



**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, 11 October 2007

Time: 2.00 pm

Venue: Guildhall, York

AGENDA

1. Declarations of Interest

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

2. Exclusion of Press and Public

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

3. Minutes

(Pages 4 -
7)

To approve and sign the minutes of the meeting of the Sub-Committee held on 27 September 2007.

4. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 10 October 2007 at 5pm.

5. **Plans List**

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

- a) **Burton Garage 49 Shipton Street York YO30 7AU (07/01557/FULM)** (Pages 8 - 18)
Erection of 10 two storey terraced dwellings and associated parking after demolition of existing buildings
- b) **14 Dodsworth Avenue York YO31 8TY (07/01342/FUL)** (Pages 19 - 26)
Erection of bungalow with room in roof on land adjacent to 1 Irwin Avenue and 14 Dodsworth Avenue
- c) **Rose Cottage Sutton Road Wigginton York YO32 2RB (07/01224/FUL)** (Pages 27 - 31)
Conversion of existing pole barn to store room and construction of new workshop (216sqm) to rear
- d) **Greystones Farm Towthorpe Moor Lane Strensall York YO32 9ST (07/00618/FUL)** (Pages 32 - 39)
Installation of ground based lighting to serve the golf driving range
- e) **4 Pasture Farm Close York YO10 4PZ (06/02767/FUL)** (Pages 40 - 50)
Erection of 1 new dwelling after demolition of existing bungalow (resubmission)
- f) **4 Pasture Farm Close York YO10 4PZ (07/00593/CAC)** (Pages 51 - 55)
Demolition of existing bungalow in the Conservation Area

6. Enforcement Cases Update

(Pages 56 -
139)

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

7. Urgent Business

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

Democracy Officer:

Name: Tracy Wallis

- Telephone – (01904) 552062
- E-mail – tracy.wallis@york.gov.uk

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

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

East Area Planning Sub Committee

Thursday 11th October

Site Visits

Wednesday 10th October

- | | | |
|-----------------|--------------------------------------|----------------------|
| 10:00 AM | Meet coach at Union Terrace | |
| 10:15 AM | Burton Garage, Shipton Street | (5a) |
| 11:00 AM | 14 Dodsworth Avenue | (5b) |
| 11:45 AM | 4 Pasture Farm Close, Fulford | (5e & 5f) |

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- 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.

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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.**

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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

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- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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City of York Council

Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	27 SEPTEMBER 2007
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, KING, VASSIE (EXCEPT FOR AGENDA ITEM 3C), WISEMAN, MORLEY (AS SUBSTITUTE FOR HYMAN), PIERCE (AS SUBSTITUTE FOR FUNNELL) AND D'AGORNE (AS SUBSTITUTE FOR TAYLOR)
APOLOGIES	COUNCILLORS FUNNELL, HYMAN AND TAYLOR

39. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Hallfield Road, York	Councillors Moore, Pierce and Wiseman	As an objection has been received and the application is recommended for approval
Plot E Airfield Business Park, Whitley Road, Elvington, York	Councillors Moore, Pierce, Vassie and Wiseman	To familiarise themselves with the site and to assess the impact on the Air Museum

40. 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.

Councillor Vassie declared a personal prejudicial interest in item 3a (Hallfield Road, York) as the Executive Member for Leisure & Culture. He left the room and took no part in the discussion and decision on this item.

Councillor Moore declared a personal non-prejudicial interest in item 3b (Plot E, Airfield Business Park, Whitley Road, Elvington, York) as one of the trustees of the Yorkshire Air Museum was known to him.

Councillor Wiseman declared a personal non-prejudicial interest in item 3b (Plot E, Airfield Business Park, Whitley Road, Elvington, York) as the chair of the board of trustees of the Yorkshire Air Museum was known to her.

Councillor Pierce declared a personal non-prejudicial interest in item 3b (Plot E, Airfield Business Park, Whitley Road, Elvington, York) as a former pilot.

Councillor Morley declared a personal prejudicial interest in item 3b (Plot E, Airfield Business Park, Whitley Road, Elvington, York) as he was the solicitor for one of the objectors. He left the room and took no part in the discussion and decision on this item.

Councillor D'Agorne declared a personal non-prejudicial interest in item 3c (The Coach House, Fulford Chase, York) as he had objected to previous applications on the site, which had affected his property, and confirmed that this application did not affect his property.

41. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

42. 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.

42a. Hallfield Road, York (07/01855/FUL)

Members considered a full application, submitted by City of York Council, for the erection of a sculpture at the junction of a cycle path with Hallfield Road and James Street link road.

Some Members expressed concern regarding the visual appearance of the sculpture and officers advised the quality of an individual piece of artwork was a matter of personal taste, rather than a planning consideration.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual appearance, public amenity and highway safety. As such the proposal complies with policy GP1 of the City of York Local Plan Deposit Draft.

42b. Plot E Airfield Business Park, Whitley Road, Elvington, York (07/01606/FULM)

Members considered a major full application, submitted by W. M. Birch and Sons Ltd., for the erection of 5 no. industrial units incorporating 1 no. single

storey unit block and 1 no. four unit block with car parking/servicing courtyard and associated landscaping.

A copy of the case officer's update had been circulated to Members. It reported receipt of three further letters of objection and a letter from the Yorkshire Air Museum. It also provided additional comments from the Council's Landscaping Officer and wording for a revised condition 9, relating to protection of trees. The case officer also verbally reported that the Council's Network Management section had requested the inclusion of a number of highways conditions and an informative. Copies of the most recent version of the plans were circulated to Members.

Representations were received in objection to the application, from the Director of the Yorkshire Air Museum, and in support of the application from the applicant. The Director of the Yorkshire Air Museum also circulated a photographic plan of the site.

Members expressed concerns about the height and dominance of the proposed building in relation to the Air Museum, and its design, given that it was a landmark site at the Museum's entrance. They also expressed the view that innovative features needed to be incorporated to reduce run-off and therefore the risk of flooding.

Councillor Vassie moved and Councillor D'Agorne seconded a motion to refuse the application, on the grounds of harm to visual amenity through overdominance of the proposed building on the entrance to the Air Museum. On being put to the vote, this motion was lost.

RESOLVED: That the application be deferred.

REASON: To address the issues raised relating to height and dominance, design and reduction of run-off.

42c. The Coach House, Fulford Chase, York (07/01886/FUL)

Members considered a full application, submitted by John Harrington, for a single storey flat roof rear extension.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, the Fulford Road conservation area, protected trees and residential amenity. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE2, HE3, H7 and T13 of the City of York Local Plan Deposit Draft.

R MOORE

Chair

The meeting started at 2.00 pm and finished at 3.05 pm.

Design

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP9
Landscaping

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

CYE3B
Existing and Proposed Employment Sites

CYED4
Developer contributions towards Educational facilities

CYHE10
Archaeology

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections subject to the developer providing first occupiers with the choice of a free cycle, 12 month bus pass or a years membership of the York City Car Club. Also a contribution of up to £1500 towards traffic regulation orders would be required to limit waiting restrictions in the vicinity of the site

City Development - The provision of 2-bedroom homes in such an accessible location accords with the HMA's approach to meeting housing demand in York. The application does not include a sustainability assessment (since received) and an appraisal of the loss of employment land.

Environment, Conservation, Sustainable Development (Archaeology) - The site is outside the area of archaeological importance but is in an area that has produced evidence for Romano-British and post-medieval activity. An archaeological watching brief should be made a condition of approval.

Environmental Protection Unit - No objections, subject to standard contamination conditions and construction informative.

Lifelong Learning & Leisure - An educational contribution of £32,540 would be required and an open space contribution of £12,420.

3.2 External

Clifton Planning Panel - No objections.

Public Consultation - The consultation period expired on 15 August 2007. Two objections have been received raising the following planning issues: Restricted access; drainage problems; parking; congestion; overlooking; unsympathetic architecture.

4.0 APPRAISAL

4.1 Key Issues

Loss of employment land
Housing use and density
Sustainability
Design and visual appearance
Occupier and neighbour amenity
Parking and highway issues
Public open space
Archaeological impact
Education
Trees and landscaping
Drainage

4.2 The Application Site

Motor repair business comprising single-storey and 2-storey buildings and large areas of hardstanding. The site is bounded by a 1.8m high brick wall. The site is surrounded by 2-storey terraced houses, mostly Victorian. The houses on three of the four sides of the site are separated from the site by narrow vehicular back alleys, which have recently been alleygated.

4.3 Loss of Employment Land

The applicant has supplied no evidence to show that the site is no longer marketable for employment use. However, the site lies within a dense residential area and is unsuitable for intrusive commercial uses. Moreover, inspectors in recent appeal decisions have accepted that some small sites would provide only very limited opportunities for alternative business and employment activity. When added to other material considerations the inspectors have supported the loss of the sites to non-employment uses. Officers consider that the site of the current application is comparable and its loss to non-employment use is acceptable.

4.4 Housing Use and Density

The site is in an unallocated, sustainable location with good access to shops and public transport. Its use for housing is acceptable. Whilst the proposed density (86dph) is high, it is compatible with the character of the surrounding area and easily satisfies policy H5a which seeks to achieve a minimum density of 40dph.

4.5 Sustainability

The site is in a sustainable location within walking distance of local facilities and the city centre. It is also served by frequent public transport. The application includes a sustainable statement, which states that the development would include some standard, energy-efficient measures such as double glazing and low energy lighting. Nevertheless, the developer should be required to submit a sustainable design and construction statement showing that the development would achieve an Ecohomes

'Very Good' rating or the equivalent standard under the Code for Sustainable Homes.

4.6 Visual Appearance

The scale, design, appearance and materials are in keeping with the character of the existing building and the surrounding area.

4.7 Occupier and Neighbour Amenity

Whilst the dwellings are modest in size they each provide two bedrooms, adequate living space and a small rear garden. Distances between the new dwellings and the main facades of surrounding houses is generally 18m, which is comparable with the existing residential area. No part of the development would significantly affect the amenities of nearby residents.

Three of the new dwellings (plots 8-10) would face the gable end of plot 5. Most affected would be plot 9, which would be separated from plot 5 by an average of 6.8m. This is considered acceptable bearing in mind the dense character of the surrounding area.

4.8 Parking and Highway Issues

The current use of the site for car repairs generates traffic. The 10 proposed dwellings are unlikely to lead to a material change in traffic levels and may represent a slight decrease over the existing use.

Access to the site would remain as existing via a narrow adopted road from Shipton Street. In the interests of protecting the visibility at the alley access buildouts are proposed. The buildouts would be constructed under a Section 62 Agreement of the 1980 Highways Act at the cost of the applicant. Officers also consider that there is the need for some limited waiting restrictions to manage the current on street parking around the access point and as such have secured £1500 from the applicants towards such works.

Although the car parking is below maximum standards the applicant has expressed a willingness to provide first occupiers with the choice of a free cycle, 12 month bus pass or a years membership of the York City Car Club. These are part of a package of measures, including reduced parking provision, to reduce dependence on the private car in line with local and national transportation policy. These measures are acceptable bearing in mind the site's sustainable location. Provision of cycle storage should be made a condition of approval.

4.9 Public Open Space.

An open space contribution of £12,420 would be required for the provision of public open space in accordance with policy L1 of the local plan. This has been agreed by the applicant. It would fund: play space at Crombie Ave and/or Burtonstone Lane Community Centre; amenity space at Clifton Green, Wigginton Rd allotments and/or Bootham Stray; and sport facilities within the North zone of the sports and active leisure strategy.

4.10 Archaeological Impact

The site is outside the area of archaeological importance but is in an area that has produced evidence for Romano-British and post-medieval activity. An archaeological watching brief should be made a condition of approval.

4.11 Education

An educational contribution of £32,540 would be required to fund two places at Canon Lee School.

4.12 Trees and Landscaping

The opportunities for landscaping are relatively limited bearing in mind the character of the site and the area. Nevertheless such works would help to soften the relatively hard character of the immediate surroundings. Submission of landscaping details should be made a condition of approval.

4.13 Drainage

The area is supplied by mains drainage, which should be adequate for the development. Submission of drainage proposals within the site should be made a condition of approval.

5.0 CONCLUSION

5.1 The application is acceptable in terms of loss of employment land, housing density, sustainability, visual impact, impact on residents' living conditions, open space, education facilities, archaeological impact and highway issues. The application would require an educational contribution of £32,540, an open space contribution of £12,420 and up to £1,500 towards the cost of amending a traffic regulation order.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered 05:55:40 rev.A, 05:55:41 and 05:55:42 or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 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 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 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

5 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

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

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £32,540. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

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

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

Reason: In order to comply with the provisions of Policy L1 of the City of York

Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £12,420.

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 VISQ8 Samples of exterior materials to be app

8 Notwithstanding the approved plans no development shall take place until details (including location, dimensions and materials) of refuse/recycling enclosures for the proposed dwellings on the site have been submitted to and approved in writing by the local planning authority. The enclosures shall be provided in accordance with the approved details before the dwelling hereby approved are occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

9 Prior to occupation the developer shall provide first occupiers free of charge with the choice of (a) a free cycle, (b) local bus pass valid for one year or (c) a one-year membership of the York City Car Club.

Reason: In the interests of sustainable travel.

10 HWAY9 Vehicle areas surfaced

11 HWAY18 Cycle parking details to be agreed

12 The buildings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

13 HWAY21 Internal turning areas to be provided

14 HWAY31 No mud on highway during construction

15 The development hereby permitted shall not come into use until the build out on Shipton Street (which shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have

been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

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

16 HWAY40 Dilapidation survey

17 DRAIN1 Drainage details to be agreed

18 At the earliest available opportunity, and in any event prior to completion of the development, the developer shall submit a completed Sustainable Design and Construction statement for the development. The developer shall aim to achieve an Ecohomes 'Very Good' rating or the equivalent standard under the Code for Sustainable Homes and if this is not achieved the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development and protection of the environment.

19 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme including boundary treatment and hard landscaping materials and 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: In the interests of the conservation area and so that the Local Planning Authority may be satisfied with the overall appearance and the variety, suitability and disposition of species within the site.

20 ARCH2 Watching brief required

21 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 commencement of development of the site. This should, where possible date back to 1800

Reason: To protect human health and the wider environment

22 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.

Reason: To protect human health and the wider environment

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

Reason: To protect human health and the wider environment

24 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

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

Reason: To protect human health and the wider environment

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

Reason: To protect human health and the wider environment

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

Reason: To protect human health and the wider environment

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 loss of employment land, housing density, sustainability, visual impact, impact on residents' living conditions, open space, education facilities, archaeological impact and highway issues. The application therefore complies with policies GP1, GP4a, H4a, H5a, T4, E3b, ED4, HE10 and L1c of the City of York Local Plan Deposit Draft.

2. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980

(unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Works in the highway - Section 62 - Michael Kitchen - (01904 551336)

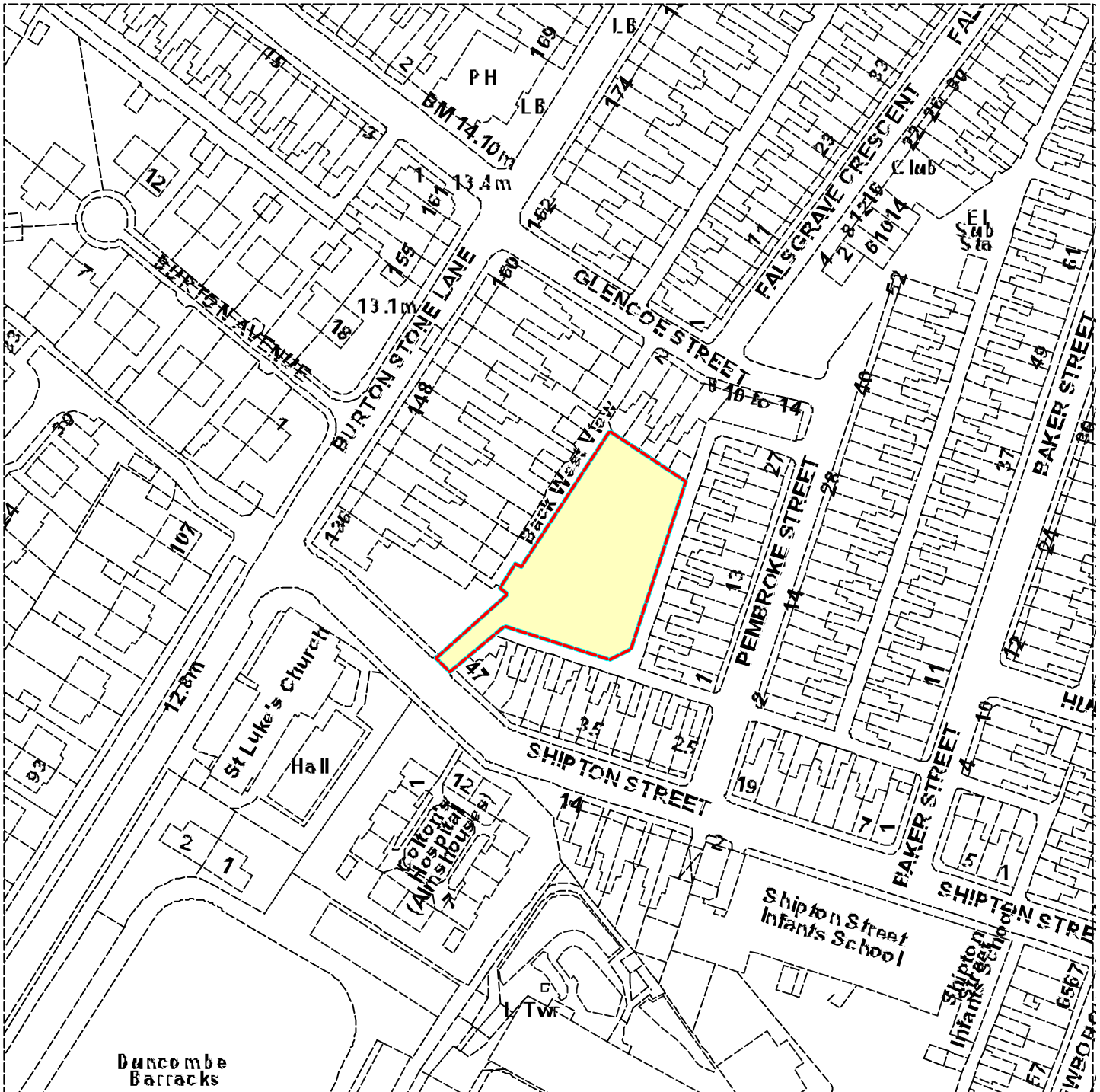
Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

Burton Garage 49 Shipton Street

07/01557/FULM



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	28 September 2007
SLA Number	Not Set

CYGP10

Subdivision of gardens and infill devt

CYNE1

Trees, woodlands, hedgerows

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. The new access is a sufficient distance from the Dodsworth Ave/Irwin Ave junction and visibility is within guidelines. Car and cycle parking are in accordance with council standards.

Environmental Protection Unit - No objections.

3.2 External

Heworth Planning Panel - No objections.

Public Consultation - The consultation period expired on 3 July 2007. Three objections have been received from local residents. They are concerned that the small scale and bungalow style are inappropriate and out of keeping with character of the street scene which is dominated by 2-storey houses. In addition, Cllr Potter has passed on to officers local residents' concern that the style of the building is inappropriate and out of character with the area.

4.0 APPRAISAL

4.1 Key Issues

Principle of housing development

Visual appearance

Sustainability

Neighbour amenity

Open space

Highway issues

Drainage

4.2 The Application Site

Corner plot of approximately 280sqm comprising land formerly part of the two adjacent gardens.

4.4 Principle of Housing Development

The site is unallocated, previously-developed land in a sustainable location with good access to shops and public transport. Its use for housing is acceptable.

4.3 Visual Appearance

The visual appearance of the dwelling is the main issue of the application. Irwin Avenue and the adjacent section of Dodsworth Avenue are characterised by traditional, 2-storey, semi-detached houses. Objectors consider that if a dwelling

were to be built on the site it should reflect the character of the adjacent 2-storey semis. Whilst Irwin Avenue and much of Dodsworth Avenue are characterised by traditional 2-storey houses there are other built forms in the immediate area. The South-east corner of the adjacent junction is occupied by an electrical substation which, whilst smaller than the bungalow, is similar in style. The buildings facing the site on the west side of Dodsworth Avenue comprise 2-storey housing blocks (Langley House) with slab levels over 3m below street level. As a result these blocks appear low in relation to the dwellings in Irwin Avenue and on the east side of Dodsworth Avenue. South of Langley House are modern 2-storey houses (Beverley Gardens) with a single-storey garage block adjacent to the public highway. So whilst the area to the east and north of the site is characterised by traditional 2-storey semis, to the west and south the built form is much more varied and generally smaller in scale. All of the main buildings in the vicinity of the site are made of brick and have pitched roofs, as would the proposed bungalow. The site is not in a conservation area and the adjacent houses are not listed.

In summary, a range of dwelling types could be suitable for the site, including the proposed bungalow.

Details of the garden/cycle store have not been included with the application. Submission of details should be made a condition of approval.

4.4 Sustainability

The application does not include a sustainability statement. Prior to development the developer should submit a sustainable design and construction statement showing that the development would achieve an Ecohomes 'Very Good' rating or the equivalent standard under the Code for Sustainable Homes.

4.4 Neighbour Amenity

The bungalow would cause no overlooking or other material impact on neighbouring occupiers.

4.8 Public Open Space.

A developer contribution of £360 would be required for the provision of public open space in accordance with policy L1 of the local plan.

Highway Issues

The new access is a sufficient distance from the Dodsworth Ave/Irwin Ave junction and visibility is within guidelines. Car and cycle parking are in accordance with council standards.

4.9 Drainage

The site is not in a flood zone but drainage details should be submitted for approval.

5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable. A developer contribution of £360 would be required for the provision of public open space

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ8 Samples of exterior materials to be app

3 The development hereby permitted shall be carried out only in accordance with the approved plans numbered YO7/4384/03B and /04b or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

4 HWAY19 Car and cycle parking laid out

5 HWAY31 No mud on highway during construction

6 DRAIN1 Drainage details to be agreed

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5.8 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme including boundary treatment and hard landscaping materials and 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: In the interests of visual amenity and so that the Local Planning Authority

may be satisfied with the overall appearance and the variety, suitability and disposition of species within the site.

9 At the earliest available opportunity, and in any event prior to completion of the development, the developer shall submit a completed Sustainable Design and Construction statement for the development. The developer shall aim to achieve an Ecohomes 'Very Good' rating or the equivalent standard under the Code for Sustainable Homes and if this is not achieved the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development and protection of the environment.

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £360.

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.

11 Notwithstanding the approved plans no development shall take place until details (including location, dimensions and materials) of the garden/cycle store and a refuse/recycling enclosure have been submitted to and approved in writing by the local planning authority. The enclosures shall be provided in accordance with the approved details before the dwelling hereby approved, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

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

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

Reason: To protect the amenity of local residents

**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 housing density, sustainability, visual impact, open space, neighbour amenity and highway issues. The application therefore complies with policies GP1, GP4a, H4a, H5a, T4, and L1c.

2. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

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

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

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

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

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

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

(v) There shall be no bonfires on the site.

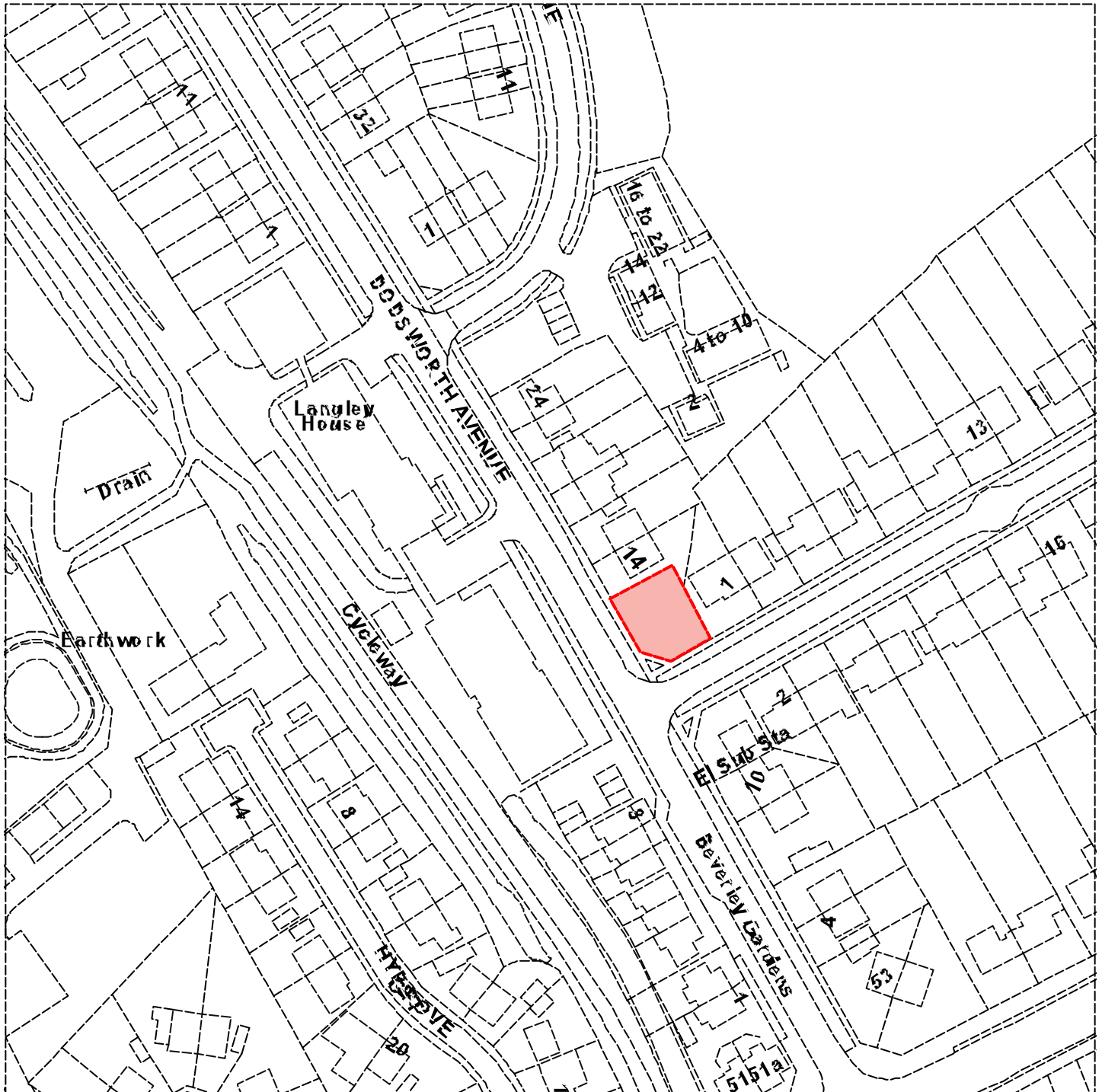
Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

14 Dodsworth Avenue

07/01342/FUL



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	28 September 2007
SLA Number	Not Set

COMMITTEE REPORT

Committee: East Area
Date: 11 October 2007

Ward: Haxby And Wigginton
Parish: Wigginton Parish Council

Reference: 07/01224/FUL
Application at: Rose Cottage Sutton Road Wigginton York YO32 2RB
For: Conversion of existing pole barn to store room and construction of new workshop (216sqm) to rear
By: Yorkshire Profiles
Application Type: Full Application
Target Date: 13 July 2007

1.0 PROPOSAL

1.1 The proposals comprise (1) conversion of pole barn to commercial store room including external alterations and (2) construction of single-storey, commercial workshop of 216sqm. The buildings would be used in connection with the applicant's light industrial engineering business.

1.2 Cllr Hogg has called in the application because the applicant has a number of grievances against the council and Cllr Hogg feels the decision should be seen to be made in public.

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

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYGB11

Employment devt outside settlement limits

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The existing access is substandard. Nevertheless, the proposed use is likely to develop very low traffic volumes, ie of the same order as might be expected of its present/previous use as a farm access. No objections subject to conditions being attached, mainly to improve the existing access.

Environment, Conservation, Sustainable Development (Countryside) - There are no protected species issues to be considered.

3.2 External

Wigginton Parish Council- No objections.

Public Consultation - The consultation period expired on 17 August 2007. No response.

4.0 APPRAISAL

4.1 Key Issues

Impact on the openness of the green belt

Visual appearance

Highway issues

Neighbour amenity.

4.2 The Application Site

Group of former farm buildings including farmhouse, pole barn and other agricultural-type outbuildings. The house has a dedicated access from Sutton Road. The outbuildings have a separate, wider access from Sutton Road. The whole of the site lies in the green belt, outside development limits. Whilst the area includes a range of uses it is predominantly agricultural and largely open.

4.3 Impact on the Openness of the Green Belt

The main issue is the impact on the green belt. The existing pole barn is irregular in shape and largely enclosed. Whilst it would be reclad its dimensions and overall size would remain the same. Policy GB3 allows the reuse of buildings in the green belt where certain criteria are met. The reuse of the pole barn and the attendant works comply with all of the criteria in policy GB3.

The proposed workshop building would be 18m long, 12m wide and 5.6m high. Its footprint would be 216sqm, compared to the pole barns footprint of 104sqm. The workshop would be a significant addition to the volume of buildings on the site. Moreover, it would be located to the east of the pole barn, ie wholly beyond the group of existing buildings. Whilst the new workshop would not be visible from the public highway it would be easily visible from the north, south and east. It would, due to its size, design and appearance significantly detract from the open character of the green belt.

Policy GB1 states that new development in the green belt will only be permitted where, inter alia, it would not detract from the open character of the green belt. Furthermore policies GB1 and GB11 preclude development in the green belt of new commercial buildings such as this.

4.4 Visual appearance

The design and materials of the converted pole barn and the new workshop would be typical of new commercial/agricultural buildings in the countryside. The proposed colour is olive green which would be acceptable.

4.5 Highway Issues

The impact on the highway network is likely to be minor.

Neighbour Amenity

The amenity of local residents and other occupiers would not be affected.

5.0 CONCLUSION

5.1 The proposed new workshop would significantly detract from the open character of the green belt contrary to PPG2 and policies GB1 and GB11 of the City of York Local Plan Deposit Draft.

6.0 RECOMMENDATION: Refuse

1 In the opinion of the Local Planning Authority the proposed new workshop would constitute inappropriate development within the Green Belt and, due to its size, scale, design and prominent location, would adversely affect the openness of the Green Belt, contrary to Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and policies GB1 and GB11 of the City of York Local Plan Deposit Draft, which state as follows:

Policy GB1

"Within the Green Belt, planning permission for development will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York;

AND it is for one of the following purposes:

agriculture and forestry; or

essential facilities for outdoor sport and outdoor recreation; or
cemeteries; or
limited extension, alteration or replacement of existing dwellings; or
limited infilling in existing settlements; or
limited affordable housing for proven local needs; or
limited infilling or redevelopment of existing major developed sites; or
minerals extraction, provided high environmental standards are attainable; or
highways works or other essential engineering operations including waste disposal;
or
park and ride facilities; or
reuse of existing buildings.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply."

Policy GB11

"Planning permission will only be granted for new industrial and business development outside defined settlement limits in the Green Belt and open countryside where:

- a) it involves the re-use or adaptation of an existing building or is for a small scale extension to an existing building; and
- b) it provides a direct benefit to the rural economy and the local residential workforce."

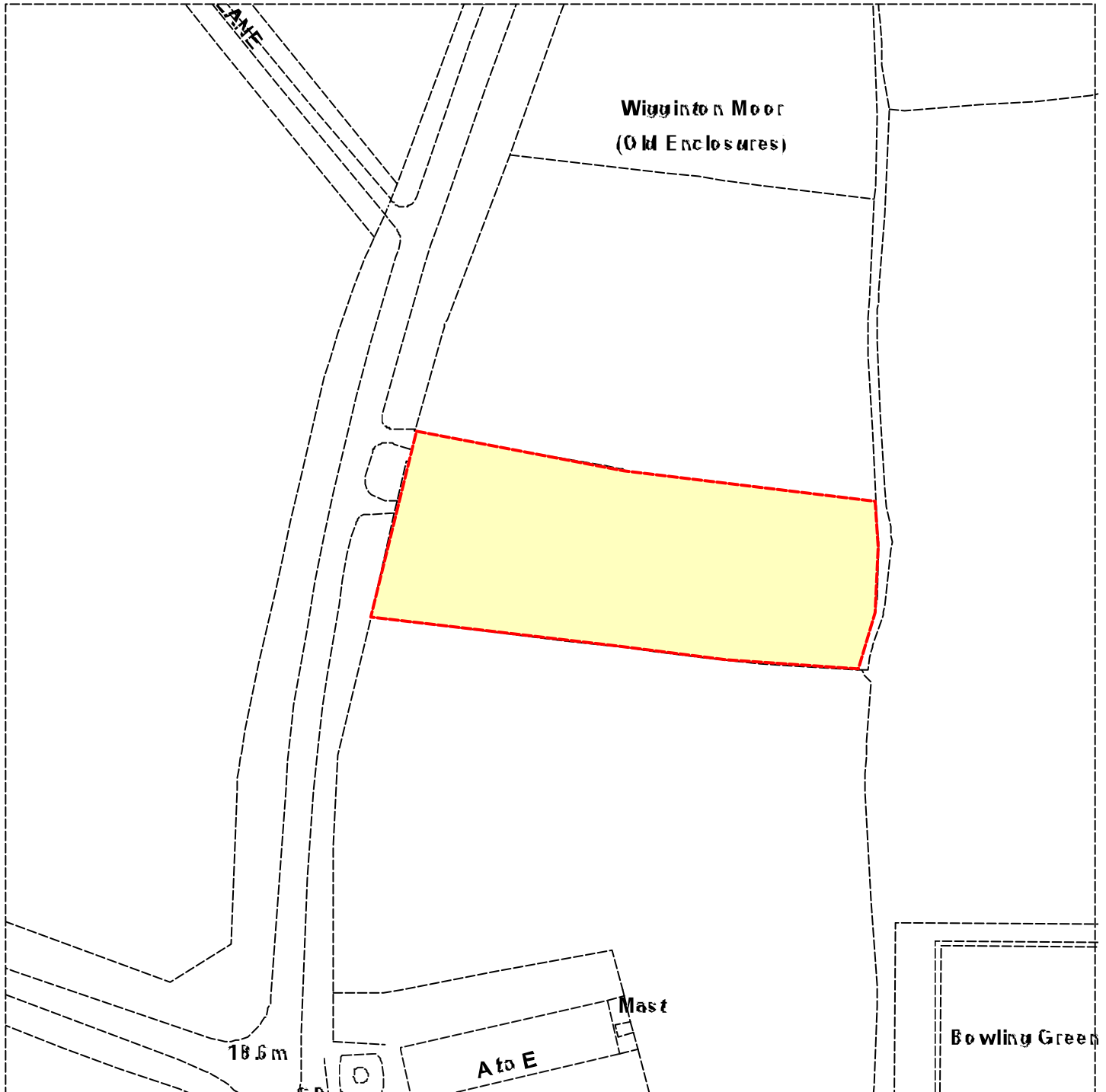
7.0 INFORMATIVES:

Contact details:

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

Rose Cottage Sutton Road Wigginton

07/01224/FUL



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	28 September 2007
SLA Number	Not Set

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGB1
Development within the Green Belt

CYGB13
Sports facilities outside settlements

CYL3
Criteria for golf course/driving ranges

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 Internal

Countryside Officer - No objection.

Landscape Architect - No objection.

Environmental Protection Unit - No objections, however an hours of operation condition should be applied in order to protect the amenity of local residents.

Lighting Engineer - Pollution should be minimal with the green planting to the rear. Meter readings should be taken following installation to ensure the illuminance levels are the same as submitted on the plans.

3.2 External

Earswick Parish Council - No objections.

Public - Fourteen letters of support and a petition signed by 1092 people was submitted with the application. In addition to this six letters of support were received as part of the consultation process. The consultation support letters made the following points:

- this was a great addition to York and its surrounding activity sites, a great fun service to the local community is being hindered because of a very few flag wavers;
- this sort of facility should be supported in York;
- it is very convenient to be able to practice during the evening as many people are not able to do so during the day;
- the driving range provides a much needed facility for golfers old and new within the York area;
- the facility has high quality tuition which is available on site;
- a large volume of business at the range occurs in the early evening when most people have finished work, it seems doubtful whether this excellent golfing centre would be able to cover costs and remain open without being able to trade during these hours;
- ground based lighting has been used successfully at other golf ranges;
- the range offers an excellent opportunity for young people to take up the game under excellent tuition;
- the owners appear to have taken all possible steps to mitigate any problems from lighting;
- the facility is located between REME which is floodlit all night and the CoYC's own refuse tip, there does not appear to be any strong justification to object to this application.

Neighbours - Correspondence received from both Dam Hill Farm and Stockton Hermitage which raised concerns regarding the proposal. The following comments were made:

- the proposal should not be allowed to permit the extent of light pollution created in this rural environment by the horrendous lighting system previously utilised at the golf driving range;
- Dam Hill Farm is located immediately in line with the golf range and receives the full impact of any light pollution;
- the building housing the golf driving range are at a height that creates more than a sufficient light intrusion already;
- due to the volume of traffic on Malton Road it is imperative that no distraction to motorists be presented from any lighting permitted;
- only the minimum of lighting should be permitted and this should be located so as to reduce light intrusion;
- tree planting should be conditioned in order to sufficiently screen any light intrusion;
- the lights should be shielded on the sides nearest the wood to prevent the woods being lit up when the lights are on;
- the plans do not show the angle the lights would shine up into the sky, one of the major unpleasant features of the previous scheme;
- 49 golf balls were collected from the woods in one day, the proposed screening would not protect this from happening in any way;
- Golf balls are often hit from the left of the driving range and balls often head into the wood which could harm someone;
- the proposal appears to be contrary to recently introduced wildlife legislation.

Foss Internal Drainage Board - No objections.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Green Belt
- Impact on Neighbouring Amenity
- Impact on the Adjacent Woodland

4.2 Relevant Local Plan Policies:

- Policy L3 (Golf courses and driving ranges) of the Local Plan states that driving range developments will only be permitted where they would not be visually intrusive due to floodlighting.
- Policy GB1 (Development within the Green Belt) planning permission for essential facilities for outdoor sport would only be granted where the scale, location and design of such development would not detract from the open character of the Green Belt and that it does not conflict with the purposes of including land within the Green Belt (preserve the setting and historic character of York, check unrestricted sprawl, safeguard the countryside from further encroachment, prevent settlements from merging into one another, and to assist urban regeneration by encouraging the recycling of derelict or other urban land).
- Policy GB13 (Sports facilities outside settlement limits) states that development of essential ancillary facilities for outdoor sport will only be permitted if the facilities are essential to support the outdoor provision and the facilities are kept to a scale consistent with the requirements of the outdoor recreational activity.
- Policy GP4a (Sustainability) states that development should minimise light pollution and conserve and enhance natural areas and landscape features.
- Policy GP1 states that proposal should respect or enhance the local environment with outdoor lighting schemes being energy efficient and providing the minimum lighting level required, taking into account any adverse impact on the character of the area and night sky illumination and ecological systems.

4.3 The previous retrospective lighting scheme planning application was for four 1000 W and three 250 W floodlights. These were located on the top of the golf ball hitting area and the whole driving range was illuminated from this one point. This application seeks permission for nine 400 W lights which are located at ground based level. These lights are spread throughout the range and angled horizontally with the light fanning out and illuminating a section of the range.

4.4 Visual Impact on the Green Belt - The application site is in a relatively remote part of Strensall off Towthorpe Moor Lane. Therefore, any significant lighting scheme is going to be visible from surrounding areas. Lighting is an essential facility in order for a golf driving range to operate during hours of darkness. The primary considerations are whether the lighting would harm the open character of the Green Belt, conflict with the purposes of including land within the Green Belt, and the lights are of an appropriate scale and type for this location. It is considered that in itself the lighting would not significantly harm the open character of the Green Belt. The lighting would be partially screened from the A64 by the proposed new landscaping and Dam Hill Wood. There are a number of structures between Towthorpe Moor Lane and the driving range which would block out a significant amount of the light emitted from the proposed lighting scheme. These are the two areas of public access most susceptible to seeing the proposed lighting. The lights are low level

and are designed to not cause significant light pollution. The lights would emit light in an upward direction to an extent, this is required to see the flight of the ball as it is in the air. However, if it is accepted that a golf driving range is suitable in this location and that lighting is required in order for it to operate as expected then it appears that the proposed scheme has made all reasonable efforts to minimise the impact on the open character of the area. On balance it is considered that the lighting is reasonable and sufficient care has been taken with the design to ensure that it would not conflict with the purposes of including land within the Green Belt.

4.5 Impact on Neighbouring Amenity - Based on the information submitted and the correspondence from the lighting engineer it would appear that the lighting units would not spread significant amounts of light outside of the driving range area due to the design of the lights and the tree planting. The nearest residential dwelling are located at Dam Hill Farm and Stockton Hermitage which are over 500 m from the end of the driving range. Again it is acknowledged that the lights may be visible in the distance, but it does not follow that the level of light to be emitted would significantly harm the living conditions of these properties. The lights are designed to illuminate a small section of the driving range each, they are not designed to spread light far and wide unlike the floodlights that were in place previously. The lights would only be used during the hours of darkness, therefore for several months of the year they are unlikely to be used at all. The application form states that the lights would be turned off by 9 pm on a weekday and by 6 pm on a weekend. The Environmental Protection Unit raised no objections to this application.

4.6 Impact on the Adjacent Woodland - The golf driving range is located close to a woodland which supports a number of species of animals including some rarer varieties. The owner of this woodland has raised a number of concerns regarding the impact lighting would have. As part of the previous application a response was received from English Nature in regard to this. They stated that they had no objection to the proposal in relation to species protected by law. They went on to say, 'bats are known to roost in the adjacent woodland and floodlighting can disrupt the 24-hour pattern of light and dark and can affect the natural behaviour of bats. Floodlights should be turned off at bat emergence time and during peak bat activity times. Therefore if the application is approved a condition should be used to ensure the lights are turned off after 8.30 pm between the months of May and September.' Likewise the Countryside Officer for the City of York Council stated 'it is considered that there is no legal wildlife legislation that would justify its refusal. Whilst legislation does cover disturbance to protected species it would be difficult to prove that lighting that is upwards of half a mile away would cause any possible roost decline / disappearance. Also, as the lights are only substantially used in the winter when bats are hibernating there is even less likelihood of this being justified. With regard to other wildlife matters, whilst lighting can affect them, the effect seems to be relatively limited, even badgers can become very used to lighting... lighting times could be conditioned to ensure that lighting is turned off at a suitable time.' The Council is keen to preserve the natural habitat around York, however based on this information and after the submission of a significantly more considered proposal than the original floodlight scheme it is not thought that a refusal on these grounds could be sustained. A condition restricting light operating hours could be attached to any approval.

5.0 CONCLUSION

5.1 It is considered that the proposed lighting would not cause significant harm to the Green Belt, the amenity of neighbouring properties or the adjacent woodland habitat, subject to appropriate conditions. The application is therefore recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number C29/01/01 and luminance map UKS3613/1 received by The CoYC on 16/03/07

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

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

3 The driving range lighting hereby permitted shall not operate between 2030 hours and 0800 hours on any day.

Reason: To protect the amenity of local residents and to ensure that wildlife activity is not significantly disturbed within the adjacent woodland.

4 The scheme of landscaping and tree planting shown on Drawing no. C29/01/01 received by the Local Planning Authority on 16 March 2007 shall be carried out in its entirety prior to the first use of the lighting hereby approved. The landscaping and tree planting shall be adequately maintained whilst the lighting remains operational, and during that period all losses shall be made good as and when necessary.

Reason: To protect the amenity of local residents and to reduce light spillage outside of the application site and further into the Green Belt.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions

listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Green Belt and the amenities of local residential properties. As such the proposal complies with Policies GP1, GB1, GB13, and L3 of the City of York Draft Local Plan.

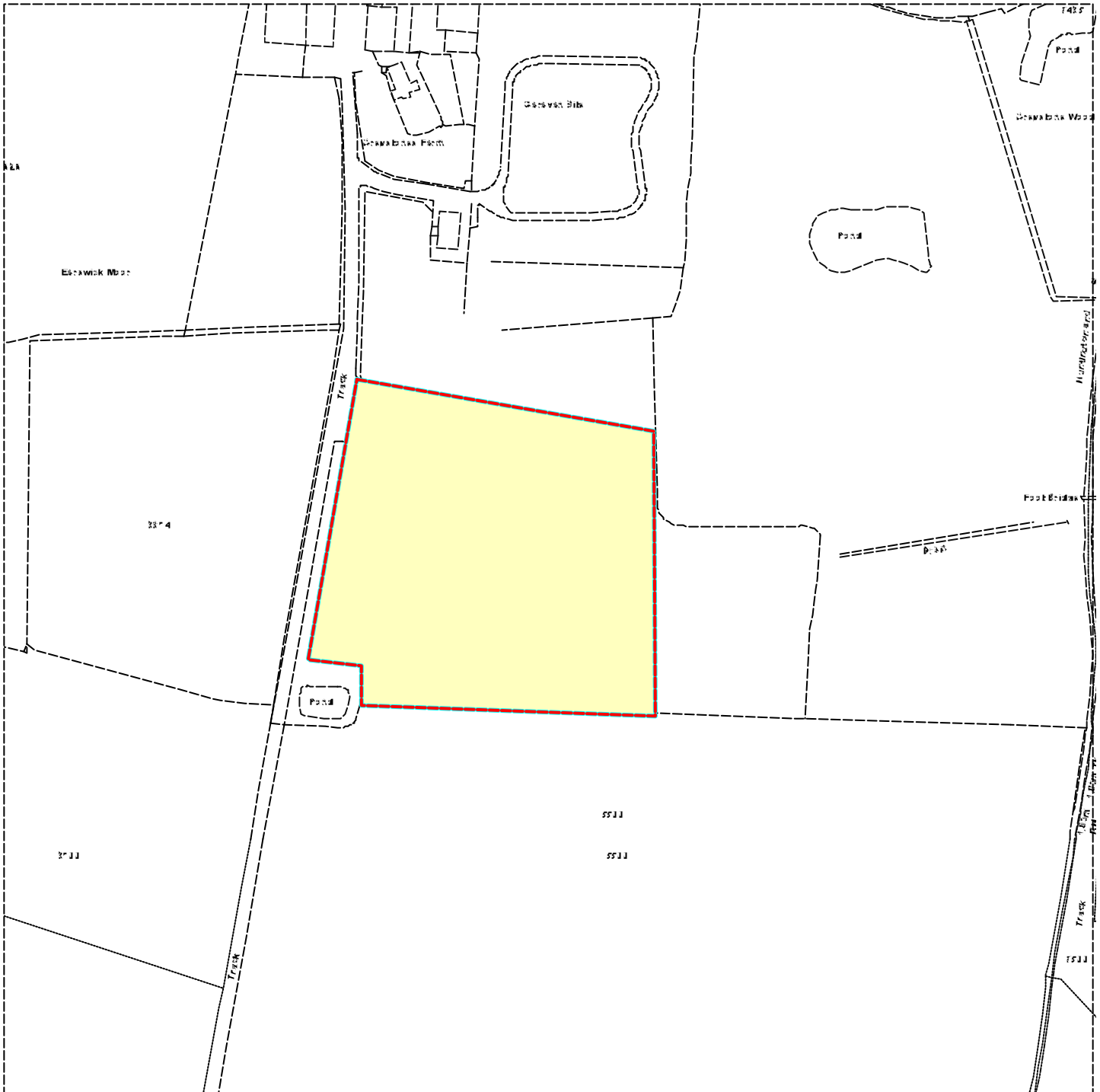
Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325

Greystones Farm Strensall

07/00618/FUL



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Location Plan
Date	28 September 2007
SLA Number	Not Set

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford 0041

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP1
Design

CYH4A
Housing Windfalls

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.

No objections. The dwelling will be served by an existing vehicle access and car parking and cycle storage are provided within the site.

3.3 Design, Conservation and Sustainable Development.

The property is situated in the Fulford Conservation Area. The proposals include the demolition of a single storey bungalow situated at the north western corner of the cul de sac, Pasture Farm Close. To the east of the bungalow lies a two storey residential

property divided into flats. To the south lies a detached bungalow. The existing properties on Pasture Lane Close adjacent to the development site appear to date from the 1970's. To the north of the development site lies a public footpath and beyond, a substantial detached house within mature gardens.

The proposed two storey house is of a significantly larger scale than the existing bungalow. The proposed house is set back within the plot towards the northern boundary. This should minimise the impact of the proposed house on the amenity of the neighbouring property at no. 3 Pasture Farm Close. The house is within close proximity of the footpath to the north. There is no fenestration proposed to the northern elevation, other than a bathroom window. Had initial concerns over the balance and size of the house and the position of the garage to the front of the front elevation affecting the outlook from the front windows.

Various amendments have subsequently been made and final plans submitted towards the end of July and the amendments appear to be an improvement on the lean to option for the garage and complement the design of the house. Due to the position of the proposed house in the corner of the Close, the design is unlikely to be detrimental to the character and appearance of the conservation area or views through to the open land behind. The design takes account of the constraints of the site and is generally acceptable.

3.4 Sustainability Officer.

The details of the application offer no information relating to sustainable design and construction of the proposal and do not include a sustainability statement in accordance with policy GP4a of the Local Plan.

The demolition of a serviceable dwelling and replacing it with a larger one on the same site is not sustainable in terms of its use of resources (building materials etc). However the new development will be subject to the 2006 Building Regulations so, if approved, the new property will be substantially more energy efficient than the existing. So in the long term the carbon footprint of the new dwelling may be less than the existing (no figures are offered by the applicant).

In light of the draft nature of the current SPG Sustainable Design & Construction requesting further details, in the form of a sustainability statement and the meeting of the 5% renewable energy requirements may be seen to be unreasonable. However the current Building regulations does not include water conservation or space for recycling and these could be incorporated into the proposal with little or no additional cost to the applicant. Therefore suggest that a condition or an informative could be usefully employed if the application were approved.

Details of the water efficiency measure to be taken at the proposal to be submitted for approval to the Local Planning Authority. Measures should include:

- Dual flush WCs (4/6) litre
- Showers with nominal flow rates less than 9 litres/minute
- Flow restricted spray taps
- Water meter installed
- Water butt installed

To assist occupiers to recycle details of measures to be taken on the development to be submitted for approval by the Local Planning prior to the commencement of work. These measures should include:

- Adequate provision for the storage of 2 180 litre wheeled bins, recycling box and two bags.
- Provision of a compost bin with instructions.

3.5 EXTERNAL

3.6 Fulford Parish Council

Initially objected to the proposals on the grounds of impact on the Conservation Area, neighbours, views over the adjacent Fulford Ings and domination of the adjacent Public Right of Way. Also considered that because of its particular orientation in relation to the adjoining driveways, access seems unsuitable for increased vehicular use.

The existing bungalow does not appear to be in poor condition and we feel that the demolition of a perfectly serviceable and appropriate building in this conservation area is unjustified.

Detailed comments of the final revised plans as follows:

- unattractive gable end of the building is still proposed in close proximity (less than 2 metres) from the adjacent public footpath leading to the Ings. Height and mass will negatively impact upon this footpath and will appear dominant and overpowering in such a sensitive and semi-rural location. The construction of the foundations may impact severely on the health of nearby trees and the hedge that defines this footpath.
- will adversely affect views of the pleasant views of the rural landscape (Fulford Ings) beyond the site. Views into the Conservation area from the Ings will also be adversely affected. This setting is mentioned in the Conservation Area description for Fulford. These buildings appear particularly prominent when viewed from the low-lying Ings.

3.7 Neighbours / 3rd Party Objections.

A total of 10 letters of objection have been received, including 4 from the occupiers of no. 3 Pasture Farm Close. These make the following observations.

From no. 3 Pasture Farm Close.

- i) The proposed replacement house would neither benefit the character nor the appearance of Pasture Farm Close. It would appear over-dominant and out of character compared to the existing bungalow and the view over the fields from the hammerhead of the car park would be obliterated whereas at present it has uninterrupted views.
- ii) No improvement on the previous application. Losing one bedroom makes no difference.
- iii) Proposed house is too close to the boundary, blocking out light into lounge and bathroom. Existing privacy will cease, rear garden will be overlooked by the proposed new house.

- iv) Pasture Farm Close is not just another cul-de-sac, but a very special one, backing onto fields. Ambience of the Close will be disrupted by the consequences of allowing a large family home which will generate extra traffic and have parking implications. Will not comply with Conservation policy.
- v) Existing bungalow sits comfortably in its corner and will be replaced with an over-dominant building which will not enhance the Conservation area. Existing bungalow is well constructed and suitable for the site so should not be demolished.
- vi) No other build would be acceptable in an area where conservation and preservation are highly regarded.
- vii) Stands as a small community which would be adversely affected by the removal of this unit.
- viii) Site and building contributes to the social and architectural history of Fulford.
- ix) With normal refurbishment it would create a lovely home for years to come.
- x) No exceptional reasons for demolition have been put forward. If this bungalow requires remedial work and new bathroom and kitchen then the whole of Pasture Farm Close needs demolishing. Most houses of this age require some upgrading, at moderate expense. New bathrooms and kitchen units nor major roof repairs do not constitute a reason to demolish. Waste of energy and resources at a time when we are all being told to save energy. City of York Council should be looking to cut carbon emissions.
- xi) Sets a precedent for other serviceable bungalows to be demolished.
- xii) Contrary to Policies HE3 and HE5 of the draft local plan.
- xiii) Only development that may be suitable is a single storey bungalow to match existing.
- xiv) The size of the garden is totally irrelevant to the question of demolition.
- xv) Applicant has failed to address the following considerations:
- xvi) The cost of repairing and maintaining the building in relation to its importance and the value derived from its continued use; the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site.
- xvii) Waste of energy to demolish and rebuild.

From 22 St. Oswalds Court.

- i) New house will dominate view from lounge.
- ii) Presently have a nice view through to Fulford Ings and when bought this property one of the major considerations was the surrounding area offered little scope for change.
- iii) Proposed house is considerably higher than the existing bungalow and if now further over and therefore will dominate the view from main lounge window.
- iv) Concerned that the proposal is to demolish a perfectly serviceable bungalow that fits in with surroundings. Is a profit making exercise which has little regard for local residents or their quality of life.

From 5 Pasture Farm Close.

- i) New house will overlook rear of this property. Not currently overlooked.
- ii) Vehicular access is already limited. The increase in traffic from a four bedroom house would present more difficulties for residents.
- iii) Pasture Farm Close is a small cul-de-sac which cannot accommodate any increased building.

From 6 Pasture Farm Close.

i) No clear indication as to whether it is intended to remove the dividing wall between no.6 and no.4. Would prefer it to remain as it affords privacy.

From Cllr Aspden.

i) Planned house is too big within the site and will block light to neighbours and reduce the quality of life and cannot be classed as a modest building. Plans for a new bungalow would at least be more acceptable.

ii) The new build will not enhance the Conservation area or Pasture Farm Close.

iii) Waster of resources to demolish a perfectly good bungalow, only to replace it.

iv) Sets a precedent for other areas within the Fulford Conservation Area to demolish and rebuild bigger properties.

4.0 APPRAISAL

4.1 KEY ISSUES

- Design and impact on the Conservation Area.
- Impact on neighbour amenity

Design and impact on the Conservation Area.

4.2 The site lies within the Fulford Conservation area. National Guidance is contained in PPG15 (Planning and the Historic Environment) and local plan policy reflects this advice. New development in Conservation areas should be considered against the provisions of Policy HE2 of the Draft Local Plan which states that new development must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Policy HE3 says that development of the type proposed here will only be permitted where there is no adverse effect on the character and appearance of the area.

4.3 The site in question stands on the western boundary of the Fulford Conservation Area and in the north west corner of Pasture Farm Close. This cul-de-sac is a mixture of bungalows and two storey buildings of both houses and flats. They appear to date to approx. the 1970's and as buildings are pleasant but not architecturally inspiring. Its contribution to the Conservation Area is more in the wider context of its setting on the edge of the urban area and as part of the village setting against the Fulford Ings to the west. Therefore, this setting and the impact the development has upon this is an important issue here.

4.4 In terms of the existing type of development on Pasture Farm Close, there is no defined set pattern or type of building. Although the existing building on the site in question is a bungalow and no's 1 and 3 are also bungalows, no. 2 is a house and no's 5-8 are two storey flats. The recent development of flats on St. Oswalds Court are also two storey, as is 122 Fulford Road to the north of the application site.

Therefore officers raise no objection to the principle of a two storey development on this site providing its design and setting are deemed to be appropriate.

Design

4.5 The plot in question is substantial in size and easily accommodates the size of dwelling proposed. It is not considered to constitute an overdevelopment of the plot. The design is quite traditional in its approach and following several revisions is now considered to be well balanced with the house stepping down from north to south. It is not considered to look out of place when considered against other two storey development around it, notably the flats to the east and the two storey house at no.2. Officers consider the size and design of the house preserves the character and appearance of the built form of this part of the Fulford Conservation Area.

Setting

4.6 The other principle issue with regard to the harming of the Conservation Area is the impact it has on views through to the Fulford Ings to the west and the relationship this has with the urban fringe of Fulford. From Pasture Farm Close, the site itself is in the far north western corner of the Close and therefore the main two storey element of the new house is more visually related to views from St. Oswalds Court. On the southern border of the plot, the house shows a single storey garage and the views and glimpses over and to the side of this are similar to that associated with the existing bungalow. The distance from the side boundary with no.3 to the nearest two storey element of the new house is approx. 6.7 metres. The footprint of the existing bungalow does not currently allow views through to the Ings from Pasture Farm Close, instead restricting views to glimpses of the trees and open sky. At this point of the site (southern boundary), the view and setting of the site from Pasture Farm Close will not be significantly harmed and will not differ significantly from existing.

4.7 It is acknowledged that introducing a two storey house may reduce the views of some of the trees in the Ings to some extent, particularly from St. Oswalds Court but the issue is whether the harm this causes is sufficient to justify refusing the application on the grounds of harming the Conservation Area. The house will be seen beyond the access road serving St. Oswalds Court and will appear as a new structure behind the existing rear wall. There is a public footpath off St. Oswalds Court leading down towards the Ings and the new house will project to between 1.8 and 2 metres of this footpath. The existing distance between the footpath and building is just under 10 metres with a single storey roof. Officers therefore consider this to be the main issue here as clearly this relationship will change. The current view does imply the link between the built form and the open land to the rear and views of the trees on the Ings are visible, albeit in many cases only the tops of them. However the application site is slightly lower than the St.Oswalds Court road as the land falls away from east to west and this will reduce the visual impact to some extent. The gap between the new house and the side of no.122 Fulford Road (on the other side of the footpath) will be approx. 15 metres and the hedge that defines the side of the public footpath will remain. Whilst it is acknowledged that some of the views to the trees and open land will be reduced, the question is whether the extent of this reduction and the change in the character of this area preserves the character of the Conservation Area at this point. Officers consider that it does.

Neighbour Amenities.

4.8 Concern has been expressed by neighbours to the development re the impact on their privacy and general amenity. Officers do not consider there to be any impact on St. Oswalds Court residents as distances and orientation are such that there is no overlooking of any private areas or rooms.

4.9 The greatest impact will be on neighbours in Pasture Farm Close. The owners of no. 3 have raised many concerns with the development and the impact it will have on their outlook, privacy, levels of light and the imposing nature of the development. On this, the new house will not project beyond either the front or rear line of their property except for a 2.5 metre two storey rear projection. This projection will stand approx. 17 metres away from no.3 on a side to side orientation. This represents ample distance and will not be harmful to them. As for the remainder of the house, the design has been amended to maintain a similar initial relationship between the two properties as is in evidence now. The single storey garage is now shown presented to the boundary with no.3 and the height of this is 4.8 metres which is similar to that of the existing bungalow. The distance from the shared side boundary to the nearest two storey elevation is 6 metres, rising to 8.7 metres to the side windows. There are 4 windows on the side (northern) elevation of no.3 facing the application site, two of which are secondary lounge windows (main lounge window is on the rear elevation), a bathroom window and a secondary bedroom window to a front facing bedroom. None of these windows are considered to be principal windows.

4.10 Furthermore, No. 3 is due south of the application site and the levels of natural sunlight into these rooms is currently almost non-existent except at the very end of a summers day. The position of the new house will not affect this and will have no impact on the levels of sunlight the house and garden at no.3 would expect to receive now. In this regard therefore, officers do not consider the new dwelling to have any impact on the levels of sunlight inside or outside no.3. Given the distances and amended design, neither do officers consider it to be an overly dominating and imposing structure which will materially harm their outlook or the standard of living they can reasonably expect to enjoy in a residential area. There is already a two storey house on the other side of no. 3 which is due south of them.

4.11 No's 5-8 Pasture Farm Close stand to the east of the application site and are two storey flats. They have a modest sized rear garden / yard. The distance to the shared boundary is 9 metres and between the buildings approx. 17 metres on a front to rear orientation. There is a single storey garage adjacent to the boundary with no.5 and 6 which screens any views of the rear yard from ground floor windows. It is likely that there will be some views from first floor bedrooms over the top of this garage towards the far side of no.5's garden but this will not be unreasonable in a residential area and no worse than the overlooking from adjacent first floor windows at flats 7 and 8. Given the distance between the properties and the position of the garage on the shared boundary, officers do not consider the reasonable amenity of these neighbours to be affected by the development. No other properties on Pasture Farm Close are considered to be affected by the development.

4.12 There is sufficient space on site for all bins and recycling boxes/bags to be accommodated. The requirement for the developer to achieve an BREEAM Ecohomes "Very Good" rating for the development is not relevant here because the

BREEAM Ecohomes ratings and assessment only applies on applications of 4 houses or more . Therefore a specific condition referring to this is not considered appropriate here. An informative is therefore recommended following on from the comments of the Sustainability officer and this incorporates the measures referred to by the Sustainability Officer in her comments.

4.13 Some concern has been expressed about access and parking. The development utilises the existing entrance and is appropriate for a single dwelling. There is ample parking in the site for several cars. Any extra traffic over existing levels will be negligible.

4.14 The site is in Flood zone 3. However the level of the site rises up from the adjacent Ings and is much higher than the level of the river or nearby Germany Beck. An occupied single storey property already stands on the sites and therefore replacing it with a two storey house offers a greater level of protection for the occupiers in case of a flood as they can move to a higher level. No objections are, therefore, raised on the grounds of flood risk.

5.0 CONCLUSION

5.1 The design of the house is now considered to be much better balanced and of a traditional design which preserves the built character of the Conservation area. Views of the trees and open sky of the Ings land behind will be reduced but officers do not consider this to be of sufficient harm to affect the setting of the Conservation area.

5.2 The size, design, appearance or orientation of the house is not considered to harm the living conditions and amenity of neighbours.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no:

- Planning/SL/27/07/07 - Site layout
- Planning P/E/S/ 27/07/07 - Plans, elevation and section.

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

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

3 VISQ8 Samples of exterior materials to be app

4 HWAY10 Vehicular areas surfaced, details reqd

5 HWAY19 Car and cycle parking laid out

6 All windows and doors shall be of timber construction.

Reason. In the interests of good design in the Conservation Area.

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

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

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact of the new house on the character of the Conservation Area and the impact on the amenity of neighbours. As such the proposal complies with Policies HE2, HE3, GP1 and H4a of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

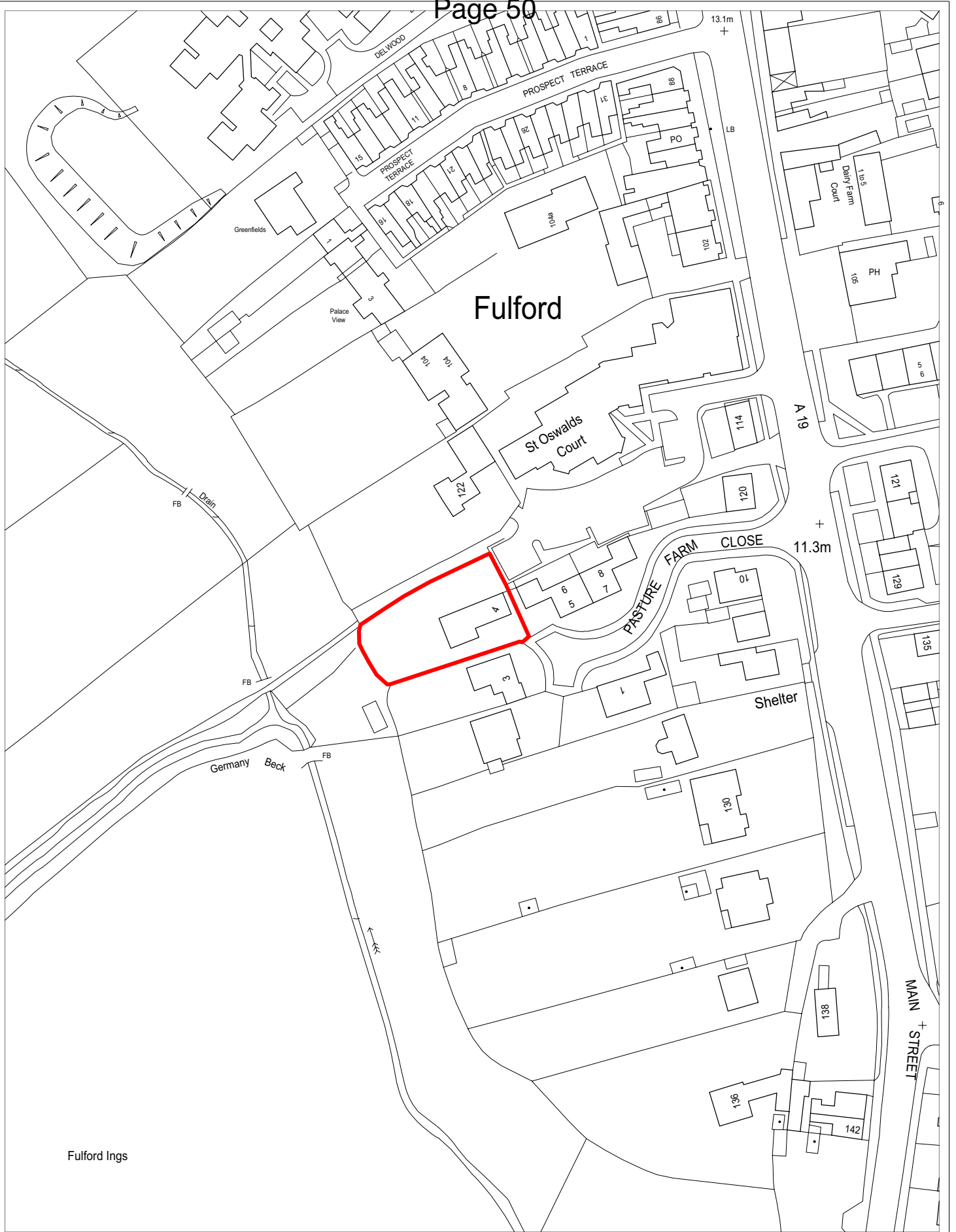
2. Appropriate measures that may be considered to improve the sustainability of the property could include the use of the following:

- Dual flush WCs (4/6) litre
- Showers with nominal flow rates less than 9 litres/minute
- Flow restricted spray taps
- Water meter installed
- Water butt installed

Contact details:

Author: Matthew Parkinson Development Control Officer

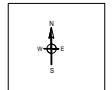
Tel No: 01904 552405



4 PASTURE FARM CLOSE, FULFORD - 06/2767/FUL

SCALE 1:1250 DRAWN BY PSL DATE 3/9/2007

Originating Group Project Drawing No.



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

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City of York Council LA 1000 20818

This property is situated in Fulford Conservation Area no.30.

The modern bungalow at 4 Pasture Farm Close is situated in a cul de sac together with a number of modern single and two storey residential properties. The proposed demolition of the existing bungalow, requires to be considered in conjunction with the planning application for a replacement two storey house within the plot.

It is considered that the replacement of the modern bungalow with a well designed, two storey house of traditional character and finishes is unlikely to be detrimental to the special character and interest of the conservation area in this location.

3.3 EXTERNAL

3.4 Fulford Parish Council

Object to this application. Have stated previously that the Parish Council do not find sufficient reason for the demolition of this bungalow which was built only 35 years ago.

The reasons given in justification by the applicant indicate that it requires new bathrooms and kitchen units plus repairs to the roof. These are normal maintenance and refurbishment tasks which most householders are required to undertake during the lifetime of their homes and it is highly unusual for owners to want to demolish their houses when repairs are necessary.

The applicant also states that the garden is too large for the size of the property and consequently, it has been difficult to sell: this argument does not constitute a basis for demolition and it is our view that a large garden is a positive feature.

We therefore hope that this application will be refused and that this relatively recent and appropriate building in the conservation area will be retained.

3.5 Neighbour and Third Party comments.

4 letters (2 by the same person) received making the following observations.

- i) Existing bungalow is well constructed and suitable for the site so should not be demolished.
- ii) No other build would be acceptable in an area where conservation and preservation are highly regarded.
- iii) Stands as a small community which would be adversely affected by their removal of this unit.
- iv) Site and building contributes to the social and architectural history of Fulford.
- v) Bricks used to build the bungalow originated from Wrays brickyard on Huntington Road which was the last brickyard in York to cease trading so to demolish no.4 would be to lose another example of quality brick manufacturing from York.
- vi) With normal refurbishment it would create a lovely home for years to come.
- vii) No exceptional reasons for demolition have been put forward. If this bungalow requires remedial work and new bathroom and kitchen then the whole of Pasture Farm Close needs demolishing. Most houses of this age require some upgrading, at moderate expense. New bathrooms and kitchen units nor major roof repairs do not constitute a reason to demolish.
- viii) The size of the garden is totally irrelevant to the question of demolition.

ix) Applicant has failed to address the following considerations:

The cost of repairing and maintaining the building in relation to its importance and the value derived from its continued use; the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site.

x) The proposed replacement house would neither benefit the character nor the appearance of Pasture Farm Close. It would appear over-dominant compared to the existing bungalow and the view over the fields from the hammerhead of the car park would be obliterated whereas at present it has uninterrupted views.

xi) Waste of energy to demolish and rebuild.

4.0 APPRAISAL

4.1 Key Issues

- architectural quality of building
- impact on character and appearance of the conservation area

4.2 The application relates to the demolition of a bungalow. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE5 of the City of York Deposit Draft Local Plan states that conservation area consent will not be granted for the demolition of buildings which positively contribute to the character or appearance of conservation areas. Where demolition or partial demolition is permitted, Policy HE5 requires that no demolition takes place until a building contract for the carrying out of works of redevelopment has been made, and planning permission for those works has been granted.

4.3 Central Government advice in relation to demolition within conservation areas is contained within Planning Policy Guidance Note 15 (PPG15) - "Planning and the Historic Environment". In exercising conservation area controls, Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question. Account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and the wider effects of demolition on the surroundings and on the conservation area as a whole.

4.4 PPG15 states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be considered against the same broad criteria to demolish listed buildings. Where a building makes little or no contribution, full information about what is proposed for the site after demolition should be provided. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

4.5 The existing building on the site is a pleasant, if somewhat architecturally uninspiring building. It reflects the style of the road it is part of and is not out of place

in this setting. In terms of its contribution to the Conservation Area however, the building itself is relatively modern and as a design, does not in itself contribute to the character of the area to such a degree that it should be retained at all costs. If a redevelopment proposal is considered to be preserve the character of the conservation area then no objections are raised by officers to the loss of this bungalow.

4.6 In this particular case, it is considered that the proposed redevelopment proposals for the site, as set out in the relevant item on this agenda, are acceptable and no objections are therefore raised to the demolition of the existing building. However, it is considered that the imposition of the standard condition requiring a contract for the redevelopment of the site to be made prior to the demolition of the existing building is justified in this instance. This will ensure that the existing bungalow cannot be demolished and the site simply left empty and derelict.

5.0 CONCLUSION

5.1 The redevelopment proposals for the site are considered to be acceptable and it preserves the character of the Conservation area.. As such, the granting of conservation area consent is considered to be acceptable, and not in conflict with Policy E4 of the Approved North Yorkshire Structure Plan or Policy HE5 of the Draft Local Plan.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--|
| 1 | TIMEL2 | Development start within 3 yrs (LBC/CAC) |
| 2 | DEM1 | No demolition before rebuilding contract |

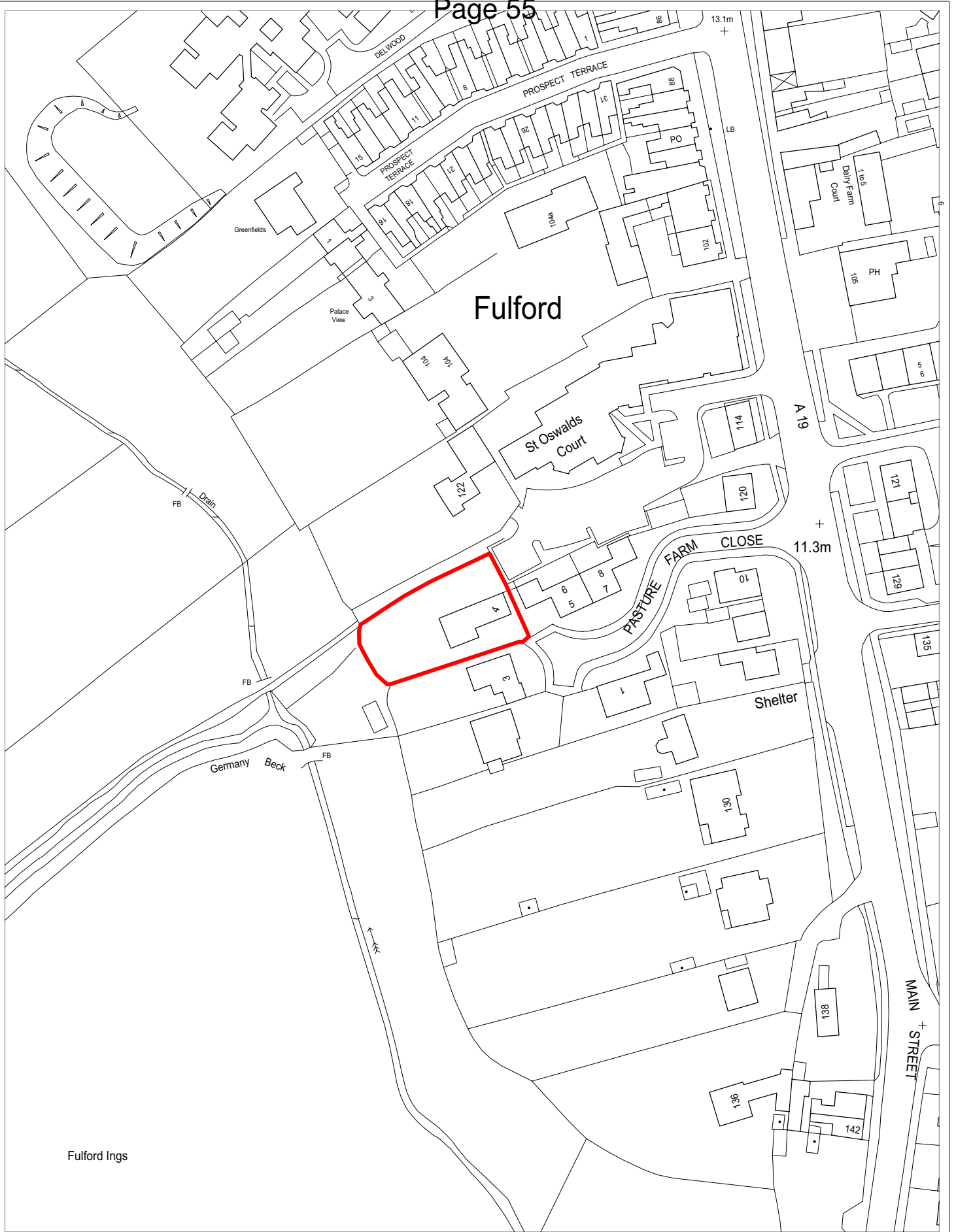
7.0 INFORMATIVES: Notes to Applicant

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 architectural quality of building and the impact on the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policy HE5 of the City of York Local Plan Deposit Draft.

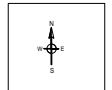
Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405



4 PASTURE FARM CLOSE, FULFORD - 07/00593

SCALE 1:1250 DRAWN BY PSL DATE 3/9/2007
 Originating Group Project Drawing No.



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

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Planning and Transport (East) Area Sub-Committee

11 October 2007

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. Members should note that 94 new cases were received for this area within the last quarter. 74 cases were closed and 212 remain outstanding. There

are 40 Section 106 Agreement cases outstanding for this area after the closure of 15 for this quarter. No cases have resulted in the service of formal notices

Consultation

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

Options

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

Corporate Priorities

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

10. Implications

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

Risk Management

11. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Author's name

Mandy Swithenbank/
Alan Kendall
Planning Enforcement Officer

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
*Assistant Director (Planning and Sustainable
Development)*

Dept Name City Strategy
Tel No. 551376/551324

Report Approved

Date 1/10/2007

Specialist Implications Officer(s) *none.*

Wards Affected: *All Wards*

All

For further information please contact the author of the report

Background Papers:

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

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

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

Document is Restricted

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

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