



## 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, 9 August 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. Minutes**

(Pages 4 - 14)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 12 July 2007.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 8 August 2007.

#### 4. Plans List

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

- a) **219 Melrosegate, York (07/01100/FUL)** (Pages 15 - 20)  
Two storey side and single storey rear extensions [*Hull Road Ward*].
- b) **J A Magson, Audax Road, York (07/01195/FULM)** (Pages 21 - 28)  
New cladding to external elevations and installation of plant including new enclosure [*Skelton, Rawcliffe, Clifton Without Ward*].
- c) **Enclosure Farm, Main Street, Heslington (07/01046/FUL)** (Pages 29 - 41)  
Proposed conversion of redundant agricultural buildings to 3 No. domestic dwellings (re-submission) [*Heslington Ward*].
- d) **196A Fulford Road, York (07/01571/FUL)** (Pages 42 - 47)  
Change of use from 2 no. maisonettes to single house in multiple occupation [*Fishergate Ward*].
- e) **Tang Hall County Primary School, Sixth Avenue, York (07/01517/GRG3)** (Pages 48 - 51)  
Creation of multi use games area (MUGA) [*Heworth Ward*].
- f) **31 Lea Way, Huntington (07/01126/FULM)** (Pages 52 - 60)  
Erection of 14 no. dwellings after demolition of existing house (resubmission) [*Huntington/New Earswick Ward*].
- g) **Impress Creative Imaging, Amy Johnson Way, York (07/01401/FULM)** (Pages 61 - 64)  
Change of use from print works (Class B2) to storage for medical records (Class B8) and alterations to rear [*Skelton, Rawcliffe, Clifton Without Ward*].

## 5. Urgent Business

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

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

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

Contact details are set out below.

### Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@york.gov.uk)

**EAST AREA PLANNING  
SUB-COMMITTEE**

**SITE VISITS**

**WEDNESDAY 8 AUGUST 2007**

<b>TIME</b>	<b>OFFICER</b>	<b>SITE</b>
<b>10:15am</b>	<b>HB</b>	<b>Enclosure Farm, Main Street, Heslington</b>

**Pool car will leave St Leonard's Place car park at 10:00am**

## **About City of York Council Meetings**

### **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.

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話(01904) 613161。

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	12 JULY 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), FIRTH, HYMAN, TAYLOR, VASSIE, WISEMAN, PIERCE (SUB FOR CLLR KING) AND POTTER (SUB FOR CLLR DOUGLAS)
APOLOGIES	COUNCILLORS DOUGLAS, FUNNELL AND KING

---

**10. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
The Old Vicarage, Vicarage Lane, Naburn	Cllrs Moore, Wiseman	At the request of the Local Member and to familiarise Members with the site.
101 East Parade, York	Cllrs Moore, Wiseman	To familiarise Members with the site and assess impact on neighbouring properties.
95 Lawrence Street, York	Cllrs Moore, Wiseman	To familiarise Members with the site and view access and impact on neighbouring properties.

**11. 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 Pierce declared a personal and non-prejudicial interest in plans item 5a (41 Yarburgh Way, York) as he had previously spoken on this application as Ward Member.

Cllr Potter declared a personal non-prejudicial interest in plans item 5b (Heworth Auto Point, Mill Lane, York) as she had conveyed the residents objections to Officers but had not previously indicated her views on the application.

Cllr Hyman declared a personal non-prejudicial interest in plans item 5c (Site at the junction of Jockey Lane/Kathryn Avenue, Huntington) as the application had been considered by Huntington Parish Council but he confirmed that he had taken no part in the discussion or voting thereon.

Cllr Vassie declared a personal and prejudicial interest in plans item 5h (Yearsley Swimming Baths, Hayleys Terrace, York) as Executive Member for Leisure and Culture and he left the room and took no part in the discussion and voting thereon.

**12. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain 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 as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

**13. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 14 June 2007 be approved as a correct record and signed by the Chair.

**14. PUBLIC PARTICIPATION**

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

**15. 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.

**15a. 41 Yarburgh Way, York (07/00212/FUL)**

Members considered a full application, submitted by Mr J Clarkson, for the change of use from dwelling house to house in multiple occupation with 7 bedrooms (retrospective).

Officers updated in relation to various points raised in the objector's letters. They stated that the objection relating to the property being used as a commercial venture with the deeds containing a covenant which forbid commercial use was a legal rather than a planning matter. It was also confirmed that an enforcement investigation was ongoing in relation to 45 Badger Hill. The objection relating to the use of the garage, as a practice studio would be referred to the Environmental Protection Unit. In answer to questions Officers confirmed that a right of way still existed to the rear of the property.



Cllr Pierce, spoke as Ward Member, he indicated that there was widespread concern that students in the Badger Hill area were affecting the social nature of the estate, as many of the dwellings were now empty for the summer. He stated that landlords generally neglected student properties and that landlords should be required to upkeep these properties to the same standards as other properties in the vicinity. He requested Members to refuse the application on the grounds of intensification of use with an informative asking the applicant to apply for change of use to a seven-person house.

Officers confirmed that it would not be possible to include a condition re maintenance of the property but that a management plan could be requested which could include clearance of gardens etc. They also confirmed that a condition relating to bin storage was to be included as part of any approval.

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

Within two months of the date of approval, a management plan for external areas shall be submitted to and approved in writing by the Local Planning Authority. This shall include maintenance arrangements and a method of advertising the details of a 24 hour management contact at the site. The approved management plan shall subsequently be implemented at the site and adhered to at all times.

**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 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).

**15b. Heworth Auto Point, Mill Lane, York (07/00567/FUL)**

Members considered a full application, submitted by Wincanton/Texaco, for the variation of Condition 4 of planning permission 04/00622/FUL to allow fuel deliveries between 07:00-18:00hrs Monday to Fridays.

Cllr Potter, as Ward Member, referred to the number of objections received from local residents to the proposal. She stated that in the densely populated terrace streets surrounding the site it was felt unacceptable to allow fuel deliveries to the site prior to 8.00am. She stated that resident's amenities should be safeguarded by the retention of the existing delivery hours.

Officers confirmed that the applicants had requested the extension of delivery hours to commence at 7:00am to enable them to make fuel deliveries prior to the start of school traffic and as there was a general increase in traffic throughout the day.

Members questioned whether approval could have a knock on effect with other delivery vehicles to the site and expressed concerns that fuel delivery vehicles could arrive prior to the 7:00am commencement causing further nuisance to residents.

RESOLVED: That the application be refused.

REASON: The extension of petrol delivery times from 8:00 a.m. to 7.00 a.m. Monday to Friday would cause increased noise and disturbance to local residents at an unacceptably early time. As such it is considered that the proposal fails to comply with Policy GP1 (criterion i) of the City of York Local Plan 4th Set of Changes 2005.

**15c. Site at the Junction of Jockey Lane Kathryn Avenue, Huntington, York (07/00843/FULM)**

Members considered a major full application, submitted by Aldi Stores Ltd, for the erection of food store with associated car parking, access and landscaping (resubmission of 06/02293/FULM).

Officers updated that on page 28 of the Planning Officers report the fourth paragraph referred to buses that travelled from the Park and Ride site into Monks Cross which they confirmed was incorrect as there was no single route that made this journey. Any approval would also require additional conditions relating to the lining of the highway and that car park lighting should be dark sky compliant.

Members questioned the positioning of drop off points, disabled parking and the threshold at which a BREEAM assessment would be required. It was confirmed that this assessment could be conditioned as part of the approval. Members also questioned the marketing of the two sites for employment use in particular the reference to a short-term lease and stated that they felt that this could have discouraged potential occupiers.

Representations, in support of the application, were received from the applicant, who confirmed that both the north and south sites had been marketed and although they had been marketed with a short-term lease they felt that this would allow greater flexibility for occupiers. Members questioned the marketing of the southern site as no evidence had been produced which indicated that this had been undertaken.

Members also raised concerns regarding

- the site entrance and problems with queuing traffic adjacent to the site
- the store design
- siting of the store entrance in relation to the car park and

- the number of staff employed who may also require parking.

Cllr Hyman moved refusal of the application, which was seconded by the Chair, on the grounds that insufficient marketing information had been provided, design and sustainability, layout and on highway and traffic grounds. On being put to the vote the motion was lost.

**RESOLVED:** That the application be deferred to allow Officers to liaise with the applicants in relation to amendments to the store entrance and its siting in relation to the car parking, the store design and the applicants being requested to provide a sustainability statement and evidence in relation to marketing of the southern site.

**REASON:** To alleviate Members concerns relating to the application and the site.

**15d. St Judes, 281 Huntington Road, York (07/00962/FULM)**

Officers reported that this application had been withdrawn by the applicant prior to the meeting.

**15e. The Old Vicarage, Vicarage Lane, Naburn, York (07/01167/FUL)**

Members considered a full application, submitted by Mr I Creer and Ms Y Macalister, for the erection of a three storey detached dwelling (resubmission).

Officers updated that in the Planning Officers report para. 1.2 in the second line the word “erection” should read “demolition” and in para.1.5 the application had been brought to Committee at the request of Cllr Vassie and not the Chair. An email received from Naburn Parish Council commenting on attendance at the site visit, the applicant following planning guideline, the plans being sympathetic and the line of the village settlement had been circulated to Members at the meeting.

The Chair confirmed that Sub-Committee site visits were not a requirement and that Members attended as and when able.

Members viewed a plan of the settlement of Naburn and Officers confirmed that the Green Belt washed over the village and had a defined settlement limit around the built-up area of the village, which had been set through the Local Plan process. It was confirmed that the boundary wall, which crossed the site, defined the settlement limit and that only the part of the site north of this wall was within the settlement limit of the village.

Representations in support of the proposal were received from the applicant who circulated a photograph of The Old Vicarage from the south and he detailed the proposal, which would involve the development extending 8.8metres beyond the boundary wall. He confirmed that the demolition of the existing outbuilding would benefit the trees within the site and that the proposed dwelling would be sustainable having solar panels, a heat pump, and incorporate rainwater harvesting. He stated that the

existing consent for a dwelling on the site was not an eco friendly design. He also confirmed that objections had previously been made to the settlement limit in March 2003.

Members questioned the protection of the trees on site and if the Secretary of States agreement would be required if the Sub-Committee were minded to approve the application.

Cllr Vassie, as Local Member, stated that there appeared to be an indentation in the settlement limit at this point in Naburn village on the Local Plan and as a result The Vicarage and other buildings in the village extended further than the proposed dwelling. He indicated that infilling had already been accepted beyond the settlement boundary and the argument was now whether this application was more appropriate and in keeping than the previous application. He confirmed that the Parish Council had no objections to the proposal and he recommended approval as the development was in keeping with the green belt.

Members questioned details of the approved application for the site and Officers confirmed that the previously approved scheme entailed a minor element over the settlement boundary. Officers also confirmed that the boundary had been agreed since the approval of the previous application. Members indicated that if approval were granted that permitted development rights should be removed to prevent any further changes to the property.

RESOLVED: That subject to the Secretary of States approval permission be granted subject to the following conditions:

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

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

Drawing nos. 1551.13, 1551.14, 1551.15, 1551.16, 1551.17, 1551.18, 1551.19 and 1551.20 dated April 2007 and received 16 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.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any

Order revoking or re-enacting that Order), development of the type described in Classes A, B, 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.

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

6 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of site cabin. The method statement shall also include: construction details where a change in surface material is proposed within the canopy spread and likely root zone of a tree; foundation details.

7 Before development commences, details of the following measures, outlined in the supporting Design, Construction and Access Statements dated May 2007 that accompanied the planning application, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated within the development.

'Heavy wall' construction to north, east and west elevations; solar energy; rainwater harvesting; and, underfloor heating.

8 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

9 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.

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

11 The bricks and tiles from the existing building on site to be demolished shall be reused within the development.

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

**15f. 101 East Parade, York (07/01184/FUL)**

Members considered a full application submitted by Mr Tom Dodson and Ms Maggie Serafim, for the erection of a detached two storey dwelling (resubmission).

Officers updated that if the application was approved an additional condition would be required to clarify the fence line between the host property and the development and a condition to protect the magnolia tree between the properties. It was also intended to construct the dwelling to meet the Sustainable Homes Standard Level 3.

In answer to Members questions Officers displayed a plan showing the site access from East Parade and confirmed that a pedestrian gate to the property was proposed with no car access to the site although Highways had raised no objections to vehicular access.

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

- 1 The development shall be completed in accordance with the requirements of code level 3 of The Code for Sustainable Homes (DCLG) March 2007.
- 2 Notwithstanding the submitted plans, further details of the position and method of construction of the proposed fence running between the garden of the proposed dwelling and 101 East Parade shall be submitted to and agreed in writing by the Local Planning Authority. The fence shall be constructed in accordance with the approved details prior to the occupation of the dwelling.

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 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.

**15g. 95 Lawrence Street, York (07/01175/FUL)**

Members considered a full application, submitted by Gary McManaman and Karen Long, for the 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 to Nicholas Street.

Officers updated that following the site visit revised plans had been received which showed the retention of the chimney and the rear range of buildings and the removal of a dormer window. Officers also recommended the addition of additional conditions if the application was approved one to secure details of landscaping and the second relating to the provision of plans showing acceptable bin and cycle enclosures on site.

Members questioned whether the landscaping condition imposed would also apply to the forecourt of the property and whether there would be sufficient space set aside for recycling and storage at the rear of the property.

**RESOLVED:** That the application be approved subject to the imposition of the conditions set out in the report and the addition of the following condition:

No development shall take place until landscaping details and a management plan for the shared external areas within the curtilage of the flats hereby approved have been submitted to and approved in writing by the local planning authority. The landscaping shall be provided and the premises maintained in accordance with the approved details and management plan except with the written consent of the local planning authority.

**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 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.

**15h. Yearsley Swimming Baths, Haleys Terrace, York (07/01264/GRG3)**

Members considered a general regulations (Reg3) application, submitted by Mr Andrew Laslett, for the provision of disabled parking and improvements to cycle parking, installation of external air handling plant and creation of a bin store at Yearsley Swimming Baths.

Officers explained that the Environment Agency had made a number of recommendations regarding flood levels and surface water drainage. Officers confirmed that they had included only those conditions that were felt reasonable and appropriate and met criteria set out in paragraph 14 of Circular 11/95 "Use of Conditions in Planning Permission". Officers stated that if permission were granted additional conditions would be required in relation to details of cycle parking and that staff parking should be covered and secure.

Steve Owen, project officer for the scheme on behalf of CYC Property Services, displayed photographs of the existing site and produced colour samples of the proposed cladding.

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

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

2 The cycle parking area hereby permitted shall be covered and the means of coverage shall be submitted to and approved in writing by the Local Planning Authority.

**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 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.

**15i. 4 Whitton Place, York (07/01251/FUL)**

Members considered a full application, submitted by C Coles, for a single storey pitched roof rear extension at 4 Whitton Place, York.

**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 residential and visual amenities. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

**16. ENFORCEMENT CASES UPDATE**

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the reports be noted.

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

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 4.10 pm.



CYGP1  
Design

### **3.0 CONSULTATIONS**

#### 3.1 INTERNAL.

#### 3.2 Highway Network Management.

Car parking is provided in accordance with CYC standards. The cycle store should be widened to 3 metres (interior) in order to accommodate 6 cycles. Recommend condition HWAY18

#### 3.3 EXTERNAL.

#### 3.4 Hull Road Planning Panel.

No objection in principal to a development on this plot. The panel are of the opinion that it would be sensible to extend to the rear rather than the side as this would allow for vehicles access to the rear thus making provision of parking facilities easier.

#### 3.5 Neighbours / Third parties.

2 letters of objection received from the occupiers of 215 and 182 Melrosegate.  
Comments as follows:

i) Melrosegate is overrun with cars. They park on the road and also on the grass verges. To put a house holding eight students with only one off street parking area would cause conflict and trouble with local car owners. Where will they park if half of them own cars.

ii) There will be noise and bother associated with the development. Melrosegate has its fair share of these houses and is being overrun. What about the people who have lived there for a long time. Most of the residents down here are middle aged or pensioners and do not want to have to put up with students coming and going at all hours which is quite frightening.

iii) The placing of the shed in the front garden will be an eyesore and a magnet to thieves.

iv) Area was built for family houses and was not meant to become a University campus. Already have students in the street and this is affecting family life and community spirit.

v) Extension is over large. Should be scaled down to be in keeping with the area.

vi) applicant does not even live in the area.

### **4.0 APPRAISAL**

#### 4.1 Key Issues.

- design and impact of the extension.
- House in Multiple Occupation.

#### 4.2 Design and impact of the extension.

The application property is the end house of a group of four terrace houses, a common characteristic of the street scene in this part of the city. Policy H7 of the draft local plan refers to extensions to houses and this states that the design and scale of the extension should be appropriate in relation to the main building, there should be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy and the proposal should respect the spaces between the dwellings. This guidance is consolidated in the Council's Supplementary planning guidance on house extensions.

4.3 Whilst there are not a significant number of two storey side extensions in the area there are some examples of such developments, including one projecting off the side of no.225 which is the other end of the terrace within which this property stands. It is of similar proportions and design to that proposed here, the main difference being that the proposal here does not incorporate a garage. Although the proposed extension projects up to the side boundary of the property, it is set back slightly from the front of the house and set down from the ridge level of the roof so as to ensure a degree of separation between the extension and the house, an accepted design requirement of such developments. Whilst in many cases, some separation is preferred, in this case the closing of the gap between the houses does not have such a materially significant impact on the streetscene. The gaps between the houses do allow some views through to the rear gardens and beyond that through to the gardens and houses of Burlington Avenue. However, given that the general character of the area is quite high density, the significant number of mature trees along the side of the road and the almost identical extension to the other end of this block of four houses, officers raise no objection to the size and scale of this particular extension in this particular location. The comments of the objectors regarding the cycle and bin store are acknowledged and officers agree that this will appear an incongruous and dominant feature to the front. The front gardens of these houses are relatively open with hedging defining the boundary with Melrosegate. There are no examples of similar size stores immediately adjacent to front boundaries and officers are in negotiation over this matter with the agent with a view to moving this to the rear.

4.4 With regard to neighbour amenity the only impact will be on no. 217 Melrosegate and planning permission has recently been granted on the property for a single storey side extension for a new garage. Two existing ground floor windows will consequently be removed from the side of no. 217 leaving only a first floor bathroom window and side roof dormer facing the proposed extension. The bathroom window is frosted glass and the dormer window is above the eaves height of the proposed extension. Its footprint is on a gable to gable relationship and will not appear overly visually dominating from the house or curtilage of no. 217 as the extension does not extend beyond the rear elevation of no. 217. The single storey sunroom is modest in size and is not considered harmful. Given this, it is considered that there is no material impact on the living conditions of the occupiers of 219 as a result of the proposed two storey extension.

House in multiple occupancy.

4.5 The application forms describe the development as a conversion of a dwelling into multiple occupancy and it for this reason that it was called in by a Councillor. However, the agent has confirmed that they are not specifically applying for a house in multiple occupancy. It is confirmed that the house is to be used as student accommodation and because the extension was creating a six bedroom house, the agent has thus described it as a HMO on the forms. In purely planning terms officers consider that this represents a development under Class C3 of the Use Classes Order (same as a dwelling house) and is not therefore a change of use into a HMO. Case Law has established that Use Class C3 includes groups of people who though not related to each other, choose to live as a single household. There are several appeal decisions to endorse the view that occupation by more than six persons need not necessarily constitute a material change of use, the key issue being to identify whether or not the group in question has ceased to operate as a single household. In this case the applicant has confirmed that the house will operate on a single tenancy, all occupants will have responsibility for the upkeep of the house rather than simply their own rooms, facilities such as lounge, kitchen and bathroom are shared and where possible will be known to one another. The house is no larger than a standard family home and will be home to six people (all bedrooms are single rooms). Officers consider that this does not constitute an HMO and that the use has not intensified or changed to a degree where a material change of use has occurred.

## 5.0 CONCLUSION

5.1 Despite applying for a change of use to a HMO on the application form, officers are of the opinion that in planning terms, what is sought is not an HMO. This is based on the number of people likely to be living in the property (six) and that the occupiers will be living together as a single household on a single tenancy. The applicant has confirmed that this is the long term arrangement and that they have no plan to want an HMO in the future. The reference to it on the application form was down to a misunderstanding of the definition of an HMO in the Use Classes Order rather than the requirements of the applicant. Therefore the application is essentially only for a two storey side and single storey rear extension and officers raise no objections to this.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Drawing no:

- L126/4

- L126/6

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

4 HWAY18

**7.0 INFORMATIVES:  
Notes to Applicant**

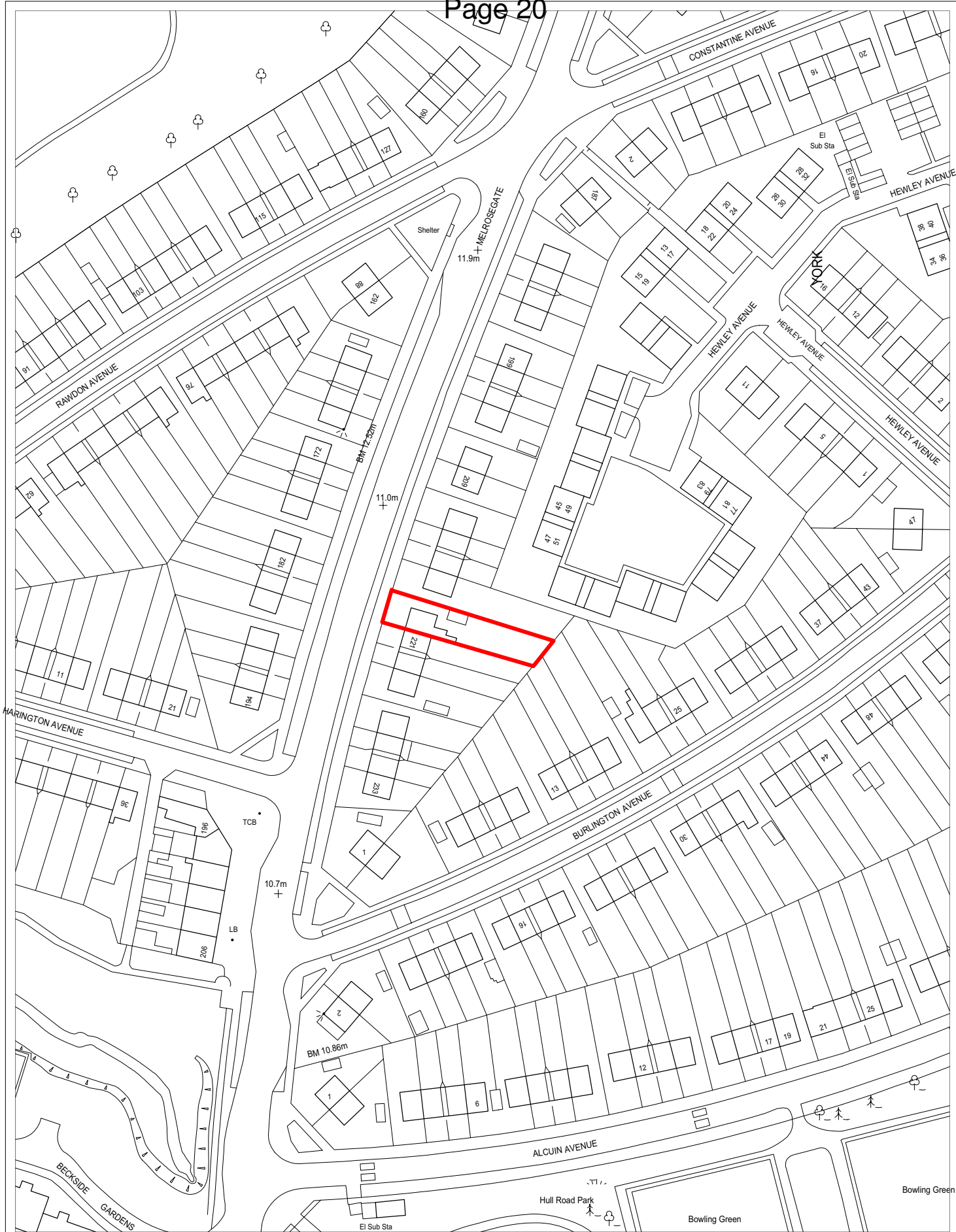
1. REASON FOR APPROVAL

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 design and appearance of the extension and the impact on neighbours. As such the proposal complies with Policy H7 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

**Contact details:**

**Author:** Matthew Parkinson Development Control Officer

**Tel No:** 01904 552405



CITY OF  
**YORK**  
COUNCIL

**219 MELROSEGATE - 07/01100**

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 30/7/2007  
Drawing No.



9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 551550

Produced from the 1993 Ordnance Survey 1:1250 mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

City of York Council LA 1000 20818





spaces serving 70 employees. The existing accesses into the car park area and into the service yard area would be retained

1.7 The existing trees facing Stirling Road and Audax Road would be retained. A new 1.8m high colour coated steel mesh fence is proposed to the rear of the existing trees and shrubs along the site boundary. The proposed fence would be over 5.0m away from the public highway.

## 1.8 RELEVANT PLANNING HISTORY

1.9 3/27/223/FA: Erection of warehouse building with parking and vehicle circulation areas for Booker Belmont Wholesale Ltd as a wholesale cash and carry trade warehouse for the sale of food and non food goods wines beers and spirits. Permission granted on 6.6.1988.

1.10 03/03208/FUL: Erection of two storey relocatable office building. Permission granted on 10.12.2003.

1.11 03/02805/FUL: Erection of re-locatable first floor and ground floor offices (ground floor retrospective). Permission granted on 10.12.2003.

1.12 06/02083/FUL: Alterations to warehouse including new office entrance and loading bays, and hardstanding on east side to Audax Road. Permission granted on 14.12.2006.

## 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:

CYT20  
Planning agreements

CYGP1  
Design

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYGP11  
Accessibility

CYT4  
Cycle parking standards

### **3.0 CONSULTATIONS**

#### INTERNAL:

3.1 Highway network management: Response received 18 June 2007. No highway objections subject to Green Travel Plan condition.

3.2 Environmental Protection Unit: Response received 18 July 2007. No objections. Informative recommended.

#### EXTERNAL:

3.3 Clifton Without Planning Panel: No response received to date.

3.4 Rawcliffe Parish Council: Response received 10 July 2007. No objections. The Council supports the proposed increase in parking spaces from 81 to 84.

3.5 Clifton Moor Business Association: Response received 18 July 2007. The Association would positively support this application.

3.6 Neighbours consulted: No response received to date.

### **4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Design
- ii. Landscaping
- iii. Sustainability and cycle parking standards
- iv. Highway safety
- v. Accessibility

Design:

4.2 The existing building is a metal claddings and brick structure. Due to the fact that the building has been vacant for a number of years it currently lacks the necessary maintenance. In terms of its design the main elevation of the building (the east elevation) comprises of a number of small windows. These windows appear out of proportion in relation to the overall scale of the building. It is also considered that the existing use of material especially their choice of colour contribute very little to the visual amenity of the area compared to the more recently built structures adjoining the site.

4.3 By virtue of the above it is considered that the proposed re-cladding work and the proposed external alterations would improve the visual quality of the building as well

as enhancing the visual amenity of the area. It would also create an opportunity to reconsider better quality cladding material and more attractive choice of colour.

4.4 The proposed mechanical plant would be enclosed by colour coated aluminium louvre screen, and the proposed generators and switchrooms facing the internal access would be enclosed by the existing security fence and the proposed screen planting. Overall the proposed siting of plant and generators in an area currently designated as concrete paving would not have an adverse impact on the visual appearance of the area.

Landscaping:

4.5 The site boundaries facing Stirling Road and Audax Road are currently planted with trees and shrubs, which help to screen parts of the building from public view. Due to the new fence proposed, shrubs which are in close proximity to the building will be removed. Full details of the landscaping scheme including details showing the retention of trees and shrubs are secured by condition.

Sustainability and Cycle parking standards:

4.6 The purpose of the proposed scheme is to allow the site to be used for the purpose of a national record storage facility for drawings and other technical data. It is not the intention that the record information will be open to the public, although occasional visits by staff from regional centres will occur. The site and the parking facilities within will therefore be used primarily for the 70 staff proposed on site.

4.7 The work proposed would bring this vacant building to a more viable use. It is considered that by reusing materials already on the development site such as, in this case, reusing an existing building would be more sustainable than replacing the existing building or erecting a new building for the same purpose but elsewhere. Furthermore, by reusing the existing building in this location would help to increase the frequency of bus services, which would in turn support public transport facilities at Clifton Moor.

4.8 The scheme proposed would increase the number of cycle spaces within the site from 0 to 12 serving a total of 70 staff. In accordance with the Cycle parking standards set out in the City of York Draft Local Plan more cycle spaces should be provided and these can be secured by condition. The plans submitted shows all cycle spaces will be covered.

Highway Safety:

4.9 By virtue of the fact that HGVs would be absent from the daily operations, the impact of the proposal on the highway network is likely to be reduced from the period of previous occupation. A condition is required to include the submission and agreement of a Green Travel Plan following occupation of the site.

Accessibility:

4.10 In accordance with the standards set out in policy GP11 of the City of York Draft Local Plan 2005 access parking bays will be provided for people with mobility problems. These will be sited in close proximity to the main entrance. Within the building a lift will be installed between the ground and first floors and a full access WC is to be provided.

4.11 Having taken the above into account, it is considered that the proposed development accords with Planning Policy Statement No.1 "Delivering Sustainable Development" and policies set out in the City of York Local Plan.

## 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:-

1636/PL/06, 1666/OS/01, 1636/PL/01, 1636/Survey/01, 1636/Survey/04, 1636/PL/04, 1636/Survey/02, 1636/PL/02, 1636/Survey/03, 1636/PL/03 and 1636/PL/05

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 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.

4 None of the existing trees within the application site shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased

shall be replaced with trees of such size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

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

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

- 6 VISQ8

- 7 Prior to the development commencing details of external lighting including details of the level of illumination shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development hereby permitted shall be carried out in full accordance with the details submitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise any adverse affects for neighbouring properties and the appearance of the locality.

- 8 Notwithstanding the information obtained on the approved plans, prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

- 9 Within six months of occupation of the site, a full Company Green Travel Plan, developed and implemented with national guidance and guidance issued by the City of York Council, shall have been submitted and agreed in writing by the LPA.

Reason: to ensure that the development complies with the advice contained in PPG 13 and in policy T20 of the Deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cyclists and other modes of transport to and from the site, together with provision of parking on the site for these users.

**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, landscaping, sustainability, cycle parking standards, highway safety and accessibility. As such the proposal complies with Policies GP1, GP4a, GP9, GP11, T4 and T20 of the City of York Local Plan Deposit Draft.

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".

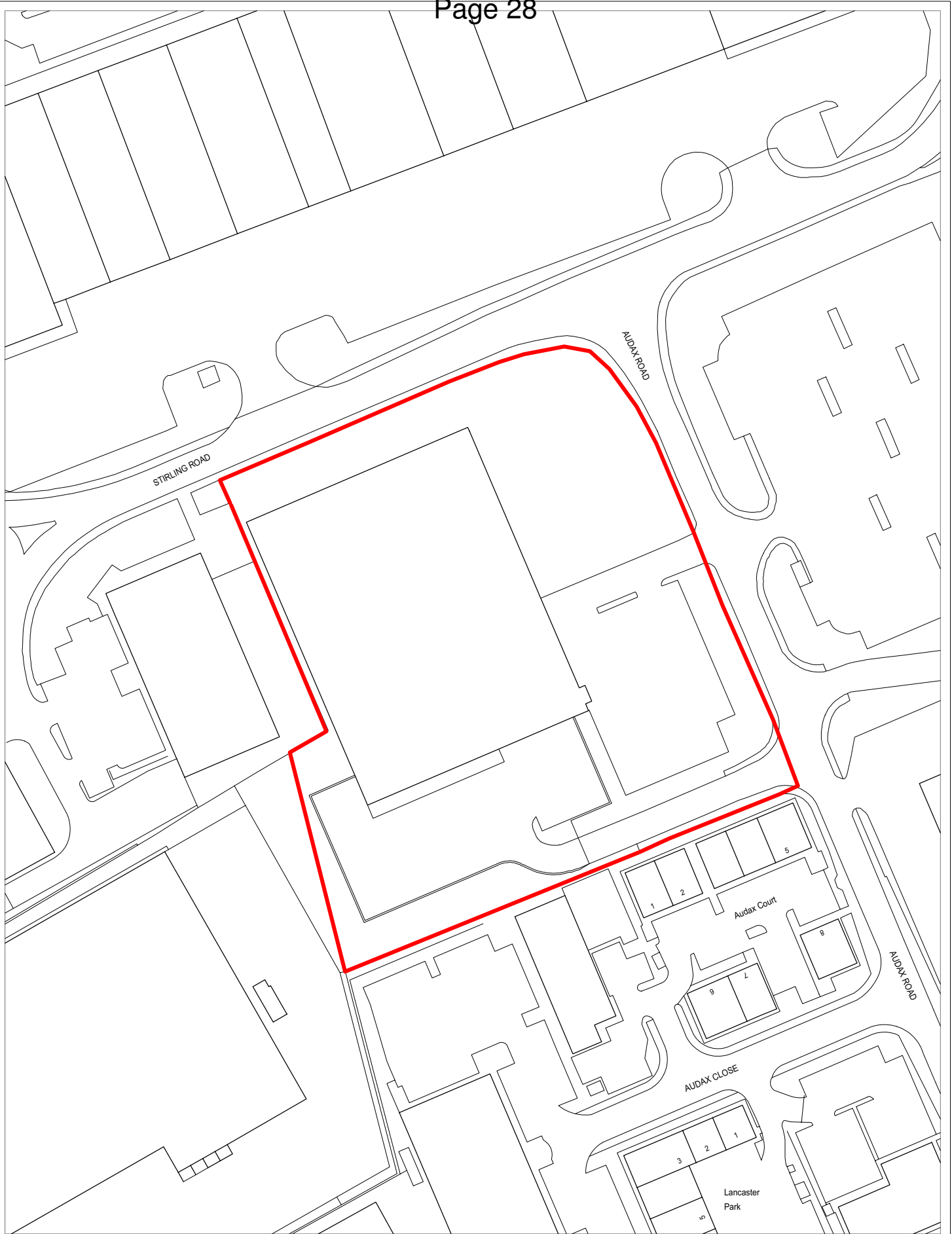
3. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

4. There shall be no bonfires on the site.

**Contact details:**

**Author:** Billy Wong Development Control Officer

**Tel No:** 01904 552750



CITY OF  
**YORK**  
COUNCIL

**J A MAGSON Ltd., AUDAX ROAD - 07/01195/FULM**

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 30/7/2007  
Drawing No.



**COMMITTEE REPORT**

**Committee:** East Area  
**Date:** 9 August 2007

**Ward:** Heslington  
**Parish:** Heslington Parish Council

**Reference:** 07/01046/FUL  
**Application at:** Enclosure Farm Main Street Heslington York YO10 5EA  
**For:** Proposed conversion of redundant agricultural buildings to 3 No. domestic dwellings. (Re-submission)  
**By:** Mr Brown  
**Application Type:** Full Application  
**Target Date:** 28 June 2007

**1.0 PROPOSAL**

1.1 The application relates to a site (0.223 hectares) located at the rear of properties fronting Main Street. It comprises of traditionally constructed one and two storey buildings that were part of the former Village Farm - the main farm house fronts onto Main Street with side access to the south leading to the barns. The site is surrounded by housing development to the south and east and garden spaces to the north.

1.2 The proposal involves the conversion and extension of the existing brick and tile buildings on site to provide three homes. Access would be via the existing access to the south of the former farmhouse fronting Main Street, which has been improved as part of the approval for works at the former farmhouse (05/2467/FUL).

1.3 'Barn A' would be a six-bedroom house that would occupy a large portion of the site. It would have a large single storey extension to the north of the main L-shaped building with garden areas and courtyard behind gates. An existing barn adjacent to the southern boundary would be altered with the front wall re-built to provide ancillary storage and home office for Barn A with some storage for Barn D. 'Barn B' would be located to the north of the access road and would be a two-bedroom single storey dwelling. 'Barn D' would be located to the south of the access road and would also be a two-bedroom part two/part single storey house. The garaging for barns B and D would be located in a double garage attached to Barn B.

1.4 The application is accompanied by a Design and Access Statement. This sets out the approach behind the development to 'produce dwellings from converted barns'. The detailed design proposes that there be a clear distinction between old and new. It confirms that the units will be built to exceed current building regulations and that occupants of Barns B and D would benefit from membership of the City's car club scheme. It concludes that the proposals achieve a 'happy blend' of traditional and contemporary in an agricultural vernacular that sits appropriately in the Heslington Conservation Area.

1.5 A previous application for conversion and extension to create five dwellings was withdrawn in 2007 due to concerns expressed by the Council's Conservation Officer about the extent of alteration to the original buildings. This previous application was



called-in for a Committee decision by Cllr Jamieson-Bell and as a result, this revised scheme is now brought to the Committee.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area Heslington 0029

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Lord Deramore's Primary 0208

### 2.2 Policies:

CYGB1

Development within the Green Belt

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGP1

Design

CYGP4A

Sustainability

CYGP10

Subdivision of gardens and infill devt

CYNE1

Trees, woodlands, hedgerows

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE10

Archaeology

CYH3C

Mix of Dwellings on Housing Site

CYH4A

Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

### 3.0 CONSULTATIONS

#### 3.1 Internal

Highway Network Management - Notes existing consent for improvements to existing access, provision of single garages to provide off street parking facilities with car club membership for future occupants and siting of Barns B and D within current boundary of R13 Heslington Residents Parking Zone. There are no highway objections subject to conditions regarding access, vehicular areas, car and cycle parking, turning areas, mud on highway and dilapidation survey.

Environmental Protection Unit - Have concerns about contaminated land based on historical uses of the proposed site: agriculture, vehicle repairs and a haulage yard, which are all identified in PPS23 as potentially a source of contamination, coupled with the fact that the proposal is for dwellings adding new receptors to the site. Request condition to address concerns.

Urban Design and Conservation -

(i) Conservation - This is a great improvement on the previous application: it is a less intensive development and it retains far more of its original agricultural character, so the main obstacles have been overcome. Only concern is new rear extension to the barn. Conceding quite a lot here in terms of new development but it could be justified if the new extension fits the part, i.e. resembles externally a range of farm outbuildings subservient to main barn. On basis of alteration to roof profile and general lowering of roof height, the new extension is now both more subservient to the barn and more sympathetic to the conservation area.

(ii) Ecology - Accepts findings of bat survey submitted with previous application as findings then are relevant now because short time elapsed. Considers that suitable bat roost habitat is included within the new buildings to replace that that is lost. Suggests condition to cover this.

(iii) Landscape/Trees - No objections. Please include landscaping condition. There should be no impact on the large Ash tree and holly tree close to the existing four-bay barn as this is to be retained for garaging and trees in the neighbouring car park that overhang the site are within an area that would be garden. No objection to removal of any other trees/shrubs within site boundaries.

(iv) Archaeology - Site lies outside AAI in an area which has produced prehistoric, Roman and medieval deposits. Barns have historic character which will be compromised by the proposed development. Structures are shown on 1853 1st edition OS plan, but unclear whether current structures represent these. The barns

of historic interest and should be recorded. Request recording condition and ARCH2.

City Development - No comments.

### 3.2 External

Heslington Parish Council - Object:

- New portion of Barn A is contrary to Village Design Statement as it does not retain garden and open space between and behind houses.
- Design and construction materials planned for new build aspect of Barn A do not conform to VDS, which requires use of materials and building methods of highest quality, that respect and are sympathetic to context and building traditions of the village.
- Concern about height and location of Barn D and detrimental effect on loss of amenity to neighbouring properties.

Heslington Village Trust - Object:

- Welcome reduction in number of houses from five to three;
- Concerns remain about impact on neighbours amenity;
- Concern about extension to Barn A, which would occupy 40% of open site north of barn and whose form and materials are alien to and sit uncomfortably in village context, contrary to Village Design Statement;
- Concerned about potential for sub-letting to students could be overcome by more modest and architecturally more appropriate and contextual design and request covenant if approved to prevent property being let or turning into HMO.

Four letters from local residents, raising following points:

- Plans show commercial development rather than one for personal use;
- Work has already commenced with old features being removed and window spaces opened up;
- Plans do not clearly detail enlargement of current building footprint;
- Buildings are of significant historical nature to the village and are few remaining examples of Heslington village life;
- Application contravenes guidance in Village Design Statement in respect of change of use applications and building on open spaces;
- Too great density and removes current free space and as such detracts from open character of locality;
- Concern re: student type accommodation;
- Effect on residential amenity from opening up apertures of Barn A and new windows proposed on privacy and affect of built form of proposed extensions on views and light;
- Parking provision for vehicles is unclear and concern further pressure on street parking in village;
- Plans for development at Rowan House adjacent have been rejected on grounds of Green Belt, harm to conservation area, insufficient information regarding how development fits into distinctive local character;
- No details about tree removal and damage to hawthorn hedge on boundary;
- Design not consistent with original agricultural buildings;

- Location of development on site unbalanced and result in one large property occupying two-thirds of site, with disproportionate intensity of use on south and west sides.

#### **4.0 APPRAISAL**

##### 4.1 Key issues:

- green belt status
- reuse for residential purposes
- density and mix
- affect on character and amenity of local environment
- affect on Heslington Conservation Area
- archaeology
- impact on ecology
- residential amenity
- access, parking and highway safety
- contamination
- public open space

4.2 Policy Context - The site lies in the York Green Belt within the washed over village of Heslington and within the Heslington Conservation Area. In addition to the City of York Draft Local Plan policies set out in section 2.2, Planning Policy Statement 1: Delivering Sustainable Principles, Planning Policy Guidance Note 2: Green Belts, Planning Policy Statement 3: Housing and Planning Policy Guidance Note 15: Planning and the Historic Environment are of relevance and outline national planning policy. Policy E4 of the North Yorkshire County Structure Plan also relates. A Village Design Statement was published for Heslington in 2004. It is a material planning consideration and offers advice on design principles based on the distinctive local character of the settlement. In particular, section 4 'The Built Environment' requires development to respect the setting and character of the village, sit happily in the pattern of the existing development, respect views through to open countryside, reflect the domestic scale of buildings in the Village with extensions being no larger or more dominant than the parent building, provide adequate parking, use high quality sympathetic materials and maintain variety in size and scale.

4.3 Green Belt - The site lies within a village 'washed over' by the City of York Green Belt as shown on the Local Plan Proposals Map. The relevant policy context is contained in PPG2 and Local Plan Policies GB1 and GB2. These allow development within the defined settlement limits of such villages providing it constitutes limited infilling that does not prejudice the openness nor purposes of the Green Belt. It is considered that the development would accord with these policies and be acceptable in Green Belt terms. There is a history of infill development in the village behind the frontage properties from either conversion with extension or new build, highlighted by the developments of Enclosure Garden to the east of the site and the detached houses to the south-east of it and conversion of other farm buildings, such as those comprising Bridge Farm on the opposite side of Main Street. The site is located within the built-up area of the settlement and would

reuse, albeit with extensions, existing buildings and its scale and design would be appropriate to the form and character of the settlement.

4.4 Residential reuse - The buildings are agricultural in origin though according to the agent have not been used as such for the past thirty to forty years and have subsequently been used as a base for a haulage contractor and for vehicle repairs. The reuse of the buildings for residential purposes is considered to be acceptable in principle as it would ensure the retention of the buildings, would be compatible with the surrounding land uses and would be an appropriate use in this part of the Green Belt as set out above. This is providing that the detailed considerations of the conversion of the buildings is acceptable.

4.5 Density and mix - The scheme converts the existing buildings with extensions to them to provide the three dwellings and associated garaging facilities. The site would be more intensively developed than it is currently, though the development would have a lower density (13.5 dph) than the 30 dph sought by planning policy. However, there is no objection to the scheme on this basis given the constraints of the site, that is: the need to retain existing buildings and their original agricultural character, and to respect the conservation area and amenity of surrounding occupants. To achieve the sought density, the site would need to accommodate 7 dwellings, which would require further conversion and additional new build. The development proposes 1x 6 bed house and 2 x 2 bed dwellings. The latter two are constrained by the size of the original agricultural buildings. It may be possible to develop Barn A into smaller properties, with extension again, though there may be issues with access to and amenity between the units. Regardless, the applicant is proposing to development this single larger property for his own occupation rather than as a speculative development.

4.6 Character and amenity of local environment - In addition to general advice in PPS1 and Local Plan Policy GP1 on design, Local Plan Policy GP10 in particular relates to infill development. It states that planning permission will only be granted for infilling to provide new development, where it would not be detrimental to the character and amenity of the local environment. The requirements in section 4.1 of the Village Design Statement outlined in 4.2 are also relevant. The scheme has been designed to retain the integrity of the original fabric of the agricultural buildings, both internally and externally, whilst allowing conversion to residential units, and in particular the size of accommodation sought by the applicant in the main dwelling, Barn A. Traditional materials would be used externally for construction of the extensions, with the exception of the courtyard entrance extension and the internal face of the extension to Barn A. Although the extension to Barn A has a large footprint, it is only single storey and has been designed so that it appears from outside the site as part of the range of agricultural buildings. It has been lowered in height and its pitch amended at the request of the Conservation Officer. On balance, it is considered that the development accords with Policy GP10 and Village Design Statement guidelines. The development of the site would be unlikely to prejudice the aim of minimising opportunities for crime given that it would increase surveillance and hinder access to surrounding properties.

4.7 Conservation Area - The scheme has been amended with the reduction in roof pitch and height of the extension to barn A at the request of the Conservation Officer

in order that when viewed from outside the site it resembles a range of farm buildings subservient to the main barn. On the basis of the revision, the Conservation Officer raises no objection to the scheme. The scheme is considered to be sympathetic to the conservation area and its character and appearance would be preserved.

4.8 Archaeology - The site lies outside of the Area of Archaeological Importance, but in an area that has produced prehistoric, Roman and medieval deposits. The barns themselves have a historic character that the proposal would compromise. Therefore conditions would be required to record the buildings prior to any conversion and to require a watching brief on all ground works.

4.9 Impact on ecology - The main issue has been in relation to the presence of bats. A survey was undertaken for the previous withdrawn application, which has been considered again by the Council's Countryside Officer. The survey concluded that there is no evidence of the buildings being used by bats, though they provide good habitat for brown long-eared bats. As a result, a condition is requested to address bat mitigation and conservation. No objection is raised by the Council's Landscape Architect on the basis of trees either within or that overhang to the site.

4.10 Residential amenity - Local residents have raised concern on various matters, but particularly residential amenity from Barns A and D.

Barn A - Concerns regarding loss of privacy due to the windows in east elevation and loss of views by virtue of the extension. The three relatively small windows at first floor in the eastern elevation are proposed in existing openings and would serve the main bedroom. As they would be sited at a distance of approx. 13m and face directly towards the nearest property, 2 Enclosure Gardens, obscure/opaque glazing is required to protect the amenity of the adjacent occupiers. The proposed extension is single storey with a roof sloping upwards away from the nearest neighbours and no openings are proposed in its external walls. As such, it would not harm the amenity that the neighbours of no.2 can be reasonably expected to enjoy. The planning system does not seek to protect private views.

Barn D - Concerns regarding loss of privacy and overshadowing. The only window on southern elevation of the existing (with the exception of roof windows) would serve a staircase. Given this and its position in relation to the nearest house, Garth's End, the impact from any potential overlooking to the neighbouring property would be minimised. The windows in the proposed two storey extension would face the gable end of the neighbouring property. The extended brick wall of the single storey extension adjacent to the boundary is proposed to reduce the impact of the dwelling in terms of overlooking from and activity within the garden area. There would be a limited additional overshadowing than is already caused by the existing two storey building. The agent has confirmed that the extension to Barn D could be constructed without harm to the existing hedge between it and Garth's End.

Surrounding residents would clearly be aware of the more intensive residential use of the site, though the scheme has been sensitively designed to address the impact on the amenity of neighbouring occupants. A condition is requested by the

Environmental Protection Unit to restrict hours of construction in the interests of residential amenity.

4.11 Access, parking and highway safety - The site is proposed to be accessed via an existing, already improved driveway from Main Street. The Local Highway Authority raises no objection to the scheme on the basis of this access, parking provision within the site or the effect on highway safety. Conditions are requested (13-17).

4.12 Contamination - A condition to address contamination is requested by Environmental Protection Unit, given the previous uses of the site for agricultural and vehicle related purposes. Attached as condition 10.

4.13 Public open space - Local Plan Policy L1c requires the payment of a commuted sum for site less than 10 dwellings towards off site provision of public open space. This development would generate a sum of £3667.

4.14 Reference has been made by local residents to the refusal of planning permission twice at an adjacent property, Rowan House. The was rejected on Green Belt grounds, harm to conservation area and local character. However, these applications proposed a single house as tandem development within the rear garden area of an existing detached house. It did not relate to existing buildings and would have sub-divided a linear plot, characteristic of Heslington village. Reference is also made to the guidelines in the Village Design Statement regarding change of use of buildings and the presumption against the development of gardens and open spaces. However, the change of use guideline refers to commercial development and the site is not garden or open space.

## 5.0 CONCLUSION

5.1 On balance, it is considered that the proposal would not cause demonstrable harm to the Green Belt, the character or appearance of the Heslington Conservation Area, the character and amenity of the local area, archaeology, ecology, residential amenity, highway safety or contamination. It would provide an acceptable design, density and mix, and would provide a commuted sum towards provision of public open space. As such, residential reuse of these agricultural buildings from conversion and extension, would be acceptable in planning terms. The application is therefore recommended for approval.

## 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 Number 106/031/B "Barn A" received 18 July 2007  
Drawing Number 106/033/A "Barn D" received 3 May 2007  
Drawing Number 106/032/A "Barn B" received 3 May 2007  
Drawing Number 106/030/B "Site Layout" received 3 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 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, E and F 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.

4 VISQ7

5 VISQ8

- 6 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.

New windows, doors and rooflights.

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

7 VISQ4

- 8 No demolition or conversion shall take place until the applicant has secured the implementation of an agreed programme of archaeological work (including metrical survey, written description and analysis and photographic recording of the standing buildings), which has been agreed beforehand in writing by the Local Planning Authority, nor until the report and copies of the survey and record have been submitted to and agreed in writing by the Local Planning Authority.

reason: The buildings on this site are of historic importance and must be recorded prior to demolition.

9 ARCH2



- 10 a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800
- b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.
- c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).
- d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment.

11 NOISE7

12 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved in writing by the Local Planning Authority. The measures shall include:

- i. A plan of how work is to be carried out to take account of bats;
- ii. Details of what provision is to be made within the converted buildings to replace the features lost. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing;
- iii. The timing of all operations.

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

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

13 HWAY10

14 HWAY19

15 HWAY21

16 HWAY31

17 HWAY40

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

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

19 The use of the buildings adjacent to the southern boundary, with the exception of that converted to provide dwelling D, shall be used for purposes incidental and ancillary to the enjoyment of the dwelling house to which they relate, and shall remain as such at all times.

Reason: In the interests of residential amenity.

20 The first floor windows in the east facing elevation of Barn A, shall be fitted with obscure/opaque glazing at all times. No other openings shall be created in the east facing elevation of the existing barn or its extension at any time.

Reason: In the interests of residential amenity.

21 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 £3667.

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

**7.0 INFORMATIVES:  
Notes to Applicant**

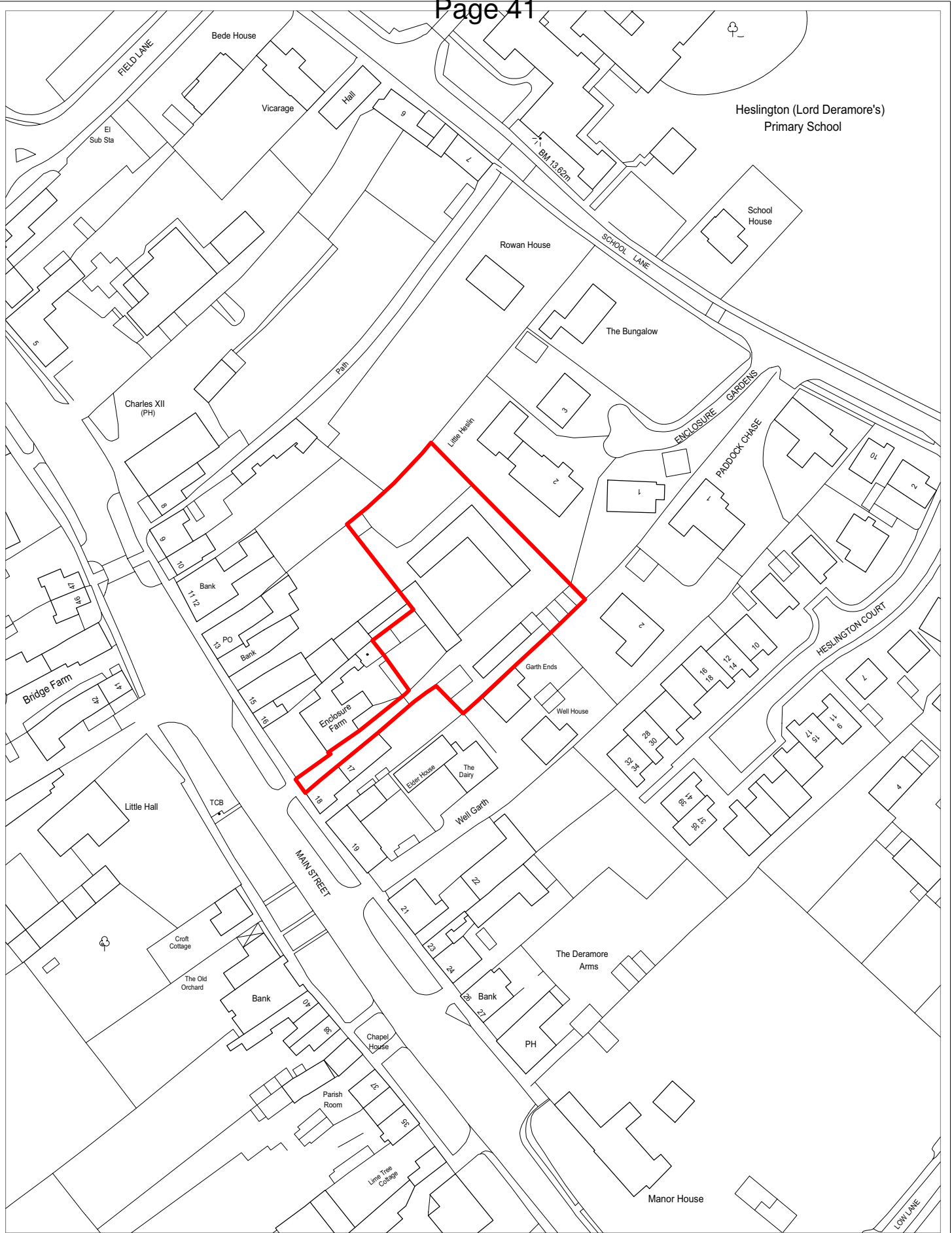
1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to Green Belt, impact on the Conservation Area, impact on amenity, impact on ecology, impact on archaeology. As such the proposal complies with Policies GB1, GB2, GP1, GP4A, GP10, NE1, HE2, HE3, HE10, H3C, H4A, H5A and LIC of the City of York Local Plan Deposit Draft.

2. The use of Barn A is as a dwelling house falling within Class C3 of the Use Classes Order. Any change from this due to the letting out of rooms or the occupation by more than 6 residents or residents living together not as not as a single household may require Planning Permission. Please contact the City Of York Council Planning Department Tel: 01904 551322 for more information.

**Contact details:**

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



CITY OF  
**YORK**  
COUNCIL

ENCLOSURE FARM, MAIN STREET, HESLINGTON - 07/01046

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 30/7/2007  
Drawing No.





Conservation Area Fulford Road 0039

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

## 2.2 Policies:

CYH11

Conversion of upper floors to housing

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYT4

Cycle parking standards

CYH8

Conversion to flats/HMO/student accom

## 3.0 CONSULTATIONS

### 3.1 Internal

Highway Network Management - No objections.

### 3.2 External

Cllr D'Agorne as ward councillor - support the applications that relate to the retention of the former Dawson's newsagents as a shop premises. This includes the principle of the proposal to convert the two maisonettes into a HMO as part of the plan to provide independent access external to the shop premises. Requests cycle parking to rear as on street parking is at a premium, condition that the forecourt to Fulford Rd is not used for parking and bin storage.

Fishergate Planning Panel - No objections. Comment that need to ensure that no extra parking requirements are generated by change.

Publicity: The application has been advertised by site notice, press notice and neighbour letter to which no public response has been received.

## 4.0 APPRAISAL

### 4.1 Key issues:

- effect on visual amenity
- effect on character and appearance of Fulford Road Conservation Area
- effect on setting of adjacent listed building, 200 Fulford Road
- effect on residential amenity of future occupiers and surrounding residents
- parking provision
- refuse and recycling storage

4.2 Policy Context - The relevant planning policy is contained in Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Planning and the Historic Environment (PPG15) 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. PPG15 confirms the Council's special duty to preserve or enhance the character and appearance of conservation areas. North Yorkshire Structure Plan Policy E4 (Historic Environments) is of relevance. 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 multiple 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 The main change between the existing form of accommodation and that proposed is that the upper two floors would have one shared access rather than two and seven bedrooms with shared kitchen/living facilities rather than two units with three and four bedrooms respectively. No further internal sub-division is proposed to create any additional bedrooms. Therefore, despite one of the units only having three bedrooms, it is considered that the resulting HMO would provide an acceptable standard of accommodation in order to protect the residential amenity of future occupiers.

4.4 No external changes are proposed other than the infilling of the two rear windows. Given this, and as the upper floors would remain in residential use, there would be a negligible effect on visual amenity, the character and appearance of the conservation area would be preserved and the proposal would not detract from the setting of the adjacent listed building.

4.5 There is currently no car or cycle parking facilities to serve the maisonettes and none are proposed, though the applicant has confirmed that cycle storage could be provided. The Council's Highway Engineer raises no objection. Likewise, refuse and recycling facilities could be provided within the rear yard of the properties. Further details would be required by condition.

4.6 The properties are part of a mixed use area, where there are various types of residential accommodation, visitor accommodation and commercial uses, including the ground floor units of 196 and 198. As a result, the proposal would not adversely impact on the residential character of the area. It is unlikely that the amenity of surrounding residents would be adversely affected by the proposal, given that the layout of the proposed accommodation would remain as existing.

4.7 Councillor Simpson-Laing has called the application to Committee partly due to concern about maintenance of the property. However, the applicant also has control over the ground floor retail units, one of which is occupied by his daughter's business. It is therefore likely that the buildings would be regularly maintained for commercial reasons and as a presence would be at the site. Regardless of this, this issue is not a material planning consideration.

## 5.0 CONCLUSION

5.1 The proposal would be unlikely to cause demonstrable harm to visual amenity, the conservation area, setting of the adjacent listed building, residential amenity of both future and surrounding occupants and highway safety. Therefore, it accords with national and local planning policy and 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:-

Unnumbered location plan, drawing no. 1375/03 Rev.A and drawing no. 1375/04, received 5 July 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 Prior to occupation details of cycle parking facilities, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

4 Prior to occupation, details of refuse/recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the storage facilities have been provided



within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the storage of refuse/recycling.

Reason: In the interests of visual and residential amenity.

**7.0 INFORMATIVES:  
Notes to Applicant**

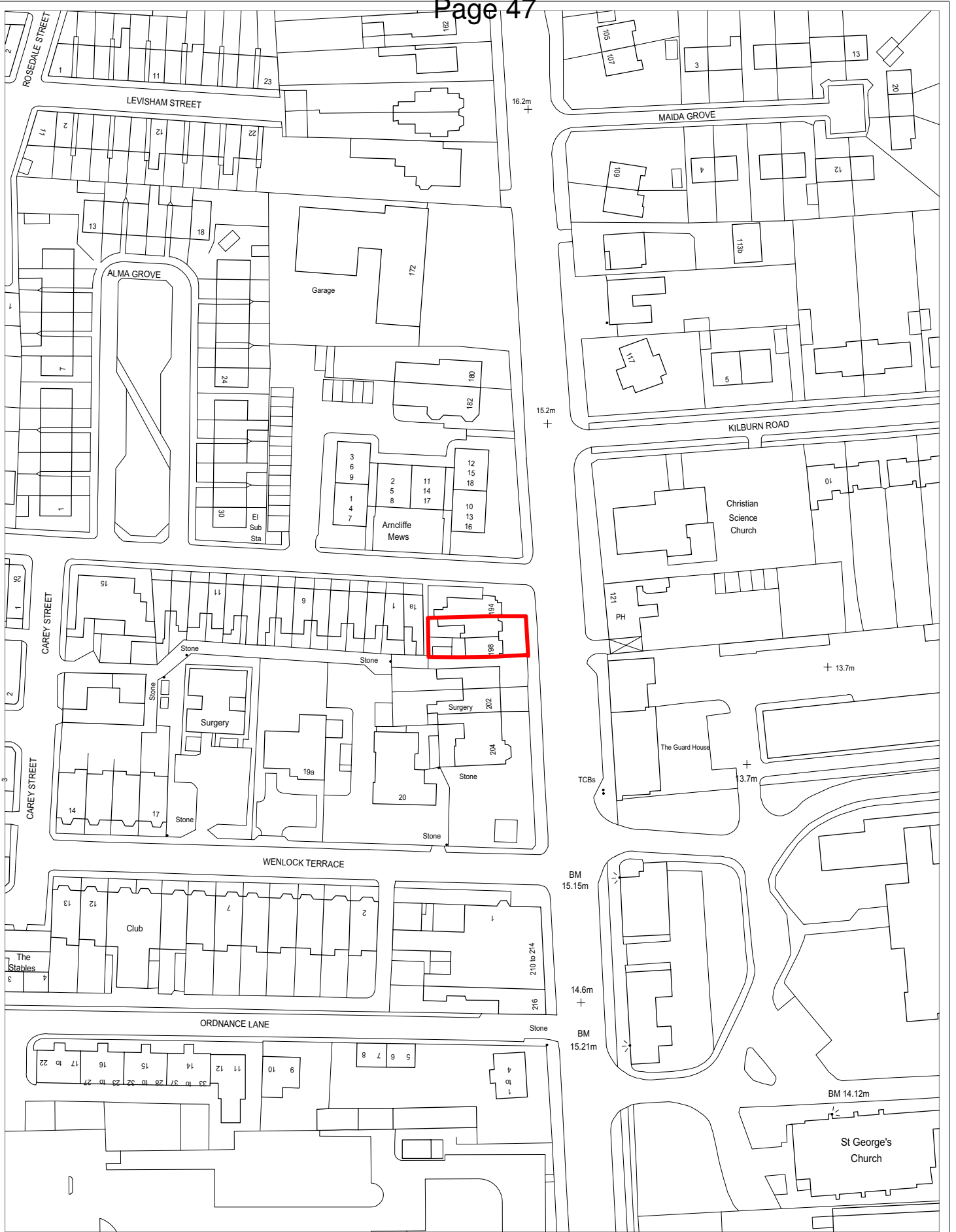
1. REASON FOR APPROVAL

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 conservation area, setting of the adjacent listed building, residential amenity of both future and surrounding occupants and highway safety. As such the proposal complies with national advice in PPS3 (Housing) and PPG15 (Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE2, HE3, T4, H8 and H11 of the City of York Draft Local Plan.

**Contact details:**

**Author:** Hannah Blackburn Development Control Officer

**Tel No:** 01904 551477



198 FULFORD ROAD - 07/01571/FUL

SCALE 1:1250  
 Originating Group

DRAWN BY PSL  
 Project

DATE 30/7/2007  
 Drawing No.

9, St. Leonards Place, York, YO1 2ET  
 Telephone: 01904 551550

Produced from the 1993 Ordnance Survey 1:1250 mapping with the permission of the Controller of Her Majesty's Stationery Office  
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

City of York Council LA 1000 20818

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 9 August 2007  
**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 07/01517/GRG3  
**Application at:** Tang Hall Cp School Sixth Avenue York YO31 0UT  
**For:** Creation of multi use games area  
**By:** City Of York Council  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 20 August 2007

### 1.0 PROPOSAL

1.1 The proposal is to construct a new multi use games area (MUGA) in the rear play ground. The MUGA area measures 34.5 metres by 16.27 and is surrounded by a mesh fence standing 3 metres high. A 1.8 metre high hoop and rail style painted fence is also proposed adjacent to the rear boundary of the site and new gates and fencing are proposed to the entrance of the site from Fourth and Seventh Avenue in a similar hoop and rail style.

1.2 Tang Hall School is located on Sixth Avenue and the main access to the school is from this road. The school is laid out in an 'H' plan. The rear part of the school and play area can be accessed via vehicular/pedestrian accesses from Seventh Avenue and Fourth Avenue.

1.3 Members may recall that an application for an extension to provide an integrated children's centre was approved at Tang Hall School on the 28th June 2007.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Schools Tang Hall Primary 0232

2.2 Policies:

CYGP1  
Design

### 3.0 CONSULTATIONS

3.1 Internal

Highways Network Management: No objections.

Life Long Learning and Leisure: The improvements to the playground are welcomed, this will lead to improved PE opportunities. As there is no application for flood lighting, community use outside school hours (particularly in winter months) will be limited. The addition of sports facilities on the site with the children's centre will

encourage some community use by the centre users and will allow use during holiday periods as the site will be open to the public during these times.

### 3.2 External

Heworth Planning Panel: No objections.

Publicity: The application has been advertised by neighbour letter and site notice to which no public response has been received.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Design
- Impact on residential amenity

### 4.2 Planning Policies

Policy GP1 of the Local Plan Deposit Draft states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. Proposals will also be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

### 4.3 Design

The visually significant elements of the design for the MUGA are the 3 metre fencing that will surround the surface and the 1.8 metre fencing proposed adjacent to the residential properties to the east of the site. The fencing around the MUGA is to be high powder coated (green) galvanised steel twin bar welded mesh panels, the first 1.2 m metres being heavy duty base panels as rebound fence with 1.8 metre high mesh above. Within the fence around the MUGA there will also be a single and double entrance gate. The fencing adjacent to the boundary matches that existing to the front of the school. It is 1.8 metres high and is a 'hoop and rail style' painted blue. There are no objections to the details of the design of the scheme

### 4.4 Impact on Residential Amenity

The rear boundaries of properties on Seventh Avenue are defined by mature hedging. The gardens of these properties are also substantial having an average depth of 20 metres. The positioning of the fencing for the MUGA and the further enclosing fence will not be visually detrimental to adjacent properties because of the existing planting.

There is no lighting proposed for the MUGA so the times of usage in the winter will be naturally limited. At other times the use of the MUGA, even outside school hours is not considered to pose any significant amenity issues. However the accesses from Seventh and Fourth Avenue are narrow and run close to the side boundaries of existing properties. The comings and goings to the MUGA area later in the evening would, in Officer view, be detrimental to the residential amenity of these properties. A condition is proposed to restrict the use of the rear accesses outside school hours,

this would allow this potentially valuable amenity to be used by the community but with access from the main school entrance, which is located on Sixth Avenue well away from residential boundaries.

## 5.0 CONCLUSION

It is considered that the proposed multi use games area (MUGA) and additional gates and fencing would be of an appropriate design in relation to the surrounding buildings and residential properties. It is also considered that the proposal will not detrimentally impact on the amenity of neighbouring residents. Therefore the MUGA would be in compliance with Policy GP1 of the draft local plan.

## 6.0 RECOMMENDATION: Approve

1 TIME2

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

9366AL(0)10 dated March 07  
9366/AL(0)04D dated April 07  
9366AL(0)12 dated March 07  
Fence specification Q40/340 and 560

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 Outside school hours (8:30 to 3:30 Monday to Friday) access to the MUGA hereby approved shall only be gained from the main entrance from Sixth Avenue.

Reason: In the interests of residential amenity.

## 7.0 INFORMATIVES:

### Notes to Applicant

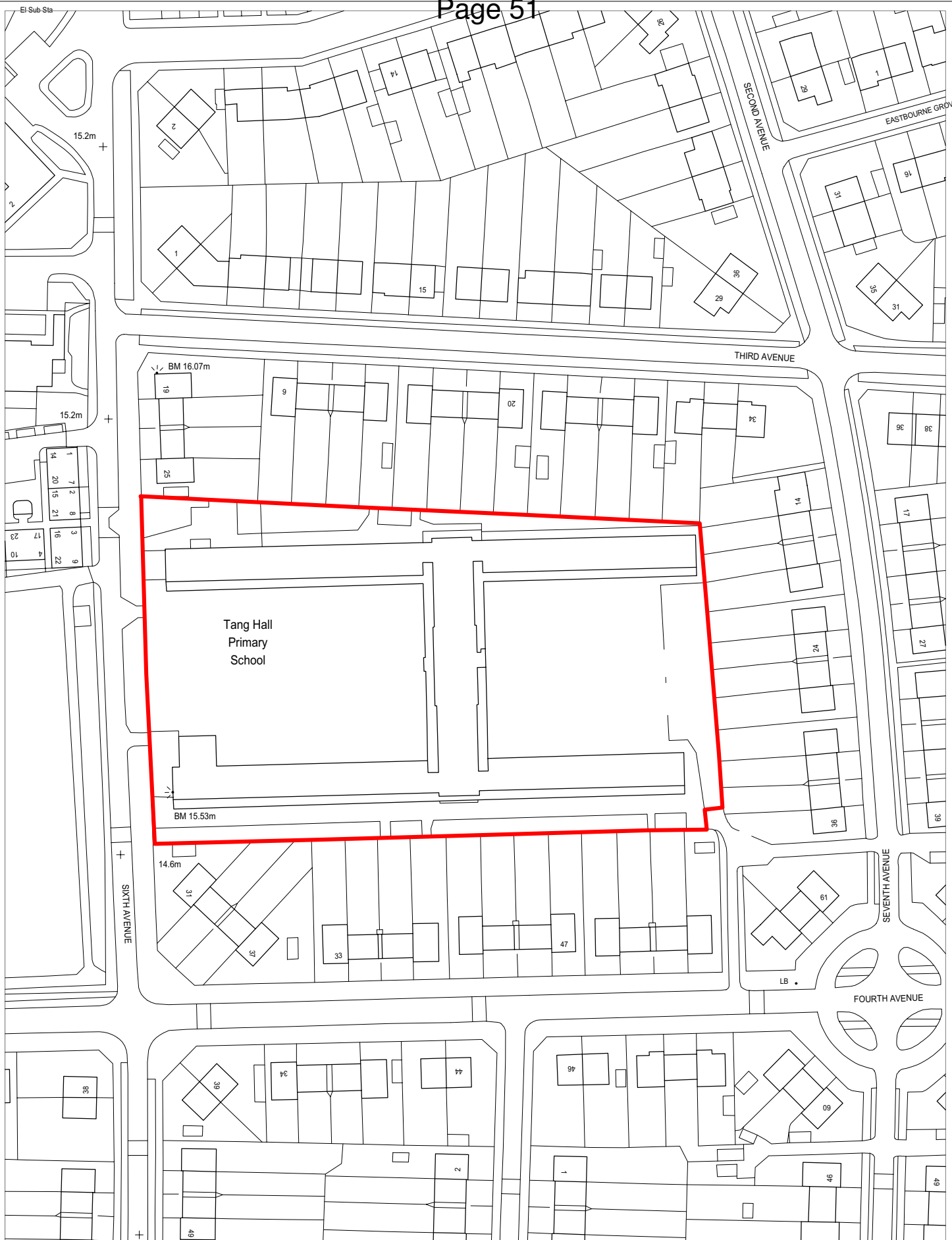
#### 1. REASON FOR APPROVAL

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 design and impact on residential amenity. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

### Contact details:

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

**Tel No:** 01904 551657



CITY OF  
**YORK**  
COUNCIL

TANG HALL CHILDREN'S CENTRE, HEWORTH - 07/01517/GRG3

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 30/7/2007  
Drawing No.





Subdivision of gardens and infill devt

CYED4

Developer contributions towards Educational facilities

CGP15A

Development and Flood Risk

CYNE1

Trees, woodlands, hedgerows

CYNE6

Species protected by law

CYH2A

Affordable Housing

CYH3C

Mix of Dwellings on Housing Site

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYL1C

Provision of New Open Space in Development

CYT4

Cycle parking standards

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

City Development (Planning Policy) - Policy H3c requires proposals for residential development to include a mix of dwellings in terms of house type, size and tenure. We would therefore encourage the provision of houses rather than flats and would suggest that there be a variety of house types to meet a range of family needs. 50% affordable housing should be provided. Density should be in the range 35-55dph. The applicant should submit a sustainability statement in accordance with policy GP4a. An open space contribution should be made in accordance with policy L1c.

Highway Network Management - No objections. The proposed access meets the required criteria in terms of width and visibility and is designed to a standard appropriate with its expected usage. Experience of other sites and national survey data shows that the traffic generated would have a negligible impact on the



surrounding highway network. Parking and turning for vehicles within the site, including refuse vehicles, are in accordance with relevant standards.

Urban Design and Conservation, Countryside Officer - The pond closest to the site is of sub-optimal value. As such, breeding every year is unlikely. The site is likely to hold only a small part of any population present. The development is unlikely to have a significant impact on them, provided suitable mitigation/compensation is put in place. This can be covered by condition. Under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value. The above plan will form the basis of Great Crested Newt Licence application.

Urban Design and Conservation, Landscape Architect - The application respects the protected trees. Introducing windows into the side elevations of unit 14 would maximise natural light into the property without compromising privacy of neighbours. Tree planting proposals should ideally be presented at this stage but could be secured under LAND1. Include conditions to secure hedge planting (rather than, or as well as, fencing) and tree planting.

Environmental Protection Unit - No objections. Add contaminated land condition.

Leisure Services - A financial contribution of £32,540 is required to fund 2 places at Huntington Secondary School.

Housing Development - Affordable housing has been under negotiation for some time. Although the applicant is prepared to offer 50% of the total number of dwellings this under-represents the pro-rata type and mix. A financial viability assessment, based on the Affordable Housing Advice Note, has not been presented to officers, thus it is difficult to see how an agreement can be easily achieved.

York Consultancy (Drainage) - (Received 18 July 2007) PPS25 states that surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. The discharge rate of surface water is too high/storage is insufficient. The allowable discharge rate of surface water from the whole site should not exceed the existing rate, i.e. run-off from the existing property + agricultural run-off from the new development. The developer should therefore provide calculations of impermeable areas, run-off rates and storage to comply with the above. I concur with the comments made by the Foss IDB. (Received 26 July 2007) The officers' draft conditions that would be imposed if the planning application were approved cover the drainage aspects satisfactorily.

### 3.2 External

Huntington Parish Council - Objection: Overdevelopment. Houses are inappropriate in an area of bungalows. Impact on local infrastructure. Traffic congestion. Loss of trees and wildlife corridor. Unsafe access. Access road too narrow. Sewerage and drainage proposals should be included in the application.

Foss IDB - The site lies between the East Huntington Culvert to the east and the river Foss to the west. The applicant appears to suggest that there is a discharge to a public sewer. We are not told where the surface water sewer discharges or its

potential effect on the watercourse environment. If the sewer discharges to the culvert then any increase in the existing discharge rate could increase the risk of flooding, which the Board would not accept. If the sewer discharges to the River Foss then increases in discharge rates into the river are not so critical but are generally unwelcome on flood risk grounds. The applicant must also leave sufficient room around the culvert to allow for its future maintenance. It should be located on site and access arrangements should be incorporated in the development. If the relevant water company cannot confirm that there is adequate spare capacity in the existing system, the applicant should submit amended proposals showing how the site would be drained. The applicant should show the point of discharge of the sewer in order that the Board may comment on the suitability of the receiving watercourse. The Applicant should also provide details of the potential effect on the receiving watercourse.

Public Consultation - The consultation period ended on 21 June 2007. To date 235 objections have been received. They comprise 21 individual letters and 214 pro-formas, many of which have been individually annotated. The objections raise the following planning issues:

- Loss of open space;
- Impact on wildlife;
- Impact on trees;
- Density and scale;
- Visual appearance;
- Impact on local services/amenities;
- Access and highway safety;
- Parking;
- Crime and anti-social behaviour;
- Privacy/overlooking;
- Inadequate drainage and sewerage;
- Construction nuisance.

#### **4.0 APPRAISAL**

##### **4.1 Key Issues:**

- Principle of development for housing;
- Density;
- Visual appearance; including landscaping;
- Sustainability;
- Impact on trees;
- Impact on wildlife;
- Neighbour amenity;
- Access, parking and highway safety;
- Drainage;
- Affordable housing;
- Impact on local services;
- Crime prevention;
- Construction impact.

## 4.2 The Application Site

The site comprises an extended dormer bungalow and its unusually large, partly overgrown, rear garden, which extends behind neighbouring dwellings. The site covers approximately 0.5ha. To the front and sides are the gardens of residential dwellings in Lea Way. To the rear is open countryside.

The site lies within the development limits of York but is otherwise unallocated in the local plan. Some trees within the site and along the southern boundary are protected by TPO (reference CYC 242). The area is known for having poor drainage. The strip of land immediately to the rear (east) of the site is designated open space (policy GP7) and a recreational opportunity area (L1d). Beyond this strip the land is allocated for future employment.

## 4.3 Principle of Development for Housing

The site is brownfield land in a sustainable location, close to public transport and local services. The area is predominantly residential. The site is suitable for housing development under PPS3, policy H4a and policy GP10, subject to other planning issues being satisfactory. Officers are aware that there is considerable local opposition to development of the site. Whilst residents value the site's open aspect and natural environment this is insufficient reason to prevent its development. Particularly bearing in mind the pressing need for housing and the national planning guidance, which focuses new development on brownfield land.

## 4.4 Density

Policy H5a aims to achieve a density of 40dph for sites such as this, i.e. those in the urban area of York but outside the city centre. The proposed development would have a density of 28dph. This is acceptable bearing in mind the site's constraints, particularly the protected trees and the character of adjacent housing.

The mix of dwelling sizes and types would meet a range of family needs, in accordance with policy H3c of the local plan.

## 4.5 Visual Appearance

The development would have a suburban appearance. Local residents are concerned that the scale of the proposed buildings would be out of keeping with the character of the area. The existing dwellings along the boundary of the site are bungalows, many with large, prominent, rear dormers. The nearest new dwelling to these bungalows would be unit 14, a dormer bungalow. Whilst unit 14 would be higher (at 5.8m to the ridge) than the existing bungalows its scale and character are comparable. Most of the other new dwellings would be two storeys high. The remaining two units, 8-10, would be 2.5-storeys high but they would be 60m from the existing bungalows and would not appear incongruous.

In summary, the new dwellings would increase in scale with distance from the existing dwellings in Lea Way. The range of house types and heights is normal for a

new housing development of this size. Overall, the development would be in keeping with the character of the area.

#### 4.6 Sustainability

A sustainability statement has been submitted. The site is brownfield, within development limits. It is close to public transport and close local services. The site is therefore in a sustainable location. If planning permission were to be granted a condition should be attached requiring a satisfactory BREEAM assessment to be submitted.

#### 4.7 Impact on Trees

The council's landscape architect has assessed the impact on the protected trees and identified an exclusion zone, within which there should be no development. The current proposal avoids the exclusion zone and is acceptable. Nevertheless conditions should be attached requiring retained trees to be protected and a landscaping scheme (including replacement of non-protected trees lost by the development) to be implemented.

#### 4.8 Impact on Wildlife

The site is not a protected site of nature conservation. However, the site is suitable habitat for great crested newts and is well within range of newts that are known to use ponds nearby. The applicant has commissioned a survey, which shows that the area around the ponds, including the application site, is likely to hold only a small part of any population present. The council's countryside officer accepts the conclusions of the report and considers that the development is unlikely to have a significant impact on the newts, provided suitable mitigation/compensation is put in place. This could be dealt with by condition.

#### 4.9 Neighbour Amenity

Unit 14, the dormer bungalow, would be the nearest new dwelling to the existing housing, separated by a distance of over 22m. Only one external door and a small roof light would face the existing housing. The new dwelling would cause no material overlooking and no overshadowing. Units 1 and 2 would have habitable rooms that faced existing dwellings but they would be over 40m away. The 2.5-storey houses would be 64m away. None of the proposed dwellings would have a material impact on the amenity of existing residents.

The new access road would pass between the existing bungalows at Numbers 29 and 33 Lea Way. A side extension to No.29 lies very close to the proposed boundary fence/wall along the edge of the new road. The fence/wall would have to be carefully designed to mitigate any noise nuisance caused by vehicles whilst not having an overbearing impact on the occupiers of No.29. This could be dealt with by condition.

#### 4.10 Access, Parking and Highway Safety

Local residents are concerned that the additional car journeys generated by the development would increase congestion in the narrow streets in the area and be a danger to pedestrians, including children. Officers consider that the proposed access accords with council standards in terms of width and visibility and is appropriate for its expected usage. Moreover, that traffic generated by the development would have a negligible impact on the surrounding highway network. Parking provision and turning for vehicles, including refuse vehicles, would be in accordance with relevant standards. Adequate cycle storage should be provided. This could be ensured by condition.

#### 4.11 Drainage

The site is flat and has clay soil. As a result the site has very poor drainage. Moreover the watercourses in the area, to which the surface water sewers ultimately discharge, do not have the capacity to deal with any additional flows. Drainage is one of the main concerns of local residents. Therefore, in June 2006, prior to the application being submitted, officers made clear to the applicant that detailed surface water drainage proposals would need to be submitted as part of any formal planning application. To support these it would be necessary to include cross-sectional drawings to show proposed finished floor levels. For many months council officers and Foss IDB have sought, from the applicant, drainage details to demonstrate that the development would be adequately drained without detriment to the surrounding area. Whilst a drainage plan was submitted on 25 June it did not sufficiently address council and IDB concerns. No cross-sections were submitted even though proposed increases in ground level across the site, which were not made clear in the limited information that was provided, would have displaced surface water towards existing houses in Lea Way. As this report was being finalised officers prepared a draft list of conditions that would be the minimum necessary to enable officers to recommend approval. The conditions were sent to the applicant's agent to secure the applicant's agreement but, at the time of writing, officers had not received his unequivocal agreement.

Bearing in mind the drainage problems in the area, the extent of local concern and the applicant's failure to adequately address the council's concerns, officers consider that the drainage information submitted to date does not provide the reassurance necessary to recommend approval.

#### 4.12 Affordable Housing

Policy H2a requires the developer to provide 50% affordable housing on site. This has been under negotiation for some time. Although the applicant is prepared to offer 50% of the total number of dwellings this under-represents the pro-rata type and mix. A financial viability assessment, based on the Affordable Housing Advice Note, has not been presented to officers. Negotiations have, in effect, stalled and it is difficult to see how an agreement can easily be achieved. Nevertheless, as the applicant has agreed the principle of providing affordable housing the details (mix of dwelling types, distribution across the site, etc) could be dealt with by condition.

#### 4.13 Impact on Local Services

Officers consider that local services and amenities would be able to accommodate the additional demands created by the proposed development. Nevertheless, a financial contribution of £32,540 would be required (under policy ED4) to fund two places at Huntington Secondary School and £19,779 (policy L1c) to enhance public open space in the area.

#### 4.14 Crime Prevention

Whilst the new road would make access to the site easier from Lea Way than currently the new dwellings would make unauthorised access harder from the fields to the rear. Moreover, the presence of the new residents would improve surveillance of the site. There is no evidence to suggest that the new development would increase the likelihood of crime or anti-social behaviour in the vicinity.

#### 4.15 Construction Impact

Construction impacts are covered under other legislation. Nevertheless officers acknowledge that construction works, whilst temporary, can be a nuisance to local residents. Officers recommend that conditions be attached preventing building work outside normal working hours and requiring the carriageway to be kept free of construction mud/debris.

### 5.0 CONCLUSION

The applicant has not demonstrated to the satisfaction of officers that the development would be adequately drained without detriment to adjacent properties or the wider area. The application therefore conflicts with policies GP15a and GP1 of the City of York Local Plan Deposit Draft.

### 6.0 RECOMMENDATION: Refuse

- 1 The applicant has not demonstrated to the satisfaction of the local planning authority that the development would be adequately drained without detriment to adjacent properties or the wider area. The application therefore conflicts with policies GP15a and GP1 of the City of York Local Plan Deposit Draft.

### 7.0 INFORMATIVES:

#### Contact details:

**Author:** Kevin O'Connell Development Control Officer  
**Tel No:** 01904 552830

KEITH AVENUE

Path (um)

East Huntington

LEA WAY

EI Sub Sta



CITY OF  
**YORK**  
COUNCIL

### 31 LEA WAY, HUNTINGTON - 07/01126/FULM

SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 30/7/2007  
Drawing No.



9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 551550

Produced from the 1993 Ordnance Survey 1:1250 mapping with the permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

City of York Council LA 1000 20818

**COMMITTEE REPORT**

<b>Committee:</b>	East Area	<b>Ward:</b>	Skelton, Rawcliffe, Clifton Without
<b>Date:</b>	9 August 2007	<b>Parish:</b>	Clifton Without Parish Council
<b>Reference:</b>	07/01401/FULM		
<b>Application at:</b>	Impress Creative Imaging Amy Johnson Way York YO30 4XT		
<b>For:</b>	Change of use from print works (class B2) to storage for medical records (class B8) and alterations to rear		
<b>By:</b>	Ken Kay		
<b>Application Type:</b>	Major Full Application (13 weeks)		
<b>Target Date:</b>	10 September 2007		

**1.0 PROPOSAL**

1.1 Change of use of vacant print works to building for the storage of medical records by York Hospital NHS trust. The records are currently kept at York Hospital. The application includes the insertion of four small windows and one pedestrian door on the rear elevation, accessed from the rear service yard.

**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:

CYGP1  
Design

CYE4  
Employment devt on unallocated land

CYT13A  
Travel Plans and Contributions

CYT4  
Cycle parking standards

**3.0 CONSULTATIONS**

3.1 Internal

Highway Network Management - No objections. The change of use is likely to result in a reduction in traffic. Access, parking and cycle storage are satisfactory. Add conditions regarding submission of cycle parking details and travel plan.



Environment, Conservation, Sustainable Development - No objections.

3.2 External

Clifton Without Parish Council - No objections.

Public Consultation - The consultation period expired on 18 July 2007. No response.

**4.0 APPRAISAL**

4.1 Key Issues

Change of use.

Visual appearance.

Highway issues.

4.2 The Application Site

Large, pitch-roofed, metal-clad commercial building with parking to the front and service yard to the rear. The site is in Clifton Moor Industrial Estate and is partially screened by a mature boundary hedge.

4.3 Change of Use

The change from print works (B2) to records store (B8) is in accordance with policy E4 of the local plan.

4.4 Visual Appearance

The external alterations are minor in relation to the size of the building and are in a secluded location, largely screened by the boundary hedge. The alterations are in keeping with the character of the building, subject to matching materials being used.

4.5 Highway Issues

The proposals are acceptable in terms of access and traffic generation. The site currently has 40 car parking spaces, which is slightly above current maximum standards. There is an existing covered cycle shelter near the front entrance but its capacity is not shown on the plans. Details of existing and proposed cycle storage should be submitted for approval. The scale of the new use requires a travel plan to be submitted in accordance with policy T13a.

**5.0 CONCLUSION**

5.1 The proposal accords with policies E4, GP1 and T13a of the City of York Local Plan Deposit Draft and is acceptable, subject to conditions.

**6.0 RECOMMENDATION:** Approve

1 TIME2

2 VISQ1

3 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.

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

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

- 5 Within six months of occupation of the site, a full company green travel plan shall be submitted to and agreed in writing with the local planning authority in accordance with the current guidelines issued by the City of York Council and the Department of Transport. The application site shall thereafter be occupied in accordance with the aims of an approved Travel Plan unless otherwise agreed by the Local Planning Authority.

Reason: To promote sustainable modes of transport and reduce dependence on the private car, in accordance with PPG13 and policy T13a of the City of York Local Plan Deposit Draft.

## **7.0 INFORMATIVES:**

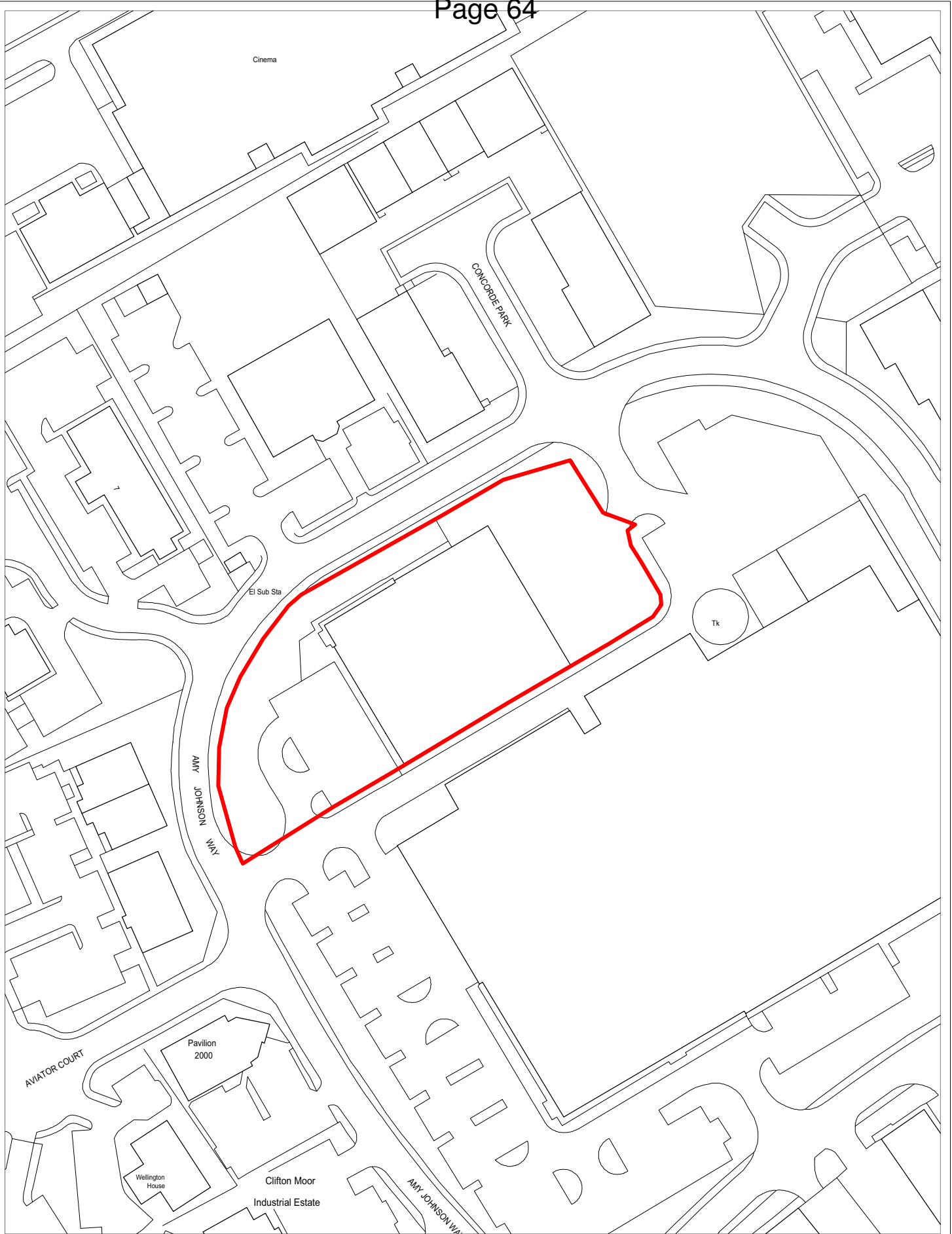
### **Notes to Applicant**

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 employment development, visual appearance and highway issues. As such the proposal complies with policies E4, GP1, T4 and T13a of the City of York Local Plan Deposit Draft.

### **Contact details:**

**Author:** Kevin O'Connell Development Control Officer

**Tel No:** 01904 552830



CITY OF  
**YORK**  
COUNCIL

IMPRESS CREATIVE IMAGING, AMY JOHNSON WAY - 07/01401/FULM



SCALE 1:1250  
Originating Group

DRAWN BY PSL  
Project

DATE 30/7/2007  
Drawing No.