

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

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

Date: Thursday, 5 January 2012

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Members are advised to note that if they are planning to make their own way to the Site Visits to let Laura Bootland know by **5pm** on **Wednesday 4 January 2012** on **(01904) 552062**.

1. Declarations of Interest

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

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of Agenda Item 5 on the grounds that it contains information which is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

- 3. Minutes** (Pages 4 - 6)
To approve and sign the minutes of the last meeting of the Sub-Committee held on 1 December 2011.

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

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

- a) Fantasy World, 25 Main Street, Fulford, (Pages 7 - 20)
York. YO10 4PJ (11/03053/FUL)**

This is a full application for the conversion of a shop to 8 bedroom house in multiple occupation. It also includes alterations to building including replacement of shop frontage and insertion of new windows/doors, alterations and extension of existing garage and use as self-contained dwelling. Provision of vehicle and cycle parking area within rear garden.
(resubmission) [Fulford] **[Site Visit]**

- b) 77 Lawrence Street, York. YO10 3DZ (Pages 21 - 28)
(11/02760/FUL)**

This is a full application for the conversion of a shop (use class A1) to 10 bedroom house in multiple occupation with external alterations including two front dormers. [Hull Road] **[Site Visit]**

- c) William Thompson Ltd, Jubilee Mills, (Pages 29 - 35)
Fryors Close, Murton, York.
(11/02669/FULM)**

This is a major full application for the erection of 2 No. extensions to an existing agricultural feed storage building.
[Osbalwick] **[Site Visit]**

**d) 25 Shipton Road, Clifton, York. YO30 5RE (Pages 36 - 48)
(11/02487/FUL)**

This is a full application for the construction of outdoor swimming pool with shed to house filtration plant, formation of tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed. [Clifton] **[Site Visit]**

**e) 25 Shipton Road, Clifton, York. YO30 5RE (Pages 49 - 58)
(11/02488/LBC)**

This is a listed building consent application for the construction of outdoor swimming pool with shed to house filtration plant, formation of tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed. [Clifton] **[Site Visit]**

f) 295 Hull Road, Osbaldwick, York. YO10 3LB (11/02965/FUL)

This is a full application for the erection of two storey rear and single storey side extensions after demolition of the existing flat roof garage and rear extension. [Osbaldwick] **[Site Visit]**

**g) Plough Inn, 48 Main Street, Fulford, York. (Pages 68 - 80)
YO10 4PX (11/01635/FUL)**

This is a full application for the erection of single storey detached building comprising 6 hotel bedrooms (resubmission)(revised scheme). [Fulford] **[Site Visit]**

**h) DHL, Centurion Way, York. YO30 4WW (Pages 81 - 85)
(11/02828/FULM)**

This a full major application for a change of use and external alterations to form vehicle service centre with commercial vehicle sales. [Skelton, Rawcliffe, Clifton Without]

6. Appeals Performance and Decision (Pages 86 - 99) Summaries

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30th September 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 22nd December 2011 is also included.

7. Enforcement Cases-Update (Pages 100 - 279)

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

8. Urgent Business

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

9.

Democracy Officer:

Name- Laura Bootland

Telephone – 01904 552062

E-mail- laura.bootland@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
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- Copies of reports

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

Scrutiny Committees

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

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

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EAST AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 4th January 2011****Members of the Sub Committee to meet at Union Terrace Car Park
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10.10	77 Lawrence Street	5b)
10.35	Plough Inn, Fulford	5g)
11.05	295 Hull Road	5f)
11.40	Jubilee Mills, Murton	5c)
12.15	25 Shipton Road	5d)e)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	1 DECEMBER 2011
PRESENT	COUNCILLORS DOUGLAS (VICE-CHAIR), WISEMAN (CHAIR), FIRTH, FUNNELL, HYMAN, MCILVEEN, WARTERS, WATSON AND BOYCE (SUBSTITUTE FOR COUNCILLOR FITZPATRICK)
APOLOGIES	COUNCILLORS FITZPATRICK AND KING

Site Visited	Attended by	Reason for Visit
111 Newland Park Drive, York. YO10 3HR	Councillors Douglas, Warters, Watson and Wiseman.	As this was a revised application to a previous one that had been considered by the Committee, it was felt that Members should familiarise themselves with the differences between the revised proposal and the earlier application.

30. DECLARATIONS OF INTEREST

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

None were declared.

31. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 10 November 2011 be approved and signed by the Chair as a correct record.

32. PUBLIC PARTICIPATION

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

33. 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.

33a 111 Newland Park Drive, York. YO10 3HR (11/02745/FUL)

Members considered a full revised application by Mr Colin Packer for a two storey side extension and single storey rear extension.

In their update Officers informed Members that the neighbouring garden was lower than the wall of the extension, with a retaining wall in between. Officers explained that the construction of the extension that had taken place so far was allowed under permitted development rights. They explained that the drainage holes within the retaining wall would need the consent of the owner of the neighbouring property and that this was a matter to be resolved under the Party Wall Act rather than a planning consideration

In their discussion Members highlighted a number of points including;

- Drainage problems from the property at 111 Newland Park Drive discharging surface water on to the neighbouring property.
- The overdominant nature of the proposed second storey on to 113 Newland Park Drive.

Members considered that if the application was approved then a condition should be added to prevent surface water discharging on to the neighbouring property. However, following the debate, Members still considered that the revised proposals would have an unduly overbearing and overdominant impact on the property at 113 Newland Park Drive.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed extension by virtue of its size and scale, would appear unduly oppressive and overbearing when viewed from the rear of the neighbouring property at 113 Newland Park Drive and would thus detract from the standard of amenity that the occupiers of this property could reasonably expect to enjoy. The proposal would, therefore, conflict with Policies GP1 (i) and H7 (d) of the City of York Draft Local Plan, and with the Council's Supplementary Planning Guidance "A Guide to Extensions and Alterations to Private Dwelling Houses" March 2001.

Councillor S Wiseman, Chair

[The meeting started at 2.00 pm and finished at 2.20 pm].

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Fulford
Team: Major and **Parish:** Fulford Parish Council
 Commercial Team

Reference: 11/03053/FUL
Application at: Fantasy World 25 Main Street Fulford York YO10 4PJ
For: Conversion of shop to 8 bedroom house in multiple occupation.
Alterations to building including replacement of shop frontage and
insertion of new windows/doors. Alterations and extension of
existing garage and use as self-contained dwelling. Provision of
vehicle and cycle parking area within rear garden. (resubmission)
By: Mr Justin Heaven
Application Type: Full Application
Target Date: 11 January 2012
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

THE SITE

1.1 The application site is located on the east side of Main Street, Fulford, south of the signal controlled junction with Heslington Lane, and within the Fulford Conservation Area. It comprises a linear plot running east from the road with a late Victorian frontage building that is part of a terrace of similar properties fronting onto Main Street at the back of footpath. The building provides accommodation over three storeys (second floor in roof space) and within a single storey rear extension. A detached outbuilding with conservatory is located at the rear next to a parking area. Vehicle access is via a shared covered passageway between 23 and 25 Main Street that gives right of access to the rear parking area and large garden. There is a pedestrian gate at the end of the garden giving access to a pedestrian lane serving 6-12 School Lane at the rear of the site. It is currently in use as a fancy dress shop on all floors. The surrounding area is a mix of residential and commercial. The properties on either side of the application site are in residential use as are the terraced houses at the end of the garden - these are mainly private dwellinghouses with the exception of no. 23, which is a house in multiple occupation. The rear garden is adjoined to its south by Fulford Social Hall and related buildings.

THE PROPOSAL

1.2 The application proposes the conversion of the property into a house in multiple occupation (HMO) with 8 bedrooms and the creation of a self contained unit in the rear outbuilding. The house would have its communal area - kitchen, dining and living space - on the ground floor of the original building. The bedrooms, which would be en- suite, would be on the upper floors and in the rear extension. The converted garage would provide a self contained unit with a bedroom living area and separate kitchen and bathroom within a new single storey extension to replace an existing conservatory. Three parking spaces would be created beyond this unit with turning space. A garage is proposed within the rear attached extension. Secure cycle parking area would be provided adjacent to the rear vehicle parking area. Beyond the parking area, the existing garden would be retained as an amenity space for residents. To allow the conversion, physical works would be required including blocking up openings and creating new windows, roof lights and doors, removing an existing link between the house and its extension, enlarging an existing single storey link on the boundary with no.27.

The application is supported by the following documents:

1.3 Statement by applicant - Confirms the history of the site and his family's involvement and the reasoning behind the proposal. It states that the applicant's company has outgrown the premises and the problem with parking in the vicinity due to the proximity to the junction.

1.4 Design and Access Statement - Concludes that the current unit does not serve the local needs of the immediate community and therefore its loss will not be significant. Considers that the size of the property lends itself to multi-occupancy and the student need in the area. The application would involve improvements to the fabric of the building. It is accompanied by an old street photograph showing the building as a residential property. Confirms that the proposal is for conversion into a HMO residence, primarily targeted at students due to the sites location near the University of York.

1.5 Flood Risk Assessment - Confirms that the site is in Flood Zone 1 (low risk) and has no history of flooding.

RELEVANT HISTORY

1.6 The building was originally in residential use, being converted into a commercial unit in the 1950s. The current use has operated from the site for 16 years. Planning permission was granted for the conversion of no. 23 from a shop to a HMO for 12 occupants including a self-contained bedsit in 1996 (96/2267/FUL).

1.7 Planning permission was refused in August 2011 for conversion to a 9 bedroom HMO and self contained accommodation at the rear. It was refused on the three grounds: 1. insufficient off street parking; 2. insufficient width of vehicular access; 3. detrimental cumulative impact from two HMOs on the character of the area and residential amenity. The previous application was called-in to Committee by the Ward Member, Councillor Aspden, hence the referral of the revised application for a Committee decision.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: St. Oswald's CE Primary 0228

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP6
Contaminated land

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

CYH8
Conversion to flats/HMO/student accommodation

CYS9
No loss of local or village shops

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was advertised in the press and a site notice was posted at the site. Letters were sent to statutory consultees and local residents. The consultation period expires on 6.1.2012.

INTERNAL

Environmental Protection Unit (EPU)

3.2 Serious concerns on grounds of air quality affecting occupiers' health and noise affecting occupiers' amenity. EPU recommends that application be refused. However, request conditions should Council be minded to approve.

3.3 Air quality - site is within AQMA. To prevent exposure of future residents to poor air quality, advise either: 1. Relocate habitable rooms to rear, or, 2. Ensure windows to front habitable rooms are non-opening and provide ventilation through continuous mechanical supply and extract with heat recovery.

3.4 Noise - No noise report has been submitted, but assumed no change in noise environment since last application when one was submitted. Development falls within Noise Exposure Category D. PPG24 states that proposals within this category should normally be refused. That being said the acoustic report submitted with the previous application demonstrated that by using suitable glazing it would be possible to ensure acceptable internal noise levels.

3.5 Contamination - No objection on grounds of potential contamination of land.

Environment and Conservation (Conservation)

3.6 Revised scheme preserves character and appearance of the conservation area. Requests conditions be as per previous scheme, with addition of details of new door case and details of surfacing materials.

EXTERNAL

3.7 North Yorkshire Police (Safer York Partnerships): No comment.

3.8 3 letters of objection to proposal from residents of Main Street:

- Use by students would under-utilise good accommodation;
- Use as student housing would go against the character of Main Street, which is principally owner occupier/family properties;
- Would be better converted to flats for professional tenants;
- Inadequate parking for existing HMO and business properties, resulting in parking on Heslington Lane.

3.9 Two letters of support from previous occupiers of the property when it was a lodgings house in the late 1950s:

- The building is suited to HMO;
- Provides accommodation for young people in the village;
- No.23 has operated as rented rooms for students for a decade without complaint or incident.

4.0 APPRAISAL

4.1 KEY ISSUES

- loss of shop;
- principle of residential use;
- suitability of building to residential use;
- amenity issues;
- impact on conservation area;
- highway safety;
- crime;
- contamination.

POLICY CONTEXT

4.2 Central Government advice is contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for Historic Environment and Planning Policy Guidance note 24: Planning and Noise.

4.3 PPS1 puts the creation of sustainable communities at the heart of the planning system, with accessibility, design and safety being instrumental to this. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.4 PPS3 encourages more effective and efficient use of land and mixed communities. It supports PPS1 with regards high quality and sustainable housing.

4.5 PPS5 sets out policies that seek to protect designated heritage assets. Policy HE9 establishes the presumption in favour of the conservation of designated heritage assets, including elements that contribute to the significance of a conservation area as a whole.

4.6 PPS24 gives advice on the approach to be taken with regards noise exposure categories for residential development to be taken into account in the consideration of applications for residential development near transport-related noise sources.

4.7 City of York Draft Local Plan policies are material to the consideration of the application and are summarised in section 2.2.

PRINCIPLE OF RESIDENTIAL USE

4.8 In the case of the previous application, the loss of the retail premises and conversion to residential use were not reasons for refusal; it was noted that the building is located within a mixed use area, where there are alternative shops and that the existing long-standing retail use does not provide for the local convenience needs of the local population. The building itself is large with accommodation over three floors and a good-sized rear garden. It is located on a busy main arterial route in a mixed use area. As such, the principle of the conversion to residential use is considered to be acceptable.

4.9 Issues were raised previously in relation to noise and air quality, although the application was not refused on these grounds and the Environmental Protection Unit have requested conditions to address their concerns in the event the application is approved. As a result, the proposed is not considered to be contrary to the aims of PPS3 and Local Plan policies S9 and H4a.

AMENITY ISSUES

4.10 The previous application was refused partly on the basis of the cumulative impact of the proposal, taken together with the existing HMO at 23 Main Street, would result in a detrimental impact on the character of the area and the amenity of adjacent occupiers due to increased levels of activity, noise and disturbance. The proposal has been revised to reduce the number of bedrooms within this three storey property from nine to eight. It is also noted that the site is located on a busy

main road with a mix of residential and commercial uses where the general activity levels are higher than a primarily residential area. The Council's Environmental Protection Unit has not raised concern about the potential for noise disturbance from the property to the neighbouring dwelling at 27. Access into and out of the property would be from a newly created doorway at the front of the building adjacent to the passageway rather than no.27. There is already a parking area and garden at the rear and whilst there would be an intensification of use of these, it would be unlikely to result in significant harm to the amenity of adjacent residents.

4.11 There is no specific Local Plan policy relating to the conversion of a shop into a residential use, whether that be a single dwelling or HMO. Local Plan Policy H8 relates specifically to the conversion of existing dwellings into multiple occupation uses. However, the general reasoning behind the policy, including the impact of concentration of such uses, can be applied to the consideration of the proposal. It is noted that the proposal would result in a larger than average HMO adjacent to a similarly large HMO at no.23. However, it is also noted that the existing use is not a dwelling in a quiet suburban location, but a shop on a main arterial road into and out of the City, which is characterised by a mix of residential and commercial uses.

4.12 Sufficient private amenity space exists to serve the HMO even with the creation of a larger parking area. In accordance with Local Plan Policy L1c, a financial contribution towards provision of public open space in lieu of provision on site is required. This would be based on amenity open space and sports provision only and would equate to £1,700.

4.13 In light of the above, the proposal is considered to accord with Central Government advice in PPS3, in that it encourages a mixed community, and the general thrust of Policy H8.

HIGHWAY SAFETY

4.14 The previous application (11/00523/FUL) was refused in part because of insufficient parking to serve the HMO and the narrow width of the shared passageway resulting in pedestrian and vehicle conflict. The revised application makes provision for one additional parking space (integrated within the existing single storey rear extension), making four spaces in total, along with a secure cycle store to serve the HMO and self-contained unit. The existing entrance door in the passageway that was previously proposed to serve as the main entrance to the HMO, is to be relocated to the front elevation in order to reduce the potential conflict between pedestrians and vehicles in the passageway.

4.15 The Local Highway Authority raise no objection to the previous or revised scheme. The site is located on a main public transport into the City Centre and is close to the City's cycle network and local facilities. The access already exists and serves the parking areas of no. 23 and 25 Main Street. The proposed use would be unlikely to generate a significant increase in traffic movements, given the sustainable location of the site. Further details of the proposed cycle storage facility are required and can be dealt with through condition.

4.16 In light of the above, it is considered that no objection can be sustained to the proposal on highway safety grounds.

CRIME

4.17 North Yorkshire Police has been consulted and wishes to make no comment on the application further to the comments made under the previous application. This previous comment referred to the location of the site in an area of low risk in respect of crime and disorder. A high standard of security and enclosed/lockable cycle store was requested. As such, the proposal accords with advice in Local Plan Policy GP3.

CONSERVATION OFFICER

4.18 When determining planning applications within Conservation Areas, the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. The building forms part of a terrace of mid Victorian properties of similar design and, because of its location at back of footpath, is characteristic of properties along this historic route into the City. Despite alterations to the property, it makes a positive contribution to the character and appearance of the conservation area. The proposal would help ensure a longer term use for the building and one that is compatible with its original purpose. The changes to the front elevation, involving removal of the existing modern shop front and replacement with the original arrangement of front entrance door and sash window, as well as the replacement of the upper floor uPVC windows with timber sash windows, would preserve and improve the contribution the building makes to the streetscene. The Council's Conservation Officer raises no objection to the scheme, subject to details of materials and windows that can be suitably dealt with by the imposition of conditions. As such, the proposal accords with Central Government advice in PPS5 and Local Plan policies HE2 and HE3.

CONTAMINATION

4.19 Whilst a contamination assessment has not been submitted with the current application, that submitted to support the previous application showed that the building had been in domestic use from 1890 to 1950 and then in either domestic or commercial use from 1951 to the present day. In light of this, and the fact that there have been no reported or unreported pollution incidents, there are no issues with regards to contamination at the site. The proposal complies with GP4b.

5.0 CONCLUSION

5.1 The previous application was recommended to Committee for approval, but was refused at Committee on the following grounds:

- insufficient off street parking resulting in conflict in vehicles being parked on the highway;
- insufficient width of vehicular access resulting in conflict between pedestrians and vehicles;
- over intensification of HMO's in the area to the detriment of the character of the area and residential amenity.

5.2 This revised application seeks to address these by reducing the number of bedrooms in the frontage property from 9 to 8 and increasing the number of vehicle parking spaces from 3 to 4. The width of the side passageway cannot be altered, but the main entrance door is proposed to be relocated from this side passageway to the front elevation to reduce conflict between pedestrians and vehicles.

5.3 In light of the previous Officer recommendation for approval, and as this application relates to a revised and reduced scheme, the application is recommended for approval subject to conditions.

5.4 The public consultation period does not expire until 06.01.2012. Therefore, if the Committee is minded to approve the application, delegated approval is sought for Officers to issue the decision to approve after the consultation period has expired and subject to no new material objection being raised within the consultation period.

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years -

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

Drawing no. 11002-200 C 'Site location plan and block plan' dated 07/09/11 and received 15 November 2011;

Drawing no. 11002-201 C 'Plans as proposed' dated 3/11 and received 15 November 2011;

Drawing no. 11002-202 B 'Plans/ele's and sections as proposed' dated 3/11 and received 15 November 2011;

Drawing no. 11002-203 A 'Ele's and sections as proposed' dated 3/11 and received 15 November 2011;

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

3 Prior to commencement of development, a scheme demonstrating that the building envelope shall be altered to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB L_{Amax} (23:00-7:00) in bedrooms and 35dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. These noise levels are with windows shut. The approved scheme shall be implemented prior to occupation of the building.

Reason: To protect the amenity of residents from noise.

INFORMATIVE: The noise assessment report suggests double glazing be installed with a 4mm thick glass pane, a 12mm gap followed by a 4mm pane. This will ensure that the internal noise levels will comply with BS8233 and World Health Organisation Guidelines. Please note that trickle vents and hit and miss vents are not suitable in any facade onto Main Street for air quality reasons.

4 Prior to the commencement of development, details of a scheme of ventilation and extraction for the main building shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall provide ventilation through mechanical methods and shall draw air from the rear of the property. The scheme of extraction relates to the kitchen area only. The approved scheme shall be implemented prior to occupation of the building.

Reason: To protect future occupants' health from poor air quality.

INFORMATIVE: All ventilation must comply with the requirements of building regulations.

5 Details of all machinery, plant and equipment to be installed shall be submitted and approved in writing by the Local Planning Authority. These details shall include maximum (L_{Amax}) and average sound levels (L_{Aeq}), octave band noise levels, the position of plant, equipment and machinery and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant and machinery and any approved noise mitigation measures shall be fully implemented and operational before the proposed first use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents and occupants of the development during operation of any noise emitting machinery, plant and equipment.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and in the interests of preserving the character and appearance of the Fulford Conservation Area.

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

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

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

- Vertical cross section through front elevation at scale of 1:20 illustrating rebuilt front elevation, sill profile and set back of windows in reveals;

- Vertical cross section at 1:10 through entablature and pilaster of new door case to front elevation;

- Vertical cross section at 1:10 through entablature, door frame and door including door panel mouldings, for new door to front elevation;
- Section drawings of windows at scale of 1:10;
- Full details of proposed replacement windows;
- Design and materials for arches forming window head to ground floor front elevation;

Reason: So that the Local Planning Authority may be satisfied with these details, in the interests of preserving the character and appearance of the Fulford Conservation Area.

INFORMATIVE: Please note that the profile of the upper sash to the attic window should be restored rather than the top of the pane blanked off. Painting of brickwork should be avoided.

9 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

10 Prior to the development commencing details of the cycle parking areas, including means of enclosure and method of securing both cycles and the enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

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

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

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 £1,700.

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

7.0 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:

loss of shop; principle of residential use; suitability of building to residential use; amenity issues; character and appearance of the conservation area; highway safety; crime; public open space provision and contamination.

As such the proposal complies with advice in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment and Policies GP1, GP3, GP4A, GP4B, GP6, HE2, HE3, T4, H4A, H8, S9 and L1c of the City of York Development Control Local Plan.

Contact details:

Author: Hannah Blackburn Development Management Officer

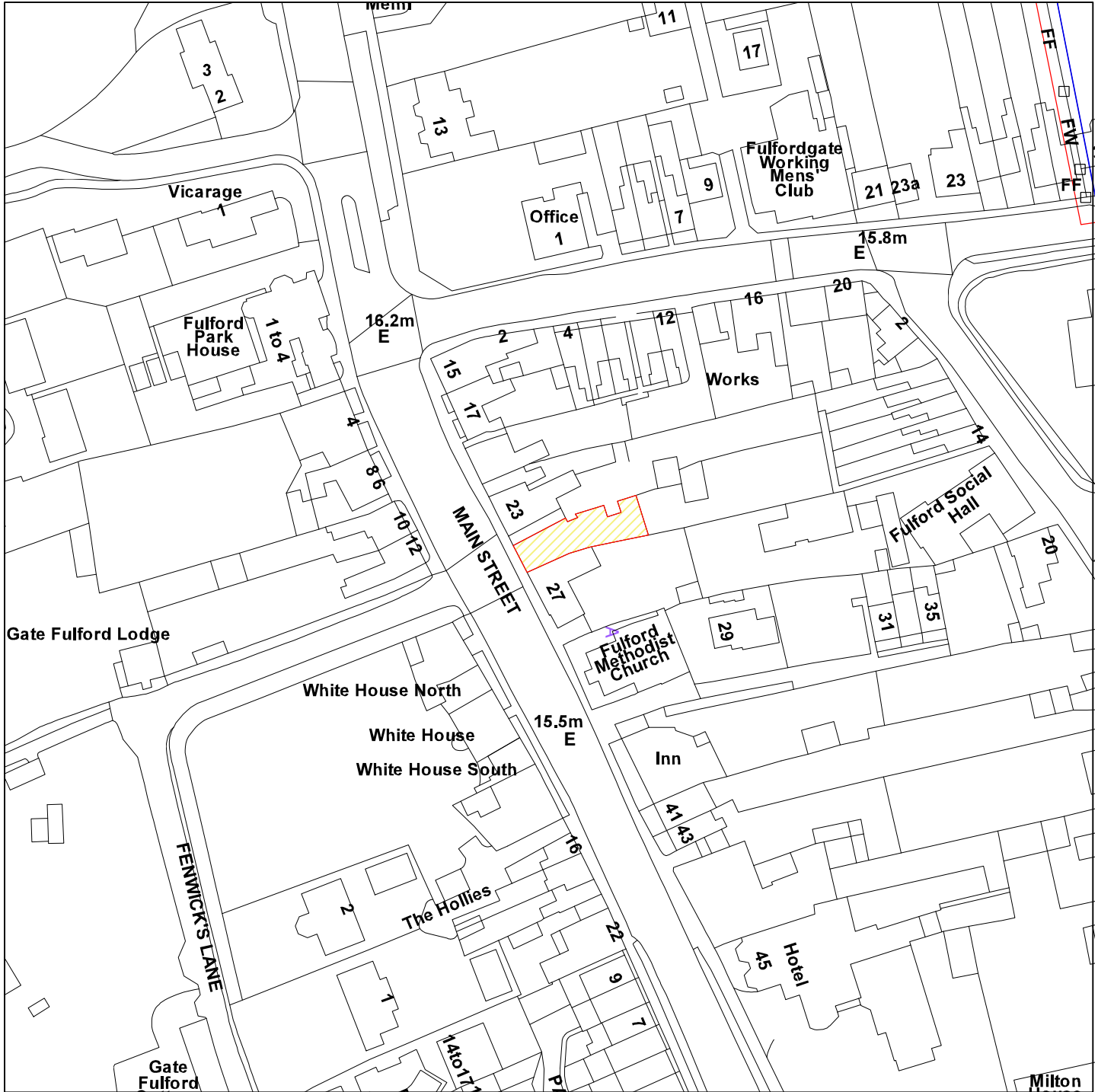
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Fantasy World



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	19 December 2011
SLA Number	Not Set

CYH8

Conversion to flats/HMO/student accommodation

CYT4

Cycle parking standards

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management - No objections subject to details being submitted to show useable, easily accessible, secure, covered storage for six cycles.

Environmental Protection Unit - No objections. Add conditions requiring noise insulation and restricting hours of construction.

3.2 EXTERNAL

Hull Road Planning Panel - Objection. The scheme does not provide good amenities for future residents; It will add to existing traffic and parking problems.

Public consultation - The consultation period expired on 26 November 2011. One letter of objection has been received from a local resident who raises the following issues:

- Inadequate on-street parking;
- Noise nuisance from the outdoor seating area;
- Hygiene issues from waste;
- Traffic congestion;
- Inadequate cycle storage.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development;
- Character and appearance;
- Occupier and neighbour amenity;
- Highway issues;
- Open space; and
- Recycling/refuse storage.

The Town and Country Planning (Use Classes) Order 1987 was amended in 2010. It introduced a new C4 Use Class for Houses in Multiple Occupation (HMO). These comprise small dwelling houses occupied by between 3 and 6 people who share basic amenities. Larger houses to be used for multiple occupation, such as the application site, do not fall into the C4 category and are regarded as "sui generis" (of its own kind). Such applications are judged against Policy H8 of the Draft Local Plan.

4.2 POLICY CONTEXT

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

Policy H8 - Planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where: the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is suitable for the proposed number of households or occupants; external alterations would not harm the appearance of the area; adequate on and off road parking and cycle parking is incorporated; it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses; adequate provision is made for the storage and collection of refuse and recycling.

Policy T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

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

PRINCIPLE OF DEVELOPMENT

4.3 The site lies in a mixed commercial/residential area in a sustainable location close to public transport and local services. The retail shop is not a protected local shop nor is it in a protected retail frontage. The principle of use as an HMO is considered to be acceptable.

VISUAL AMENITY

4.4 The existing building is in poor condition and has an unattractive commercial shop front out of keeping with the character of the area. The proposed works would remove the shop front, which faces Lansdowne Terrace as well as Lawrence Street. The traditional bay window on the ground floor would be reinstated, as would the boundary wall and railings. The utilitarian rear addition would be demolished and the side gates replaced. The result of these alterations would be a building much more in keeping with the character of the area.

OCCUPIER AMENITY

4.5 The accommodation would mainly comprise a bedroom for each of the 10 occupiers, a lounge and kitchen in the basement, two shared bathrooms and a small outdoor seating area. Sound insulation would be provided to protect occupiers from internal and external noise. The Housing Act provides safeguards for occupiers in that the HMO would require a license to ensure that the facilities are adequate and the HMO is well managed. The site fronts onto one of the city's main arterial roads. Its location and lack of significant amenity space makes the building unsuitable for family accommodation.

NEIGHBOUR AMENITY

4.6 The rear seating area would be small and contained by buildings/walls. Its use by occupiers is unlikely to cause a noise nuisance to adjacent residents. The impact of the HMO on adjacent dwellings and the area generally is likely to be small and not significantly different to the use of the building as self-contained flats.

HIGHWAY ISSUES

4.7 No off-street parking would be provided, which is acceptable bearing in mind the location of the site close to local shops, public transport and the city centre. Secure storage for six cycles would be provided in the rear yard. However the cycle storage area shown on the submitted plans is too small to accommodate six cycles. Revised details are awaited. The development is unlikely to have a material impact on traffic levels in the area.

WASTE MANAGEMENT

4.8 Adequate refuse/recycling facilities would be located in the rear yard, which is enclosed, with direct access onto Lansdowne Terrace. These facilities are unlikely to cause a health hazard for neighbouring residents as long as the premises are adequately managed.

PUBLIC OPEN SPACE

4.9 A financial contribution of £3,400 would be required for the provision of public open space in accordance with Policy L1 of the Draft Local Plan. This has been accepted by the applicant and can be secured by condition.

5.0 CONCLUSION

5.1 The proposal is considered to accord with Policy H8 of the local plan and is recommended for approval, subject to appropriate conditions. Revised cycle storage details are awaited. An open space contribution of £3,400 would be required.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

3 The development hereby permitted shall be carried out in accordance with the approved drawings numbered JR/LS/11/11/A and JR/LS/11/12/A received 13 October 2011.

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

4 The development shall not be occupied until the cycle storage facilities shown on drawing have been provided. Once provided these facilities shall be maintained clear of any obstruction and shall be retained for their intended purpose at all times. [Members to be updated at the committee meeting]

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and in the interests of the amenity of neighbours.

5 Development shall not be occupied until details of boundary walls and railings have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: In the interests of the character and appearance of the area.

6 Details of provision for public open space facilities or alternative arrangements shall be 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, within three months of the date of this permission.

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £3,400.

You are reminded of the local planning authority's enforcement powers in this regard.

7 NOISE8 Restricted hours of work -

8 Within four weeks of the grant of planning permission details shall be submitted to the local planning authority and approved in writing demonstrating that the building envelope, internal walls and floors shall be constructed so as to achieve internal noise levels of no more than 30 dB LAeq 8 hour (23:00 to 07:00) with a 45 dB LAmax in bedrooms, and 35 LAeq 16 hour (07:00 - 23:00) in all other habitable rooms. The measures so approved shall be implemented prior to the occupation of the development.

Reason: To protect the amenity of residents from noise.

INFORMATIVE

These noise levels shall be with either (a) windows open or (b) windows shut and alternative means of ventilation provided i.e. acoustic trickle vents.

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 principle of development, character of the area, occupier amenity, neighbour amenity, refuse/recycling, provision of open space and highway issues. As such the proposal complies with policies GP1, H8, T4 and L1c of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION

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

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

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

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

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

(e) There shall be no bonfires on the site

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11/02760/FUL

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	19 December 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Murton Parish Council
Commercial Team

Reference: 11/02669/FULM
Application at: William Thompson Ltd Jubilee Mills Fryors Close Murton York
For: Erection of 2 No. extensions to existing agricultural feed storage building
By: William Thompson (York) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 6 January 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the erection of two, lean-to side extensions to a large feed store, which was built in 2009 (09/00856/FULM). The size of the extensions has been reduced since the application was first submitted. The western extension would be approximately 18m x 19m x 4.8m to the eaves and 7.8m at its highest point. The eastern extension would be approximately 36m x 13m x 5.5m to the eaves and 8.8m at its highest point. The extensions would be used increase the capacity of the existing building, i.e. for the storage of animal feed. They would be clad in concrete panels and grey fibre cement sheeting to match the existing building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGP9
Landscaping

CGP15A
Development and Flood Risk

Application Reference Number: 11/02669/FULM
Page 1 of 6

Item No: 5c

CYE3B

Existing and Proposed Employment Sites

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management - There would be no increase in staff numbers or vehicular movements. No objections.

Environment, Conservation, Sustainable Development (Landscape) - No objections to the reduced footprint, which allows more planting along the full length of the southern side of the building and allows the trees to establish a wider canopy spread.

Flood Risk Management - Objection. Insufficient information has been submitted to determine the potential impact on the drainage system [Officers' response - This work is in hand].

3.2 EXTERNAL

Murton Parish Council - No objections but the mill complex should be screened by tree planting because it is intrusive from the south and dominates the skyline.

Public Consultation - The consultation period expired on 5 December 2011. No response.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of Development
- Visual Appearance and Landscaping
- Neighbour Amenity
- Drainage and Flood Risk
- Transport.

4.2 POLICY CONTEXT

Local plan policy E3b - The standard employment sites and other sites in employment use will be retained in their current use class unless there is a sufficient supply of employment land and unacceptable environmental problems exist or the proposed use has significant benefits to the local economy or the use is ancillary to employment use.

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

GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals, includes an appropriate range of species, reflects the character of the area, enhances the attractiveness of key transport corridors, and includes a planting specification where appropriate.

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

THE APPLICATION SITE

4.3 Part of an animal feed production plant in a commercial area to the south of Murton village. The site is excluded from the Green Belt and abuts open countryside on two sides.

PRINCIPLE OF DEVELOPMENT

4.4 The site is allocated in the Draft Local Plan for employment use. The proposal is in line with this allocation and would assist the economic development of the area.

VISUAL APPEARANCE AND LANDSCAPING

4.5 The existing store has a functional design as one would expect of a building of this type. It is large and is clearly visible from Murton Lane and the A166 across the open countryside to the south. Whilst the extensions would be in keeping with the design of the existing building, and the industrial plant generally, they would significantly increase its visual impact when viewed from the largely rural area to the south. The building abuts the edge of the employment area so there is limited scope within the site for mitigating its visual impact. A band of trees has been planted along the boundary as a condition of the 2009 approval but, even when

mature, they will only soften the views from the south, not screen the building from view. The extensions would therefore be set a further 5m from the boundary to enable more substantial planting between the building and the open countryside to the south. Revised plans showing the revised footprint and indicative landscaping are awaited and will be reported at the meeting. Landscaping details should be made a condition of approval.

RESIDENTIAL AMENITY

4.6 The extended building would be largely screened from nearby employment uses by other buildings and structures within the plant. The closest dwelling is 'Wayside' approximately 70 metres to the west of the existing feed store. Whilst the western extension would reduce the intervening distance to approximately 55m the height of the nearest elevation would be relatively low at 4.8m. From Wayside this elevation would be seen against a backdrop of the much higher existing feed store (12.8m high). Furthermore, the extension would be largely screened by trees and shrubs within Wayside's rear garden. No objections have been received from the occupiers of the house. As the extension would be used for storage it is unlikely to cause any significant additional noise, particularly in the context of the working plant. No other dwellings would be affected.

DRAINAGE AND FLOOD RISK

4.7 The site is located in an area of low flood risk. Nevertheless, the applicant should show that surface water runoff from the development would not increase the risk of flood elsewhere in the city and wider area. Following the 2009 consent the applicant demonstrated that ground conditions at the site were sufficiently permeable for soakaways to be effective. However, the proposed extensions would be built over the drainage works that were subsequently approved and provided. If planning permission were to be granted for the extensions the applicant should submit drainage proposals for dealing with surface water from the existing feed store and the extensions without affecting suitable landscaping measures along the south and eastern boundaries. This work is in hand, and Members will be updated at the meeting. Details of the proposals should be made a condition of approval.

TRANSPORT

4.8 The extensions to the grain store would increase the storage capacity of the plant thereby improving its efficiency. The applicant has stated that the productive capacity of the plant would not increase traffic movements to and from the site. The Council's highways officers have no objections to the proposals.

5.0 CONCLUSION

5.1 The site is allocated for employment use and the proposal would assist the economic development of the area. Whilst the profile of the building from the south would be increased this could be softened by landscaping along the site boundary. Suitable surface water drainage could be provided and there would be no significant impact on adjacent residents. The application complies with relevant policies of the local plan and is acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

3 The development hereby permitted shall be carried out only in accordance with drawings numberedreceived by the City of York Council on [Members will be updated at the meeting].

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

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

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

5 No development approved by this permission shall commence until a scheme for sustainable drainage and/or the on-site storage of surface water is agreed in writing with the Local Planning Authority. The scheme shall reduce surface run off rates to 70 % of the existing calculated rate and be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter.

Reason: To prevent increased risk of flooding.

6 Unless otherwise agreed in writing with the Local Planning Authority the proposed building shall only be used for the storage of grain and other foodstuffs and shall not be used for any other industrial purpose.

Reason: Any proposal to use the building for other potentially more intensive purposes should be judged on its individual merits.

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring residential occupiers.

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 principle of the development, visual appearance, neighbour amenity, drainage and transport issues. As such the proposal complies with policies E3b, GP1, GP9 and GP15a of the City of York Local Plan Deposit Draft.

Contact details:

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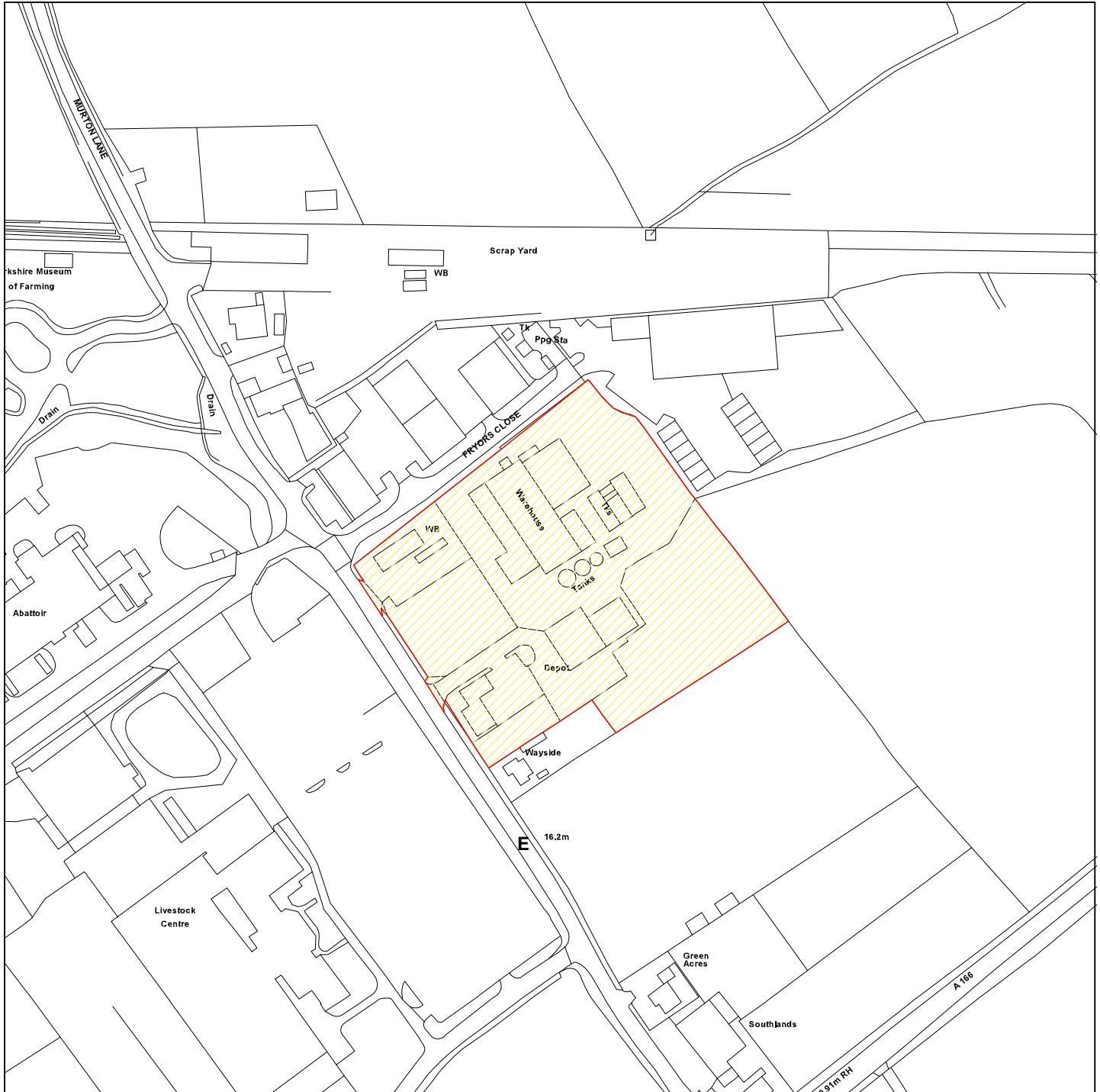
Tel No: 01904 552830

11/02669/FULM

Jubilee Mills, Murton



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	19 December 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Clifton
Team: Householder and **Parish:** Clifton Planning Panel
Small Scale Team

Reference: 11/02487/FUL
Application at: 25 Shipton Road Clifton York YO30 5RE
For: Construction of outdoor swimming pool with shed to house filtration plant, formation of tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed.
By: Mr Darren Broadbent
Application Type: Full Application
Target Date: 9 November 2011
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application property is a large detached villa with substantial grounds to the rear. The gardens extend to the rear of 21 and 23 Shipton Road. The Villa is Grade II listed and located in the Clifton conservation area. The south western boundary of the conservation area runs approximately in line with the rear garden boundary of 21 Shipton Road. All of the elements of the application are proposed within the city's defined settlement limit. Land to the west is allocated as Green Belt.

1.2 The application comprises the following elements:

Erection of porous asphalt tennis court enclosed by 2.75m high chain link fencing. A small storage shed was proposed adjacent to the tennis court. The shed has now been removed from the application, however, a small retaining wall and concrete base is proposed (this has already been constructed).

Replacement of recently demolished greenhouse with new structure on the existing base, along with enhancement of adjacent existing potting shed.

Creation of outdoor unenclosed swimming pool (approximately 4m x 10m). A small shed is proposed nearby to house the filtration plant.

Planning History

1.3 Recent history of significance is:

2004 - Planning permission and listed building consent granted for works to the property including a one and two-storey side extension, garden room and new walling.

2003 and 2008 - Planning permission refused for the erection of a new dwelling on land to the west of the existing potting shed and proposed green house. The 2008 scheme was for a large bungalow. It was refused because it was considered that the erection of the proposed dwelling in this location would have a significantly detrimental impact on the character, appearance and views into and out of Clifton Conservation Area and detract from the setting of the adjacent Grade II Listed Buildings at 21, 23 and 25 Shipton Road. The applicant appealed against the decision, however, the appeal was dismissed.

2010 - Planning and listed building consent applications were submitted for works including a proposed garage to the front, an outdoor pool and a floodlit tennis court. The applications were withdrawn.

1.4 The current planning application is brought to committee at the request of Cllr Douglas. The request is made because of the home's listed status within the conservation area and the recent planning history relating to the refusal of permission for a dwelling close to the site where the tennis court is now proposed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Clifton CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Listed Buildings GMS Constraints: Grade 2; 25 Shipton Road York YO3 6RE 0261

Listed Buildings GMS Constraints: Grade 2; Former Coach House To No 25 Shipton Road 0262

2.2 Policies:

CYGP15

Protection from flooding

CYH7

Residential extensions

CYGP1

Design

CYHE3

Conservation Areas

CYHE4

Listed Buildings

3.0 CONSULTATIONS

3.1 Internal

CONSERVATION OFFICER

3.11 The metal shed adjacent to the tennis court is unacceptable (case officer - the shed has now been removed from the scheme). Do not consider that the hard standing or dwarf wall that has been erected for the siting of the shed detracts from the setting of the ha-ha or listed building.

3.12 Consider that the location, form and proportions of the proposed swimming pool are in the spirit of the layout of formal water gardens of the Georgian/Victorian period. However, details including the colour of tiling, the level of lighting and pool cover need careful attention. Further details have been received in respect to this, however, this element should be covered by condition. The shed housing the pool's filtration plant is largely concealed from view by a mature hedge. The colour and finish of the shed should be agreed by condition.

3.13 The tennis court and chain link surrounding fence is enclosed in an informal area of the garden already compartmentalised by a hedge and shrubs and trees. The tennis court and fence is largely concealed from public view from the south west and is unlikely to detract from the existing character of the gardens and open space beyond. Conditions are recommended in respect to the type of mesh fencing used.

3.14 The greenhouse replaces a timber framed greenhouse that was in poor condition with self-seeded trees present within the structure. Consider that the greenhouse was constructed after 1948 and is therefore not a curtilage listed structure. The design of the proposed replacement greenhouse attached to the retained brick store and on the previous building footprint is unlikely to harm the setting of the Listed Building or Conservation Area.

YORK COUNCIL FLOOD RISK MANAGEMENT TEAM

3.15 The applicant has demonstrated that the development can be adequately drained therefore there are no objections. Should the scheme be approved reference should be made to the submitted documents.

3.16 Environmental Protection Unit - No objections subject to a condition requiring details of noise levels (and mitigation measures as appropriate) relating to the proposed filtration plant

3.2 External

ENVIRONMENT AGENCY

3.17 No objections subject to informative.

PLANNING PANEL

3.18 No objections.

NEIGHBOURS

21 Shipton Road - The occupier objects to the proposals. The key issues are summarised below:

3.19 21, 23 and 25 Shipton Road were built and occupied by a single extended family in 1845. The properties were arranged to enjoy views down and across the lngs. A ha-ha was erected at the end of the formal gardens to keep out grazing animals and form a barrier to flood waters. Related family members lived in the three properties until the 1950's. Since this time three unrelated families have lived in the properties, though there has been limited change in their occupancy. The nature of occupancy over the past 165 years has meant that the original buildings and their settings have been preserved well. The bottom half of the garden of 23 was sold to number 25 in the 1970's. In 1975 the formal gardens and houses were incorporated into the Clifton Conservation area. In 1983, 21,23 and 25 Shipton Road and their curtilage were grade II listed. A flood bank was built on the lngs in the 1980's but other than this the general vista is as built.

3.20 Number 21 retains a right of way along an original grassy track that runs between the coach house and stables in the rear garden of 21, between the side gardens of 23 and 25 and on to Shipton Road. The applicant has undertaken works to this track including excavation at the area where the retaining wall and hard surfacing have been created for the shed.

3.21 It is considered that views from the house and garden of number 21 towards the lngs are essential to its character. The rear boundary is only marked by a ha-ha and low fence. It is considered that the link between town and country is essential to its historic character. Consider that the proposed development conflicts with this.

3.22 Consider that the scale and design of the shed is inappropriate (case officer - this element has now been removed).

3.23 Excavation works to the track break the historic unity of the group of houses, damages roots and puts at risk the wellbeing of the ha-ha.

3.24 The proposed surfacing of the tennis court would be an inappropriate intrusion and the surrounding hedging that has been planted will break the continuity of views to the wider space.

3.25 Disagree with the Conservation officer's view that the greenhouse pre-dates 1948 and therefore should not be considered as a curtilage listed structure.

3.26 Consider that the location of the swimming pool should be re-considered and that the design and underwater lighting is unconvincing and harmful to the setting of the listed building.

3.27 Number 25 has been much altered and extended in recent years. Consider that cumulatively these changes are harmful. Particular concern that the changes and modifications are threatening the setting of number 21.

3.28 Regard should be had to the Planning Inspector's comments on an appeal relating to the refusal of consent for a proposed new house near the site of the tennis court (08/00311/FUL) that was dismissed 16 November 2009. (case officer comment - the Inspector stated in his appeal decision that "the unique setting provided by the extensive gardens and the open space beyond, retaining the distinctive relationship between town and country at the edge of the built-up area, makes an important contribution to the character of the listed buildings and of the edge of the conservation area.").

3.29 Case officer comment - The letter of objection makes reference in several places to advice within PPG 15 (Planning Policy Guidance Note 15 (Planning and the Historic Environment)). Readers of the letter should note that this guidance has been cancelled and replaced by Planning Policy Statement 5: Planning for the Historic Environment (PPS5) published on 23 March 2010. However it is not considered that this has a significant bearing on the thrust of the neighbour's objections.

4.0 APPRAISAL

4.1 The key issues in assessing the planning application are:

- The impact on neighbours living conditions.
- Flood risk.
- Visual Impact including the impact on the conservation area.

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

4.3 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.4 The site is within Clifton Conservation Area. When determining planning applications within conservation areas, the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. Central Government advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" emphasises the importance of conserving heritage assets (including conservation areas) to a degree proportionate to the importance of the heritage asset. Local Plan Policy HE2 states that within or adjoining conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area.

4.5 The application property and number 21 and 23 Shipton Road are all grade II listed. Local Plan Policy HE4 states that development will only be allowed within the vicinity of listed buildings where there is no adverse effect on the character, appearance or setting of the building.

THE IMPACT ON NEIGHBOURS LIVING CONDITIONS

4.6 Because the application property and surrounding homes have large gardens, the proposals will be sufficient distances from adjacent dwellings to ensure that they have limited impact on the living conditions of neighbours when in their homes.

4.7 The key issues is assessing the impact on neighbours' enjoyment of their gardens. The shed housing the filtration plant will border the sports clubs playing fields, however, it will be relatively close to the garden of 27 Shipton Road. As the filtration plant could generate some noise, officers of the Environmental Protection Unit have requested that details of the noise levels of the proposed equipment are restricted by condition.

4.8 The swimming pool will be located approximately 20m from the nearest garden boundary. Although people using it might create noise it is not considered that a domestic pool should create levels of noise unduly different than many other games or activities that might take place in a large garden. York sports club's playing fields are located immediately to the rear of 27 Shipton Road and it would be envisaged that noise associated with existing sports such as rugby and cricket are part of the established character.

4.9 The tennis court is located at the end of the garden of 21 Shipton Road. It is sited around 75m from the house. It is not considered that its use for domestic purposes will create levels of noise inappropriate to a residential area. In association with the application the owner intends to grow the hedgerow between the tennis court and the rear garden of 21 Shipton Road. This will help to introduce privacy for users of the tennis court and the rear section of garden of number 21.

FLOOD RISK

4.10 The application property, proposed site of the swimming pool and nearby homes are all located in flood zone 2. Half of the tennis court is located in flood zone 3 (highest risk). The Council's drainage engineers are satisfied that on the basis of the information submitted the proposals will not increase flood risk elsewhere. A BRE percolation test has been carried out and observed by a Council's drainage engineer.

VISUAL IMPACT INCLUDING THE IMPACT ON THE CONSERVATION AREA.

4.11 Issues relating to the setting of the listed building are contained in the report relating to the Listed Building Consent Application (reference 11/02488/LBC). The swimming pool and associated shed are located in the conservation area. The proposed tennis court, and nearby conservatory are just outside the south-western boundary of the conservation area, though because of their proximity, they will impact on its setting.

4.12 The impact that each of the proposed elements will have on the conservation area is assessed separately below:

SWIMMING POOL AND SHED

4.13 As the pool has no surrounding walling or enclosure it will not be prominent from the wider area. The swimming pool's proposed shape, size and location is intended to reflect that of a formal pond. It is noted that the design of this part of the rear garden is formal and largely symmetrical. The conservation officer considers that subject to the colour and material of the swimming pool tiling being subdued it would be acceptable. It is noted that for much of the year the pool will be covered. This element has been conditioned to ensure that the cover is of a simple low profile design and any lighting is not unduly bright.

4.14 The proposed shed is located relatively discretely near the edge of the garden.

REPLACEMENT GREENHOUSE

4.15 It is understood that the greenhouse replaces a timber greenhouse constructed after 1948. The design of the new greenhouse is Victorian in style and has white aluminium frames on a brick plinth. It is not considered that its design or location would detract from the appearance of the conservation area.

TENNIS COURT

4.16 The tennis court is proposed to be located on an area of the applicant's garden that is sited beyond the end of the rear garden of number 21. It is intended to have a porous asphalt surface. A 2.75m green chain link fence is proposed around the outside of the court

4.17 The site of the tennis court is surrounded by vegetation. The section of beech hedgerow to the south-west is established and will largely screen the 2.75m fencing from the open land towards the river. The other hedging though recently planted will in the future provide a good visual screen to the fencing.

4.18 The occupier of number 21 has expressed concerns in respect of the impact that the hedging that has been planted to the north west of the court (south-west of his garden) will have on views towards the Ings including from the rear of his home. It is noted that in his appeal decision from 2008 relating to the proposed new dwelling on land in this area, the Inspector made reference to the need to have regard to private views from the homes located in the conservation area. However it is considered that the proposed tennis court is very different in character to the previously proposed house. It is an outdoor sports facility that would typically be associated with a large villa with much garden space.

4.19 The only significant development above ground is fencing. However, this will be chain-link allowing a reasonable view through. There is a drop in levels between the rear garden of 21 Shipton Road and the surface of the tennis court of around 1m or so, meaning that the top of the 2.75m fencing will be around 1.7m above the ground level of the adjacent garden. The applicant has agreed to a condition that the recently planted hedge between the proposed court and 21 Shipton Road is maintained at a height between 2.5m and 3.2m above the surface height of the court. This will mean that that the hedge would reach a maximum height of around 2.2m above the garden. It is not considered that this is unreasonable. It is considered that the compromise reached is a positive one that meets the reasonable desires of both parties.

4.19 The applicant had erected a relatively large metal shed adjacent to the tennis court. This has now been removed and deleted from the application. A low dwarf wall and concrete hardstanding remains. It is not considered that this would impact on views from number 21 and is not of a scale or nature to be considered to have an adverse impact on the setting of the ha-ha.

GRASS TRACK

4.20 The occupier of number 21 has written to express his views relating to excavation work affecting the grass track that runs between the end of his garden and the proposed tennis court. It is not considered that the current planning application has a direct bearing on the issue.

5.0 CONCLUSION

5.1 It is considered that subject to appropriate planting being maintained the tennis court will not have an unacceptable impact on the appearance of the conservation area, or neighbours' reasonable living conditions. The swimming pool has been designed to complement the formal layout of the area of 25 Shipton Road's rear garden closest to the house. Subject to the use of appropriate materials and lighting it is not considered that the pool will detract from the appearance of the conservation area. The pool and court are both designed for private use and it is not considered that any additional noise that is generated will be out of character with what could be expected in a garden of a large family house. The pool and tennis court have both been designed so that they do not increase flood risk either through raising ground levels or increasing surface water run off.

5.2 It is recommended that the application be approved subject to the suggested planning conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

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

- Shed drawing 3935(05)13
- Greenhouse drawing 3935(05)15
- Proposed site plan drawing 3935(05)11
- Flood Risk Assessment 3935/LA/FRA
- Proposed Pool & Associated Plant 3935(05)12
- Proposed Tennis Court & Greenhouse 3935(05)17
- Design of Infiltration Scheme by Survey Site Services dated 10/11/2011
- Email from Ian Atkinson 23 November 2011 16:35 removing tennis shed from scheme.

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

3 Prior to the erection of the tennis court and surrounding fencing, details of the court surface (including colour) and the fencing and supports shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: To preserve the appearance of the conservation area.

4 Notwithstanding the submitted information, details of the following elements of the swimming pool shall be submitted to and agreed in writing with the Local Planning Authority:

Pool tiling; Pool cover; Pool lighting; Perimeter surfacing

The works shall thereafter be implemented as approved and maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the setting of the listed building and appearance of the conservation area.

5 Details of the materials and colour of the shed housing the filtration plant for the pool shall be submitted to and agreed in writing by the Local Planning Authority prior to its construction. The shed shall be erected in accordance with the approved details.

Reason: To preserve the setting of the conservation area.

6 Details of all machinery, plant and equipment to be installed relating to the swimming pool, which is audible outside the site boundary, and the proposed noise mitigation measures, shall be submitted to the local planning authority. These details shall include maximum (LA_{max}(f)) and average (LA_{eq}) sound levels (A weighted), and octave band noise levels they produce. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

Reason: to protect the amenity of nearby occupiers of premises.

7 Vegetation planted and retained between the north-eastern boundary of the tennis court and the rear garden boundary of 21 Shipton Road and the vegetation running along the south-western side of the court shall be retained and maintained at a height of between 2.5m and 3.2m when measured from the ground floor level of the adjacent tennis court.

Reason: To help retain the privacy of the adjacent occupiers and screen the tennis court fencing without unduly impacting on the openness of the area.

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 neighbours' living conditions, flood risk and the character, appearance and setting of Clifton conservation area and nearby listed buildings and structures. As such the proposal complies with Policies GP1, HE3, HE4 and GP15a of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 5 Planning for the Historic Environment.

2. ENVIRONMENT AGENCY INFORMATIVE

The Environment Agency require that there must be no raising of ground levels to facilitate construction of the tennis court and that any landscaping must be done through cut and fill of material on a like for like basis.

3. YORKSHIRE WATER INFORMATIVE

Yorkshire water should be contacted in advance of any building works as a special discharge licence will be required for the swimming pool. The filter backwash should be discharged to the foul water drainage system.

4. 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, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

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

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

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

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

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

f) There shall be no bonfires on the site.

Contact details:

Author: Neil Massey Development Management Officer (Wed/Thurs/Fri)

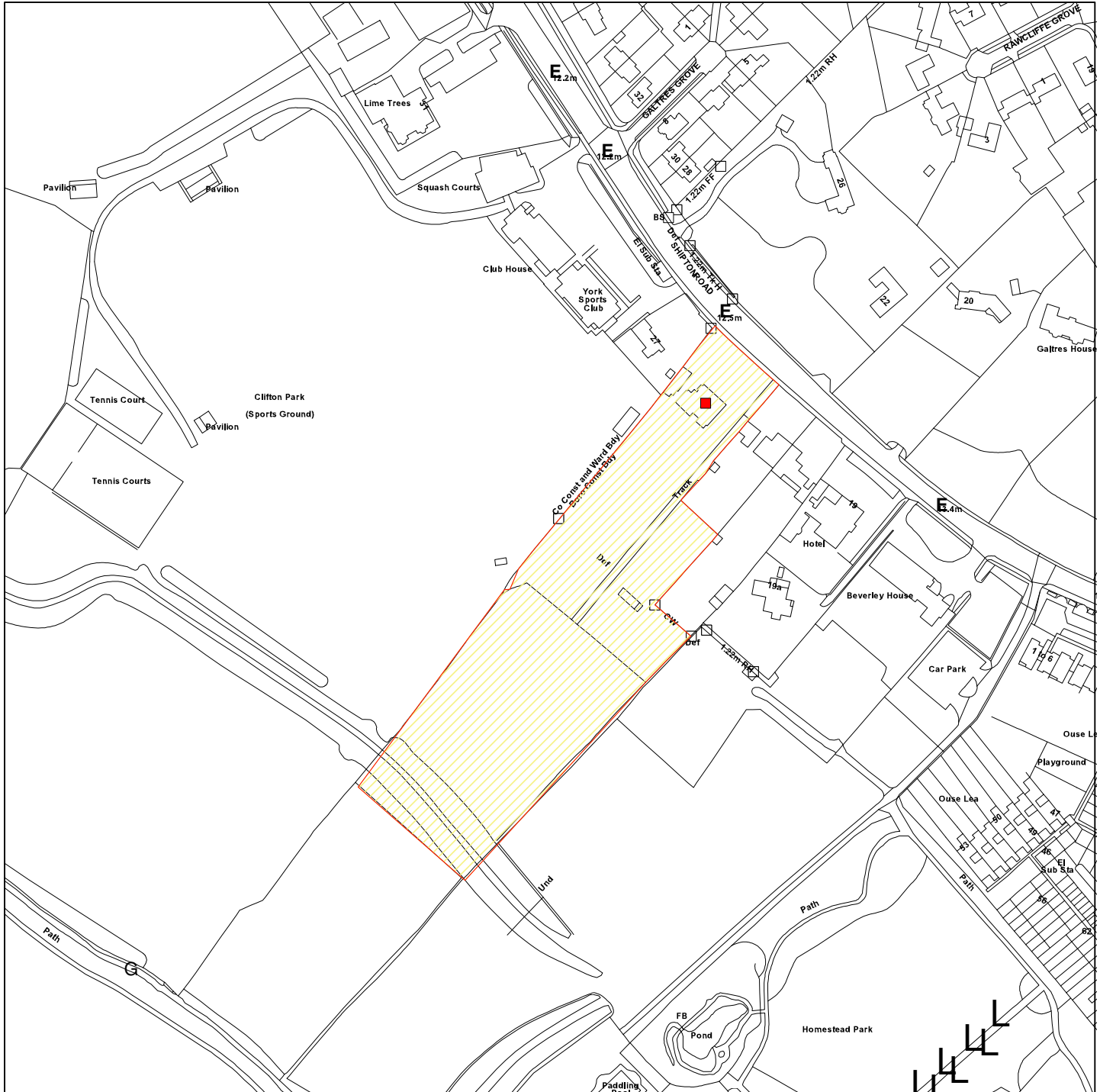
Tel No: 01904 551352

11/02487/FUL

25 Shipton Road



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	19 December 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Clifton
Team: Householder and **Parish:** Clifton Planning Panel
Small Scale Team

Reference: 11/02488/LBC
Application at: 25 Shipton Road Clifton York YO30 5RE
For: Construction of outdoor swimming pool with shed to house filtration plant, formation of tennis court with 2.7 metre high chain link fence enclosure, replacement greenhouse (on existing footprint) and dwarf wall and base for shed.
By: Mr Darren Broadbent
Application Type: Listed Building Consent
Target Date: 9 November 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a large detached villa with substantial grounds to the rear. The gardens extend to the rear of 21 and 23 Shipton Road. The Villa is Grade II listed and located in the Clifton conservation area. The south western boundary of the conservation area runs approximately in line with the rear garden boundary of 21 Shipton Road.

1.2 The Listed Building Consent application comprises the following elements:

Erection of porous asphalt tennis court enclosed by 2.75m high chain link fencing. A small storage shed was proposed adjacent to the tennis court. The shed has now been removed from the application, however, a small retaining wall and concrete base is proposed (this has already been constructed).

Replacement of recently demolished greenhouse with new structure on the existing base, along with enhancement of adjacent existing potting shed.

Creation of outdoor unenclosed swimming pool (approximately 4m x 10m). A small shed is proposed nearby to house the filtration plant.

Planning History

1.3 Recent history of significance is:

2004 - Planning permission and listed building consent granted for works to the property including a one and two-storey side extension, garden room and new walling.

2003 and 2008 - Planning permission refused for the erection of a new dwelling on land to the west of the existing potting shed and proposed green house. The 2008 scheme was for a large bungalow. It was refused because it was considered that the erection of the proposed dwelling in this location would have a significantly detrimental impact on the character, appearance and views into and out of Clifton Conservation Area and detract from the setting of the adjacent Grade II Listed Buildings at 21, 23 and 25 Shipton Road. The applicant appealed against the decision, however, the appeal was dismissed.

2010 - Planning and listed building consent applications were submitted for works including a proposed garage to the front, an outdoor pool and a floodlit tennis court. The applications were withdrawn.

1.4 The current planning application is brought to committee at the request of Cllr Douglas. The request is made because of the home's listed status within the conservation area and the recent planning history relating to the refusal of permission for a dwelling close to the site where the tennis court is now proposed.

1.5 This listed building consent application is being considered at the same time as a full application for the proposals described above.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Clifton CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Listed Buildings GMS Constraints: Grade 2; 25 Shipton Road York YO3 6RE 0261

Listed Buildings GMS Constraints: Grade 2; Former Coach House To No 25 Shipton Road 0262

2.2 Policies:

CYHE4

Listed Buildings

3.0 CONSULTATIONS

3.1 Internal

CONSERVATION OFFICER

3.1 The metal shed adjacent to the tennis court is unacceptable (the shed has now been removed from the scheme - case officer). Do not consider that the hard standing or dwarf wall that has been erected for the siting of the shed detracts from the setting of the ha-ha or listed building.

3.2 Consider that the location, form and proportions of the proposed swimming pool are in the spirit of the layout of formal water gardens of the Georgian/Victorian period. However, details including the colour of tiling, the level of lighting and pool cover need careful attention. Further details have been received in respect to this, however, this element should be covered by condition. The shed housing the pool's filtration plant is largely concealed from view by a mature hedge. The colour and finish of the shed should be agreed by condition.

3.3 The tennis court and chain link surrounding fence is enclosed in an informal area of the garden already compartmentalised by a hedge and shrubs and trees. The tennis court and fence is largely concealed from public view from the south west and is unlikely to detract from the existing character of the gardens and open space beyond. Conditions are recommended in respect to the type of mesh fencing used.

3.4 The greenhouse replaces a timber framed greenhouse that was in poor condition with self-seeded trees present within the structure. Consider that the greenhouse was constructed after 1948 and is therefore not a curtilage listed structure. The design of the proposed replacement greenhouse attached to the retained brick store and on the previous building footprint is unlikely to harm the setting of the Listed Building.

3.5 External

Planning Panel - No objections.

NEIGHBOURS

21 Shipton Road - The occupier objects to the proposals. The key issues are summarised below:

Application Reference Number: 11/02488/LBC

Item No: 5e

Page 3 of 9

3.6 21, 23 and 25 Shipton Road were built and occupied by a single extended family in 1845. The properties were arranged to enjoy views down and across the Ings. A ha-ha was erected at the end of the formal gardens to keep out grazing animals and form a barrier to flood waters. Related family members lived in the three properties until the 1950's. Since this time three unrelated families have lived in the properties, though there has been limited change in their occupancy. The nature of occupancy over the past 165 years has meant that the original buildings and their settings have been preserved well.

3.7 The bottom half of the garden of 23 was sold to number 25 in the 1970's.

3.8 In 1975 the formal gardens and houses were incorporated into the Clifton Conservation area.

3.9 In 1983, 21, 23 and 25 Shipton Road and their curtilage were grade II listed.

3.10 A flood bank was built on the Ings in the 1980's but other than this the general vista is as built.

3.11 Number 21 retains a right of way along an original grassy track that runs between the coach house and stables in the rear garden of 21, between the side gardens of 23 and 25 and on to Shipton Road. The applicant has undertaken works to this track including excavation at the area where the retaining wall and hard surfacing have been created for the shed.

3.12 It is considered that views from the house and garden of number 21 towards the Ings are essential to its character. The rear boundary is only marked by a ha-ha and low fence. It is considered that the link between town and country is essential to its historic character. Consider that the proposed development conflicts with this.

3.13 Consider that the scale and design of the shed is inappropriate (case officer - this element has now been removed).

3.14 Excavation works to the track break the historic unity of the group of houses, damages roots and puts at risk the wellbeing of the ha-ha.

3.15 The proposed surfacing of the tennis court would be an inappropriate intrusion and the surrounding hedging that has been planted will break the continuity of views to the wider space.

3.16 Disagree with the Conservation officer's view that the Greenhouse pre-dates 1948 and therefore should not be considered as a curtilage listed structure.

3.17 Consider that the location of the swimming pool should be re-considered and that the design and underwater lighting is unconvincing and harmful to the setting of the listed building.

3.18 Number 25 has been much altered and extended in recent years. Consider that cumulatively these changes are harmful. Particular concern that the changes and modifications are threatening the setting of number 21.

3.19 Regard should be had to the Planning Inspectors comments on an appeal relating to the refusal of consent for a proposed new house near the site of the tennis court (08/00311/FUL) that was dismissed 16 November 2009. (case officer comment - the Inspector stated in his appeal decision that "the unique setting provided by the extensive gardens and the open space beyond, retaining the distinctive relationship between town and country at the edge of the built-up area, makes an important contribution to the character of the listed buildings and of the edge of the conservation area.").

3.20 Case officer comment - The letter of objection makes reference in several places to advice within PPG 15 (Planning Policy Guidance Note 15 (Planning and the Historic Environment)). Readers of the letter should note that this guidance has been cancelled and replaced by Planning Policy Statement 5: Planning for the Historic Environment (PPS5) published on 23 March 2010. However it is not considered that this has a significant bearing on the thrust of the neighbour's objections.

4.0 APPRAISAL

4.1 The key issue in assessing the Listed Building Consent application is the impact on the application property and the setting of other nearby listed buildings.

4.2 Central Government advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" emphasises the importance of conserving heritage assets to a degree proportionate to the importance of the heritage asset. The application property and number 21 and 23 Shipton Road are all grade II listed. Local Plan Policy HE4 states that development will only be allowed within the vicinity of listed buildings where there is no adverse effect on the character, appearance or setting of the building.

IMPACT ON LISTED BUILDING AND ITS SETTING

4.3 The impact that each of the proposed elements will have on listed buildings is assessed separately below:

Swimming pool and shed

4.4 The pool will only impact to any significant degree upon the setting of 25 Shipton Road. The swimming pool's proposed shape, size and location is intended to reflect that of a formal pond. It is noted that the design of this part of the rear garden is formal and largely symmetrical. The conservation officer considers that subject to the colour and material of the swimming pool tiling being subdued it would be acceptable. It is noted that for much of the year the pool will be covered. This element has been conditioned to ensure that the cover is of a simple low profile design and any lighting is not unduly bright.

4.5 The proposed shed is located relatively discretely near the edge of the garden and will not have a significant impact on the setting or appearance of the listed building.

Replacement Greenhouse

4.6 It is understood that the greenhouse replaces a timber greenhouse constructed after 1948. As the greenhouse was constructed after 1948 it is not considered to be a listed curtilage structure. The design of the new greenhouse is Victorian in style and has white aluminium frames on a brick plinth. It is not considered that its design or location would detract from the setting or appearance of a listed building.

Tennis Court

4.7 The tennis court is proposed to be located to the rear of number 21. It will have little impact on the setting of number 25. The key issue is the impact on the setting of number 21. There is a ha-ha forming the rear garden boundary. A grass track dating from the 1840's runs below the ha-ha. The proposal would also have a visual relationship with a former coach house located in the rear garden. There are some views from the ground floor of the house on to and over the garden owned by 25.

4.8 It is considered that a single tennis court would be a facility that would be expected to be seen in a large garden or parkland setting. It is considered that it reads as a separate development/character area to the garden of 21 bounded by the ha-ha. The applicant has already planted hedging to form a screen between the two and has agreed to a condition that this is maintained at a height of around 2m above the garden height of 21.

4.9 The development will reduce the openness that is an important characteristic of the area, however, because the tennis court fencing is constructed on land that is around 1.2m lower than the garden of number 21 it is not considered in the context that the change would have an adverse impact.

4.10 The applicant had erected a relatively large metal shed adjacent to the tennis court. This has now been removed and deleted from the application. A low dwarf wall and concrete hardstanding remains. It is not considered that this would impact on views from number 21 and is not of a scale or nature to be considered to have an adverse impact on the setting of the ha-ha.

Grass track

4.11 The occupier of number 21 has written to express his views relating to excavation work affecting the grass track that runs between the end of his garden and the birch hedgerow that has been planted to screen the proposed tennis court. It is not considered that the current planning application has a direct bearing on the issue.

5.0 CONCLUSION

5.1 Subject to the conditions suggested it is not considered that the proposals would have an adverse effect on the character, appearance or setting of listed buildings.

5.2 It is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

- Shed drawing 3935(05)13
- Greenhouse drawing 3935(05)15
- Proposed site plan drawing 3935(05)11
- Flood Risk Assessment 3935/LA/FRA
- Proposed Pool & Associated Plant 3935(05)12
- Proposed Tennis Court & Greenhouse 3935(05)17
- Design of Infiltration Scheme by Survey Site Services dated 10/11/2011
- Email from Ian Atkinson 23 November 2011 16:35 removing tennis shed from

scheme.

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

3 Prior to the erection of the tennis court and surrounding fencing, details of the court surface (including colour) and the fencing and supports shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: To protect the setting of 21 Shipton Road which is a listed building.

4 Vegetation planted and retained between the north-eastern boundary of the tennis court and the rear garden boundary of 21 Shipton Road and the vegetation running along the south-western side of the court shall be retained and maintained at a height of between 2.5m and 3.2m when measured from the ground floor level of the adjacent tennis court.

Reason: To protect the setting of 21 Shipton Road which is a listed building.

5 Notwithstanding the submitted information, details of the following elements of the swimming pool shall be submitted to and agreed in writing with the Local Planning Authority:-
Pool tiling; Pool cover; Pool lighting; Perimeter surfacing

The works shall thereafter be implemented as approved and maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the setting of the listed building.

6 Details of the materials and colour of the shed housing the filtration plant for the pool shall be submitted to and agreed in writing by the Local Planning Authority prior to its construction. The shed shall be erected in accordance with the approved details.

Reason: To protect the setting of the listed building.

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 character, appearance and setting of listed buildings including 21 and 23 Shipton Road. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Statement 5 Planning for the Historic Environment.

Contact details:

Author: Neil Massey Development Management Officer (Wed/Thurs/Fri)

Tel No: 01904 551352

REVISED PLANS

1.3 The application is subject to revised plans submitted via email on 20th December 2012 (drawing number 067.001 revision C) to show off street parking for two cars to the side and front of the property. The revision includes an area shown for access into the rear garden and appropriate lockable cycle and bin storage.

1.4 The proposed application has been supported by a Design and Access Statement. And a Flood Risk Assessment confirming that the proposal is not situated within the indicative flood plains.

PROPERTY HISTORY

1.4 No relevant property history documented.

ADDITIONAL INFORMATION

1.5 The application has been called in to the East Area Committee for a decision by Councillor Mark Warters for reasons stated in para 3.5 (letter on file). A site visit is also recommended so that Members can appreciate the application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 INTERNAL:

None

3.2 EXTERNAL:

THIRD PARTIES:

3.3 Osbaldwick Parish Council:

Parish object on the following grounds:

Overdevelopment resulting in the availability of 5 bedrooms and use of dwelling as a H.M.O.

Loss of car parking by enclosure of garage and being close to the doctors surgery would result in on street parking.

3.4 Neighbour consultation letters sent 16.11.11 objection responses received from the following neighbours :

297 Hull Road , and 291 Hull Road (included a petition with 283, 285,287 ,293, 295, 299 Hull Road

The objections relate to the following matters.

- Property to be occupied by students.
- Lack of car parking spaces - cars parked on the road causing a traffic hazard.
- Over development/ out of character of the existing dwelling.
- Loss of light into rear garden areas.
- Drainage problems with the additional amount of people living in the house.
- Reduction in property value.

3.5 Councillor Warters has called in the application for Committee consideration and raised concerns on the following issues:

- Neighbour Amenity.
- Over development
- Allow neighbours and parish council to highlight concerns to the members.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on amenity of neighbours.
- Impact on street scene.
- Off street parking and Cycle storage.

THE RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

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

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements 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.

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

VISUAL AMENITY

4.6 The proposed two storey rear extension would be set down from the ridge by approx 1.8 metres projecting approximately 3.8 metres in width on the rear elevation. The total additional length would be approximately 2.2 metres situated within a generous rear garden area. The design of the extension would incorporate a hipped roof, which matches the existing dwelling and would slope away from the shared boundary, reducing its massing and dominance for the neighbour at 263 Hull Road. The additional windows would follow the pattern of the existing windows serving a bedroom at first floor and kitchen extension on the ground floor. The applicant intends to use materials that match the existing dwelling. Therefore, taking account of the rear position and size it is not considered that the extension would significantly detract from the character of the existing dwelling.

4.7 The extension on the side and rear elevation would occupy the area between the existing dwelling and the common boundary with the dwelling at (263), replacing an existing flat roof garage and rear extension. The development would sit comfortably with the host dwelling positioned on the existing driveway, located approximately 7.2 metres from the public footpath and relates well to the existing area, which has noticeable extensions on side elevations.

RESIDENTIAL AMENITY

293 Hull Road

4.8 In terms of residential amenity the closest neighbour to the development is the property at 293 Hull Road. The rear garden of this property has been visited. This property has a modest extension at ground floor level which incorporates an external rear access into the kitchen area closest to the shared boundary. The two storey rear extension would be situated approx 2.2 metres from the shared boundary (at 293), and is considered to be designed appropriately with a set down from the host roof. In terms of loss of light it is not considered that the proposal would have any significant additional impact on the amount of sunlight entering the adjacent property, which is located to the north west of (293). Furthermore, no principal rooms or garden areas would be materially affected. In terms of overlooking and loss of privacy the window proposed on the rear elevation would not create any additional overlooking than the present situation.

4.9 The side and rear extension would be separated from the side kitchen window at no. 293 by a 1.8 metre boundary fence. The property faces northwest to the adjacent neighbour, and it is not considered that there would be any material impact on light or outlook, nor would the extension have an unduly overbearing impact due to it being single storey. The position size and scale of the replacement rear extension is not considered to have an unduly detrimental impact on the amenity of the adjacent neighbours in terms of loss of light or overshadowing.

297 Hull Road

4.10 The occupiers of 297 Hull Road are separated from the two storey extension by extensive boundary treatment. The single storey side and rear extension would not be visible from living areas of this property.

THIRD PARTY OBJECTIONS:-

OCCUPATION BY STUDENTS

4.11 Consultation responses from the surrounding residents mainly relate to the extension resulting in the provision of additional occupation by students. The layout of the extended property would provide an extension to the existing small third

bedroom and larger kitchen area, therefore it is not envisaged that there would be additional people living at the dwelling. However, it is the case that the occupation of the property by up to six individuals living together as a single household would not currently require planning permission. Should the property be occupied by more than six people, either now or in the future, and then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. It is considered that this matter can be addressed by means of an informative on the decision notice.

LACK OF PARKING/ON STREET PARKING

4.12 These concerns raised by the local residents are appreciated in this location, however the proposal conforms to the Council's maximum car parking standards and therefore no objections could be sustained on these grounds. In addition, there are no car parking restrictions on Hull Road and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass. In addition there is a distance of 900mm between the application site and the dwelling at 297 Hull Road for access into the rear garden where a lockable timber shed would be provided that will accommodate cycles.

OVER DEVELOPMENT

4.13 In terms of the amount of development proposed to the property, it is considered that the projection of the two storey rear extension is a relatively modest addition to the size of the main house and its relatively large garden. It is also the case that in isolation the extension could be erected without the requirement of planning permission. This is because permitted development allows for two storey rear extensions incorporating a length no more than 3 metres and with a distance of approx 2.0 metres from the shared boundary to be constructed without planning permission. In terms of the single storey the total proposed length adjacent to the shared boundary would be in the region of 9.0 metres. This amounts to an additional 4.0 metres in length on the side elevation forward of the location of the existing attached garage. Therefore when considering the orientation and separation distances, it is unlikely that the extension would be seen as over development of the side elevation. Furthermore if built separately the side and rear extension could also be constructed under permitted development.

DRAINAGE

4.14 There is no specific evidence that the proposed development would exacerbate this situation. Drainage connections are a matter that would be dealt with under the Building regulations.

PROPERTY DEVALUATION

4.15 The devaluation of property is not in itself a material planning consideration.

5.0 CONCLUSION

5.1 It is considered that the proposal is acceptable in terms of size and scale and would not cause undue harm to the living conditions of nearby neighbours. Thus the proposal would comply with polices H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Drawing Number 067.001 Revision C
- 3 VISQ1 Matching materials -

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

2. INFORMATIVE:

It should be noted that the occupation of the property by up to six individuals living together as a single household would currently not require planning permission, as at the date of this permission. However, permission would be required if such occupation commenced on or after 20th April 2012. should the property be occupied by more than six people, either now or in the future (whether as a result of this development or not), then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. In those circumstances further advice should be sought from the Local Planning Authority.

Contact details:

Author: Sharon Jackson Development Management Assistant

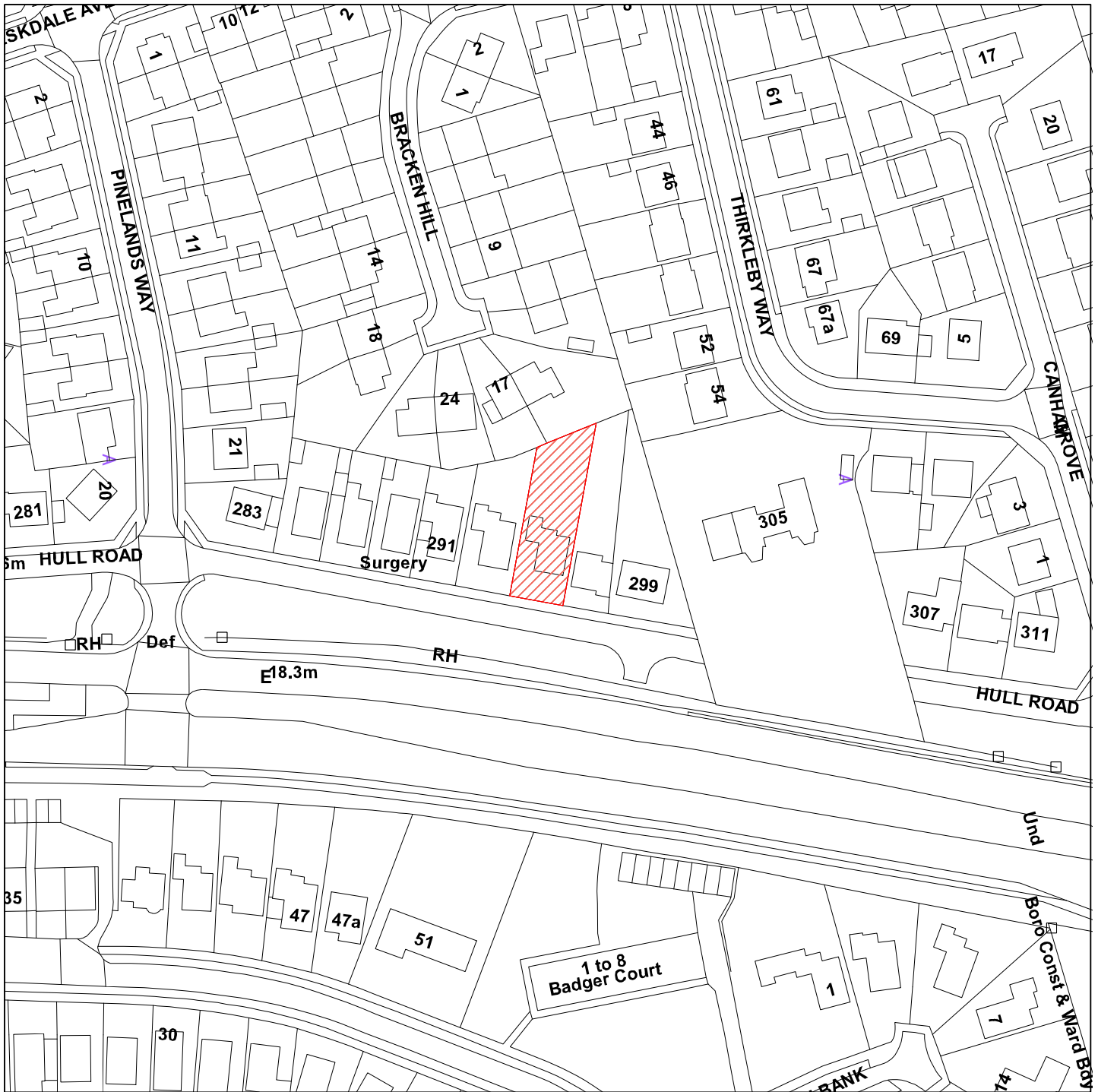
Tel No: 01904 551359

11/02965/FUL

295 Hull Road



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	19 December 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Fulford
Team: Major and **Parish:** Fulford Parish Council
Commercial Team

Reference: 11/01635/FUL
Application at: Plough Inn 48 Main Street Fulford York YO10 4PX
For: Erection of single storey detached building comprising 6 hotel bedrooms (resubmission)(revised scheme)
By: Enterprise Inns Plc
Application Type: Full Application
Target Date: 24 August 2011
Recommendation: Approve

1.0 PROPOSAL

SITE

1.1 The application relates to a public house located on the west side of Main Street in Fulford. The site lies within the main urban area of the City of York and falls within the designated Fulford Village Conservation Area. The public house is located at the front of the site, abutting and facing onto the public highway of Main Street. To the rear is a paved area that serves as a beer garden, car park and grassed garden. The car park is served by an access at the southern end of the building, which leads to Main Street. The beer garden and grassed area are fenced off from the car parking area. The grassed garden is populated by a variety of trees, including three mature trees adjacent to the northern site boundary. Main Street is a mix of residential and commercial properties, though those properties immediately surrounding the site are in residential use, including a single dwelling house to the north.

PROPOSAL

1.2 The application proposes the erection of a detached linear single storey building at the rear of the public house and adjacent to the northern site boundary, on what is currently the paved beer garden. The building would measure 26m long x 6m wide 2.3 m high to eaves facing the boundary and 4.8m high to ridge. It would have windows and doors in the southern facing elevation that would be underneath a canopy running the full length of the building. The building is proposed to be used as letting bedrooms (6 in total) and would be operated in conjunction with the existing public house business. A smaller patio immediately to the rear of the public house would be retained as beer garden. The application has been revised following concern expressed by Officers in relation to the impact on the conservation area and mature trees on the site. The revised proposal resites the building closer

to the public house by 1.4m to position it outside the rear garden area and the root protection zone of a large Sycamore tree.

APPLICANT'S CASE

The application is supported by the following documents:

1.3 Design and Access Statement: This confirms that the site is within an area offering local shops and facilities and where there are significant numbers of letting bedroom facilities. The building has been designed to suit the requirements of less able bodied visitors. The design is intended to reflect local vernacular with simple fenestration design and use of local materials.

1.4 Planning Supporting Statement: This describes the site characteristics, highlighting the high proportion of leisure uses within the village. It explains the application proposal and summarises the amendments made since the submission of an initial application earlier in 2011 that was subsequently withdrawn. It confirms the link between the proposed letting rooms and the operation of the public house. The proposal is considered to help "underpin the role of the village as an important location for short term accommodation for visitors and guests to the city and will help improve the 'offer' that The Plough can make". It refers to the Visitor policies of the Local Plan, V1 and V3, and considers that the proposal should not be resisted in the context of these policies that seek to encourage visitor-related development within settlement limits. It finds that the revised proposal would respect the setting of the conservation area and the village without harm to residential amenity or highway safety.

1.5 Sustainable Design Alternatives report: This gives information on the potential proposals for the building, confirming that further consideration will be given to PVs, solar hot water systems and air source heat pumps.

1.6 Tree Survey: Submitted after the receipt of the application and at Officers request, this survey has instigated the resiting of the building closer to the existing public house. The survey confirms that a mature sycamore tree (T7) to the west of the application building is of high amenity value. The scheme has been revised to avoid encroachment into its root protection zone. The other trees within the site would not be impacted upon by the proposal.

1.7 Flood Risk Assessment: This confirms that the floor levels within the proposed development will be set at no lower than existing levels and that water resisting building materials would be used.

HISTORY

1.8 A planning application (11/00126/FUL) was submitted in early 2011 for a similar proposal, but was withdrawn following concern highlighted by Officers regarding impact on the conservation area, parking, drainage and trees.

MEMBER INTEREST

1.9 The application has been called-in to Committee by Ward Councillor Keith Aspden, on behalf of local residents, on the grounds that the proposal will harm the character of the conservation area, it harms the amenity of nearby neighbours, and due to the lack of a tree survey.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYNE1
Trees, woodlands, hedgerows

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE11
Trees and landscape

CYV1
Criteria for visitor related devt

CYV3

Criteria for hotels and guest houses

3.0 CONSULTATIONS

3.1 PUBLICITY: The application was advertised by way of a site notice displayed outside the site, a notice in the press and consultation letters to internal and external consultees and local residents. Following the receipt of the revised plans, notification has been sent to those previously consulted as well as those who made representation. The consultation period expired on 28.12.2011.

3.2 INTERNAL

Highway Network Management:

No objections, subject to conditions. The proposals will construct hotel bedrooms which will be ancillary to the existing public house. Access is to be via the existing access onto Main Street. Whilst it is accepted that the access is restrictive it is not possible to improve the access point further. It is considered that the increase in traffic will be negligible and as such will not create any safety/free flow issues in the vicinity of the access or surrounding highway network. Car and cycle parking has been provided in accordance with CYC standards. The site is in a sustainable location which will reduce dependence on the private car in line with local and national planning and transportation policy.

Environmental Protection Unit:

No objections. Request informative regarding contamination and Control of Pollution Act 1974.

Flood Risk Management Team:

The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections as the applicant has demonstrated that the proposed development will drain properly. Request condition regarding surface water drainage works.

Environment and Conservation (Conservation):

The Plough Inn is within Fulford Village Conservation Area. A conservation area appraisal was approved in 2008 and is a material consideration. Fulford village retains its village identity and pastoral setting. It is a linear village. Frontage development of plots is characteristic, with gaps between affording views of mature trees in the background. Where development of backland plots does not follow the traditional grain of development, and where it intrudes into views across open plots to the rural landscape beyond, it detracts from the historic character and appearance of the conservation area. The Plough is described in the appraisal as a striking and attractive building of late Georgian or early Victorian origins and fitting

its rural context. It is built up to the front of the plot with the gap between it and neighbouring property to the south affording views across a car park to garden and mature trees. This reinforces the rural feel of the settlement. The site makes a positive contribution to the character and appearance of the conservation area.

Management proposals for the conservation area are included in the appraisal. Paragraph 10.6 states that the design of new buildings needs to observe closely the characteristics of the area and be guided by them; this applies particularly to the scale of development behind the frontages, which should always be subordinate.

The proposed accommodation block remains a substantial structure with a footprint rivalling that of the frontage building. Improvements have been made that simplify the design. The revised structure now accords with the traditional grain of development in the conservation area. Requested re-siting of the building closer to the frontage building to preserve the character and appearance of the conservation area. The revised plans show this re-siting of the building. Conditions requested.

Environment and Conservation (Landscape):

No objection raised to revised scheme subject to a method of works condition.

3.3 EXTERNAL

English Heritage - No comment. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Ward Member, Councillor Aspden:

Local residents are sympathetic to the aims of local businesses, however, there are still grounds for objection which need to be addressed by the developer. These are:

- The building encroaches into the garden area at the rear and will break views through the gap in the frontage development, harming the character of the conservation area;
- The development harms the amenity of nearby neighbours due to its proximity;
- A tree survey must be carried out in order to assess the impact on the tall mature trees and smaller trees at the rear of the property.

Fulford Parish Council:

Despite being sympathetic to the aims of this local business and whilst appreciating the reduction in the footprint and height of the building, the Council objected to the initial submission on the following grounds:

- lack of tree survey;
- harm to the conservation area;
- unclear about sustainable design proposals;
- amenity of neighbours from extractor units.

However, it stated that, "If the building were relocated a little further to the east, within the curtilage of the car park, the Parish Council could support the application".

4.0 APPRAISAL

4.1 KEY ISSUES:

- principle of development;
- impact on conservation area;
- impact on trees;
- affect on neighbours;
- access, parking and highway safety;
- flood risk.

POLICY CONTEXT

4.2 Relevant Central Government policy is contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Statement 5: Planning for the Historic Environment (PPS5). PPS1 encourages development that is sustainably located and is of good design that seeks to improve the character of an area and the way it functions. PPS5 outlines the national approach to heritage assets including designated conservation areas and seeks to protect such assets.

4.3 Relevant City of York Draft Local Plan policies are material to the consideration of this application and are summarised in section 2.2. In particular, policies V1 and V3 cover visitor related development and hotel accommodation and HE2, HE3 and HE11 deal with development within conservation areas and the protection of trees with amenity value within such areas.

PRINCIPLE OF DEVELOPMENT

4.4 Policy V1 supports visitor related development that is likely to improve the prosperity of the tourism industry and the City's economy providing there is no adverse impact on the reasonable use and enjoyment of adjacent buildings and land. Policy V3 relates specifically to new hotel accommodation and allows such proposals within defined settlement limits providing the proposal is compatible with its surroundings, does not result in the loss of residential accommodation, does not adversely affect the residential character of an area and is well related in terms of walking, cycling and public transport to the City Centre and other visitor attractions.

4.5 The application involves the construction of an annex building at the rear of an existing public house to provide a small number of letting bedrooms intended for visitors and tourists. The site is located within a mixed use area that is part of the main built up area of the City and falls within its defined settlement limit. The land is

currently used in connection with the public house as a patio for clientelle. The site is in a sustainable location, on a main arterial road (A19) into and out of the City Centre that is a main public transport route and close to existing local facilities and services. In light of the above, the proposal is considered to accord with policies V1 and V3, subject to consideration of the impact on surrounding land users.

CONSERVATION AREA

4.6 The Council's Conservation Officer raised concern with the original proposal because of its potential impact on the character and appearance of the conservation area. The design of the building has been simplified and now follows a linear plan form. It has been repositioned 1.4m further towards the public house and is now within the existing patio area. As such, it accords with the changes sought by the Conservation Officer and is now considered to preserve the character and appearance of the conservation area. Conditions on detailed design and materials are requested by the Conservation Officer. The proposal, therefore, complies with PPS5 and Local Plan policies HE2 and HE3.

TREES

4.7 A tree survey was carried out following submission of the application. As a result of the survey, the proposal has been amended so that the building would be located outside the root protection zone for the large mature Sycamore tree (Tree T7) that the tree survey highlighted as having high amenity value. This amendment has overcome the concerns of the Council's Landscape Architect. The proposal, therefore, accords with Local Plan policies NE1 and HE11, subject to a condition specifying tree protection measures.

RESIDENTIAL AMENITY

4.8 The building would be located adjacent to the northern site boundary and would run parallel to the private dwelling house to the north of the site, known as Sycamore House. Sycamore House is orientated east to west, with its rear elevation overlooking a substantial garden to the west of the plot. It has a single storey projection to its front elevation that appears to accommodate ancillary rooms and a garage, accessed from the courtyard to the north of them, which has windows in the elevation facing the site. The house is set back 3m approximately from the boundary with the application site and there is a high brick wall running along the boundary that is approximately 2m in height.

4.9 Whilst the proposed building would be longer than Sycamore House by about 2m at either end, it is to be a single storey structure with an eaves height in line with the boundary wall and with its roof sloping away from the boundary. No openings are proposed in the northern elevation and the only opening in the west facing elevation would be a pedestrian door to the plant room. There are five roof lights

proposed in the north facing roof slope, which would allow light in to the rear parts of the letting rooms where the dressing areas are proposed. These would be approximately 3m above head height and would not therefore erode the privacy of Sycamore House.

4.10 In light of the orientation of Sycamore House, its setback from the boundary, the height of the boundary wall and the design of the proposed building, the application would be unlikely to affect the reasonable enjoyment experienced by surrounding occupiers, in terms of privacy and loss of light. The private rear garden would not be affected by the proposal and the proposal would in fact internalise any noise and disturbance that the neighbouring residents may experience from use of the patio area.

4.11 There would be a sufficient separation distance between the proposed building and the properties fronting Main Street to the east and on Delwood to the south, so as not to adversely affect the amenities of the occupants of these properties. As a result, the proposal complies with Local Plan policies V1(e) and V3(c).

HIGHWAY CONSIDERATIONS

4.12 The proposal would occupy part of the existing patio area serving the public house, though would necessitate alterations to the car parking layout and a reduction in the number of parking spaces available. In light of the location of the site on a public transport corridor and within reach of residential areas and other local services, there is no objection to the reduction in parking spaces. The revised layout of the car parking area is considered to be acceptable. The car park would continue to be served by the existing access, which it is not possible to improve. However, any increase in traffic movements is envisaged to be negligible and would be unlikely to adversely affect highway safety. The Local Highway Authority does not object, but requests conditions be attached to any approval.

FLOOD RISK

4.13 A Flood Risk Assessment has been submitted to support the application. The Council's Flood Risk Management Team has been consulted and has raised no objections. A condition is requested regarding surface water drainage details. The proposal is considered to comply with PPS25 and Local Plan Policy GP15a.

5.0 CONCLUSION

5.1 The proposal involves the erection of an annex building offering visitor bedrooms to the rear of an existing public house within the defined settlement limit of the City. The site is located within a mixed use area on a busy arterial route into and out of the City Centre. It falls within the Fulford Village Conservation Area.

5.2 The proposal would accord with relevant national and local planning policy regarding visitor related development, impact on the character and appearance of the conservation area and impact on trees. It is considered that the proposal would not erode the enjoyment that surrounding residents can reasonably expect to enjoy in a built up area. There is no objection on highway safety or drainage grounds.

5.3 In light of the above, and as the proposal complies with national and local planning policy, the application is recommended for approval subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing no. 4665/403C dated 30.11.11 and received 6 Dec 2011;

Drawing no. 4665/401F 'Site Plan as Proposed' dated 30.11.11 and received 6 Dec 2011;

Drawing no. 4665/402E 'Elevations as Proposed' dated 30.11.11 and received 6 Dec 2011;

Drawing no. 4665/103B 'Tree Survey Drawing' dated 30.11.11 and received 6 Dec 2011;

Drawing no. 4475-300A 'Proposed Drainage Layout' dated 26.5.11 and received 28 Jun 2011;

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

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

- Construction detail of surface water below ground storage facility to accommodate no less than 15m³ of storage.

- Construction detail Hydro brake manhole restricting surface water discharge to 7.0 l/sec that being 70% of the existing run-off rate.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and City of York Council's Strategic Flood Risk Assessment 2011

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including materials for re-surfacing to the front of the block, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: In the interests of preserving the historic character of the conservation area.

INFORMATIVE: Please note that all windows and doors shall be constructed from timber and painted, in accordance with the approved drawing, no. 4665/402E.

5 HWAY18 Cycle parking details to be agreed -

6 HWAY19 Car and cycle parking laid out -

7 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- where contractors will park

- where materials will be stored within the site

- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains

- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

8 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: 2005 shall be erected

around all existing trees shown to be retained, and between the edge of the existing car park and the grassed area to the rear. 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, lighting of fires, parking or manoeuvring of vehicles, or mechanical cultivation. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or 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 within a conservation area and make a significant contribution to the amenity of the vicinity and development.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to sustainability, tourism, conservation area, residential amenity, trees, highway safety and flood risk. As such the proposal complies with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 5: Planning for the Historic Environment and City of York Draft Local Plan GP1, GP4a, GP15a, HE2, HE3, HE11, NE1, V1 and V3 of the City of York Development Control Local Plan.

2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Application Reference Number: 11/01635/FUL

Item No: 5g

Page 11 of 12

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

Author: Hannah Blackburn Development Management Officer

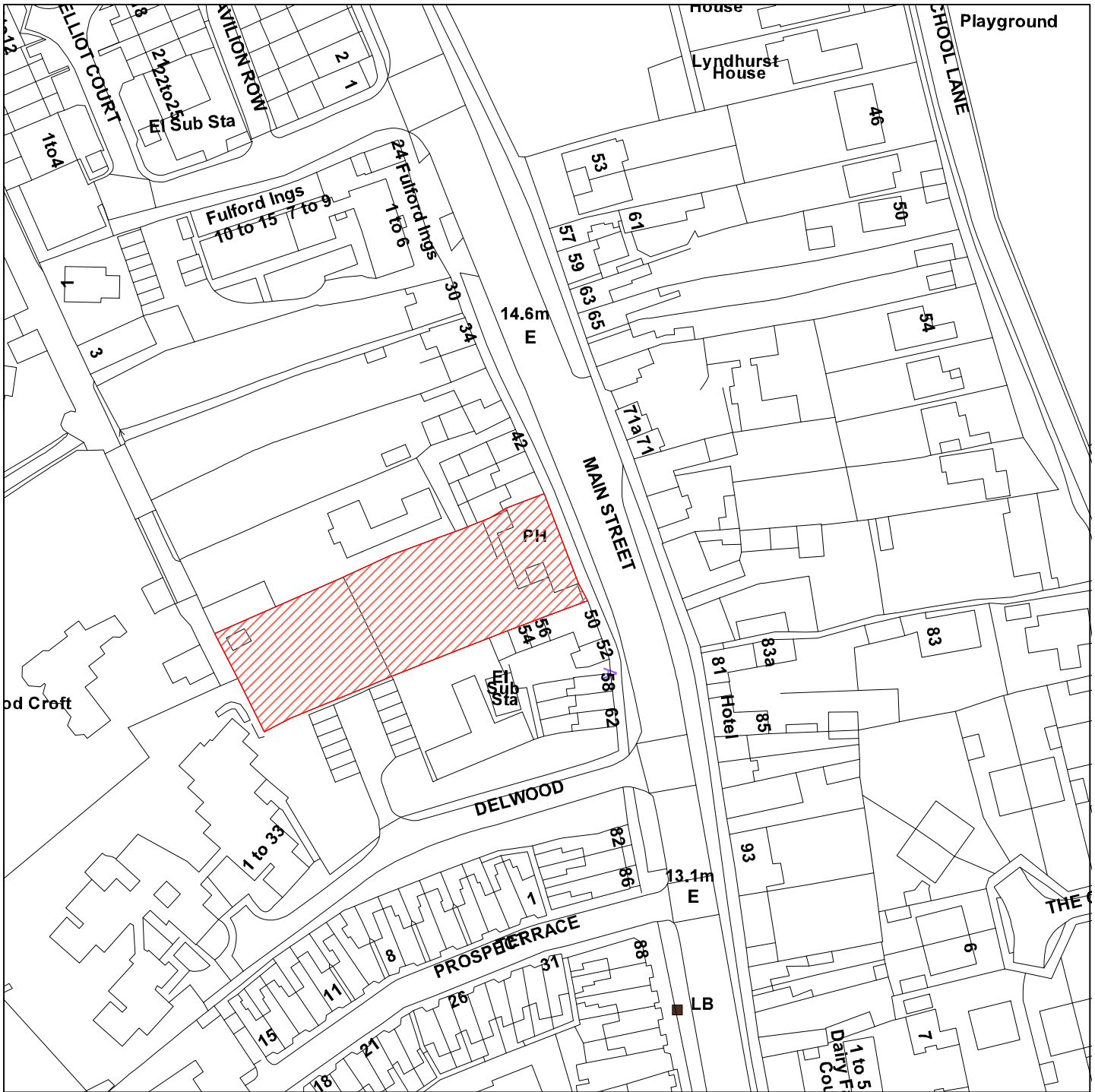
Tel No: 01904 551325

11/01635/FUL

Plough Inn, Fulford



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	19 December 2011
SLA Number	Not Set

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Skelton, Rawcliffe, Clifton Without
Team: Major and Commercial Team **Parish:** Clifton Without Parish Council

Reference: 11/02828/FULM
Application at: DHL Centurion Way York YO30 4WW
For: Change of use and external alterations to form vehicle service centre with commercial vehicle sales
By: Mr Mark Taylor
Application Type: Major Full Application (13 weeks)
Target Date: 23 January 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Change of use of parcel distribution centre (use class B8) to vehicle service centre with sale of commercial vehicles (sui generis). The building would be divided into three parts, each with its own car parking. The easternmost part and approximately 47 outdoor parking spaces would be used for car valeting and car storage in connection with the applicant's existing Audi car dealership on Clifton Moorgate. The central part of the building and approximately 15 outdoor parking spaces would be used by the applicant as a stand alone enterprise for the sale and repair/maintenance of VW commercial vans. The westernmost part of the building and approximately 58 parking spaces would be used for car repair/maintenance in connection with the Audi car dealership.

1.2 The application includes alterations to the external elevations, mainly relating to the size and distribution of external openings. The proportion of total floorspace devoted to retail use would be approximately 30%. The applicant anticipates that over the next three years there would be an increase of 35 full time jobs above those already employed in the existing Audi facility.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Scheduled Ancient Monuments GMS Constraints: SMR No.30152 Roman Camp On Clifton Moor 275m NNE Moor Farm

Application Reference Number: 11/02828/FULM

Item No: 5h

Page 1 of 4

2.2 Policies:

CYT4

Cycle parking standards

CYE3B

Existing and Proposed Employment Sites

CYGP1

Design

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management - No objections. The proposal is unlikely to change the level of traffic movements generated by the existing distribution centre.

3.2 EXTERNAL

Clifton Without Parish Council - No response.

Public Consultation - The consultation period expired on 16 December 2011. No response.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Loss of employment land.
- Transport and accessibility

THE APPLICATION SITE

4.2 The site is a detached, single-storey commercial shed providing approximately 1770sqm of floorspace. The site has a total of approximately 120 car parking spaces arranged around three of the sides of the building, which is vacant. The site lies at the edge of Clifton Moor Business Park and is allocated for employment use. To the front are other commercial buildings. To the sides and rear is open space of Bootham Stray.

POLICY CONTEXT

4.3 The most recent and over-arching national planning policy on economic development is set out in a ministerial statement dated 23 March 2011. It states that (in the current economic climate) there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. Further, that the government's clear expectation is that the answer to

development and growth should be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy. When deciding whether to grant planning permission local planning authorities should support enterprise and facilitate housing, economic and other forms of development.

4.4 Local plan policy E3b states that planning permission will only be granted for non-employment uses where, inter alia: (a) there is a sufficient supply of employment land (c) the proposed use would have significant benefits for the local economy and (d) the proposed use is ancillary to employment use.

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

4.6 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in the local plan.

ECONOMIC IMPACT

4.7 Most of the floorspace would remain in employment use, which would accord with policy E3b of the local plan. The only floorspace that would be lost to employment would be the central part of the building, which would be used for the retail sale of commercial vehicles. This floorspace would be small, approximately 520sqm, and its loss would not have a significant impact on the total supply of employment land in the area. Furthermore, the premises would be occupied by an expanding business, which anticipates providing 35 additional jobs over the next three years. The proposal would have significant benefits for the local economy in terms of providing (or sustaining) local jobs. The application therefore accords with latest government policy, which is to support economic development and, overall, accords with policy E3b of the local plan.

TRANSPORT

4.8 The site is highly accessible by bus, walking and cycling. Traffic levels generated by the use are unlikely to increase from those generated by the distribution centre and HGV movements would be less. The development would require a total of 12 secure, covered stands for 12 cycles. This has been accepted by the applicant; details are awaited.

VISUAL AMENITY

4.9 The proposed alterations would be in keeping with the character of the existing building and the business park.

5.0 CONCLUSION

5.1 The proposal accords with national planning policy on economic development and relevant policies of the City of York Local Plan Deposit Draft. The restriction of the retail sales area would help to ensure the remainder of the building is retained for employment uses.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall not be carried otherwise than in complete accordance with the approved plans numbered A(PL)01 001 and A(PL)01 100 received 21 October 2011.

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

3 The use of the site for retail sales shall be confined to the area marked 'VW COMMERCIAL VEHICLE' on approved plan A(PL)01 001 received 21 October 2011.

Reason: In order to protect the supply of suitable employment land in the area.

4 The development shall not be occupied until the cycle facilities shown on drawing have been provided. They shall be retained and used for no other purpose except with the written consent of the local planning authority. [*Members to be updated at the committee meeting*]

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and in the interests of the amenity of neighbours.

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 loss of employment premises and transport. As such the proposal complies with policies E3b, GP1 and T4 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

Application Reference Number: 11/02828/FULM

Item No: 5h

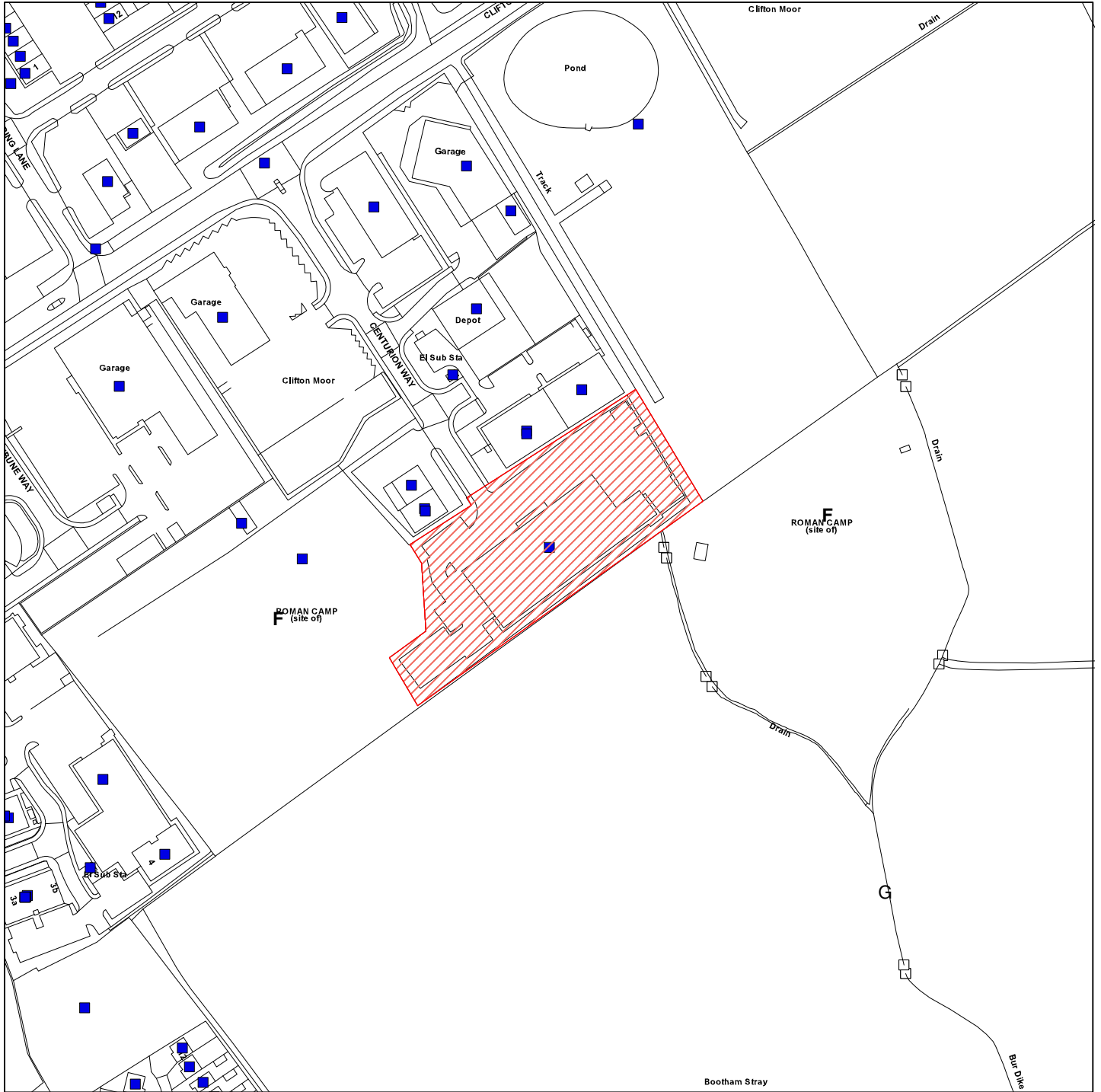
Page 4 of 4

11/02828/FULM

DHL Centurion Way



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	20 December 2011
SLA Number	Not Set



East Area Planning Sub Committee	5 th January 2012
West and City Centre Area Planning Sub Committee	12 th January 2012
Planning Committee	19 th January 2012

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30th September 2011, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 22nd December 2011 is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total for the 3 and 12 month periods to 30th September 2011.

**Fig 1: Appeals Decided by the Planning Inspectorate
For 3 months and Year to 30th September 2011**

	3 Months			12 Months		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	0	1	1	8	6	14
Part Allowed	0	0	0	1	3	4
Dismissed	4	3	7	19	19	38
Total Decided	4	4	8	28	28	56
% Allowed	0	25.0	12.5	28.57	21.43	25.0
% Part Allowed	0	0	0	3.57	10.71	7.14
Withdrawn	1	0	1	3	0	3

Analysis

- 4 The table shows that for the 3 months to 30th September 2011, a total of 8 appeals relating to CYC decisions were determined by the Inspectorate. Of those, only one was allowed. At 12.5%, this rate of appeals allowed is much lower than the 33% national average, which was also percentage allowed in the previously reported 3 month period.
- 5 For the 12 months up to 30th June 2011, CYC performance was 25% allowed, lower than the previously reported 12 month period of 26.67% and still below the national average.
- 6 The summaries of appeals determined in the 3 months to 30th September 2011 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 2 of the appeals determined related to applications refused by Committee:-

Figure 2: Appeals against Refusal by Committee 1ST July to 30th September 2011

Reference	Site	Proposal	Outcome	Officer Rec.
10/01359/FULM	32 Lawrence Street	6 Blocks of Student Accommodation	Dismissed	Approve
10/01870/ADV	Somerfield Haxby	New Signage	Dismissed	Refuse

- 7 The list of current appeals is attached at Annex B. There are 22 appeals lodged with the Planning Inspectorate, 13 in the West and City Centre Sub Committee area and 9 in the East Sub Committee area. 16 are proposed to be dealt with by the Written Representation process (W), 3 by Informal Hearing (H) and 3 by Public Inquiry (P).

Consultation

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

Corporate Objectives

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

Implications

- 10 Financial – There are no financial implications directly arising from the report.
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

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

Recommendation

- 15 That Members note the content of this report.

Contact Details

Author:

Jonathan Carr,
Head of Development
Management,
Directorate of City Strategy

Chief Officer Responsible for the report:

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

01904 551303

**Report
Approved**



Date 22nd
December
2011

Specialist Implications Officer(s) None.

Wards Affected:

| Y

For further information please contact the author of the report

Annexes

Annex A – Summaries of Appeals Determined between 1st July and 30th September 2011

Annex B – Outstanding Appeals to 22nd December 2011

Appeal Summaries for Cases Determined 01/07/2011 to 30/09/2011

Application No: 10/01359/FULM
Appeal by: Blacklion Ltd
Proposal: Erection of 6no. blocks for student accommodation after demolition of existing car showroom (resubmission)
Address: 32 Lawrence Street York

Decision Level: COMP
Outcome: DISMIS

Planning permission was refused by Committee for the erection of six blocks of student accommodation on land which was the former Reg Vardy garage site on Lawrence Street because of the developments impact on the Central Historic Core Conservation Area and the setting of adjacent listed buildings and because of the impact of the development on adjacent residential properties. The appeal was dealt with by written representations. The Inspector, in relation to the impact of the development on the setting of listed buildings and impact on the Central Historic Core Conservation Area, concluded that the block proposed adjacent to the St Lawrence's Church was not well enough designed or sited and would have a negative impact on the setting of the church. Further more he concluded that the amount of development along the southern boundary of the site would further detract from the setting of the church. In respect of the rest of the development he concluded that the height and massing of the blocks would not undermine the character of the conservation area or adjacent listed buildings. In terms of the impact of the development on residential amenity the Inspector concluded that the development proposed on the southern boundary of the site would result in a dominant and unneighbourly development which would be detrimental to adjacent residential properties on Barbican Mews. In respect of properties within Tannery Mews and Ellen Wilson Alms Houses the Inspector considered the development to provide an acceptable relationship to these residential properties. Overall the appeal was dismissed as being in conflict with GP1, HE2 and HE4 which the Inspector considered he could attach significant weight to because the policies followed the general thrust of PPS1, PPS3 and PPS5.

Application No: 10/01870/ADV
Appeal by: Sainsbury's Supermarkets Limited
Proposal: Display of non illuminated fascia sign to front, non illuminated lettering sign to the rear, non illuminated signs at both store entrances, totem sign and various car park signs to rear
Address: Somerfield Haxby Shopping Centre The Village Haxby York YO32 2HU
Decision Level: CMV
Outcome: DISMIS

The application was for 16 no. adverts to the front and rear elevation of Sainsburys supermarket within the Haxby Conservation Area. The application was refused on the following grounds: 1) The proposed fascia to the front elevation, by virtue of a combination of its scale, appearance, protruding forward of the existing fascia, its proportion in relation to the adjoining signage and setting, and being displayed in a prominent location in the heart of Haxby Conservation Area, would be visually intrusive and result in harm to the visual amenity and character of the host building, the streetscene, and the historic merits of the Haxby Conservation Area, and the setting of the listed building immediately opposite (48 The Village). 2) The proposal, by virtue of the number of signs and their excessive scale, their location and consequent cumulative impact would be unduly prominent and create a cluttered appearance that would be harmful to the visual amenity of the host building, the street scene, and the character and appearance of the conservation area, and the setting of the listed building immediately opposite (48 The Village). The Inspector agreed with these findings. The Inspector considered that the lettering to the fascia would further increase the discordant feature of the streetscene. In addition the other adverts to this elevation were considered to give the building an over-advertised appearance at odds with the generally restrained advertising that is a contributory factor to the historic village character of the Conservation Area. The Inspector considered that the area to the rear of the building is less sensitive in terms of the character of the Conservation Area, but it is primarily a residential location where there are few advertisements. They were considered to impart an unduly cluttered and over-advertised appearance to area, detrimental to visual amenity.

Application No: 10/01986/FUL
Appeal by: Mr And Mrs Dockerty
Proposal: Detached dormer bungalow to side of 2 Wheatlands Grove
(resubmission)
Address: 2 Wheatlands Grove York YO26 5NG

Decision Level: DEL

Outcome: DISMIS

Appeal Dismissed. The site accommodates a detached 2-storey house with garden. Proposed was a dwelling that would take the majority of the garden area. The house would be single storey, but with accommodation within the roof served by dormer windows. The inspector considered the garden area is well landscaped, characteristic of the area. The proposed dwelling would lead to the loss of the majority of the garden, the house would appear cramped and its design was out of keeping with the house types in the street. There would be harm to the amenity value and character of the area, contrary to PPS1, PPS3 and Local Plan policies - GP1, GP10, H4a, and H5a.

Application No: 10/02092/FUL
Appeal by: RWG Securities
Proposal: Sub-division of retail unit (use class A1) and use as 2no. hot food takeaways (use class A5). Alterations to shopfront
Address: 75 York Road Acomb York

Decision Level: DEL

Outcome: ALLOW

The application was for the change of use of a retail unit. The application is for the subdivision of the unit and the use of the units for use class A5. The existing unit fronts onto York Road and Front Street. The unit is situated in Acomb District Centre (ADC) as specified by the Local Plan. The application was refused on the grounds that the proposed subdivision of 75 York Road and change of use from one retail unit (use class A1) to provide two hot food takeaways (use class A5) would harm the viability, vitality and shopping function of the defined ADC. The proposed use would further extend the non-retailing uses in the ADC, such that 51.8% of the street frontage would comprise non-retail uses, over the 35% threshold set down in Policy S3a. For these reasons the proposal failed to accord with Policy S3a or PPS4. The figures provided to Development Management on which the decision was based were incorrect. Although revised figures did show that the proposed change of use would be over the 35% threshold. The Inspector agreed with the appellant that it would be more appropriate to consider the number of units rather than the frontage-based method of calculation, but agreed that the frontage-based method of calculation was a commonly used approach. The Inspector felt that the unit was separated from the main retail activity on the opposite side of Front Street and the retail parade on the north side. The premises had been marketed for over 18 months with interest from short term retailers only. The Inspector felt that in the current economic climate the unit in use rather than vacant would help the vitality and viability of the street. The implementation of the proposal was not considered to materially erode the retail character of the part of the ADC. The Inspector made the point that in allowing the appeal it does not result in the abandonment of Policy S3a, or set a precedent to justify the introduction of other non-retail uses into the ADC.

Application No: 10/02153/ADV
Appeal by: York St John University
Proposal: Display of 1no. fascia sign
Address: St Johns College Clarence Street York YO31 7EW

Decision Level: DEL

Outcome: DISMIS

Officers recommended refusal for the display of a non illuminated sign measuring 2.6 metres wide by 1.5 metres high positioned at high level on the curved elevation of the York St. John University's De Grey Court building, which lies at the junction of Lord Mayor's Walk and Clarence Street just outside the Conservation Area. The sign comprised black painted metal letters and green logo attached directly to the brickwork. The fascia sign was refused by virtue of its scale, the colour of the logo and its siting, which is at high level and unrelated to an entrance. It was considered to relate poorly to the design of the building and would be overly intrusive in views from Gillygate to the detriment of the character and appearance of the Conservation Area. The Inspector, in dismissing the appeal, agreed with the Council and stated that the sign due to its overall scale, elevated position and the incorporation of a large logo would relate poorly to the building and detract from the integrity of its design and would appear as an unacceptably dominant and intrusive feature in the street scene.

Application No: 11/00200/FUL
Appeal by: Mr James Seavers
Proposal: Two storey side and rear extension
Address: 61 Maple Grove York YO10 4EJ

Decision Level: DEL

Outcome: DISMIS

The application property is a semi-detached house in a suburban part of Fulford. It was proposed to erect a two-storey side extension that projected past the rear of the existing building line by around 2.5m. The extension bordered the garden boundary of the adjoining property (59). It was refused permission as it was considered that it would be unduly dominant and cut out late afternoon sunlight from the rear patio area of number 59. The Inspector dismissed the appeal. She did not feel that the impact on sunlight would be unduly harmful, however, felt that the proximity and height of the proposed brick side elevation would be extremely dominant and overbearing when viewed from the amenity area at the rear of 59.

Application No: 11/00237/FUL
Appeal by: Mr Barry Green
Proposal: Single storey extension to front
Address: 11 Summerfield Road York YO24 2RU

Decision Level: DEL

Outcome: DISMIS

The application sought permission for a 5.2m long front extension with a width of 6.3m. the property is a detached dwelling within a row of similar properties, all slightly staggered. All the properties have open plan front gardens. In dismissing the appeal the Inspector stated that the extension would appear very bulky and incongruous in the open streetscene. He noted that other properties had front extension but none projected as far forward as the proposal. He also stated that the scale of the extension would be further accentuated by the open front gardens, with no solid boundary treatments such as fences or walls. It was noted that the extension would not have any detrimental impact upon the living conditions of the neighbours.

Application No: 11/00567/FUL
Appeal by: Mr C Gilham
Proposal: Carport to side
Address: 11 Church Street Dunnington York YO19 5PP

Decision Level: DEL

Outcome: DISMIS

Planning permission was sort for a car port using a polycarbonate roof, white uPVC fascia boarding and wooden frames to be attached to a single storey detached dormer bungalow, located on Church Street within the Dunnington Conservation area. Its position would be set back from the front elevation of the host building by approx 4.7 metres, projecting approx 6.0 metres forward from the detached garage. The maximum height would be in the region 3.0 metres with a width of approx 4.6 metres to provide a covered parking area. The application was refused on the basis that the visual impact of the polycarbonate roof accentuated by the width of the car port and would have a negative visual impact on the character and appearance of the conservation area. The Inspector dismissed the appeal on the basis that the polycarbonate roof and uPVC fascia would contrast unfavourably with the traditional roofing materials and would appear at odds with the character and appearance with the Conservation area, contrary to P.P.S 5 and local plan policy HE3 and H7.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

Outstanding appeals

Officer: Andy Blain						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
Officer: Diane Cragg						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
26/10/2011	11/00052/REF	APP/C2741/H/11/2163746	W	Plot 5 Monks Cross Drive Huntington York	Display of 4no. externally illuminated fascia signs, 2no. freestanding signs and 2no. panel signs on proposed new restaurant	
Officer: Erik Matthews						Total number of appeals: 3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
16/09/2011	11/00041/NON	APP/C2741/A/11/2160459/NWF	P	Grain Stores Water Lane York	Outline application for redevelopment of site for uses including offices (B1c), hotel (C1), residential institutions (C2), dwelling houses (C3) and non-residential institutions (D1) including parking and new access arrangements after demolition of existing warehousing units (application to extend time period for implementation of 07/01992/OUTM allowed on appeal dated 15/09/08)	
07/10/2011	11/00047/REF	APP/C2741/A/11/2161854/NWF	W	Mount Pleasant Holiday Park Cundall Drive Acaster	Erection of a boundary wall at the entrance to Mount Pleasant Caravan Park (Retrospective)	
13/10/2011	11/00049/REF	APP/C2741/A/11/2162255/NWF	W	Bridge Fisheries 4 Intake Avenue York YO30 6HB	Demolition of out-buildings to rear and erection of single-storey building comprising 3no. bedsits	
Officer: Fiona Mackay						Total number of appeals: 4
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
02/08/2011	11/00032/REF	APP/C2741/E/11/2157470	W	18 Bridge Street York YO1 6DA	Awnings to the front and side elevations	
02/08/2011	11/00033/REF	APP/C2741/A/11/2157461	W	18 Bridge Street York YO1 6DA	Awnings to the front and side elevations	
03/10/2011	11/00045/REF	APP/C2741/A/11/2161852	W	Royal Oak Inn 18 Goodramgate York YO1	Installation of extract/intake vents and cellar cooling system to the rear (retrospective) (resubmission)	

03/10/2011	11/00046/REF	APP/C2741/E/11/2161856	W	Royal Oak Inn 18 Goodramgate York YO1	Installation of extract/intake vents and cellar cooling system to the rear (retrospective)(resubmission)	Total number of appeals: 2
Officer: Gareth Arnold						
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
11/08/2011	11/00036/REF	APP/C2741/A/11/2158608	W	3 Whitby Drive York YO31 1EX	Residential development	
07/10/2011	11/00048/REF	APP/C2741/A/11/2162192/NWF	W	Bonneycroft 22 Princess Road Strensall York YO32	Residential development of 10 dwellings (amended scheme)	
Officer: Heather Fairy (Mon - Wed)						
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
06/12/2011	11/00056/REF	APP/C2741/D/11/2165497	H	112 Hamilton Drive York YO24 4LD	First floor side extension	Total number of appeals: 1
Officer: Jonathan Carr						
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
26/09/2011	11/00050/REF	APP/C2741/A/11/2161507	P	Arabesque House Monks Cross Drive Huntington	Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)	Total number of appeals: 1
Officer: Jonathan Kenyon						
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
15/06/2011	11/00027/REFL	APP/C2741/E/11/2154655/NWF	W	4 Scarcroft Lane York YO23 1AD	Retrospective application for amendments to single storey extension granted under application 06/00690/LBC and internal alterations.	Total number of appeals: 2
15/06/2011	11/00028/REF	APP/C2741/A/11/2154651	W	4 Scarcroft Lane York YO23 1AD	Retrospective application for amendments to single storey extension granted under application 06/00552/FUL	Total number of appeals: 1
Officer: Kevin O'Connell						
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
31/10/2011	11/00053/REF	APP/C2741/A/11/2163333/NWF	W	Site Adjacent To Burger King And Junction Of A1237	Siting of portable building and use of adjacent car parking spaces as car wash (retrospective)	

Officer: Matthew Parkinson						Total number of appeals: 1
Received on: 17/06/2011	Ref No: 11/00026/EN	Appeal Ref No: APP/C2741/C/11/2154734	Process: P	Site: North Selby Mine New Road To North Selby Mine	Description: Appeal against Enforcement Notice	
Officer: Neil Massey						Total number of appeals: 1
Received on: 15/11/2011	Ref No: 11/00055/REF	Appeal Ref No: APP/C2741/D/11/2165067	Process: H	Site: 27 Church Street Dunnington York YO19 5PP	Description: Two storey rear and single storey side extensions	
Officer: Paul Edwards						Total number of appeals: 1
Received on: 04/11/2011	Ref No: 11/00051/REF	Appeal Ref No: APP/C2741/A/11/2163342	Process: H	Site: 29 White House Gardens York YO24 1DZ	Description: Two storey side and single storey rear extension with dormer to rear (amended scheme)	
Officer: Rachel Tyas						Total number of appeals: 1
Received on: 21/11/2011	Ref No: 11/00054/REF	Appeal Ref No: APP/C2741/A/11/21642230/NW	Process: W	Site: 70 The Mount York YO24 1AR	Description: Change of use from office (use class B1) to 2no self contained flats (use class C3) with external alterations to rear (resubmission)	
Officer: Victoria Bell						Total number of appeals: 2
Received on: 02/09/2011	Ref No: 11/00038/REF	Appeal Ref No: APP/C2741/A/11/2159809	Process: W	Site: 25 The Green Acomb York YO26 5LL	Description: Erection of two storey dwelling to rear attached to retained outbuilding	
Received on: 02/09/2011	Ref No: 11/00039/REFL	Appeal Ref No: APP/C2741/E/11/2159810	Process: W	Site: 25 The Green Acomb York YO26 5LL	Description: Erection of two storey dwelling to rear attached to retained outbuilding	
Total number of appeals: 22						



East Area Planning Sub-Committee

5th January 2012

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. Members should note that 45 new cases were received for this area within the last quarter, 72 cases were closed and 287 remain outstanding. There are 95 Section 106 Agreement cases outstanding for this area after the closure of 6 for this quarter. 4 of these 6 cases brought in a total of £52302 of outstanding financial contributions attached to developments in the east area. Letters have gone out on some other developments where the contributions are now required and responses to these are awaited.

We currently have signed authorisation for 2 prosecutions for the failure to comply with enforcement notices which are in the process of being passed to legal services with a view to proceeding to court. We have 1 case where officers have signed authorisation to serve an enforcement notice with 2 more being prepared for authorisation. 3 Planning Contravention Notices (PCN's) have also been served during this period in order to establish land ownership details with a view to serving enforcement notices in the near future.

Consultation

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

Options

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

The Council Plan 2011-2015

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

10. **Implications**

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

Risk Management

11. There are no known risks.

Recommendations.

12. If Members have any queries or questions about cases on this enforcement report then please e-mail or telephone Matthew Parkinson or Alan Kendall by 5pm on Tuesday 3rd January 2012. Please ensure that any queries sent to Alan after Fri 30th Dec are also copied to Matthew. Also, if members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

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

Contact Details

Author:

Author's name

Matthew Parkinson /
Alan Kendall
Planning Enforcement
Officers

Dept Name City Strategy
Tel No. 551657/551324

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
Assistant Director (Planning and Sustainable Development)

Report Approved



Date 20/12/2011

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

Report Approved



Date 20/12/2011

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

Implication ie Financial

Name

Title

Tel No.

Implication ie Legal

Name

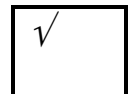
Title

Tel No.

Wards Affected: *All Wards*

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For further information please contact the author of the report

Background Papers:

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

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

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

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