



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Hyman (Vice-Chair),
D'Agorne, Greenwood, Hall, King, Smallwood, Vassie,
B Watson and I Waudby
- Date:** Thursday, 15 March 2007
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

1. **Declarations of Interest**

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

2. **Minutes**

(Pages 4 - 9)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 22 February 2007.

3. **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-Committees remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 14 March 2007 at 5.00pm.

4. Plans List

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

- a) **Executive Communication Services Ltd, 8 St Peters Grove, York (06/02828/FULM)** (Pages 10 - 22)
Conversion of existing building and erection of 4 storey block to provide a total of 12 x 2 bed apartments with associated on-site parking and secure cycle storage (resubmission) [*Clifton Ward*].
- b) **Clifton Garage, 82 - 84 Clifton, York (06/02809/FULM)** (Pages 23 - 43)
Erection of 2 no. three storey blocks of 14 no. flats and 1 no. retail unit and associated car parking (resubmission) [*Clifton Ward*].
- c) **The Gimcrack, 294 Fulford Road, York (07/00199/FUL)** (Pages 44 - 50)
Amendment to previously approved scheme 04/00559/FUL for conversion of coach house to dwelling [*Fishergate Ward*].
- d) **37, Crossways, York (06/02793/FUL)** (Pages 51 - 55)
Change of use from residential dwelling to house in multiple occupation [*Hull Road Ward*].
- e) **453 Strensall Road, York (07/00234/FUL)** (Pages 56 - 59)
Two storey pitched roof extension and single storey extension to side. [*Strensall Ward*]
- f) **Annamine Nurseries, Jockey Lane, Huntington (06/01619/FUL)** (Pages 60 - 65)
Use of land for the display of relocatable portable dwellings with new fence and gates to the Jockey Lane frontage. [*Huntington/New Earswick Ward*]
- g) **35 Common Road, Dunnington (07/00218/FUL)** (Pages 66 - 69)
Replacement conservatory to rear. [*Derwent Ward*]

5. Urgent Business

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

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

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

Contact details are set out below.

Democracy Officer:

Name: Jill Pickering

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

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 14 MARCH 2007**

TIME	OFFICER	SITE
10:00	HS	Clifton Garage, Clifton
10:30	HS	8 St Peters Grove, Clifton

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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

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- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
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City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	22 FEBRUARY 2007
PRESENT	COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), GREENWOOD, HALL, KING, SMALLWOOD, VASSIE, B WATSON AND I WAUDBY
APOLOGIES	COUNCILLOR D'AGORNE

61. SITE VISITS

The following site was inspected before the meeting:

Site	Attended by	Reason for Visit
Hoxne Farm, Sheriff Hutton Road, Strensall York	Cllrs Hall, Hyman, Moore and B Watson.	At the Parish Councils request, to check the proposed amended layout in relation to the badger sett and the drainage proposals.

62. DECLARATIONS OF INTEREST

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

No interests were declared.

63. MINUTES

RESOLVED: That the Minutes of the last meeting of the Sub-Committee held on 8 February 2007 be approved and signed by the Chair as a correct record.

64. PUBLIC PARTICIPATION

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

65. 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.

65a. Hoxne Farm, Sheriff Hutton Road, Strensall, York (06/01054/FUL)

Members considered a full application, submitted by Mr J Ord, for alterations to existing caravan park including the removal of the existing touring caravan and caravan storage areas and the development of new area to accommodate 30 holiday cabins.

Officers updated that the applicant had now realigned the units in the north east corner of the site further away from the badger sett. It was confirmed that the units were now far enough away to ensure that no licence was required from Defra. The Council's Ecology Officer had also confirmed that no mitigation measures would now be required.

Consultations had been undertaken with the Foss Internal Drainage Board and the Environment Agency in relation to drainage at the site. It was confirmed that the surface water drainage would continue to be to the ground into a herringbone system and that the foul water would be disposed of into the existing on-site cesspools. In the event of an increase in the foul water discharge the applicant had agreed to introduce a private treatment plant system. Officers updated that, in order to cover any drainage problems, Conditions 6 and 7 required amendment.

Members questioned details in relation to the surface area of the cabins, the density per hectare, details of screening and boundary treatments.

Representations in objection to the application were received from a neighbour who indicated that he felt the application was ambiguous and that the proposal was effectively a low cost housing estate in the country. He did not consider that the proposals put forward in relation to drainage would be adequate to cope with the increased number of units. His objections also related to the destruction of wildlife habitat and screening, pollution, increased traffic and light pollution.

Representations were also received from the applicant's agent who confirmed that additional planting and screening would be undertaken both on site and at the boundary. He confirmed that the site licence also imposed conditions on the site and its surroundings. He refuted that the site would become a village development but that the applicant was intending to improve facilities for all users. He stated that the applicant had confirmed that the watercourses adjacent to the site were flowing freely and he felt that the drainage proposals would be sufficient for the scheme.

Members also questioned details of owners access to the cabins during the 2 month period when they would be unoccupied, insulation, rain harvesting and visitor parking.

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

1 No development approved by this permission shall be commenced until a scheme for the surface water drainage arrangements has been submitted to and approved in writing by the Local Planning Authority. This

scheme shall include sustainable methods of drainage systems such as rain water harvesting and no part of the development shall be brought into use until such a scheme has been agreed.

Reason. In the interests of satisfactory drainage within, and adjacent to, the application site and in the interests of sustainability.

2 No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such a treatment plant has been constructed.

Reason. In the interests of satisfactory foul water drainage and in order to prevent pollution of the water environment.

3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

REASON: 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 tourism related development, visual impact on the open countryside, highway safety, nature conservation and sustainability. As such the proposal complies with Policies V5, GP1, GP4a, NE1 and T5 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

65b. Brecks Nook Farm and York Riding School, Wigginton Road, Wigginton, York (06/02865/FUL)

It was reported that this full application, submitted by Marchi Properties, for use of land for car parking in connection with existing uses within the Cliftongate Business Park, Wigginton Road had now been withdrawn by the applicant.

Officers confirmed that a public inquiry was due to take place on 6 March 2007 in relation to enforcement appeals relating to unlawful uses on the site.

65c. Allders Group, Stirling Road, York (06/00941/FUL)

Members considered a full application, submitted by Shopping Centres Ltd, for the variation of Condition 5 of planning permission 3/104/141AD/PA to enable a wider range of goods to be sold.

Officers updated that there was a need to amend Condition 3, if the application was approved, to ensure that the impact of comparison goods

sold from the unit competing with goods sold from York City Centre retail outlets was minimised.

Members questioned the size of the retailers existing store at Clifton Moor, details of the Greater York Shopping Policy and some Members expressed concern that there was still a need to retain the vitality and viability of the city centre.

RESOLVED: That permission be granted subject to the conditions listed in the report and the amendment of condition 3 as follows:

The retail use of the property shall be limited to the sale, display and testing of sports goods only and not less than 50% of the Class A1 net floor space shall be used for the sale of bulky goods ancillary to Class D2 Health and Fitness Centre.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York's existing centres. As such the proposal complies with Policies S2, SP7a, SP6 and S1 of the City of York Local Plan Deposit Draft.

65d. Allders Group, Stirling Road, York (06/00948/FUL)

Members considered a Full Application, submitted by Shopping Centres Ltd, for the change of use to health and fitness centre (Use D2) and retail unit (Use A1) to part of unit 3, rear extension to form plant room and external alterations to front and rear and addition of mezzanine first floor.

Officers updated that there was also a need to amend Condition 5 in this application, if the application was approved, to ensure that the impact of comparison goods sold from the unit competing with goods sold from York City Centre retail outlets was minimised.

The Chair referred to the siting of the plant room and questioned whether it would be possible to incorporate a pitched roof, in keeping with adjacent development. Officers stated that the applicants agent had confirmed that a pitched roof would be impractical owing to the installation of air conditioning units.

Members questioned the mention of catchment area for leisure/fitness facilities in the report. Officers confirmed that the catchment area used by the applicants for leisure/fitness facilities were those within 10 minutes drive time of the site but that planning had no sequential test for leisure facilities.

Councillor Smallwood asked recording that he voted against this application as he considered the development would affect the vitality and viability of the city centre.

RESOLVED: That permission be granted subject to the conditions listed in the report and the amendment of Condition 5 as follows:

The retail use of the property shall be limited to the sale, display and testing of sports goods only and not less than 50% of the Class A1 net floor space shall be used for the sale of bulky goods ancillary to Class D2 Health and Fitness Centre.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of York's existing centres and the character and appearance of the locality. As such the proposal complies with Policies GP1, S2, SP7a, SP6, S1, L1a, T13a and T4 of the City of York Local Plan Deposit Draft.

65e. York District Hospital, Wigginton Road, York (06/02605/FULM)

It was reported that it had now been confirmed that this application, submitted by Peter Strickland, for the erection of a two storey (3 Level) car park and alterations to the existing car park and entrance roads (re-submission) was above the 3000 sq m which could be determined by an area Committee, under the City of York Council delegation scheme. The footprint of the building measured over 3000 sq. m and the gross floor area was over 9000 sq m for the 3 levels.

Officers confirmed that the application would now be deferred to a special meeting of the main Planning Committee.

65f. 68 Fishergate, York (06/02796/FUL)

Members considered a full application, submitted by Rank Gaming Group, for the erection of a smoking/bus shelter to the front of 68 Fishergate, York.

In answer to questions, Officers confirmed that, in advance of English guidance or legislation on the natural ventilation requirements for smoking shelters, the advice received from Scotland stated that there was a need to provide at least 50% of the structure open to the elements.

Some Members expressed concern that users of the shelter would also be subject to passive smoking and questioned the disposal of litter from the site. They felt that a one year temporary approval pending receipt of the Governments guidance on shelters in England would be more appropriate

together with a condition requiring the incorporation of an extraction system.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the provision of car parking, the appearance of the streetscene, public safety and neighbours' living conditions. As such the proposal complies with Policy GP1 and appendix E of the City of York Local Plan Deposit Draft.

CLLR MOORE, Chair

The meeting started at 2.30 pm and finished at 4.30 pm.

COMMITTEE REPORT

Committee: East Area
Date: 15 March 2007

Ward: Clifton
Parish: Clifton Planning Panel

Reference: 06/02828/FULM
Application at: Executive Communication Services Ltd 8 St Peters Grove York YO30 6AQ
For: Conversion of existing building and erection of 4 storey block to provide a total of 12 x 2 bed apartments with associated on-site parking and secure cycle storage (resubmission)
By: Hearthstead Homes Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 22 March 2007

1.0 PROPOSAL

- 1.1 This is a full planning application for the change of use, conversion and extension of 8 St. Peters Grove to form 8 No. 2 bed flats and erection of a new building of 4 No. 2 bed flats within the grounds of 8 St. Peters Grove.
- 1.2 The site extends to 0.15 Hectares (giving a density of 80 dph). The existing building is currently in use as a conference facility. It is proposed that the existing building is extended at the rear with a two storey flat roofed new element filling the space between the existing rear wings and extending to the rear. Dormer window additions to allow provision of accommodation within the roof space are proposed at the front and at the rear.
- 1.3 The proposed new build block of 4 flats arranged over four floors would be sited adjacent the southern boundary with a vehicular access to parking at the rear separating the new and the existing buildings.
- 1.4 Twelve parking spaces, divided between the forecourt and the rear of the site, are proposed and two cycle stores accommodating 12 cycles are also shown on plan.
- 1.5 The site lies within Clifton Conservation Area. The existing building (8 and 9 St. Peters Grove) is not listed.
- 1.6 This is a revised scheme to that submitted as application ref. 06/01588/FUL which was withdrawn. Consent for the demolition of the modern outbuildings was granted on 14 July 2006 (ref. 06/1649/CAC).

2.0 POLICY CONTEXT

- 2.1 Development Plan Allocation:

Conservation Area Clifton 0013

2.2 Policies:

- SP10 - Strategic Windfalls
- SP8 - Reducing dependence on the car
- H3 - Sequential test for new housing
- H4 - Housing devp in existing settlements
- H5 - Residential densities over 25 per ha
- T4 - Cycle parking standards
- T13 - Car park standards in York CC/District C
- GP1 - Design
- GP3 - Planning against crime
- GP4 - Environmental sustainability
- GP9 - Landscaping
- GP11 - Accessibility
- NE1 - Trees, woodlands, hedgerows
- HE2 - Development in historic locations
- HE3 - Conservation Areas
- HE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
- HE11 - Trees and landscape
- L1 – Open space

3.0 CONSULTATIONS

INTERNAL

- 3.1 UDC - CONSERVATION OFFICER: The principle of converting the existing building was considered acceptable in the previous scheme. Revisions appear to be limited to the removal of corner glazing which was considered to affect the privacy of the neighbouring development. The extension is not within the architectural genre of the area, but it appears to be of good quality within itself and its location and relative size in relation to the parent building would limit its impact on the character and appearance of the area. Removal of the existing outbuilding would be beneficial to the setting of this large building.
- 3.2 The new building was considered acceptable in principle. It appeared over-assertive in its environment though. It has now been moved back 1m, approx in line with existing buildings, thereby retaining the open frontage. The eaves height is much reduced and the pitch has increased. This has the effect of reducing the bulk whilst preserving the symbolic "sheltering" roof - a type characteristic of buildings in the street (Arts & Crafts).
- 3.3 Although the original buildings towards the bottom of St Peter's Grove are generally lower than the closer spaced houses towards the main road, some of them use architectural devices to increase their stature and interest - such as the house opposite which has a strident tudored gable breaking the front elevation. The new building would appear to sit comfortably within its context thereby preserving the character and appearance of the conservation area.

- 3.4 Please include in these conditions: [attached as conditions 3-6]
- 3.5 UDC - COUNTRYSIDE OFFICER: Much of the loft area on the side wing has already been converted, however the front and rear pitch appear to be unaltered and could therefore provide suitable bat roosting habitat. However no obvious access points are visible. There is also potential for roosting elsewhere on the building. I do not consider though that there is sufficient reason to warrant a survey. I would though suggest that a condition securing mitigation to replace potential habitat is attached. [attached as condition 9]
- 3.6 UDC - ARCHAEOLOGIST: This site lies immediately outside the AAI. It lies in an area which has produced evidence for Roman burials. Evidence for a series of Roman cemeteries has come to light from the 17th century onwards. These finds indicate extensive exploitation of the areas on both sides of Bootham and Clifton in the Roman period. In the post-Roman period, this settlement and burial activity ceases and the land is given over to low-impact agricultural activity. This means that the Roman deposits tend to be well preserved beneath a variable depth of medieval and later plough and garden soils. It is possible that this development may reveal Romano-British features and deposits including burials. Therefore an archaeological watching brief on all groundworks will be necessary. Please place standard condition ARCH2 on any consent which is granted. [attached as condition 18]
- 3.7 UDC - LANDSCAPE: No objections. Conditions suggested. [attached as conditions 6,7 and 8]
- 3.8 ENVIRONMENTAL PROTECTION UNIT: Have considered the application with regard to EPU interests namely air quality, contaminated land and noise and other amenity issues. There are no concerns regarding air quality as the site is a considerable distance from the main A19. With regard to contaminated land, in order to protect the proposed future occupants of this site, I would request that should permission be granted, suggested conditions 1- 6 below are placed on the permission [attached as conditions 10-15]. Finally I considered noise and other amenity issues. The area is residential, so the future occupants are not likely to be adversely affected by any existing activities nearby. However, those nearby residents could be disturbed during the conversion and construction of the development or if air conditioning units are to be installed. I would therefore request that should permission be granted my suggested condition 7 and 8 below be placed on that permission, along with the informative to the developer [attached as conditions 16, 17 and informative 2] .
- 3.9 CITY DEVELOPMENT: No policy objection is raised regards the change of use. The Planning Officer should be satisfied that policy requirements relating to mix of dwellings, design and scale, historic context and trees and landscaping are met.
- 3.10 HIGHWAYS NETWORK MANAGEMENT: The site is currently eligible to apply for a limited number of permits to the R34 residents parking scheme. The proposed development has the potential to greatly increase the number of

permits that could be applied for. In order to protect the existing residents the proposed development should be omitted from the residents parking scheme and the necessary funding secured from the applicant to do this. No objections subject to exclusion from the RESPARK scheme and imposition of conditions. [suggested conditions attached as conditions 22 –23]

3.11 LIFELONG LEARNING AND LEISURE: A contribution to the funding of two additional secondary school places at Cannon Lee School should be secured in accordance with Supplementary Planning Guidance on developer contributions to education [secured by condition 20].

3.12 EXTERNAL

3.13 POLICE COMMUNITY SAFETY OFFICER: It is welcomed that the applicants have improved perimeter security and I would hope that lighting and CCTV for the site would support that. I still have concerns regards the orientation of cycle sheds and that they remain slightly hidden. Lack of storage for children's toys and pushchairs may result in these lying around susceptible to crime.

3.14 CLIFTON PLANNING PANEL: We have no objections.

3.15 PUBLICITY: The application has been advertised by neighbour letter, site notice and press notice. Six letters of objection have been received raising the following issues;

- taller than adjacent buildings
- out of keeping
- loss of trees
- overlooking
- boundary wall (to Burton Stone Lane properties) should be raised to 3 metres
- increase in traffic
- vehicles parking at rear will cause noise and disturbance
- the new build will be taller than the existing building
- loss of privacy
- trees mislabelled
- all windows to the northwest should be obscure glazed
- loss of light to garden
- bin store should not be against our garden

4.0 APPRAISAL

4.1 There is no objection on principle to the change of use of this conference centre to flats. There is no objection to the removal of the modern building at the rear or the outbuilding and external staircases.

Conversion of 8 and 9 St. Peters Grove.

4.2 The proposed dormer windows to the front are arranged symmetrically and sit within the roof slope. The roof extensions at the rear are contained within the shape of the existing roof and have no impact on the street scene. The

proposed extension at the rear has no impact on the street scene. The works of alteration to the existing building can be conditioned to protect external appearance and retain existing windows.

New build.

- 4.3 Whilst infill development for housing on the site is supported in principle any such proposal will need to preserve or enhance the character and appearance of the Clifton Conservation Area and be of an appropriate scale and density in accordance with the aims of policies HE3 and H4 and GP1 of the Draft City of York Local Plan and PPS 1 and PPG's 3 and 15. Development will also need to ensure that nearby residents are not unduly affected by noise, disturbance, overlooking or dominated by overbearing structures in accordance with the aims of policy GP1 of the Draft City of York Local Plan and PPS 1.
- 4.4 The siting of the proposed new build has been amended from the previous scheme by setting the building back a further metre from the highway. The design has also been amended to better reflect the design detailing of existing buildings in the conservation area and reduce the ease level. The comments of the Conservation Officer (see paragraphs 3.1 - 3.4) are noted. The amended design is considered acceptable pursuant to draft local Plan policies GP1, HE2 and HE3 and the aims of PPS1 and PPG15.

Highways and transport.

- 4.5 It is proposed to use the existing two vehicle crossing points for access onto the site. Parking for one car per unit and covered secure cycle parking for one cycle per unit is proposed on site. As such the proposals accord with CYC maximum parking standards which indicate that a maximum of 15 car parking spaces is appropriate. Given the level of on site parking proposed, the limited capacity of the surrounding road network and the potential additional demand for further parking that the site could generate - and in the interests of encouraging use of means of transport other than the private car in this highly sustainable location - it is considered reasonable that the applicant fund the exclusion of the site from eligibility for parking permits within the R34 zone.
- 4.6 The design and layout of cycle and bin stores and boundary treatments could be amended to further reduce the impact on neighbours and improve security, and a condition to reserve and secure such details should be attached to any consent.

Effect on long term health of trees.

- 4.7 Those trees within the site that are proposed to be removed make limited contribution to the appearance of the conservation area and there is no objection to their removal. The mature trees on the site frontage make an important contribution to the character and appearance of the conservation area. The protection of the long term health of these trees in accordance with the aims of policies HE3 and HE11 of the Draft City of York Local Plan and the protection of these trees can be secured by condition.

Privacy

- 4.9 The introduction of new windows at the rear of the site facing properties on Burton Stone Lane, both in the new build and the extension to number 8 and 9 St. Peters Grove is considered acceptable as opposing windows would be separated by a distance of 30 metres.
- 4.10 The proposed new build also includes small windows in the south west elevation which are in close proximity to the boundary but will be obscure glazed and as such are considered to adequately protect privacy at 7 St. Peters Grove.
- 4.11 The proposals are not considered to impinge unacceptably on the levels of privacy of neighbouring dwellings and hence are considered to accord with the aims of policy GP1 of the Draft City of York Local Plan and PPS 1 in relation to overlooking and privacy.

Noise nuisance

- 4.12 The proposals include an area at the rear for the parking of five vehicles. This represents a significant increase over existing levels of activity in this area of the site and is considered likely to have a detrimental impact on the living conditions enjoyed by neighbouring occupiers. However, these movements would be associated with a residential use, and can be ameliorated by appropriate boundary treatments. On balance it is considered that the proposed car parking arrangements are not unacceptably detrimental to the living conditions of occupiers of adjoining residential units.

Amenity Space.

- 4.13 The proposals include two small areas of open space at the rear of the buildings with two small formal areas between the buildings and the street. These spaces are of visual amenity value and general amenity space for use of residents on site. The provision of children's play and adult recreation space would be acceptable by contribution in lieu of on site provision in accordance with policy L1 of the draft City of York Local Plan.

Sustainability

- 4.14 The site lies within easy travel by modes other than the private car and is close to local services. As such the site is considered to be in a sustainable location. The sustainability statement details measures to improve energy efficiency in the converted building, however achieving a similar BREEAM rating for the conversion is considered to conflict with the aim of protecting the character of the existing building. The applicant has agreed to achieve a BREEAM rating of 'very good' or 'excellent' for the new build element and this can be secured by suggested condition 21.

5.0 CONCLUSION

- 5.1 It is considered that the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Clifton conservation area, the living conditions of occupiers of neighbouring dwelling and highway safety. As such the proposal complies with Policies SP8, SP10, GP1, H4, H3, NE1, T4, T13, HE2, L1, HE3 and HE5 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS3, PPG13, PPG15. The application is therefore recommended to be approved.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing number 02 revision C received 21 December 2006
Drawing number 06 revision D received 21 December 2006
Drawing number 04 revision D received 21 December 2006

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

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

3 VISQ8

4 VISQ7

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

details of construction and installation of windows in new dev't
details of verges and eaves
balcony parapet and rail detail

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

6 LAND1

7 LAND2

8 LAND3

- 9 No development shall commence on site until details of measures to accommodate bats within the building (including such measures as special tiles, soffit boards and bat boxes) have been submitted to and approved in writing by the Local Planning Authority have. The approved details shall thereafter be implemented on site before the dwellings hereby approved are first occupied.

Reason: In the interests of the protection of a protected species.

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

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

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

- 12 A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the local residents.

- 17 Details of all 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 sound levels (L_{AMax}) 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 the local residents.

- 18 ARCH2

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

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

- 20 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the Local Planning Authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance 'Developer Contributions to Education Facilities' dated January 2005.

- 21 No development shall take place until the applicant has provided to the Local Planning Authority for approval a BREEAM report that achieves 'Very Good' or 'Excellent' rating with certification for the new build element shown on drawing ref. 06 revision D. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met, prior to the first occupation of the development.
- 22 Prior to the development commencing details of the cycle parking areas and bins stores, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and bin stores and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles and storage of bins.

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

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

Reason: In the interests of highway safety.

7.0 INFORMATIVES:

INF1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the Clifton conservation area, the living conditions of occupiers of neighbouring dwelling and highway safety. As such the proposal complies with Policies SP8, SP10, GP1, H4, H3, NE1, T4, T13, L1, HE2, HE3 and HE5 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS3, PPG13, PPG15.

INF2. Demolition and Construction - Informative

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

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
3. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
5. Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
6. There shall be no bonfires on the site.

INF3. The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £9768.00

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

INF4. The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £31,062.00 . The basis for this calculation is contained within the Council's Supplementary Planning Guidance 'Developer Contributions to Education Facilities' dated January 2005.

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

Contact details:

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ROMAN BURIAL GROUND



CITY OF
YORK
COUNCIL

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

Site Plan : 06/02828

SCALE 1:1000

DRAWN BY JB

DATE 2/3/2007

Originating Group

Project

Drawing No.

Organisation



COMMITTEE REPORT

Committee: East Area
Date: 15 March 2007

Ward: Clifton
Parish: Clifton Planning Panel

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

1.0 PROPOSAL

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

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area - Clifton

2.2 Policies:

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

3.0 CONSULTATIONS

INTERNAL

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

AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXTERNAL

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

- 3.44 ENGLISH HERITAGE: We do not wish to comment. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 3.45 YORK CIVIC TRUST: The retail unit will attract large vehicles and these will park on the adopted site road to the detriment of local residents. We would not object to a smaller shop. Adopting the highway would prevent control of HGV parking. The Clifton elevation is improved from previous schemes.
- 3.46 CLIFTON PLANNING PANEL: We object. The retail unit is an excessive size and will create traffic that will be oppressive and dangerous.
- 3.47 PUBLICITY: neighbour letter, press notice and site notice have advertised the application. 8 letters of support (including two petitions totalling 32 signatures) and 218 letters of objection have been received.

The following points were raised in support of the application:

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

The following points were made in objection:

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

- design not of adequate quality for the area
- will increase on street parking in the area - especially outside restricted hours
- will destroy village atmosphere
- existing shops adequate

4.0 APPRAISAL

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

4.2 Key Issues

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

ISSUE A: Housing policy

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

ISSUE B: Retail/employment policy.

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

ISSUE C: Effect on character and appearance of area

4.5 The comments of the Conservation Architect (section 3.14) and Conservation Areas Advisory Panel (3.43) are noted. The scheme has been amended from previous submissions to build up the blocks from more traditionally proportioned and styled elements. The proposals are considered to be

sympathetic to the character and appearance of this part of the Conservation Area and to provide an improvement to the existing buildings. As such the proposals are considered to comply with policies HE2 and HE3 of the Draft Local Plan and the aims of PPG15. Details of the design of important building elements, such as windows and doors, and external materials are recommended to be secured to be approved by conditions 3-5.

ISSUE D: Effect on amenity of dwellings

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

ISSUE E: Traffic and parking.

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

store entrance. Details of cycle parking including stands and means of enclosure can be conditioned to be approved and implemented.

ISSUE F: Open space and education provision.

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

ISSUE G: Sustainability.

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

5.0 CONCLUSION

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

6.0 RECOMMENDATION: Approve

1 TIME2

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

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

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

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

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

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

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

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

3 VISQ8

4 VISQ7

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

Shop-front

Front Entrance (door and surround) of flats from Clifton

Guard Rails

Door canopy

Eaves and Verge details including "tumbling"

Dormer details

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

Rain water goods (to be cast iron or aluminium)

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

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

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

7 ARCH1

8 ARCH2

9 ARCH3

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

The measures shall include:

i) If commencement of any works (including demolition) is to be carried out between 1st April and 30th September a further survey of the buildings shall be carried out no more than 1 month prior to the commencement of any work and the results submitted to the Local Planning Authority 2 weeks before commencement.

ii) a plan of how demolition works will be carried out to accommodate bats

iii) details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for inclusion for bats include special tiles, bricks, soffit boards, bat boxes, bat lofts and should provide for a net gain in wildlife value on the site.

iv) a programme of works

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

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

- 11 A desk study should be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on site, including the potential for the migration of landfill gas. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

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

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

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

- 13 A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for UK adopted policy on risk assessment.

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

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

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

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

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

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

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

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

Reason: To protect human health and the wider environment

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

Reason: To protect the amenity of future occupants

- 19 The retail unit hereby approved shall only be open for retail sales to the public between the hours of be confined to 0730 hours to 2230 hours.

Reason: To protect the amenity of future occupants

- 20 All deliveries to and despatch from the retail unit shall be confined to the following hours:

Monday to Friday 0800 hours to 1800 hours
Saturday, Sunday and Bank Holiday 0900 hours to 1300 hours

Reason: To protect the amenity of future occupants

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

Reason: To protect the amenity of future occupants

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

Reason: To protect the amenity of future occupants

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

Reason: To protect the amenity of future occupants

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the living conditions of nearby dwellings

- 25 HWAY1
26 HWAY7
27 HWAY13

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

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

29 HWAY19

30 HWAY21

31 HWAY31

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

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

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

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

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

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

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

- 36 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places

within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance - Developer Contributions to Education Facilities dated January 2005.

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

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

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

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

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

Reason: In the interests of satisfactory and sustainable drainage.

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

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

- 41 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul water drainage works.

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

7.0 INFORMATIVES:

INF1. REASON FOR APPROVAL

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

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

INF2. Demolition and Construction - Informative

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

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
3. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
5. There shall be no bonfires on the site.

INF3. The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £10,363.00.

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

INF4. The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country

Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £31,062.00. The basis for this calculation is contained within the Council's Supplementary Planning Guidance on Developer Contributions to Education Facilities dated January 2005.

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

INF5. Informative:

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

INF6. INFORMATIVE:

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

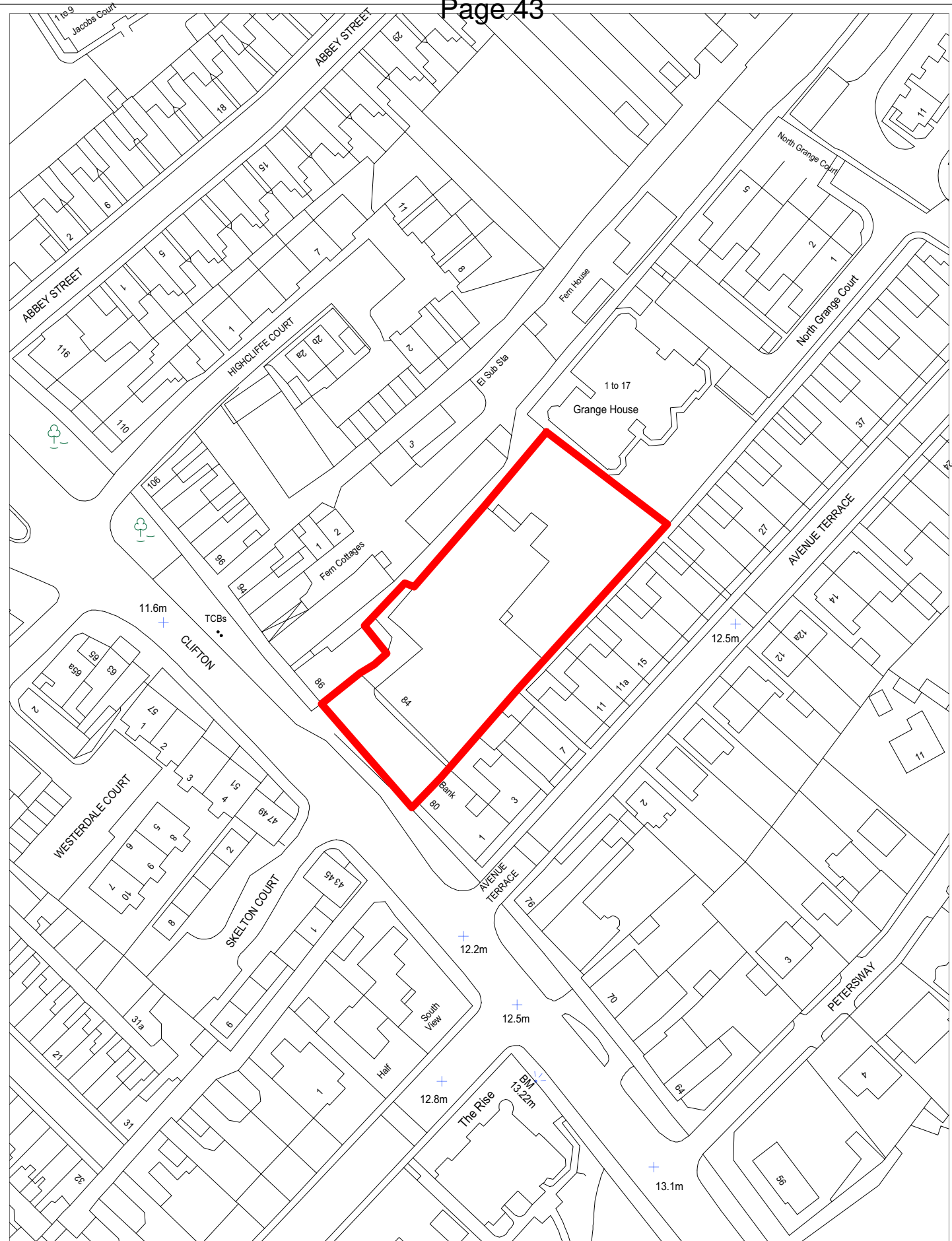
Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

INF7. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Author: Howard Smith Assistant Area Team Leader
Tel No: 01904 551352



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

Site Plan : 06/2809/FULM

SCALE 1:1000

DRAWN BY JB

DATE 2/3/2007

Originating Group

Project

Drawing No.

Organisation



COMMITTEE REPORT

Committee:	East Area	Ward:	Fishergate
Date:	15 March 2007	Parish:	Fishergate Planning Panel

Reference: 07/00199/FUL
Application at: The Gimcrack 294 Fulford Road York YO10 4PD
For: Amendment to previously approved scheme 04/00559/FUL for conversion of coach house to dwelling
By: Wrigley Developments Ltd
Application Type: Full Application
Target Date: 27 March 2007

1.0 PROPOSAL

1.1 This application is an amendment to the previously approved scheme for the conversion of this old Coach House building which stands next to the main Gimcrack building. This has recently been refurbished and converted into flats and a new development of houses has been erected to the rear of the site.

1.2 The conversion of the Coach House was permitted as a freestanding planning permission (ref no. 04/00559/FUL) to that for the conversion of the main building and the erection of the houses. The conversion has largely been completed and the building has been purchased. However the scheme that has been implemented on the site is different from that shown in the approved plans and that is the reason for this application. It is therefore partly retrospective.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford Road 0039

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4
Housing devp in existing settlements

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYT13

Car park standards in York CC/District C

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.
No highway implications.

3.3 Urban Design and Conservation.

The Gimcrack Hotel is an unlisted building within the Fulford Road conservation area. The hotel with its ancillary stable block and coach house face the main road. They are mentioned in the conservation area statement as being important buildings associated with the local Barracks and former Cavalry Regiment.

The hotel has recently been converted into flats and the stable block itself forms an independent dwelling. The new windows of the stable block (in the approved scheme) were designed to allow for the different needs of outlook and light whilst avoiding being too domestic in character. Approved drawings of the front elevation showed the existing window openings being reused.

Unfortunately a different scheme has been implemented with lowered cills. The windows to the side and rear of the property have much larger pane sizes than the approved ones and the front windows are of a conventional vertical sash type. The new window types are inconsistent within themselves and significantly reduce the inherent non domestic character of the building.

The main living area is at the front of the building and the floor level is low in relation to the previous approved cill level. The cills have consequently been lowered in the implemented scheme to allow for outlook and a requirement for increased light. This alteration could be justified if the window design more closely reflected the original concept. Proposals show that the additional glazing bars would restore some of the agricultural character of this ancillary building. They also would restore a relationship between all the windows.

Given the amendment of lowering the front cill level (desired to improve the quality of the interior and its relationship with outside) the proposals appear to restore sufficient character and consistency to the building to be acceptable.

Please condition:

- 1) large scale details of windows
- 2) all windows to be in timber

3.4 EXTERNAL

3.5 Fulford Parish Council.
Comments awaited.

3.6 Third Parties.

1 letter of objection was received from the occupier of 292 Fulford Road. Comments as follows.

Concerned about overlooking into this property from the windows on the north elevation. At the previous committee meeting it was raised as to whether a fence was proposed on this boundary but nothing was shown and nothing is shown on these plans either. It was said at the previous meeting that a boundary fence was proposed.

4.0 APPRAISAL

4.1 KEY ISSUE

- design and impact on the Conservation Area.

4.2 The issue here is the impact the alterations have on both the building and the conservation area. Whilst it is regrettable that the building was not converted in accordance with the approved scheme and the Council were not made aware of these changes this in itself is not a reason for refusing planning permission. This issue has to be whether the alterations are harmful in their own right. If the changes are considered to be acceptable then planning permission should be granted.

4.3 The original window openings were shown to be re-used in the approved scheme and the main alteration in the work that has taken place has been to make these significantly larger in order to allow more light into the main living rooms. The changes and their impact are described in detail in para. 3.3 above but essentially the impact these changes have had are to unbalance the building and make it more domestic in appearance. This harms the character of the building and consequently its setting and historical context within the Conservation area.

4.4 To compound this harm the glazing details further impact on the appearance of the building as they have been fitted with large panes and vertical sash types. The windows at the front differ in style from those to the side and rear. Officers advised the applicant that these windows as fitted were unacceptable.

4.5 The plans that have subsequently been submitted with this application show the new window sizes retained but additional glazing bars within them. This will increase the number of panes from 4 in all windows as fitted to 6 or 8 (depending on the size of the window) in a casement style. All the windows are shown to be the same style and this helps restore some character and consistency to the appearance of the building. The proposed changes improve the appearance of the building when compared to the work unlawfully carried out and this results in a style of building more consistent with its previous appearance albeit still with larger window openings. Despite this, the issue has to be whether this increase in size is so harmful to the

building and the Conservation area as to justify refusal for the scheme. Officers are of the view that it isn't. The windows on the front of the building facing Fulford Road are the smallest and in terms of scale the most appropriate to the elevation they sit within. As this is the most visible elevation from public views then this is considered to be acceptable. The need for extra light within the building is acknowledged and the windows in the approved scheme were probably somewhat inadequate in this regard. Officers consider that amended plans for the windows as submitted are therefore an acceptable compromise.

4.6 The other alteration shows an additional window in the northern elevation facing no. 292 Fulford Road. This will be a secondary kitchen window. The internal layout of the building is different from that in the approved plans although in planning terms this is not an issue. However this results in the kitchen being on the opposite side of the building than in the approved plans and this has stimulated the need for the extra window. The window looks towards the house and garden of 292 Fulford Road and will afford views into this side and rear area of this site. However there is a further window in this elevation that was approved as part of the permitted scheme although this is now shown to be a sitting room on this latest set of plans as opposed to a bedroom on the approved plans. The building is only single storey and therefore ground floor windows will not afford significant views into the adjacent site and the distance between this building and no.292 is approx. 16 metres with an east-west orientation. 16 metres is significantly above normal side to side relationships. However the concerns of the objector are noted about the shared boundary and given that the 2 rooms on that side of the building are now principal rooms (Kitchen and sitting room) and given that the boundary hedge is somewhat fragmented and bare at this point, some additional boundary treatment can be justified. There was a condition pertaining to the need to agree boundary treatment on the approved scheme and given the changes to the plans and the poor condition of the hedge officers consider that it can be justified this time as well. Condition 6 is recommended here.

4.7 The only other change to the appearance of the building is the removal of the chimneys shown in the approved scheme. Officers have no objection to this as they were not original features of the building and generally chimneys would not be on what was a former stable / coach house building.

5.0 CONCLUSION

5.1 The building has not been converted in accordance with the approved scheme and the window alterations that have been carried out on site are considered to be unacceptable. However the alterations to the windows details as shown on the submitted plans are an improvement and return some balance and character to the building in line with its former use.

5.2 The amendment is therefore considered to be acceptable, subject to conditions.

6.0 RECOMMENDATION: Approve

- 1 The revised window details as shown on the approved plans (drawing no. ref 04:53:122) shall be completed not later than the expiration of six months from the date of this permission.

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 only in accordance with the following plans:-

drawing no's
- 04:53:122 rev G
- 04:53:20 rev A
- 04:53:126

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

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 all external materials, including brickwork, roof slates, joinery and rainwater goods, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All windows and doors should be of timber construction and the existing rainwater pipes should be reused or replaced with cast-iron pipes where necessary. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance given the historic importance of the building and its location in the Fulford Road Conservation Area.

- 4 Before the development commences, large scale detailed drawings of the following items shall be submitted to and approved in writing by the Local Planning Authority the works shall be carried out in accordance with the approved details.

- Drawings at a scale of 1:5 showing cills, soldier courses, jambs and other joinery sections for windows and doors;
- Drawings at a scale of 1:10 showing eaves, verges and cross-sections through window/door reveals;

Reason: So that the Local Planning Authority may be satisfied with these details given the importance of this building in the Fulford Road Conservation Area.

- 5 The building shall not be occupied until car and cycle parking provision has been provided on site, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority beforehand. The cycle parking provision shall consist of a covered and secure enclosure. These areas shall thereafter be retained solely for such purposes.

Reason: In the interests of highway safety and to promote use of cycles thereby reducing congestion on the adjacent roads.

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

Reason: In the interests of the visual amenities of the area and the residential amenity of future occupants of the dwelling.

- 7 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, C, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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

7.0 INFORMATIVES:

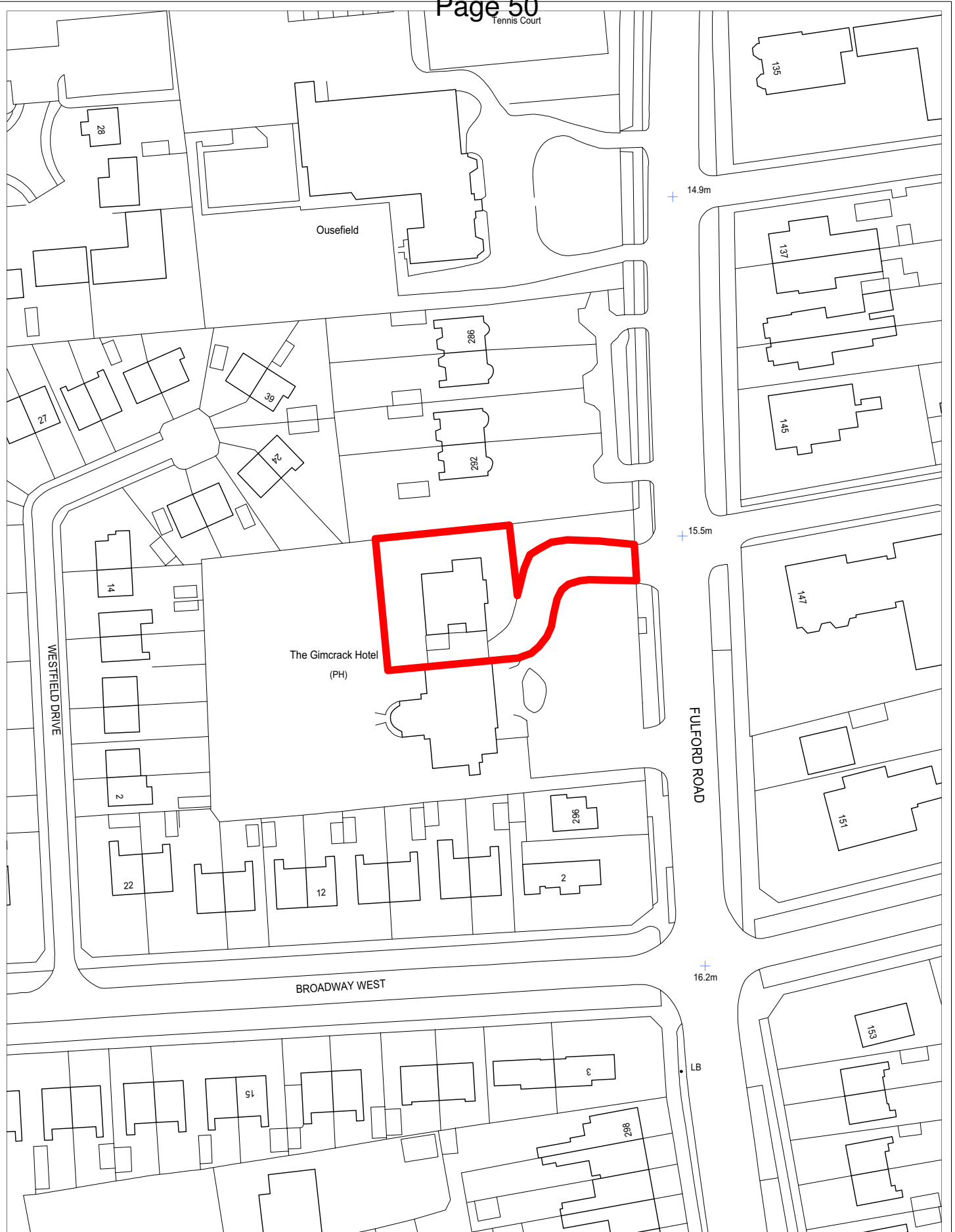
Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, the Fulford Road conservation area, protected trees, residential amenity and highway safety. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP10, H4, HE2, HE3 and T13 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Matthew Parkinson Development Control Officer

Tel No: 01904 552405



CITY OF
YORK
COUNCIL

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

Site Plan : 07/00199/FUL

SCALE 1:1000
Originating Group
Organisation

DRAWN BY JB
Project

DATE 2/3/2007
Drawing No.



COMMITTEE REPORT

Committee: East Area
Date: 15 March 2007
Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 06/02793/FUL
Application at: 37 Crossways York YO10 5JH
For: Change of use from residential dwelling to house in multiple occupation
By: Mr And Mrs Murray
Application Type: Full Application
Target Date: 22 March 2007

1.0 PROPOSAL

1.1 This application seeks planning consent to change the use of an existing residential dwelling-house to a house in multiple occupation (HMO).

1.2 The existing dwelling is a semi-detached property with a total of 5 bedrooms. It is proposed to create two additional bedrooms on the ground floor of this corner-property, hence a total of 7 bedrooms are proposed to be used for multiple occupation. The external appearance of the building will not be changed by virtue of the development.

1.3 The application site is well screened by an approximately 2.0m high hedge to the front and to the side of the property; vehicle parking area is sited to the rear of the site. According to the plans submitted the proposed parking area would be capable of accommodating 3-4 vehicles.

1.4 This application is to be determined by members at the Committee as the applicant is an employee of York Council.

1.5 RELEVANT PLANNING HISTORY

1.6 01/00164/FUL: Erection of two storey pitched roof side extension with conservatory to rear. Permission granted on 13.3.2001.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH8

Conversion to flats/HMO/student accom

CYGP1
Design

3.0 CONSULTATIONS

EXTERNAL:

3.1 Neighbours notified and site notice posted, expires 15 February 2007 - 24 letters of objections received to this date. The following concerns have been raised:

- the proposal would create a further loss of family housing,
- the proposal would have a negative impact on the street,
- the living conditions of the residents in adjacent properties, particularly the residents at 35 Crossways will be affect,
- the proposal is contrary to policy H7 of the York Local Plan,
- the majority of the corner properties within the locality are now either HMO or student housing,
- the existing driveway would create highway safety issue,
- the proposed parking, cycle racks and location of bins would harm the amenity of the locality.
- the proposed number of parking spaces are inadequate,
- the University should provide the required student accommodation,
- the Council should control the number of student houses and restrict the number of students per house,
- the proposal would affect property value within the locality,
- the proposal would cause stress to the tenants at 35 Crossways and would affect their amenity,

3.2 Parish Council consulted. The Council objected due to the following reasons:

- the proposed parking provision is inadequate,
- the existing driveway will cause traffic hazard,
- the proposal would affect the aspect of biodiversity

INTERNAL:

3.3 City Development Team consulted. The following comments have been made:

- the application does not include any external extensions, so policy H7 would not be applied in this case,
- students in York form an important element of the private rented market, however the conversion of domestic residential properties to student lets has become a contentious issue in recent years. The Development Control Officer should be satisfied that no adverse impact would be created through the designation of House in Multiple Occupation (HMO).
- The Development Control Officer should also ensure that all of bullet points 1-5 in policy H8 have been met, if approval is recommended on this application.

3.4 Highways consulted. No objections; condition recommended.

4.0 APPRAISAL

4.1 The main planning issues raised by this application are whether the proposed change of use would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area.

4.2 Policy H8 of the City of York Draft Local Plan 2005 sets out a list of criteria the Local Planning Authority must consider when assessing an application for conversion of a dwelling to multiple occupation, the first criterion is the dwelling (to be converted) should be of sufficient size and the internal layout should be suitable for the proposed number of households or occupants. Furthermore, it should protect residential amenity for future occupiers.

4.3 In the case of this development, a total of 7 bedrooms have been proposed. This occupies over 50% of the total floor area. Assuming each bedroom will occupy a minimum of one resident, the total number of residents proposed within the application site would be seven (minimum). However, for a building proposed to occupy a minimum of 7 residents, only one lounge, one bathroom, one kitchen, and two lavatories are proposed.

4.4 Due to the number of residents proposed in relation to the size of this semi-detached property, it is not considered that the property is of sufficient size and that the internal layout will be suitable for the proposed number of residents. In addition, by virtue of a lack of essential facilities to be provided for a minimum of 7 residents, it is likely that the proposed change of use would harm the living condition of the future occupiers.

4.5 The site layout plan submitted further shows a large section of amenity space will be omitted in order to accommodate a large area of parking area within the site. This, together with the concern raised above reveals the number of residents proposed and the activities within would be an over-intensification of the application site. Hence the proposed scheme would have an adverse impact on residential amenity of the neighbouring properties.

4.6 With regard to the concern over further loss of family housing, the current Use Class Order (1987) does not distinguish between a dwelling occupied by a conventional household, and that of a dwelling occupied by up to six residents living together as a single household. Therefore, because it is possible that a dwelling-house can be converted to HMO without the need of planning permission, a further loss of family housing is unlikely to be a reason that could justify the reason for refusing planning permission. In addition, due to the National planning legislation as described above, it is unlikely that the Local Planning Authority can have control over the number of student houses.

4.7 The Local Highways Authority has been consulted and has raised no objections subject to conditions. By virtue of the above, and the consideration that no solid evidence can be found which suggest that the proposal would create a condition prejudicial to the safety of the public highway, planning permission is unlikely to be refused on this basis.

4.8 PPG13: Transport (published 2001) stresses that it is important to discourage users of the building from driving to the site by restricting the availability of parking in order to restrict vehicle movements. Furthermore, Appendix E of the City of York Draft Local Plan 2005 stated that each development proposal is assessed "using the maximum standard as a starting point". In relation to this development, it is proposed to provide a maximum of 4 parking spaces for what is proposed to be a house in multiple occupation accommodating a minimum of 7 residents. Having considered the above national and local planning policies and also the number of parking spaces proposed within the application site, it is unlikely that the concern raised regarding the number of parking spaces could influence the outcome of the planning decision.

4.9 Issues raised concerning property value and the duty of the University to provide student accommodations are not material planning considerations. It is therefore unlikely that the above concerns could warrant the refusal of planning permission.

4.10 Having taken the above into account, it is considered that the proposed development would fail to comply with the policies set out in the City of York Draft Local Plan. Hence, this application is recommended for refusal.

5.0 CONCLUSION

For the reasons above this application is recommended for refusal.

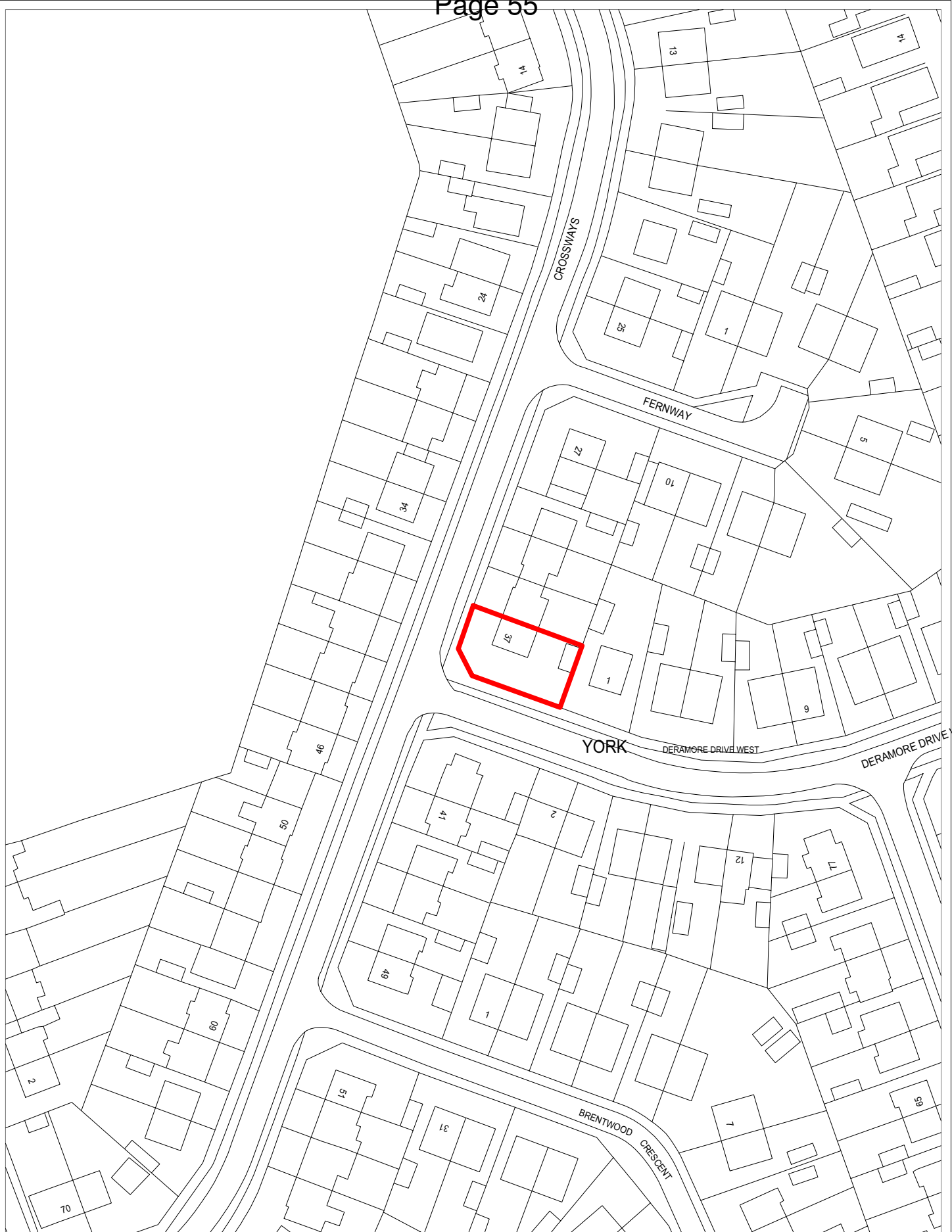
6.0 RECOMMENDATION: Refusal

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

7.0 INFORMATIVES:

Contact details:

Author: Billy Wong Development Control Officer
Tel No: 01904 552750



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

Site Plan : 06/2793/FUL

SCALE 1:1000

DRAWN BY JB

DATE 2/3/2007

Originating Group

Project

Drawing No.

Organisation



COMMITTEE REPORT

Committee:	East Area	Ward:	Strensall
Date:	15 March 2007	Parish:	Strensall And Towthorpe Parish Council

Reference: 07/00234/FUL
Application at: 453 Strensall Road York YO32 5TA
For: Two storey pitched roof rear extension and single storey extension to side
By: Mr And Mrs A Binner
Application Type: Full Application
Target Date: 30 March 2007

1.0 PROPOSAL

1.1 This application seeks planning consent to erect a two storey extension and a single storey extension to the rear and to the side of a detached property. The revised plans received 26 February 2007 show the ridge height of the proposed two storey extension has been reduced by 0.7m from what was originally proposed. In addition, the rear projection of the proposed two storey extension has been reduced to 3.0m (from the original 4.0m projection), and the side projection of the proposed single storey extension has been reduced to 4.5m (from the original 5.0m projection).

1.2 It is proposed to be constructed of brick with a tiled roof above. Similar materials have been used in the construction of the original dwelling.

1.3 The proposal would be well screened by an approximately 2.0m high boundary hedge and would be a distance away from the nearby properties. The application site is situated in the greenbelt of York.

1.4 This application is to be determined by members at the Committee as the applicant is an employee of York Council.

1.5 RELEVANT PLANNING HISTORY

1.6 There is no relevant planning history.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGB4

Extension to existing dwellings in GB

CYGB1
Development within the Green Belt

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 Neighbours notified, expired 28 February 2007 - no response received.

3.2 Parish Council consulted. No response received to date.

3.3 Highways consulted. No objections.

4.0 APPRAISAL

4.1 The main planning issues raised by this application are whether the proposed development would harm the openness of York Greenbelt and whether it would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area.

4.2 Policy GB4 of the City of York Draft Local Plan 2005 set out a list of criteria for housing extensions, one of which is that development should be small scale compared to the original dwelling. In addition, paragraph 3.6 of PPG2 "Green Belts" (1995) states "provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts".

4.3 In the case of this development, a revised scheme has been submitted which shows a number of changes made to the ridge height and the length of the extensions. This overall aim is to reduce the scale of the development in York Green Belt.

4.4 By virtue of the reductions proposed, the footprint of the development would be around 25% of the footprint of the original dwelling-house. This accords with the recommendation set out in the City of York Draft Local Plan 2005. In terms of the overall volume of the proposed development, due to the height of the two storey extension it is doubtful that the development can be regarded as 'small scale'. Nevertheless, having taken into account the characteristics of the application site and its distances from neighbouring properties, together with the consideration that the proposed development would not result in a disproportional addition over and above the size of the original building, it is not regarded that the revised proposal would create a condition which would undermine the openness of York Green Belt. Hence the revised scheme as proposed accords with the national and local Green Belt policies.

4.5 The revised proposal would be in keeping with the character, design and external appearance of the existing property and the surrounding area. The building material to be used would blend in with the existing property. Hence it would not affect the visual amenity of the locality.

4.6 The proposed development would leave an acceptable distance from the surrounding properties and would be well screened by plantings and hedges. Hence, there would be no overlooking affect upon the adjoining properties and adequate daylight would be maintained towards the principle rooms of the nearby properties.

4.7 Having taken the above into account, it is considered that the proposed development accords with the National planning policies, the policies set out in the City of York Draft Local Plan 2005 and the Supplementary Planning Guidance on 'Guide to extensions and alterations to private dwelling houses'. Hence, this application is recommended for approval.

5.0 CONCLUSION

The proposed development would not undermine the openness of York Green Belt and would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The proposal accords with the National planning policies and the policies set out in the City of York Draft Local Plan. Hence it is considered acceptable.

6.0 RECOMMENDATION: Approve

1 TIME2

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

SR/07/A, SR/06/A SR/05/A, SR/01, SR/02, SR/03 and SR/04 as received by the City of York Council on 26 February 2007 and on 2 February 2007

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

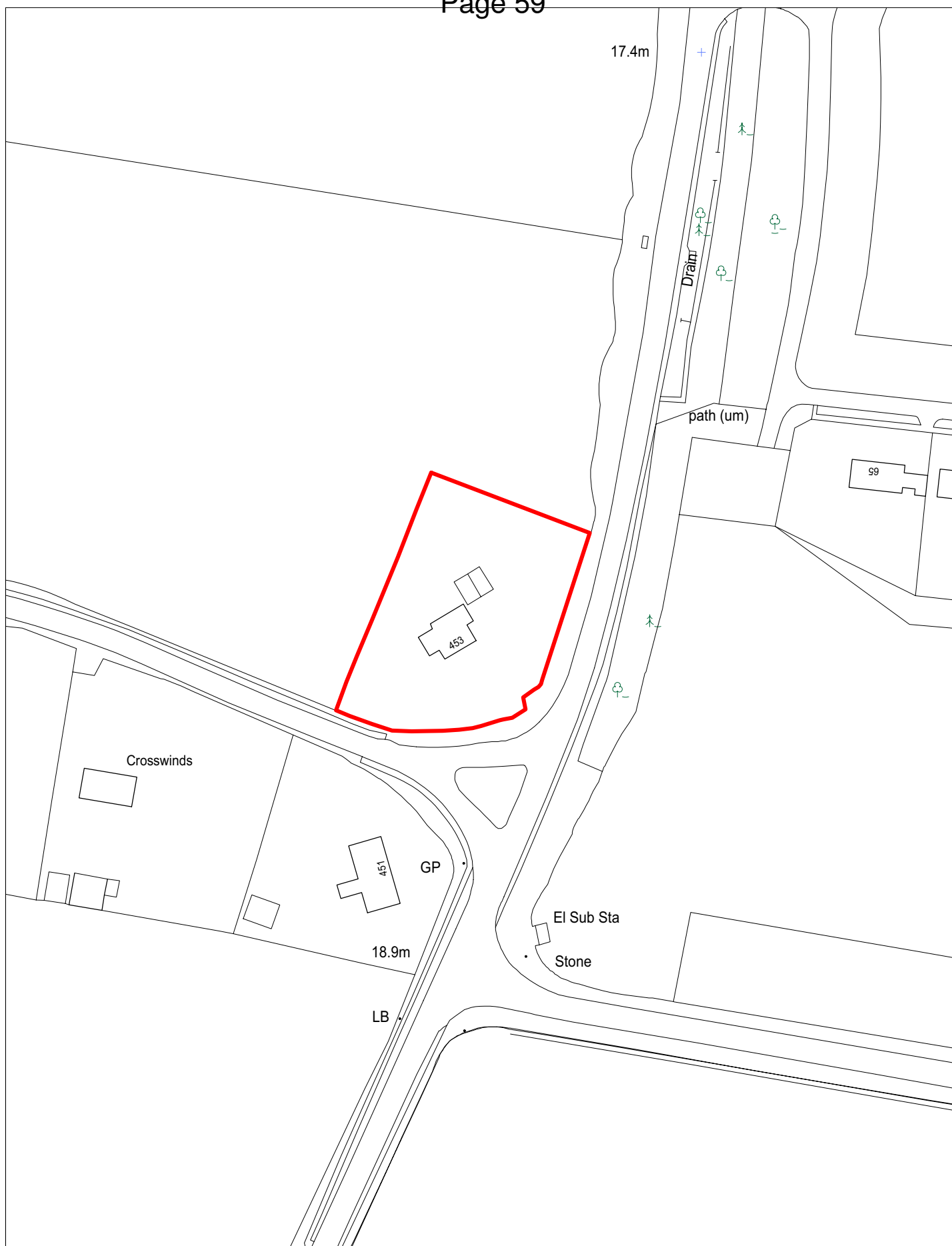
Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8

7.0 INFORMATIVES:

Contact details:

Author: Billy Wong Development Control Officer
Tel No: 01904 552750



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

Site Plan : 07/00234

SCALE 1:1250

DRAWN BY JB

DATE 2/3/2007

Originating Group

Project

Drawing No.

Organisation



COMMITTEE REPORT

Committee: East Area
Date: 15 March 2007

Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 06/01619/FUL
Application at: Annamine Nurseries Jockey Lane Huntington York YO32 9NE
For: Use of land for the display of relocatable portable dwellings with new fence and gates to the Jockey Lane frontage
By: Advent Park And Leisure Homes Limited
Application Type: Full Application
Target Date: 1 September 2006

1.0 PROPOSAL

1.1 Planning permission is sought to display relocatable leisure style holiday lodges on this land at the former Annamine Nurseries on Jockey Lane, Huntington.

1.2 The purpose of the application is to create a display area for the products that the applicant, (Advent Park and Leisure Homes) manufacture in order to enable prospective purchasers to view them prior to buying them.

1.3 Entrance and exit to the site will be off Jockey Lane with car parking provided at the front of the site. These entrances and parking area are existing although very overgrown. The cabins will be stored around the site for prospective purchasers to inspect. A 1.8 metre high timber close boarded fence will be erected around the side and rear boundaries of the site with a 1.8 metre high 'palladin' steel mesh fence proposed for the front.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYE3A
Standard Employment Allocations

CYGP1
Design

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.

The site has historically been used as a plant nursery which will have generated a certain level of traffic. The proposal is to use the land as a display area for the sale of Portakabin homes. Information supplied by the applicant indicates that the use generates very low levels of traffic and is operated in conjunction with adjacent manufacturing uses on the Portakabin site.

Based on the information supplied by the applicant officers do not consider that the proposal will have a material impact on the surrounding highway network. Access to the site is to remain as existing and adequate parking and turning facilities are proposed within the site curtilage.

No objections therefore raised subject to condition HWAY19.

3.3 City Development.

As the Annamine Nurseries site is allocated in the Development Control Local Plan for employment uses (Policy E3a), the site is therefore reserved for B1, B2 and B8 uses. This proposal does not fall within these uses but would be ancillary to the existing B2 use surrounding it. The proposed use complements the existing employment allocation and fits in with the broader policy approach to the area.

No policy objection raised providing the link to the existing manufacturing operation is maintained.

3.4 EXTERNAL.

3.5 Huntington Parish Council.

No objections.

3.6 Third Parties.

No objections received.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Policy Considerations.
- Visual impact.
- Highways.

4.1 Policy Considerations.

The site in question was previously a plant nursery known as Annamine Nursery. Officers understand that the site was predominantly a field with glasshouses down to the Jockey Lane boundary. This use has steadily declined with the glasshouses becoming unused and eventually demolished. The site is now derelict, overgrown

and fenced off with security fencing to the Jockey Lane frontage. The adjacent house which was the home of the owners of the Nursery is the same although this site does not form part of the application site area. The site was refused planning permission in 2004 for a residential scheme consisting of 7 houses and 82 apartments.

4.2 In policy terms the site is allocated in the City of York Draft Local Plan (4th set of changes) as standard employment land with particular reference to B1, B2 and B8 uses and therefore any use of the site should fall within one of these categories. The application is for the display of holiday style cabins and this in isolation would not fall within this category of use. Such a use is generally 'sui generis'. However in this case the cabins in question are manufactured on the adjacent site and therefore there is a strong material connection between the application site and the adjacent manufacturing activity which would fall within the B1, B2 or B8 class.

4.3 Advent Park and Leisure Homes Ltd (the applicant) is a newish company within the Manufacturing division of the Shepherd Building Group which is based at the York Manufacturing Centre on Jockey Lane. This centre is also home to Portakabin Ltd, Yorkon Ltd, Portasilo Ltd and Portastor Ltd. (information taken from the supporting statement accompanying the application). It is within this manufacturing centre that the cabins will be built. They will then be displayed here for prospective purchasers to look at and decide whether to place an order with the company. Therefore the application site area is intrinsically linked to the adjacent manufacturing area which is an established B2 use. The use of the application site for the display of goods manufactured next door would, in the opinion of officers, constitute an ancillary use to the B2 uses surrounding it, and would complement the broad policy approach in the area. It is therefore considered acceptable in policy terms. Furthermore the use here will hopefully help to boost orders within the manufacturing centre which would have significant benefits economically in the area. Condition 5 is recommended to control this connection in the long term.

Visual impact.

4.4 There will inevitably be some visual impact but officers do not consider that this will be significant. The site is currently derelict and overgrown and therefore visually unappealing. The development would represent a significant improvement over this present situation. The proposed layout of the site shows approx. 10 lodges of varying sizes displayed in a circular layout. There are however quite large spaces between the units and it will not be a densely developed site. A degree of openness will therefore pervade which will make the site more visually attractive. All the units are also single storey so they will not dominate the skyline. Furthermore, seen in the context of the adjacent manufacturing uses officers do not expect the site to be visually intrusive. Some of the larger models come with external decked seating areas and planting which will help to soften the site visually and the supporting statement says that 'the site will be maintained in an attractive format with hard and soft landscaping.'. Condition 4 is recommended however in order to control this. The car park and display area will be laid to aggregate.

4.5 With regard to boundary treatment, the front boundary will be secured by a 1.8 metres high 'palladin' style fence. This is essentially a green mesh type fence which will allow clear views through into the site. This will secure the site but still allow a

sense of openness to pervade. The side and rear boundaries will be bordered by a close boarded fence which will be more solid and dominant looking but officers do not consider this to be a problem in this location. Condition 6 is recommended to control this.

Highway safety and neighbour amenity.

4.6 The detailed comments of the highway officer are in para. 3.2 of this report and no objections are raised to the proposal in highway terms. The applicants predict in their supporting statement that the number of visitors to the site will be approx. 30 a month. This is apparently based on actual numbers that visit a similar site in Northampton operated by a company recently purchased by Advent Homes. The number is low because prospective purchasers are generally owners of mobile home parks rather than people with their own land who are one off purchasers.

4.7 Once prospective buyers have specified what they want the buildings are built to order and then delivered direct to the purchasers site. Therefore this is a more specialised operation than for example caravan sales, hence the lower number of potential visitors to the site. The increase in traffic on Jockey Lane is not therefore expected to be significant.

4.8 Given the above, officers do not consider that the use proposed will be harmful to the amenity of occupiers of nearby houses, the nearest of whom are across the road on Saddlers Close.

5.0 CONCLUSION

5.1 The proposed use of the land for storage is considered to meet the provisions of both Policy E3a and the sites allocation in the draft local plan. This is because it is considered to be ancillary to the existing B2 uses surrounding it and the cabins to be displayed are to be manufactured on the adjacent site. Due to the expected low volume of visitors to the site it is not considered that there will be any significant increase in traffic along Jockey Lane as a result of the proposed development. Local neighbour amenity is not expected to be harmed. Officers recommend that planning permission be granted.

6.0 RECOMMENDATION: Approve

1 TIME2

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

- plan drawing no.0061
- brochure plans showing the Tarragon and Saffron range of buildings.

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

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

3 HWAY19

4 LAND1

5 The site shall only be used for the display of cabins / lodges manufactured on the adjacent site known as the York Manufacturing Centre and outlined in blue on the submitted plan titled 'site location plan'. None of the displayed units shall be occupied for residential purposes.

Reason. The proposal is only acceptable as ancillary to the adjacent B2 manufacturing use and is allocated as such in the City of York Draft Local Plan incorporating the 4th set of changes, approved April 2005.

6 VISQ4

7.0 INFORMATIVES:

Notes to Applicant

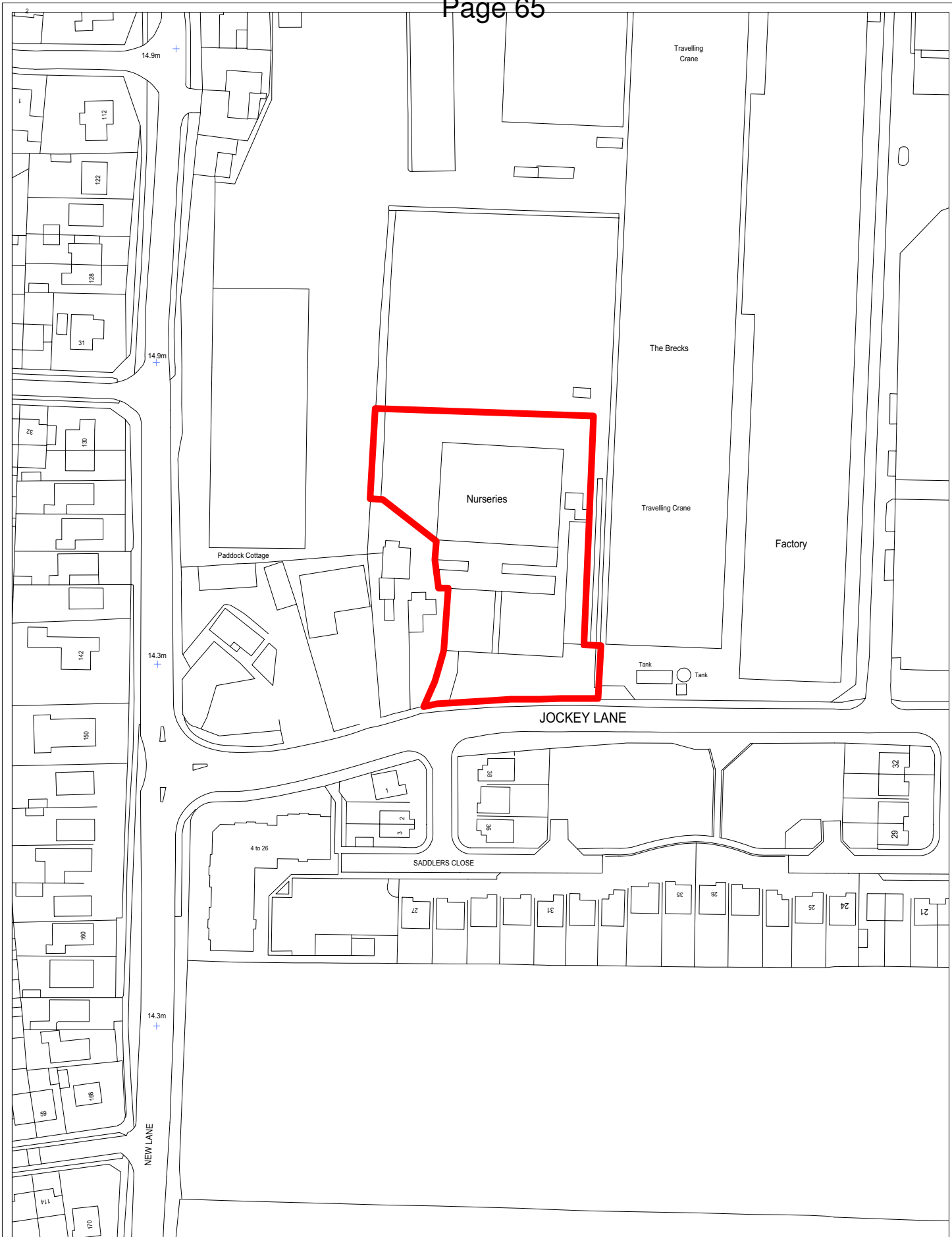
1. REASON FOR APPROVAL

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

Contact details:

Author: Matthew Parkinson Development Control Officer

Tel No: 01904 552405



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

Site Plan : 06/01619

SCALE 1:1500 DRAWN BY JB DATE 2/3/2007
 Originating Group Project Drawing No.

Organisation



COMMITTEE REPORT**Committee:** East Area**Ward:** Derwent**Date:** 15 March 2007**Parish:** Dunnington Parish Council**Reference:** 07/00218/FUL**Application at:** 35 Common Road Dunnington York YO19 5NG**For:** Replacement conservatory to rear**By:** Mr And Mrs Greenwood**Application Type:** Full Application**Target Date:** 3 April 2007**1.0 PROPOSAL**

Demolition of a lean-to conservatory (measuring 3.8m x 2.6m x 2.4m) and replacement with a pitch-roofed, orangery-style conservatory (4.2m x 3.1m x 2.9m to the ridge). The proposed conservatory would be made of UPVC-covered aluminium and sit on a brick plinth to match the existing house.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Dunnington Conservation Area

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1

Design

CYH7

Residential extensions

CYHE2

Development in historic locations

CYHE3

Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Urban Design & Conservation - Given that the rear elevation is not a public elevation, the design of the proposed conservatory is acceptable.

3.2 External

Dunnington Parish Council - No objections.

Public Consultation - No comments have been received.

4.0 APPRAISAL

4.1 This application is before the Committee because the applicant is a member of the Council.

4.2 Key Issues

Visual appearance.

Impact on the conservation area.

Neighbour amenity.

4.3 The Application Site

Semi-detached bungalow with large dormers front and rear and a forward-facing 2-storey extension. To the rear is a flat-roofed, single-storey extension that mirrors an extension behind the attached dwelling at No.33. The conservatory to be demolished lies immediately behind the flat-roofed extension.

4.4 Visual Appearance

The design and appearance are in keeping with the character of the existing building and are acceptable subject to matching materials being used.

4.5 Impact on the Conservation Area

The existing conservatory does not need consent and does not make a positive contribution to the character of the conservation area. The proposed conservatory is small in scale and in a secluded location, hidden from the public highway and any other public viewpoints. The works would have no material impact on the character of the conservation area.

4.6 Neighbour Amenity

The conservatory would be largely screened from the nearest neighbouring occupiers by a 1.8m close-boarded fence. Despite the conservatory's increased depth compared to the existing conservatory the impact on the adjacent occupiers would be negligible.

5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable.

6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 14796/01 or any plans or details

subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 VISQ1

7.0 INFORMATIVES:

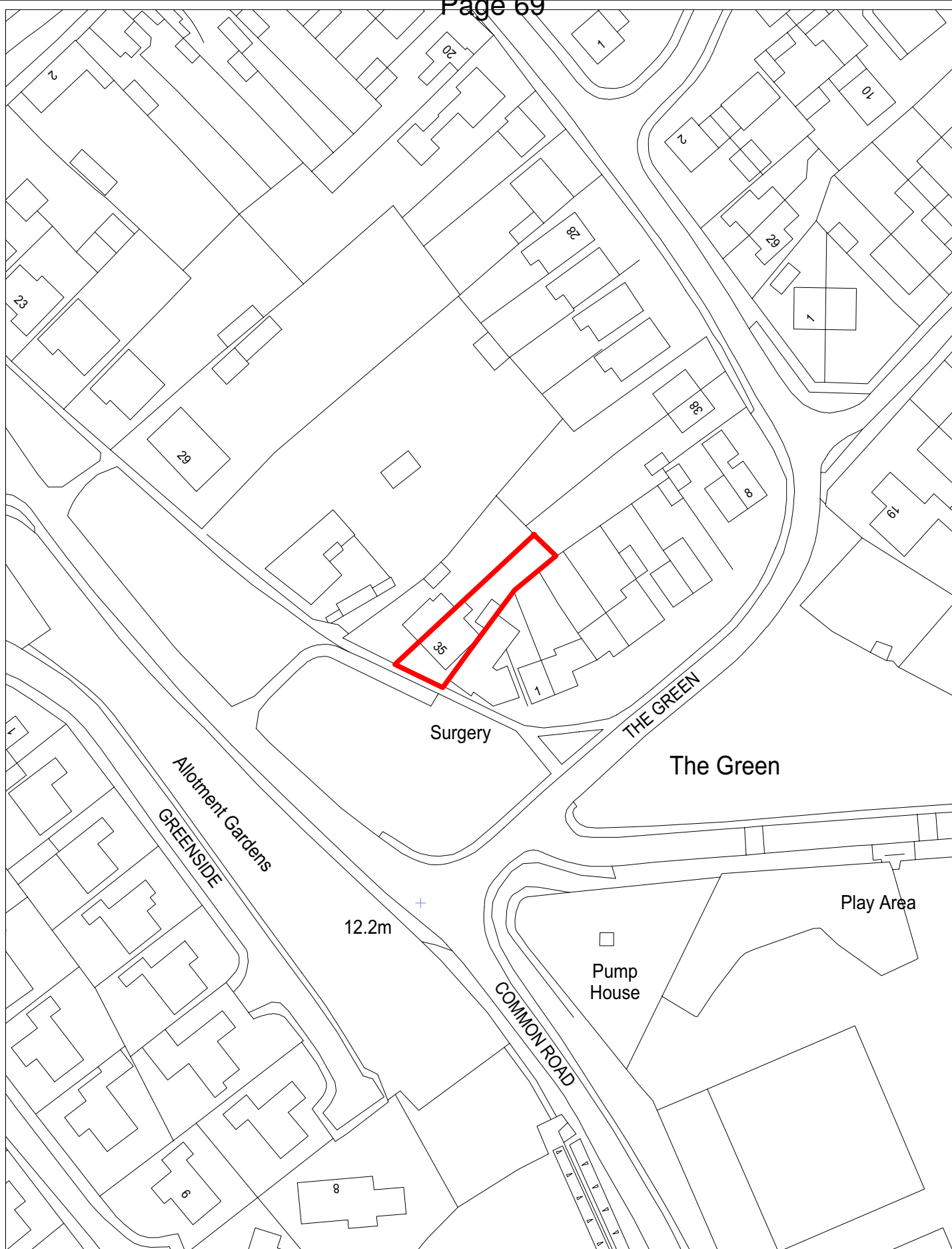
Notes to Applicant

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

Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830



CITY OF
YORK
COUNCIL

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

Site Plan : 07/00218

SCALE 1:1000

DRAWN BY JB

DATE 2/3/2007

Originating Group

Project

Drawing No.

Organisation

