



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, Hyman, King, Taylor, Vassie and Wiseman
- Date:** Thursday, 12 July 2007
- Time:** 2.00 pm
- Venue:** 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. **Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of the Annexes to agenda item 6 on the grounds that they contain information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

3. **Minutes**

(Pages 1 -
12)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 14 June 2007.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is 11 July 2007 at 5.00pm.

5. Plans List

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

- a) 41 Yarburgh Way, York (07/00212/FUL) (Pages 13 - 19)**

Change of Use from dwelling house to house in multiple occupation with 7 bedrooms (retrospective) [*Hull Road Ward*].

- b) Heworth Auto Point, Mill Lane, York (Pages 20 - 24) (07/00567/FUL)**

Variation of condition 4 of planning permission 04/00622/FUL to allow fuel deliveries between 0700-1800 hrs Monday to Fridays [*Heworth Ward*].

- c) Site at the Junction of Jockey Lane Kathryn Avenue, Huntington, York (Pages 25 - 39) (07/00843/FULM)**

Erection of foodstore with associated car parking, access and landscaping (resubmission of 06/02293/FULM) [*Huntington/New Earswick Wards*].

- d) St Judes, 281 Huntington Road, York (Pages 40 - 48) (07/00962/FULM)**

Erection of 10 no. two storey dwellings with associated parking and adopted access road after demolition of 279 Huntington Road on land to the rear of 277 to 285 Huntington Road (resubmission) [*Huntington/New Earswick Wards*].

- e) The Old Vicarage, Vicarage Lane, Naburn, York (Pages 49 - 56) (07/01167/FUL)**

Erection of three storey detached dwelling (resubmission)
[Wheldrake Ward].

- f) **101 East Parade, York (07/01184/FUL)** (Pages 57 - 65)

Erection of detached two storey dwelling (resubmission)
[Heworth Ward].

- g) **95 Lawrence Street, York (07/01175/FUL)** (Pages 66 - 73)

Conversion of 95 and 97 Lawrence Street to form 4 no. flats and 1 no. dwelling to the rear of 95 and 97 Lawrence Street with frontage on Nicholas Street *[Hull Road Ward]*.

- h) **Yearsley Swimming Baths, Haleys Terrace, York (07/01264/GRG3)** (Pages 74 - 79)

Provision of disabled parking and improvements to cycle parking, installation of external air handling plant and creation of bin store *[Clifton Ward]*.

6. **Enforcement Cases Update** (Pages 80 - 153)

Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.

7. **Urgent Business** (Pages 154 - 157)

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

Note: The Chair has agreed to consider the following planning application as urgent business, under the provisions of the Local Government Act 1972, to ensure that it is determined by the target date:

4, Whitton Place, York (07/01251/FUL)

Single storey pitched roof rear extension. [Hull Road Ward]

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) 552061
- E-mail – jill.pickering@york.gov.uk

**EAST AREA PLANNING SUB COMMITTEE
SITE VISITS**

Wednesday 11 July 2007

TIME (Approx)	SITE	ITEM
10:00am	Depart Clarence Street coach park	
10:10am	101 East Parade	5f
10:35am	95 Lawrence Street	5g
11:10am	The Old Vicarage, Vicarage Lane, Naburn	5e
11:40am	Return to Clarence Street coach park	

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Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

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

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin tercümesini hazırlamak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel. (01904) 613161.

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کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

Holding the Executive to Account

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.

Scrutiny Committees

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

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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	14 JUNE 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), FIRTH, FUNNELL, HYMAN, PIERCE (SUB FOR CLLR KING) TAYLOR, VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS DOUGLAS AND KING

1. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Creepy Crawlies, Cliftongate Business Park Wigginton Road, Wigginton	Cllrs Moore, Wiseman	To familiarise Members with the site and site access.
Garage Yard, Escrick Street, Fishergate	Cllrs Firth, Moore, Wiseman	To familiarise Members with the site and assess the impact on neighbouring properties.

2. ROGER ARMISTEAD, DEVELOPMENT CONTROL AREA TEAM LEADER (EAST)

The Chair announced that this was the last meeting to be attended by Roger Armistead, the Development Control Team Leader, prior to his retirement. He stated that Roger had joined the Authority in January 1975 and had served the Council for 32 years, which was these days, a rare event. On behalf of Members he expressed his appreciation for all his hard work over the years and wished him a long and happy retirement.

3. 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.

Cllr Firth declared a personal prejudicial interest in plans item 3a (Creepy Crawlies, The Arena, Cliftongate Business Park, Wigginton Road, Wigginton) as he had been a member of Wigginton Parish Council when they had considered this application and he left the room and took no part in the discussion and voting thereon.

Cllr Wiseman declared a personal non-prejudicial interest in plans item 3b (Greystone Farm, Towthorpe Moor Lane, Strensall) as a member of

Earswick Parish Council but that she had not viewed any plans or taken part in any discussion or voting at that meeting.

In connection with plans item 3d (376 Huntington Road, York) Cllr Moore confirmed that he had been a member of the Licensing Panel that had considered an application by Tesco at this site for a drinks licence. He confirmed that following legal advice he had been assured that as the licensing application and the planning application for an ATM were separate matters this would not affect his consideration of the application.

4. PUBLIC PARTICIPATION

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

5. 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.

5a. Creepy Crawlies, The Arena, Cliftongate Business Park, Wigginton Road, Wigginton (07/00072/FUL)

Members considered a full application, submitted by Creepy Crawlies, for the proposed creation of an outdoor adventure play area and animal area, formation of new pond and new doors to existing play barn.

Officers updated that new plans had been received showing the heights of the trees and play equipment. An amended car parking layout had also been received which included a red lined area showing the exact site boundary. It was explained that the green car parking spaces indicated on the plan showed those spaces dedicated to Creepy Crawlies with two spaces for dedicated coach parking. Highways had not had sight of the new parking layout. Officers requested the addition of three additional conditions relating to receipt of detailed landscaping and parking schemes, the amendment of Condition 3 to include that group parties "should not exceed 100 children" and Environmental Protection had requested the imposition of a condition relating to contaminated land.

Representations in support of the application were made by a Director of Creepy Crawlies, who confirmed that she had had 20 years experience in this field and that the proposal would be a huge educational resource for children in the area. She confirmed that expert advice had been sought to make the facility all inclusive, to provide natural play to enhance children's lives. She stated that 400 letters had been received supporting the scheme. She also confirmed that they wished to limit the numbers of children visiting the site, as a large number would diminish the experience.

Members questioned the figure of 197 children at any one time in the indoor play barn and how enforceable proposed Condition 3 would be relating to numbers both in the indoor and outdoor areas. They queried

what consultation had been undertaken with schoolteachers in the area and the opening hours of the play barn. The applicants were also asked whether any lighting was proposed in the outside area as Members had raised concerns and they questioned details of animal husbandry on the site. Concerns were also raised regarding railings and the partial hedge fronting Wigginton Road.

Officers confirmed that a landscaping condition had been imposed on a previous application for this site in June 2003, which had shown trees planted along this boundary but it had also been intended to erect a wall. It was confirmed that enforcement action could be taken to enforce this condition or negotiate a scheme more in keeping with the rural area.

The landowner confirmed that she felt that this was not an issue and she agreed to undertake a planting scheme to include native species to be agreed with the Local Planning Authority.

Members also questioned waste management and requested the addition of an informative requesting that visitors should have access to recycling facilities as part of their education on this site.

RESOLVED: That permission be granted subject to the deletion of Condition 3 and the addition of the following additional conditions:

1 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 and boundary hedging. 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.

2 No development shall be carried out until a plan showing the layout of car and cycle parking has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the areas shown on the approved plan for parking of vehicles and cycles have been constructed and laid out in accordance with the approved plan, and thereafter such areas shall be retained solely for such purposes.

3 The development hereby approved does not include any external lighting.

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 Green Belt and issues of highway safety and neighbour amenity. As such the proposal complies with Policy E9 of the

North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB13 and GP4A of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

5b. Greystones Farm, Towthorpe Moor Lane, Strensall, York (07/00617/FULM)

Members considered a major full application, submitted by Mr G Chapman, for the formation of two ponds for amenity and fishing purposes at Greystone Farm.

Officers updated that no further comments had been received from the Foss Internal Drainage Board. Officers requested the addition of conditions requiring details of surface water drainage and the discharge rates, conditioning the number of fishing pegs to 20 and that there should be no illumination without the prior approval of the Local Planning Authority.

Members questioned disabled access to the site and the fishing area. Officers confirmed that no details of the fishing pitches had been received and that disabled access was covered by other legislation. Members also raised points relating to future separation and sale of the businesses and the use of spoil excavated from the ponds.

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

1 A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on site shall be kept clear of all new buildings, ponds and structures (including gates, walls, fences and trees) unless otherwise agreed in writing with the Local Planning Authority in consultation with the Foss IDB. Ground levels must not be raised within this area. Access arrangements should be agreed with the Foss Internal Drainage Board.

2 There shall be no more than 20 fishing locations/pegs available at any one time, unless a greater number are agreed in writing with the Local Planning Authority.

3 No development shall commence until details of the fishing locations/pegs, including construction, materials, position, and access, have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details and thereafter maintained.

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 landscape character of the area and the Green Belt. As such the proposal complies with Policies GB1, GB13, and NE7 of the City of York Draft Local Plan.

5c. OS Field 0005 Langwith Stray, Heslington, York (07/00650/FUL)

Members considered a full application, submitted by Mr and Mrs Dixon, for the erection of a two storey detached dwelling in association with fishing lakes.

Officers confirmed that this was considered an appropriate form of development in the Green Belt and that the business appraisal, which had been assessed by the Council's Agricultural Consultant, had confirmed that there was a need for a dwelling on site. A photograph of the present temporary relocatable building on site was circulated at the meeting.

Members questioned what would happen to the dwelling if the business closed or became unviable. Officers confirmed that enforcement action would be taken against non compliance with the condition tying the dwelling to a person solely or mainly employed in the management of the fishing lakes. Members expressed concerns that this condition should be strengthened.

Representations in support of the application were received from the applicant's agent who stated that her client had worked hard to make the fishing lakes a success. He proposed to erect the dwelling between the lakes to reduce harm to the Green Belt. She felt that the application was appropriate as the policy requirements had been met and there was a functional need for a permanent dwelling. In answer to Members questions she confirmed that the value of the capital investment by the landowner was £400,000 and that the value of the house would not increase the value of the land substantially.

Members requested the addition of an informative requesting the applicant to contact the Council's sustainability officer for advice.

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

INFORMATIVE:

You are advised to contact City Of York Council Sustainability Officer (Kristina Peat) on 01904 551666 to discuss the use of sustainable materials in construction.

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 Green Belt and the functional and financial appraisal of the site. As such the proposal complies with National Guidance in PPG2 (Green Belts) and Annex A of PPS7 (Sustainable development in Rural Areas), Policy E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB6 and GB7 of the City of York Draft Local Plan

incorporating the 4th set of changes (approved April 2005).

5d. 376 Huntington Road, York (07/00736/FUL)

Members considered a full application, submitted by Tesco Stores Ltd, for the installation of an ATM (cash machine) at 376 Huntington Road, York.

The Chair referred Members to the Officers report which stated that the original application by Tesco for the express store had included an ATM. Highways had at that time recommended a highway reason for refusal specifically related to the ATM. This aspect of the application had been withdrawn and the application for the store had been granted on appeal.

Cllr Hyman, as Ward Member, referred to resident's objections to the proposal, as Huntington Road was a busy route into the city used by school children. He confirmed that the store had recently opened and that there was already indiscriminate parking in the vicinity. He felt that the 24 hr use of an ATM would cause disturbance to neighbours and requested members to support refusal.

Members questioned why Highways did not now raise objections to this application and they felt that the previous highway reason should be added to the refusal of the application.

RESOLVED: That the application be refused for the following reasons:

- 1 The development will result in an unacceptable loss of amenity to residential properties adjacent to the site caused by the use of the ATM machine after the shop has closed. Disturbance will be caused by the noise of cars arriving, doors slamming, car stereos, voices from users of the ATM, car engines starting and revving and then setting off at a time when there is little other traffic or pedestrian movements and ambient noise levels are naturally low. This is in conflict with policy GP1 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005), and related advice in 'Planning System: General Principles', published alongside PPS1: Delivering Sustainable Development (2005).
- 2 The ATM will give rise to vehicles stopping for short periods of time, potentially in an indiscriminate manner, which in this location will be both detrimental to the free flow of traffic and to the safety of highway users, particularly vulnerable road users.

5e. Site Adjacent to Roundabout at Junction of Malton Road/Jockey Lane, Huntington, York (07/00664/REMM)

Members considered a major reserved matters application, submitted by Mr James Downes, for the erection of a two storey office building.

Officers updated that Highways comments on the revised plans had now been received details of which were circulated at the meeting. They

confirmed that they had no objections to the car parking and cycle storage subject to the imposition of standard conditions HWAY18 and 19. Officers confirmed that public access to the ATM lobby amounted to 100 sq metres and requested the imposition of an additional condition to limit this.

Members questioned if there would be 24hr public access to the lobby and the public parking proposed. They questioned whether the ATM's would be manned and raised concerns regarding possible anti social behaviour. Details of the HSBC signage were requested and Officers confirmed that this would consist of a subtle contrast on etched glass, samples of the contrast would be required and that a condition to reserve this aspect of the scheme for Officers approval. Members also questioned whether this proposal fell within the previously approved development brief for the area, which Officers confirmed it did.

Representations in objection to the proposal were received on behalf of the Helmsley Group, details of which were circulated at the meeting. They challenged the details and assessment of the proposals, particularly the sequential test, which they felt, was out of date and based on a wrong interpretation of guidance in PPS6.

Representations in support of the application were received from the applicant's agent, who stated that the proposed building was required as a regional headquarters for HSBC. He stated that 20 other sites had been examined in the area but that none had been found suitable. He confirmed that the building would have a floor area of 1085 sq m of which 100 sq m would be for ATM's including a service area. He confirmed that part of the service charge for the site would include finance for the provision of CCTV and security patrols as the site developed and gave details of their sustainability statement and their willingness to achieve a BREEAM rating of at least "very good".

RESOLVED: That the application be approved subject to the imposition of the conditions listed in the report and the imposition of the following additional conditions and amended conditions:

Amended Condition 6: The developer shall achieve a BREEAM "very good" or "excellent" assessment standard for the development. Within 1 month of the date of the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to.

7 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.

8 Access to the building by the public and customers for the purposes of personal banking, shall be limited to be for the use of

automated banking services in an area up 100 square metres only. This area shall include the areas for the servicing of those automated banking services.

9 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.

The wind turbine

REASON: The proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the area and highway safety. As such the proposals are considered to comply with Policies SP8, GP1, T2, T4, T13, E1A, and GP3 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG4, PPS6 and PPG13.

5f. St Laurences C of E Primary School, Heslington Road, York (07/00594/GRG3)

Members considered a general regulations (Reg 3) application, submitted by Alison Kelly, for extensions and alterations to existing school building including new reception area, office and meeting room and 2 no. new educational rooms.

Officers updated that the Council's Countryside Officer had visited the site to inspect the existing 'wildlife area' proposed to be replaced by an infill classroom and had also considered the issue of bats which had previously been reported at the school. Details of these issues were circulated at the meeting together with a Sustainability Statement for the site. Officers also confirmed that one tree would be removed in connection with the development and requested the inclusion of a condition requiring the submission of a method statement to cover this point.

Members referred to reference in the Sustainability Statement that the extended reception would be constructed using an aluminium frame. They asked that an informative be included requesting the use of reused aluminium as had been used in the construction of Huntington School. A request was also made for the updating of a Green Travel Plan for the school.

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

1. The development hereby permitted shall only be occupied in accordance with a Green Travel Plan that has been submitted to and agreed in writing by the Local Planning Authority, and that has been updated to reflect the altered building and use.

2. Materials informative.

You are advised to contact City Of York Council Sustainability Officer (Kristina Peat) on 01904 551666 to discuss the use of sustainable materials in construction. It is recommended that recycled aluminium be used, as was the case at Huntington School.

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 need for the extensions to the primary school, community benefit, visual amenity, crime, sustainability, historic environment, natural environment, open space and playing fields to serve the school, residential amenity, and parking and highway safety. As such the proposal complies with Planning Policy Statement 1: Delivering Sustainable Principles, Planning Policy Guidance Note 15: Planning and the Historic Environment, Planning Policy Guidance Note 16: Archaeology and Planning, and Policies GP1, GP3, GP4a, GP9, NE1, HE2, HE10, T4 and ED1 of the City of York Draft Local Plan (incorporating fourth set of changes).

5g. Garage Yard, Escrick Street, York (07/01114/FUL)

Members considered a full application submitted by, Aberford Investments Ltd, for the erection of a two storey block of 3 no. flats including associated works.

Officers referred to the two previous applications for this site which had been refused on the grounds that they were overbearing and for their domineering impact on the residents of Escrick Terrace. They confirmed that the present application was a reduced version of the previous scheme with a smaller footprint and only two storey. It was reported that Fishergate Planning Panel had now submitted late objections to the scheme as they felt that this was a small site, which would be overcrowded, cause a noise nuisance and add to air pollution and vehicle usage in a problem area. Officers confirmed that they were satisfied with all aspects of this new scheme.

Officers referred to the site visit when possible access difficulties had been raised particularly turning circles and exiting the site in a forward gear. It was reported that Highways had confirmed that it would be possible to exit the site in a forward gear including turning in the site. Officers also confirmed that, in keeping with the character of the area, the materials would be brick and render.

Members expressed concerns over the width of Escrick Street at this point and questioned details of the proposed gate. They also questioned the ridge height of the proposed development which it was confirmed would be the same as adjacent dwelling but this could be conditioned.

Representations in support of the application were received from the applicant's agent who confirmed that he had worked with Officers, following earlier refusals, to ensure that the scheme alleviated previous objections to improve an unsightly area. He circulated large-scale plans of the turning circle on site and confirmed that he was happy to include the provision of an electronic gate in the scheme.

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

Amended Condition16: The development hereby approved shall be no higher at eaves and ridge level than the adjacent building at No.1 Escrick Street.

20. No development shall take place until details of the vehicular entrance gates have been submitted to and approved in writing by the Local Planning Authority. The gates shall be erected in accordance with the approved details before the development hereby approved is occupied.

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 housing provision, housing density, design, visual impact, sustainability, impact on residents' living conditions, parking, cycle storage, refuse/recycling facilities, flood risk, open space, access and neighbour amenity. The application complies with policies H4a, H5a, GP1, GP4a, T4, GP15a and L1c of the City of York Local Plan Deposit Draft.

5h. 2 Ingleton Walk, York (07/00613/FUL)

Members considered a full application, submitted by Mr and Mrs D Gallagher, for a two storey pitched roof side extension at 2 Ingleton Walk.

Officers reported details of the application and displayed plans of the scheme.

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 principle of development, visual amenity, residential amenity and parking and highway safety. As such, the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005) and the City of York Council's 'Guide to

extensions and alterations to private dwelling houses',
March 2001.

5i. 27 Ashley Park Crescent, York (07/00920/FUL)

Members considered a full application, submitted by Mr A Seymour, for a first floor flat roof front and rear dormers.

Officers reported that they had managed to negotiate smaller dormers with the applicant and that the dormers were within the existing roof.

RESOLVED: That the application be approved subject to the imposition of 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 visual appearance and neighbour amenity. As such the proposal complies with policies GP1, and H7 of the City of York Local Plan Deposit Draft.

5j. Haxby Road County Primary School, Haxby Road, York (06/02362/GRG3)

Members considered a general regulations (Reg3) application, submitted by the Education Committee, for the erection of two single storey extensions and internal alterations to the existing school, new covered play area, conversion of outbuildings to cycle stores and construction of replacement ramp.

Officers confirmed that the reference to the ramp to be constructed in par.1.7 of the report would be 2m high including the railings and that the word "conversation" in the fourth line of this para should read "conversion". It was confirmed that the Conservation Trust had not responded to the consultation.

In answer to questions Officers confirmed that English Heritage had made the point that the extensions should not try to reflect the existing listed building but should be more contemporary and of this age. They confirmed that the pods were not temporary buildings but were high specification modular buildings, pictures of which were circulated at the meeting. It was confirmed that consultations had been undertaken on the scheme with governors, parents and teachers.

Members expressed differing views on the scheme, which Officers confirmed would be subjective in view of the nature of the scheme.

RESOLVED: That the application be approved subject to the imposition of 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 existing educational facilities, design and development in a historic location, traffic and pedestrian safety, loss of playing areas and planning against crime. As such the proposal complies with Policies GP1, GP3, HE2, ED3, ED11 and T5 of the City of York Local Plan Deposit Draft.

**5k. Haxby Road County Primary School, Haxby Road, York
(06/02363/LBC)**

Members considered a listed building consent application, submitted by the Education Committee, for the erection of two single storey extensions and internal alterations to the existing school, new covered play area, conversion of outbuildings to cycle stores and replacement ramp.

RESOLVED: That the application be approved subject to imposition of 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 setting and the original character and fabric of the grade II listed building. As such the proposal complies with Policies GP1, HE4 and HE2 of the City of York Local Plan Deposit Draft.

CLLR R MOORE, Chair
The meeting started at 2.00 pm and finished at 4.50 pm.

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 07/00212/FUL
Application at: 41 Yarburgh Way York YO10 5HD
For: Change of use from dwelling house to house in multiple occupation with 7 bedrooms (retrospective)
By: Mr J Clarkson
Application Type: Full Application
Target Date: 10 April 2007

1.0 PROPOSAL

1.1 The application property is an extended detached house, adjacent to Badger Hill shops, with Hull Road to the rear. The access road to the rear yard of the shops runs along the western boundary. There is a large detached garage in the rear garden area and a paved area at the front of the site.

1.2 Planning permission was granted firstly in 2005 for a two storey side extension and then for a revised scheme in 2006 as the extension had not been built in accordance with the previously approved plans. A garage, which was already being built, was also included within the approval. The plans showed a study, utility and garden room at ground floor and 5 bedrooms at first floor. An informative was attached to the approval to bring the applicant's attention to the likely need for planning permission if more than 6 people were living together at the property.

1.3 This application is to regularise the current use of the extended property as a House in Multiple Occupation (HIMO) with seven bedrooms - the study and garden room previously approved in the ground floor of the two storey side extension now being used as bedrooms. The property retains a lounge, kitchen, dining room and utility room at ground floor and has one bathroom and two shower rooms. The agent has confirmed that the property is currently occupied by students and this is the applicant's future intentions.

1.4 The application is the subject of an enforcement complaint and is brought to Committee for determination at the request of Councillor Simpson-Laing. Planning permission was refused at the April East Area Committee for the extension and conversion of 43 Yarburgh Way to a House in Multiple Occupation on the grounds of overdevelopment and intensity of use of the property disproportionate to its original purpose; harm from the two storey extension; inadequate cycle parking provision; and, design of the extension.

1.5 The application was deferred at the 17 May 2007 East Area Sub Committee for a presentation by Officers on Houses in Multiple Occupation, their number and the benefits of registration. Two Executive Member reports have been to the Executive Members Advisory Panel this year (January and March) on the issue of conversion of family homes to student lets in the Badger Hill area. The report in January confirmed that 8.5% of dwellinghouses in the Badger Hill area, based on information

submitted with a petition from local residents. The Housing Act 2004 deals with the registration of HMOs, though has a different definition of this form of accommodation to that in planning legislation. It includes an entire house which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom and toilet, as well as properties that have been converted into bedsits and flats.

1.6 The Council agreed in February 2006 to implement a mandatory scheme of licensing which is nationwide and is aimed at high risk HMOs, which are: properties three or more storeys high; and have five or more people in more than one household; and share amenities. This ensures that the licence holder is a fit and proper person, that accommodation meets standard requirements, and covers details of property management including cleanliness internally and externally. However, the application property would not fall within the definition of a high risk HMO. An additional discretionary licensing scheme could be adopted to extend cover to smaller types of properties if demonstrated to the Government that there was a particular need for such a scheme. Given the limited planning control over the use of dwellings occupied by 6 or fewer residents sharing the facilities, further discussion of this matter would fall largely outside the remit of this Planning Sub-Committee.

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

CYT4

Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

Highways - No objections, subject to standard condition HWAY18 (Cycle parking).

3.2 External

Hull Road Planning Panel - Object:

1. When the application was first submitted the panel pointed out that the design was intended for use as a multi occupancy dwelling and therefore objected..., this is

now in effect a student hostel rather than a domestic dwelling and has no place in a locality that consists of family housing.

2. This is a commercial venture, the deeds for the property contain a recorded covenant which forbids commercial use. The Council has the necessary powers to oppose this kind of venture...and [should do so] to protect the interests of residents in adjacent properties.
3. There is no legal access from the highway to the rear garden for parking.
4. There is not sufficient space for the parking of a number of vehicles for a multi occupancy building.
5. Applicant is not a resident in York and therefore have no concern for Badger Hill or York residents.

Four letters of objection from Badger Hill residents:

1. Already a HMO at no.45. The creation of another will result in too high a concentration of students living in a small area, leading to a change in the character of the street and problems with noise and parking. Increased noise levels and extra congestion.
2. Next door is empty and there is currently an application to extend it in a similar way, probably for student let. There could potentially be in excess of 20 students living in 3 adjacent houses. (Officer comment - application at 43 was refused April 2007).
3. If Council allows former family houses to be converted to HMO's, it becomes more worthwhile for developers to buy up these family houses that are in such short supply. Once converted, it is unlikely that they will revert back.
4. Student houses should be integrated into community, not allowed to overwhelm.
5. This is a retrospective application. Local residents were denied the chance to protest before the building work took place as the plans looked like a domestic residential extension. If approved, it might encourage other developers to circumvent the planning process. If applicant had applied for change of use at time of extension likely would have been refused as contravened Local Plan policies H7 and H8.
6. Did not object to retrospective application for a garage as did not realize it would turned into a practice studio for a rock band.
7. Example of overdevelopment of a dwelling house.
8. Extension led to loss of existing garage and shortening of driveway. Garage erected in rear garden reducing private amenity space. There is no access to the garage from public highway, thus eliminating its use to garage motor vehicles.
9. Concerned that no site notice was posted (Officer comment - letters were sent to neighbours and the Planning Panel notified).
10. Introduction of student hostel would be detrimental to residential amenity and the interests of indigenous residents.
11. Set precedent for such hostels through estate. Incremental changes would result in erosion of local character and distinctiveness of the estate and demographic balance. Concern about acceleration of this as consequence of university expansion.
12. Conversion of family houses to HMO result in general and progressive decline of whole suburbs. Decay and neglect quickly become evident.

4.0 APPRAISAL

4.1 The key issues are:

- Suitability of property;
- Effect upon neighbouring residential amenity and residential character of area;
- Provision of adequate parking and refuse facilities.

4.2 PLANNING POLICY: The relevant planning policy is contained in Planning Policy Statement 3: Housing (PPS3) and in the City of York Draft Local Plan. PPS3 (Housing) outlines the Government's key housing goals, including the aim to create sustainable, inclusive, mixed communities in all areas. The Draft Local Plan policies are set out in Section 2.2. In particular, Policy H8 states that planning permission will only be granted for conversion of a dwelling to multi occupation where:

- the dwelling is of sufficient size (min 4 bedrooms) and with a suitable internal layout for the proposed number of occupants and will protect residential amenity for future occupiers;
- external alterations would not harm the character or appearance of the building or area;
- there is adequate car and cycle parking;
- it would not create an adverse impact on neighbouring residential amenity, particularly through noise disturbance or the residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse/recycling.

4.3 DWELLING SIZE AND LAYOUT: The property has been previously extended and prior to its conversion to a HMO had 5 bedrooms. Following conversion there remains a kitchen, two reception rooms and three bathrooms. The internal layout would not result in a poor level of amenity for present or future occupiers. There is a private amenity space provided at the rear of the property, though this has been reduced by the erection of the garage, approved under the 2006 application (06/00128/FUL).

4.4 EXTERNAL ALTERATIONS: No external alterations are proposed as part of this application. The property has already been extended and the garage erected at the rear without harming residential amenity or the character of the area.

4.3 AFFECT ON RESIDENTIAL AMENITY AND CHARACTER OF AREA: Concerns have been raised by local residents and the Planning Panel about the use as a student hostel and the impact of this on the character of the residential area. They refer to the use of the neighbouring two properties, 43 and 45 as student houses. Whilst this concern is acknowledged and the desire to preserve the character and appearance of the area understandable, it needs to be balanced against the circumstances of the property and proposed use. These are that:

- The property will remain in residential use, with seven single bedrooms.
- The property is currently occupied by students and this form of occupation is expected to remain.
- It is considered that there is little difference to the residential character of the area between occupancy by seven people as proposed, or by six people, which, providing

they were living together as a single household, would be classed as a dwellinghouse (as defined by the Use Classes Order (2005)).

- The property is a detached building, which has already been extended to accommodate the increased numbers of occupants without harming the character or appearance of the area.

- The use of the property as an HMO will not harm the character or appearance of the building, or the area. This is because the property is located on the edge of the Badger Hill estate, next to a parade of shops and backing onto Hull Road, which is a dual carriageway and a main arterial route into the City. It is in a mixed use area on the edge of the residential estate.

- This would be the only HMO (house with more than six persons living together) in the immediate vicinity.

4.5 PARKING AND REFUSE PROVISION: The layout plan shows two vehicle spaces - one on the front drive and one at the rear. The agent has confirmed that there is a right of way for access to the rear of the property via the service area to the shops. However, there is space at the front of the property on the hardstanding area for two vehicles to park. The Highway Officer considers that this is sufficient given the proximity of the site to public transport and providing cycle parking is available - this could be provided in the rear garage. Further details of this are required. A refuse area is shown at the front of the site, though this should be relocated to the rear where there is more space and so that it would be more in-keeping with the residential character and appearance of the area. There is room at the side of the property that provides access to through the rear garden.

5.0 CONCLUSION

5.1 In light of the above, and notwithstanding the decision made on 43 Yarburgh Way, the proposal to retain the use of the property as a House in Multiple Occupation is considered to be acceptable. It is therefore recommended for approval.

6.0 RECOMMENDATION: Approve

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

Drawing no. 2504/SLP/01, undated, received 31 January 2007;

Drawing no. 2504/SP/02 dated Feb 2007 and received 7 February 2007;

Drawing no. 2504/P/01 dated March 2005 and received 13 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.

- 2 Notwithstanding the details on the approved plans, details of cycle parking facilities, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and subsequently provided on site

within two months from the date of approval. These facilities shall be retained at all times and shall not be used for any purpose other than the parking of cycles.

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

- 3 Notwithstanding the details on the approved plans, details of a refuse storage area at the rear of the property, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and subsequently provided on site within two months from the date of approval. This area shall be retained at all times and shall not be used for any purpose other than the storage of refuse.

Reason: In the interests of visual amenity.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

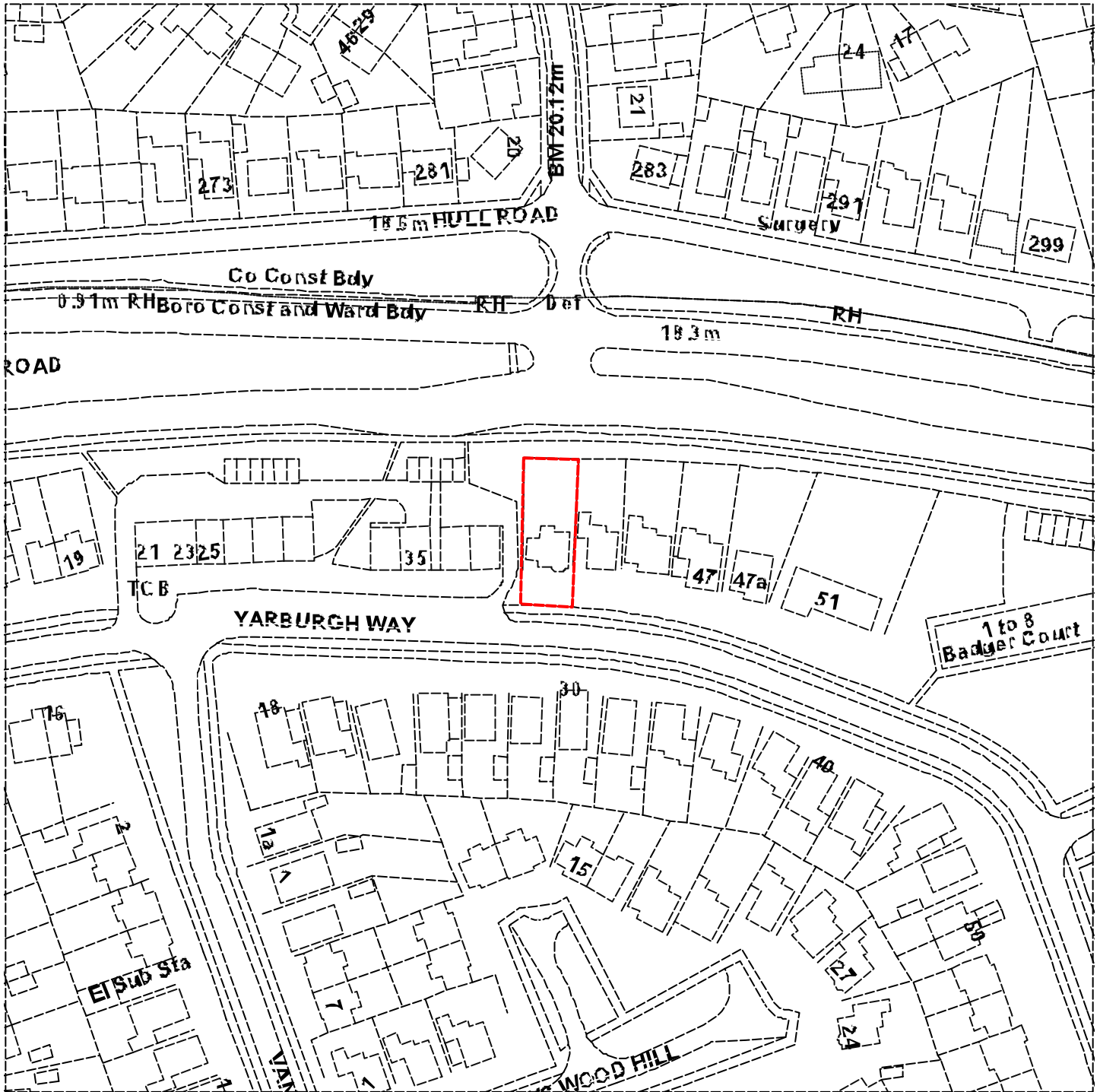
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, the effect on residential amenity, the impact on the character of the area, parking and highway safety and refuse provision. As such the proposal complies with Policies H8 and T4 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005).

Contact details:

Author: Hannah Blackburn Development Control Officer
Tel No: 01904 551477

Application at 41 Yarburgh Way

Ref 07/00212/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Heworth
Parish: Heworth Planning Panel

Reference: 07/00567/FUL
Application at: Heworth Auto Point Mill Lane York YO31 7TF
For: Variation of condition 4 of planning permission 04/00622/FUL to allow fuel deliveries between 0700-1800 hrs Monday to Fridays.
By: Wincanton / Texaco
Application Type: Full Application
Target Date: 23 May 2007

1.0 PROPOSAL

1.1 This planning application is submitted on behalf of Texaco and seeks to extend the period that the fuel tankers can fill tanks at the site.

1.2 This application was originally worded 'Variation of condition 4 of planning permission 04/00622 to allow deliveries from 06:30'. Following negotiations with the applicant this has been amended to 'Variation of condition 4 of planning permission 04/00622 to allow fuel deliveries between 07:00 - 18:00 hours Monday to Fridays. The material change from the current position would be allowing deliveries of fuel to commence at 07:00 rather than 08:00. All other delivery times would be as approved in 2002 and 2004.

1.3 The recent history at the site is as follows:

02/01394 - Alterations to forecourts and sales building including erection of single storey flat roof extension and raising height of roof of part of existing building to form first floor - Granted 2002. This consent restricted opening hours on the site to 07.00 - 23.00 seven days a week with deliveries (except milk and newspapers) restricted to 08:00 - 18:00 -- Monday to Friday and 09:00 - 13:00 Saturdays and not at all on Sundays and Bank Holidays.

04/02100 - Replacement of car wash (Granted 2004). This consent restricted operation to 09:00 - 19:00 Mondays to Fridays with more restricted times on weekends and bank holidays.

04/0622 - Alterations to existing shop unit to form first floor staff accommodation and plant room. This was a revision of application 02/01394 as the scheme was not constructed to the approved height. This was granted in 2004 subject to the time restrictions of 02/01394.

05/0870 - Replacement of car wash (revision of 04/02100). This was refused because of concerns relating to noise from the vacuum and spray wash (2005).

06/01765 - Application to vary the condition on 04/0622 to allow deliveries between 0600 - 20:00 seven days a week (this was withdrawn).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections

Environmental Protection Unit - No objections to deliveries commencing at 07:00.

3.2 External

Planning Panel - No objections to deliveries after 7.00 a.m.

Cllr R Potter - object to any change to allow earlier deliveries.

Neighbours - 25 written objections were received. Most were received on standard letters. The issues raised were:

- * Nothing has changed since the restriction was imposed in 2004.
- * Present delivery arrangements for the garage are more generous than city centre shops.
- * Residents live around the area and will be woken by 'bleepers or worse' before 8.00 a.m.
- * Traffic before 8.00 a.m. is generally light and non-intrusive. Large lorries do not otherwise travel through the area because of weight restrictions on Mill Lane.
- * The opening of the Lawrence Street/Heworth Green link will reduce traffic on Mill Lane.

4.0 APPRAISAL

4.1 The application site is a 12-pump petrol filling station and convenience store located in a generally residential area of Heworth. The site is accessed off Mill Lane.

4.2 Up until planning permission was granted for the extension of the building in 2002 there were no planning restrictions in place in respect to opening and delivery times. The planning permission gave the opportunity to impose controls to help protect the living conditions of neighbours living in the vicinity.

4.3 The applicant has stated that the shop rather than Texaco were involved in negotiating the change in delivery times and that an amendment to allow earlier petrol deliveries on weekdays would have the advantage that it would mean that they could be completed before the peak of rush hour.

4.4 In assessing the application the key issue is whether the change would have an unacceptable impact on neighbours' living conditions. Policy GP1 (Design) states that development proposals should 'respect or enhance the local environment' and 'ensure that residents living nearby are not unduly affected by noise or disturbance'. Neighbours are located around the edge of the site. Susan Court is immediately to the rear, this residential development was granted consent in 1998 (98/00818).

4.5 To assess the impact of proposals a visit of a petrol tanker was monitored by council officers and some local residents on 5 October 2006 at approximately 11 a.m. The case officer visited the site between 7.00 a.m. and 8.15 a.m. on Monday 14 May to assess the degree of noise and activity associated with the forecourt and Mill Lane at the time they wanted to undertake deliveries.

4.6 The survey on 14 May 2007 indicated that there are relatively high background noise levels from 7.00 a.m. onwards associated with traffic movement. Within the first hour, 57 motor vehicles entered the garage forecourt and around 425 motor vehicles drove past along Mill Lane. In the first quarter of an hour 12 motor vehicles entered the garage forecourt and around 75 passed on Mill Lane. The level of traffic increased slightly through the hour. The nature of some of the noise associated with the usage of the garage between 7.00 - 8.00 a.m. did cause some level of disturbance. This included loud mopeds and other vehicles pulling away, doors slamming and people occasionally shouting across the forecourt.

4.7 The petrol tanker that delivers to the garage is approximately 50 feet long. It is understood that one tanker typically visits the site three times each week. It takes around 30-40 minutes to empty a tank. The tanks are fed by gravity and there is little noise when the vehicle is stationary. The main noise is associated with the movement of the tanker. Subject to the operation of the driver there is also some noise created when manually connecting and disconnecting the tube to the tank. The applicant has stated that the tankers do not use reversing beepers and that these are not required for health and safety reasons. Controls on the use of 'bleepers' could be controlled by condition. Should 'bleepers' be required in the future a new application would be required, and determined on its merits. Any aspects related to the safety of the site are understood to be dealt with by the Health and Safety Officer and Trading Standards.

4.8 Taking account of current noise levels associated with the garage and Mill Lane after 7.00 a.m. it is not considered that the extension of delivery times will cause significant additional disturbance to nearby residents. It is accepted that it would be unreasonable to extend delivery time for fuel tankers to before 7.00 a.m. without

significant justification. However, during the morning once the petrol station and associated shop is open the noise 'climate' changes and in this context the delivery of fuel between the hours of 7.00-8.00 a.m. does not seem unreasonable or unduly harmful to neighbours' living conditions.

5.0 CONCLUSION

5.1 For the reasons given above it is recommended that the application be approved.

6.0 RECOMMENDATION: Approve

- 1 The delivery of fuel for vehicles shall be restricted to the following times:
07:00 -18:00 Monday to Friday and 09:00 - 13:00 Saturdays and not at all on Sundays and Bank Holidays.

Reason: For the avoidance of doubt.

- 2 Fuel delivery vehicles shall not use reversing beepers or other similar audible reversing warnings between the hours of 07:00-08:00.

Reason: To protect neighbours' living conditions.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

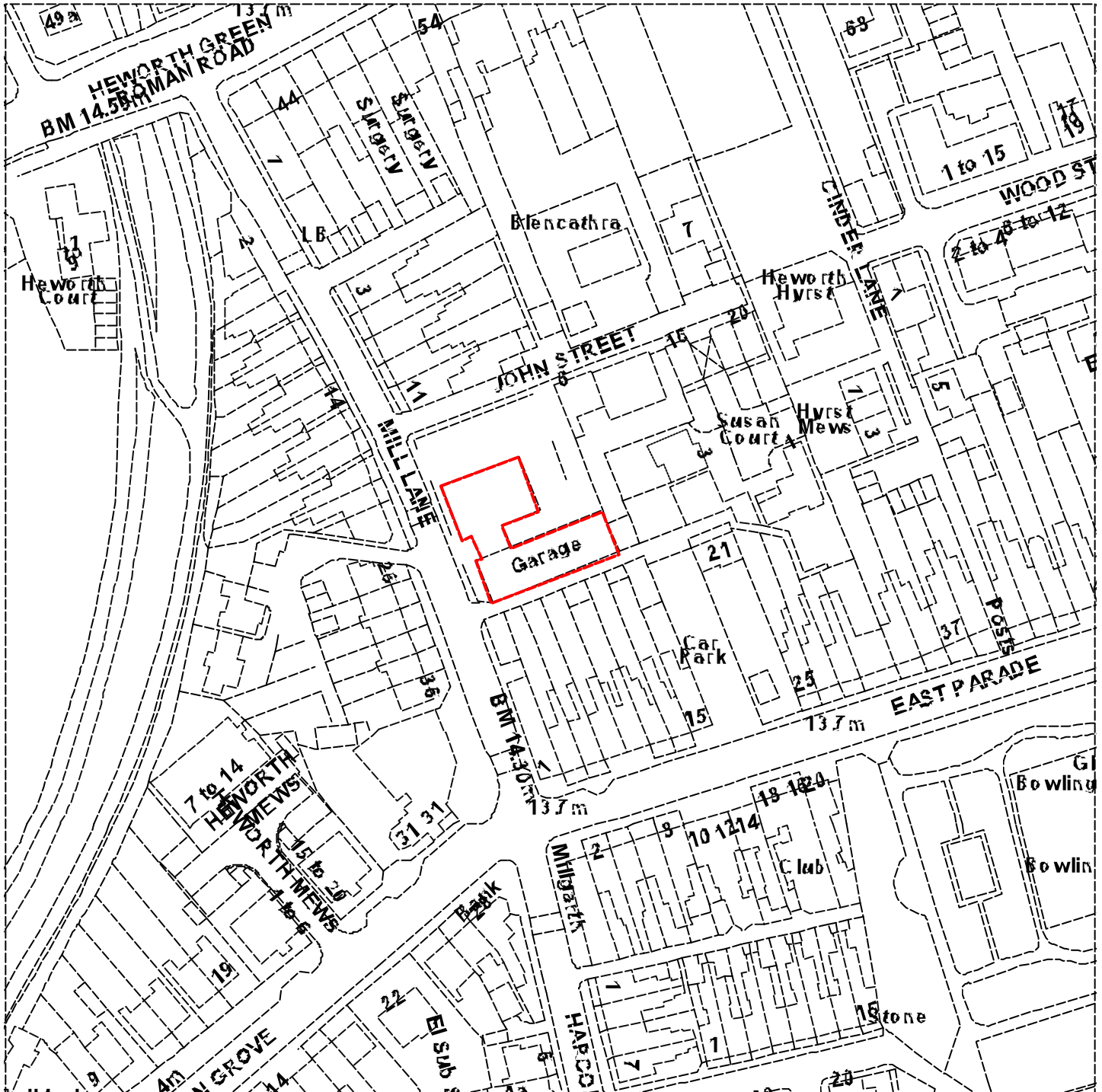
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours' living conditions. As such the proposal complies with Policy GP1 of the City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

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)
Tel No: 01904 551657

Application at Heworth Auto Point

Ref 07/00567/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 07/00843/FULM
Application at: Site At The Junction Of Jockey Lane Kathryn Avenue
Huntington York
For: Erection of foodstore with associated car parking, access and
landscaping (resubmission of 06/02293/FULM)
By: Aldi Stores Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 12 July 2007

1.0 PROPOSAL

1.1 This application seeks planning permission for a new foodstore on the corner of Jockey Lane and Kathryn Avenue in the Monks Cross area of York. The proposed foodstore would have 1580 sq floorspace of which 1125 sq m would be dedicated to retail floor area.

1.2 The proposal is for the foodstore to be located on the northern part of the site with the car park to the south. Access to the car park would from Kathryn Avenue.

1.3 The site currently contains two buildings both of which would be removed to make way for the retail unit and car park. The northern part of the site has operated as a car dealership within the last year but is currently unused. The southern part of the site has not been occupied for a number of years with its most recent use thought to be a car repair garage.

1.4 North of the site is Jockey Lane and the main retail centre of Monks Cross. West is Kathryn Avenue and the Polar Ford Car dealership. To the south are open fields with a bulky goods retail unit to the east.

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:

CYE3B
Existing and Proposed Employment Sites

CYSP7A
The sequential approach to development

CYGP1
Design

CYGP4A
Sustainability

CYGP3
Planning against crime

CYT4
Cycle parking standards

CYT7C
Access to Public Transport

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The proposed food store includes customer parking for 69 vehicles to the rear, which is accessed off Kathryn Avenue. These include 4 disabled spaces and 4 parent/child spaces, which are in accordance with Local Plan standards. Additional facilities include a drop off bay for customers and 2 taxis spaces.

Covered parking for 16 customers cycles is to be provided close to the main entrance to the store and staff will be able to park their cycles within the storage area of the building. These arrangements are considered acceptable for the proposed use.

Access to a specifically designed goods unloading bay will take place from within the rear parking area and the applicants indicate that one HGV per day will be needed to service the store.

The store is accessible by sustainable modes of transport, with shared pedestrian/cycle footways already in place along Jockey Lane and a signalled crossing point on the frontage of the proposed store. A 30 minute frequency bus service operates along Jockey Lane and the Monks Cross Park and Ride service is to be found close by operating a 10 minute service into the City Centre.

An assessment of the operating capacity of the nearby Jockey Lane/ Kathryn Avenue junction has been undertaken by the applicants transport consultant in the

post development situation, and this shows that the junction will continue to operate within capacity with no significant queuing or delays to traffic.

The applicant has agreed to fund the introduction of new carriageway give-way markings at the Kathryn Avenue vehicular access to the store in order to denote priorities at this point. A contribution of £21,452.53 towards the Monks Cross Transport Masterplan has been negotiated. This figure is based on estimated modal splits for the net trip generations, and should be secured by way of a section 106 agreement.

There are no highway objections to this application subject to a section 106 agreement covering a contribution to the Monks Cross Transport Masterplan

City Strategy - Make the following comments:-

Loss of Employment Land - Whilst not actually allocated on the City of York Local Plan Proposals Map, the site is formerly an employment use, and therefore, protected for employment purposes under policy E3b (Existing and Proposed Employment Sites).

Policy E3b is intended to protect previous and current employment land for employment uses. Permission for alternative uses will only be permitted if a number of criteria in the policy can be met. The applicants have set out a comprehensive case for the redevelopment of this former employment site for retail use.

The quantitative and qualitative analysis of the proposed development, in order to justify the proposal. Given the arguments offered by the developers in terms of employment land provision, the potential benefits to the local economy, the fact that the site has been marketed for employment use with out success, and the assessment of alternative sites, officers do not wish to raise an objection in terms of loss of employment land provision.

Retail need / sequential assessment of sites - Policy S2 of the City of York Local Plan requires a Retail Impact Assessment for out of centre retail developments. This should address the following issues:

- * The quantitative and qualitative need for the development, including increase in sales areas;
- * The sequential approach, as outlined by policy SP7a;
- * The impact on the vitality and viability of York City Centre and Acomb and Haxby District Centres;
- * Accessibility by a choice of means of transport and the likely impact on car use.

- The quantitative and qualitative need for the development, including increase in sales areas

The proposed new store is in an out of centre location - all relevant PPS6 retail policy tests appear to have been addressed.

There are a number of competing supermarkets in the North of York area, but they are currently overtrading at significant levels compared to company averages, and

draw trade from a very wide catchment , beyond the expected catchment of the proposed Aldi store.

Analysis of turnovers of existing stores and commitments that would be derived from within the new Aldi store catchment demonstrates that in 2008 there is over £9m of convenience retail to support new floorspace. This would be sufficient to justify a new Aldi store which would have an expected turnover of £3.65m.

- The sequential approach, as outlined by policy SP7a;

In line with PPS6 and policy SP7a, the order of assessing sites is City Centre, edge of centre or district centres and finally, other accessible out of centre locations. Additionally, existing retail allocations should be assessed. This preference was outlined to the developers following withdrawal of the previous planning application on the site. The Retail Impact Assessment accompanying the current application comprehensively assesses sites in these locations, in terms of a number of detailed criteria, inc accessibility, policy constraints, planning history, highways, physical / amenity constraints, ownership, suitability, viability and availability. It therefore appears to adequately address this approach, and concludes that there are no appropriate or available sites within the context of the sequential approach. Many of the sites have been discounted on the grounds of not being available within the required timescales.

- The impact on the vitality and viability of York City Centre and Acomb and Haxby District Centres.

York City Centre and Haxby District Centres are healthy, thriving centres and it is considered that they will suffer minimal trade impacts as a result of a new Aldi store. A significant proportion of the anticipated turnover is likely to come from the existing Fulford Road store and most will be from other out of centre stores such as Netto Clifton Moor, Tesco Clifton Moor and Asda Monks Cross.

- Accessibility by a choice of means of transport and the likely impact on car use.

The proposed development is located close to the Monks Cross Park and Ride, where buses run every 10 minutes. These buses also travel from the Park and Ride into Monks Cross itself, before travelling back into the City. Clearly, this increases the accessibility of the proposal by public transport, and reduces dependence on the car.

In summary, for the retail element, the scheme is supportable in retail needs and impact terms, subject to a maximum of 1,580 sq.m gross floorspace (retail sales area 1,125 sq.m). A condition to limit comparison goods to no more than 15% of the net sales area should be attached. No additional mezzanine floors should be permitted.

Landscape Architect - States the 'landscaping' that is referred to in the 'Design & Access Statement' is minimal and does not substantially contribute to the setting for the development. Nonetheless it is better than what is there now (virtually nothing).

The scheme introduces a degree of planting along the elevation with Jockey Lane and at the car park entrance. The removal of the existing building and introduction of

a car park to the rear improves the conditions for the existing trees just outside the boundary and presents an opportunity to plant some new trees within the boundary.

Proposed areas of planting should include as much tree planting as possible, utilising suitable species such as Fastigate Hornbeam/Beech, Birch and Pines. The ground cover planting should express seasonal change and colour.

Environmental Protection Unit - no objections to this application. The applicants have provided a desk study and a limited site investigation of the areas surrounding the existing buildings on site. Site investigation is required for the remainder of the site as some of the buildings were used as vehicle repair workshops and the ground beneath them may contain higher levels of contamination, particularly hydrocarbons. It is noted from the conclusions of the site investigation report that some gas protection measures have been recommended. It is possible that an overestimation or indeed an underestimation of the measures required has been made based on the findings of 4 gas monitoring visits made over a relatively short period i.e. one month. It is recommended that any permission given should contain conditions relating to further site investigation and gas monitoring.

In addition, as it is likely that the car park would have some sort of lighting, possibly high level, a condition should be attached requiring that details of lighting intensities and spillage patterns is submitted for approval, to ensure high light levels don't cause a nuisance. Lastly, as there will be a need for a considerable number of refrigeration units, details of all plant and equipment should be submitted for approval to ensure there is no noise nuisance caused.

The Environmental Protection Unit considers there to be no air quality grounds on which to object to this application.

3.2 External

Huntington Parish Council - Object strongly to this application. The following comments were made:

- Need has to be demonstrated. It is not felt that the case is strong enough to justify another 15,000 sq. ft. food store in this area. Taking into account Asda, Sainsbury's and Marks and Spencers on Monks Cross already in addition to a number of local shops in the surrounding area.
- The catchment area defined by Aldi is wide and far reaching and indicates that extra car traffic is seen as the way to generate customers, at the cost of parking capacity and road congestion.
- The land is designated as 'employment land'. Aldi suggests that there would only be 12 full time employment positions.
- Although there has been a transport plan for this area, it is rapidly being overtaken by event. A) local parking capacity has been affected by mezzanine infill of major stores and by growing employment locally. B) Planning permission has been given to a new garden centre very close to this site. C) The Park and Ride Service critically depends on easy access on and off Kathryn Avenue., yet this application presumes car and delivery access using the same route as that of the proposed store, only

metres from new traffic lights. D) The proposed provision of 80 car parking spaces makes no reference to staff parking. If the car park is full or inaccessible due to delivery vehicles where are cars to park. E) The conversion of Pepsi-Max Raceway to a Park and ride facility adds to road usage. F) Jockey Lane, as a major throughfare, only works because of the double yellow lining put in well before these changes to traffic levels. G) Employment generated by the development of South Monks Cross will again affect the highways and transport situation.

- Allowing this application would amount to commercial gain at the expense of further threats to public throughfares, public transport, increasing congestion and risk. In the absence of real need, an updated coordinated transport plan and improvements for pedestrians, cyclists and motorists this application should be rejected.

Public Consultation - Two letters of objection received. These were from England and Lyle Chartered Town Planners and 5 Burton Avenue in Clifton. The following points were made:

- The proposal represents and unacceptable loss of employment land. The applicants have not adequately demonstrated a lack of demand for this employment land. The marketing campaign undertaken by MWH/Lamb and Co. to test market demand for this employment land was not sufficiently robust. The terms under which the units were offered to the market were onerous so as to discourage interest from potential occupiers. There is a continuing strong demand for units of this existing size and type in this location.

- The applicant has sought to use results of an unenthusiastic marketing campaign as proof that this unit can no longer be let in its current form or established use. The marketing particulars explicitly stated that the unit was to be let on a temporary basis only.

4.0 APPRAISAL

4.1 Key Issues:

- Loss of Employment Land
- Retail Need / Suitable Location
- Design / Appearance
- Sustainability
- Highways / Transport / Parking

4.2 The Application Site - The proposed Aldi store would be located on the corner of Jockey Lane and Kathryn Avenue in Huntington. The most recent use of the site was as a car dealership. The unit is currently vacant but has a history of employment use including the manufacture of machine tools and office accommodation. South of the location of the proposed foodstore is a further unit which was most recently used as a car repair garage. This site also has a history employment use but is currently vacant. The whole application site is unallocated 'white land' on the Local Plan Proposals Map.

4.3 The Proposal - This application seeks permission to demolish the two existing units on the site and to erect a new foodstore. The foodstore would have an external area of 1580 sq. m of which 1125 sq. m would be dedicated to retail floorspace. The

Aldi store building would be situated in the northern portion of the site fronting onto Jockey Lane. The side elevation faces Kathryn Avenue to the west and contains the main customer entrance. South of the site would be the car park which would accommodate 69 cars. There would also be spaces for two motorbikes, 16 bicycles, and there is a taxi drop off point. Vehicular access to the car park and service/delivery access would be via Kathryn Avenue using the existing access. The loading bay is situated to the south end of the store building.

4.4 Loss of Employment Land - Both the northern and southern sections of the site have operated as business employment uses previously, therefore the site is classified as an employment site and Policy E3b applies. Policy E3b states that planning permission will only be granted for a change of use from an employment site to another use where criteria a) to d) are satisfied.

- a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and
- b) unacceptable environmental problems exist; or
- c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or
- d) the use is ancillary to an employment use.

The proposal must comply with part a) AND ONE of parts b) to d).

4.5 In order to satisfy part a) of Policy E3b an analysis was submitted of the supply and demand in quantitative terms of employment land in York. This examined the allocation in the Local Plan and the Employment Land Monitoring Report April 2005 (including updates). This analysis comes to the conclusion that there is more employment land allocated than needed within the plan period up to 2011. In qualitative terms marketing information has been submitted to show that the site is not in demand for employment uses. This is accompanied by two letters from Lamb and Co who are a commercial property and development consultants. These letters state that both sections of the application site have been marketed but there has not been strong interest since the unit was let to York Used Cars for a temporary time in 2006. A marketing brochure was submitted which shows that the northern part of the site has been marketed, no brochure was submitted for the southern part of the site. The brochure advertises the site as being available on a 'temporary basis' and a 'short term' lease. The applicant contends that these statements were included to provide flexibility for people wanting to test the attractiveness of their business before committing to a long term lease. However, this flexibility is not specifically stated on the brochure and may have been considered by possible occupiers as a restriction or constraint to the site rather than an opportunity. In addition to the marketing details, a list of available alternative sites which could be used for employment purposes at a similar scale to the application site was submitted by the applicant.

4.6 If it is considered that the application has satisfied part a) of Policy E3b, then the next test is whether it complies with either part b), c) or d). Parts b) and d) are not relevant for this site. The applicant claims that the proposal complies with part c) in that it creates jobs. The argument put forward by the applicant is that according to the English Partnerships Employment Densities (2001) data the proposed retail unit would create potentially more employment than if the existing car showroom

operated. However, this has to be taken in context. The application form states that 13 staff would be employed on the site which is not particularly high given the size of the site. The site has a history of a B1 and B2 use which would traditionally employ significantly more people than the proposal. However, the site is currently vacant and therefore 13 more jobs than at present would be created. It also has to be considered what alternative use the site may have in the foreseeable future which would generate greater employment levels.

4.7 Retail Need / Suitable Location - The retail statement submitted with the application addresses the need for further convenience goods retailing and states why this site is sequentially preferable to others within the city. Regarding retail need it is argued that existing stores are overtrading in that they are generating a greater turnover than the national average for those stores. It is stated that this shows that there is a residual capacity for more convenience goods stores within the city and new food stores can be accommodated without harming the viability of existing units. Commitments to building new stores such as Sainsbury's and Morrison's at Foss Islands have been included in the calculations and this level of floorspace subtracted from the spare capacity figure.

4.8 In line with PPS6 and Local Plan Policy SP7a the retail statement assesses alternative sites using a number of criteria including accessibility, policy constraints, planning history, highways issues, physical constraints, and availability. It concludes that there are no appropriate or available sites which are preferable to the application site. The statement then looks at the impact on York City Centre and the district centres of Haxby and Acomb. It is concluded that the impact on York City Centre would be minimal as it is currently thriving and healthy and it does not look to compete with the retail units within the centre which are predominantly comparison goods which Aldi does not cater for. It is considered that the impact on Acomb would also be minimal given the distance between the district centre and the application site. Haxby is within the catchment area of the proposed store and thus the impact is likely to be greater on this district centre. The Local Plan and PPS6 look to protect district centres. The report does not thoroughly address the impacts that a new Aldi store would have on existing convenience retail shops, namely Sommerfield and Co-op. It could be argued that these units are more of a top up shopping facility for Haxby/Wigginton residents and are therefore not directly comparable with retail stores on Monks Cross. The report concludes that a new Aldi would draw most of its trade away from Aldi (Fulford), Asda (Monks Cross), Sainsbury's (Monks Cross), Tesco (Clifton Moor), and Netto (Clifton Moor). These stores operate at overcapacity and therefore a new retail unit of the sized proposed is unlikely to harm their viability.

4.9 Design / Appearance -The store would be of a modern 'split roof' design. The unit would be predominantly constructed with grey aluminium cladding. A cantilevered glazed canopy over the entrance would be erected. This area of Monks Cross is dominated by large retail units. It is considered that the proposed new food store would fit in visually with the surrounding area. The proposed unit appears well positioned on the plot and is set back a little from the footpath on Jockey Lane. An element of green landscaping is proposed around the site to help soften the visual impacts of the development. The units currently on site are typical of the area in that

they are of large bulky design; their removal to make way for the new store and car park would not harm the character and appearance of the area.

4.10 Sustainability - The proposed development is located close to Monks Cross Park and ride where buses run every ten minutes. This bus route connects Monks Cross to the city Centre as do buses 13, 16 and 17 with the bus stop being approximately 150 m from the proposed food store. Cycle parking facilities would be available consisting of fifteen double cycle stands. This provides a sustainable transport choice and reduces dependence on the car. A sustainability statement was submitted with the application. The statement lists each section of Local Plan Policy GP4a and states how the proposal complies with those policies. There are no exceptional green measures proposed for the development however the statement shows that the issue has been looked at and some account has been taken of sustainability.

4.11 Highways / Transport / Parking - A transport assessment was submitted with the application. The Highway Officers comments on this report can be found in section 3.1 of this report. As can be seen the proposal is considered acceptable to the officer in terms of its impact on the local highway network. The car and cycle parking provision is in line with standards set out in the local plan.

4.12 Crime Prevention - In line with Local Plan Policy GP3 a Crime Prevention Statement was submitted with the application. The report highlights how crime prevention has been taken into account in the proposal. This includes good natural surveillance of public spaces and paths, secure cycle parking facilities, a car park barrier to stop the car park being used when the store is closed, security fencing around the car park, and lighting within the car park.

5.0 CONCLUSION

Proposal is considered to be in accordance with local and national planning policies.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2

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

Drawing Numbers AL(2) 320 Rev PL1, AL(2) 321 Rev PL1, AL(0) 10 Rev PL1 received by the CoYC on 12/04/07

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 The amount of comparison goods sales floorspace shall be limited to no more than 15% of the net floorspace granted permission. The remainder shall be retained for the sale of convenience goods.

Reason: To minimise the impact of comparison goods sold at the store competing with York City Centre retail outlets selling the same goods.

- 4 No mezzanine floor shall be installed into any part of the unit at any time unless agreed in writing with the Local Planning Authority.

Reason - To safeguard the rights of control of the Local Planning Authority and to ensure a sequential approach to the provision of retail development in accordance with PPS6 is achieved and to safeguard York City Centre and District Centres identified in the Local Plan.

- 5 The retail sales area shall not exceed 1125 sq m at any time unless agreed in writing with the Local Planning Authority.

Reason - To safeguard the rights of control of the Local Planning Authority and to ensure a sequential approach to the provision of retail development in accordance with PPS6 is achieved and to safeguard York City Centre and District Centres identified in the Local Plan.

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

Reason: So as to achieve a visually cohesive appearance.

- 8 HWAY9

- 9 HWAY13

- 10 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

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

11 HWAY18

12 HWAY19

13 HWAY21

14 HWAY31

- 15 The development hereby permitted shall not come into use until the following highway works (which definition shall include 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 the approved plans, or arrangements entered into which ensure the same.

- Carriageway markings Kathryn Avenue

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

16 HWAY40

- 17 Prior to commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the LPA. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material and the hours during which this will be permitted.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

- 18 Gas monitoring shall be carried out on the site over a period to be decided in consultation with the City of York Council Contaminated Land Officer, to consider the effect of any localised gas migration or production. The survey shall be undertaken and the results submitted to the local planning authority prior to any works being carried out on the site.

Reason: to determine if gasses are being emitted from the site which may be detrimental to the health and safety of the occupants.

- 19 Based on the information from the gas survey, proposals for a gas protection regime shall be submitted to and approved by the local planning authority prior to the commencement of any development on site.

Reason: to protect the health and safety of the occupants.

- 20 a) A further site investigation shall be undertaken based upon the findings of the desk study and first site investigation submitted by the applicant. 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.

b). 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).

c). 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.

d). 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 componants and any proposed underground services.

e). 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 componants and any proposed underground services.

- 21 Prior to the development hereby approved coming into use details of the illumination of the car parking area on the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 22 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}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and retail planning issues. As such the proposal complies with Policies GP1, GP3, SP7a, E3b, T4 and T7c of the City of York Draft Local Plan.

2. INFORMATIVES:

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:

Section 184 - Stuart Partington (01904) 551361

3. 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.

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

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act

1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site."

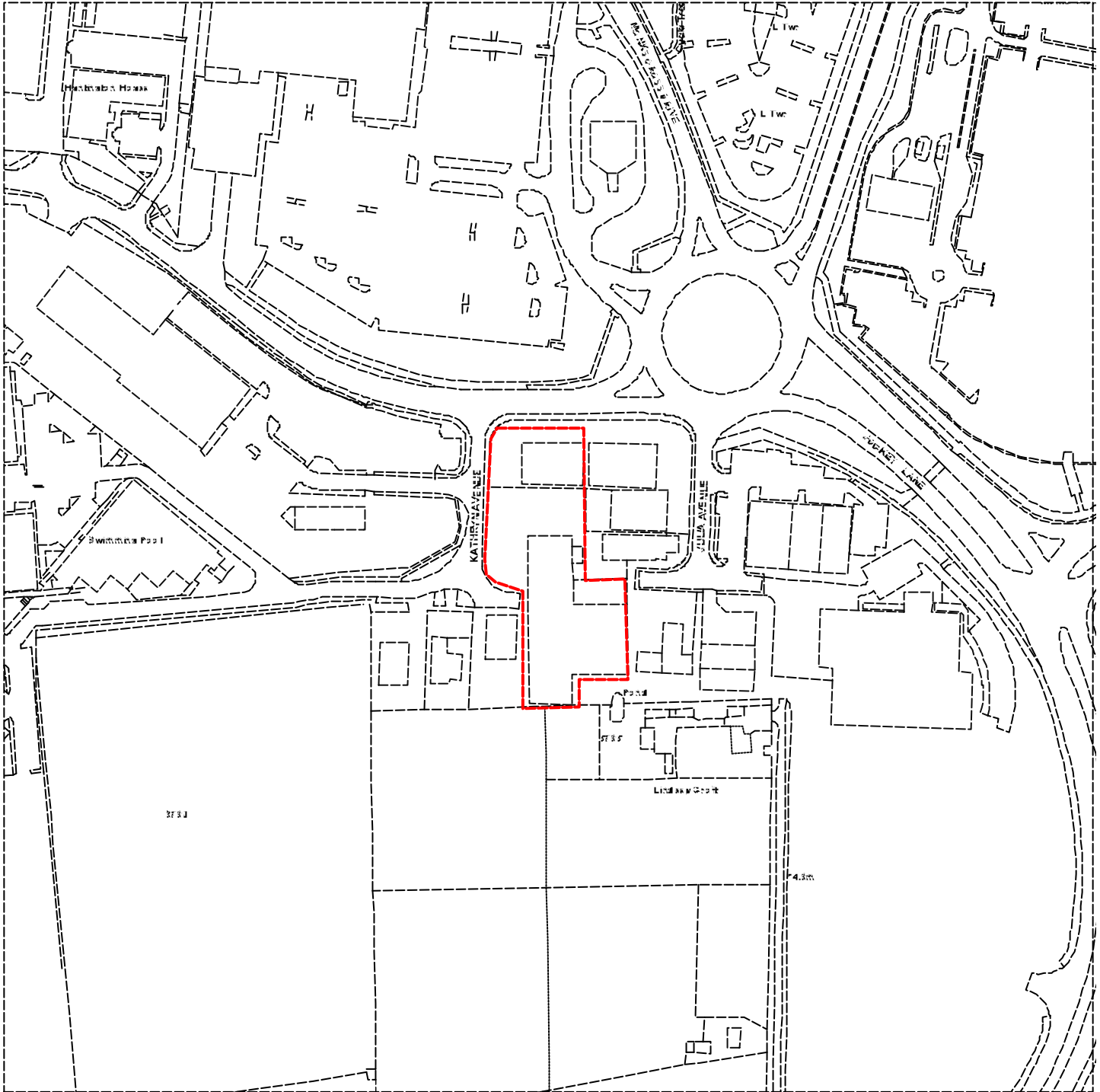
Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325

Site at junction of Jockey Lane Kathryn Avenue

Ref 07/00843/FULM



Scale : 1:2500

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 07/00962/FULM
Application at: St Judes 281 Huntington Road York YO31 9BR
For: Erection of 10 no. two storey dwellings with associated parking and adopted access road after demolition of 279 Huntington Road on land to the rear of 277 to 285 Huntington Road (resubmission)
By: Mr C Cook
Application Type: Major Full Application (13 weeks)
Target Date: 25 July 2007

1.0 PROPOSAL

1.1 This is a full planning application to demolish 279 Huntington Road and to erect 10 two and a half storey four bed roomed houses parallel to the river. The application description is 'two- storey' dwellings, however, 'two and a half/three' would be more accurate. The development is made up of 2 separate terraces divided by a 2-metre gap at the centre. In September 2006 a similar application for the site (06/01673) was withdrawn.

1.2 The application site is comprised of 279 Huntington Road and part of the rear curtilages of 283 and 285 Huntington Lane. The site is bounded to the west by the river Foss. To the north is the Waterdale Park development and to the south is the Foss Court development. The application site borders the rear garden of 281 Huntington Road and the rear and side boundary of 277 and 279a Huntington Road. The land slopes gently towards the river. The site is rectangular in area with an access road on to Huntington Road. The overall area is approximately 0.22 hectares.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP10

Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CYGP9
Landscaping

CYNE2
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYGP15
Protection from flooding

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management - Reservations in respect of the low level of car parking provision.

Countryside Officer - It would appear that there might be otters using the banks of the site. This needs further consideration. There should be provision for wildlife along the river bank.

Landscape Architect - The properties are too close to the river and have an uncomfortable relationship to existing trees. A 6m margin along the river should be protected for wildlife habitat.

Environmental Protection Unit - No objections subject to conditions regarding assessing contaminants and methods of construction.

City Archaeologist - Watching brief required.

York Consultancy (Drainage) - The site lies in medium/high risk flood zones. Object to the scheme as insufficient information has been provided in respect to flooding and drainage.

3.2 External

Parish Council - No objections to the development, however question whether 16 parking spaces are sufficient for the 10 four bed houses.

Neighbours - 4 written objection received raising the following issues:

The description should read 3 rather than 2-story development.

Huntington Road is very busy with cycle lanes, a mix of junctions and many uses, the junction would create a hazard for neighbours, occupiers, pedestrians and cyclists.

The site is overdeveloped.

It is unclear what landscaping is being proposed and retained.

Inadequate information on proposed lighting and boundaries along the new access road.

Inadequate number of parking spaces.

Works to change ground levels could cause gardens to 'slide'.

Discrepancies in respect to the width of number 279 shown on the plan and the measurement on site. The boundary and outbuildings of 277 are not shown accurately

* There should be more than 1 footpath along the access road.

* Increase in fumes and noise to neighbours from traffic to side and rear of houses will harm living conditions in neighbouring homes and gardens.

* Noise from construction.

* Overlooking - this will be exacerbated by the loss of trees.

Foss Internal Drainage Board - Further details required regarding surface water discharge and a condition should be included requiring a 9m strip adjacent to the bank to be free of all new buildings and structures.

Environment Agency - Object - No evidence that a flood risk sequential test has been carried out. Object - No technical information or flood risk assessment has been provided with the application.

4.0 APPRAISAL

4.1 The proposals are to develop the site with 10 houses. The net gain in dwellings is 9 given the demolition of 279 Huntington Road. The dwelling is being demolished to try and create an adequate access into the site. The overall density is approximately 40 units a hectare. This accords with targets for housing densities in urban areas, though given the constraints of the site it is considered that this should be applied flexibly.

4.2 Proposals to make better use of Brownfield land for residential development accords with the general thrust of local and national planning policy subject to meeting certain criteria. Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the sub-division of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development.

4.3 Relevant national guidance includes PPS1: Delivering Sustainable Development and PPS3: Housing. Because the site is within Flood zone 2/3 the guidance within PPS25: Development and Flood Risk is of much significance.

4.4 The key issues are considered below:

IMPACT ON LIVING CONDITIONS

4.5 It is considered that there is adequate separation between the development and adjoining homes and gardens to avoid unacceptable harm in respect to loss of light, outlook or privacy. Typically distances between the proposed houses and the rear of existing homes is around 35 metres. There is a distance of upwards of 14m to rear garden boundaries.

4.6 The road that is proposed to enter the site would be located between the side elevations and gardens of 277 and 279a Huntington Road. Both properties have their own narrow vehicular access between the house and proposed access road. These two properties are not part of the application site nor are they within the applicants' ownership. It is not considered that the demolition of the house and new road would be unduly harmful. The demolition of the house would be advantageous in that it would improve the outlook from side windows of the two homes. The creation of the road would create additional noise through comings and goings, however, it is the case that existing background noise levels from vehicles using Huntington Road are already relatively high and it is not considered that additional noise from the new access would be so great to merit refusal. To limit the impact on living conditions and aid security, if consent were approved a 1.8 - 2m solid boundary would need to be erected either side of the access road.

IMPACT ON VISUAL AMENITY

4.7 The proposal will have limited impact on Huntington Road given that it is a backland site. It is not considered that the demolition of 279 Huntington Road is unduly significant to the character of the area. There will be some views of the development from areas of Foss Court and Waterdale Park, however, it is not considered that the development will be unduly prominent from these directions.

4.8 It is considered that the most significant elevation is that facing the river Foss. There is a public footpath running along the opposite bank with clear views of the application site. The banks of the river Foss in the vicinity of the application site and heading north out of the city generally have a natural character with a backdrop of trees dominating the environment. It is considered that any proposed residential development should seek to preserve and enhance this. It is considered reasonable to glimpse residential development through the trees and the benefits of having some overlooking of the footpath are acknowledged. However, given the local character it is important that a naturalised environment predominates when viewed from the opposite side of the river.

4.9 The style of housing proposed is very urban in form with two 24-metre long gable ended terraces separated by a 2m gap. The properties are two and a half storeys in height with the ridge standing just in excess of 10 metres. The development is on average around 13 metres from the rivers edge, however, in the northwest corner it is only approximately 10 metres. At present approximately half of the boundary of the gardens to the river comprises a line of conifers. This is unattractive and not sympathetic to the indigenous vegetation. Along the rest of the bank there is fairly limited planting although there is a strong line of tree covering adjacent to the Waterdale Park development and a large sycamore by the river's edge.

4.10 It is considered that the proposed form of development is inappropriate in the context. The scale of development and positioning in close proximity to the river gives limited opportunity for establishing a naturalised river bank along with new planting to help screen the development. It is also the case that the development to the north-west is too close to existing trees.

4.11 The homes are large family dwellings. The garden size of 10m x 5m is adequate, however, the homes have no garages or front gardens, which will typically mean that outbuildings and other domestic structures are likely to be erected along the rivers edge. In this context a significant belt of planting is seen as even more important.

4.12 There have been several other developments in recent years that have been built on land to the west of Huntington Road. It is considered that these indicate a precedent for the broad principle of residential development, however, it is important that the details of the scheme take account of the local circumstances and current planning advice. The most recent planning permissions have been at 161-163 Huntington Road (02/1073) and 175 Huntington Road (04/01993). Both schemes were located around 18 metres from the river bank. This contrasts with the 13 metres of the current scheme. The scheme at Foss Court to the south is closer to the river with limited naturalised planting, though a reasonable belt of tree planting to

screen the development. The Waterdale Park development is less densely developed along the river edge.

In assessing the scheme it is important to consider that the scheme is backland development, whereas most other recent developments on this side of Huntington Road also included the re-development of land fronting the road. Policy H4a seeks to ensure that new housing is an appropriate scale and density to the surrounding development. The majority of the housing in the immediate area is two storeys. In this context care needs to be taken to ensure that the proposed terraces of two and a half storey development does not appear out of place - particularly if ground levels need to be raised to address flooding concerns.

LIVING CONDITIONS OF PROPOSED DWELLINGS

4.13 It is considered that the outlook, privacy and light levels of the properties are acceptable. External private amenity space is a little limited, though adequate. The front of the site is dominated by car parking and hard-surfacing. Although the layout is adequate to meet the needs of prospective occupiers it would enhance the quality of the environment and lessen the impact on the character of surrounding land if additional space were created for significant planting to be created and retained.

HIGHWAYS AND PARKING

4.14 Highways Network Management have no objections to the access, though express concerns in respect to the low level of car parking. The plans indicate 1 car parking space per 4 bed dwelling with 1 visitor space per two dwellings. It should be noted that all 4 bedrooms within each home are 'doubles'. They have suggested that a preferable scheme would be to amend the layout so that 8 of the homes have 2 parking spaces and 2 have 1 with limited visitor parking along the access road. It is considered that this could be examined if it was felt that the application should be approved, however, the impact on landscaping and neighbours' living conditions would need to be carefully considered.

4.15 The plans do not indicate provision for cycle parking or refuse storage. The properties have no garages or front gardens and the plans do not indicate the means of access to rear gardens for the three properties at the centre of each terrace. Typically a shed would meet cycle storage needs, however, the access would further shorten the length of useable gardens and the provision of sheds would need further consideration given the impact on the setting of the river and the Foss Internal Drainage Board's reservation regarding obstructions to the bank.

FLOODING AND DRAINAGE

4.16 The site is within flood zone 2/3. Flood zone 3 is classified as high probability of flooding from the river or sea, ignoring the presence of defences. The application did not include flood risk sequential test or flood risk assessment. This is a requirement of PPS25. This has been requested from the applicants but has not been received at the time of writing this report.

WILDLIFE AND LANDSCAPING

4.17 The Council's countryside officer considers that a greater area of undeveloped bank should be retained to provide suitable provision for wildlife. Concerns in respect to the possible impact on the wellbeing of Otters is raised given that part of

the site is ideal habitat for the species and there is evidence that they are found along the Foss. This is very significant given that they are a European protected species. The Council's landscape architect expresses concerns in respect to the wellbeing of some of the existing trees on the site and the lack of space for suitable new planting along the river edge.

4.18 It would seem that the applicant is seeking to accommodate too great an amount of development on the site and that the short garden length proposed and the proximity to trees is unsatisfactory if the scheme is going to sit comfortably within the surroundings and take account of the wildlife interest. Currently the land is comprised of maintained garden and overgrown garden containing brambles and young self-seeded trees. PPS 9 (Biodiversity and Geological Conservation) states (paragraph 13) that where previously developed sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site. Paragraphs 16 and 17 give significant weight to protecting the habitats of individual wildlife species that receive statutory protection. These requirements are mirrored in Local Plan policies relating to rivers, habitat protection and creation and sustainability.

SECTION 106 CONTRIBUTIONS

4.19 Play/Open space

The development will lead to a net gain in 9 dwellings. On sites of less than 10 dwellings a commuted sum will be required towards off site provision. Given the constraints of the site and its backland nature it is not considered a good location for public amenity/play space. Using the Council's guidance on commuted sums for open space that was approved in April 2007 a total contribution of £27,054 would be required for increasing access and provision for children's equipped play space, informal amenity space and outdoor sports facilities.

4.20 Education

A sum of £32,540 would be required to provide for 2 spaces at Huntington Secondary School. There is no requirement for a primary school contribution.

4.21 Affordable Housing

The site area and number of homes is below the number at which affordable housing is sought.

5.0 CONCLUSION

5.1 Providing aspects relating to flood risk can be met it is considered that the general principle of the use of the land for residential purposes accords with planning policies on housing.

5.2 However, it is considered that the specifics of the scheme are unsatisfactory. This largely relates to the large amount of development and the impact development it would have on the opportunity to take account of wildlife and landscaping and the need to sensitively deal with parking and external storage. Such aspects are crucial

given the location next to the Foss and would also to help ensure that any backland development sits comfortably within the local environment.

6.0 RECOMMENDATION: Refuse

- 1 Because of its scale and footprint the proposed residential development would be very dominant. The scheme fails to retain adequate space around existing vegetation or incorporate significant areas of vegetation. It is also located in such close proximity to the bank of the river Foss that it makes it impractical to create a suitable landscaped backdrop to the river. As such the proposal is inappropriate in its context and fails to take the opportunity to improve the character of the riverside. It therefore conflicts with policies GP1 (criterion a,b,c and d), GP4a (criterion g), GP9, GP10 and H4a of the City of York Draft Local Plan (fourth set of changes) 2005 and advice contained within paragraph 34 of PPS1 (Delivering Sustainable Developments).
- 2 The development fails to retain sufficient undeveloped land adjacent to the river capable of being managed for the encouragement of bio-diversity and fails to assess the impact on a protected species (Otter). As such the proposal conflicts with policies GP4a (criterion g), NE2, NE6 and NE7 of the City of York Draft Local Plan (fourth set of changes) 2005 and advice contained within paragraph 13 of PPS9 (Biodiversity and Geological Conservation).
- 3 The provision of car parking at 1 space per dwelling (with 0.5 visitor spaces) is very low for 4 bedroom dwellings located away from the city centre and no details are included indicating convenient suitable storage and access provision for cycles or bins. This raises concerns regarding the functionality and sustainability of the development. As such the proposal conflicts with policies GP4a (criterion i) and advice contained in Appendix E (car and cycle parking standards) of the City of York Draft Local Plan (fourth set of changes) 2005.
- 4 The application fails to include a satisfactory Flood Risk Assessment and does not provide suitable evidence indicating that the requirements of the flood risk sequential test have been met. As such the proposal conflicts with policies GP15a of the City of York Draft Local Plan (fourth set of changes) 2005 and advice contained within PPG25 (Development and Flood Risk).

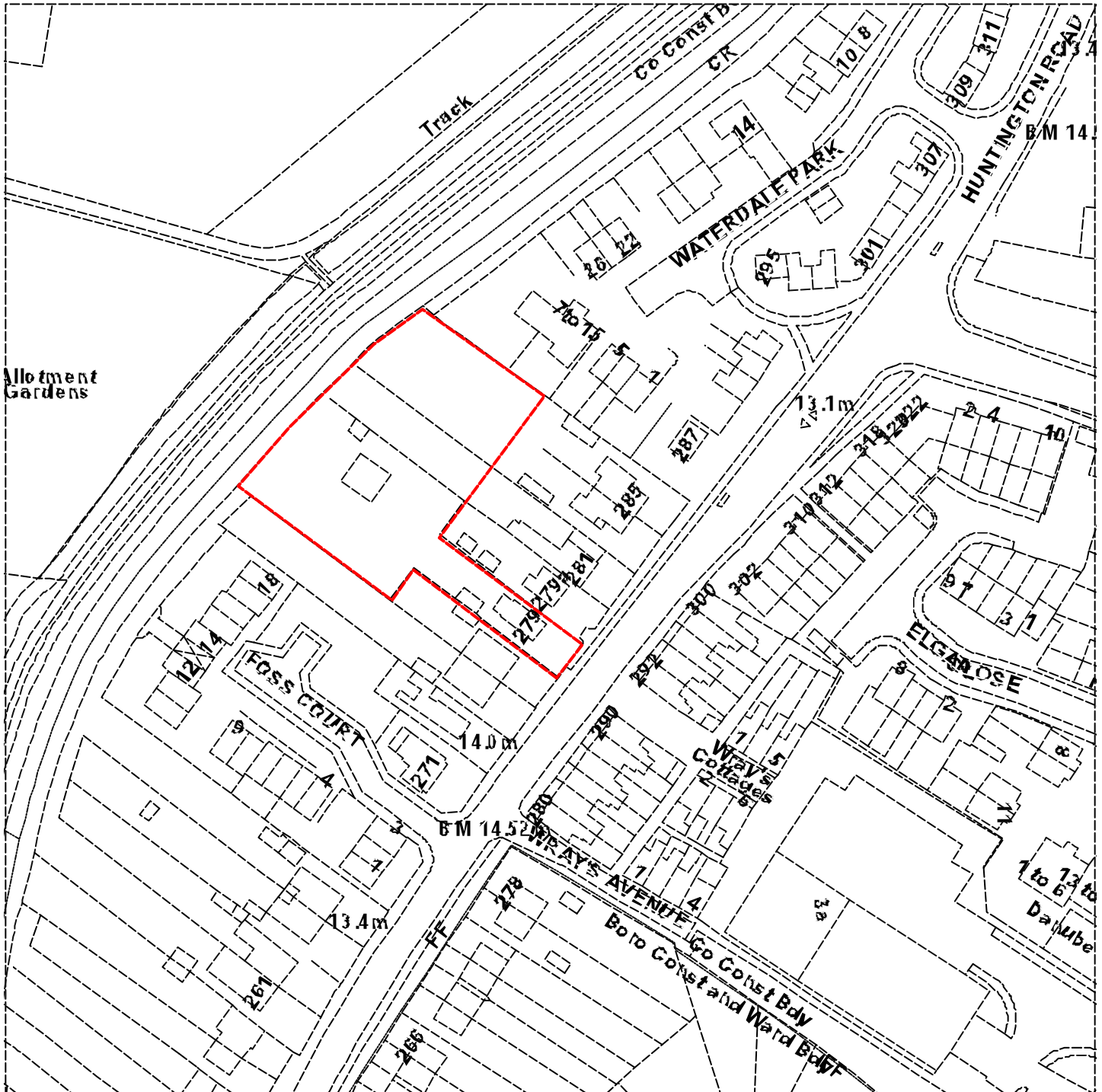
7.0 INFORMATIVES:

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)
Tel No: 01904 551657

Application at St Judes 281 Huntington Road

Ref 07/00962/FULM



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Wheldrake
Parish: Naburn Parish Council

Reference: 07/01167/FUL
Application at: The Old Vicarage Vicarage Lane Naburn York YO19 4RS
For: Erection of three storey detached dwelling (resubmission)
By: Mr I Creer And Ms Y Macalister
Application Type: Full Application
Target Date: 11 July 2007

1.0 PROPOSAL

1.1 The application relates to a site of 0.124 hectares, south of and fronting onto Vicarage Lane, between a large detached property to the west known as The Old Vicarage and a more modern detached house to the east. The site is part of the grounds of the Old Vicarage and extends back from Vicarage Lane, including the detached coach house on the front boundary with the road, the boundary wall dividing this front unsurfaced area from the former orchard and open space behind to the rear garden boundary of the Old Vicarage. There are two mature Sycamore trees within the site, which are protected by a Tree Preservation Order (CYC119). The entire site lies within the York Green Belt, though the front part, north of the boundary wall lies within the defined settlement limit of the village of Naburn.

1.2 The proposal involves the erection of a detached four bedroom house, following the erection of the existing outbuilding. The building would be set back approx. 4.8m from the front boundary and would extend 8.8m beyond the boundary wall currently dividing the site. It would comprise accommodation on three floors: kitchen, dining area, living space, library, utility, family room and garage on ground floor; two bedrooms with bathroom and study on first floor (part of which is in roof space); and, two bedrooms on third floor in roof space. The design is contemporary and would be constructed from red facing brick and timber boarding with natural slate pitched roofs and zinc flat roofs. Access would be taken from Vicarage Lane via a new drop kerb adjacent to that to the neighbouring property to the east. It would access an entrance court and single garage, sufficient for two spaces to be available for the occupants.

1.3 Accompanying the application are the following supporting documents: Design and Access Statement, statement on issue of green belt policy, and summary of arboricultural protection. The Design and Access Statement explains the design philosophy and choice of materials for the building and in particular highlights the constraints set by the protected trees and the intention to build a sustainable dwelling with solar energy, surface water harvesting and underfloor heating.

1.4 Previous planning permissions have been granted for conversion and extension of the Old Vicarage and its coach houses to form 3 dwellings in 2002. The house on the site of the current application, comprised conversion of the existing two coach houses and an extension between them to form one three bedroom house, with first

floor accommodation in the roof space. The majority of the footprint of this building was within the defined settlement limit of the village as defined in the Local Plan with a two storey extension housing a living room with bedroom above extending 4m beyond the boundary wall, which marks the extent of the settlement limit.

1.5 This application has been brought to Committee for determination at the request of the Chair, Councillor Richard Moore.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Naburn CE Primary 0209

2.2 Policies:

CYL1C
Provision of New Open Space in Development

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYGP4A
Sustainability

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYGB1
Development within the Green Belt

CYGB2
Development in settlements "Washed Over" by the Green Belt

CYGB6
Housing devt outside settlement limits

CYH4A
Housing Windfalls

CYH5A
Residential Density

3.0 CONSULTATIONS

3.1 Internal

City Development - Policies GB1 and GB2 relevant. The proposed new dwelling would be located partially outside the village settlement limits of Naburn. Therefore, it is contrary to Policy GB2. In this instance, need to consider Policy GB1, which would be relevant to the element outside the settlement limit. Must consider whether Very Special Circumstances exist to justify the proposed development. Unless DC Officer is satisfied that an acceptable very special circumstances argument has been put forward to justify the proposals, a policy objection would be raised.

Environment and Conservation (Landscape) - Proposals seeks to retain second Sycamore on eastern boundary. The building is still within the recommended root protection area but the RPA is significantly increased by the setting back of the building. The removal of the farm access helps the situation. The scheme if implemented appropriately, would probably improve the conditions for the Sycamore closest to Vicarage Lane. The building is set further back from the tree trunk and canopy and allows additional planting on the street front. Although the arrangement results in the loss of some fruit trees to the rear, the Sycamore is clearly the more important in respect of public amenity. The orchard planting could be reinstated with new, healthy, productive specimens to the south of the remaining fruit trees. In visual terms, no objection to the extension into the greenbelt. Have concerns that the proposals include 900mm deep trench foundations, which brings the excavations for the kitchen too close to the tree - asks applicant to explain the change in foundation design or revisit their suggestion of a raft foundation or mini piles.

Highway Network Management - No highway objections subject to standard conditions, regarding access, car and cycle parking, turning areas, entrance gates and dilapidation survey.

Environmental Protection Unit - No objections.

3.2 External

Naburn Parish Council - Do not object providing no trees are removed, the building materials are as stated on the plans. Comment that this is yet another vehicular access onto a narrow road.

No responses received by local residents, either to consultation letters or site notice.

4.0 APPRAISAL

4.1 Key issues:

- Compliance with Green Belt policy;

- Design considerations and impact on visual amenity;
- Effect on trees;
- Residential Amenity;
- Parking and highway safety;
- Public open space contributions.

4.2 Policy Context: Relevant national policy is set out in Planning Policy Guidance Note 2: Green Belts and in the City of York draft Local Plan policies listed in section 2.2.

Green Belt

4.3 The village of Naburn is 'washed over' by the Green Belt and has a defined settlement limit around the built-up area of the village, which was set through the Local Plan process. As stated in section 1.1, the boundary wall that currently crosses the site defines the settlement limit and therefore only the part of the site north of this wall is within the defined settlement limit of the village.

4.4 The relevant planning policy advice regarding Green Belts is set out in Planning Policy Guidance Note 2: Green Belts, and is mirrored in draft Local Plan policies GB1, GB2 and GB6 as set out in section 2.2. PPG2 and Policy GB1 only allow development in the Green Belt where it would not detract from the open character of the Green Belt, conflict with the purposes of including land within it, and not prejudice the setting of the special character of the City, and providing that it is for an appropriate purpose listed in PPG2. These include: agricultural and forestry, the limited extension or replacement of existing dwellings, limited infilling in existing settlements or limited affordable housing for proven local needs. All other forms of development not listed are considered inappropriate development that is, by definition, harmful to the Green Belt and there is a general presumption against such development. It is for the applicant to demonstrate that 'very special circumstances' exist to justify approval of inappropriate development. Very special circumstances will exist only where the harm by reason of inappropriateness is clearly outweighed by other considerations.

4.5 The erection of buildings in settlements 'washed over' by the Green Belt but within the defined settlement limit is permitted by Policy GB2 provided that: it would be within the built-up area of the settlement; and, its location, scale and design would be appropriate to the form and character of the settlement and neighbouring property; and, it would constitute limited infilling that would not prejudice the openness or purposes of the Green Belt. This was the view that would be taken with the previously approved applications in 2002 for a house on the site, the majority of which was within the defined settlement limit. However, this application proposes the erection of a dwelling, which although spanning the boundary, would be mainly beyond the settlement limit. It is therefore contrary to Policy GB2 as it would not meet the first criteria of the policy.

4.6 As the proposed development is not for one of the listed purposes in PPG2 and Policy GB1, it would constitute inappropriate development, which by definition would be harmful to the Green Belt. In accordance with policy, very special circumstances would need to be demonstrated to allow this development to be approved.

4.7 A supporting statement has been submitted which refers to the history of the site and reason why the proposed house now straddles the settlement development limits. This was to address concerns expressed by the Council's Landscape Architect about harm to the adjacent protected Sycamore tree from an application submitted and withdrawn earlier this year. It states that the applicant is seeking a design of dwelling different to that previously approved in order to build a customised dwelling for his own occupation incorporating sustainable energy and construction techniques. It considers that because the site is flanked by two substantial dwellings that project further south and that the dwelling would only project a further 5 metres beyond the extant permission, the entire application site must be regarded as lying within the existing built-up area of Naburn. As such, the proposal complies with Policy GB2.

4.8 It is accepted that the proposed development would not cause any additional harm to the openness or green belt function. However, as stated above, the defined settlement limit has been drawn as part of the Local Plan process and the main bulk of the proposed house and primary living accommodation would fall outside this limit. The proposal does not comply with Policy GB2. It is considered that no 'very special circumstances' have been demonstrated that clearly outweigh the harm to the green belt by reason of inappropriateness. Furthermore, as an extant permission exists for a dwelling, which does not impact on the protected trees, it would be unlikely that any very special circumstances could be successfully demonstrated. Therefore, on green belt policy grounds, the application is unacceptable.

Design considerations and visual amenity

4.9 The density, layout, scale and mass and design of the proposed dwelling would be compatible with neighbouring buildings and the character of the area. The density of the site is lower than the 30 dwellings per hectare set out as an aim in Policy H5a of the Local Plan, though this is as a result of the proposed large garden area that falls within the Green Belt. In order to achieve a higher density on the site would mean development which would be uncharacteristic of the area, would potentially have an adverse affect on the two protected trees or would require further encroachment into the Green Belt beyond the defined settlement limit. The materials of construction proposed would be in-keeping with surrounding buildings, in the use of natural slate and red facing brick, but would introduce more modern materials such as timber boarding and zinc, which although alien as a building material for dwellinghouses in the area would not cause demonstrable harm to visual amenity. The intentions to erect a dwelling that incorporates sustainable energy and construction techniques is to be welcomed.

Effect on trees

4.10 An arboricultural statement has been submitted to support the application and address the issue of the proximity of the proposed building to the protected Sycamore tree located adjacent to the eastern site boundary, which is important due to its public amenity. The application withdrawn earlier this year raised concerns due to the proximity of the building to the tree. The proposed application moves the building further to the south, which retains the tree and although it would still be

within the recommended root protection area, it has been increased significantly from the previous application to the point where the Council's Landscape Architect is no longer in objection to the scheme. The Officer does raise concern about foundation design in this area, but this could be dealt with through condition. There is no objection to the loss of some fruit trees to the south of the dwelling and considers that the situation for the protected Sycamore at the front of the site would be improved through the application.

Residential Amenity

4.11 There would be no demonstrable harm caused to residential amenity as a result of the proposal, given the design of the house and the relationship to neighbouring properties in terms of position, orientation and distances.

Parking and highway safety

4.12 The Council's Highway Engineer raises no objection to the scheme on highway safety grounds, subject to the imposition of standard conditions (as set out in section 3.1).

Public open space contributions

4.13 Local Plan Policy L1c requires a commuted sum payment for housing developments of less than 10 dwellings towards off site provision of open space. This development would generate a figure of £1630 , which would be used to enhance the local Parish Council playground and formal sports facilities in the south zone.

5.0 CONCLUSION

5.1 The scheme would not harm the two protected trees on site, subject to condition regarding foundation design, and would sit comfortably in the street without adversely affecting visual amenity, residential amenity or highway safety. It would incorporate sustainable energy and construction techniques, which is to be encouraged.

5.2 However, the dwelling would in the main be located outside the defined settlement limit of the village of Naburn and as such constitutes inappropriate development in the Green Belt that, by definition, is harmful to it. Officers do not consider that very special circumstances have been demonstrated that clearly outweigh the identified harm. Therefore, despite the intentions of the applicant regarding sustainable development principles, the proposal is recommended for refusal on green belt policy grounds.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The proposal falls largely outside the defined settlement limit of the village of Naburn and therefore constitutes inappropriate development in the Green Belt that, by definition, is harmful to the Green Belt. It is considered that there are no very special circumstances that clearly outweigh this identified harm to the Green Belt. As a result, the proposal conflicts with Planning Policy Guidance Note 2: Green Belts and Policies GB1 and GB6 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005).

7.0 INFORMATIVES:

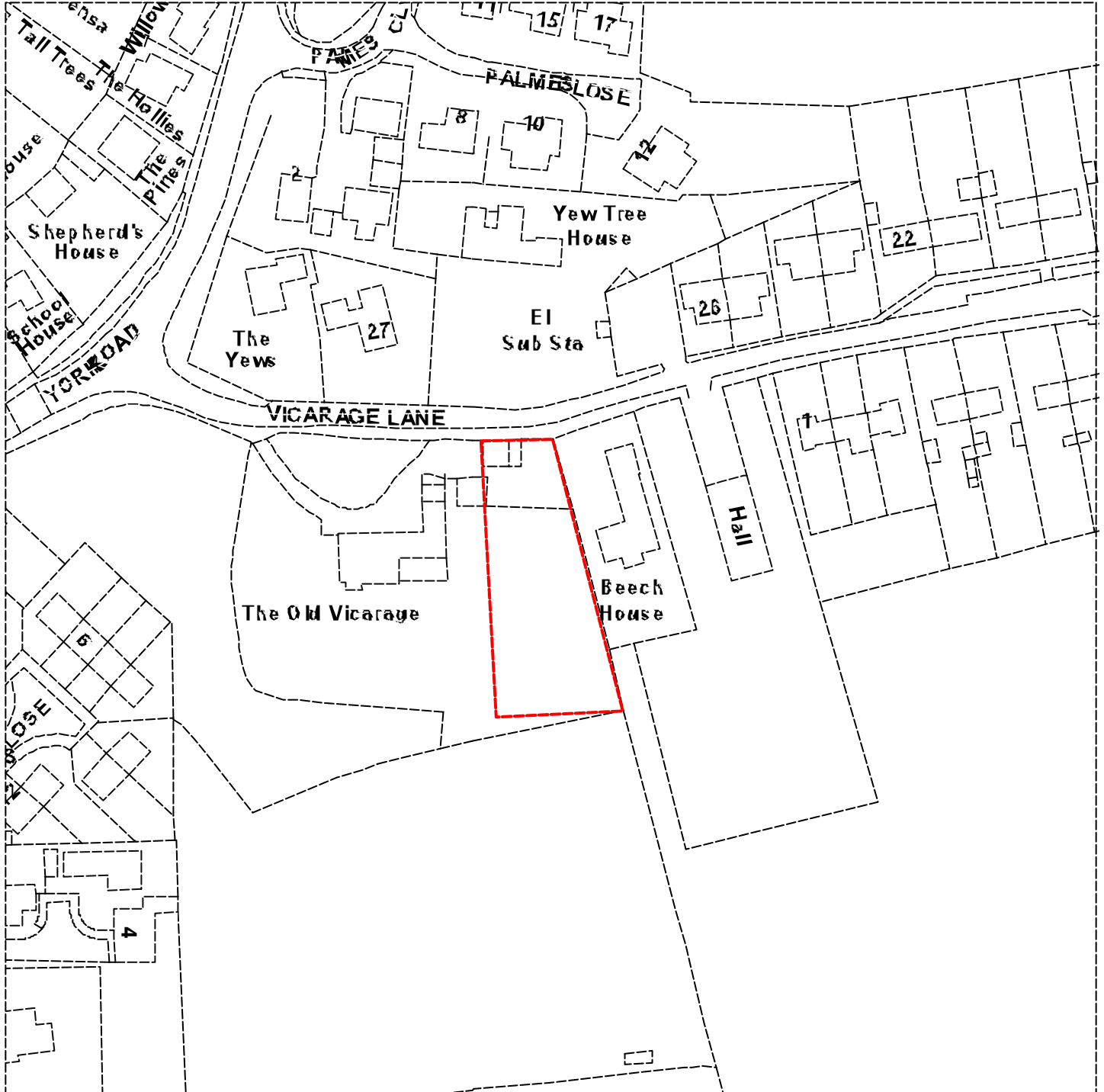
Contact details:

Author: Hannah Blackburn Development Control Officer

Tel No: 01904 551477

Application at The Old Vicarage Naburn

Ref 07/01167/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007
Ward: Heworth
Parish: Heworth Planning Panel

Reference: 07/01184/FUL
Application at: 101 East Parade York YO31 7YD
For: Erection of detached two storey dwelling (resubmission)
By: Mr Tom Dodson And Ms Maggie Serafim
Application Type: Full Application
Target Date: 12 July 2007

1.0 PROPOSAL

1.1 This is a full planning application to erect a three bedroom, two-storey house within the rear garden of a large detached property.

1.2 The proposed dwelling is contemporary in style. It is 'L' shaped with a relatively large ground floor footprint of approximately 75 square metres. It incorporates several elements to reduce energy use including solar panels and the careful location of glazing. It is intended to have no off-street car parking. The proposed garden area is approximately 200 square metres.

1.3 The property is proposed to be accessed via a narrow lane that runs between 101 and 99 East Parade. There is currently a workshop and several dwellings located off the lane. The site is located in the Heworth/Heworth Green, East Parade/Huntington Road Conservation Area.

1.4 The application is brought to Committee as one of the applicants is employed within the City Strategy Directorate.

1.5 A previous application to erect a house on the site was withdrawn (07/0327).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heworth Green/East Parade 0042

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Heworth CE Primary 0201

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. It is not considered that a recommendation for refusal can be substantiated on traffic generation/safety grounds - even if associated car parking were to be created on site.

Environment and Conservation - Consider the principal of development in the garden area is acceptable. Feel that the contemporary design is appropriate. The design of the proposed house takes account of the constraints of the site and reads as a subsidiary building within the garden of the original house at 101 East Parade. The boundary wall should be retained.

Environment Protection - No objections

3.2 External

Planning Panel - Object. Concerns in respect to the lack of off-street parking for occupiers and visitors given the pressure on on-street parking. Feel the poor quality and lighting of the private access raises safety issues for non-car users.

Conservation Areas Advisory Panel -
The Panel felt that this proposal was contrary to Local Plans Policy GP10. The panel also felt that this constituted over-development in an area that was characteristic of houses set in large gardens. The proposal had very little amenity space. The panel were further concerned that if this application was successful it would set a precedent and be further detrimental to the character of the Conservation Area

Neighbours

One objection from 105 East Parade - Concerns in respect to loss of light and sun to garden for a large part of the day.

4.0 APPRAISAL

4.1 Proposals to make more efficient use of land for residential accommodation within previously developed, accessible locations are in line with the thrust of current local and national planning policy. However, in assessing the acceptability of the application it is important to ensure that the proposal does not cause harm to issues of significance.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding over-development and ensuring that new development is not detrimental to the character and amenity of the local environment. Policy HE3 (Conservation Areas) seeks to protect the character and appearance of such areas.

4.3 The key issues to address when assessing this application are considered below:

ACCESS AND PARKING

4.4 It is intended that the property will be car free. The property is accessible on foot to a range of shops and services. The private lane that must be accessed to reach East Parade is narrow, however it is an adequate width for pedestrians to pass vehicles. Visibility when exiting from the private lane to East Parade is also poor.

4.5 Although there are currently more than the recommended five units off the private lane it is not considered that a refusal of permission for the additional house on highway grounds could be substantiated given its accessible location. It is also considered that there would be no highways objection were a car parking space to be created within the site.

4.6 The scheme incorporates cycle parking. There is reasonable overlooking of the private lane that links the site of the proposed house with East Parade.

STREETSCENE/CONSERVATION AREA

4.7 The property will not be clearly visible when viewed from East Parade. The main consideration is the impact on the character when viewed from the courtyard and lane at the rear of the site. There has been a reasonable amount of recent development in the area to the rear of East Parade giving a relatively eclectic character. However, it is the case that the group of long rear gardens that the application property is one of retains an attractive openness with landscaping and views to the church spire to the east.

4.8 Given that there has been much recent development in the area and there is some historic precedent of development along the axis where the home is proposed and the adjoining court it is not considered that a proposed dwelling would necessarily harm the existing character or appearance of the Conservation Area. It is the case, however, that care needs to be taken to ensure that the development does not dominate the rear gardens. Following the withdrawal of the previous scheme the height of the ridge house has been reduced from 6.8 metres to 6.3 metres. The eaves height has also been reduced. The property has also been

removed a little way from the boundary of 105 and a line of new trees included to soften the impact of the side wall.

4.9 The house as proposed is considered to be an attractive unfussy contemporary solution incorporating traditional materials appropriate to the location. It is considered important that the scale of the building is subordinate to the main house and that there is adequate space for tree planting to help soften the impact of the development. The scale of development equates externally to approximately one and a half storeys. Subject to a high quality landscaping scheme it is considered that the development would relate satisfactorily to the character and appearance of the immediate area.

4.10 The scheme would lead to the loss of some fairly modest trees within the garden. This is not considered to be unduly damaging and the proposal will lead to additional planting.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS.

4.11 The proposed dwelling would be relatively tight to several properties; however, in most instances it is not considered that significant harm will be caused taking account of the character of the area. The housing to the rear is far enough or 'oblique enough' to avoid undue loss of light and outlook. An existing double garage will also partly screen the development. Number 6 is a mews style property to the west across the private lane. Number 6 contains a first floor bedroom window looking across the site - it is considered that the narrow width of the proposed elevation closest to this property and the limited proposed glazing is sufficient to avoid unacceptable harm.

4.12 The main issue that needs addressing is the impact on number 105 East Parade. This is a semi-detached property with a long, narrow rear garden (approximately 30m x 7m). It is considered that the living conditions within the house will not be unduly harmed given the degree of separation and limited fenestration to the rear of 105. It is the case that the side elevation is proposed to extend for almost 10 metres along the rear part of the side boundary of number 105's garden. However, to try and avoid the development being overdominant the roof along this boundary has been hipped and the eaves reduced to just over 4 metres. A gap of 2.5 metres has also been left to the boundary and tree planting proposed in the space. It should be noted that the garden level of 105 is a little lower than the application property.

On balance it is not considered that the impact on the garden of 105 will be so harmful in respect to the loss of light and outlook to merit refusal. In coming to this conclusion regard is given to the fact that the distance from the rear courtyard of the property to the proposed house exceeds 25 metres.

4.13 In respect to privacy it is considered that the main openings are sensitively located. The first floor element of glazing on the element of the house that projects forward will be obscure glazed to 1.8m to help retain privacy to the host property and number 105 and permitted development rights removed for new openings.

QUALITY OF ACCOMMODATION

The accommodation has a good standard of amenities. The garden is reasonably large at approximately 200 square metres in size. There is provision for refuse and cycle storage, though no car access.

5.0 CONCLUSION

5.1 It is considered that the character of the rear of this area of East Parade has evolved in recent years through residential development accessed off East Parade and the student complex at Limes Court. The location of the development relates to the existing property on the opposite side of the access lane. It is considered that the reduction in scale, improved landscaping and change in position from the earlier submission is such that it would not now cause unacceptable harm to the living conditions of neighbouring properties.

5.2 It is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing 770-101 B received by the Local Planning Authority on 17 May 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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows or doors shall be inserted within the elevations or roof of the approved house other than those shown on the approved plans or agreed in writing with the Local Planning Authority.

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

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

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

- 5 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.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the south facing opening in bedroom 1 shown on drawing 770/101/B shall at all times be fixed shut and obscure glazed up to an internal height of at least 1.8 metres. The obscure glazing shall be agreed in writing with the Local Planning Authority prior to occupation of the property.

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

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2,154.

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

- 8 Details of the phasing of construction including access for construction vehicles and any removal and re-instatement of the existing boundary wall of 101 East Parade shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason

To ensure that construction work does not harm neighbours living conditions or the appearance of the Conservation Area.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area and neighbours' light, outlook and privacy. As such the proposal complies with Policy GP1, GP4a, GP9, GP10, H4a and HE3 of the City of York Local Plan Deposit Draft.

2. FOR INFORMATION

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

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

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site.

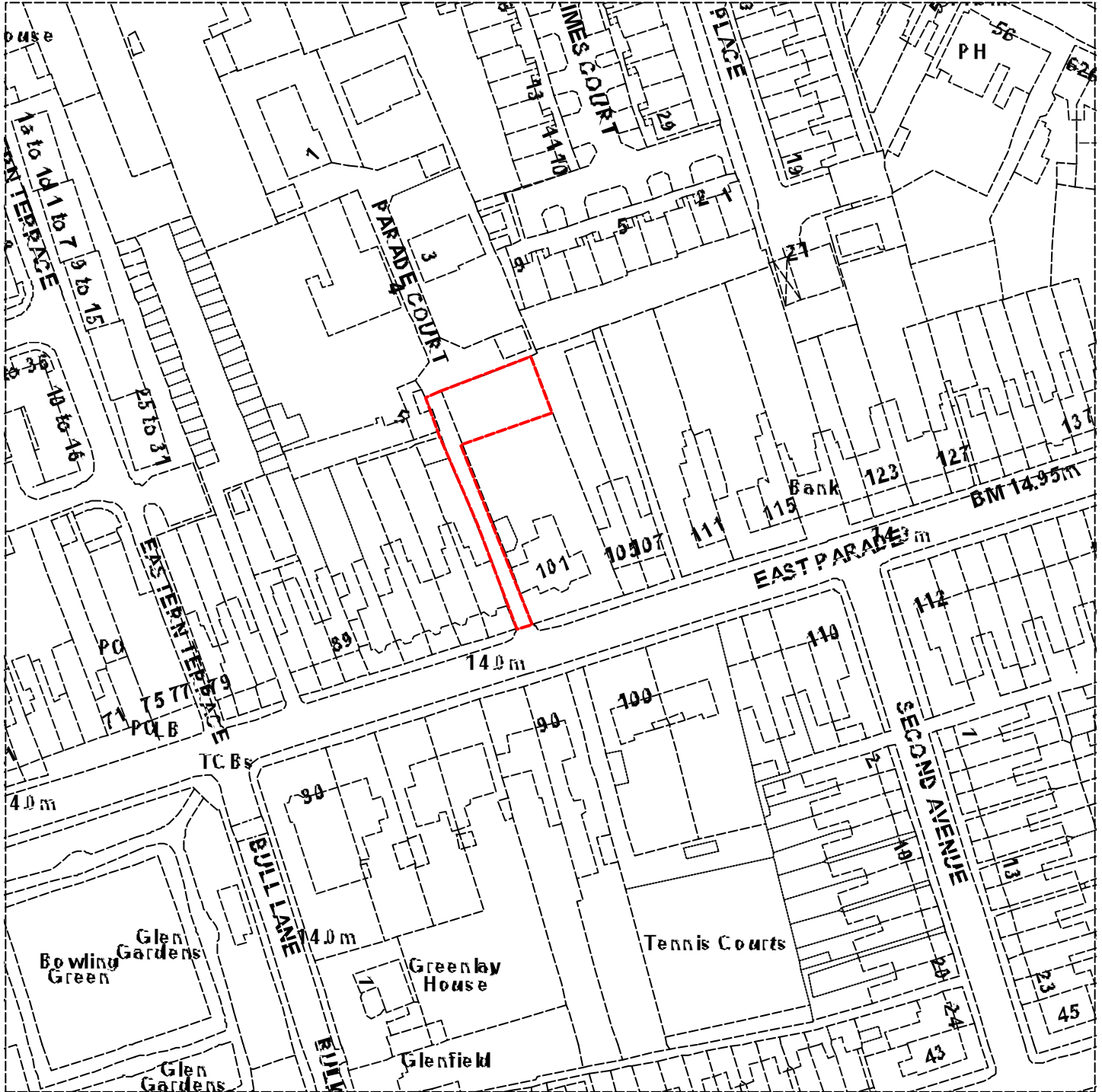
Contact details:

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

Tel No: 01904 551657

Application at 101 East Parade

Ref 07/01184/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	

CYL1
Open spaces in new residential devts

CYGP9
Landscaping

CYT4
Cycle parking standards

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. Adequate cycle storage should be provided for all the units. No vehicular access onto the site should be provided from Nicholas Street.

Environmental Protection Unit - No objections subject to sound insulation being provided between dwellings.

Lifelong Learning & Leisure - Any open space payments would be used on the following sites: Amenity Space - St Nicolas Fields, Hull Road Park or Walmgate Stray; Play space - St Nicolas Fields or Hull Road Park; Sports pitches - East or South Zones of the Sports and Active Leisure Strategy.

3.2 External.

Hull Road Planning Panel - No objections but concern about lack of rear amenity space, overcrowding and emergency escape.

Public Consultation - The consultation period expires on 3 July 2007. To date one objection has been received raising the following planning issues: Increased traffic in the area, neighbour amenity, and no need for more flats. Any further representations will be reported at the meeting.

4.0 APPRAISAL

4.1 Key Issues:-

- Housing provision;
- Visual appearance;
- Occupier amenity;
- Neighbour amenity;
- Access and parking;
- Open space provision.

4.2 The Application Site

Pair of imposing, predominantly 2.5-storey, semi-detached, single dwellinghouses with a 2-storey rear projection. The site has a gravelled area that, whilst not being used by the occupiers of the houses, lies within the curtilage. The houses are occupied by a total of 11 students. The site has two off-street parking spaces accessed from Lawrence Street.

The site lies at a road junction and faces a main road out of the city. The area is mixed but predominantly residential. To the side is a single-storey car sales/repair business.

4.3 Housing Provision

The site is brownfield and within the development limits, close to public transport and local services. The site is therefore in a sustainable location and, in principle, suitable for housing development.

4.4 Visual Appearance.

The main alterations to the external appearance would be (1) the erection of a single-storey, lean-to rear extension (2) bin/cycle enclosures and (3) improved boundary treatment. The scale and general appearance of the rear extension are in keeping with the character of the existing building and the area. Revised plans are awaited showing acceptable cycle/bin enclosures and boundary treatment. In the interim officers recommend that they are made the subject of conditions. If adequate details are received before committee the relevant conditions can be removed from the recommendations.

4.5 Occupier Amenity

The standard of accommodation is acceptable subject to adequate soundproofing being provided between the units. The proposed dwelling at the rear of the building would have sole use of the rear amenity space. However the quality of the space is poor due to its shaded position on the north side of the imposing building. The loss of some of the space to the lean-to extension is acceptable.

The occupiers of the proposed flats would have no formal amenity space. Nevertheless there would be some open space along the two road frontages to provide some separation from the public highway. The provision of any meaningful open space for the flats is limited due to the site's location fronting onto a major road and next to a car repair business..

4.6 Neighbour Amenity

The proposals are unlikely to cause any material impact on neighbouring occupiers. The objections regarding disturbance during construction works and in relation to additional traffic could not it is considered be sustained given that the application relates to a conversion and only one new build, and given the small number of units proposed together with lack of objection from Highway Network Management. A condition restricting permitted development rights is proposed to limit any future impact that could otherwise occur.

4.7 Access and Parking

The two existing parking spaces on the Lawrence Street frontage would remain. The council's highway officer has no fundamental objections to the application subject to there being no vehicular access from Nicholas Street. This can be ensured by

condition. Details of adequate cycle storage are expected. This should also be conditioned.

4.8 Open Space Contribution

A developer contribution of £1,479 would be required for the provision of public open space in accordance with policy L1 of the local plan. This has been accepted by the applicant.

4.9 Other Matters

The site would not easily be able to accommodate further development. Officer therefore recommend that, if planning permission is granted, permitted development rights are removed.

5.0 CONCLUSION

5.1 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 the principle of housing development, housing density, visual appearance, neighbour amenity, parking and provision of public open space. As such the proposal complies with policies GP1, and H7 of the City of York Local Plan Deposit Draft. A developer contribution of £1,479 would be required for the provision of public open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall not be carried otherwise than in complete accordance with the approved plans and other submitted details or as may otherwise be agreed in writing by the Local Planning Authority.

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

3 The materials to be used externally, including bin and cycle enclosures, shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 The floors and walls between each of the proposed flats and the adjacent dwellings shall be so adapted as to achieve a reasonable resistance to airborne / impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The

development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

- 5 No vehicular access onto the site shall be taken from Nicholas Street at any time.

Reason: In the interests of highway safety

- 6 No development shall take place until details of refuse/recycling enclosures for the existing and proposed dwellings on the site have been submitted to and approved in writing by the local planning authority. The enclosures shall be provided in accordance with the approved details before the dwellings hereby approved are occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

- 7 HWAY18

- 8 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 to G 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.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1,479.

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.

- 10 No development shall take place until details of boundary treatment along the boundaries with the public highway have been submitted to and approved in writing by the local planning authority. The proposals shall be provided in accordance with the approved details before the premises hereby approved are occupied and shall thereafter be retained and shall not be removed without the written consent of the local planning authority.

Reason: In the interests of visual amenity.

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 the principle of housing development, housing density, visual appearance, sustainability, neighbour amenity, access, parking, cycle storage and open space. As such the proposal complies with policies GP1, H4a, H5a, H8, GP4a, GP9, T4 and L1 of the City of York Local Plan Deposit Draft. of the City of York Local Plan Deposit Draft.

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

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

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site.

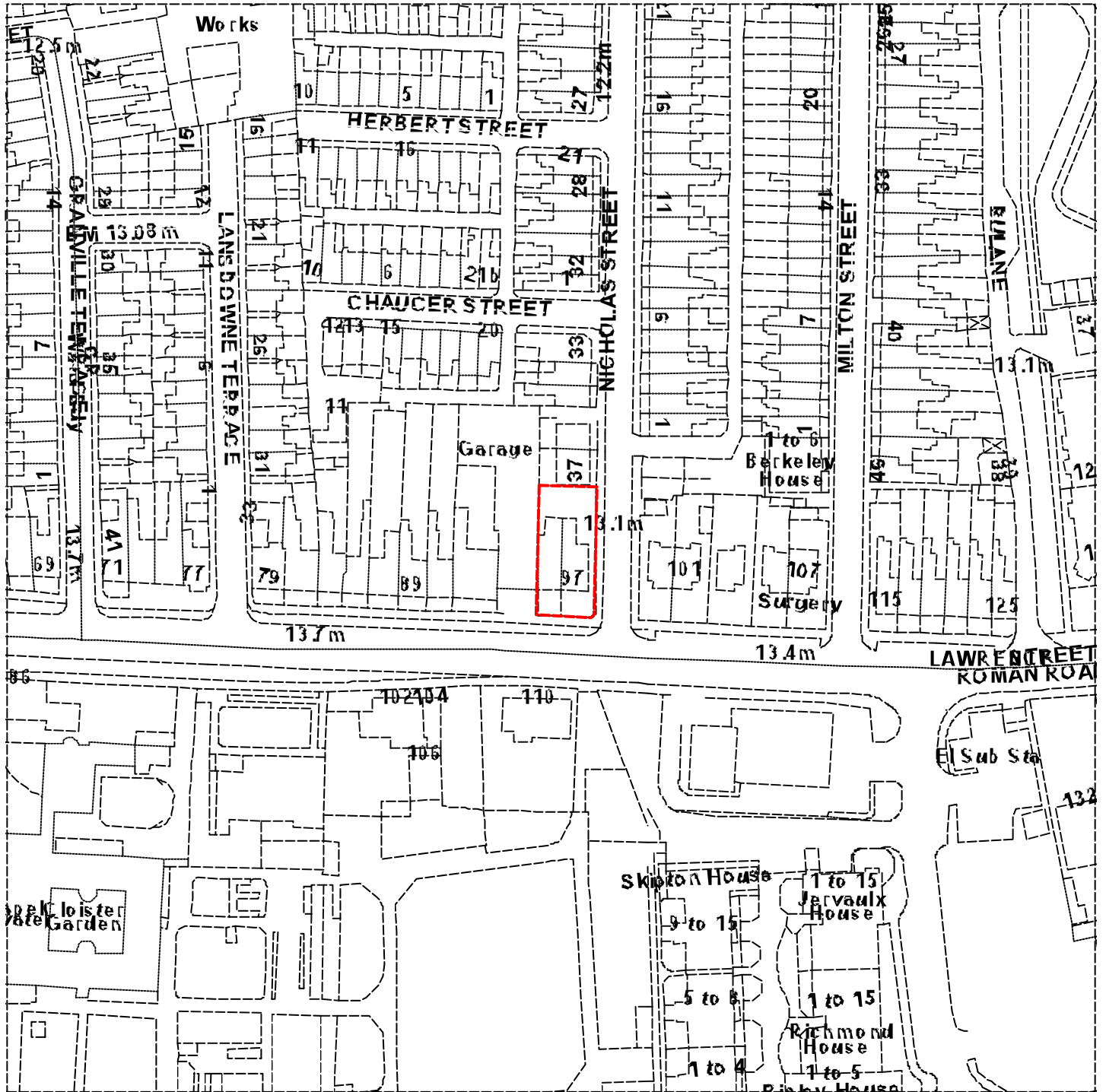
Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

Application at 95 Lawrence Street

Ref 07/01175/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Clifton
Parish: Clifton Planning Panel

Reference: 07/01264/GRG3
Application at: Yearsley Swimming Baths Haleys Terrace York YO31 8SB
For: Provision of disabled parking and improvements to cycle parking, installation of external air handling plant and creation of bin store
By: Mr Andrew Laslett
Application Type: General Regulations (Reg3)
Target Date: 24 July 2007

1.0 PROPOSAL

1.1 This application seeks planning consent to alter the existing parking area, to create a new bin store area, and to install 2 air handling units with external ducting and close timber boarded fencing up to the height of 2400mm. The site area is given as 0.3 ha.

1.2 There are currently no designated parking spaces within the site, although the site can accommodate up to 6 vehicles. By virtue of the development the parking spaces proposed would be marked and would be designated for 6 vehicles, 3 of these designated spaces would be allocated for disabled users. There are currently 47 cycle spaces within the application site, of which 8 of them are covered. It is proposed to provide 50 cycle spaces within the site; 8 of these spaces would be covered.

1.3 According to the information provided the applicant has negotiated a license with the adjoining owners Nestle to provide access over their car park area to the east of the front landscaped area. The objectives are to improve vehicular access to the front of the site and to allow segregation of pedestrian and cycle users.

1.4 This application is submitted by and is related to properties owned by the Local Authority under General Regulations no.3. it is therefor required to be determined by Members at the planning committee.

1.5 RELEVANT PLANNING HISTORY

1.6 07/00626/GRG3: Recladding of the walls and roof to the pool hall. Permission granted on 18.5.2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Whitestone Cross NGR SE 6073 5367 Haxby Rd 0284

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYC1
Criteria for community facilities

CYT4
Cycle parking standards

CYT5
Traffic and pedestrian safety

CYGP15
Protection from flooding

3.0 CONSULTATIONS

INTERNAL:

3.1 Highway Network Management - Response received 12 June 2007 - No objections.

EXTERNAL:

3.2 Clifton Planning Panel - No objections.

3.3 Neighbours consulted and site notice posted, expired 7 July 2007. One letter of support received.

3.4 Environment Agency - Response received 28 June 2007. The Agency has no objections, although the Agency has made a number of recommendations regarding flood levels and surface water drainage.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

i. Design

- ii. Sustainability and cycle parking standards
- iii. Highway safety
- iv. Other material considerations

Design:

4.2 Policy GP1 of the City of York Local Plan 2005 sets out a list of design criteria for assessing the merits of development proposals. In the case of this proposal, it is considered that the proposed siting of the bin store (from the existing location), the provision of marked car parking bays, together with the cycle parking shelter proposed and the provision of access gate to the front of the swimming baths would improve the visual quality of an area fronting the main entrance of the swimming baths.

4.3 The air handling units to the north of the site would be well screened by timber boarded fencing up to a height of 2.4m high. In addition, the handling units would also be partially screened by the existing plantings facing Haxby Road. The external ducting area would blend in with the cladding work that has been approved on 18.5.2007. However the colour of the ducting would need to be agreed by the local planning authority prior to the commencement of development.

4.4 The current cycle provision does not meet the Council's guidelines for spaces between stands. As the result of the development spaces between stands would be set further apart in line with the current standards. Furthermore, for the purpose of improving security 'Sheffield' stands would be used.

Sustainability and cycle parking standards:

4.5 The purpose of installing the air handling plant is to recover heat from the exhaust air. At the moment all exhaust air heat from the pool is lost. According to the information provided, it is estimated that more than 60% of the exhausted heat will be recovered once this has been installed.

4.6 This represents a large percentage of carbon dioxide reduction. Currently the pool is responsible for an estimated 530 tonnes of carbon dioxide emissions each year. This will be cut by over 40 per cent, reducing CO2 emissions by 230 tonnes.

4.7 In terms of the parking layout, the scheme proposed would provide more and higher quality cycle parking area. This would not just encourage the users of the site to travel by means other than cars, but would also be more secure than the existing butterfly style racks.

4.8 Having taken the above into account, together with the contribution it would have toward meeting the social needs of communities within the City of York, it is considered that the development proposed accords with policies GP4a and T4 of the City of York Draft Local Plan 2005.

Highway Safety:

4.9 A license has been negotiated with Nestle to provide vehicle access over their car park to the east of the landscape area. A bollard would be in place to the front

the existing vehicle access to prevent public vehicles (except emergency vehicles) from entering through this access. This would allow segregation of pedestrian and cycle users, which would in turn enhance the safety of the site.

Other material considerations:

4.10 The proposed work would not alter or affect Whitestone Cross, a grade II landmark to the south of the application site.

4.11 Flood Risk: The Environment Agency has no objection to the scheme proposed, although a number of recommendations regarding flood levels and surface water drainage were made. These recommendations will be conditioned if they meet the 6 criteria set out in paragraph 14 of Circular 11/95 "Use of Conditions in Planning Permission".

4.12 Having taken the above into account, it is considered that the proposed development accords with the policies set out in the City of York Local Plan. Hence, this application is recommended for approval.

5.0 CONCLUSION

For the above reasons this application is recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2

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

RBS060456 Extg Frontage, RBS060456/8 Rev A, RBS060456/Blk/1 and RBS060456/ME4

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 Details of all means of enclosure including access gates shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

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

4 Notwithstanding the information obtained on the approved plans, details of the plastisol coated steel which covers the ducting including the colour of the plastisol coating shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

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

5 DRAIN1

6 The development hereby permitted shall not commence until drawings indicating the finished floor level of the air handling plant above Ordnance Datum have been submitted to and approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied that adequate protection against flooding is achieved.

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 design, sustainability, highway safety and flooding. As such the proposal complies with Policies GP1, GP4a, C1, T4, T5 and GP15a of the City of York Local Plan Deposit Draft.

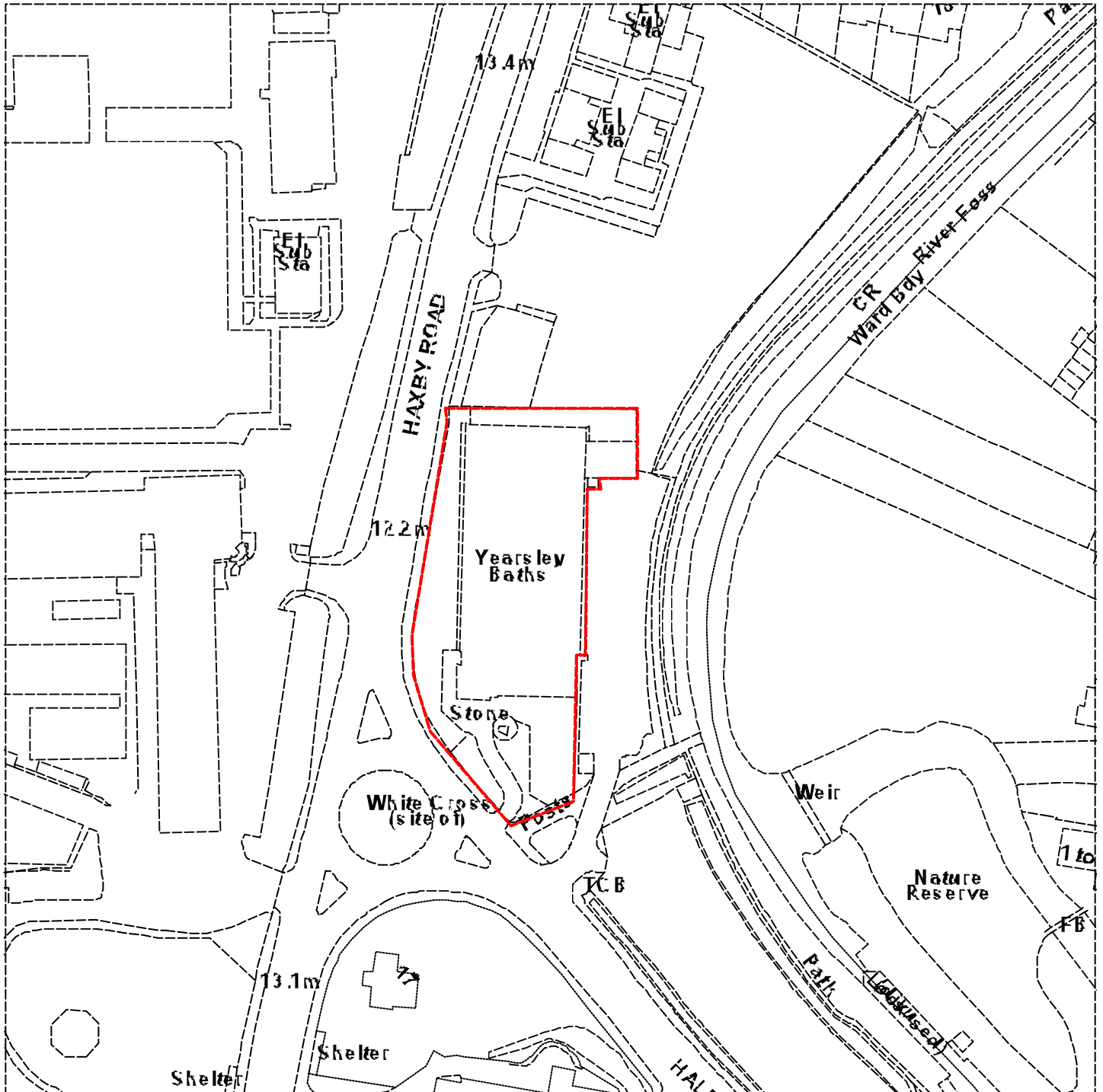
2. The applicant is reminded that under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, prior consent is required from the Agency for any works within 8 metres of a main river.

Contact details:

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

Application at Yearsley Swimming Baths

Ref 07/01264/GRG3



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	29 June 2007
SLA Number	



Planning and Transport (East) Area Sub-Committee

12 July 2007

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. Members should note that 92 new cases were received for this area within the last quarter. 63 cases were closed and 199 remain outstanding. There

are 44 Section 106 Agreement cases outstanding for this area after the closure of 7 for this quarter. 1 case resulted in the service of formal enforcement notice

Consultation

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

Options

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

Corporate Priorities

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

10. **Implications**

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

Risk Management

11. There are no known risks.

Recommendations

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

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

Contact Details

Author:

Author's name

Mandy Swithenbank/
Alan Kendall
Planning Enforcement Officer

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
Assistant Director (Planning and Sustainable
Development)

Dept Name City Strategy
Tel No. 551376/551324

Report Approved

Date 28th June 2007

Jonathan Carr
Head of Development Control

Report Approved

Date 28th June 2007

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

Implication ie Financial

Name

Title

Tel No.

Implication ie Legal

Name

Title

Tel No.

Wards Affected: *All Wards*

All

For further information please contact the author of the report

Background Papers:

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

Report to Area Sub-Committee in April 2007 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

Document is Restricted

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

Document is Restricted

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 07/01251/FUL
Application at: 4 Whitton Place York YO10 3BJ
For: Single storey pitched roof rear extension
By: C Coles
Application Type: Full Application
Target Date: 19 July 2007

1.0 PROPOSAL

1.1 This application seeks planning permission to erect a single storey pitched roof rear extension. The application site is a middle property set within a block of 3 houses within a modern cul-de-sac of mixed house types.

1.2 City Of York Council employs the applicant; therefore this application has to be presented to the committee.

1.3 No relevant property history

1.4 Sizes of the Extension - approx 3.8 metre height (sloping roof) x approx 4.5 metre wide x 2.9 metres along the boundary.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Derwent Junior 0192

Schools Osbaldwick Primary 0212

2.2 Policies:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

Highway Regulation - No objections.

3.2 External

3.2 Hull Road Planning Panel - No objections

3.22 Comments From Neighbours - None

4.0 APPRAISAL

4.1 Key Issue(s): Effect Upon Visual Amenity and Impact on Neighbours

4.2 The Application Site - The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area.

The applicant intends to erect an extension to the rear of the property. The view at the rear shows the proposal would be set within an ample sized garden and the size and scale would be in keeping within the existing property. Although this is a wide extension it would not be seen as an overbearing structure when viewed from the rear or would result in a significant loss of light for neighbouring properties.

The proposed development 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. Therefore, the proposed development would not affect the visual amenity of the surrounding area.

4.3 Policies set out in the City of York Local Plan and the Supplementary Planning Guidance

4.4 Draft Local Plan Policy CYGP1 - Design

4.5 Draft Local Plan Policy CYH7 - Residential Extensions

4.6 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001

4.7 Effect upon the Visual Amenity -. The position of the dwelling within the cul-de-sac is not visually prominent therefore will not impact on area.

4.8 Effect Upon Neighbouring Property - The applicant intends to build up to the boundary of both attached neighbours although they are within close proximity with each other both neighbours have conservatories and there is adequate fencing and high hedging which provides sufficient boundary treatment and ample privacy. There are no windows, which would impact on the privacy for the applicant and the adjacent neighbours. Therefore it is considered that the proposal will not significantly harm neighbouring amenity.
The lack of neighbour objection reflects this.

5.0 CONCLUSION

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The proposal accords with the policies set out in the City of York Local Plan and is therefore considered acceptable.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Approved Plans Dated 24/05/07 Dwg No: DC/AP/001

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

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

3 VISQ1

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential and visual amenities. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

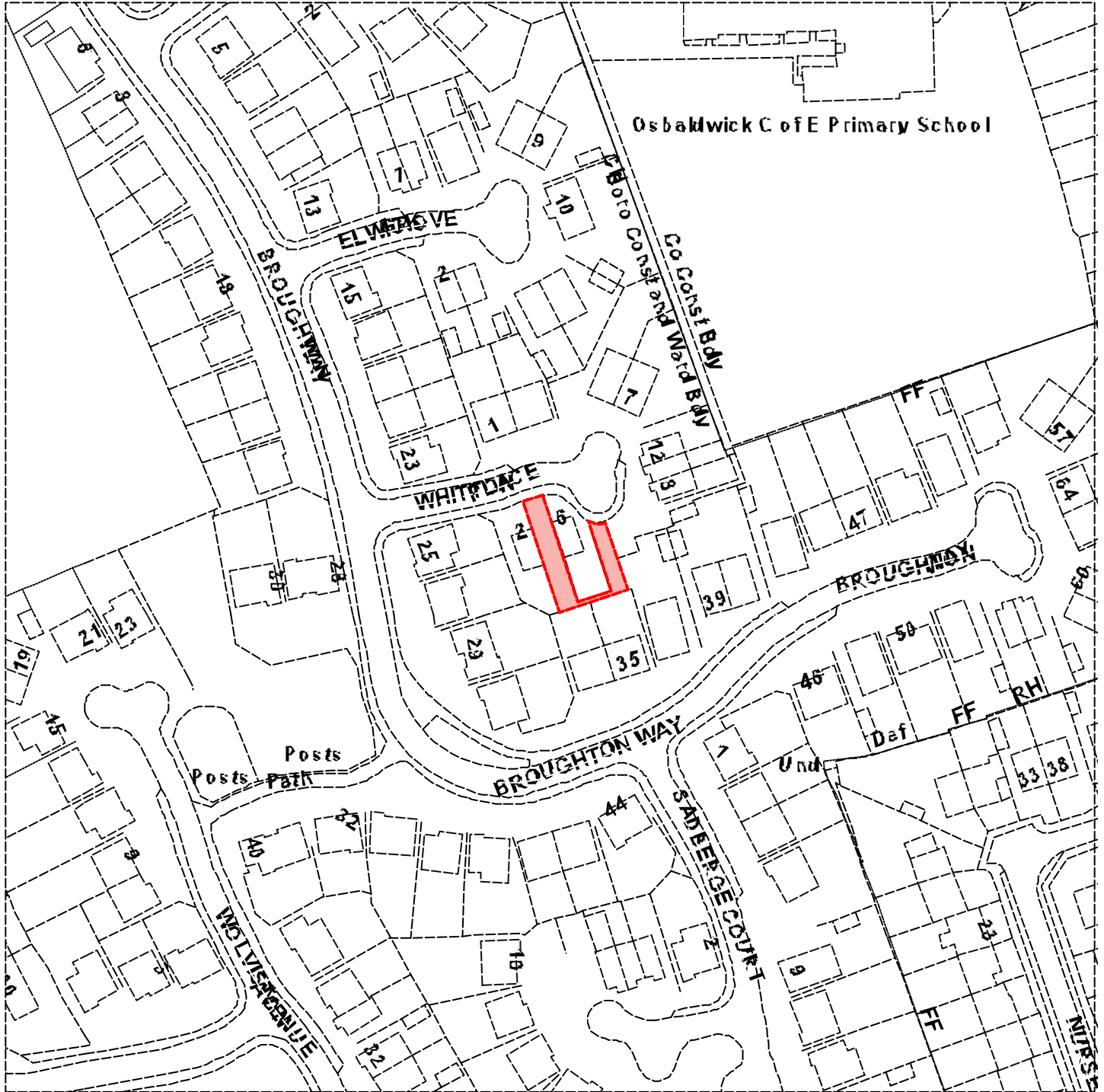
Contact details:

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Application at 4 Whitton Place

Ref 07/01251/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	Development Control
Comments	Application Site
Date	05 July 2007
SLA Number	