



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, 8 November 2007
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00am on Wednesday 7th November 2007 at Union Terrace Car Park.

1. Declarations of Interest

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

2. Minutes

(Pages 1 - 6)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 11 October 2007.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is 7 November 2007 at 5.00pm.

4. Plans List

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

- a) **OS Field 3000 Lords Moor Lane Strensall** (Pages 7 - 24)
York (07/01942/FULM)
Erection of organic free range egg unit (1061sqm) [*Strensall Ward*] [*Site Visit*].
- b) **OS Field 2000 Lords Moor Lane Strensall** (Pages 25 - 35)
York (07/01943/FUL)
Siting of a mobile home as a temporary agricultural dwelling [*Strensall Ward*] [*Site Visit*].
- c) **Wickes Building Supplies Ltd Lysander** (Pages 36 - 42)
Close York YO30 4XB (07/02225/FULM)
Change of use and alterations (including mezzanine) of former Wickes warehouse (A1 Use) to construction centre for training purposes (D1 Use) in connection with York College [*Skelton, Rawcliffe, Clifton Without Ward*].
- d) **Yeomans Yard Little Hallfield Road York** (Pages 43 - 53)
YO31 7XQ (07/01959/OUTM)
Outline application for the erection of 10no. two and three storey dwellings with accommodation in the roof (layout, scale and access) [*Heworth Ward*] [*Site Visit*].
- e) **Car Park South of Hurricane Way York** (Pages 54 - 64)
(07/01937/FUL)
Erection of single storey restaurant (Class A3) with associated parking and refuse store [*Skelton, Rawcliffe, Clifton Without Ward*] [*Site Visit*].
- f) **74-80 Shipton Road Clifton York YO30 5RQ** (Pages 65 - 70)
(07/01853/FUL)
Conversion of 74-80 Shipton Road into 8no. self contained flats including support worker's office [*Skelton, Rawcliffe, Clifton Without Ward*] [*Site Visit*].
- g) **Elliots Hotel 2 Sycamore Place York YO30** (Pages 71 - 80)
7DW (07/00846/FUL)
Conversion of existing hotel to 9 flats and bedsits and erection of 2 no. townhouses (resubmission) [*Clifton Ward*].

**h) Plot E Airfield Business Park Whitley Road (Pages 81 - 93)
Elvington York (07/01606/FULM)**

Erection of 5no. industrial units incorporating 1no. single storey unit block and 1no. four unit block with car parking/servicing courtyard and associated landscaping [*Wheldrake Ward*].

**i) Rose Cottage Sutton Road Wigginton York (Pages 94 - 98)
YO32 2RB (07/01224/FUL)**

Conversion of existing pole barn to store room and construction of new workshop (216sqm) to rear [*Haxby and Wigginton Ward*].

**j) 28 Crossways York YO10 5JQ (Pages 99 - 102)
(07/02260/FUL)**

Two storey pitched roof side extension and single storey pitched roof rear extension [*Hull Road Ward*].

5. Urgent Business

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

Democracy Officer:

Name: Sarah Kingston

- Telephone – (01904) 552030
- E-mail – sarah.kingston@york.gov.uk

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

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

Contact details are set out above.

East Area Planning Sub Committee

8th November 2007

Site Visits

Wednesday 7th November

- 10:00 AM Meet coach at Union Terrace Car Park**
- 10:20AM OS Field 3000 Lords Moor Lane Strensall (4a)**
OS Field 2000 Lords Moor Lane Strensall (4b)
- 11:00AM Car Park South of Hurricane Way (4e)**
- 11:30AM 74-80 Shipton Road (4f)**
- 12.00PM Yeomans Yard Little Hallfield Road (4d)**

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- 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);
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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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City of York Council

Minutes

| | |
|-----------|--|
| MEETING | EAST AREA PLANNING SUB-COMMITTEE |
| DATE | 11 OCTOBER 2007 |
| PRESENT | COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, HYMAN, KING, TAYLOR, VASSIE, WISEMAN AND PIERCE (SUBSTITUTE) |
| APOLOGIES | COUNCILLOR FUNNELL |

43. INSPECTION OF SITES

The following sites were inspected before the meeting:

| Site | Attended by | Reason for Visit |
|---|---|---|
| Burton Garage, 49 Shipton Street, York. | Councillors Moore, Douglas, Hyman, King, Taylor, Wiseman & Pierce | At the recommendation of Officers to assist in determining the application because the site cannot be adequately viewed from public land. |

44. 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 Firth declared a personal non-prejudicial interest in Plans Item d (Greystones Farm, Towthorpe, Moor Lane, Strensall) as he used the golf club.

Councillor Wiseman declared a personal non-prejudicial interest in Plans Item d (Greystones Farm, Towthorpe, Moor Lane, Strensall) as she used the golf club.

Councillor King declared a personal non-prejudicial interest in Plans Item a (Burton Garage, 49 Shipton Street) as he was Ward Councillor in this area.

Councillor King declared a personal non-prejudicial interest in Plans Item d (Greystones Farm, Towthorpe, Moor Lane, Strensall) as he used the golf club.

45. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or directive under any enactment as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

46. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 27 September 2007 be approved as a correct record and signed by the Chair.

47. 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.

48. 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.

48a. Burton Garage 49 Shipton Street York YO30 7AU (07/01557/FULM)

Members considered a major full application, submitted by Mr S Whitwell, for the erection of 10 two storey terraced dwellings and associated parking after the demolition of the existing buildings.

Officers updated that an additional objection had been received which raised concerns about:

- the poor bus service in the area
- problems with drainage in the area
- parking in the area had already reached a saturation point
- access for emergency vehicles
- the financial contributions being made by the developer would not benefit the immediate residents adjacent to the proposed development

- issues relating to the recent postal strikes

Representations were received from the agent to the applicant who said that the development was only 15 minutes walk from the town centre. The agent felt that the proposed development was in a sustainable location.

Members discussed access to the site and the possibility of the developer funding the installation of alley gates.

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

1. The hours of construction, loading or unloading on the site shall be confirmed to 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 Saturday and no working on Sundays or Public Holidays.

Reason: To protect the amenities of adjacent residents.

2. Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details:
Windows, sills, lintels, string courses and other brick detailing and door openings/surrounds

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

3. The development hereby approved shall not commence until a management plan for the control of traffic during construction, including parking and access arrangements, has been submitted to the local Planning Authority and approved in writing. The management plan shall be implemented in full to the satisfaction of the local Planning Authority.

Reason: In the interests of highway safety and neighbour amenity.

4. The developer is encouraged to enter into negotiations with the Council, prior to the start of the development, to fund the relocation/erection of security gates immediately to the south of the site as part of the 'Alleygating' initiative, subject to consultation with relevant parties. This would have the advantage of increasing security for future occupiers of the new development.

REASON: That the proposal, subject to the conditions listed above and in the report, 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.

48b. 14 Dodsworth Avenue York YO31 8TY (07/01342/FUL)

This item was deferred as it was unclear whether all interested parties had received notification of the details regarding the site visits and the meeting. It was therefore felt that it was unsafe to proceed.

48c. Rose Cottage Sutton Road Wigginton York YO32 2RB (07/01224/FUL)

This item was deferred as it was unclear whether all interested parties had received notification of the details regarding the site visits and the meeting. It was therefore felt that it was unsafe to proceed.

48d. Greystones Farm Towthorpe Moor Lane Strensall York YO32 9ST (07/00618/FUL)

This item was deferred as it was unclear whether all interested parties had received notification of the details regarding the site visits and the meeting. It was therefore felt that it was unsafe to proceed.

48e. 4 Pasture Farm Close York YO10 4PZ (06/02767/FUL)

This item was deferred as it was unclear whether all interested parties had received notification of the details regarding the site visits and the meeting. It was therefore felt that it was unsafe to proceed.

48f. 4 Pasture Farm Close York YO10 4PZ (07/00593/CAC)

This item was deferred as it was unclear whether all interested parties had received notification of the details regarding the site visits and the meeting. It was therefore felt that it was unsafe to proceed.

49. ENFORCEMENT CASES UPDATE

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

RESOLVED: That the reports be noted.

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

COUNCILLOR R MOORE

Chair

The meeting started at 2.00 pm and finished at 2.40 pm.

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COMMITTEE REPORT

Committee: East Area
Date: 8 November 2007
Ward: Strensall
Parish: Strensall And Towthorpe
Parish Council

Reference: 07/01942/FULM
Application at: OS Field 3000 Lords Moor Lane Strensall York
For: Erection of organic free range egg unit (1061sqm)
By: Mr Nigel Pain
Application Type: Major Full Application (13 weeks)
Target Date: 13 November 2007

1.0 PROPOSAL

1.1 The site is located outside the settlement limit of Strensall. It is sited to the south of a railway line on the opposite side of an existing residential area. The application site is located almost in the centre of one large and two smaller grass fields owned by the applicant. The application site also includes an access farm track connecting the proposed free range egg unit with Lords Moor Lane. The site is situated in fields which are of significant wildlife interest. As the result they are currently on the proposed Site of Importance for Nature Conservation (SINC) nomination list.

1.2 The northern boundary of the site is formed by a high field hedge. Behind this hedge is a railway line. On the opposite side of the railway line lies another hedge. Behind this second hedge further to the north is the existing residential area. The fields are enclosed by high hedges. To the west of the site along Lords Moor Lane lies a row of residential properties. Strensall Golf Course is situated to the south of the fields, and to the east is a property known as Riverdale. These hedges are outside the application site. The application site is given as 3426 sq.m.

Proposal Description:

1.3 This application seeks planning consent to erect an organic free range egg unit. The building proposed to accommodate the unit would measure 58.0m x 18.3m; with an eaves height of 2.44m and a ridge height of 5.36m. It would be a weatherboarding structure with a polyester coated profiled steel sheeting roof above. A total of 6 fanshafts are proposed along the ridge for ventilation purposes.

1.4 The proposed building would be approximately 150.0m away from the nearest residential property to the north of the site, approximately 310.0m from the nearest dwelling along Lords Moor Lane to the west of the site, more than 200.0m away from Strensall Golf club, and approximately 220.0m away from Riversdale.

1.5 Access to the building is through an existing track which runs in parallel with the railway line to the north. The track would be connected to a stone surface access

road before reaching the building. The overall length of the access road would be approximately 500.0m. The access road is partly owned by Network Rail.

Relevant Planning History:

1.6 07/01943/FUL: Siting of a mobile home as a temporary agricultural dwelling. This application is directly related to the scheme proposed. Hence it has been submitted before the planning committee for determination.

1.7 06/00015/OUT: Outline application for erection of 1 no. dwelling after demolition of existing dwelling and outbuildings. This application was refused on 22 February 2006 due to the following reasons:

i. The proposed development would constitute the construction of a new dwelling in the York Green Belt. There is no dwelling on the site that would enable the proposal to be reasonably considered to be a replacement dwelling. The construction of such a dwelling would be an inappropriate form of development in the Green Belt, and therefore by definition would be harmful to the Green Belt.

ii. The construction of such a new dwelling and its residential curtilage would also give rise to the impression of sporadic development in the Green Belt outside of any settlement limits, diminishing the openness and conflicting with one of the purposes of including land within the Green Belt, of assisting in safeguarding the countryside from encroachment.

iii. The development is considered contrary to advice PPG2: Green Belts, Policies E8, E8a, E9 of the Adopted North Yorkshire Structure Plan (Alteration no. 3 Adopted 1995) and Policies SP2, GB1, GB5, GB6 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

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:

CYSP2
The York Green Belt

CYSP6

Location strategy

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP9

Landscaping

CYGP14

Agricultural land

CYGP15

Protection from flooding

CYNE3

Water protection

CYNE5A

Local Nature Conservation Sites

CYNE7

Habitat protection and creation

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified, site notice posted and press advertised. Consultation expired 24 October 2007. 65 letters of objections received to date raising the following concerns:

- the noise and smell generated by the proposal would affect local residents,
- the proposal would pollute the local environment,
- the proposed intensive egg production is of such an environmental significance that it requires special controls,
- the Environment Agency's Integrated Pollution Prevention and Control (IPPC) regulations refer to sensitive properties within 400 metres. The property at 8 Cundall Close is much closer than this,

- the proposal would harm the living environment of the local community,
- the proposal could result in waste contamination of this environmentally sensitive location,
- the land should be cleared up before further applications are considered,
- the site drainage from the proposal could lead to contamination,
- the proposal would have significant effects on the health and safety of residents with regard to air bourn pollution, the increased effects of contamination to the watertable, the migration of diseases, and other bio-security hazards,
- the proposal would cause light pollution,
- the amount of birds proposed could have a health implication,
- the provision of utilities including electricity and clean water supply has not been mentioned,
- the proposal would increase the local vermin population,
- the proposal should be away from high density residential locations,
- the amount of birds proposed could affect the health of the occupants at Little Garth,
- the disposal of bird waste, flies and vermin could affect the health of the local community,
- the applicant's suggestion that a cleaning cycle of 65 weeks is inaccurate,
- various types of hazardous materials will be required to run the site
- a large amount of hens would be released on a daily basis,
- the proposal, if granted, could place a potential source of bird flu, foot and mouth infections and other pandemic threats within 100m of residential areas,
- the proposal would spoil the view of the open countryside and the surrounding residential properties,
- the proposal is a large scale development,
- the proposal would harm the visual amenity of the locality,
- the proposal might not recognize the maintenance and management of the countryside and the most valued landscapes, as required by Planning Policy Statement no.7.
- the proposal might not achieve the outcome of revitalising country towns and villages whilst maintaining the local character and high quality environment,
- the proposal would not be fully screened by the existing hedge,
- some of the hedges might require to be removed in order to accommodate the development,
- the proposal is far too near to the city itself, Strensall Common, and two prestigious golf clubs,
- the proposal would affect the existing public open space within the area,
- the proposed use of building materials in this location is not appropriate and is not environmentally acceptable,
- the proposal is not a small enterprise in the context of a residential area of Strensall,
- the site in question is far bigger than the size of the application site,
- the proposal is disproportional to the suburban area,
- the applicant should provide a statement proving that there are no other brownfield sites within the area available for this type of development,
- a large area of land would be used for the proposed enterprise,
- the proposal could have an impact on the sensitive and rare natural habitat,
- the proposal might affect the already well established fox population,
- the proposal would harm the designated ancient meadow (old neutral grassland),
- the fields are rich in flora and fauna and provide a habitat for many threatened species,

- the proposal would affect ancient hedgerow and meadow grass in the area,
- the proposal would cause extra traffic generations,
- there would be more than the estimated number of lorries traveling down the access lane during the construction process,
- the additional noise from traffic would be unacceptable to Beechwood,
- access is not adequate to service an enterprise of this kind requiring use by HGVs and Fire Engines and emergency vehicles in the event of problems,
- the proposal access would present an unacceptable hazard for pedestrians and drivers using Lords Moor Lane and for local residents,
- vehicles using the track would transfer wet mud onto the highway causing skid hazard,
- sightline from the entrance is unacceptable,
- the proposal would attract more vehicle parking,
- due to its narrow entrance the site is unsuitable for large vehicles,
- A transport assessment should be made available,
- the area is already suffering from a lack of effective runoff,
- the water table within the locality is already very high,
- the site floods due to poor clay soil and drainage, hence the business would be affected,
- the proposal would stretch water supply at peak times.
- the proposal would harm York tourist industry,
- the proposal would not address community safety,
- the proposal would affect the value of the properties in Strensall,
- the proposal, if granted, would lead to a demand for a reduction in council tax rates for many local properties,
- earlier applications to development the land by York Golf club has been turned down,
- the proposed development would violate the human rights of local residents,
- a precedent has been set to allow living accommodation in this locality,
- it is unclear whether or not the land is an agricultural holding,
- it is unclear whether or not the proposal would include storage and commercial uses,
- the applicant is already living in the site illegally,
- the application site should be OS field 3000 and not OS field 2000,
- local residents should be widely consulted,
- there should be a meeting for the local residence to air their views,
- there is a risk that the proposal would be further extended if approved,
- it is unlikely that the applicant would comply with future regulations and conditions due to the applicant's previous history,
- the applicant's competence to manage/run the proposed unit is in question,
- the proposal would demand more specialized staff,
- there is a potential that the applicant is using the business plan of the free range egg unit as a means to secure planning permission for the temporary dwelling,
- only one or two full time equivalent positions will be created by this development,
- the proposal is not commercially viable and would soon require to extend substantially,
- the static caravan included in the planning application will lead to dwelling application,

3.2 Network Rail consulted. Response received 15 October 2007. The following comments were made:

- the applicant should be made aware of the level crossing and its operation does not cause delay to road traffic,
- there should be a condition that all vehicles using the access track must be driven in forward gear to avoid any awkward manoeuvres in the vicinity of the level crossing,
- the application would be required to obtain a legal right to use the track from Network Rail prior to commencing the development,
- all operations must at all times be carried out in a "fail safe" manner so that the railway line would not be affected,
- all surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property,
- the excavations/earthworks must not interfere with Network Rail property,
- security of the railway boundary will be required to be maintained at all times,
- method statements will be required to be submitted to Network Rail,
- consideration should be given to ensure that construction and maintenance can be carried out without adversely affecting Network Rail's properties,
- soundproofing should be made to protect local residents,
- suitable crash barriers or high kerbs should be provided where new roads, turning spaces or parking areas are to be situated adjacent to a railway,
- the developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary. Network Rail's fence/boundary must not be removed/damaged.

3.3 York Natural Environmental Panel consulted. Response received 11 September 2007. The Panel objected due to the following reasons:

- The roaming hens would result in the degradation and ultimate loss of a SINC quality grassland by the enrichment of the soil and selective grazing,
- The hen droppings would cause the eutrophication (excess nutrients) of the soil, which would not support a species rich grassland.
- Hens tend to selectively graze the sweeter grass species, leaving the more vigorous, unwanted weed species such as dock and elder.

3.4 Strensall and Towthorpe Parish Council consulted. Response received 20 September 2007. The Council objected due to the following reasons:

- this application should read OS Field 3000, not OS Field 2000,
- the proposal is in a green belt,
- the proposal is excessively large relative to surrounding properties,
- due to its height the proposal would have considerable visual impact on the neighbourhood,
- the proposal would require a sophisticated drainage system to dispose service water,
- the proposal to provide a soakaway is not acceptable,
- the land is low-lying and subject to areas of standing water following periods of heavy rain,
- the applicant has taken little account of extra traffic which would be generated by veterinary, H&S visits and access for emergency vehicles,
- the proposal would harm the significant wildlife interest of the land, which is on the proposed SINC nomination list,
- concerns have been expressed over the likelihood of smells coming from the unit,

- Noise from birds, vehicles and machinery is a concern,
- Environmental Impact Assessment should be undertaken,
- the site has a history of non-compliance with planning regulations,
- this application should be regarded as invalid and therefore withdrawn,

3.5 Foss Internal Drainage Board consulted. Response received 25 September 2007. The following comments were made:

- it is not convinced that soakaways will work in this location,
- the area is believed to suffer from overland flows from Strensall Common,
- the proposal would increase discharge. As the result it would increase the risk of property flooding.
- conditions recommended.

3.6 York Golf Club. Response received 10 September 2007 - the club objected in terms of potential nuisance from noise and unpleasant smell.

INTERNAL

3.7 Environment and Conservation consulted. Response received 10 September 2007. The following comments were made:

- Both OS Fields 2000 and 3000 are of significant wildlife interest, notably as old species rich grassland, and are on the proposed SINC nomination list. Thus they are protected by Policies NE5a and NE7 of the draft local plan;
- This designation does not necessarily prevent development if it can be done in such a way as to maintain and enhance the wildlife interest;
- There are two aspects to be considered. The first is the location of the chicken house itself. The other is the much greater area of land actually affected by the application (i.e. the area to be used by the free range chicken unit as a whole);
- Location of the chicken House: This would be located on the field of slightly lesser interest. However it could be sited in an area of even less significance to further reduce the impact. The building should be located closer to the static caravan site as this area is already disturbed by previous buildings;
- Both the proposed building and any future development should be kept together in the one location;
- Larger area of land that will be affected by the proposal: the information contained in the report submitted by the agent with regard to the hours poultry will be out is misleading and needs clarification;
- The eutrophication caused by 5000 chickens is likely to be considerable. This, coupled with feeding behaviour and trampling could destroy the value of the site completely, especially in wet conditions when puddling could turn the area into a muddy mess;

- Wet conditions are also not suitable for keeping hens in, creating problems both with regard to health (worms) and with regard to marketing and selling eggs;
- There is no reference to the requirement to fence this larger area in the application. This may in itself be a planning consideration, depending on the height and style of fencing required;
- the unit in present climate is probably viable for one person. This is strengthened at the moment by the recent ruling that battery production will finish in 2012. There are therefore additional payments for free range eggs. However, it is possible that such payments will decrease, as more and more people change over, making the viability more suspect. There are also likely to be further increases in feed costs due to the shortage of grain. This too will affect the viability of such a unit;
- this application would lead to a complete loss of wildlife interest;
- this application should be refused as there are approximately 20ha of known sps rich grassland of this type left in York, of which this comprises 25% (5ha) of what remains;
- Environmental Impact Assessment (EIA) should be carried out in this instance.

3.8 Environmental Protection Unit consulted. Response received 12 September 2007. The following comments were made:

- Odour: Given the low stocking densities involved with the proposed free range unit, it is considered unlikely that odours from the unit would lead to local loss of amenity or cause a nuisance.
- Dust: Whilst dust can be generated from dry litter and manure such dust does not normally spread beyond 100m away from the unit, and since the nearest dwelling is well in excess of this distance it is satisfied that the proposed development is unlikely to cause a dust nuisance to residential properties near to the site.
- Noise: The most likely and primary source is the proposed supplementary mechanical ventilation to back up the otherwise natural ventilation system. However the distance to the nearest residential dwelling would fall below the background noise level for the area. Hence the proposal would not pose a noise concern.
- Noise from vehicles movements is not considered to pose a problem since no more than 2.4 lorry movements a week are expected and the timing of such movements can be restricted by conditions.
- Flies and Vermin: they would be unlikely to have an impact on local properties. However they should be adequately controlled by the good management and pest control practices indicated within the application.
- Light nuisance: As there is no mention of any external lighting in the application. Nevertheless condition could be used to control or restrict this.

- Provisions do exist within current legislation such as the Environmental Protection Act 1990 to deal with statutory nuisances.

- Conclusion: No objections. Conditions recommended.

3.9 Highways Network Management consulted. Latest response received 22 October 2007. The team objected due to the following reasons:

-The access is restrictive both in terms of its width and achievable visibility on the traffic approach side.

-There is no potential to widen the access due to land ownership issues and the position of the existing signal box.

-The access currently serves the farmland and as such will only generate very limited vehicle movements.

-The proposed use is intensive and will generate higher levels of traffic than the existing use with the potential to grow.

-The use of HGVs as stated by the applicant are generally slower moving and require larger areas for manoeuvring.

-Vehicles approaching from the Village will have to cross the solid white line system and face oncoming traffic to turn left into the site. Such a manoeuvre would be difficult and slow resulting in hazards to both traffic on the highway and the safe operation of the level crossing.

-The right turn into the site from Lords Moor Lane is also hindered by the restrictive width of the access and HGV's are likely to require a multipoint manoeuvre to access the site safely.

3.10 Public Rights of Way consulted. Response received 7 September 2007. It has been confirmed that there are no Public Rights of Way recorded on Definitive Map for the area of land affected by this application.

3.11 City Development Unit consulted. Response received 3 September 2007 - The following comments were made:

-Policy GP14 (Agricultural Land) of the City of York Draft Local Plan 2005 does not apply as the site is designated on the Farming and Rural Conservation Agency's "Reconnaissance Agricultural Land Classification (ALC) Survey Report and Map" (February 1999) as Grade 3b moderate quality.

-Policy GB1 (Development within the Green Belts): This policy states that agricultural and forestry is acceptable. However, the applicant must still comply with points a-c of the policy. The decision would rest upon whether the proposal impact on the Green Belt would be detrimental to its openness.

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

- Conclusion: In terms of policy GB1 (Development within the Green Belt), the DC Officer should ensure that the proposal would not materially affect the openness of the green belt. No policy objection raised.

4.0 APPRAISAL

BACKGROUND:

4.1 Schedule 2, part 6, class A "Agricultural Buildings and Operations" of The Town and Country Planning (General Permitted Development) Order 1995 gives automatic consent to certain development works in an agricultural unit of 5 hectares or more without planning permission. This is providing that the work proposed falls outside any of the criteria listed under A.1 and meets the conditions under A.2.

4.2 In this case although the scheme proposed falls under the definition "Agricultural Buildings and Operations", by virtue of its size (exceeds 465 sq.m) and its purpose (for accommodating livestock) the proposed free range egg unit cannot be treated as 'permitted development' and thus requires planning permission.

4.3 By virtue of the definition of 'development' under Section 55 of the Town and Country Planning Act 1990 this free-range egg production enterprise would not require planning permission if undertaken in mobile buildings.

4.4 There is no change of use involved as the scheme proposed is for agricultural purposes on agricultural land. It is acknowledged that the activities associated with the proposed free range egg unit (i.e. fields where birds will be out) would extend well beyond the application site (the red line boundary) onto the fields owned by the applicant (the blue line boundary). However, because there is no change of use involved, birds kept for agricultural purposes (as in this case) can be out on agricultural land without planning permission.

4.5 The main issues to be considered are therefore the development proposed within the application site (i.e. works which require planning permission) only.

MAIN ISSUES:

4.6 The main issues to be considered are as follows:

- i. Green Belt Development
- ii. Scale, Design and External Appearance
- iii. Environmental Health and Protection
- iv. Access/Highway safety
- v. Natural and Habitat Protection
- vi. Flood and Drainage
- vii. Sustainability
- viii. Environmental Impact Assessment (EIA)
- ix. Other considerations

GREEN BELT DEVELOPMENT:

4.7 For Development Control purposes paragraph 3.4 of Planning Policy Guidance (PPG) no.2 "Green Belts" sets out a list of development purposes which are appropriate inside a Green Belt, one of which is "agriculture and forestry". Policy P2

of the Regional Spatial Strategy for Yorkshire and the Humber (2004) defines the purposes of Green Belts in Yorkshire, which are to support urban renaissance and conserve the countryside. Policy E8 of the North Yorkshire County Structure Plan 1995 defines the parameter of Green Belts in North Yorkshire, and Policy GB1 "Development in the Green Belt" of the City of York Local Plan Draft 2005 states that agricultural and forestry is acceptable. However, the applicant must still comply with points a - c of the policy.

4.8 By virtue of its use, it is considered that the proposed free range egg unit would comply with the policies as set out above. Hence it is not considered that the proposed development is a departure from the development plan.

4.9 Criteria a - c of the Local Plan Draft policy GB1 will be considered under the sub-heading "Scale, Design and External Appearance" below.

SCALE, DESIGN AND EXTERNAL APPEARANCE:

4.10 In line with the principles set out in paragraph 12 of Planning Policy Statement no.7 (2004) and paragraphs 33-35 of Planning Policy Statement no.1 (2005), Policy GP1 (Design) of the City of York Draft Local Plan 2005 set out a list of criteria development proposals should comply with. In addition, criteria a - c of policy GB1 states development will not be granted where its scale, location and design would detract the open character of the Green Belt, would conflict with the purposes of including land in the Green Belt, and would be prejudicial to the setting and special character of the City of York.

4.11 Due to its overall floor area (as briefly described in paragraph 1.3 above), this is understood to be a large agricultural building. Its overall scale would also be considerably larger than any other structures within the vicinity. Nevertheless, this application has been considered in the light of the fact that the proposal relates to an agricultural building. Class A, Part 6, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 permits the erection of agricultural buildings up to a size not exceeding 465 square metres and up to the height not exceeding 12 metres (if over 3 km away from the perimeter of an aerodrome). Given that what can be built without planning permission is already substantially larger than any other buildings within the vicinity, the proposed building should be assessed bearing in mind the fact that the building proposed is for agricultural use.

4.12 Due to its distances from the residential properties within and outside Strensall settlement limit (as described in paragraph 1.4 above), together with the screening effect already provided by the mature hedges enclosing the fields (as described in paragraph 1.2 above), it is considered that on balance the scale of the proposed agricultural building is acceptable in this location. The proposed development would be well away from in particular the York Minister and the conservation areas/historic locations/open space as defined in the City of York Draft Local Plan 2005. It is therefore considered that the proposal would not conflict with the purposes of including land within the Green Belt and would not be prejudicial to the setting and special character of the City of York.

4.13 The building materials proposed are regarded as acceptable for an agricultural building of this size in this location. Details of material samples could be secured by condition.

ENVIRONMENTAL HEALTH AND PROTECTION:

4.14 As part of the consultation process the Council's Environmental Protection Unit (EPU) have commented on a number of environmental health issues, namely the potential for odour, noise, dust, flies and vermin, and light pollution from the proposed development.

4.15 With regard to odour, EPU are aware that whilst poultry houses have the potential to cause odour nuisance, as is common with any livestock buildings, given the low stocking densities involved with the proposed free range unit, which tend not to result in high ammonia emissions commonly associated with more intensive units, and the cleaning frequency of the poultry houses, which will occur every 65 weeks and last for two days, it is considered unlikely that odour from the unit would lead to local loss of amenity or cause a nuisance.

4.16 It is also aware that dust can be generated from dry litter and manure. Nevertheless such dust does not normally spread beyond 100m away from the unit, and since the nearest dwelling is well in excess of this distance the environmental protection unit is satisfied that the proposed development is unlikely to cause a dust nuisance to residential properties near to the site.

4.17 With regard to noise the most likely and primary source is the proposed supplementary mechanical ventilation to back up the otherwise natural ventilation system. Supplementary information provided by the agent has indicated that the site will have four extractor fans each producing a sound pressure level of 60dB(A) at a distance of 1 metre. Based on this information the resultant combined sound pressure level of 66dB(A) would at a distance of 160 metres away, the distance to the nearest residential dwelling, fall below the background noise level for the area and would not, therefore, pose a noise concern. Noise from vehicles movements is not considered to pose a problem since no more than 2.4 lorry movements a week are expected and the timing of such movements can be restricted through the attached proposed conditions.

4.18 With regard to flies and vermin on the site this department considers that they would be unlikely to have an impact on local properties and should be adequately controlled by the good management and pest control practices indicated within the application.

4.19 There could be potential light nuisance from the development as a result of external lighting on the site. However there is no mention of any such external lighting in the application, although such concern can be control or restrict by condition.

4.20 Due to the organic nature of the scheme, it is unlikely that contaminant substances would be required/needed as part of the production processes. As such it is not considered that the scheme would cause waste and land contamination and

contamination to the watertable. Issues concerning poultry-related outbreaks such as bird-flu and/or any other forms of airborne/poultry-related diseases tend to be rare. In any case these concerns are dealt with on a national scale by government departments such as the Department for Environment, Food and Rural Affairs (DEFRA).

4.21 Provisions do exist within current non-planning legislation such as the Environmental Protection Act 1990 to deal with statutory nuisances.

4.22 In view of the above, it is considered that the proposed development would be unlikely to result in a significant detriment to the residential amenities enjoyed by the occupiers of nearby properties.

ACCESS/HIGHWAY SAFETY:

4.23 The application site is served by an existing access track from Lords Moor Lane, which immediately abuts a controlled level crossing, on the York - Scarborough line. The access is restrictive both in terms of it's width and achievable visibility on the traffic approach side. There is no potential to widen the access due to land ownership issues and the position of the existing signal box.

4.24 The access currently serves the farmland and as such will only generate very limited vehicle movements. The proposed use would generate higher levels of traffic than the existing use with the potential to grow. As stated by the applicant the type of vehicle associated with the proposed free range egg unit is predominantly HGV`s. Such vehicles are generally slower moving and require larger areas for manoeuvring.

4.25 Should vehicles approach from the Village, they will have to cross the solid white line system and face oncoming traffic to turn left into the site. Such a manoeuvre would be difficult and slow resulting in hazards to both traffic on the highway and the safe operation of the level crossing. The right turn into the site from Lords Moor Lane is also hindered by the restrictive width of the access and HGV`s are likely to require a multipoint manoeuvre to access the site safely. The above situation would be hindered further with the presence of vehicles exiting the site at the same time.

4.26 The track leading to the proposed unit is only of sufficient width for single flow and in the region of 500m long. The initial 380m from the public highway is single width and incapable of being widened due to the extent of land ownership and adjacent railway line. No passing places have been nor would appear to be able to be provided. As such should vehicles meet on the access route one vehicle would be required to reverse a significant distance, potentially out onto the public highway and adjacent controlled signalised crossing.

4.27 In response to the above concerns, the agent stated in his e-mail dated 22 October 2007 that it is no longer their intention to use any articulated HGV vehicles to access this site. The applicants agent considers that this can be restricted by planning condition, and deliveries to and from the site restricted to rigid vehicles only.

The applicant has taken delivery of two steel containers on such a vehicle and these vehicles accessed the site without problem.

4.28 The main issue regarding the use of planning condition to restrict heavy goods vehicles is the concern over enforceability, a specific requirement of planning conditions as set out in Department of the Environment Circular 11/95 "The Use of Conditions in Planning Permissions" Such a condition could be difficult to enforce due to the requirement for constant surveillance. In addition, in the case of the breach of this condition it is doubtful that sufficient evidence could be gathered to justify enforcement action. Even if this can be achieved, enforcement action would have to be taken every time the condition had been breached. Overall, it is unlikely that such a condition would overcome highway's concerns.

4.29 With regard to suggested conditions recommended by Network Rail, again, it is not considered that planning condition requiring all vehicles using the access track to be driven in forward gear is enforceable. Having taken the above into account, on balance it is unlikely that concerns over highway safety and safety of the existing railway line can be resolved by conditions.

NATURAL AND HABITAT PROTECTION:

4.30 The development is situated on fields which are of significant wildlife interest, notably as old species rich grassland. Hence both fields are on the proposed Site of Importance for Nature Conservation (SINC) nomination list, although they are not designated on the Proposal Maps of the City of York Draft Local Plan 2005.

4.31 With regard to the scheme proposed in respect of wildlife issues there are two aspects to be considered. The first is the location of the proposed development which require planning permission (as shown within the red line boundary), the other is the much greater area of land affected by the proposal but is outside the consideration of this planning application (the area outside the red line but within the blue line boundary) as explained in paragraphs 4.1, 4.2 and 4.4 above.

4.32 No objections were raised by the Environment and Conservation section with regard to location of the proposed building, as it would be sited on the field of slightly lesser interest. It is recommended that the building could be site in an area of even less significant to further reduce its impact by locating it closer to the static caravan site. However, having considered that such relocation would reduce the distances between the proposal and the residential properties to the north of the site, on balance it is unlikely that the proposed suggestion would improve the overall scheme.

4.33 From a natural conservation prospective the main concerns are in relation to the larger area of land which would be affected by the proposal. As explained in paragraphs 4.1, 4.2 and 4.4 above, by virtue of Schedule 2, part 6, class A of The Town and Country Planning (General Permitted Development) Order 1995 this area of land already has a lawful agricultural use (which could include the keeping of livestock) and is outside the consideration of this planning application.

4.34 No evidence exist to suggest that the proposal would affect species protected by law.

FLOOD AND DRAINAGE:

4.35 The application site is not within any Flood Zone categories (as defined by the Environment Agency) and the application site is less than 4.0 hectares. Hence the proposal does not require a Flood Risk Assessment.

4.36 According to the information submitted the method of disposing surface water would be to soakaways. It is considered by Foss Internal Drainage Board that such method will not work in this location, as the site is located adjacent to old brickworks. In order to minimise the risk of flooding by virtue of additional discharge from the development a set of conditions have been recommended.

SUSTAINABILITY:

4.37 Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 states all development should have regard to the principles of sustainable development as summarised in criteria a - i of this policy.

4.38 In this case the main issue concerning sustainability is whether the proposed scheme would be a financially viable enterprise. According to the financial analysis prepared by the agent, based on gross margin data, organic free range egg production units produce gross margins of £14 per bird after feed and birds. This would equate to a gross margin of £70,000 for the unit (£14 per bird X 5000 birds). After deducing the gross margin of £70,000 from various fixed costs (total fixed costs = £34,500), the projected profit is expected to be £35,500 per annum.

4.39 In consultation with Environment and Conservation Section it is contented that the figures supplied are realistic and that the unit is likely to be viable for one person (as proposed). Overall, there is insufficient evidence to suggest that the proposal would not be a viable business based on the present climate. It is therefore considered that the scheme proposed is a viable enterprise which would support the rural economy and would help to support local services.

4.40 Policy GP4a of the Draft Local Plan does not require the submission of a sustainability statement in relation to agricultural development. The policy only requires such statement to be submitted for commercial and residential development.

ENVIRONMENTAL IMPACT ASSESSMENT

4.41 The request to submit an Environmental Impact Assessment can not be justified in this instance, as under Section 17, Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the minimum threshold for such requirement is 60,000 hens. The proposal is well within this threshold.

OTHER CONSIDERATIONS:

4.42 Neighbours' notifications: This was carried out in accordance with the standards set out in the "Publicity for Planning Application" document produced by the Council. This procedure was prepared in line with the standards set out in Circular 15/92 "Publicity for Planning Applications" published by the then Department of the Environment and the Welsh Office.

4.43 Human Rights: This application has been processed in accordance with the relevant legislations, which take into account the rights of the local residents, stakeholders and consultees to comment on planning applications as well as the rights of the applicants to put forward their planning applications for determination.

4.44 Crime: All developments including the development proposed could attract crime/anti-social behaviours. The protection of livestock from theft or injury by intruders is considered by the applicant as a contributing factor towards the need for a mobile home as a temporary agricultural dwelling. Whether the need of a mobile home can be justified falls outside the consideration of this application. This will be considered in the 07/01943/FUL application.

4.45 Future Business Expansion: Each application is considered on its own merits. By virtue of Schedule 2, part 6, class A "Agricultural Buildings and Operations" of The Town and Country Planning (General Permitted Development) Order 1995 a separate planning application will be required should the applicant wishes to expand his business for similar purposes (accommodating livestock) by erecting a permanent building.

4.46 Sequential Approach to Development: In line with Planning Policy Statement no.6 and policy SP7a of the City of York Draft Local Plan 2005, this is only required in respect of new retail, commercial, leisure and office development.

4.47 Affect on Tourism/Leisure Facilities: The existing leisure activity most likely to be affected by this development is York Golf Club. Nevertheless little evidence can be found, based on the above appraisal, which suggest that the proposal would unacceptably harm the surrounding uses. Hence on balance it is unlikely that the proposal would affect the tourism/leisure industries in York.

4.48 Property devaluation and Council Tax bandings are not material planning considerations.

4.49 Having taken the above into account, it is considered that although the proposed development would not cause undue harm to a number of main issues identified. However, due to the concerns regarding its detrimental effect on both the safety of highway users and the safe operation of the level crossing, together with the consideration that these concerns cannot be satisfactorily resolved by planning conditions, on balance this application is recommended for refusal.

5.0 CONCLUSION

By virtue of the above this application is recommended for refusal.

6.0 RECOMMENDATION: Refuse

1 The proposed use would generate higher levels of traffic than the existing use with the potential to grow. The access is immediately adjacent to a level crossing and is of restricted width. The limited width cannot be improved due to boundary features/land ownership and will make access for in particular heavy goods vehicles difficult. The restrictive width will increase the likelihood of such vehicles having to undertake multi point (shunt) manoeuvres on Lords Moor Lane in the vicinity of the controlled level crossing to gain access. Such manoeuvres would be detrimental to both the safety of highway users and the safe operation of the level crossing.

2 The restrictive width of the access reduces vehicle flow to one-way and as such would be unable to accommodate opposing vehicles. This situation would result in vehicles having to reverse out onto the public highway in the vicinity of said level crossing, to the detriment of safety of highway users and the safe operation of the level crossing.

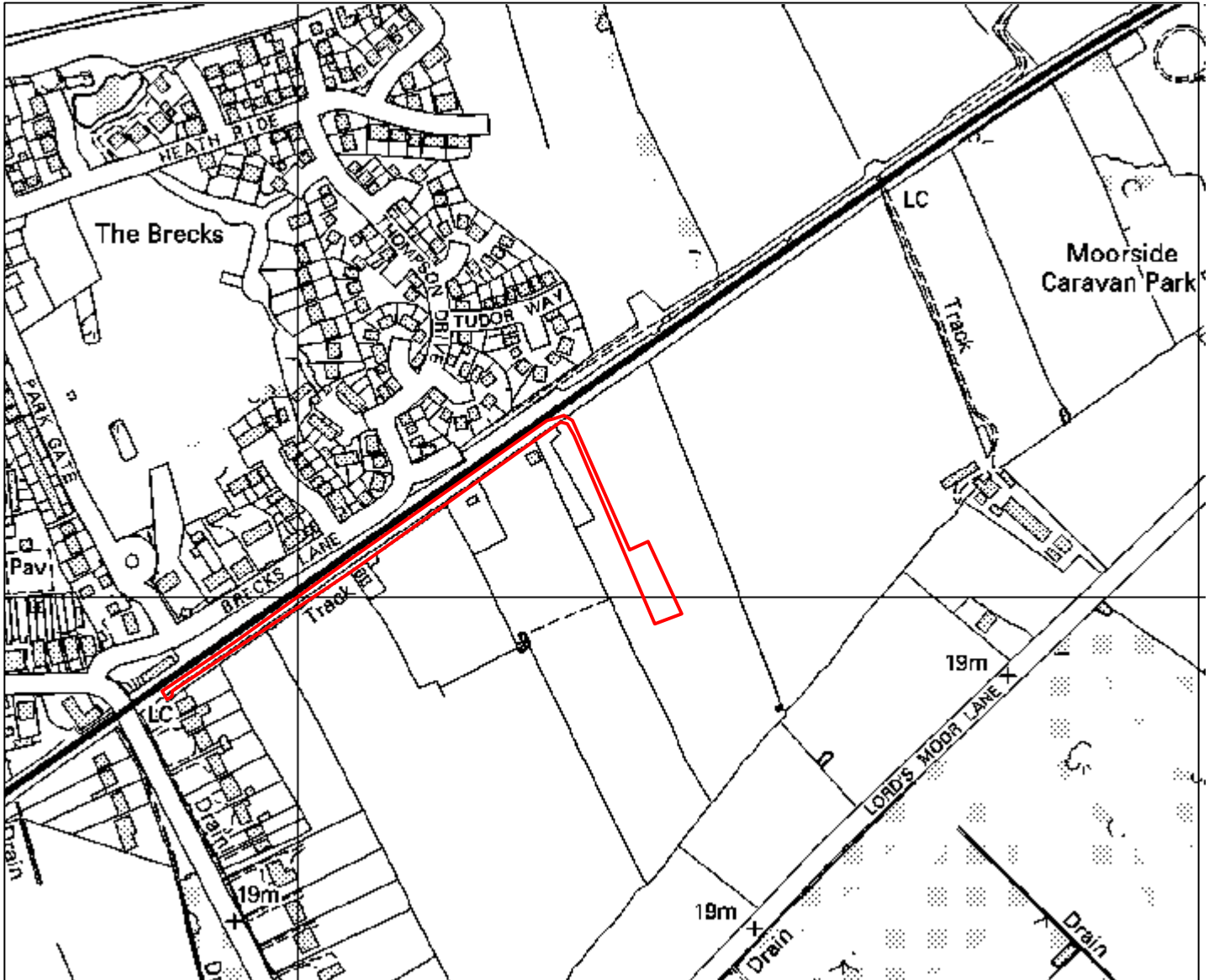
7.0 INFORMATIVES:

Contact details:

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

07/01942/FULM

OS Field 3000 Lords Moor Lane Strensall



| Legend | |
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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 25 October 2007 |
| SLA Number | Not Set |

COMMITTEE REPORT

Committee: East Area
Date: 8 November 2007
Ward: Strensall
Parish: Strensall And Towthorpe
Parish Council

Reference: 07/01943/FUL
Application at: OS Field 2000 Lords Moor Lane Strensall York
For: Siting of a mobile home as a temporary agricultural dwelling
By: Mr N Pain
Application Type: Full Application
Target Date: 9 October 2007

1.0 PROPOSAL

1.1 The site is located outside the settlement limit of Strensall. It is sited to the south of a railway line on the opposite side of an existing residential area. The application site is located on the north western corner of one large and two smaller grass fields owned by the applicant. The application site also includes an access farm track connecting the existing static caravan site with Lords Moor Lane. The site is situated in fields which are of significant wildlife interest. As the result they are currently on the proposed Site of Importance for Nature Conservation (SINC) nomination list.

1.2 The northern boundary of the site is formed by a high field hedge. Behind this hedge is a railway line. On the opposite side of the railway line lies another hedge. Behind this second hedge further to the north is the existing residential area. The fields are enclosed by high hedges. To the west of the site along Lords Moor Lane lies a row of residential properties. Strensall Golf Course is situated to the south of the fields, and to the east is a property known as Riverdale. These hedges are outside the application site. The application site is given as 42.34sq.m.

Proposal Description:

1.3 This application seeks planning consent to site a mobile home as a temporary agricultural dwelling. The site has already been used for the siting of a caravan for a number of years. No permission has been granted to date for such use. The case is currently under investigation by the Council's enforcement team, with the view to serve an enforcement notice pending the outcome of this planning application. This application has been submitted in conjunction with the 07/01942/FULM application to erect a free range egg unit.

1.4 The temporary dwelling would measure 9.7m x 3.6m with a height of 3.3m. It would be a light green steel profile sheeting structure and would be sited 16.0m from the farm track.

1.5 The proposed building would be approximately 30.0m away from the nearest residential property to the north of the site, approximately 220.0m from the nearest

dwelling along Lords Moor Lane to the west of the site, more than 350m away from Strensall Golf club, and approximately 350m away from Riversdale.

1.6 Access to the site is through an existing track road off Lords Moor Lane to the south of the railway line. The overall length of the access road would measure approximately 300.0m. The access road is partly owned by Network Rail.

Relevant Planning History:

1.7 07/01942/FULM: Erection of organic free range egg unit (1061sqm). This application is directly related to the scheme proposed. Hence it has been submitted before the planning committee for determination.

1.8 06/00015/OUT: Outline application for erection of 1 no. dwelling after demolition of existing dwelling and outbuildings. This application was refused on 22 February 2006 due to the following reasons:

i. The proposed development would constitute the construction of a new dwelling in the York Green Belt. There is no dwelling on the site that would enable the proposal to be reasonably considered to be a replacement dwelling. The construction of such a dwelling would be an inappropriate form of development in the Green Belt, and therefore by definition would be harmful to the Green Belt.

ii. The construction of such a new dwelling and its residential curtilage would also give rise to the impression of sporadic development in the Green Belt outside of any settlement limits, diminishing the openness and conflicting with one of the purposes of including land within the Green Belt, of assisting in safeguarding the countryside from encroachment.

iii. The development is considered contrary to advice PPG2: Green Belts, Policies E8, E8a, E9 of the Adopted North Yorkshire Structure Plan (Alteration no. 3 Adopted 1995) and Policies SP2, GB1, GB5, GB6 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Multiple (Spatial)

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYSP2

The York Green Belt

CYGB1

Development within the Green Belt

CYGB6

Housing devt outside settlement limits

CYGP1

Design

CYGP4A

Sustainability

CYNE5A

Local Nature Conservation Sites

CYGP15

Protection from flooding

CYGP23

Temporary planning permission

CYGB7

Agricultural or forestry dwellings

CYGB8

Occupancy conditions for Agricultural or Forestry Dwellings

CYT4

Cycle parking standards

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified, expired 26 September 2007. 14 letters of objections received. The following concerns were raised:

- dwellings should not be required on agricultural land,
- the mobile homes and caravans would harm the view of 10 Cundall Close,
- the provision of a mobile home including water, electricity, waste disposal and sewerage facilities are inappropriate on Green Belt land,
- without the free range egg production unit there can be no justification for the siting of a mobile home in this location as a temporary agricultural dwelling,
- the existing caravan has been on site for many months without authorisation,

- the existing caravan has already been issued an Enforcement Order,
- the increased traffic from this development may cause an accident,
- the applicant might be using the business plan of the free range egg unit as a means to secure planning permission for a temporary dwelling,
- local residents should have been consulted widely,
- access to the site is too narrow,
- noise from the generator of the caravan is intrusive,
- the proposal would affect the amenity of local residents,
- heavy goods vehicles from the business would affect the amenities of local residents and would exacerbate congestion, parking issues, poor road condition and public safety,
- the proposal would create traffic hazard,
- this application should not be accepted given that there is already an illegal use on site,
- there are serious drainage problems in the area,
- the proposal would harm law abiding tax payers,
- the proposal would destroy ancient plant species,

3.2 Strensall and Towthorpe Parish Council consulted. Response received 1 October 2007. The following comments were made:

- this application should only be considered if and when the free-range egg unit has been approved,
- this application and the free-range egg unit application should be presented as one application; it is felt that this method of submission could be open to abuse,
- it is not credible to suggest that the applicant will always be on site,
- there is no service to the site,
- the existing mobile generator, which generate electricity, causes noise and disturbance to nearby properties,
- the proposed surface water discharge method is unacceptable,
- previous permission to erect a dwelling on this site was refused,
- similar application was refused at Riverdale Farm,
- PPS7 makes it clear that new permanent dwellings should only be allowed to support existing agricultural activities and existing functional need,
- the proposal would affect the presence of old and rare plant species,
- the existing activities on site is already subject to enforcement action,

3.3 York Natural Environment Panel consulted. Response received 7 September 2007. The following comments were made:

- there is no justification for a mobile home if the organic free range egg unit is not granted.

3.4 Foss Internal Drainage Board consulted. Response received 25 September 2007. The following comments were made:

- it is not convinced that soakaways will work in this location,
- the area is believed to suffer from overland flows from Strensall Common,
- the proposal would increase discharge. As the result it would increase the risk of property flooding.
- conditions recommended.

3.5 Network Rail consulted. Response received 15 October 2007. The following comments were made:

- the applicant should be made aware of the level crossing and its operation does not cause delay to road traffic,
- there should be a condition that all vehicles using the access track must be driven in forward gear to avoid any awkward manoeuvres in the vicinity of the level crossing,
- the application would be required to obtain a legal right to use the track from Network Rail prior to commencing the development,
- all operations must at all times be carried out in a "fail safe" manner so that the railway line would not be affected,
- all surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property,
- the excavations/earthworks must not interfere with Network Rail property,
- security of the railway boundary will be required to be maintained at all times,
- method statements will be required to be submitted to Network Rail,
- consideration should be given to ensure that construction and maintenance can be carried out without adversely affecting Network Rail's properties,
- soundproofing should be made to protect local residents,
- suitable crash barriers or high kerbs should be provided where new roads, turning spaces or parking areas are to be situated adjacent to a railway,
- the developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary. Network Rail's fence/boundary must not be removed/damaged.

INTERNAL:

3.6 Environment and Conservation section consulted. Response received 10 September 2007. the following comments were made:

- Both OS Fields 2000 and 3000 are of significant wildlife interest, notably as old species rich grassland, and are on the proposed SINC nomination list. Thus they are protected by Policies NE5a and NE7 of the draft local plan;
- This designation does not necessarily prevent development if it can be done in such a way as to maintain and enhance the wildlife interest;
- This application would only have a limited wildlife impact as the location of the exiting caravan, which would be formalised by any consent granted, is on previously disturbed land of limited value.
- There are no wildlife grounds to object

3.7 Highways Network Management consulted. Latest response received 22 October 2007. The team objected due to the following reasons:

- The access is restrictive both in terms of its width and achievable visibility on the traffic approach side.
- There is no potential to widen the access due to land ownership issues and the position of the existing signal box.

- The access currently serves the farmland and as such will only generate very limited vehicle movements.
- The proposed use is intensive and will generate higher levels of traffic than the existing use with the potential to grow.
- The use of HGVs as stated by the applicant are generally slower moving and require larger areas for manoeuvring.
- Vehicles approaching from the Village will have to cross the solid white line system and face oncoming traffic to turn left into the site. Such a manoeuvre would be difficult and slow resulting in hazards to both traffic on the highway and the safe operation of the level crossing.
- The right turn into the site from Lords Moor Lane is also hindered by the restrictive width of the access and HGV's are likely to require a multipoint manoeuvre to access the site safely.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Green Belt Development
- ii. Agricultural Occupational Dwelling
- iii. Scale, Design and External Appearance
- iv. Sustainability
- v. Natural and Habitat protection
- vi. Flood and Drainage
- vii. Access/Highway safety
- viii. Other considerations

GREEN BELT DEVELOPMENT:

4.2 Central Government advice in paragraph 3.4 of Planning Policy Guidance (PPG) no.2 "Green Belts" sets out a list of development purposes which are appropriate inside a Green Belt, one of which is "agriculture and forestry". Policy P2 of the Regional Spatial Strategy for Yorkshire and the Humber (2004) defines the purposes of Green Belts in Yorkshire, which are to support urban renaissance and conserve the countryside. Policy E8 of the North Yorkshire County Structure Plan 1995 defines the parameter of Green Belts in North Yorkshire, and Policy GB1 "Development in the Green Belt" of the City of York Local Plan Draft 2005 states that agricultural and forestry is acceptable. However, the applicant must still comply with points a - c of the policy. The decision would rest upon whether the proposed impact on the Green Belt would be detrimental to its openness.

4.3 The purpose of the mobile home is to provide a temporary living accommodation for a full time worker to be employed in the proposed egg unit enterprise. Because it would be used for the purpose of agriculture, it is considered that the proposed temporary mobile is not a departure from the development plan.

4.4 Criteria a - c of the Local Plan Draft policy GB1 will be considered under the sub-heading "Scale, Design and External Appearance" below.

AGRICULTURAL OCCUPATIONAL DWELLING:

4.5 Paragraph 10 of Planning Policy Statement no.7: 'Sustainable Development in Rural Areas' state "isolated new houses in countryside will require special justification for planning permission to be granted". According to paragraph 1, annex A of this policy, one of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable agricultural full-time workers to live in the immediate vicinity of their place of work. It further states that in some cases due to the nature and demands of the work concerned it is essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work.

4.6 Paragraph 12 of the Annex states if a new dwelling is essential to support a new farming activity, it should normally, for the first three years, be provided by a temporary accommodation such as caravan that can be easily dismantled. It should also satisfy the following criteria:

- i. clear evidence of a firm intention and ability to develop the enterprise concerned;
- ii. functional need. This is to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times (e.g. if workers are needed to be on hand, day and night).
- iii. clear evidence that the proposed enterprise has been planned on a sound financial basis
- iv. functional need could not be fulfilled by another existing dwelling on the unit,
- v. other normal planning requirements, e.g. on siting and access, are satisfied.

4.7 Due to the size of the proposed free range poultry unit (planning ref. no. 07/01942/FULM), it is accepted that a full time worker should live within very close proximity to the poultry building for supervision and monitoring requirements. These requirements would include the general management of the enterprise, action by a full-time worker in unexpected events (ie. power failure), and site security.

4.8 Having considered that the proposed temporary dwelling would be sited on previously disturbed land of limited agricultural value (Grade IIIb), and that there are no other dwellings in the locality which are available to the business, on balance it is considered that the proposed location is acceptable.

4.9 With the objective of providing clear evidence that the proposed enterprise has been planned on a sound financial basis, a financial analysis has been submitted. Based on gross margin data, organic free range egg production units produce gross margins of £14 per bird after feed and birds. This would equate to a gross margin of £70,000 for the unit (£14 per bird X 5000 birds). After deducting the gross margin of £70,000 from various fixed costs (total fixed costs = £34,500), the projected profit is expected to be £35,500 per annum.

4.10 The total cost of the development would equate to an investment of £120,000 according to the information provided. Therefore, based on the projected profit of

£35,500 per annum it is expected that the enterprise would break-even by 3-and-a-half years. In accordance with the guidance set out in paragraph 18, Annex A of PPS no.7 'Information and appraisals', it is considered by officers that the enterprise has been planned on a sound financial basis such that temporary living accommodation is justified

SCALE, DESIGN AND EXTERNAL APPEARANCE

4.11 The proposed dwelling would be of temporary nature and would be removable. By virtue of its size and its location as described in paragraphs 1.4 and 1.1 above, together with the screening effect provided by the existing hedges, it is not considered that the proposed temporary unit would be visually intrusive. Nor would it conflict with the purposes of including land within the Green Belt.

SUSTAINABILITY

4.12 The temporary dwelling and the enterprise as a whole is proposed to be sited just outside the development limit of Strensall. Due to its close proximity to local services, it is considered that the proposed agricultural dwelling would be sited in a sustainable location.

NATURAL AND HABITAT PROTECTION:

4.13 This application would only have a limited wildlife impact as the application site is on previously disturbed land of limited value. No objections were raised by the Environment and Conservation section in respect of this application.

FLOOD AND DRAINAGE:

4.14 The application site is not within any Flood Zone categories (as defined by the Environment Agency) and the application site is less than 4.0 hectares. Hence the proposal does not require a Flood Risk Assessment.

4.15 Due to its overall area, it is unlikely that the proposed mobile home would increase the risk of flooding. Foss Internal Drainage Board's comments relates largely to the proposed free range egg unit structure.

ACCESS/HIGHWAY SAFETY:

4.16 The proposed mobile home is unlikely to attract a high volume of traffic as it would be used to provide accommodation for one full time worker only. The concerns raised by Highway Network Management and Network Rail are more directly related to the proposed free range egg unit development (07/01942/FULM). Nevertheless, due to the concerns regarding highway safety, the free range egg unit application was recommended for refusal. This has a direct impact on this planning application because there would be no justification for an agricultural full time worker to live in the immediate vicinity of his place of work if such place of work (the proposed free range egg unit) does not exist.

OTHER MATERIAL CONSIDERATIONS:

4.17 Water/electricity/waste/sewerage provision: Due to the size of the proposed temporary mobile home it is unlikely that the facilities required for these services would unacceptably harm the openness of green belt or the amenity of local residents.

4.18 Neighbours' notifications: This was carried out in accordance with the standards set out in the "Publicity for Planning Application" document produced by the Council. This procedure was prepared in line with the standards set out in Circular 15/92 "Publicity for Planning Applications" published by the then Department of the Environment and the Welsh Office.

4.19 Enforcement investigation: The current legislation does not restrict the applicant from submitting a planning application whilst there is currently an enforcement investigation within the same site. This application must therefore be considered on its own merits.

4.20 Submission of two separate planning applications: The applicant is entitled by law to submit two separate planning applications for the two separate developments.

4.21 Noise from generator: due to the size of the caravan it is unlikely that a large generator would be required. Furthermore due to its distance from the surrounding residential dwellings it is likely that the noise level would fall below the background noise level for the area. Hence it is unlikely that the proposal would cause an unacceptable noise concern. In any case provisions do exist within current legislation such as the Environmental Protection Act 1990 to deal with statutory nuisances.

4.22 Having taken the above into account, it is considered that although the proposed development would not cause undue harm to a number of main issues identified. However, due to the recommendation to refuse the proposed free range egg unit, there is no justification for an agricultural full time worker to live in the immediate vicinity of his place of work. As such the proposed siting of a mobile home would conflict with Policy GB7 of the City of York Draft Local Plan 2005. Hence this application is recommended for refusal.

5.0 CONCLUSION

By virtue of the above this application is recommended for refusal.

6.0 RECOMMENDATION: Refuse

1 The refusal of planning permission for application ref: 07/01942/FUL for an organic free range egg unit on the adjacent land would result in there being no agricultural justification for the siting of a temporary dwelling on the site. Thus the proposal would constitute inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2

"Green Belts" and with the provisions of Policy GB7 of the City of York Draft Local Plan, which states, inter alia, that new agricultural or forestry dwellings outside defined settlement limits in the Green Belt or open countryside will only be permitted where it can be demonstrated that the new accommodation is essential to the functioning of a well established holding. .

7.0 INFORMATIVES:

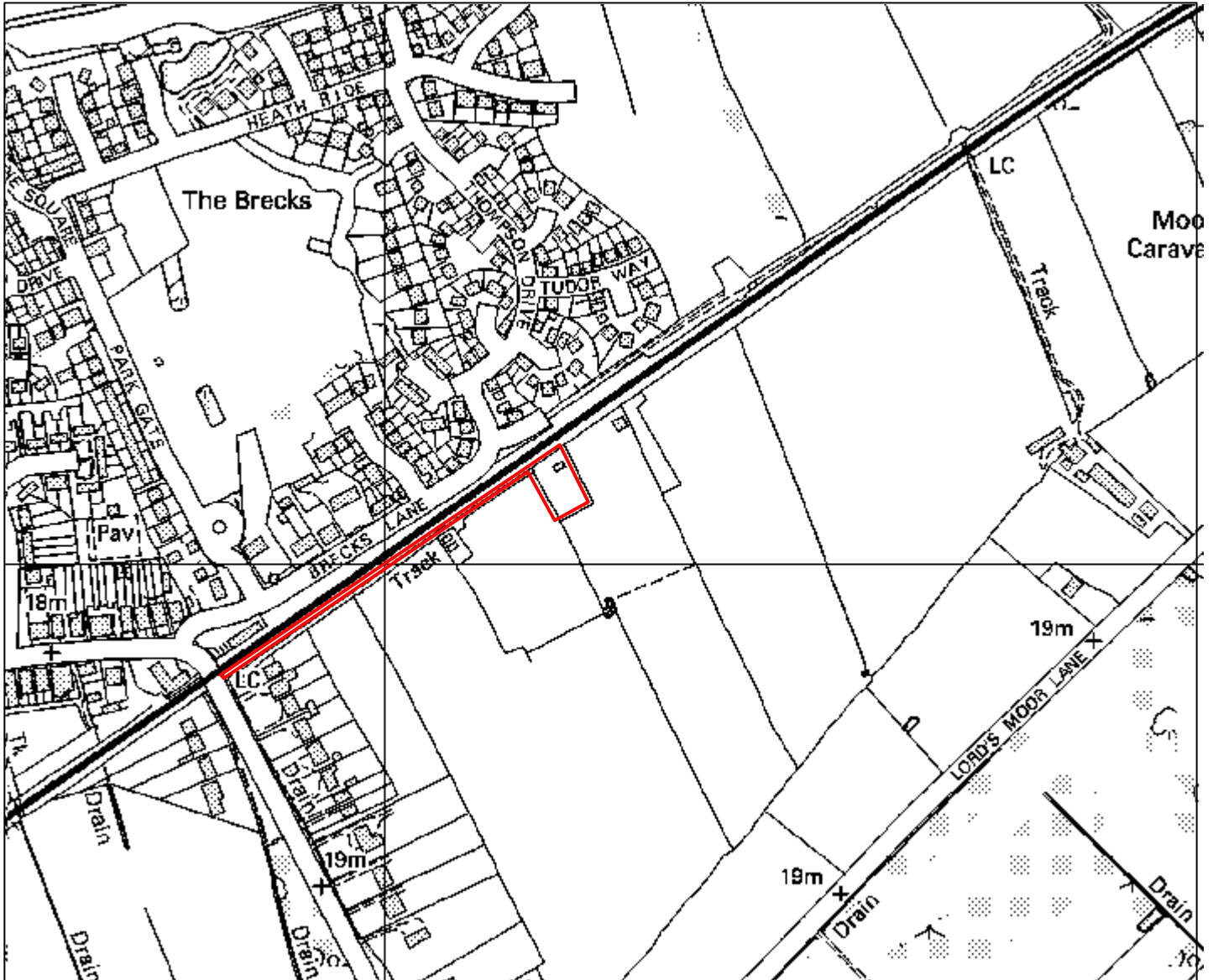
Contact details:

Author: Billy Wong Development Control Officer

Tel No: 01904 552750

07/01943/FUL

OS Field 2000 Lords Moor Lane Strensall



Legend



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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 25 October 2007 |
| SLA Number | Not Set |

1.7 3/27/158D: Erection of single storey extension to retail warehouse and 2 storey office/entrance extension, construction of storage compound. Permission was granted in 1991.

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:

CYGP11
Accessibility

CYT4
Cycle parking standards

CYGP4A
Sustainability

3.0 CONSULTATIONS

INTERNAL:

3.1 Highway network management: Response received 27 September 2007 - No objections as the existing public transport routes serve this location and car parking and cycle storage are provided.

3.2 City Development Unit consulted. Response received 23 October 2007. The following comments were made:

- Clifton Moor is not allocated as a district retail centre and therefore, there are no policies which protect the existing retail uses.

-The main policy issue that would need to be considered for this change of use proposal would be the sustainability of the site/development in terms of accessibility of the site by means other than the car; use of renewable resources; high quality design; provision of storage and collection of refuse and recycling.

- Local Plan policy GP4a sets out the criteria that need to be considered.

3.3 Environmental Protection Unit consulted. Response received 25 October 2007. No objections subject to condition and informative.

EXTERNAL:

3.4 Clifton Without Parish Council. Response received 12 October 2007. No objections.

3.5 Rawcliffe Parish Council: No response received 15 October 2007.

3.6 Neighbours consulted: No response received 15 October 2007

3.7 Clifton Business Association consulted: No response received 15 October 2007.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Loss of an existing retail use
- ii. Sustainability
- iii. Highway safety
- iv. Environmental Protection

LOSS OF AN EXISTING RETAIL USE

4.2 Due to the location of the existing Class A1 retail store, which is not within an area allocated as district retail centre, the existing retail use in this location is not subject to protection. Furthermore, although the site is within an industrial estate and its surrounded by light/general industrial and commercial uses, the site has not been allocated as defined employment sites. Overall, there are no policy objections to the principle of the proposed change of use to Class D1 use.

SUSTAINABILITY

4.3 In accordance with policy GP4a of the City of York Draft Local Plan 2005 a Sustainability Statement has been provided which states the followings:

i. Transport - The site is served by two public bus routes. It has existing parking for 100 cars and no new spaces will be added. The College operates a Green Travel Plan which actively encourages car sharing, the use of public transport and encourages the use of bicycles. 20 secure cycle parking spaces will be provided. The site is well served with pavements to encourage pedestrian access. The site will also provide disabled parking spaces.

ii. Contribute toward meeting the social needs of communities - The prime purpose of the site is to provide training for local young people, adults and unemployed. The site will be used for teaching brickwork, providing training for this construction trade for York and North Yorkshire. Other construction trades will also be taught at the site from time to time.

iii. Re-use existing building - the scheme would bring into productive use a site which is currently unoccupied for a number of years. The external elevations will not be changed, but will be repainted. Further repairs and planned maintenance will be carried out to maintain the appearance of the building and this will enhance the neighbourhood.

iv. Complement the economic use of surrounding buildings - The building is located in an area occupied by a number of suppliers to the construction industry. The use of this building for construction training is in keeping with its surroundings. Wherever possible the college will source construction materials locally.

v. Ensuring energy efficient construction of internal classrooms within the main building - The classrooms will be enclosed and fully insulated, minimising the amount of heating required and will be built to meet current Building Regulation standards.

vi. Minimise pollution and maximise the use of renewable resource - Appropriate disposal methods have already been in use on the Old Tadcaster Road site of York College for many years. Most materials used in brickwork training are recycled and used again. For example, lime mortar is used, so that the brickwork models built by the learners, can be knocked down and the bricks re-used. The college actively recycles a number of products in line with the college environmental policy, e.g. cardboard, plastic bottles.

4.4 Having taken into account the above, It is contended that the proposed use of the site for training purposes would meet the principles of sustainable development as set out in policy GP4a of the City of York Draft Local Plan 2005. No objections were raised by Highway Network Management as adequate car parking and cycle storage provisions would be provided.

HIGHWAY SAFETY:

4.5 The existing entrances into the site from Lysander Close will remain unchanged. Furthermore, no new entrances have been proposed, and that the large turning area for vehicles' manoeuvring would remain unaltered. Compared to the previous DIY retail use, the proposed D1 use is unlikely to create more vehicle movements and is unlikely to attract more heavy goods vehicles and users visiting the site per day. No objections were raised by Highway Network Management. Hence it is unlikely that the proposed scheme would cause undue harm to highway safety.

ENVIRONMENTAL PROTECTION:

4.6 The site is proposed to be used for teaching brickwork and providing training for this construction trade for local young people, adults and unemployed. Due to the nature of the proposed training programmes, there is a potential that noise could emanate from the premises, harming the amenity of occupants from nearby buildings. Nevertheless, this can be addressed by an appropriate noise level restriction condition. In addition, provision does exist within current legislation such as the Environmental Protection Act 1990 to deal with statutory nuisances. No objections were raised by Environmental Protection Unit subject to conditions and informative.

4.7 Having taken the above into account, it is considered that the proposed development accords with Planning Policy Statement No.1 "Delivering Sustainable Development", policy SOC2 'Education' of the Regional Spatial Strategy for Yorkshire and the Humber (2004) and the policies set out in the City of York Local Plan. Hence, this application is recommended for approval.

5.0 CONCLUSION

For the above reasons this application is recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Plan no.1, Plan no.2, Plan no.3, Plan no.4, Plan no.5, Plan no.6, Plan no.7 and Plan no.8 as received by the City of York Council on 17 September 2007 and 24 October 2007

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

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

3 Prior to the occupation of the site for Class D1 use, details of any training activities that will take place outside the building shall be submitted to and approved in writing by the local planning authority. Once approved the area outside the building shall be used for the approved activities only unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of adjoining occupants.

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

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

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 loss of an existing retail use, sustainability, highway safety and environmental protection. As such the proposal complies with Policies GP4a, T4 and GP11 of the City of York Local Plan Deposit Draft.

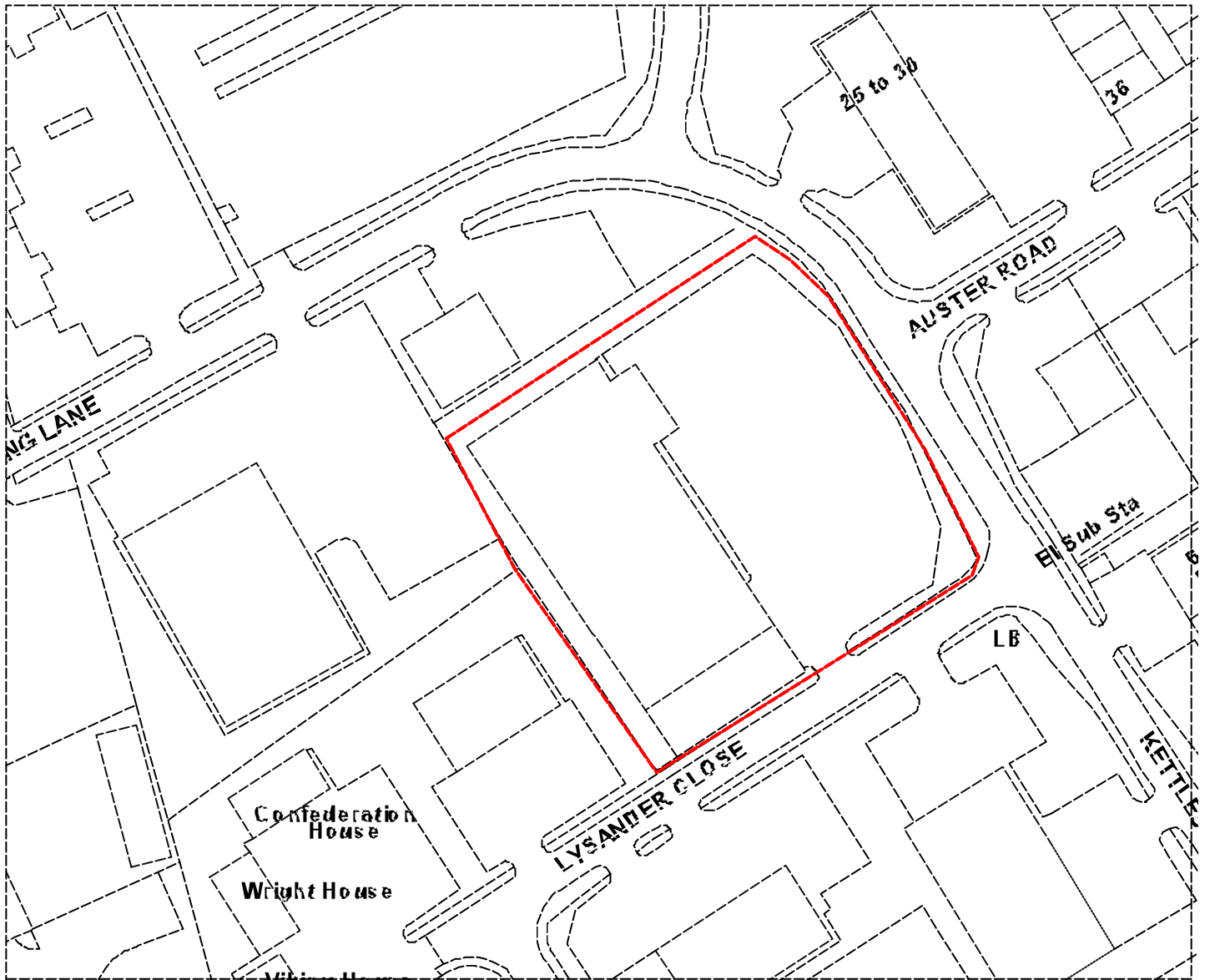
Contact details:

Author: Billy Wong Development Control Officer

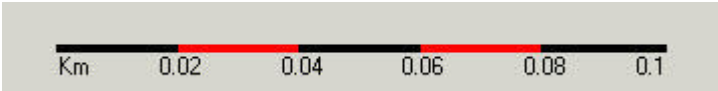
Tel No: 01904 552750

07/02225/FULM

Wickes Building Supplies Lysander Close



| Legend | |
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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 25 October 2007 |
| SLA Number | Not Set |

2.2 Policies:

CYGP1
Design

CYE3B
Existing and Proposed Employment Sites

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objections. The development is to be accessed from Little Hallfield Road via a series of dropped vehicular crossings. Given the level of reconstruction work that will be required to the footway following construction of said accesses, the applicants should be advised that a Section 62 Agreement of the 1980 Highways Act will be required to carry out the works. Such works may necessitate the relocation/replacement of an existing lamp column, which will need to be carried out at the applicant's expense.

Car and cycle parking for the proposed dwellings has been provided in accordance with the authorities standards.

3.2 City Development - As the site is currently in employment use the applicant should demonstrate that the employment site is no longer required in both quantitative and qualitative terms. Policy E3b looks to protect existing and proposed employment sites and the application should be considered in relation to this. The site is too small to require affordable housing and the residential proposal would

result in a density of 71 dwellings per hectare (dph) which satisfies Policy H5a in terms of achieving a density of greater than 40 dph. The proposed layout, density and the amenity of future residents should be appraised in line with Policy H4a on housing windfalls. A contribution towards open space should be sought.

3.3 Environmental Protection Unit - The Environmental Protection Unit have no objections to this application in principle. A full Desk Study does not appear to have been undertaken. I am concerned that 'hot spots' of contamination have not been identified and which have not been included in the site investigation. I would recommend that a full Desk Study is undertaken before any development could take place. The applicants have submitted a site investigation which makes recommendations for remediation due to levels of Arsenic, Lead, Boron and Copper which exceed the current guideline levels. In addition gas monitoring was undertaken which shows the presence of Carbon Dioxide which could be due to nearby landfill sites. It is possible that an overestimation or indeed an underestimation of the measures required has been made based on the findings of 3 gas monitoring visits made over a short period i.e. two weeks. It is recommended that any permission given should contain conditions relating to further site investigation and gas monitoring.

The application site is adjacent to a small industrial estate, and as such a Noise Survey has been undertaken and submitted as part of the application. The noise report indicates that the proposed dwellings are likely to be within Noise Exposure Category B during both day and night times, as such some sound insulation measures would be required in order to ensure the amenity of residents of the proposed dwellings is not affected by noise.

As there are significant areas of made ground within the site, piled foundations have been recommended. There is a watercourse within 100 metres of the site and as such care must be taken to ensure the piling method does not create new pathways for contaminants to flow along. I would recommend that a suitable method of piling be chosen to minimise these effects. In addition piling can cause excessive noise and/or vibration, and in some cases damage to nearby buildings.

3.4 Lifelong Learning and Culture - There is no on-site public open space and therefore a commuted sum towards off site provisions should be paid to the Council.

3.5 Education - No education contribution required.

External

3.6 Heworth Planning Panel - Object. The proposals appear to be out of character with York as they are more in nature of 10 flats rather than houses. The balconies would lead to a loss of privacy for neighbours and the end properties do not have private garden spaces. The stepping down of the dwellings is out of character with the area. The application site is clearly within an industrial area whereas other approved applications have sat on the outside of employment sites. There is little outdoor amenity space for each dwelling.

3.7 Police Architectural Liaison Officer - No correspondence received.

3.8 Third Parties - No correspondence received.

4.0 APPRAISAL

4.1 Key Issues:

- Loss of employment site
- Design
- Housing density and mix
- Living conditions of future residents
- Cycle and car parking

4.2 The application site's most recent use was for employment purposes. Despite the fact that the site is now vacant it is still considered an employment site. Therefore Policy E3b of the Local Plan is relevant. The applicant claims that there is no quantitative or qualitative shortfall in the supply of employment land in the city. Large windfall sites such as Terry's and British Sugar have come forward since the previous refusal of the application. An appeal was allowed on a nearby site at Unit 1, Fifth Avenue. One of the reasons for refusing the application was the loss of an employment site. However, the Inspector concluded that it was felt that the policy was intended to protect larger sites. The recently approved residential application (Ref No. 07/00473/OUT) at Beejay Electrical on Hallfield Road considered recent inspectors decisions and concluded that some small sites provide very limited opportunities for alternative business and employment activity and therefore objections were not raised to the loss of that employment site which was 0.089 ha in size. Based on these recent decisions within the surrounding area to the application site it seems reasonable not to object to the change of use from employment to residential.

4.3 There are both approved applications for residential developments and recently constructed residential units in the surrounding area. 'The Archway' opposite and Beejay Lighting sites are three storey flat and town house developments. The proposed development on Yeomans Yard is part two and part three storey with dormer windows on the rear elevation. This terraced block of residential units steps down from the centre to the outer edges. The dwellings are set back approximately 8.3 m from the road, the frontage would be 37.4 m in length with a maximum height of 10.9 m to the ridge. The design of the dwellings is considered to be more functional than high quality. Car parking and garage doors would be visually prominent at human level within the street scene. The units themselves are simple and would be seen more as one block than individual units. However, it is considered that the use of good materials with attractive window detailing would lift the appearance of the development to an extent that it is visually acceptable within the area. Whilst landscaping is not a consideration as part of this application the revised plan submitted provides scope for some green planting which would soften the visual impact of the development.

4.4 There is a mix of dwelling sizes within the proposed development and it is welcome to see new housing proposed rather than just flats. The density is high, approximately 71 dph which is considered to be a suitable level both in terms of the

character of the area and in making full use of a previously developed land within a sustainable location.

4.5 The previous application on the site for 24 flats was partly refused because of poor living conditions for future occupiers of the flats. This has been considered within this application. A sound survey was submitted which was examined by the Environmental Protection Unit who raised no objections subject to a number of conditions. The dwellings are located approximately 15 m from the rear boundary which is where a significant amount of the industrial business is located. An exciting brick wall would be retained on the eastern boundary with a 2 m high wall being erected on the southern and western boundaries. The brick walls would act as a good visual separation between the residential units and the industrial area and also act as an acoustic barrier. The planning appeals at both Beejay Lighting and Unit 1, Fifth Avenue both overturned the Council's reasons for refusal based on poor living conditions due to noise from neighbouring industrial units.

4.6 At the rear of the properties are garden areas. The two sets of flats in the end units would share an outdoor amenity space. The garden areas are of sufficient size for dwellings of this size and the primary rooms within the dwellings are south facing allowing good natural light into the rooms. Whilst the view from the windows may not be to everyone's taste a pleasant outlook with good usable outdoor space is afforded.

4.7 It is considered that the living conditions of occupants of neighbouring properties would not be significantly harmed by the proposal. The proposed dwellings are set back approximately 8 m from the front of the plot which would allow a front-to-front separation of approximately 20 m from 'The Archway'. To the east, south, and west of the application site are industrial sites.

4.7 Both cycle and car parking in accordance with the CoYC standards are proposed. Each dwelling has at least one off road personal car parking space. Cycle storage is provided to the rear of the units and also an integral garage is contained within six of the dwellings. The rear cycle stores are accessed along the side of the units through a security gate. Each unit has its own brick built store which is both enclosed and secure.

4.8 Bin stores are provided at the front of the dwellings. The bin stores are brick built and are considered of sufficient size to neatly hide away both the waste and recycling bins.

4.9 A sustainability statement in accordance with Policy GP4a of the Local Plan was not submitted. However, a number of the key issues regarding sustainability were addressed generally within the supporting statement with the application. Some of the key points raised were: materials would be sourced locally where possible; the terraced form proposed is effective in its use of materials and in retaining heat; and, the dwellings would be within a sustainable location with good access to local services and facilities by non-car modes.

4.10 A contaminated land survey was submitted with the application. This was examined by the Environmental Protection Unit and again no objections were raised

to developing this former employment site for residential development subject to suitable conditions.

4.11 The application site and level of development is below that which the Council would seek an on-site provision of public open space. However, the applicants have expressed a willingness to financially support off site open space in accordance with Local Plan Policy L1C.

5.0 CONCLUSION

5.1 This application is recommended for approval as it is considered to have sufficiently addressed the previous reasons for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: landscaping.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 VISQ8 Samples of exterior materials to be app

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

Window design and opening type

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

5 a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800.

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of

potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

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

e. 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.

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

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

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

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

8 Details of the piling method chosen must be submitted to and approved in writing by the local planning authority prior to any works being carried out. Any piling operations shall be carried out using the quietest practicable method available. Local residents should be notified of the dates, times, likely duration and works to be undertaken.

reason: To protect the amenity of nearby residents.

9 Prior to commencement of the development, details of the proposed means of sound insulation of the building structure and windows shall be submitted to, and approved in writing by the Local Planning Authority. The agreed means of insulation shall, thereafter be fully implemented, prior to first occupation of the property.

reason: To protect the amenity of future occupants of the dwellings

10 Before the use hereby permitted commences a scheme of ventilation serving

bedrooms and lounges must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupants of the dwellings.

11 Prior to the first occupation of the dwellings hereby approved, an acoustic barrier in the form of a 2 m high solid brick wall to the south and west boundaries shall be constructed in accordance with the approved plans.

Reason: To safeguard the amenities of occupants of the residential dwellings

12 HWAY19 Car and cycle parking laid out

13 HWAY31 No mud on highway during construction

14 At the soonest available opportunity, and in any event prior to the 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.

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

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

16 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 nearby residents

17 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.9 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any

such physical works or marker shall be retained at all times during the construction period.

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

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of employment land, housing density, highway issues, impact on residents' living conditions, and visual amenity. As such the proposal complies with Policies GP1, H4a, H5a, T4, E3b and L1C of the City of York Draft Local Plan.

2. INFORMATIVE:

The alternative arrangements for Condition 14 could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £10,862.

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.

3. A. 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.

B. 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.

4. INFORMATIVE:

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

Section 62 - Michael Kitchen - 01904 551 336

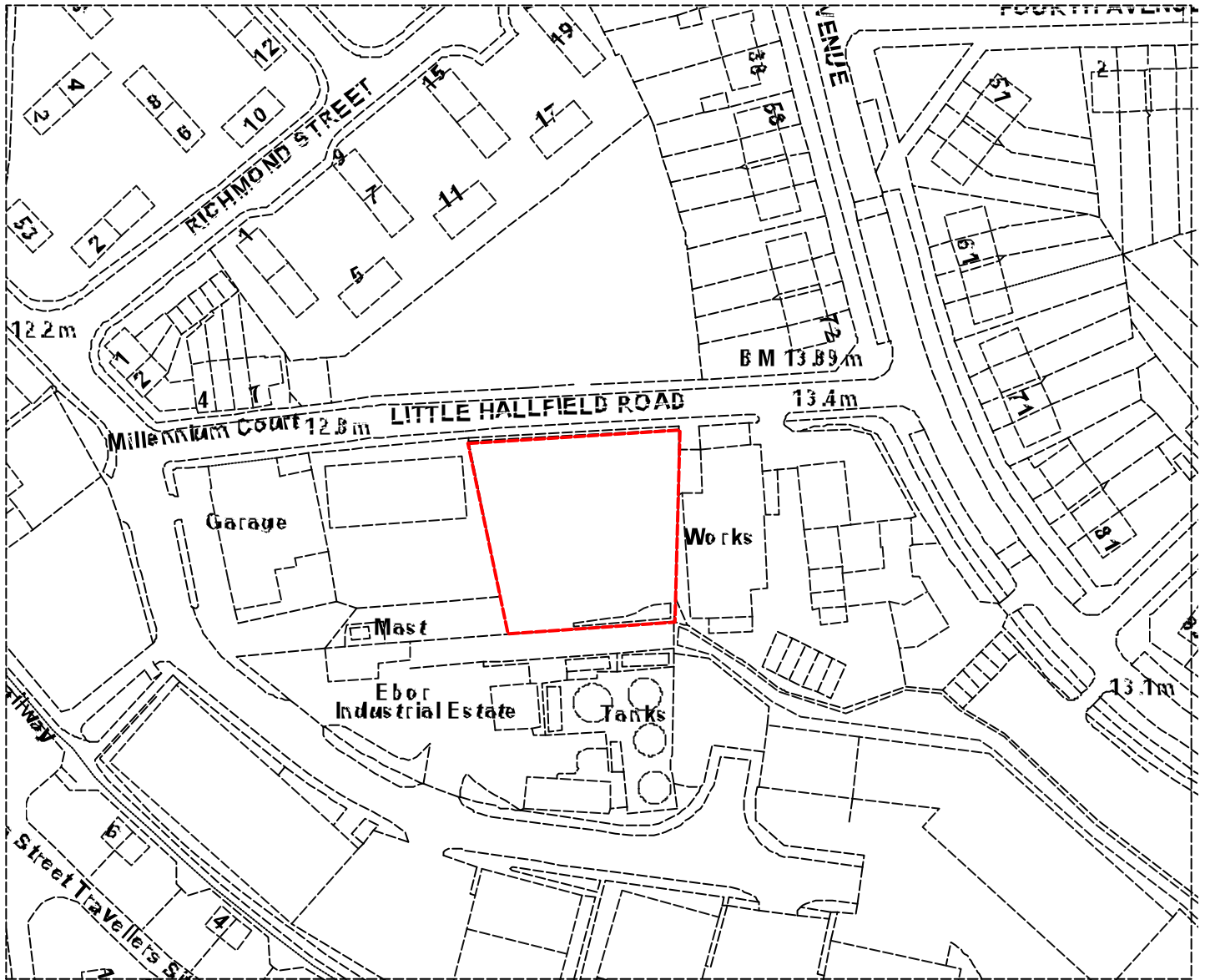
Contact details:

Author: Michael Jones Development Control Officer

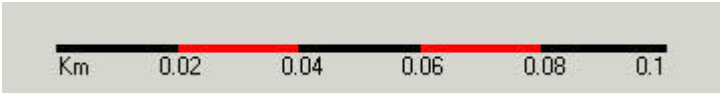
Tel No: 01904 551325

07/01959/OUTM

Yeomans Yard Little Hallfield Road



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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 25 October 2007 |
| SLA Number | Not Set |

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:

CYSP6

Location strategy

CYSP7A

The sequential approach to development

CYGP1

Design

CYGP4A

Sustainability

CYT2B

Proposed Pedestrian/Cycle Networks

CYT4

Cycle parking standards

CYT7C

Access to Public Transport

CYS6

Control of food and drink (A3) uses

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management

Initially Highways Network Management raised concerns about the proposal. There were three concerns raised

- there was doubt over the expected traffic generation contained within the traffic assessment

- the route to the current bus stops is indirect so despite the site being located within an appropriate distance of public transport facilities there was a request for the applicant to fund two additional bus stops on Longwood Drive in the vicinity of the junction with the Clifton Moorgate roundabout .
- it was requested that the building be re-orientated so that the main pedestrian entrance fronts Clifton Moorgate. This was in the interests of sustainable travel and to improve non car linkages of the site with the wider facilities on Clifton moor.

In relation to traffic generation highways are satisfied that there will be no material impact on the highway network. In respect of the bus stops and the reorientation of the building whilst considering that it would be preferable for these elements to be amended on the scheme it is not considered that these issues are sufficient to warrant refusal of the application.

City Development

The proposal needs to be assessed against SP6 and SP7a. The proposed site is brownfield and within the built up area of the city's urban extensions and is adjacent to the city's outer ring road. The proposed development would be outside the city centre but would be accessible by non-car modes such as a frequent bus service, cycle routes and is within walking distance of a large residential area. The criteria of policy SP7a does not need to be applied as the net floorspace of the development is below 400m². City Development conclude that there are no significant policy objections to this proposal despite its out-of-centre location. Due to the nature of the surrounding uses at Clifton Moor, it is unlikely that the restaurant will result in a significant number of increased car trips as the use is complementary to the other surrounding retail and commercial uses. The scale and design of the unit appears to be compatible with the character of Clifton Moor.

3.2 External

Parish council

The Parish Council object to the application. The proposed development by virtue of its design and materials would be out of keeping and detract from the visual amenities of this prominent location at Clifton Moor.

3 letters of objection have been received covering the following points:-

- An application for a retail unit on the same site was refused in 2001; fail to see how the situation could have changed now as traffic volumes in the area are higher and the 2001 application was for a non-food outlet
- A condition of the development of Hurricane way in 1992/3 was that south of Hurricane way was to be a car park because it was adjacent to residential property. The proposed development flies in the face of this.
- there are 7 food outlets within a 800yard radius, surely the situation has reached saturation point
- Pizza Hut originally occupied Frankie and Benny's outlet if they wanted a presence on Clifton moor why were the retail premises vacated.
- Pizza Hut have had another refusal on Tesco car park
- There are residential properties 15 yards from the site. The development will affect value and saleability.
- No licence to serve alcohol has been applied for

- the car park is currently secured at 8.30pm. Before this there was anti-social behaviour at the car park the proposed opening times would give a green light to this
- Pizza Hut should go in the empty unit next to Curry's
- concerns about impact from the restaurant use on residential amenity
- concerned about the noise from customers and staff arriving and leaving the site. Some of the car parking spaces are very close to residential properties and the car park has never been used until 11.00pm at night.

3.3 Publicity

The application was advertised by means of a site notice on the 21st August 2007. Adjacent residential properties were also notified

4.0 APPRAISAL

4.1 Key Issues:-

- retail planning policies
- residential amenity
- highways and access
- visual amenity
- crime prevention

Retail Planning Policy

4.2 PPS6: Planning for Town Centres states that it is the Government's objective to promote vital and viable town centres. In relation to the consideration of planning applications, applicants are required to demonstrate need, that the development is on appropriate scale, the sequential approach, that there are no unacceptable impacts on existing centres and that locations are accessible. The level of detail provided in a retail assessment should be proportionate to the scale and nature of the proposal. Policy SP7a of the draft Local plan does not require assessments on sites with a net floor area of less than 400 square metres.

4.3 The development is of a relatively modest scale for its function and location. It is considered to have an acceptable impact on the city centre and existing identified centres in the draft local plan (Haxby and Acomb), given its scale and because the restaurant aims to provide supplementary restaurant use to the existing development at Clifton Moor. The location allows for linked trips with the shopping facilities on Clifton Moor. The likelihood would be that where trade would be drawn from existing facilities, this would be primarily from other out-of-town restaurant uses at Clifton Moor.

4.4 City development concludes that ' there are no significant policy objections despite the sites out-of-centre location. Due to the nature of the surrounding uses at Clifton moor, it is unlikely that the restaurant will result in a significant number of increased car trips as the use is complementary to the other surrounding retail and

commercial uses. The scale and design of the unit appears to be compatible with the character of Clifton Moor'

4.5 Given the acceptance of City Development that the principle of the development complies with retail planning policies, the acceptability of the scheme depends upon the intrinsic merits of the particular proposal and its ability to be compatible with its surroundings.

Highways and Access

4.6 Highways Network Management initially raised concerns about the detail within the transport assessment, and requested that the applicant fund two additional bus stops (the existing bus stop, whilst being within the recommended guideline distance from the site, the route to the bus stop facilities is indirect and is hindered by numerous signalised crossings) and requested that the building be reorientated so that the entrance faces the pedestrian access to the site.

4.7 Additional information for the transport assessment was submitted by the applicant and highway officers have now confirmed that the restaurant will not have a detrimental impact on the operation of the surrounding highway network.

4.8 In terms of the orientation of the building the applicant comments that it is a clear objective of the business to have a suitable level of prominence. The existing pedestrian access from the corner of Hurricane way/Clifton Moor will be widened for pedestrians and cyclists approaching the site, although the west elevation has the main entrance the other elevations are considered to be active frontages and not unidentifiable or unattractive to pedestrians and the existing orientation takes account of linked trips to the Clifton Moor area. Highways Officers have not raised a formal objection to the orientation of the building as submitted and in the absence of this it is not considered that there is a strong planning argument for the refusal of the application based on the proposed orientation of the building.

4.9 With regard to financing of additional bus stops, it is noted that highway officers accept that the site is within the appropriate distance of public transport facilities. It is also noted that they accept that the methodology of the Transport Assessment in determining the level of linked trips, and the conclusions in the Assessment that the development will generate a maximum of 6 public transport users per peak hour. On this basis, it would appear unreasonable to ask the applicant to contribute to the provision of two further bus stops. Although highways officers believe that the site would be more attractive to sustainable forms of transport with the additional bus stops, no highway objections have been raised to the proposal, and without the necessary support from highways officers it is considered that the application would be difficult to refuse on highway grounds. .

Residential Amenity

4.10 There is existing residential development to the south of the site. Those properties sited closest to the proposed restaurant and the restaurants service yard, which is located to the south side of the building, are 4 and 6 Longwood Road. No 4 and 6 Longwood Road have their front doors facing the site at ground floor level and

landing windows at first floor level. No. 4's main elevation is facing east with the side boundary of the rear garden running along the joint boundary with the site. The garden area of no. 6 is to the west of the property divided from the site by the entrance path to both properties. No.8 Langsett Grove also faces the site with the rear boundary of the property facing the land. The present use of the site is a car park although levels of usage are quite low and the hours of usage restricted to the opening hours of the adjacent shops. It is surrounded by good landscaping and is already illuminated. The proposed restaurant will introduce built form to the area and will extend the hours of use of the area. The recommendation of the Environmental Protection Unit is that subject to conditions the proposal can be supported. The conditions required include those to control lighting levels, delivery and opening times and refuse disposal.

4.11 There is a takeaway area as part of the proposal, the takeaway area is a minor element of the building, and the takeaway use would be ancillary to the restaurant use. Further planning consent would be required if the building were to be used primarily for a takeaway under the Use Classes (Amendment) Order 2005.

Visual Amenity

4.12 The site is located in a prominent and visually isolated location. Buildings on the Clifton Moor estate are uniform in design and materials though there is some variety in terms of scale. However, on Hurricane Way there is more variety in the buildings, in particular, there is a McDonalds restaurant, an Argos building and Toys 'r' us building all of unique scale and design. The design of the Pizza hut building is a standard pizza hut design with a half curved, aluminium roof. Because the site is visually separate from others on Clifton Moor and is set within a well landscaped site and because there is a variety of designs within the area of Hurricane Way it is considered that the design of the building can be accommodated on the site without detracting from the visual amenity of the area.

Crime prevention

4.13 Crime prevention statistics provided by the safer York Partnership on the application submitted on the Tesco car park for a pizza hut in 2005 showed crime levels associated with the restaurant uses at Clifton Moor were relatively low. There are suggestions within the letters of objections that prior to this site being secured after closure of retail units there has been antisocial behaviour on this site. The site is surrounded by mature planting and therefore natural surveillance of the site will be more limited than some of the other locations within Clifton Moor. A condition is therefore proposed to require the applicant to provide CCTV coverage at the site prior to the building being brought into use.

5.0 CONCLUSION

5.1 There are no policy objections to the principle of this development. Notwithstanding their concerns in relation to the orientation of the building and the provision of additional bus stops, highways officers have not recommended refusal of the application and in the absence of this, it is not considered that the refusal of

the application could be justified on highway grounds. In particular, it is likely that many of the trips to the site would be linked to existing visits to the surrounding retail and commercial uses. The Environmental Protection Unit are satisfied that the development can be accommodated on the site without detriment to adjacent residential occupiers and have not raised objections subject to conditions controlling hours of operation and delivery, disposal of refuse and controls on lighting at the site.

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 and other submitted details:-

- Drawing no. 4725 - PH - 003 Rev A
- Drawing no. 4725 - PH - 005
- Drawing no. 4725 - PH - 006

all received on 13 August 2007

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 No development shall commence unless and until details for the provision of external CCTV coverage have been submitted to and approved in writing by the Local Planning Authority. The external CCTV coverage shall thereafter be provided in accordance with the approved scheme agreed in writing by the Local Planning Authority and thereafter implemented, prior to the development being brought into use.

Reason: In the interests of reducing and controlling incidents of crime and disorder that may occur outside the premises, and in order to comply with the provisions of Policy GP3 of the City of York Draft Local Plan.

4 The use hereby permitted shall be confined to the following hours:

| | |
|------------------|----------------|
| Sunday to Friday | 11:00 to 22:00 |
| Saturday | 11:00 to 23:00 |
| Bank Holidays | 11:00 to 22:00 |

Reason - To protect the amenity of local residents

5 All deliveries to and dispatch from the site shall be confined to the following hours:

| | |
|---------------------------|----------------|
| Monday to Friday | 08.30 to 18.00 |
| Saturday | 08.30 to 16.00 |
| Sundays and Bank Holidays | Not at all |

Reason: To protect the amenity of local residents

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

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

Reason: In the interests of residential amenity

7 All refuse including empty bottles shall not be emptied into external bins after 11:00pm or before 08:00am Mon-Sun

Reason - To protect the amenity of local residents

8 Any external plant noise source shall be suitably screened with a impermeate screen, 2m above the highest outdoor plant noise source and shall be maintained so that there are no holes or gaps.

Reason - To protect the amenity of local residents

9 Prior to the commencement of the development, the developer shall submit a sustainable design and construction statement for the written approval of the Local Planning Authority. The statement shall include details of measures to be incorporated into the proposal to ensure a sustainable form of development on the site.

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

10 VISQ8 Samples of exterior materials to be app

11 Prior to the commencement of the development details of any proposed flue outlets shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the flue outlet shall be installed and maintained in accordance with the details submitted.

Reason: to safeguard the amenities of neighbouring residents

12 Prior to the development hereby permitted being brought into use the fresh air

input unit shall be installed and operational in accordance with the detailed specification submitted to the Local planning Authority on the 11th September 2007. Thereafter the unit shall be maintained to the satisfaction of the Local Planning Authority.

Reason: to safeguard the amenity of neighbouring residents

13 No sound reproduction, amplified music or live music from the proposed development shall be audible beyond the south site boundary at any time.

Reason: to safeguard the amenity of neighbouring residents

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 retail planning policies, residential amenity, highways and access, visual amenity, crime prevention. As such the proposal complies with PPS6: Planning for Town Centres, PPG13 Transport and Policies SP7a SP6 S6 GP1 GP4a T4 and T13a of the City of York Local Plan Deposit Draft.

2. SIGNAGE

The applicant should note that this permission and the acceptance of the design of the building does not convey any permission for signage under the Town and Country Planning (Control of Advertisement) Regulations 2007 or any acceptance that the positions indicated for the display of signage will be acceptable

3. Demolition and Construction - Informative

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

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

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

particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

5 There shall be no bonfires on the site

4. INFORMATIVE: Details for condition number 9 (Sustainable design and construction) could include:

Details of the water efficiency measures to be incorporated into the proposal to be submitted for approval to the Local Planning Authority. Measures should include:

- Dual flush WCs (4/6) litre
- Flush controls on urinals or waterless urinals
- Flow restricted spray taps
- Evaluation of rain water harvesting system
- Grey water recycling

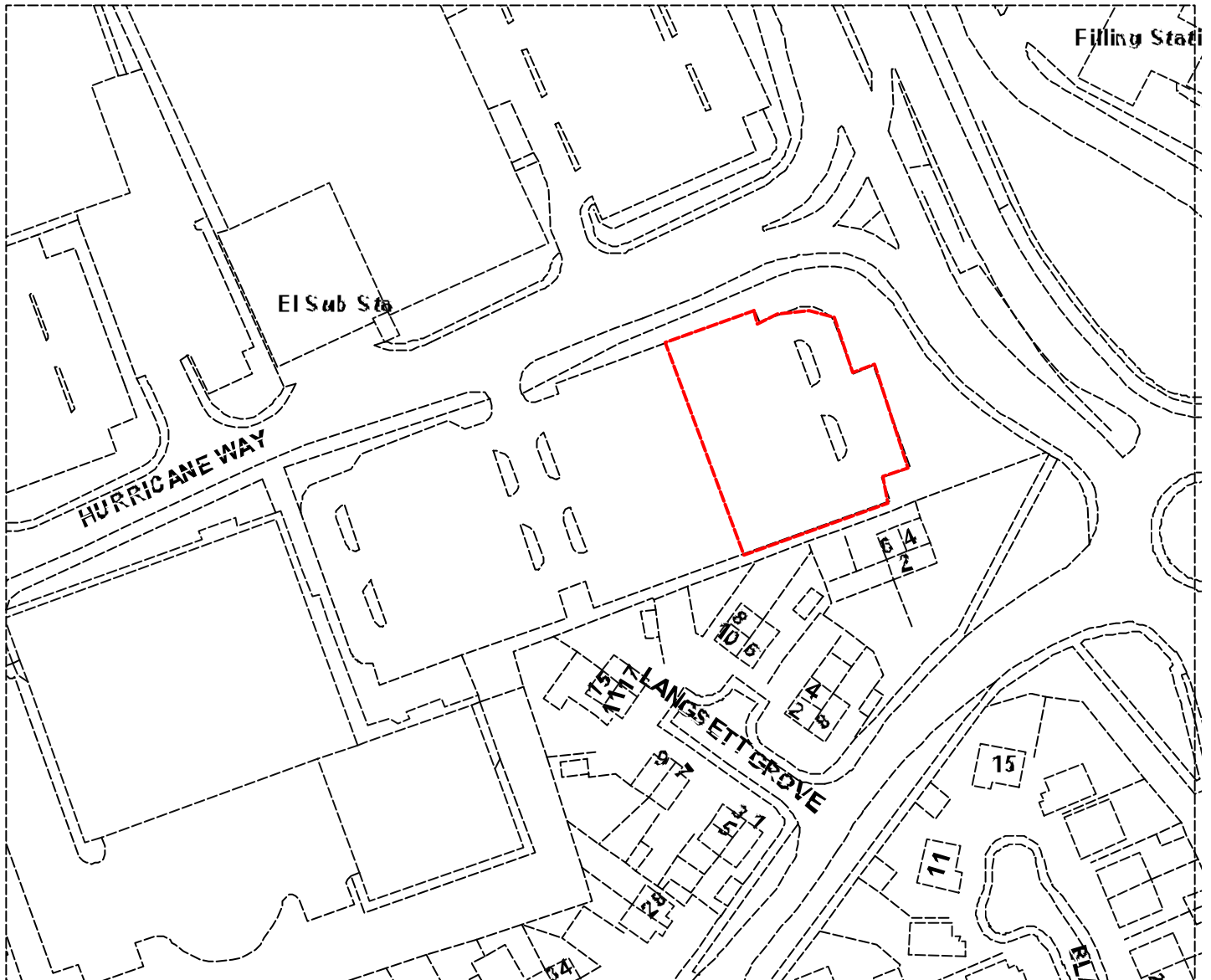
Contact details:

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

Tel No: 01904 551657

07/01937/FUL

Car Park South of Hurricane Way



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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 25 October 2007 |
| SLA Number | Not Set |

Design

CYH8

Conversion to flats/HMO/student accom

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Internal

Housing and Adult Social Services - This application is wholeheartedly supported by HASS as it will provide much needed supported homes for up to 16 people. Funding from the Housing Corporation has been allocated subject to planning permission. The scheme will be developed and managed by York Housing association which has an established and excellent record in providing such accommodation.

Highway Network Management - No objections. Car parking and cycle storage accord with council standards.

Environmental Protection Unit - No objections. Add standard construction and contamination informatives.

3.2 External

Clifton Without Parish Council (Revised comments) - Recommend refusal on the grounds that 1-bedroom flats are incompatible with surrounding properties. Concern about possible danger to the public if flats are occupied by certain groups described as having 'special needs' .

Rawcliffe Parish Council - No response.

Public Consultation - The consultation period expired on 3 September 2007. Four objections have been received. The main concern is that the houses could be occupied by people with serious mental health problems and, as a result, be a danger to local people, especially children, or be a nuisance. One objector is concerned about overlooking.

4.0 APPRAISAL

4.1 Key Issues

Principle of conversion.

Visual appearance.

Occupier and neighbour amenity.

Public safety.

Highway issues.

Provision of open space.

4.2 The Application Site

Two pairs of semi-detached, hip-roofed single dwellinghouses each with vehicular access from Shipton Road and a domestic garage to the rear. The houses are all vacant. They were last occupied as HMOs, managed by the local NHS trust for people with special needs. The area is largely residential.

4.3 Principle of Conversion

The houses are substantial and despite not having four bedrooms are capable of conversion to flats. The change of use would provide valuable and much needed supported accommodation for various groups, the majority of which require one-bedroomed accommodation. The application is fully supported by Housing and Adult Social Services.

4.4 Visual Appearance

External alterations would be minor and would mainly comprise demolition of the garages and addition of (or alterations to) entrance porches at the side of each property. The design and appearance would be in keeping with the character of the existing buildings, subject to matching materials being used.

4.5 Occupier and Neighbour Amenity

The flats would all provide a satisfactory standard of accommodation, including outdoor amenity space, for the occupiers. They would be supported during normal working hours by a non-resident support worker, operating from an office on the ground floor of No.80. The office would not include sleep-in facilities and 24-hour support is not expected to be needed.

The proposals are unlikely to have any material impact on neighbouring occupiers, eg in terms of overlooking or other nuisance.

4.6 Public Safety

The main concern of objectors is that the houses could be occupied by people with serious mental health problems and, as a result, be a danger to local people, especially children. The tenants will be people who wish to live independently in the community and are capable of doing so but who require additional support to maintain their skills related to daily living and maintaining the tenancy. North Yorkshire and York Primary Care Trust has confirmed that nominated occupiers of the flats will have had a full assessment of their abilities and needs and are capable of living in the community with the support of trained staff on a daily basis. Furthermore a full risk assessment will be carried out for each candidate. A placement at Shipton Road will only be given if deemed appropriate to the clients needs and only after the full discussion of the mental health housing panel.

4.7 Highway Issues

Car parking and cycle storage accord with council standards.

4.8 Provision of Open Space

The application would require a financial contribution of £2,880 in accordance with policy L1c.

5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable. The application would require a financial contribution of £2,880.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

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

3 VISQ1 Matching materials

4 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 £2,880.

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.

5 The cycle stores and refuse/recycling facilities shown on the approved plans shall be provided prior to occupation of the works 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.

7.0 INFORMATIVES:

Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of conversion to flats, visual

appearance, occupier amenity, neighbour amenity, public safety, provision of open space and highway issues. As such the application accords with policies GP1, H8 and L1c of the City of York Local Plan Deposit Draft.

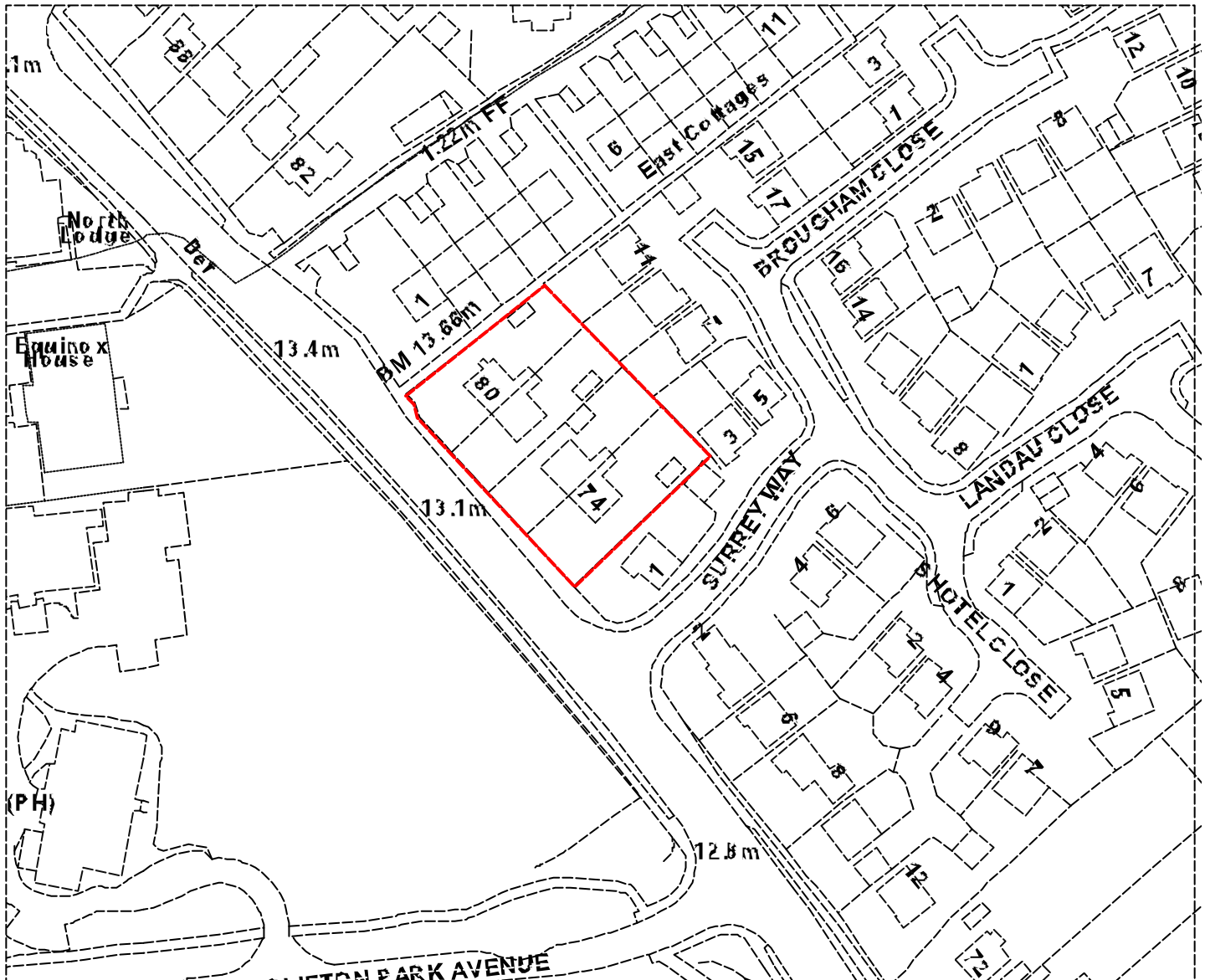
Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

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74-80 Shipton Road



Legend

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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 25 October 2007 |
| SLA Number | Not Set |

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Queen Anne 0253

2.2 Policies:

CYHE4
Listed Buildings

CYHE3
Conservation Areas

CYGP10
Subdivision of gardens and infill devt

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

This application is for the change of use of the existing hotel to flats / bedsits and the erection of 2 townhouses. There are six parking spaces shown on site. This site is located close to the city centre being within approximately 5 minutes walk and is close to a public car park which would serve visitors. Cycle storage can be provided within the site with the details being secured by condition.

For the above reasons it is considered that the proposed level of car parking is acceptable.

There are no highway objections to this proposal subject to conditions. Any additional comments on the amended plans awaited.

3.3 Urban Design and Conservation.

Proposals lie within the Clifton conservation area which was extended in 2002 to include the Edwardian developments of North Parade and Queen Anne's Road, and the area immediately adjacent to Queen Anne's School.

No 2 Sycamore Place is one half of a substantial unlisted building which is contemporary with the initial phase of the area's development. It is set back from the corner with Bootham Terrace and although the hotel's principal elevation addresses Sycamore Terrace, its deep side elevation has been articulated with a central full

height bay to address the garden space to the side. The garden is now used for car parking at the hotel; nevertheless the space still provides the setting for the existing building.

This corner site is at the junction of two conservation areas and it is also on axis with a busy route through from the city centre under the railway line. The space is a vital component of the character and appearance of the conservation area offering visual relief between the substantial built fabric in this location and views through to the large and mature gardens of nearby buildings. It also forms an important break at the lower end of Bootham Terrace. The list description for the terrace remarks that 1-22 Bootham Terrace form an unusually complete row of speculatively built terraced houses, constructed between 1860 & 1870 to an interesting variety of different designs.

Represents an improvement over the previous scheme although still initially objected to the extent of the development proposed in the plans originally submitted with this application. Amended plans have been submitted deleting completely the end unit and these now allow views through to the existing large bay window on the side of the existing building. This also increases the sense of space between the end of the building and Bootham Terrace.

Any further comments on these amended plans are awaited.

3.4 EPU

No objections. However the site is in close proximity to residential properties. Therefore have concerns regarding nearby residents being adversely affected by noise during any demolition, construction or refurbishment works. There is also concern regarding possible contamination with regard to the sites former use as a motor engineers, found during any construction works. Therefore informatives are recommended on these issues.

3.5 External.

Clifton Planning Panel.

Object - still consider that there are insufficient parking places shown off road. Any comments received on amended plans will be updated at the planning committee meeting.

3.6 Third Parties.

No letters of objection received.

4.0 APPRAISAL

4.1 Main Issues.

- Impact on the character and appearance of the Conservation Area and the streetscene.

4.2 The proposal is in two parts, the conversion of the existing building and the erection of two new town houses to the side of the existing building projecting into what is currently open space and car parking.

Proposed new town houses.

4.3 The site is important given its corner location and when standing on Sycamore Place facing the front of the hotel there are clear views across this corner to the gable end of the listed terrace houses on Bootham Terrace and across to the mature rear gardens of the houses on St. Marys Terrace and the mature trees around the railway embankment. This space is an important open area which offers a substantial and important visual break at this end of Bootham Terrace. The previous refused scheme represented a substantial development both in terms of its footprint and height and the Council considered it would have obscured views of the end of Bootham Terrace from Sycamore Place and which would have seriously undermined the setting of both the Conservation Area and the adjacent listed buildings. This decision was upheld on appeal.

4.4 This resubmission has significantly reduced the size of the new build in light of the Inspectors decision. Planning permission had been granted in 2000 for the conversion of half the hotel into a separate dwelling and a two storey side extension to the hotel. This remains an extant planning permission by virtue of the house conversion part having been implemented. The extension could therefore be built at any time in the future. The proposed new houses are almost identical in footprint, size and design to the extant scheme although it has to be acknowledged that the site was not in a Conservation area at the time of that decision, the Clifton Conservation area having being extended in 2002. Therefore, it is correct to consider this scheme against Conservation policies in light of this change in circumstance although this has to be balanced against this relevant planning history.

4.5 This revised proposal represents a much more balanced and improved scheme which much better respects the character and appearance of the Conservation Area at this point. It is subservient to the main building and maintains the generally open corner which is an important visual link between Bootham Terrace and Sycamore Place and which also forms the junction between the Central Historic Core and Clifton Conservation areas. It maintains the views from the Marygate Car Park and railway underpass of the large and impressive bay window on the side elevation of Elliots Hotel and therefore does not diminish the presence of this building to an unacceptable degree. The next door properties to the north east on Bootham Terrace are all Grade II listed and a further concern of the refused scheme was its impact on the setting of these listed buildings. By reducing the scheme back down to the extent of the 2000 approval, this impact is much less and officers do not consider their setting to be compromised. The buildings in question were listed at the time the extension was approved in 2000 and the relationship of the development with them was considered to be acceptable then.

4.6 The proposal no longer represents an overdevelopment of the site and it maintains an acceptable level of open space to the front and side, some of which will be utilised as garden open space and some for car parking. Its existing use is as a car park. The existing railings which frame the site to the road, partly lost in the previous scheme, will now be retained. Their permanent retention is recommended by condition. The proposed new houses are therefore now considered acceptable and they preserve the character and form of the Conservation area at this point.

4.7 The site is a brownfield site close to the City centre in an established urban area where such development is generally encouraged. It is highly sustainable and so limited car parking is proposed (6 spaces on site). Nine of the units are 1 bedroom bedsits and the two new houses have 2 bedrooms so this level of car parking is not considered unreasonable. It is unlikely that all occupiers of the bedsits will have a car. The amenity space is generally shown to be communal with only the proposed end house having any private space of its own. Occupiers of the bedsits will share a yard to the rear where bins and cycles can also be stored and the first house is also shown with a small yard. A larger area laid to grass intended for communal use is shown to the side of the buildings adjacent to Sycamore Terrace. The previous scheme was also refused due to a lack of private amenity space across the site. However, the Inspector rejected this reason concluding that '...prospective occupiers of this type of accommodation (bedsits), living so close to the city centre, the riverside and the extensive municipal open spaces nearby, would be unlikely to demand or require large areas of outdoor amenity space. The enclosed rear yard of the conversion would be adequate to provide the necessary space for refuse, secure cycle storage and drying areas'. Given this and the fact that this proposal offers more space than in the refused scheme, officers raise no objections to the levels of amenity space associated with this development.

Conversion of the existing building.

4.8 With regard to the conversion of the existing building into flats and bedsits there are no objections in principle to this and the Council do not have a policy for preventing this providing that the standard of living and the amenity of future occupiers is deemed to be acceptable. Whilst quite small, the units do offer suitable and reasonable levels of accommodation for this type of property.

4.9 The previous application was also refused on the grounds of the poor level of private amenity outside of the building for future occupiers but also the poor outlook from three of the bedsits. The issue of the outdoor space is dealt with above in para. 4.7. As for outlook from the units the layout has been amended and much improved from that in the previous scheme. All units now enjoy a satisfactory level of outlook and levels of natural light internally. The Inspector had considered that even in the refused scheme the proposed internal arrangements of the conversion provided relatively generous, private en-suite accommodation for all prospective residents. Given that this proposal represents an improvement on this, there are no objections to the conversion.

5.0 CONCLUSION

5.1 This revised proposal addresses the deficiencies of the previously refused scheme. The proposed new build will not adversely affect the setting of the listed buildings on Bootham Terrace and will preserve the character and appearance of the Conservation area and the general amenity of the area. The conversion is also deemed to be acceptable now in terms of principle and levels of amenity. Car parking, whilst only offering 6 spaces on site is also considered to be acceptable.

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:-

- Elevation plans received 23rd May 2007
- Site layout and internal layout plans received 15th August 2007

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

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

3 VISQ8 Samples of exterior materials to be app

4 A sample panel of the brickwork to be used on the new houses shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

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

- eaves details
- typical window reveal detail showing lintel and cill
- section through abutment with the existing perimeter wall

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

6 All new windows and doors shall be of timber construction.

Reason. In the interests of good design and appearance in the Conservation area.

7 The design, finish and colour of all new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason. In the interests of visual appearance and good design in the Conservation area.

8 LAND1 IN New Landscape details

9 The existing railings around the perimeter of the site shall be retained.

Reason. In the interests of preserving the character and appearance of the Conservation area.

10 HWAY18 Cycle parking details to be agreed

11 HWAY19 Car and cycle parking laid out

12 HWAY29 IN No gate etc to open in highway

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

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

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

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £5364.

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.

15 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents, good design and the preservation of the character of the Conservation area 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.

16 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 nearby residents

7.0 INFORMATIVES: Notes to Applicant

1. INFORMATIVE:

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

2. 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 good design and the impact on the Conservation area and street scene. As such the proposal complies with Policies HE3, HE4, GP10, H4a and H8 of the City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

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 redesign and implement a remediation scheme to the satisfaction of the local planning authority. Should the 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

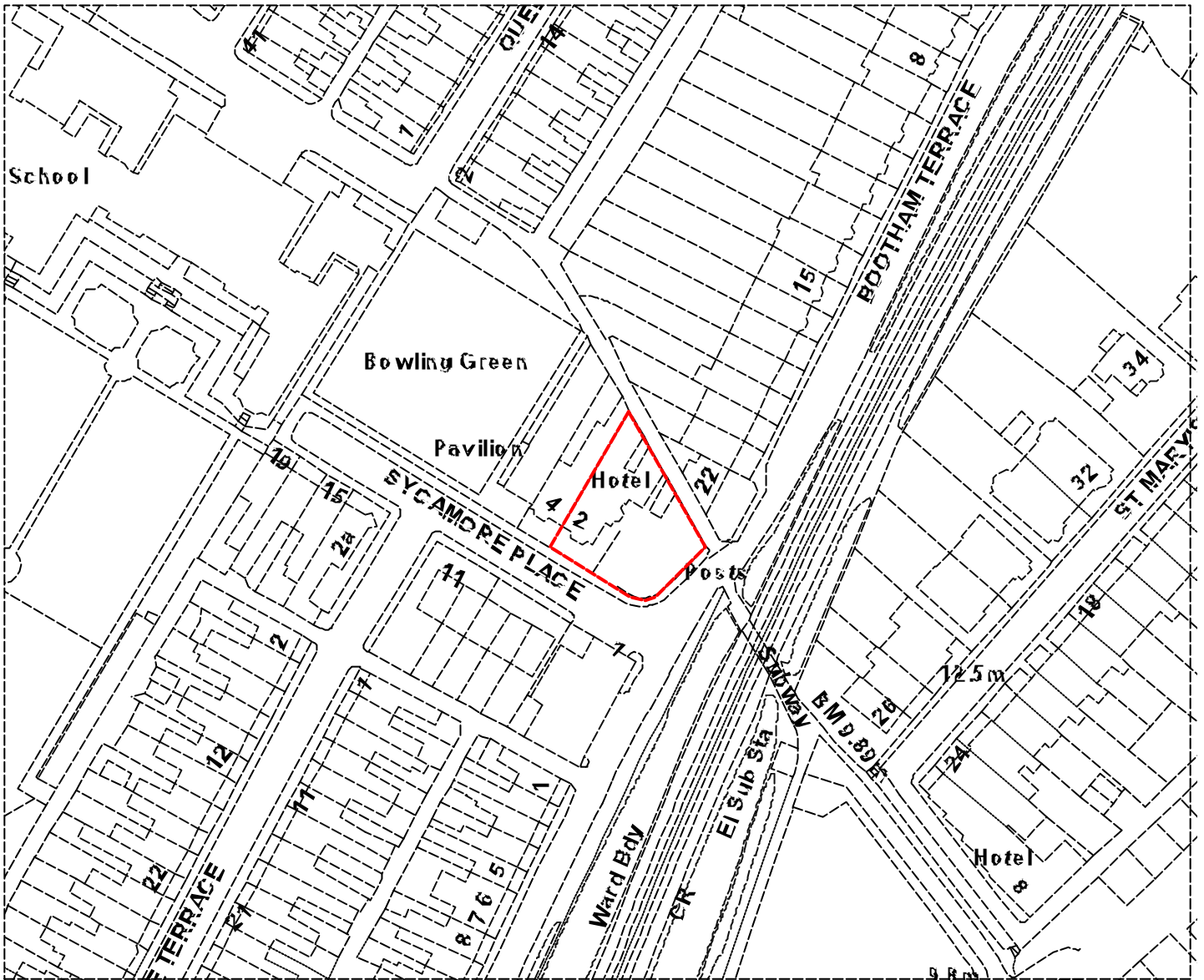
Contact details:

Author: Matthew Parkinson Development Control Officer

Tel No: 01904 552405

07/0846/FUL

Elliot's Hotel 2 Sycamore Place



| Legend | |
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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 26 October 2007 |
| SLA Number | Not Set |

COMMITTEE REPORT

Committee: East Area
Date: 8 November 2007
Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 07/01606/FULM
Application at: Plot E Airfield Business Park Whitley Road Elvington York
For: Erection of 5no. industrial units incorporating 1no. single storey unit block and 1no. four unit block with car parking/servicing courtyard and associated landscaping.
By: W.M. Birch And Sons Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 5 October 2007

1.0 PROPOSAL

1.1 This application was placed before the committee on the 27th September. Members deferred the application after concerns were raised over the position of Unit 5, the unit closest to the entrance to Yorkshire Air Museum and the impact this would have on views towards the main entrance of the museum.

1.2 Amended proposals have been submitted which have re-positioned Unit 5 approx. 5 metres further to the east than previously. It has also been angled through 45 degrees so that the building follows more the line of the adjacent roads, hence allowing for an improved line of sight through to the Air Museum entrance. At its closest point to Whitley Road, the distance to the building is now 10 metres as opposed to 5.2 metres in the previous scheme. The front corner of the building facing Whitley Road is between 5 and 7 metres further away from the road. The design of the building has also been altered a little to show a slightly amended roof design. The height is the same as previous. New brick pillars are also proposed on either side of Whitley Road in order to delineate the two entrances and help signify there separate use to visitors.

1.3 The Parish Council, Highways officer, Landscape Architect and all previous objectors including the Air Museum itself have been reconsulted on these amended plans. At the time of writing this report, only the Parish Council had responded to say that they had no objections. Any further comments received will be reported at the Committee meeting. Officers recommendation remains as before.

The report from this point continues as before. All references and comments are based on the scheme prior to the submission of the amended plans.

1.4 The proposal is for the erection of 5 two storey industrial units on a piece of land at the Elvington Airfield Industrial Estate. The site in question is known as Plot E and is the area of land immediately adjacent to the entrance to the Yorkshire Air Museum.

1.5 The site is within an existing employment site identified within the City of York Deposit Draft Local Plan incorporating the 4th set of changes, approved April 2005.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP4A
Sustainability

CYNE1
Trees, woodlands, hedgerows

CYT5
Traffic and pedestrian safety

CYE3A
Standard Employment Allocations

CYGP1
Design

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Network Management.

There are no highway objections to the principle of this proposed development, however, it is noticed that the development will entail the "stopping up" of two areas of public highway and the diversion of an existing highway drain within the site.

Applicant in discussion with the Highways Authority to discuss this further and revised plans and confirmation of details are awaited. Subject to these details being agreed, no objections. Amended details received 13th Sept following discussion with highway officers and an update on this will be provided at the planning committee.

3.4 EPU.

The environmental protection unit have no objections to this application. A site visit revealed that the area has not been used for a number of years, but has been military land in the past. As a result of this information it is felt necessary to place the

5 point contaminated land condition on this application so that the Council can be informed of the actual historical use of the site and determine further if any contamination is present.

3.5 Archaeology.

Watching brief on all groundworks required. The site lies within the boundaries of the WWII airfield at Elvington, and in an area which has produced extensive crop mark evidence for a late prehistoric / Roman British landscape. This development may reveal features and deposits which must be recorded through a watching brief.

3.6 Landscape Officer.

The recently completed development on the opposite side of the road (plot A ref 02/3100) through much negotiating at the time has ensured the successful protection and retention of trees on and neighbouring the site, resulting in a large development footprint and adequate space around existing trees. The same standard will be expected of this plot. Those few trees that do exist are the only aesthetically redeeming features of the business park.

The species, numbers and stock sizes shown on the Landscape proposals are fine but the locations of some of the trees are incompatible with the proposed highway drain diversion, which requires a 3m easement either side of the proposed drain. Therefore the tree locations need revising to suit. Within these revisions the Council would like to see an Oak planted towards the apex of Whitley Road and Halifax Way, 3m from the edge of the pavement.

This application shows the retention of the third Pine (T3); this is unrealistic given the proximity of the proposed building. Nonetheless, in this instance the Council are happy to concede this, because the Ash is retained and a considerable number of new trees are introduced. Unit 4 should be reduced in width by 2-3m to allow the full root protection area for Pine T4.

It would be more appropriate to manage the existing regenerated vegetation immediately under the protected pine trees, rather than introduce new planting because of the difficulty in cultivating and planting over the rooting zone; the competition for water, plus the shade cast by the trees is not conducive to establishing and maintaining new Heather plants.

It would also benefit the trees and the environment to utilise porous construction for the parking bays (in line with sustainable development principles).

Amended plans to address the above received 14th Sept. An update will be provided at the Committee meeting. Subject to the details in these plans, condition LAND1 and tree protection conditions are recommended.

3.7 City Development.

The site is Plot E of the designated Elvington Airfield Business Park. It is proposed that the proposed business units be used for B1, B2, B8 uses. It is allocated in the local plan as a standard employment site restricted to B2 and B8 uses. It is a schedule 2 employment site which restricts the use of B1. Therefore there is no

policy objection to B2 and B8 uses as this is allocated within the local plan. However, due to problems maintaining the supply of B2 and B8, the site is restricted to this use class, therefore B1 is not permitted.

If the application is for B2 and B8 use alone, there would be no policy objection.

3.8 EXTERNAL

3.9 Elvington Parish Council.
No objections.

3.10 Third Parties.

5 letters of objection received making the following observations.

- Support any objections or suggestions the Yorkshire Air Museum make to this or any future development proposals in the area.
- Against any building or commercial development being built within one mile of the Museum premises.
- Developers are showing a complete disregard for all the Yorkshire Air Museum stands for. It is a memorial to all those who served and gave their lives during WWII and serves as a reminder to visitors how much is owed to these people. It would be sacrilage to destroy this memorial by imposing these commercial buildings on such a sensitive site. There must be less sensitive sites.
- Previous objections still stand. Would be extremely unhappy about any development with access via Whitley Road due to its proximity to the Air Museum entrance. Would not enhance the entrance and having two entrances close to each other, one used by commercial traffic would cause traffic problems.

4.0 APPRAISAL

4.0 APPRAISAL

4.1 KEY ISSUES.

- local plan allocation.
- employment creation.
- visual impact of the development.
- protected trees.
- highway implications.

4.2 Local Plan allocation / employment creation.

The comments of the City Development Officer at paragraph 3.7 of this report are especially relevent to this application. The site is allocated as an employment site in the local plan and therefore the principle of a development of this sort here is acceptable. By virtue of this allocation the Council have accepted that this site is

suitable for an employment use and therefore there can be no objection in principle to industrial units being erected here.

4.3 However the Elvington Airfield Business Park has been allocated only for a B2 (General Industrial) or B8 (Storage and warehousing) use and the applicant has applied not only for this, but also for B1 (Business).

4.4 Due to the constraints placed on the availability of greenfield development sites around York by the existing Green Belt and the effects this has on land values , it is particularly important to ensure that land currently or previously designated for employment uses in Schedule 2 of the local plan are safeguarded for their identified land use. It will be difficult to replace land designated for employment use if this is developed for other uses and therefore any use outside the B1, B2 or B8 classification is not acceptable on an allocated employment site.

4.5 Further to this, some allocated sites are further restricted to just B2 and B8 use and Elvington Airfield Business Park falls within this category. High land values in the City make it difficult to maintain a supply of land suitable for B2/B8 uses and therefore some sites must be maintained in order to encourage such uses.

4.6 However, since this site was allocated for B2 and B8 use (first done in the 3rd set of changes and re-imposed in the 4th set of changes) the Use Classes Order has been amended by the Use Classes (Amendment) Order 2005 and further amended by The Town and Country Planning Act Use Classes Order 2006. There are now three sub-sections to the B1 use and these are as follows:

- a) Offices, other than a use within Class A2 (Financial Services).
- b) Research and development of products or processes.
- c) Light industry.

4.7 Parts b and c are very similar in their classification and generally can be considered together. They offer similar industrial / manufacturing uses to the types one would generally associate with classes B2 and B8 and which the restrictive policy is seeking to achieve. Therefore, providing that the use of the buildings can be controlled to include only parts b and c of Use Class B1, the spirit of what policy E3b of the draft City of York Local Plan is seeking to control can be achieved. Officers are of the view that a suitable condition can be worded that restricts use to those covered by classes B1 (parts b and c) and classes B2 and B8. The applicant has expressed his agreement to this restriction.

Visual Impact / Impact on the Air Museum.

4.8 This is the third application for development of this type on this site in the last two years, the previous two having being withdrawn. In both cases there were a significant number of objections to the development, mostly from the Yorkshire Air Museum and its trustees. The main concerns rested around the impact the development will have on the Museum, both in terms of its setting and appearance and matters of highway safety. This application has been amended significantly as a result of these objections and discussions with the Air Museum. The main changes are to the layout of the units and to the access point into the site. Previously access

was to be off Whitley Road via an entrance immediately adjacent to the Air Museum entrance. The layout of the units were concentrated as a long curve of buildings along the eastern boundary following the line of Halifax Way (the main road through the business park) with a single unit on the southern boundary. In this application, the entrance has been moved to off Halifax Way so that no traffic visiting this site will go down Whitley Road towards the entrance to the Air Museum. The layout has consequently been amended to reflect this with a block of four units now shown adjacent to the southern boundary and a single unit towards the northern end of the site.

4.9 Whilst issues over site layout, access and highway safety are important material considerations, the site is allocated in the draft local plan as an employment site and therefore the principle has already been established through the due local plan process. There is therefore an agreed expectancy on behalf of the Council that this site should come forward as an employment site and that industrial units will be erected on this site. Given this allocation, officers do not raise any objections to the proposed use of the site.

4.10 The main issue is therefore the details of the scheme and ensuring that any development respects its setting next to an important leisure and tourism use and that it doesn't materially harm or hinder the museums objectives, appearance or future, or that of the area.

4.11 The area in question is classified as 'Plot E' within the allocated Elvington Airfield Business Park area and remains the only undeveloped area within this allocation. It is also the most sensitive given its position next to the air museum and at the most northerly end of the site closest to Elvington Lane. It will be the first site one sees when turning into the Business Park onto Halifax Way from Elvington Lane.

4.12 The position of the site is such that there is bound to be some visual impact from any scheme of this kind, however modest it may be. The key issue is to minimize this as much as possible. The most sensitive part of the site is the northern end closest to Elvington Lane and close to the junction of Halifax Way and Whitley Road. Many of the objectors to the previous schemes expressed concerns about the impact of the development on the setting of the entrance to the Air Museum which will put visitors off visiting the attraction. Whilst officers didn't necessarily concur with this view it is agreed that this area is important visually and any proposed development should maintain some openness close to the junction of Whitley Road and Halifax Way, both in terms of basic good design practices and so as to maintain a degree of visual separation between the Air Museum and this site.

4.13 At the moment the site is a largely overgrown, somewhat derelict looking site which is not particularly well maintained. A small storage type building stands close to the southern boundary and this is to be demolished as part of this proposal. The proposed four unit block will occupy the footprint of this storage building although it is acknowledged that the proposed buildings are significantly larger. Other existing industrial style buildings already built on other parts of the business park are clearly visible just beyond this site's southern boundary and to a large extent these frame this site visually when looking from Elvington Lane. This is a material consideration when considering the visual impact of this proposed development.

4.14 The layout has been altered significantly from that previously submitted (see para. 4.8 above) and the majority of the development is now concentrated towards the southern flank of the site immediately north of the industrial buildings that occupy Buccaneer Court. The side elevation of building U3 of Buccaneer Court is clearly visible from Elvington Lane and is seen in conjunction with the Air Museum when driving down Halifax Way. Therefore officers consider that given the existing arrangement of units and consequential views of them, the visual impact of the 4 unit block is not materially any more harmful and the relationship of industrial units to the air museum buildings remains largely the same at that point.

4.15 Unit 5 stands on its own towards the northern end of the site and because of this, will be more visually conspicuous. It is of a similar design and height to units 1-4 but given its position, will be more visible from both Elvington Lane and will be seen more in conjunction with the air museum entrance than units 1-4 and this needs to be considered carefully. It is of standard industrial unit design and is approx. 8 metres high. Part of the first scheme showed the side elevation of one of the units immediately adjacent to the junction of Whitley Road and Halifax Way and this would have dominated the views of the air museum to an unacceptable degree. It was made clear to the applicants that this relationship should be preserved as much as possible so that there is some substantial demarcation between the two sites. Although this revised scheme has altered the layout so it is the more expansive rear elevation (approx. 17 metres in width) that is the more visible, unit 5 has been moved southwards so as to produce a gap of approx. 13 metres between Whitley Road and the building at its most visible point close to the junction with Halifax Way. This reduces to between 5 and 7 metres when measured to the side towards Whitley Road and the Air Museum entrance.

4.16 Whilst acknowledging that such a development will be more visually intrusive (in a built form) than the existing largely empty ground, the site is currently overgrown and not well maintained and therefore even in this form does not offer a particularly attractive entrance to either the industrial site or the air museum. The proposed space between the road and Unit 5 is reasonable and therefore helps to ensure that Unit 5 does not appear unduly dominating at this important juxtaposition between the Air Museum road entrance and the industrial site. It is proposed to plant 8 trees in the area between Whitley Road and the unit, three of which are shown to be heavy duty and including Oak. Grass will be laid as ground cover. This will help to significantly soften the environs around Unit 5. Officers are also of the opinion that a traditional post and rail fence defining this boundary will also help to demarcate the two sites and together with the tree cover should enhance this northern part of the site and result in an appropriate degree of visual separation between the two sites.

4.17 Protected trees.

The landscape architects comments are at para. 3.4 of this report. There are several protected trees within the site. These are 2 Pines in the south east corner and an ash on the eastern boundary about half way up. These will be retained and protected by fencing. A further young pine is growing close to the southern boundary close to the mature protected pines but given the close proximity of Unit 4 to this building, it is unrealistic to keep it. However, the Council's landscape architect has raised no objection to losing this tree given the high amount of new planting which is proposed

elsewhere within the site. An unprotected silver birch close to the western boundary with the air museum is not considered worthy of retention due to the presence of a soft decay pocket close to an old pruning wound low down on the trunk. However, it is vital that the scheme respects these trees and also the number of plant species which have been identified as successfully re-colonising the site. The scheme largely does this successfully and no objections have been raised to this, subject to the receipt of amended plans making the alterations as suggested by the Landscape architect.

Highways.

4.18 The Highway Network Management comments are at Para. 3.2 of this report. The most concern expressed by objectors in the previous applications were over highway safety given that the entrance to the application site is off Whitley Road, the same road from which access to the Air Museum is taken. This has now been altered so that access is off Halifax Way (the main road through the Business Park) and therefore no vehicles visiting this site will now go down Whitley Road towards the Air Museum. An entrance off Whitley Road into this site was clearly envisaged when previous infrastructure work was done because one has been left in place adjacent to the air museum entrance. This consequently needs to be stopped off. Officers are awaiting details of this, the diversion of a drain which runs across the site and some amendments to the visibility splays at the junction of Halifax Way and Whitley Road but subject to these, there are no highway objections to the proposal, subject to conditions. It is hoped that the moving of the entrance to Halifax Way has also overcome many of the main concerns of the previous objectors.

Sustainability.

4.19 The location of the site has poor public transport links and so there is an historic reliance on the private car to access this site. However, it is allocated as an industrial park in the Local Plan and has therefore been identified as a suitable location for such a use. It may also provide local employment opportunities so reducing potential travel times for employees. This is the penultimate phase of the development with only the smaller plot E to be developed close to the Air Museum. There is a standard BREEAM assessment test for speculative industrial buildings (where no end user has been identified) and the applicant is aware of this and at the time of writing this report is undergoing this in order to assess compliance with this rating. They are committed to making the development as sustainable as possible within the BREEAM rating system.

5.0 CONCLUSION

5.1 This resubmission addresses many of the concerns expressed over the previous schemes, in particular the position of the access point. This alteration has subsequently resulted in a significant change in the layout of the site and this has resulted in Unit 5 standing in some isolation towards the northern end of the site in relatively close proximity to the air museum entrance. However, there is a substantial distance between the road and the nearest unit and the level of mature tree planting proposed in this area, together with a post and rail fence boundary treatment leads officers to conclude that this will not materially affect this relationship with the air museum. To some degree it will enhance it.

5.2 The proposed uses are in accordance with the allocated use of the site as proposed in the draft Local Plan.

5.3 Subject to the comments of Highway Network Management and the Landscape Architect on revised plans, officers raise no objections to this revised proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME1 Development start within five years

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

Job no: 3708, drawing no's

- L(0) 001
- L(0) 003 Rev C
- L(0)004 Rev B
- L(0)006 Rev B
- 1714/1H

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 The use of the buildings hereby permitted shall be restricted to uses within Classes B1 (sub sections b and c), B2 and B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or as in any further amended order.

Reason. In order to comply with the draft local plan allocation for this site and no other use is considered appropriate in land use planning terms or in terms of traffic generation.

5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 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.

6 DRAIN1 Drainage details to be agreed

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

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

8 LAND1 IN New Landscape details

9 All trees shown to be retained and those subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: -

Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837:2005 shall be erected around all existing trees shown to be retained. Prior to commencement, the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement,

no disposing of washings, no stored fuel, and no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

10 The northern boundary of the site with Whitley Road shall be defined by a wooden post and rail fence in a scheme to be agreed in writing by the Local Planning Authority. Details of this and any other proposed 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 brought into use.

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

11 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800

Dependant on the finding of the desk study, 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.

A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

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.

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.

12 Details of all machinery, plant and equipment to be installed in or located on

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

Reason: To protect the amenity of the local residents

13 ARCH2 Watching brief required

14 The developer shall aim to achieve a BREEAM "very good" assessment standard for the development unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of any works on the site, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates.

Reason: In order to ensure that the proposal complies with the principles of sustainable development

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

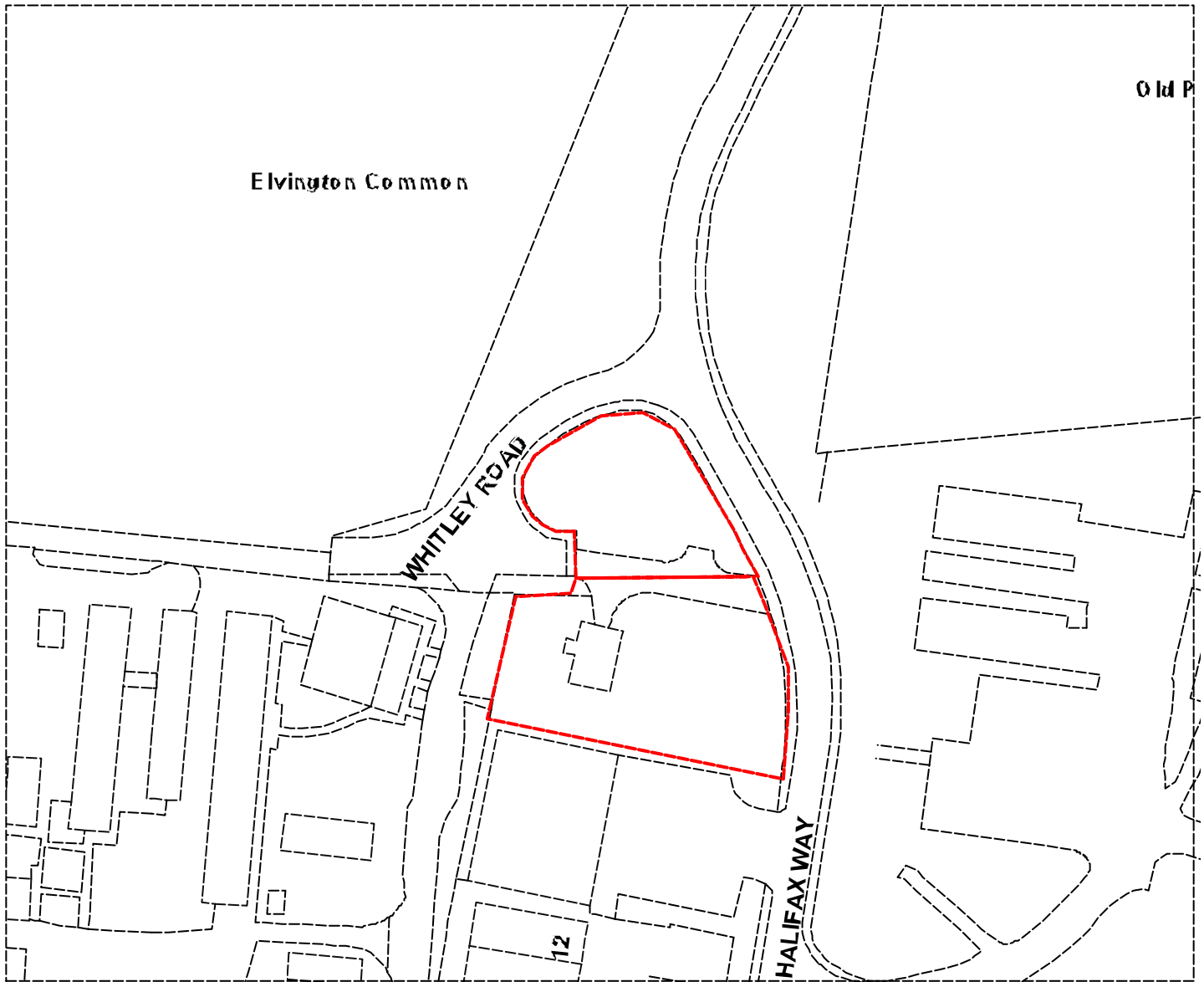
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to allocated industrial land, highway safety, ecology, protected trees, design and appearance and sustainability. As such the proposal complies with Policies E3a, E3a.2, GP1, GP4A and NE1 of the City of York Draft Local Plan incorporating the 4th set changes approved April 2005.

Contact details:

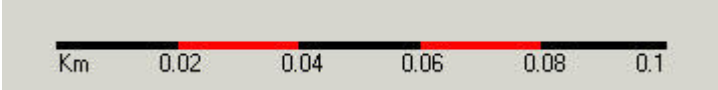
Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405

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Plot E Airfield Business Park Whitley Road Elvington



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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 26 October 2007 |
| SLA Number | Not Set |

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."

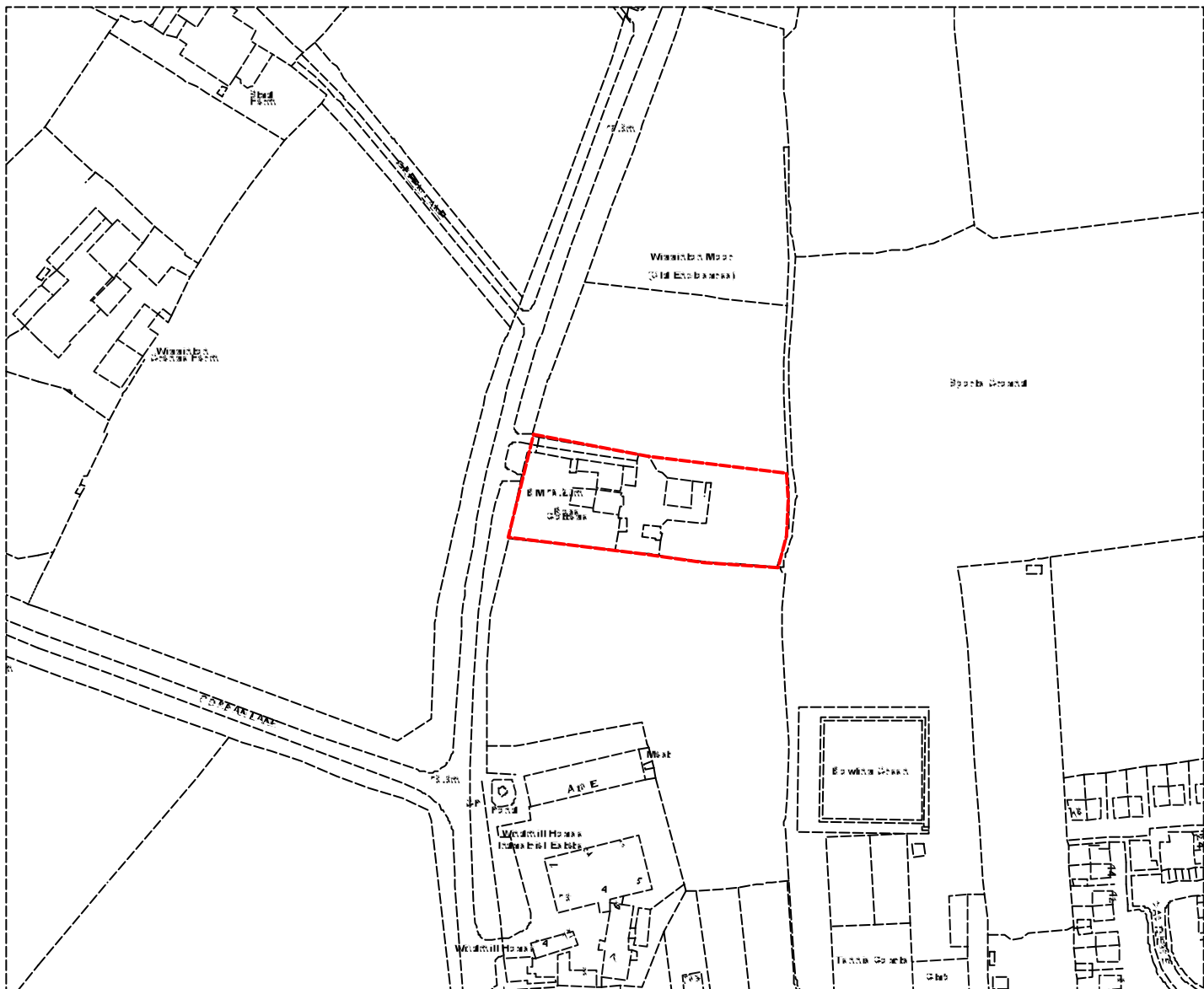
7.0 INFORMATIVES:

Contact details:

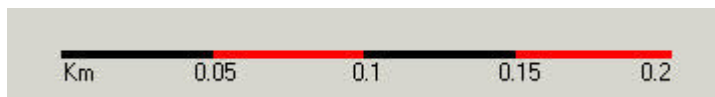
Author: Kevin O'Connell Development Control Officer
Tel No: 01904 552830

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8 Rose Cottage Sutton Road Wigginton



Legend



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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 29 October 2007 |
| SLA Number | Not Set |

CYH7

Residential extensions

3.0 CONSULTATIONS

3.1 Internal

3.1.1 Highway Regulation - No comments received at the time of writing this report (29.10.07)

3.2 External

3.2.1 Hull Road Planning Panel - No comments received at the time of writing this report (29.10.07)

3.2.2 Comments From Neighbours - No comments received at the time of writing this report (29.10.07)

4.0 APPRAISAL

4.1 Key Issue(s): Effect Upon Neighbours And The Surrounding Area.

4.2 Assessment: The Application Site - The property is located within an ample sized rear garden and backs on to the playing fields of Arch Bishops Holgate secondary school. The existing garage measures approx 6.1 metres in depth and is built up to the boundary with No26. This property is positioned to the east of the application site and is a single storey dwelling with the addition of a carport on the boundary and garage to the rear.

4.3 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings

4.4 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

4.6 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of the neighbour at (No26) and the visual appearance and amenities of the surrounding area.

4.7 Effect upon the Street Scene: It is not considered that the proposed extension would adversely affect the streetscene, being set down and set back from the front wall of the property in accordance with the Council's Supplementary Planning Guidance.

4.8 Effect upon the Neighbours: The two-storey side extension is set back from the front of the house and set down from the ridge of the roof and is of similar design to other two storey additions in the area. There are no windows proposed on the boundary elevation, other than a small bathroom window with opaque glass, therefore complying with the design principles set out in the Council's Supplementary Planning Guidance. The proposal is not considered to be unduly out of character, but it is considered that the size, scale and massing are unsatisfactory on the shared boundary and would impact significantly on light into and outlook from the adjacent windows of the neighbouring property. An existing boundary fence provides a degree of screening but nonetheless it is considered the scale of the proposal would appear oppressive and over dominant. In particular, the close relationship of the proposed extension to the adjacent bungalow would result in a significant loss of light to the ground floor windows and a significant amount of overshadowing for the residents at no. 26 which face towards the boundary of the application site. Thus it is considered that the proposal would be unduly harmful to the amenity and living conditions of the occupiers of no. 26. Other properties within close proximity are well screened and of an acceptable distance from the application site.

5.0 CONCLUSION

The proposed two-storey side extension is considered to be unduly oppressive and overbearing and would adversely affect the outlook from neighbouring property 26 Crossways resulting in a loss of outlook which is considered to be unduly detrimental to the amenity and living conditions of the occupiers of this property.

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed extension would result in an unacceptable impact on the amenity and living conditions of the occupiers of the adjacent dwelling (26 Crossways) by virtue of its size, scale, massing and proximity to the boundary, its unduly oppressive and overbearing impact and the loss of light and outlook that would result. As such it is considered that the proposal conflicts with the provisions of Policies H7 and GP1 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

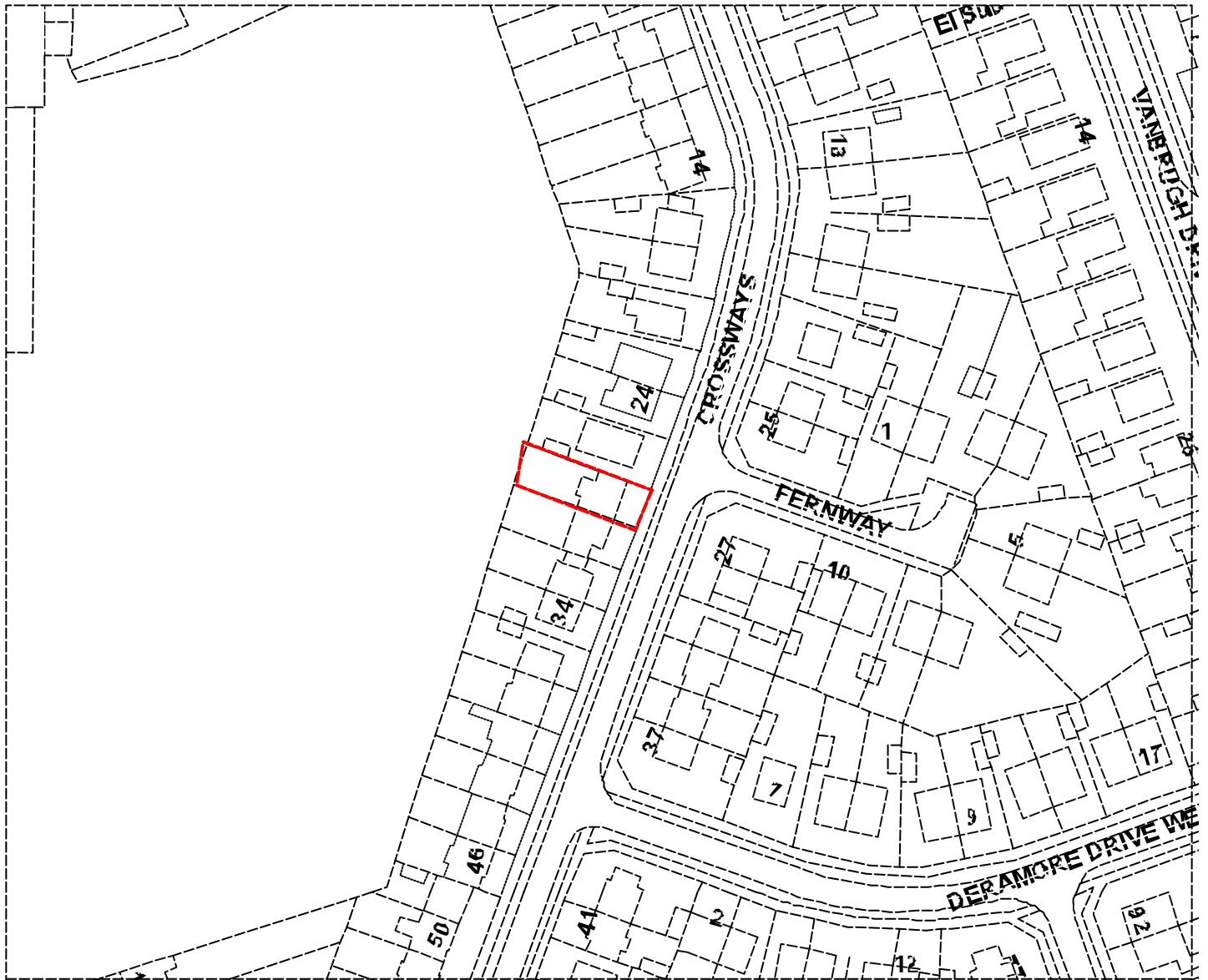
Contact details:

Author: Sharon Lickers Development Control Assistant

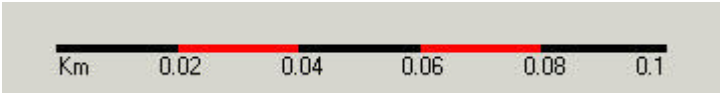
Tel No: 01904 551359

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28 Crossways



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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 29 October 2007 |
| SLA Number | Not Set |