

Notice of a public meeting of

East Area Planning Sub-Committee

- To:** Councillors Galvin (Chair), Douglas (Vice-Chair), Fitzpatrick, Funnell, King, McIlveen, Cuthbertson, Watson, Firth and Warters
- Date:** Wednesday, 10 October 2012
- Time:** 2.00 pm
- Venue:** The Guildhall, York

A G E N D A

Members are advised to note that if they are planning to make their own way to the Site Visits to let Judith Betts know by **5pm on Monday 8 October 2012** on **(01904) 551078**.

If Members have any additional queries or questions about cases on Agenda Item then please e-mail or telephone **Matthew Parkinson** by **5.00 pm on Tuesday 9 October 2012**.

1. Declarations of Interest

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

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of the annexes of agenda item 6 on the grounds that that they contain information which is classified as exempt under Paragraphs 1, 2 and 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 - 11)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 6 September 2012.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. **The deadline for registering is Tuesday 9 October 2012 at 5.00 pm.**

5. Plans List

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

**a) 19 Farndale Avenue, York. YO10 3NY (Pages 12 - 18)
(12/02451/FUL)**

This application seeks planning permission to convert a three-bedroom single occupancy dwelling house (Use Class C3) into a four-bedroom house in multiple occupation (HMO) (Use Class C4).

The application has been brought to Committee at the request of the local Member because of concerns in respect to the impact of HMO's. [Osballdwick] **[Site Visit]**

- b) **Leonard Cheshire Disability, 421
Huntington Road, York. YO31 9HT
(12/02524/FULM)** (Pages 19 - 25)

This application seeks planning permission for Change of use from General Industrial (Use Class B2) to Storage (Use Class B8) with General Industrial Use at the above site.
[Huntington/New Earswick]

- c) **Physics Department, University of York,
Innovation Way, Heslington, York. YO10
5DD (12/02651/FUL)** (Pages 26 - 44)

This application seeks planning permission for the construction of a two storey Wolfson Atmospheric Chemistry Research Centre at Chemistry Car Park A and new and replacement ramps to the rear of the Plasma and Harold Fairhair buildings.

The application has been called in by Councillor Levene because of a number of concerns including encroachment on the Conservation Area, impact on a public right of way (the footpath from the Church), and lack of information on environmental impact (noise, etc) and a wish for residents to be able to publicly voice similar concerns. [Heslington] **[Site Visit]**

- d) **4 Derwent Road, York. YO10 4HQ
(12/02737/FUL)** (Pages 45 - 56)

This application is for the removal of condition 12 (Level 3 Code for Sustainable Homes) and 13 (provision of on-site renewable energy) of approved application 09/01202/FUL for the erection of a pair of semi-detached dwellings.

The application has been called-in to Committee by the Ward Councillor, Councillor Taylor for the following reasons;

- the conditions were perfectly reasonable conditions when they were imposed and remain so;
- the developer should develop the site as approved or sell to another developer;
- the property, empty and secured by a huge metal fence, is an abomination in the streetscape.

[Fishergate]

e) **31 Penyghent Avenue, York. YO31 0QH** (Pages 57 - 62)
(12/03011/FUL)

This retrospective application seeks planning permission for a single storey rear extension.

The application is being brought to committee as the applicant's son is employed by the Council. [Heworth] **[Site Visit]**

6. Enforcement Cases-Update (Pages 63 - 261)

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.

7. Urgent Business

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

Democracy Officer:

Name- Judith Betts

Telephone – 01904 551078

E-mail- judith.betts@york.gov.uk

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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Contact details set out above.

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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 following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, 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****Tuesday 8 October 2012****Members of the Sub Committee to meet at Union Terrace Car Park
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10:15	31 Penyghent Avenue	5e)
10:35	19 Farndale Avenue	5a)
11:05	Physics Department (Chemistry Car Park A) University of York	5c)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	6 SEPTEMBER 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, FUNNELL, KING, MCILVEEN, WATSON, WARTERS AND REID (AS A SUBSTITUTE FOR CLLR CUTHBERTSON)
APOLOGIES	COUNCILLORS CUTHBERTSON AND FIRTH

20. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda. No interests were declared.

21. MINUTES

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 9 August 2012 be approved and signed by the Chair as a correct record subject to Minute No 11 (Inspection of Sites) being amended to show that Councillors Fitzpatrick and King attended the site visits in addition to the other councillors listed.

22. 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 Committee.

23. 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.

23a 55 Rawcliffe Lane, York. YO30 5SJ (12/02484/FUL)

Members considered a full application from Mr Nigel Courtis for a two storey and single storey rear and side extension (amended scheme) (retrospective).

Officers stated that they had received a revised plan that morning and that Members must agree whether they were happy to consider this revised plan. Members acknowledged that due to the application being retrospective, they had the benefit of being able to assess any concerns raised by neighbours with regard to the development.

Representations were received from the next door neighbour in objection to the application. He expressed dismay that the development bore little resemblance to the original approved plans and included glazed doors leading out onto a lead roof which were not shown on the original plan. He advised the Committee that he had barely used his own garden during the summer due to disturbance from building works taking place. He expressed the view that the applicant has total disregard for other people's privacy stating that if this scheme was approved, he would lose the privacy in his garden. He asked Members to require the applicant to reinstate the pitched roof and change the door to a window as well as to convert the main balcony to a Juliette balcony to prevent loss of privacy.

Representations were also received from a member of Clifton Without Parish Council. He questioned the point of consultation if the applicant then ignores the planning decision which takes account of consultation responses as appears to be the case here where the applicant has gone against the ruling and built two balconies.

Members considered how the application could be conditioned to prevent loss of privacy to the neighbour if they were minded

to approve it, for example preventing the lead apron being converted to a balcony at a later date, requiring that the glazed doors to be changed to a window or requiring the lead apron to be reinstated as a pitched roof. However concern was expressed that the applicant may ignore any conditions imposed.

Members agreed that use of the existing balcony and the potential use of the lead apron as a second balcony (accessed using the existing glazed doors) would lead to overlooking of the garden of the neighbouring property at number 57 Rawcliffe Lane and subsequent loss of privacy in the garden.

RESOLVED: That the application be refused.

REASON: It is considered that the use of the balcony and the area annotated as 'lead apron' on the submitted drawing, both at first floor level at the rear of the dwelling, would result in (and in the case of the lead apron would potentially result in) unacceptable overlooking of the adjacent private rear garden of 57 Rawcliffe Lane to the detriment of the living conditions of the occupiers. The application would, therefore, conflict with guidance contained within the National Planning Policy Framework (paragraph 17) which states, inter alia, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It would also conflict with City of York Development Control Local Plan policy GP1 (i), which expects development proposals to ensure that residents living nearby are not unduly affected by overlooking, and policy H7 (d), which states that residential extensions will be permitted where there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

**23b Tyree, 97 York Street, Dunnington, York. YO19 5QW
(12/01840/FUL)**

Members considered a full application from MDL Land Ltd and Mrs K Wheeler for the erection of four dwellings with associated garages, new site access and a pond extension.

Officers reminded the Committee that this application had been deferred at the last meeting in order to allow further work to be undertaken to find a more suitable location for the access road further away from the bridge than had been proposed. Officers explained that by moving the access road, plots 1 and 2 were now 1m further to the east and had bigger gardens and a larger turning area in front of the garages.

Officers advised Members that Highway Network Management had no objections to the revised layout and had made no other comments other than to reiterate previous comments and those of the applicant's highway consultants that the access meets national safety and design criteria and therefore a refusal on these grounds could not be substantiated.

Officers also advised that three letters of objection had been received from local residents. These did not raise any additional comments to those contained within the committee report under paragraph 3.11. The major concerns raised within the three letters were of the access and its perceived lack of safety for motorists, the danger the new access could cause to pedestrians using York Street and the loss of a pleasant green environment.

Representations were received from the Chair of the Dunnington Village Design Statement Group. She reminded Members of the issues she had raised at the last meeting and circulated a copy of her previous representation to those Members who had not be present at the last meeting. She reminded the Committee that the road in front of 97 York Street was in the conservation area and that the Village Design Statement was opposed to the subdivision of garden plots. With regard to concerns over drainage, she stated that after heavy rain, pools of water collected on the road, which is heavily used by cars and buses with cycle route 66 running through the village too. She advised Members that the bridge was used by pedestrians, including school children and a new housing

development would create extra danger for those children who have to negotiate an already dangerous junction.

Representations were also received from the agent in support of the application. He advised the Committee that if the access road was directly in front of no 97, officers would recommend refusal due to loss of residential amenity and they were constrained by how far to the east the access could be moved. He confirmed that in the new position, the access was 22m in excess of the min requirements. He pointed out that the applicant had agreed to the provision of additional signage and this was covered by a condition. With regard to the Village Design Statement, he confirmed that pitched roofs would respect existing roof heights and the choice of materials would be sympathetic to existing materials and there would be no harm to the character and setting of the conservation area. In response to a question as to whether there was an accident history for this stretch of road, the applicant's transport consultant confirmed there were no recorded personal injury accidents on that part of the road.

Councillor Brooks spoke as Ward Member for Dunnington. She asked Members to take account of the Village Design Statement with regard to the subdivision of garden plots. She stressed that road safety was of paramount concern given that there was data to prove that motorists exceed the speed limit both entering and leaving the village. She asked Members to make it a condition that warning signs are erected on the road, if they decided to approve the application. She warned that school children use the bridge and have to cross the road and noted that there were two bus stops the other side of the bridge.

Members acknowledged the guidance contained in the Village Design Statement but noted that this was an advisory rather than a statutory document.

Some Members raised concerns about the proximity of the pond to the development due to the existence of great crested newts in the area and expressed disappointment that Natural England had not been consulted on the application. Officers advised that the Council's Ecologist/Countryside Officer and Countryside Assistant have visited and assessed the site with regard to this issue. Officers confirmed that due to the presence of great crested newts on the site, a licence was required from Natural England to carry out the development before the development

could commence and they explained that this licence would cover the management and maintenance of the habitat.

RESOLVED: That the application be approved subject to a Section 106 Agreement and the conditions listed in the report.

REASON: The proposal, subject to a 106 agreement and the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of development; the density, design and visual impact including the impact on the setting of the Conservation Area; the impact on neighbouring amenity; access and highway safety; sustainability; ecology; drainage and open space, affordable housing and education provision. As such the proposal complies with the overall aims and objectives of the National Planning Policy Framework, and Policies GP1, GP4a, GP9, GP10, NE6, NE7, HE2, H4a, H5a, and L1c of the City of York Development Control Local Plan.

23c Manor Park, Sheriff Hutton Road, Strensall, York. YO32 5TL (11/02460/FUL)

Members considered a full application by Nelson Parks Lodges for the retention of a show lodge and the siting of 14 holiday lodges.

Members' attention was drawn to a written representation which had been submitted by Councillor Wiseman which raised concerns that some residents living on the site were using it as their main residence and that the new lodges could also become permanent residential properties if conditions regarding residency are not adhered to. She asked the committee to consider deferring or refusing the application until the investigation into an enforcement complaint regarding the use of an existing lodge as permanent residential accommodation was complete. The Chair reminded Members that they must consider the application in front of them not surmise what may happen in the future.

Representations were received from the applicant and owner of Manor Park in support of the application. He advised the Committee that the alleged use of the park as a permanent residence was incorrect. He confirmed that the park was occupied according to planning conditions and that he had provided copies of customer contracts and records to prove this. He confirmed that there were no objections from drainage officers. He expressed his frustration at the delays in the planning process and asked Members to make a decision at the meeting.

Representations were received from a representative of Strensall Parish Council in objection to the application. He expressed concern that the site today bore little resemblance to what was approved when planning permission was granted in 2007. He raised further concerns with regard to foul drainage stating that the use of cesspools was only a temporary solution until a more permanent solution could be found as the necessity of frequent tanker visits to empty the cesspools was not sustainable.

In response to questions from Members, the applicant provided clarification on the number and size of current and planned cesspools on the site.

Members agreed that this site was a generally well run and tidy site apart from the current storage area, which these proposals would tidy up.

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

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to sustainability of the proposal, the proposed means of foul and surface water disposal and impact upon the visual amenity of the surrounding countryside. As such the proposal complies with Policies GP4a, V5, GP1 and GP15a of the City of York Development Control Local Plan.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 3.30 pm].

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COMMITTEE REPORT

Date: 10 October 2012 **Ward:** Osbaldwick
Team: Householder and **Parish:** Osbaldwick Parish
 Small Scale Team Council

Reference: 12/02451/FUL
Application at: 19 Farndale Avenue York YO10 3NY
For: Change of use from dwelling (use Class C3) to house of multiple occupation (use Class C4)
By: Mr Michael Scholey
Application Type: Full Application
Target Date: 20 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a semi-detached house located in a suburban street. The immediate area is made up of a mix of bungalows and two storey dwellings. Across the street from the application property is a take-away restaurant that is advertised as being open till around 10.30pm to 11.00pm most evenings. A small shopping parade is located around 70m to the west.

1.2 The applicant seeks planning permission to convert a three-bedroom single occupancy dwelling house (Use Class C3) into a four-bedroom house in multiple occupation (HMO) (Use Class C4). No external extensions or alterations are proposed. The accommodation is proposed to include three bedrooms on the first floor and one bedroom on the ground floor

1.3 The proposal requires planning permission as the Local Planning Authority introduced an Article 4 Direction in April 2012 removing permitted rights for changes between use classes C3 and C4.

1.4 The application has been brought to Committee at the request of the local Member because of concerns in respect to the impact of HMO's.

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: CYH8 - Conversion to flats/HMO/student accommodation

3.0 CONSULTATIONS

INTERNAL

INTEGRATED STRATEGY UNIT

3.1 19 Farndale Avenue falls within a neighbourhood area where 3.6% of properties are shared houses. Within 100m of the property the proportion of shared houses is 2.9%. As such, in accordance with the provisions of the Draft HMO SPD neither the neighbourhood area nor street level threshold have been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of should also be undertaken.

EXTERNAL

OSBALDWICK PARISH COUNCIL

3.2 States that it objects strongly to the large number of HMOs within the locality, and supports all objections from neighbours.

NEIGHBOURS

3.3 Objections have been received from the occupants of 15, 17 21 and 23 Farndale Avenue. The following concerns were raised:

- Will lead to an increase in noise.
- The proposal is inappropriate in a location with many pensioners.
- There are already other HMOs in the locality.
- There is inadequate parking for 4 individuals.
- A take-away restaurant is opposite and there is as a result much traffic and parking on the street.
- The dining room will be used as a bedroom - this could create noise in - the ground floor of the attached property (number 21).
- The kitchen window of number 17 overlooks the back door of number 19.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Whether the accommodation is an appropriate standard and has an adverse impact on neighbours.

- Whether the change would lead to an unacceptable concentration of HMOs in a single location.

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

4.3 Policy H8 relates to conversions including changes to Houses in Multiple Occupation. Given the introduction of the Article 4 Direction the policy is relevant to the application. The specific requirements of the policy are that:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- 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.

4.4 A supplementary planning document (SPD) entitled 'Controlling the concentration of Houses in Multiple Occupancy' was approved by the Council on 15th April 2012. The document expands upon policy for assessing applications for new HMOs. The new SPD states that the change of use from dwellings to HMOs will be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

WHETHER THE ACCOMMODATION IS AN APPROPRIATE STANDARD AND HAS AN ADVERSE IMPACT ON NEIGHBOURS

4.5 The applicant has stated that the property is intended to house up to 4 students. Three of the rooms would be equivalent in size to a double bedroom; however, one is a small box room (approximately 2.1m x 2.0m). Clearly this room is very small; however, it is capable of housing a single bed and basic storage. As the home has a lounge and kitchen for the shared use of the occupants of the house it is not considered that this is unacceptable. It would presumably be the case that if the room were rented the price would reflect the small size of the room.

4.6 It is noted that the first criterion of policy H8 of the Local Plan (conversions) states that a dwelling that is converted to a HMO should have a minimum of 4 bedrooms. This policy was approved at a time that a HMO was classified as a home housing 7 or more non-family members. It is not considered the size criteria is applicable to the post 2010 classification of HMO's (i.e. 3 - 6 people).

4.7 The property has a rear garden suitable for the needs of the property and off-street car parking for at least two cars to the side and rear of the house. There is a garage to the rear that could accommodate cycles.

4.8 The home immediately to the west is a bungalow. The attached property is a two-storey dwelling with a converted roof space incorporating a rear dormer. Neither of the properties are HMOs. There is currently a low boundary between the rear gardens of the properties. It is considered that a higher boundary should be erected along the rear garden boundaries to reduce the impact on neighbours through the more intense use of the property.

4.9 Normally up to 6 people can be accommodated in an approved HMO without planning permission being needed. The home could typically be extended without needing planning permission. As the home has a relatively small garden and future extensions could remove provision for car and cycle parking it is considered reasonable to remove permitted development rights for extensions, roof alterations and outbuildings at the property when in use as a HMO.

WHETHER THE CHANGE WOULD LEAD TO AN UNACCEPTABLE CONCENTRATION OF HMOS IN A SINGLE LOCATION.

4.10 Information from the Council's Integrated Strategy Unit indicates that in the neighbourhood (an area containing between 625-875 households) where the application property is located 3.6% of properties are shared houses. Within 100m of the property the figure is 2.9%.

4.11 Chapter 5 of the recently approved SPD on HMOs states that the change of use from Class C3 to Class C4 will only be permitted where less than 10% of properties within 100m of street length either side of the application property are recorded as shared houses and less than 20% of properties in the neighbourhood are shared houses. The proposal is acceptable when considered against these criteria. It is not considered therefore that approving the proposal will lead to a harmful concentration of HMO uses in the street or neighbourhood.

5.0 CONCLUSION

The Council's figures in respect to the number of existing HMO's in the area indicate that the concentration of HMO's is well below the threshold set out in the approved guidance. The property is intended to house 4 students. It is considered that the house is an appropriate size and adequate off-street car parking is available. It is recommended that the application is approved subject to conditions removing permitted development rights to extend the home and details being submitted for a management plan and an appropriate boundary treatment around the rear garden.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A - E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

3 Prior to the dwelling being occupied as a House in Multiple Occupancy, a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

i) Information and advice to occupants

- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

4 Prior to the use of the property as a House in Multiple Occupation details of the proposed garden boundary treatment around the rear garden of the property shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details prior to the use of the property as a House in Multiple Occupation and shall remain as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To help protect neighbours' living conditions.

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

Plans received by the Local Planning Authority on 29 June 2012.

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

Contact details:

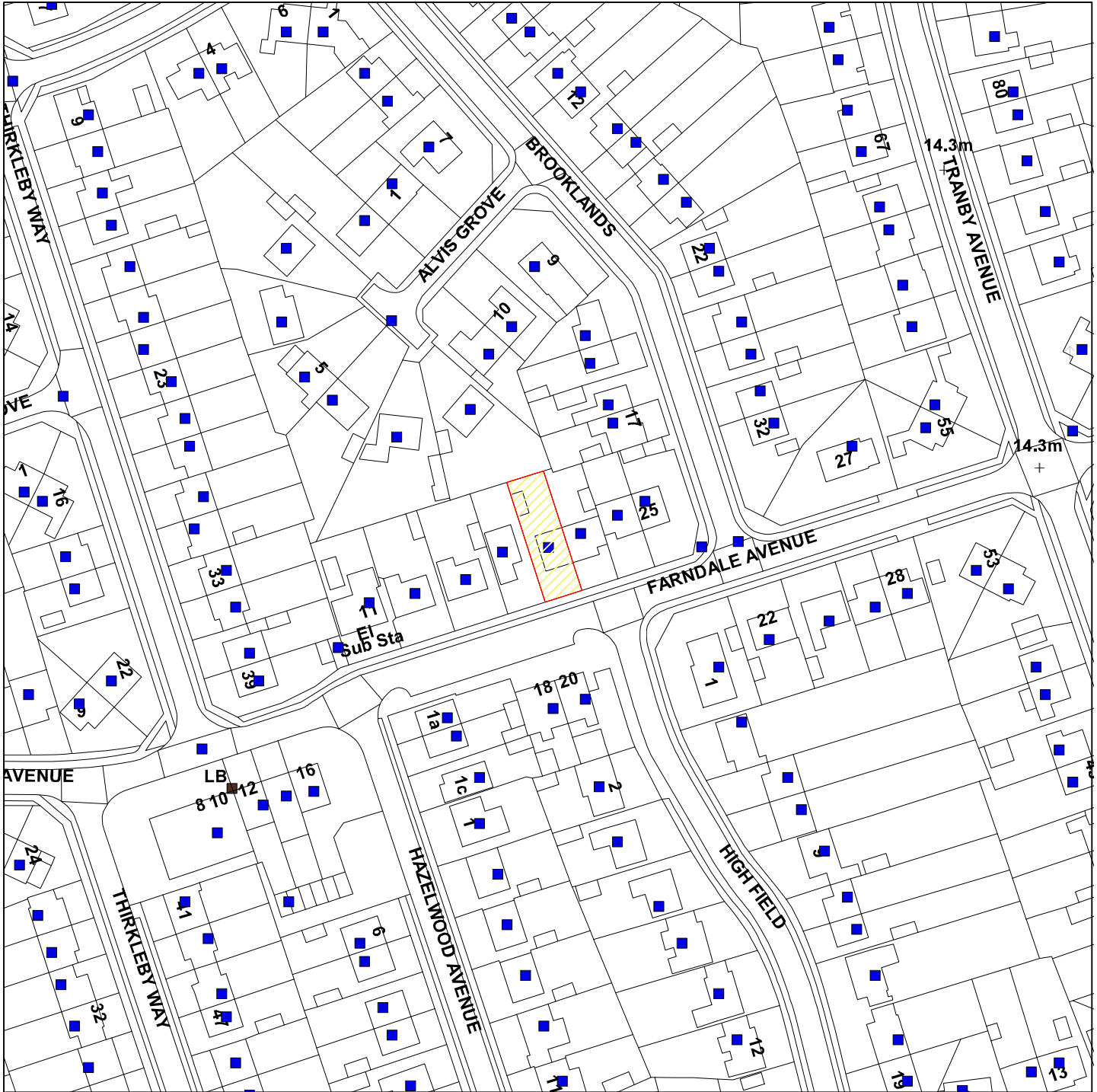
Author: Neil Massey Development Management Officer (Wed/Thurs/Fri)
Tel No: 01904 551352

12/02451/FUL

19 Farndale Avenue



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 October 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 10 October 2012 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 12/02524/FULM
Application at: Leonard Cheshire Disability 421 Huntington Road York YO31 9HT
For: Change of use from General Industrial (Use Class B2) to Storage (Use Class B8) with General Industrial Use
By: Mr John Walker
Application Type: Major Full Application (13 weeks)
Target Date: 2 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is 421 Huntington Road which is located on the corner of Huntington Road and Link Road. The building is currently empty, it is understood that its last use was in 2007 as a B2 General Industrial unit operated by Eborcraft for the manufacturing of office furniture. The building on site has a typical industrial appearance. The building is constructed of brick at a lower level and clad in metal sheeting above this. A part of the building which fronts onto Huntington Road is a flat roof two storey office finished in light coloured render with brick piers.

1.2 The applicants, York Archaeological Trust, wish to use the building for the storage and examination of remains. The application form states that of the 1765 sq m gross internal floorspace, that 1265 sq m would be used for storage with 500 sq m being used for general industrial purposes. York Archaeological Trust conserves important remains from the UK and abroad, the material is examined and used by a wide variety of experts and as well as students from York. Currently all of the material is stored and worked upon in a number of separate rented buildings across the City. By consolidating this material and associated work into one building which the Trust owns, it would safeguard the long-term future of the material as well as reducing costs and increasing benefits by providing everything in one place. The applicants state that the building is easily accessible and suits their needs.

1.3 There are no proposed external alterations to the building. Access arrangements would remain as existing. There is pedestrian access off Huntington Road with a car parking area located off Link Road.

1.4 The application site is within the built up settlement limit of York and is unallocated white land on the Local Plan Proposals Map.

The surrounding area is primarily residential; however there are other business units to the south of the application site. Immediately to the south is Sessions who create labels and labelling systems and are classified as B2 General Industrial Use Class.

1.5 The application form states that hours of operation at the site would be 08:00 to 18:00 hours. At present there are no hours of operation restrictions on the building.

1.6 There have been two planning applications at this site in the recent past which sought to change the use of the site to residential. The first (ref. no. 04/02715/FUL) was withdrawn. The second (04/04093/FUL) was for 30 flats and 4 houses. This application was refused on four grounds: 1) the loss of the employment site; 2) the poor residential amenity which would be provided given the B2 General Industrial site immediately to the south; 3) a lack of affordable housing provision; and 4) issues relating to design.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYE3B

Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections to this application, two conditions are recommended to ensure that any new plant / machinery installed as part of the development is not going to affect the amenity of any local residents and that the use applied for is restricted to the hours of operation stated in the application.

3.2 Integrated Strategy Unit - No policy concerns in principle, however, it is suggested that the Council's Economic Development Unit are consulted to ensure that there would not be an issue with the loss of the B2 use.

3.3 Economic Development Unit - No objections or concerns,

EXTERNAL

3.4 Huntington Parish Council - No objections.

3.5 Highways Agency - No objections.

4.0 APPRAISAL

4.1 Key issues:

- Principle of change of use
- Impact on local residential amenity

4.2 The National Planning Policy Framework states that a presumption in favour of sustainable development is the basis for every planning decision. This is placed within the context of social, economic and environmental sustainability. Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

4.3 Development Control Local Plan Policy E3b 'Existing and Proposed Employment Sites' states that any premises which are currently or have previously been in an employment use, will be retained within their current use class. Planning permission for other uses will only be given where there is a sufficient supply of employment land to meet needs and either unacceptable environmental problems exist or the development of the site for other uses will bring significant benefits to the local economy.

4.4 The application under consideration would result in a change of use, however both the existing and proposed uses are commonly thought of as employment use classes. The application site has been vacant and unused since 2007. The proposed change of use would return the building to active use which is considered to be of significant benefit to the local area. Buildings which remain empty for long periods of time can become run down and have a negative effect on their surroundings and the sense of pride in an area.

4.5 Whilst the proposed change of use would not create a significant number of jobs, it does create a significant benefit to a local charity in terms of both cost saving and improving the quality of service they can provide within one purpose built site. The application site is constrained and given the lack of use for the last five years clearly does not meet the needs of many businesses. The Integrated Strategy Unit and Economic Development teams have not raised any objection to the loss of this B2 site to a mixed use B8 and B2 use. It is not considered that this loss would have any significant impact on strategic employment land considerations and clearly giving the site a new active use is of significant benefit. The principle of the change of use is acceptable.

4.6 The building has an existing B2 General Industrial use permission. Generally large scale B2 uses are not considered highly compatible within residential areas due to their potential to create noise and disturbance for local residents. Often such places operate throughout the night which is when residential areas are more sensitive to noise. It is understood that there are no current restrictions on the operating hours of the site; it could operate for 24 hours a day. The York Archaeological Trust is proposing to significantly reduce the amount of industrial use which could potentially take place at the site. In addition it is proposing to operate only between the hours of 08:00 and 18:00 hours. This gives the opportunity to place a planning condition on the site restricting operating hours in order to reduce the potential for disturbance to local residents in the future. It is considered that the proposed use is significantly more compatible with the surrounding residential area than the existing lawful use of the site which contains no hours of operation restrictions.

4.7 The application site provides ten car parking spaces and ten cycle parking spaces. These would be retained for use.

5.0 CONCLUSION

5.1 The proposed change of use retains the building within an employment use class whilst giving this redundant site a new economic use. The application site is within a residential area and the proposed change of use provides an opportunity to place hours of operation controls on the use which would help to ensure that the residential and business uses are compatible in such close proximity. Therefore the application is recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The hours of operation of this approved use, including deliveries, shall be confined to 08:00 -18:00 Mondays to Fridays, 09:00 - 13-00 Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents.

3 Details of all new machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L_{Amax} (f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant

or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents from noise.

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 principle of change of use and the impact on local residential amenity. As such the proposal complies with Policy E3b of the City of York Development Control Local Plan.

2. DEMOLITION AND CONSTRUCTION

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

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

i) 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".

ii) 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.

iii) 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.

iv) 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.

v) There shall be no bonfires on the site.

Contact details:

Author: Michael Jones Development Management Officer

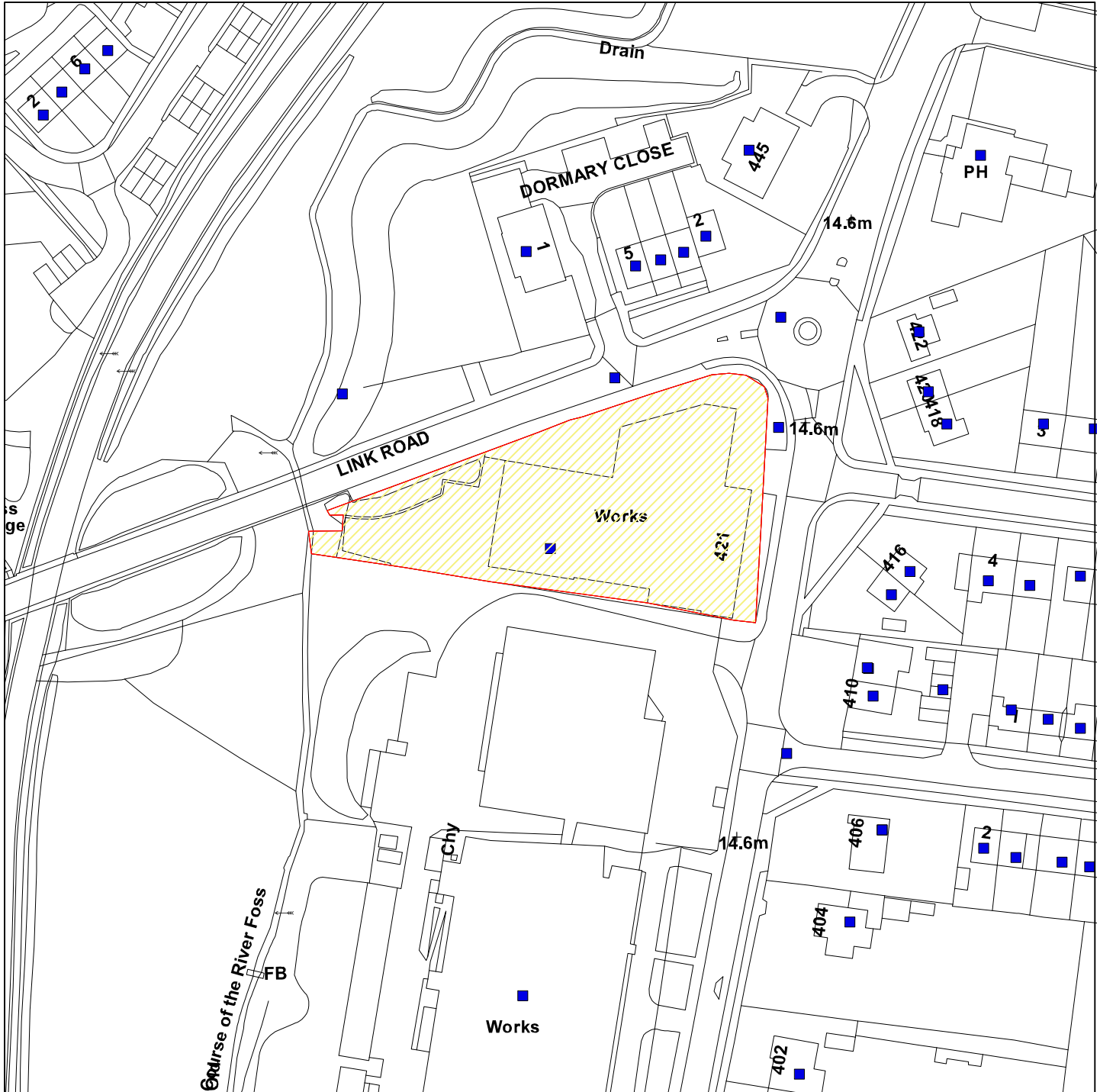
Tel No: 01904 551339

12/02524/FULM

Leonard Cheshire Disability, 421 Huntington Road



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 October 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 10 October 2012 **Ward:** Heslington
Team: Major and **Parish:** Heslington Parish
Commercial Team Council

Reference: 12/02651/FUL
Application at: Physics Department Innovation Way Heslington York YO10 5DD
For: Construction of two-storey Wolfson Atmospheric Chemistry Research Centre at Chemistry Car Park A. New and replacement ramps to the rear of the Plasma and Harold Fairhair buildings.
By: University Of York
Application Type: Full Application
Target Date: 3 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for the development of a two-storey building for the Wolfson Atmospheric Chemistry Research Centre. The proposed centre will be used as an atmospheric chemistry research facility. It will facilitate the integration of three research areas including laboratory studies, field observations and process modelling. The building will have the capacity to accommodate up to 40 research staff.

1.2 The development is being partially funded by a grant from the Wolfson Foundation, a charity which supports and promotes excellence in the fields of science and medicine, health and education. The applicant states that "the proposed building for atmospheric chemistry research forms a key part of the wider University of York strategy to provide unique solutions to environmental challenges, including the York Environmental Sustainability Institute. This will be the first dedicated experimental infrastructure in the UK for tackling current and emerging atmospheric chemistry issues in a scientifically integrated way, enabling world-leading contributions to the science of air quality and climate change. "

1.3 The application site is the Chemistry Car Park A which is located towards the eastern boundary of the Heslington West campus. It is bounded by the University Boiler House to the north, the Derwent / Langwith student residences to the south and Innovation Way to the west. To the north and east, the car park is enclosed by a belt of mature trees, which are subject to a group Tree Preservation Order. Heslington Church is located further to the east, beyond the tree belt. The Church and tree belt fall within the Heslington Conservation Area.

1.4 The application has been called in by Councillor Levene because of a number of concerns including encroachment on the Conservation Area, impact on a public right of way (the footpath from the Church), and lack of information on environmental impact (noise, etc) and a wish for residents to be able to publicly voice similar concerns.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Heslington CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYED6 University of York Heslington Campus
CYGP1 Design
CYGP4A Sustainability
CYHE2 Development in historic locations
CYNE7 Habitat protection and creation
CYNE1 Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

Landscape Architect

3.1 The three Plane trees proposed for removal are not subject to a tree preservation order (TPO); nor are they in a Conservation area. One is most visible from the public realm of Innovation Way, views of the other two trees are largely obscured by the existing units. The woodland to the rear and north of the site, is subject to a TPO (No 15/1986 W3). These trees form an important backdrop to the development and are a component of the university's landscape infrastructure. Whilst the positioning of the unit entails the removal of the plane trees, it is set forward of the existing trees to allow 'breathing space'. Three new trees (Field Maple) are planted along the front of the Plasma buildings to compensate for the loss. Connecting into the district heating would result in the loss of one Ash. The loss of the Ash would not have a big visual impact and the proposals include gapping up planting throughout the woodland.

3.2 The loss of the most prominent Plane would be regrettable; nonetheless, although the proposal would result in the overall loss of four trees, the protection of the TPO'd trees and the proposed new planting (provided another tree can be achieved at the car park entrance, or thereabouts) render the proposed development acceptable in landscape terms.

Countryside Assistant

3.3 None of the trees to be removed have bat roosting potential, although the woodland area is very likely to provide good foraging habitat for bats, as well as nesting habitat for birds. Lighting can be an issue and species like the Myotis sp. can be much more sensitive to increased lighting levels. However, there looks to already be quite a bit of lighting in this area, including close to the trees. I would suggest that any lighting proposed as part of this scheme is directional and any light spillage is reduced as much as possible. The trees and wooded area should not be directly illuminated and sufficient dark space needs to be retained to allow continued foraging and commuting by bats and to reduce any impact on nesting birds. Additional planting is proposed within the woodland and on site and this will help to mitigate for any loss of habitat. This will also include new under-storey planting within the woodland which will help to enhance this area and are considered to be acceptable.

EXTERNAL

Heslington Parish Council

3.4 Any comments will be reported verbally.

Publicity

3.5 One letter has been received from local residents objecting to the proposal on the following grounds:

- Over-development - the building is shoe-horned into a small site which already contains two large unsightly buildings. Loss of 3 attractive plane trees which provide relief against the existing buildings. Lack of space on site for re-planting.
- Public Footpath - the amenity of the path to the church which passes through the site will be badly affected by the visual intrusion of the proposed building and associated noise, lighting and disturbance.
- Wildlife - the woodland is an important habitat and noise, vibration and lighting can adversely affect animal and birdlife, especially with regard to the nocturnal environment.

- The site is adjacent to the conservation area and the rural character of the woodland will be adversely affected by the building.
- The piecemeal expansion of the campus is eroding the character of Heslington village.
- Has consideration been given to locating the facilities at the new campus?

4.0 APPRAISAL

KEY ISSUES

- The location and requirement for the development
- Impact on the appearance of the area and the impact upon the setting of the adjacent conservation area
- Impact on trees, landscape and protected species

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.2 The NPPF states that the Government is committed to ensuring that the planning system supports sustainable economic growth in order to create jobs and prosperity building on the country's inherent strengths and to meeting the twin challenges of global competition and of a low carbon future. Local planning authorities should support existing business sectors and promote clusters or networks of knowledge driven or high technology industries.

4.3 The NPPF requires good design, including individual buildings, public and private spaces, stating that it is a key aspect of sustainable development.

4.4 The Yorkshire and Humber Plan (Regional Spatial Strategy to 2026) remains a material consideration, however weight needs to be given to the Government's stated intention to abolish it. Policies Y1B and Y1F encourage the growth of York's economy through the development of the University of York and the promotion of knowledge and science based industries.

4.5 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are considered to be relevant:

4.6 ED6 - The existing Heslington Campus is excluded from the Green Belt to permit further University development. The policy states that proposals for development will be permitted providing they involve either small scale extensions to existing buildings, redevelopment of existing buildings or development on specific sites identified in the development brief for the future expansion of the campus and:

- The development will not adversely affect the campus' landscape framework or the setting of Heslington Village
- The proposal is not sited on any of the campus' important open spaces
- Total developed footprint will at no time exceed 20% of the total site area
- The height of new buildings will be appropriate to the location in terms of surrounding buildings
- A high standard of design is proposed
- There will be no overall net increase in car parking spaces on the campus
- The proposal complies with all relevant requirements of the Development Brief

4.7 The Development Brief at paragraph 1.2 acknowledges that there is scope for minor infilling and redevelopment on the campus. However, such proposals will need to be assessed against the landscape strategy and the need to retain space around buildings to preserve the character of the campus. The plan accompanying the Brief shows the area of woodland to the rear of the application site to be reinforced.

4.8 Policy GP1 expects 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 GP4A requires that proposals for all development should have regard to the principles of sustainable development.

4.9 Policy NE7 states that development proposals required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats. Policy NE1 protects trees, woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value.

4.10 Policy HE2 states that adjoining conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion detail and materials.

The Requirement for the Development

4.11 The NPPF, the local plan and the Yorkshire and Humber Plan support the need to expand and support knowledge and science based industries. The applicant states that the development will significantly enhance the University of York's position as a centre of excellence for scientific research. The building will accommodate up to 40 research staff including six new posts created for DEFRA staff and eight existing Natural Environment Research Council staff who would otherwise be relocated out of York. The location for the building has been chosen because it is well related to the Department of Chemistry for collaboration and teaching and access to shared services. It will enable York's five atmospheric chemistry research teams to be brought together for the first time in one building, and provide experimental and modelling infrastructure that will also support other researchers from across the University.

The Impact of the Proposal on the Appearance of the Area and the Setting of the Conservation Area

4.12 The building would be sited on an area of car parking to the rear of the recently constructed Plasma Institute and the Harold Fairhair building which is a temporary modular teaching block with permission to be retained until 2015. The site of the proposed building was previously occupied by a two-storey temporary modular teaching block occupied by the Law School. To the rear of the building is a tree belt which forms the edge of the built up area of this part of the campus and forms a screen and a setting to the listed Heslington Church to the south east. The tree belt also forms the edge of the Heslington Conservation Area. The proposed building would be two storeys in height and flat roofed, building heights in this part of the campus are generally between 1 and 3 storeys. The building materials would be buff coloured brick and silver panel cladding, the functional design of the buildings reflects its research laboratory use. The full height curtain walling system with coloured glass panelling will create a feature entrance to the building, visible from Innovation Way. The building's siting would create quite a tight cluster of buildings although this is not dissimilar to other built relationships within the campus; the temporary nature of the Harold Fairhair building to the front should be noted and may provide the opportunity for additional planting and a revised relationship between buildings in the future. The policy requirement for the total developed footprint not to exceed 20% of the total site area of the campus would not be breached as the existing car park is defined as forming part of the 'developed footprint'. It is considered that the proposed building would be in character with nearby buildings and the general appearance of this part of the campus as required by policy ED6.

4.13 The tree belt is quite dense, although reinforcing planting is proposed in places as recommended in the development brief. There appear to be no shared views between the proposed building and the church and the tree belt would provide a backdrop to the proposed building. Whilst the building would abut the tree belt and conservation area boundary it is not considered that the setting of the conservation area or the church would be harmed. As such the proposal complies with the requirements of policy HE2.

Impact on Trees, the Landscaped Setting of the Campus and Protected Species

4.14 As noted in 4.12 above, the building would be located in close proximity to the tree belt which is an important boundary feature of the campus and is covered by a Tree Preservation Order. The building would be set forward of these trees to provide a breathing space, an Ash within the tree belt would be removed to allow for a connection to the District Heating Main. Three Plane trees within the car park are proposed to be removed, these trees are not protected. One of the trees is visible from Innovation Way; the others are largely obscured from view by the existing buildings. A revised landscape plan shows four new trees along Innovation Way including a new Field Maple at the entrance to the site. Overall, the protection of the TPO trees, the new planting including additional planting within the tree belt render the proposal acceptable in landscape terms and in compliance with policy ED6 and GP1.

4.15 The trees to be removed are not considered to have bat roosting potential, although the woodland area is very likely to provide good foraging habitat for bats, as well as nesting habitat for birds. Lighting can be an issue however, although the area is already lit, including close to the trees. The Countryside Assistant has recommended that any lighting proposed as part of this scheme is directional and any light spillage is reduced as much as possible, this can be achieved by condition. The additional planting within the woodland will help to mitigate for any loss of habitat and the new under-storey planting within the woodland will help to enhance this area. The proposal complies with policy NE7.

Other Planning Issues

4.16 There is a footpath which runs from the church, through the tree belt and car park to Innovation Way. The proposed building would develop an area to the north of the footpath as it passes through the car park. There would be a gap of between about 5 and 7 metres between the southern elevation of the proposed building and the student residences and cycle store to the south. Previously pedestrians could walk through the car park, the new route will be more constrained but it is not considered that the presence of the two storey building will unduly harm the functioning or enjoyment of the footpath in this location.

4.17 The application site is part of a car park although it has not been used as such since 2007 when the temporary Law School buildings were sited there. Policy ED6 requires that there is no net increase in car parking on the campus, twenty two parking spaces will be retained.

Staff cycle parking would be provided within the existing secure shed for Chemistry Department staff on the opposite side of Innovation Way and five additional stands (10 spaces) will be provided on site, these will be uncovered visitor spaces.

4.18 The applicant has submitted a sustainability statement in support of the application. The building will be connected to the University's district heating system, the energy requirements for the building will be partly met by using waste heat from the combined heat and power plant to the north, and initial estimates suggest that the waste heat can meet all of the buildings heating demand. The building layout allows for natural ventilation from two sides in the larger offices and laboratories reducing the requirement for cooling at peak times. Low energy lighting with automatic sensors will be used where possible and water saving fittings will be provided. A bin store at the south west corner of the car park provides provision for the storage of waste and recycling. It is considered that the proposals would broadly comply with policy GP4A in this respect.

4.19 In terms of noise, vibration and emissions from the building, the applicant has stated that the "primary use of the building will be as an office facility for academic and research staff" and that "research activities consist of instrumental research with no potential for vibration or emissions and low ambient noise levels." No details of external plant have been submitted, but it is considered that this can be controlled through a planning condition. The applicant states that there is likely to be a need for external condenser units to cool research instruments during exceptionally warm periods. There is a parapet around the roof of the building and it is considered that plant could be located at roof level without undue impact on the appearance of the building.

4.20 The application also proposes new access/escape ramps to the rear of the Plasma and Harold Fairhair buildings. The ramps would not have an adverse impact on the appearance of the respective buildings or the appearance of the area.

5.0 CONCLUSION

5.1 The applicant's justification for the location the research building close to the existing Department of Chemistry is reasonable and is supported by planning policy. The proposed building in terms of its use, scale and appearance is considered acceptable and appropriate to its location. It is considered that there will be limited impacts upon the landscaped setting of the campus, the setting of the adjoining conservation area and nearby listed buildings and the existing environmental qualities of the area. The application is considered to comply with national and regional policy and local plan policies ED6, GP1, GP4A, NE1, NE7 and HE2.

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:-

PL03 rev. C, PL05 rev. B, PL06 rev. A, PL07 rev. A, PL08 rev. A, PL10 rev. A, 259-026-SK209

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

3 VISQ8 Samples of exterior materials to be app -

4 The building shall not be occupied until the 5 'Sheffield' cycle parking stands have been provided in accordance drawing no. PL03 rev.C. The stands shall not be removed without the prior written permission of the local planning authority.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

5 The new tree and woodland understorey and margin planting shown on the Proposed Landscaping Plan PL05 revision B shall be implemented within a period of six months of the completion of the development. Details of the height of the proposed trees along Innovation Way shall be submitted to the local planning authority for written approval. 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: In the interests of maintaining the landscaped setting of the campus in accordance with policy ED6 of the Local Plan and the Heslington Campus Development Brief (August 1999).

6 Details of any external lighting, including its direction, shall be submitted to and approved in writing by the local planning authority prior to its installation. The trees and wooded area should not be directly illuminated and sufficient dark space needs to be retained to allow continued foraging and commuting by bats and to reduce any impact on nesting birds.

Reason: In accordance with Local Plan policy NE7 as the wooded area to the east of the site provides good foraging habitat for bats, as well as nesting habitat for birds which may be adversely affected by increased lighting levels and light spillage.

7 Details of any plant or machinery located externally on the building shall be submitted top and approved by the local planning authority prior to its installation on the building. Any plant which is located on the roof of the building and does not project above the top of the parapet wall will not require the approval of the local planning authority.

Reason: In the interests of the visual amenity of the building as no details of plant have been submitted with the application.

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 proposed use and required location for the development, the impact on the appearance of the area, the impact upon the setting of the adjacent conservation area and the impact on trees, the landscaped setting of the campus and protected species. As such the proposal complies with Policies ED6, GP1, GP4A, NE1, NE7 and HE2 of the City of York Development Control Local Plan; polices Y1B and Y1F of the Yorkshire and Humber Plan (Regional Spatial Strategy to 2026) and the policies contained within the National Planning Policy Framework.

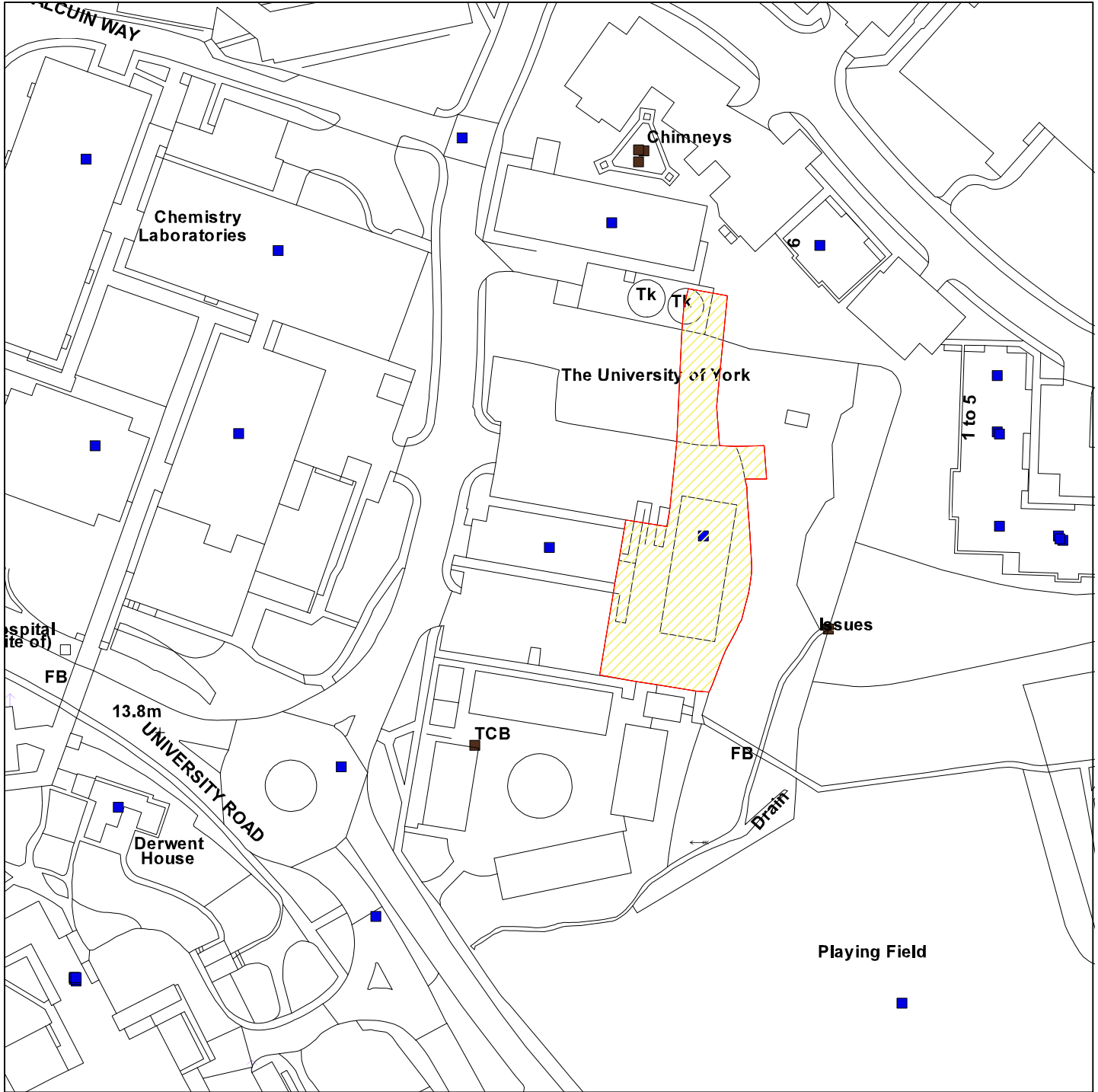
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12/02651/FUL

Physics Department, Innovation Way



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 October 2012
SLA Number	Not Set

3.2 Design, Conservation and Sustainable Development raise no objection to the proposal, highlighting the fact that it would result in the loss of a number of prefabricated buildings in the area which are damaging the adjacent mature landscaping.

EXTERNAL:-

3.3 The Ouse and Derwent Internal Drainage Board raise no objection to the proposal subject to the imposition on any approval of a condition covering surface water drainage works.

3.4 Heslington Parish Council were consulted with regard to the proposal on 15th July 2011. No response has been forthcoming.

3.5 Heslington Village Trust object to the proposal on the grounds that the proposed building would be located too close to Innovation Way and should be set further back to allow additional landscape planting in line with the practice at other site within the York Science Park.

3.6 One letter of objection to the proposal has been received on the grounds that the proposed building is located too close to Innovation Way and should be set back to allow additional space for landscape planting.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the landscape setting of the University.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.2 Policy ED6 of the York Development Control Local Plan sets a firm policy presumption in favour of new development within the principal Heslington West Campus of the University providing it comprises small scale extensions to existing buildings or redevelopment of existing buildings, it is of a high design standard appropriate to the University and it would not adversely affect the landscape setting of the campus. The current proposal envisages the erection of a single storey pitch roofed, curtain wall clad block of research laboratories, some 5.8 metres to the ridge. It would be located gable on to the frontage of Innovation Way and directly to the east of Harald Fairhair's building part of the Chemistry Department of the University. Whilst located alongside the principal approach into the Science Park the

proposal forms a clear part of the University Science teaching and research facilities centred around the Chemistry Department directly to the north. It would closely parallel the alignment of the adjacent Harald Fairhair building but would adopt a more traditional scale and massing. Additional landscape planting would be provided along the Innovation Way frontage of the site and whilst some car parking would be lost by the building's construction additional space would be made available by the removal of the double stacked Portakabin directly to the south and additional cycle parking spaces would also be made available directly to the east within the area of the existing car park. Overall the development would follow closely the existing scale, massing and palette of materials associated with other University related developments in the vicinity. Any impact arising from the proposal upon the visual amenity of the street scene would therefore be minimal and it is felt the terms of Policy ED6 would therefore be complied with.

IMPACT UPON THE LANDSCAPE SETTING OF THE UNIVERSITY:-

4.3 Policy NE1 of the York Development Control Local Plan sets a firm policy requirement for the protection of trees, woodland and hedgerow of landscape, amenity or historical value by refusing permission for development which would result in their loss or damage and requiring that trees and hedgerows to be retained on development sites be adequately protected during any site works. The application site lies directly to the north of a narrow band of mature trees and landscape planting that provide the setting for the Grade II Listed Heslington Church. The proposed location for the building would minimise any impact upon the mature landscaping and the existing two storey prefabricated building to the south would be removed giving further protection to the crown spread of the adjacent mature trees. To relocate the proposed building further south would impact upon the mature landscaping and whilst a certain amount of space would be created at the street elevation the result would sit uneasily with the surrounding buildings whilst at the same time damaging the wider landscape setting of the site. The terms of Policy NE1 of the Draft Local Plan would therefore be complied with in respect of the proposed development.

5.0 CONCLUSION

5.1 Innovation Way comprises the principal thoroughfare linking the Heslington West Campus of York University with the University Science Park. At its western end the street is characterised by a number of teaching and research uses associated directly with the University whilst the eastern end gives access to the lower density development associated with the Science Park. The current proposal seeks the erection of a single storey building to provide laboratories for research into Plasma technology. It is intended to locate the building on a section of the Chemistry Department car park whilst removing a two storey prefabricated building directly to the south. The area is surrounded on two sides by a belt of dense mature

landscaping which forms part of the wider setting of Heslington Church. The location of the proposed building would not interfere with the landscaping and the removal of the prefabricated structure to the rear would at the same time lessen any impact. The building would be low rise with a pitched roof and constructed in curtain wall cladding to match nearby University related developments. Any impact upon the visual amenity of the wider street scene would be minimal and the terms of Policies ED6 and NE1 would be complied with and approval is therefore recommended.

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 Refs:- 259-026-300 Rev C; 259-026-301 Rev A; 259-026-302 Rev A. Date Stamped 11th July 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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials, including cladding colour, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of cycles, 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.

5 DRAIN1 Drainage details to be agreed -

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 impact upon the visual amenity of the wider street scene and impact upon neighbouring mature landscaping. As such the proposal complies with Policies ED6 and NE1 of the City of York Development Control Local Plan.

2. Control of Pollution Act 1974:

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

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

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"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.

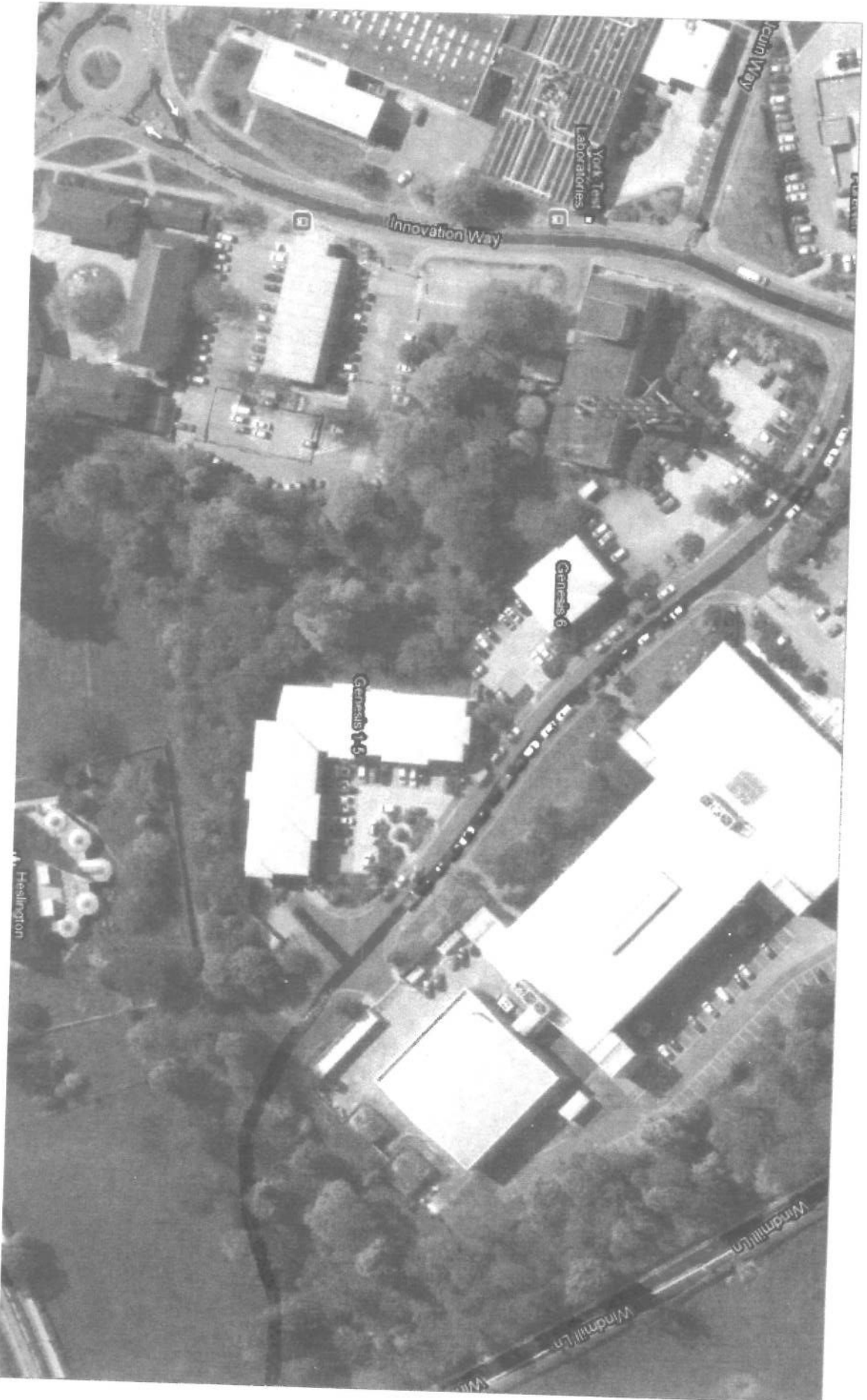
(f) There shall be no bonfires on the site

Contact details:

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AGENDA ITEM SC) PHYSICS DEPARTMENT - CIRCULATED AT MEETING
Google



COMMITTEE REPORT

Date: 10 October 2012 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 12/02737/FUL
Application at: 4 Derwent Road York YO10 4HQ
For: Removal of condition 12 (level 3 Code for Sustainable Homes) and
13 (provision of on-site renewable energy) of approved application
09/01202/FUL for the erection of a pair of semi-detached dwellings
By: Mr Warren Breeze
Application Type: Full Application
Target Date: 4 October 2012
Recommendation: Approve

1.0 PROPOSAL

SITE

1.1 The application site lies on the south side of Derwent Road, off Fulford Road. It comprises the second housing plot along the road and is currently occupied by a detached dormer bungalow with attached side garage. It lies outside the Fulford Road Conservation Area boundary. The rest of the street comprises a mix of house types and styles.

PROPOSAL

1.2 The application seeks to remove two planning conditions that were attached to a previously approved application for the redevelopment of the site. The previous application, ref. 09/01202/FUL, was granted planning permission on 15 October 2009, subject to conditions. It proposed the erection of a semi-detached pair of properties following the demolition of the existing bungalow. Two of these conditions relate to the sustainable design and construction elements of the scheme. Condition 12 referred to the Code for Sustainable Homes requirement and condition 13 referred to on-site renewable energy generation. They read as follows:

CONDITION 12 - CODE FOR SUSTAINABLE HOMES

Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3 rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage).

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These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved. Reason: In the interests of sustainable development.

CONDITION 13 - ON-SITE RENEWABLES

Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

1.3 The application as originally submitted sought removal of condition 14 relating to foul and surface water drainage details. However, at officer's request, the applicant has removed this request from the application.

HISTORY

1.4 A previous planning application (08/01709/FUL) for the erection of a semi-detached pair of houses was withdrawn in 2008, following concerns expressed about height and depth of the houses, access and parking. A subsequent application (09/01202/FUL) was approved in 2009 for a pair of semi-detached dwellings that were single storey with accommodation in the roof space. A similar application (10/00287/FUL) was granted consent in 2010 for an extended form of development to that previously permitted in 2009 with the main difference being the inclusion of a sub ground floor level basement to serve each dwelling.

MEMBER INTEREST

1.5 The application has been called-in to Committee by the Ward Councillor, Councillor Taylor, whose comments are included in section 3.

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

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2.2 Policies:

CYSP6 - Location strategy

CYGP1 - Design

CYGP4A - Sustainability

CYGP10 - Subdivision of gardens and infill devt

CGP15A - Development and Flood Risk

CYH3C -Mix of Dwellings on Housing Site

CYH4A -Housing Windfalls

CYH5A -Residential Density

CYT4 -Cycle parking standards

CYL1C -Provision of New Open Space in Development

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was advertised by way of letters to surrounding residents and the posting of a site notice. The Consultation period expired on 7 September 2012.

INTERNAL

3.2 Highway Network Management

No highway implications.

3.3 Environmental Protection Unit

No objections.

3.4 Flood Risk Management Team

Object to removal of condition on grounds that sufficient information was not received at the time of the original application to determine the potential impact the proposals may have had on the existing drainage systems.

EXTERNAL

3.5 Councillor Taylor

Objects on the following grounds:

- the conditions were perfectly reasonable conditions when they were imposed and remain so;
- the developer should develop the site as approved or sell to another developer;
- the property, empty and secured by a huge metal fence, is an abomination in the streetscape.

3.6 Councillor D'Agorne

Objects on the following grounds:

- the conditions are significant as they were part of the applicant's justification for demolition of the building and its replacement;
- action should be taken to bring the building back into occupation or redeveloped as the site and building have remained fenced off and unused for several years.

3.7 Fishergate Planning Panel

Notes the change in LPA Policy and strongly supports the need to build more housing the area, it objects to the removal of conditions on the grounds of precedent and the removal of conditions aimed at achieving social or environmental goals.

3.8 Local residents

Three individual letters and joint letter from six properties on Derwent Road received raising following points:

- Property has blighted the street and had effect on house prices;
- Conditions are reasonable as no reason for small developments not to make a contribution to combat global warming;
- Conditions are a core element of the approved application that justified demolition of perfectly good bungalow and protected surrounded residents and their removal makes application invalid;
- Application is an attempt to bypass another full process, denying Councillors and neighbours the opportunity to review the proposed development;
- New application should be submitted that revisits the previous objections of visual amenity and damage to drainage infrastructure;
- Council should compulsory purchase the abandoned property and make it available to others in the community in need of housing.
- Site has been an eyesore for past 3-4 years and should be remedied by CYC by council tax reduction, enforcement action to remove hoardings/container and legislation to remedy nuisance.

4.0 APPRAISAL

KEY ISSUES

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

POLICY CONTEXT

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

4.2 The Regional Spatial Strategy for Yorkshire and The Humber (RSS), published in 2008, outlines the regional policy approach until 2026. Policy ENV5 sets out the aim of improving energy efficient and increasing installed renewable energy capacity across the Region. It requires at least 10% of the energy to be used in developments of 10 dwellings or more to be from renewable sources. In May 2010, the Government announced its intention to abolish the regional spatial strategies. The Government's intention to revoke the RSS is a material consideration in the determination of planning applications. However, at the time of writing the Government has not undertaken the necessary steps to revoke the strategy and the date of revocation is not certain. Whilst, the intention to revoke is acknowledged, the strategy remains part of the development plan for the City and has weight in the determination of this application.

4.3 At a local level, Policy GP4a 'Sustainability' of the City of York Council Draft Development Control Local Plan (2005) sets out what proposals should take account of and what should be included within the proposal with regards to the principles of sustainable development. The Local Plan is un-adopted. Only policies that are in line with the aims of the National Planning Policy Framework can be attached weight.

4.4 The CYC Interim Planning Statement on Sustainable Design and Construction (IPS), published in 2007, gives more specific guidance for developments, such as constructing dwellings to (the minimum) Level 3 of the Code for Sustainable Homes and provision of on-site renewable energy for all proposed dwellings. In January 2012, an addendum to the statement was published to reflect the transition towards the adoption of the then emerging Council's Local Development Framework Core Strategy. The addendum, based on Policy CS21 of the Core Strategy, removed the requirement for residential developments less than 10 units to demonstrate a Code for Sustainable Homes Level 3 rating or provide on-site renewable energy generation.

4.5 The Council's Local Development Framework Core Strategy (LDF) was an emerging policy document that was submitted to the Secretary of State on 14 February 2012 to consider the soundness of the plan. As referred to above, Policy CS21 required only developments of 10 units or more to demonstrate a Code level 3 rating or provide on-site renewable energy generation. On 12 July 2012, the Local Development Framework Core Strategy was withdrawn for reasons unrelated to sustainability requirements.

ASSESSMENT

4.6 As outlined above, the policy position at the local level has been subject of recent changes with regard to the requirement for Code for Sustainable Homes Level 3 compliance and on-site renewable energy generation.

4.7 Although the intention is to revoke the RSS and the LDF has been withdrawn, in terms of shaping the Council's future policies, they are clearly more up-to-date than the Draft Local Plan of April 2005 and the 2007 IPS. The requirements of Policy CS21 are based on a viability study into renewable energy and on the national target of achieving zero carbon rated buildings by 2016 achieved through changes to Building Regulations. As a result of this change in policy direction, the Local Planning Authority prepared the addendum to the IPS and has subsequently not imposed the two conditions to schemes under the threshold of ten dwellings and has agreed to the removal of these conditions. Committee's attention is drawn to the decision to approve the removal of these conditions at East Area Sub-Committee in April 2012 for the redevelopment of The Laurels, Brecks Lane, Strensall, for 8 dwellings (ref: 12/00148/FUL).

4.8 As the development under consideration relates to the erection of 2 dwellings it falls below the threshold set out in the RSS, Policy CS21 of the withdrawn LDF and the addendum to the IPS.

4.9 The original application was supported by a Sustainability Statement, which considered the proposal against the criteria in Local Plan Policy GP4a. It proposed that a renewable energy source in the form of a solar powered water heating system be incorporated into the scheme. The developer has submitted a revised assessment to support the current application. It confirms the intention to install solar roof panels to heat water or generate energy, the provision of secure cycle parking and recycling facilities and reiterates the economic contribution the build would make to the local economy and the excellent connectivity of the site. It explains the reason for the request to remove the conditions is due to the cost of gaining code level certification.

4.10 The comments made in the revised assessment are considered to be reasonable. The conditions do require documentation to demonstrate compliance that is prepared by a specialist to be submitted for approval by the Local Planning Authority. The intention to implement on-site renewable energy technology and other Code 3 requirements such as external drying space and recycling provision is noted. It is also noted that the original consent was granted prior to the 2010 changes to Building Regulations which introduced Part L 'Conservation of Fuel and Power' that covers elements such as insulation and energy efficiency.

4.11 Central Government advice contained within Circular 11/95 states that a condition should not be retained unless there are sound and clear cut reasons for doing so. This is reaffirmed in the NPPF where it states that conditions should only be imposed where they are necessary, relevant to planning and the development, enforceable, precise and reasonable in all other respects. By virtue of the change in the Council's policy approach and the change to Building Regulations, it is considered that the two conditions in question can no longer be deemed necessary, reasonably applied or enforced and their removal is considered acceptable.

4.12 The comments of the Ward Councillors and local residents are noted. However, it is considered that the removal of the conditions would not invalidate the application since the principle of the redevelopment of a site in a sustainable location with a development that makes more efficient use of land and is visually acceptable, accords with national planning policy. The scheme is required to comply with Part L of Building Regulations. It remains the same scheme as previously approved with the only difference being the requirement to comply with conditions 12 and 13. Whilst concerns have been raised about the state of the site since the application was granted and the reuse of the existing bungalow is sought, the applicant has stated his intention to develop the site. This intention is confirmed by the submission of separate applications to the Council, dealing with the approval of details required by other conditions imposed on the original permission. Concerns about the effect on house prices and references to council tax reductions are not material to the determination of this application.

5.0 CONCLUSION

5.1 This application seeks the removal of two conditions attached to a 2009 planning permission. Condition 12 relates to the need to comply, as a minimum, with Level 3 of Code for Sustainable Homes and condition 13 relates to the provision of 5% on-site renewable energy generation. Both conditions require the submission of documentation to demonstrate that the requirements have been met.

5.2 The request to remove the two conditions is based on the change in direction of Council policy with regards the size thresholds for compliance with Code for Sustainable Homes and the provision of on-site renewable energy sources.

The additional cost to a small scale development of seeking certification is also cited as justification for the request.

5.3 The applicant confirms his intention to provide solar panels for heat or electricity and other features required by Code for Sustainable Homes. Part L of the Building Regulations will ensure improved energy efficiency and levels of insulation for the new dwellings.

5.4 In light of the above, and taking into account advice on conditions outlined in Circular 11/95 and the National Planning Policy Framework, it is considered that the two conditions can no longer be deemed necessary, reasonably applied or enforced. As such, their removal is considered to be acceptable.

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than 15 October 2012.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing nos. 09/06/102, 09/06/103, 09/06/104 and 09/06/105 dated June 09 and received on 16 June 2009;

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

3 VISQ8 Samples of exterior materials to be app -

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

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

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

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

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

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

Reason: To protect the amenities of adjacent residents.

8 HWAY9 Vehicle areas surfaced -

9 HWAY18 Cycle parking details to be agreed -

10 HWAY19 Car and cycle parking laid out -

11 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

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

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

INFORMATIVE:

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

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

13 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 £2,124.

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.

14 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.9 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

7.0 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 principle of redevelopment, design, density, sustainability, character and amenity, residential amenity, flood risk and drainage, highway safety and impact on local facilities. As such the proposal complies with national advice contained in the National Planning Policy Framework, Policy ENV1 of the Regional Spatial Strategy for Yorkshire and The Humber and Policies SP6, H4A, H5A, GP1, GP4A, GP10, L1C and T4 of the City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005).

Contact details:

Author: Hannah Blackburn Development Management Officer

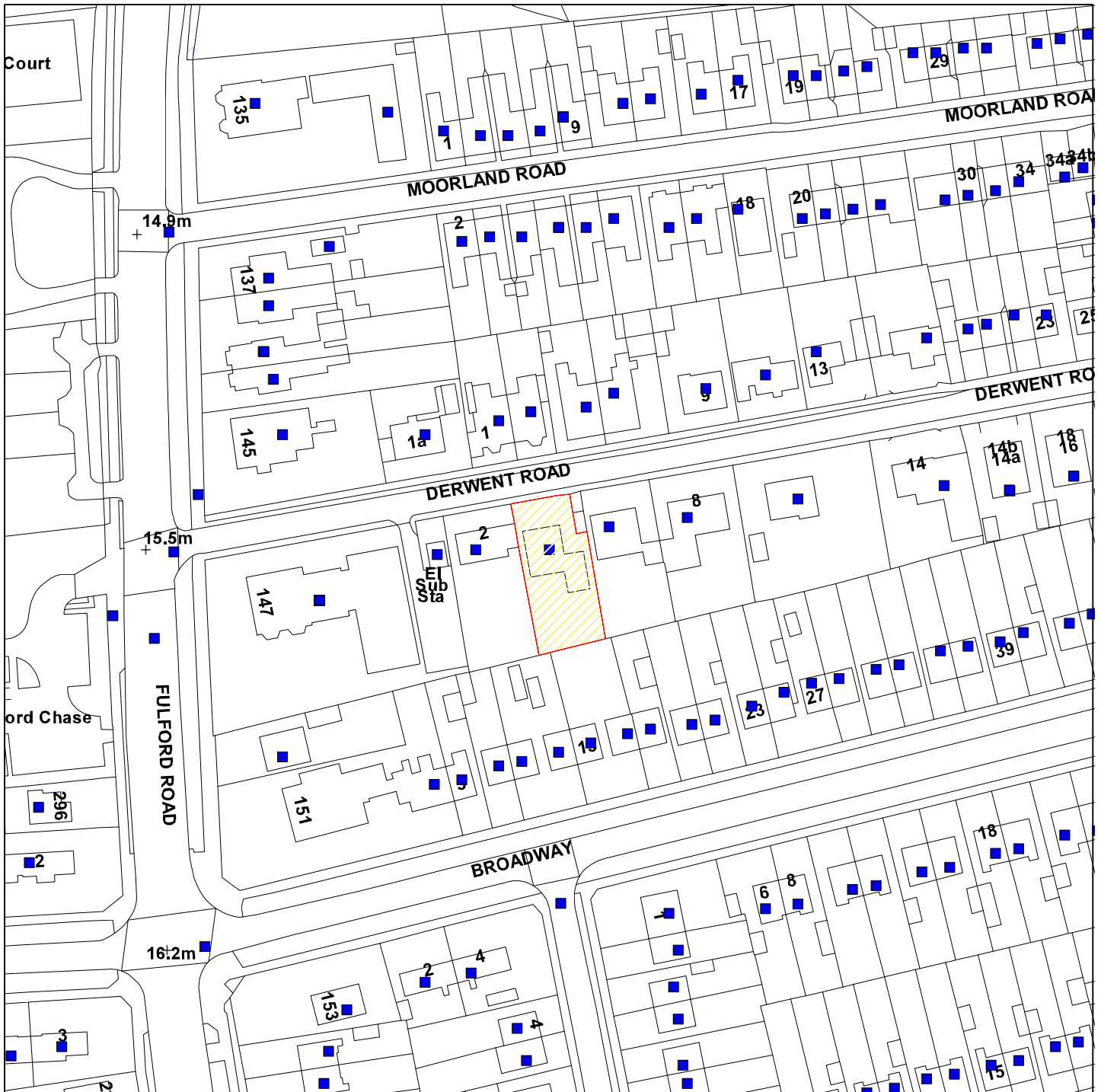
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12/02737/FUL

4 Derwent Road



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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 October 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 10 October 2012 **Ward:** Heworth
Team: Householder and **Parish:** Heworth Planning Panel
Small Scale Team

Reference: 12/03011/FUL
Application at: 31 Penyghent Avenue York YO31 0QH
For: Single storey rear extension (retrospective)
By: Mr Alan Carter
Application Type: Full Application
Target Date: 30 October 2012
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application property is a hipped roof semi-detached house located in a suburban street.

1.2 The proposal is a retrospective planning application for a single storey lean-to rear extension. The extension projects by approximately 3.75m and is 3.75m at its highest point.

1.3 A 3 metre long single storey rear extension with a maximum ridge height of 4m would typically not require planning permission. The applicant has stated that the extension exceeds the distance allowed under permitted development because it was found during construction that a drain was located where the rear elevation was originally proposed to end.

1.4 The application is being brought to committee as the applicant's son is employed by the Council.

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

Schools Multiple (Spatial)

2.2 Policies:

CYH7 - Residential extensions
CYGP1 - Design

3.0 CONSULTATIONS

3.1 Internal

None consulted.

3.2 External

Planning Panel - Any comments awaited.

Neighbours- Occupants of 29 Penyghent Avenue states the length and height has caused them to lose light in their dining room and patio at certain times of the day, also the whole brick wall is imposing and ugly. State if the whole roof could have been designed differently and they wouldn't have had a problem with it. 33 Penyghent Avenue - no objections raised.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The impact on the streetscene.
- The impact on neighbours' living conditions.

4.2 The National Planning Policy Framework (2012) sets out the Government's overarching planning policies. It states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

4.4 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered.

The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.5 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. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

THE IMPACT ON THE STREETSCENE

4.6 The proposal would not have a significant impact on the streetscene and would not appear out of character when viewed across the open gardens to the rear.

THE IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.7 There is adequate separation to number 33 to avoid the proposal causing undue harm. The key issue is the impact that the proposal would have on the living conditions of number 29.

4.8 The nearest openings on the ground floor rear elevation of number 29 are glazed doors serving a single aspect dining room. The lounge is located in a separate room towards the front of the house. The side wall of the extension is around 1m from the side of the glazed doors. As the extension is to the south-east it will impact on morning sunlight. It is not considered however, that the harm caused to the living conditions is such to merit refusal. It is the case that the amount of glazing in the dining room is relatively large and there is a generally open aspect down the garden. Although the side wall of the extension is a significant structure, it is not considered that it is so dominant to appear oppressive when sitting in most areas of the room.

4.9 The patio area that is used for sitting out is adjacent to the extension. The side elevation of the extension is relatively dominant and the extension will cut out morning sunlight from the area of garden immediately adjacent to the structure. However, the garden of number 29 is relatively long and wide and there is a degree of flexibility in respect to where the occupiers could choose to sit. It is not considered that the overall impact on the home's living conditions are unduly harmful.

4.10 In assessing the impact of the extension, regard should be had to the 'fall back' position using permitted development rights. It is the case that lean-to extensions up to 4m in height can be erected without the need for planning permission.

Although it would have been better for the occupiers of number 29 if a hipped roof had been erected on their boundary, the height of the extension is still below 4metres and falls in height towards the eaves.

5.0 CONCLUSION

5.1 It is the case that the side wall of the extension is relatively dominant when viewed from number 29, however, permitted development rights typically allow for small rear extensions and such structures are often erected on side garden boundaries.

5.2 The concerns of the neighbour are recognised, however, it is not considered that the harm caused to living conditions is such to merit refusal. In considering this regard is given to the fact that the property has a large garden and most of the space is not significantly impacted upon by the structure. The dining room to the rear has glazed doors. Views from the room are largely down the garden and towards the end of the extension that is lower in height. The proposal will reduce sunlight to the room in the morning, however, the degree of impact, in comparison to a structure that could be erected using permitted development rights is not considered to be so significant to justify refusal.

5.3 It is considered that the proposal is acceptable and is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 The development hereby permitted accords with the following plans:-

Drawing ACP-AP-101 received by the Local Planning Authority on 3 September 2012.

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Contact details:

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

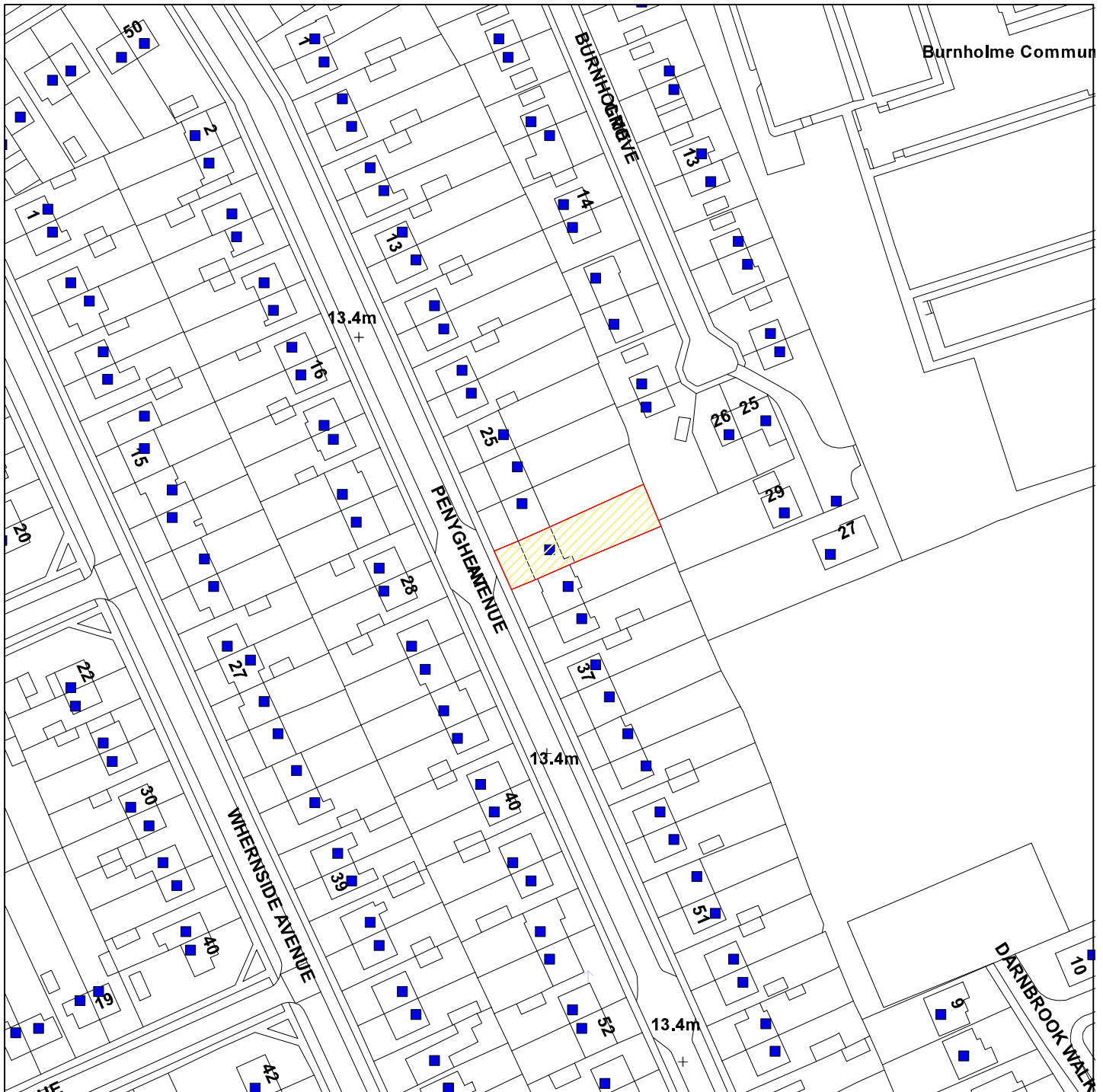
Tel No: 01904 551352

12/03011/FUL

31 Penyghent Avenue



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	01 October 2012
SLA Number	Not Set



East Area Planning Sub-Committee

10 October 2012

Report of the Director of City and Environmental Services

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. 103 new investigation cases were received for this area within the last quarter, 103 cases were closed and 344 remain outstanding. The number of new cases received is again well above the

average number normally received in a quarter and follows the record number of new cases received in a quarter (114) from the first 3 months of this year. However it should also be noted that 103 closed cases is also well above average for a quarter and represents the highest number of closed cases in a quarter over at least the last 6 years.

This continued increase in the number of new cases is partly down to a significant rise in the number of HMO (Houses in Multiple Occupation) investigations following the new Article 4 direction which came into force on April 20th this year. New HMO investigations alone now number 72 and currently 9 planning applications have been received as a result of these investigations.

There are 97 Section 106 monitoring cases outstanding for this area. 19 such cases have been closed in this quarter and these have brought in a total of £12029 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 still have 3 pending prosecutions for the failure to comply with enforcement notices and meetings have taken place with colleagues in Legal Services to move these forward. In this quarter we have served 2 enforcement notices on sites in the east area. We have also received authorisation for 1 further notice and it is expected that this notice will be served very shortly.

Consultation

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

Options

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

Council Plan 2011-2015

9. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function.

In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

10. Implications

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

Risk Management

11. There are no known risks.

Recommendations.

12. That Members note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away.

Therefore if Members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Matthew Parkinson, Alan Kendall or Tim Goodall by 5pm on Tuesday 9th October 2012. Please note that the cases are now presented in Parish order so hopefully this will make it easier for members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

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

Contact Details

Author:

Matthew Parkinson
Planning Enforcement
Team Leader.

551657

City and Environmental
Services.

Chief Officer Responsible for the report:

Michael Slater

Assistant Director (Planning and
Sustainable Development)

**Report
Approved**



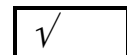
Date 1/10/2012

Specialist Implications Officer(s) *List information for all
Implication i.e. Financial*

Patrick Looker
Finance Manager
551633

Implication i.e. Legal
Andrew Docherty
Assistant Director Governance & ICT
551004

Wards Affected: *All Wards*



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) 1, 2, 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

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