Nos 3 and 5 Church Lane, as well as the occupant at No 19. Further, taking into account the existing character and appearance of the area and for the reasons set out above, the **principle** (my emphasis) of a rear dormer at this property is also acceptable. The proposal must fail, however, on its design. Its scale and appearance is excessive at this property. It is not for me to redesign the proposal, but I note from the Officer Report to the Council's Committee that the Case Officer sought to achieve a reduction in size of the proposal, not accepted by the appellants. I have some sympathy with that Case Officer's view.
8. Nonetheless, the development should not proceed - not least on the basis of conflict with Policy H7 a) and b) of the City of York Draft Local Plan [Incorporating the 4th Set of Changes(2005)]. While I understand, and sympathize with, the wish of Mr and Mrs Flack to accommodate the needs of a growing family, the specific detail of their proposal would represent a permanent development that would remain long after that personal circumstance had ceased to be material. Concern over their discussions with the Council on their proposal, as well as the manner in which it dealt with the application, are a matter between them and it. I have also taken into account the view of the Dunnington Parish Council that it had no objection at application stage, but added to at Appeal stage through its Village Design Statement. None of these matters, or any other raised, outweigh my balance of conclusion that the appeal should be dismissed.


INSPECTOR

COMMITTEE REPORT

Team: East Area
Date: 15 June 2006

Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 06/00010/FUL
Application at: 15 Murton Way Osbaldwick York YO19 5UW
For: Erection of 2 detached dwellings adjacent to 15 Murton Way
By: Executors Of Mrs L Cook
Application Type: Full Application
Target Date: 11 April 2006

1.0 PROPOSAL

The dwelling at 15 Murton Way is a large end terrace property with a generous spacing to the side. This application seeks planning permission to erect two detached dwellings at 15 Murton Way. The application site is within the Osbaldwick Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Osbaldwick

2.2 Policies:

CYGP1
 Design

CYGP10
 Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The proposed access is acceptable and visibility at this location is within recommended guidelines, however due to the proximity of the new access to the junction with Tranby Avenue, there must be adequate turning for number 15 and plot 1 within the site curtilage. The plans do not show an adequate turning space. Only 1 car parking space has been provided in the garage for plot 1. It would be preferable to have 2 car parking spaces.

Conservation Officer - 15 Murton Way is a substantial early to mid 19th century house that retains a considerable degree of original character. The property and No.9 Murton Way are key buildings at the eastern extent of the conservation area. Usually large buildings like No.15 have considerable garden space around them, which provides a suitable setting whilst

providing a green break to the building line. To build on such a space denudes this positive character. However in this particular instance, historical map evidence shows that the current extent of the garden to the property is not original. Rather it has been extended over two plots sometime after 1909. These two plots, which once contained two small buildings, are where the proposed dwellings are sited. Considering the historic precedent the proposal seems fair.

A number of basic design features were recommended which has resulted in revised drawings.

Suitable materials will be essential to maintaining the character of the conservation area, conditions should be used to ensure this.

Landscape Officer - The existing vegetation along the front boundary essentially consists of a multi-stemmed Ash a Holly and a couple of Lilacs. These are all located directly underneath an overhead power cable; the Ash would be incompatible with this in the longer term. The holly is a good specimen and would be worth retaining, but none of the trees' amenity value outweighs the suitability of the development principal. Nonetheless consideration should be given to retaining the Holly, the size of which can easily be controlled with no harm to the tree.

The proposed garages are too close to the existing horse chestnut trees. They should be located a minimum of 8m away. A condition was suggested to protect the trees.

The five conifers down the side of the site are closely planted in a line and therefore constitute a hedge. There are no objections to their removal.

Local Plans - No significant policy comments raised.

Environmental Protection Unit - No objections to the proposal. 3 conditions were recommended which should be included with any approval.

3.2 External

Osbalwick Parish Council - Object as follows:

- The site is only suitable for 1 dwelling if built to a more suitable design to fit in with other properties in the area within the conservation area
- The area behind the property which has an entrance based on the plans within the Green Belt and therefore we can see no purpose of this entrance
- Two houses would be overdevelopment

York Natural Environment Panel - Would result in the loss of a tree lined frontage and open space aspect to the area. The garden with its associated landscaping, which includes two specimen conifers contributes to the amenity of the area and sits well with the setting of a large house. GP10 was set up to preserve the character this site represents. Development of 2 properties will erode this character and for this reason is contrary to GP10 and the Panel therefore suggests refusal.

Conservation Areas Advisory Panel - The panel had no objections to the new dwellings but felt that the buildings should be set back therefore making the front gardens larger. ~A revised plan included a greater set back from the road~

Response to site notice posted 22/02/06 and neighbour consultation letters sent 16/02/06 - 1 letter received from resident of 13 Murton Way. The following comments were raised:

- The proposed siting of the double garage contravenes the guidelines for development in the conservation area, in that it is an encroachment on the long rear garden/paddock which is a feature of the old village, which the conservation area seeks to protect. Should the double garage be allowed here it would create a precedent for similar backland development.
- The existing garage is not located in the same position as the proposed, as stated by the applicant, but is just behind the existing house.
- The proposed double garage would be very close to the stables which had planning permission 16 years ago and was deemed to be in keeping with land use in the old village. A domestic garage and cars in the proposed location would be in conflict with the established character and use of this type of backland.
- The proposed infill with two houses results in a narrow shared drive leading right through the long garden/paddock behind and also presents a cramped development frontage to the village constituting over development.

Foss Internal Drainage Board - There are concerns over the effectiveness of a soakaway in this area and it is believed that the rear of the development has problems with waterlogging. It should be noted that the Board believes that the Osbaldwick Beck cannot accept any increase in surface water discharge without increasing the flood risk to existing properties and the Board will require information on any new outfalls to the watercourse to prevent increasing the flood risk due to incorrect design of the structure if soakaways prove not to be practical. Conditions and informatives were recommended to alleviate any major problems.

4.0 APPRAISAL

4.1 Key Issues:

- * Effect Upon the Conservation Area
- * Impact on neighbouring amenity
- * Highway issues

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

4.3 GP10: Subdivision of Gardens and Infill Development

Planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character and amenity of the local environment.

4.4 Effect upon the Conservation Area - 15 Murton Way is within the Osbaldwick Conservation Area. Whilst no design statement was submitted with the application the Conservation Officer feels that the proposal respects the character of the Osbaldwick Conservation Area. There is no definitive single style of development along this part of Murton Way. The dwellings whilst being of the same bulk and same basic urban design as each other contain different detailing such as the doors, porch canopy's and windows. This gives the two dwellings a degree of individual identity. It is felt that this improves the visual

appearance of the two dwellings and helps them blend more harmoniously into the character of the Conservation Area. The basic design of the houses is acceptable and historical evidence shows that this plot once contained two small buildings. Given the sensitive and important visual location of the two proposed detached dwellings, conditions can be used relating to materials and exact design details to ensure that the finished appearance of the two detached houses is acceptable.

4.5 Amenity of Neighbours and Future Residents of Proposed Dwellings - The plot for the proposed houses measures approximately 19 metres in width and 27 metres in length. There would remain reasonable spacing between the dwellings and it is considered that the dwellings have been designed to minimise amenity loss for neighbouring residents. Each of the two proposed dwellings would have its own outdoor amenity space which is sufficient in size for a dwelling of this size. However, the garage within the rear garden of plot 1 has an unusual relationship with the house. The garage sits in the middle section of the garden and severely reduces the size and quality of the outdoor amenity space for this property. However, on balance it is considered that the living conditions of future residents of the property would be acceptable.

4.6 Highway Issues - No revised plans were submitted which overcame the highway issues relating to a lack of turning space. There does not appear to be adequate turning space within the site to enter and leave the site in a forward gear. Whilst this is not ideal Highway Network Management do not believe that this is a sufficient reason to refuse the planning application.

5.0 CONCLUSION

It is considered that the proposal is acceptable in terms of its impact on the Osbaldwick Conservation Area and the amenity of adjacent residents.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
Drg No. 05:35:01 rev B received by CoYC on 02/05/06
- 3 Open Space

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

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

- 4 INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2526.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

5 VISQ4 Boundary details to be supplied

6 Samples of the roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials. All in-slope vents shall be located on the rear elevation.

Reason: To achieve a visually acceptable form of development.

7 VISQ7 Sample panel ext materials to be approv

8 Further details of the true vertical sash timber windows and doors shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved details and materials.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

9 Trees shown to be retained shall be protected during the development of the site by the following measures: -

Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected). Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, burning, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

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

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

Reason: To protect the amenity of the local residents.

- 11 The building envelope of all buildings with a facade onto Murton Way shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To protect the amenity of the occupants.

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

Reason: To protect human health and the wider environment.

- 13 No development approved by this permission shall be commenced until a scheme for the provision, implementation and maintenance of a surface water regulation system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Foss Internal Drainage Board. The maximum rate of discharge would not be expected to exceed that of a 'greenfield site' or that rate which can be proved to currently discharge into the watercourse.

Reason: To prevent the increased risk of flooding.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Osbaldwick Conservation Area and the amenity of neighbours. As such the proposal complies with Policies GP1 and GP10 of the City of York Draft Local Plan.

-

2. Demolition and Construction - Informative

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

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

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

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

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

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

6 There shall be no bonfires on the site.

3. Surface Water to Adjacent Watercourse Informative

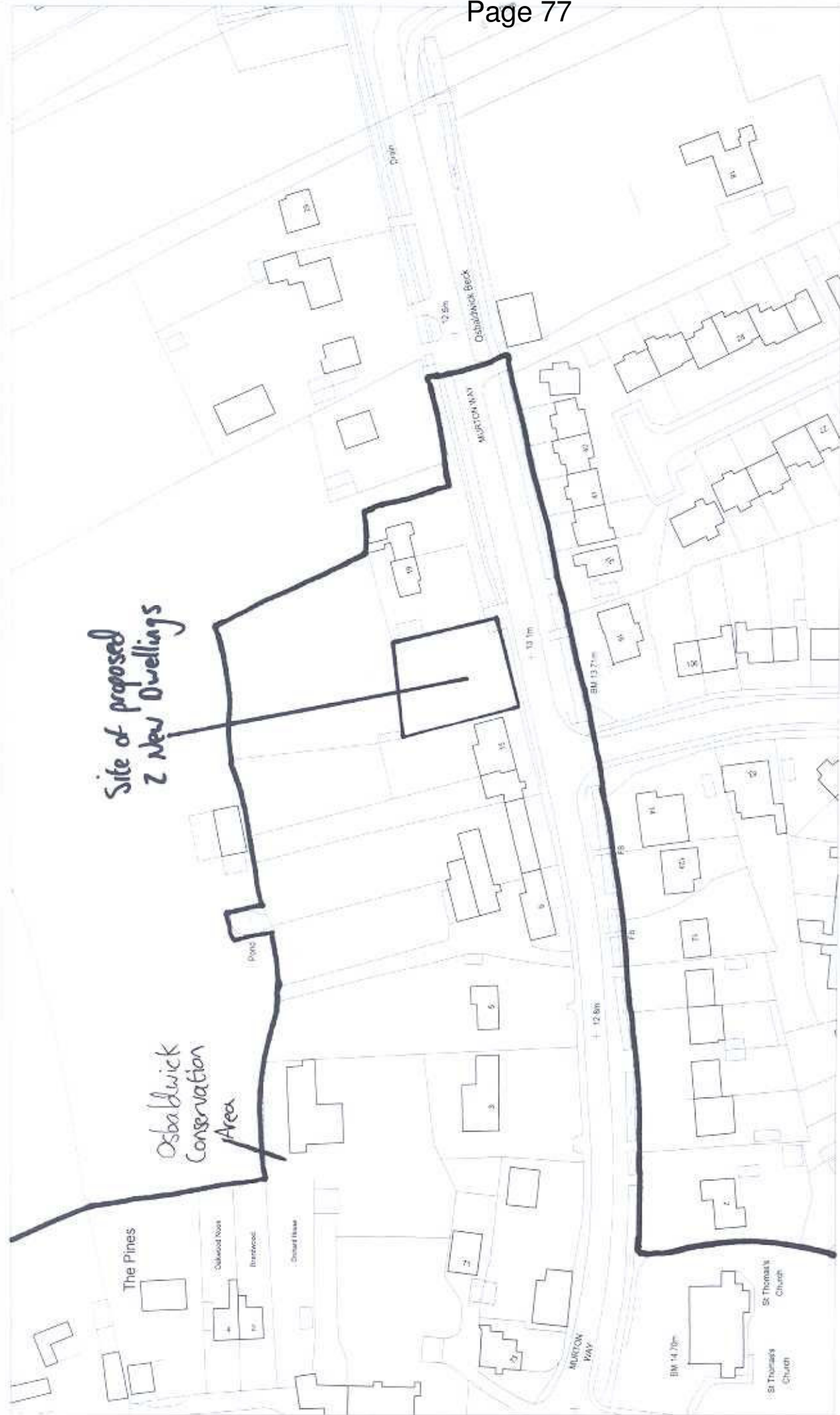
The applicant states that surface water is to be discharged to an adjacent watercourse. The condition and ability of this watercourse to accept this flow should be determined by the applicant prior to works commencing. The Foss Internal Drainage Board do not accept that the watercourse can accept ANY increase in the existing discharge.

Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325

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15 MURTON WAY, OSBALDWICK (06/00010/FUL)

DATE 30/05/2005
Drawing No. 7

MJ

SCALE 1:1250
DRAWN BY PSL
Osbalwick Group



9, St Leonard's Place York YO1 2ET
Telephone: 01904 613161

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COMMITTEE REPORT

Team: East Area
Date: 15 June 2006

Ward: Fulford
Parish: Fulford Parish Council

Reference: 06/00784/FUL
Application at: St Oswalds C Of E Primary School Heslington Lane York YO10 4LX
For: External and car parking lighting
By: Sewell Education
Application Type: Full Application
Target Date: 22 June 2006

1.0 PROPOSAL

This application seeks retrospective planning permission for external lighting at St Oswalds Church of England Primary School which is off Heslington Lane in Fulford. The lights under consideration are four flood lights which are on each corner of the car park, a triple bulb lamp post style light on the turning island, lamp post style lighting on the western boundary of the school, and bulkhead lights (44 plus 29 emergency lights) attached to the school itself.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

City Boundary York City Boundary 0001

Schools Multiple (Spatial)

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. Condition Highway 37 should be attached to any permission.

Environmental Protection Unit - The environmental protection unit have concerns with this application, these focus around the loss of amenity to local residents through light.

Initial involvement in St Oswalds C of E Primary School was through the investigation of statutory nuisance through complaints from residents. Investigations have been unable to determine that a statutory nuisance exists.

The site was originally used as a school before re-development. However the lighting used in that original school was not to the scale seen in the new development. This lighting has significantly changed the appearance of the site although it's use is still the same. The lighting does extend beyond the site boundary and project onto peoples property. Another factor to consider is that the vegetation around the school is now in leaf, thus restricting some light, in the winter months this leaf cover will not be present exposing properties especially down School lane to more light.

Installing a timing device would be a useful way of controlling the car park lighting the timer could be set to turn these light off at a time when no vehicles will be in the car park, we understand this to be about 23:00. It would also be useful if the school perimeter lights be set to dim after 23:00, maybe by 30%. This would still light the perimeter of the building but will reduce the amount of light reaching local residents properties.

Street Lighting - The proposed lights are satisfactory and do not create undue glare outside the premises,

Safer York Partnerships - The school was given a Secure by Design Award, the lighting was one of the factors which contributed to this. No objections.

External

Fulford Parish Council - Objections as detailed below:

- * The application is retrospective and the applicants should have waited until planning permission was granted before installing the lights.
- * The lights make the car park look like a football stadium. The council feels that the light pollution from these lights will dwarf the problem of bulkhead fittings. During winter months the glare or reflection of the lights on the parked cars will exasperate the situation.
- * The lights are not environmentally friendly as they use a lot of power. Also the lights have thrown the synchronization of the wildlife.
- * The school borders the Fulford Conservation Area.

Response to neighbour consultation letters and site notice (posted 16th May 2006) - Ten pieces of correspondence received from local residents. The following points were raised:

- * Lighting an unused car park is a waste of energy, the cost of which is met by council tax payers
- * The council needs to set the right example in the light of growing concerns over global warming.
- * Light pollution is a growing problem to which these lights add. The problem would be worse in the winter with longer nights and minimal screening from trees.
- * The lights should be turned off when the use of the car park and school have ceased.
- * Motion detected lights would be of greater benefit than permanent lights.
- * The lights should be turned off at night as they can be detrimental to a good nights sleep.
- * The glare of the lights has at times meant that it is not possible to see people using School Lane at night, this is a safety concern.
- * The school is on the edge of the Fulford Conservation Area and the lights harm this.
- * The area does not suffer from high crime levels and the lighting is excessive as a security measure in this case.
- * It would be preferable to look out into darkness rather than an illuminated school and car park.
- * The lights are excessive in both number and strength

- * The lights are detrimentally harming wildlife in the area.
- * The lights identified as 'emergency' lighting have been kept on all night recently. They should be switched off and only come on if there is an emergency.
- * There are more lights at the school than shown on the plans.
- * Some of the lights shine directly into bedroom windows.
- * The school is already fitted with a tall metal security fence and metal shutters to the doorways and windows and therefore this level of lighting is excessive as a security measure.

4.0 APPRAISAL

4.1 Key Issue(s):

- * Visual amenity impacts on the street scene
- * Impact on the amenity of local residents

4.2 The Application Site - St Oswalds Church of England Primary School is on Heslington Lane in Fulford. The school is not within the Fulford Conservation Area but is on its boundary which runs down School Lane and Heslington Lane. The lighting has already been installed at the school and therefore this application is retrospective. The lights under consideration consist of; four flood lights within the car park and one three light structure on the turning roundabout; lamp post style lights on the western boundary of the school (adjacent to School Lane); and bulkhead style lights attached to the school itself (29 of these are for emergency use only and are only illuminated when an alarm is triggered).

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

4.4 GP1, part f) design outdoor lighting schemes which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems.

4.5 Visual amenity impacts on the street scene - Heslington Lane is well lit by street lighting. The lighting under consideration is for security purposes and can be switched off during the night, a condition can ensure this. It is considered that the lighting is not excessive given its position within the York built up urban area. It is acknowledged that some local residents would like a lower level lighting scheme, however this is considered to be a preference based on personal opinion. The lights when illuminated do not shine upwards towards the sky and they are not considered excessive in terms of number or illumination levels. During the night time only 44 bulkhead lights attached to the school would be illuminated. The school is just outside the Fulford Conservation Area and it is considered that the proposal does not harm the character and appearance of this area.

4.6 Impact on the amenity of local residents - A number of objections have been received from residents of properties which border the school. An extensive number of neighbour consultation letters were sent and a site notice was posted. A large number of local

residents have therefore chosen not to object to the application. The Environmental Protection Unit have carried out investigations into the lighting at the school and concluded that there was no statutory nuisance for local residents. The car park flood lights are directed down towards the car park. The bulkhead lights and lamp post style lights are further away from residential dwellings than the current street lights. There is a degree of light spillage out of the school grounds, however this is not considered to harm the amenity which local residents could reasonably expect to enjoy. A condition could be imposed to ensure that the car park lights are turned off at a reasonable time to appease some residents concerns and limit any waste of resources. The bulkhead lights provide security for the school and are required throughout the night for this purpose. 29 of the bulkhead lights attached to the school are for emergency purposes only and will remain switched off unless an alarm is triggered at the school.

5.0 CONCLUSION

It is considered that the proposed lighting is acceptable in terms of neighbouring amenity and their impacts on the street scene.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 HWAY37 Control of glare etc from lighting
- 2 The lights (excluding the forty four non-emergency bulkhead lights attached to the school) may only be illuminated between 07:00 and 22:00 hours.

Reason: In order to reduce impacts on the amenity of neighbouring residents and to reduce energy wastage

7.0 INFORMATIVES:

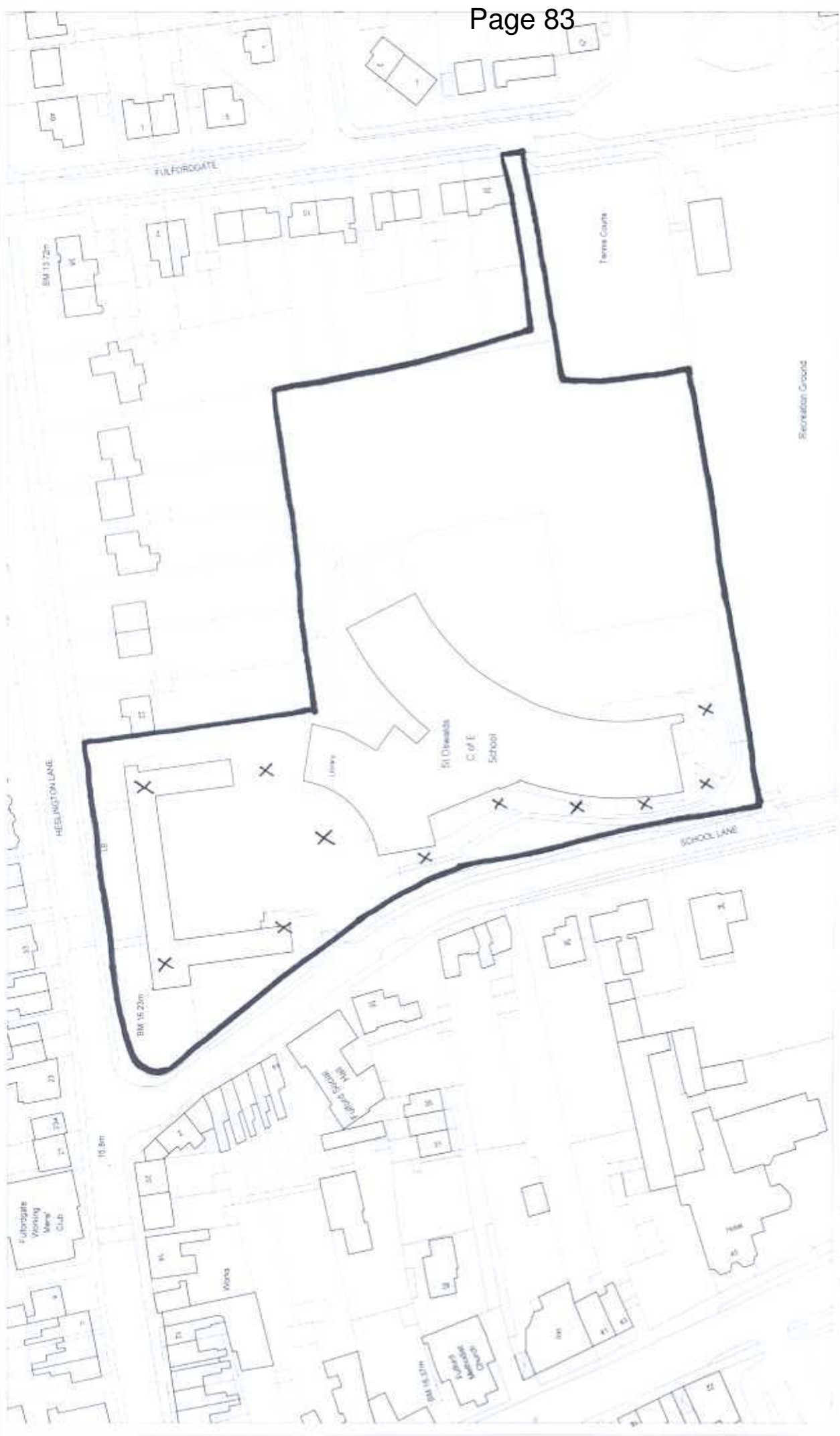
Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity of neighbours. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

Contact details:

Author: Michael Jones Development Control Officer
Tel No: 01904 551325



X = Proposed Car Park +
Emergency Lighting



4, St Leonards Place, York, YO1 2ET
Telephone: 01904 813161

ST. DONALD'S CHURCH OF ENGLAND PRIMARY SCHOOL, HESLINGTON LANE (06000794FUL)

DATE: 30/05/2006
Drawing No: 8

Project: 06/0784/FUL

SCH: 11250
Drawing Group: PSL
Scale: 50mm = 1m

MJ

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COMMITTEE REPORT

Team:	East Area	Ward:	Strensall
Date:	15 June 2006	Parish:	Stockton-on-the-Forest Parish Council

Reference: 06/00912/FUL
Application at: 26 Hopgrove Lane South Stockton On The Forest York YO32 9TG
For: Variation of condition 3 of planning permission 05/00452/FUL to extend opening hours
By: Ashley Woods
Application Type: Full Application
Target Date: 4 July 2006

1.0 PROPOSAL

1.2 Planning consent 05/00452/FUL dated 4th May 2005 gave permission for a change of use from a riding shop to a beauty salon at 26 Hopgrove Lane. Condition 3 of this planning consent states as follows:

The opening hours of the use hereby approved shall be restricted to the following times:- 1000 - 1800 Mondays, Wednesdays and Fridays; 1000 - 2000 on Tuesdays and Thursdays and 1000 - 1600 on Saturdays with no opening on Sundays/Bank holidays.

Reason:- In order to safeguard residential amenity.

1.3 These opening hours reflected the opening hours stated on the application form submitted with application 05/00452/FUL. The current application seeks to extend those opening hours to 09:00 – 21:00 Monday-Friday, 08:00 – 18:00 Saturday and for the purposes of cleaning and training 10:00-15:00 on Sundays.

1.4 The site itself lies within Hopgrove settlement limits. The internal layout of the use contains a reception, two treatment rooms and ancillary facilities at ground floor level, with the remainder of the detached building used for ancillary residential purposes.

1.5 The application is reported to Committee at the request of the Local Members.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

GP1 Design

GP4a Sustainability

3.0 CONSULTATIONS

3.1 Internal
 Highways Network Management- No objections.

Environmental Protection – The Unit has received no complaints about noise since this business first started operating. No objection to the hours sought by the applicant.

3.2 Local Members, Parish Council and Public Consultation

Both Local Members object on the grounds of:

- extending the opening hours beyond 05/0452/FUL within this residential area will detract from the amenity of neighbours due to increased levels of customer activity;
- residents have already complained about disregard for the approved opening hours;
- would cause further parking problems caused by existing customers. Insufficient car parking for customers;
- would cause additional traffic on Hopgrove Lane South, where there are already difficulties because of levels of traffic; and
- noise that already arises from machinery and music will cause a nuisance to nearby residents.

Parish Council - Object to the hours but suggest a compromise could be reached. The Officer has been advised a further representation from the Parish Council may be submitted before Committee. If this is the case, this will be reported verbally to Committee.

Public Consultation – A petition of 26 names and four individual letters of objection have been received on the ground of:

- the existing traffic conditions are often congested and dangerous
- hours are inappropriate for a residential area, causing unreasonable disturbance to residents.
- customer car parking already takes place on footpath and verges, causing obstructions to traffic and pedestrians
- they are already in contravention of their opening hours
- may set a precedent for other businesses
- current opening hours are adequate for the business. Perhaps a more commercially developed area should be considered.

One letter of support has already been received stating that the business is conducted in a quiet and calm environment, and is a welcome addition.

4.0 APPRAISAL

4.1 The issue in determining this application to vary hours of opening relates to the reason the condition was applied to the original planning consent, the safeguarding of residential amenity. In determining such an application to vary an existing planning condition under Section 73 of the Town and Country Planning Act 1990, Local Planning Authorities are empowered to grant permission unconditionally, refuse the application or grant permission subject conditions, as long as this is to overcome the problem to which the condition is addressed. The planning permission itself, i.e. the grant of permission for beauty salon, must be left in tact.

4.2 Concerns have been raised that there is inadequate car parking on the site. This is an issue however that would been assessed when the original planning application for the beauty salon was made, than a matter for the current application to vary hours of opening. Car parking is provided on the front and side curtilage of the property that can adequately accommodate 4/5 cars. There is also unrestricted on street car parking on this stretch of Hopgrove Lane South.

4.3 The area where the beauty salon is located is predominantly residential in character. The closest dwelling to the property is a bungalow at no. 28 to the east. This is separated from the beauty salon by its driveway, and does have a door access and associated side window openings facing the side of the beauty salon. The windows and openings associated with the beauty salon themselves face Hopgrove Lane South itself on the front elevation or on the opposite side elevation facing the side parking area, and do not face towards no. 28. To the

east of the site, the next dwelling (no. 24) is well set back from the beauty salon. There are also residential properties on the opposite side of the road, though these are reasonably well set back from the Hopgrove Lane South.

4.4 The use itself is considered reasonably modest, as it consists of two treatment rooms and a reception area. The impact on residential amenity is also considered to be limited as none of the openings on the building associated with the use face towards the potentially the most affected dwelling, no. 28. There would be noise associated with vehicular movements, though again this needs to be considered with regard to the reasonably modest nature of the use, and against the backdrop of significant levels of traffic already using Hopgrove Lane South.

4.5 The area is nevertheless predominantly residential in character and the proposed opening hours would incur into the later evening during the week, and early on a Saturday morning. In order to limit the impact on residential amenity, it is proposed to limit the opening hours to members of the public to 8pm during weekdays (rather than 9pm as proposed), and 9am (rather than 8am) on Saturdays. The permitted use is currently allowed to open to 8pm on Tuesdays and Thursday.

4.6 It is considered reasonable that at other times, i.e. beyond opening times, that the owner or staff would be on the premises to clean, prepare for the day's appointments, etc. Condition 3 as applied to the original planning consent only restricted the hours of opening. The salon's own ancillary residential accommodation which can be occupied at any time as clearly can any of the residential properties found in the vicinity of the salon.

5.0 CONCLUSION

5.1 The main issue relates to the impact on the residential amenities of neighbouring properties. The impact of the use is to an extent limited by its reasonably modest form, and the internal layout of the detached building where the use is found. It is also located where there is significant levels of traffic noise associated with Hopgrove Lane South. The area is nevertheless predominantly residential in character and opening hours to the public into the later evening as proposed and early on Saturday morning may start to impact more significantly on residential amenity. It is therefore proposed to limit the opening hours to members of the public to 8pm during weekdays and 9am on Saturdays.

6.0 RECOMMENDATION: Approve

1. The following wording amends Condition 3 of Planning Approval 05/00452/FUL dated 4 May 2005.

The opening hours of the use to members of the public shall be restricted to the following times:- 09:00-20:00 Monday-Fridays, 09:00-18:00 Saturdays with no opening to members of the public on Sundays/Bank Holidays.

7.0 INFORMATIVES:

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the condition listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity issues. As such the proposal complies with Policies GP1 and GP4a of the City of York Draft Local Plan.

2. The applicant be advised that this planning consent only alters the wording of condition 3 of Planning Consent 05/00452/FUL dated 4 May 2005 only, and that all other conditions on that approval remain unaltered.

Contact details:

Author: Darren Hendley Development Control Officer
Tel No: 01904 551477



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

Site Plan : 26 Hopgrove Lane South Hopgrove

SCALE 1:1250

Originating Group

Organisation

06/0912/FUL

DRAWN BY JB

Project

DATE 1/6/2008

Drawing No

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2.2 Policies:

3.0 CONSULTATIONS

Internal

Highways

Comments on amended scheme

The proposal is to demolish an existing garage and construct 3 dwellings. The existing property and one of the new dwellings are to be provided with 1 off street car space each in the form of a garage. Access is to be gained via new dropped vehicular crossings from Lamel Street which are to be formed under Section 184 of the 1980 Highways Act. In terms of traffic generation the proposal is considered to have a negligible impact and will not be to the detriment of the surrounding highway network.

Two of the proposed dwellings are not being provided with any off street parking. The dwellings are 1 bed roomed and therefore there is a total theoretical maximum requirement for 2 spaces. Lamel Street is unrestricted and forms a cul de sac due to a break in the carriageway. Officers consider that the displacement of these 2 spaces onto the highway can be accommodated without being to the detriment of free flow of traffic nor highway safety. The site is considered to be in a sustainable location and is served by a number of frequent bus services linking the site to the city centre.

On this basis officers raise no objections. Two highway conditions to cover the detail of cycle parking and ensuring no protruding garage doors and an informative about S184 vehicle crossing are proposed.

Leisure

An off site contribution is required towards childrens equipped play area for the detached house and for the whole development for outdoor sports provision. The money is to be spent on local provision at Hull Road park and on identified east zone priorities

Environmental Protection Unit

The contaminated land officer believes that there is potential for contamination of the land. A five point contaminated land condition is proposed

External

Hull Road Planning Panel

Comments on original scheme

The panel consider that number 17 and 19 on the drawings represent an overdevelopment of the plot leaving no external amenity space at ground floor level.

It is thought that numbers 17 and 19 with the proposed balcony amenity would overlook into the apartments presently being built behind the new somerfield store

The panel are not in favour of waste bins left in porches at the front of the properties.

To overcome the overdevelopment created by numbers 17 and 19 the panel suggests that a redesign based on the design of 21A would then provide garden amenity space.

Comments on amended scheme

Comments awaited

Neighbours

1 letter of objection has been received covering the following points:-

- most of the street already has students as far as the objector is aware there are only 4 family homes

- There will be an increase in traffic around the street
- there is a real problem with rubbish of which York pride are aware, landlords don't care it is the residents who have to live with it
- if the property get planning permission there could be 15 students living there, more like a hostel we may as well be living on campus
- the site should be visited at 6:50 am to 8:30 to see the vehicles that have to be put up with
- the objector thinks that there is over-development in the Thief Lane area
- put residents first and reject the application

4.0 APPRAISAL

The key issues are considered to be

- sustainability and the sequential test
- design consideration
- amenity open space
- Highways

Sustainability and the Sequential test

Central government advice regarding new housing is contained within planning policy guidance note 3 Housing. policy H4a and H5, are also relevant.

the key aim of local and national policy is to locate new housing on Brownfield land in sustainable locations. PPG3 sets out a sequential test which favours the re-use of previously-developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. paragraph 31 of PPG3 sets out criteria for assessing proposals for housing development in accordance with the principles of sustainable development. Policy H4a indicates that planning permission will be granted for proposals for residential development within the urban area subject to a series of criteria being met. These include where it involves infilling, where it has good accessibility to jobs and services, where it is of an appropriate scale and density to surrounding development and where it would not have a detrimental impact on existing landscape features. Policy H5 seeks to ensure that in urban areas a density of 40 dwelling to the hectare is achieved provided that this is compatible with the surrounding character.

Lamel Street is an area, which in Officers opinion fulfils all the criteria within PPG3 for achieving sustainable locations for development, in principle fits the criteria set out in policy H4a and more than meets the density requirement in policy H5 without impinging on the character of the area which is a mix of development types including terraced, semi and detached houses and garage blocks. To the rear of the site is new build flats.

Design considerations

The main source of guidance on the design of development is in PPS1. The thrust of guidance on design within PPS1 is that good design ensures attractive and usable, durable and adaptable places and is a key element in achieving sustainable development. good design is indivisible from good planning. Policy GP1 sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to respect or enhance the local environment and to ensure that development is of a density, layout, scale, mass and design compatible with neighbouring building spaces. The policy also indicates that development will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy GP10 deals with the subdivision of gardens and infill development and says that planning permission will only be granted for such development where it would not be detrimental to the character and amenity of the local environment.

In officers opinion the amended scheme provides for a mix of house types designed to be in keeping with adjacent properties. The development can be achieved without impacting on the amenity of adjacent residents. The proposal is considered to be acceptable from a design perspective.

Amenity open space

Policy L1c of the draft local plan requires that all proposal for housing will be required to provide amenity open space, for those developments of less than 10 dwellings the amenity open space requirement can be satisfied by the payment of a commuted sum. The leisure section have indicated that children and sport payments will be required for the two bedroomed dwelling but that sports contribution only is required for the one bedroomed units. The payment of the commuted sum can be achieved through the use of conditions.

Highways Network Management

The highways section are satisfied that despite no car parking being provided within the site for the two smaller units this will not be detrimental to the highway network and that the proposal can be supported.

5.0 CONCLUSION

The scheme which has been amended since first submission so that the two smaller units have improved amenity space, internal layout , on site cycle and bin storage and relationship to adjacent sites is considered to comply with the requirements of guidance set out in PPS1 and PPG3 and with the aims of policies H4a, H5,GP1 and GP10 of the deposit draft local plan.

The highways network management team are not objecting to the proposals and the provision of amenity space required by Policy L1c can be achieved through a condition requiring a commuted sum.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve without Conditions

- 1 OUT1 Approval of Reserved Matters

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

 Details to be submitted: landscaping of the proposed development to be carried out, including a schedule of all facing materials to be used.

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

- 3 VISQ8 Samples of exterior materials to be app

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Class A and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: In the interests of residential and visual amenity

- 5 HWAY18 Cycle parking details to be agreed

- 6 HWAY30 Non-protruding garage doors

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

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £809. No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

- 8 a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800

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

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

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

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

Reason: To protect human health and the wider environment.

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

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

Reason: To protect the amenity of the local residents.

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 siting, design, impact on adjacent residents and highways. As such the proposal complies with Policies H4a, H5 GP1 and GP10 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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

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

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

Contact details:

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

Tel No: 01904 551657



21 LANEL STREET

SCALE 1:1250
 Originating Group

06/00869/OUT

DRAWN BY PSL
 Project

DATE 5/6/2006
 Drawing No

DC 10



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