



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, 10 April 2008

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00am on Wednesday 9 April 2008 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. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of the Annexes to agenda item 7 on the grounds that they contain information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or that Authority proposes to make an order or directive under any enactment.

3. Minutes (Pages 5 - 16)

To approve and sign the minutes of meetings of the Sub-Committee held on 13 and 27 March 2008.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 9 April 2008 at 5.00pm.

5. Plans List

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

a) Land at junction of Corban Lane and Wigginton Road, Wigginton, York (07/00688/FULM) (Pages 17 - 28)

Erection of packing shed (150 sqm) and horticultural glass house (1080 sqm) (revised scheme) [*Haxby and Wigginton Ward*] **[Site Visit]**.

b) 203 Hull Road, York YO10 3JY (08/00350/FUL) (Pages 29 - 33)

Two storey pitched roof side and rear extension to 203 and 205 Hull Road and change of use to Houses in Multiple Occupation (HMO) [*Hull Road Ward*].

c) 28 Crossways, York YO10 5JQ (08/00194/FUL) (Pages 34 - 38)

Single storey side extension and flat roof dormer to rear (resubmission) [*Hull Road Ward*].

d) 64 St Olaves Road, York YO30 7AL (08/00268/FUL) (Pages 39 - 42)

Boundary wall to side, detached garage to rear after demolition of existing garage [*Clifton Ward*].

e) Christian Science Church, Kilburn Road, York YO10 4DE (08/00113/FULM) (Pages 43 - 53)

Erection of 5 no. townhouses and 5 no. apartments with associated garaging/parking after demolition of existing building (resubmission) [*Fishergate Ward*] **[Site Visit]**.

- f) **Site lying to the west of Morritt Close, York** (Pages 54 - 64)
(07/02736/FUL)
Erection of 6 no. two storey dwellings [*Heworth Ward*] **[Site Visit]**.
- g) **Enclosure Farm, Main Street, Heslington, York** (Pages 65 - 75)
YO10 5EA (08/00188/FUL)
Rebuilding and extension of existing barns to form a dwelling (barn D) (amendment to 07/01046/FUL) for conversion and extension of barn [*Heslington Ward*].
- h) **Enclosure Farm, Main Street, Heslington, York** (Pages 76 - 80)
YO10 5EA (08/00192/CAC)
Conservation area consent for demolition of existing barns (retrospective) [*Heslington Ward*].
6. **Clifton Hospital : Outstanding Section 106 in relation to Management of the Landscape.** (Pages 81 - 82)
This report updates Members in relation to the outstanding Section 106 agreement at the Clifton Hospital site. Members are asked to note that despite a number of approaches made to Persimmon no response has yet been received with regard to the issues raised.
7. **Enforcement Cases Update** (Pages 83 - 161)
Members will consider a report, which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.
8. **Urgent Business**
Any other business, which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552061
- E-mail – jill.pickering@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 set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 9 APRIL 2008**

TIME	SITE	
10:00 am	Meet coach at Union Terrace Car Park.	
10:15 am	Land at junction of Corban Lane and Wigginton Road, Wigginton	(5a)
10:45 am	Site lying to the west of Morritt Close, York	(5f)
11:30 am	Christian Science Church, Kilburn Road, Fulford	(5e)

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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Further information about what's being discussed at this meeting

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

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

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	13 MARCH 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, HYMAN, KING, TAYLOR, VASSIE AND WISEMAN

88. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
11 Grange Close, Skelton, York	Cllrs Douglas, Hyman, Moore, Taylor and Wiseman	At the request of the Local Member and as objections had been received to the application and it is recommended for approval.
Elvington Water Treatment Works, Kexby Lane, Elvington	Cllrs Douglas, Hyman, Moore, Taylor and Wiseman	In view of objections received to the application from the Parish Council and neighbours and to familiarise Members with the site.
The Walled Garden Store, Fulford Cross, York	Cllrs Douglas, Hyman, Moore, Taylor and Wiseman	At the request of the Local Member and to familiarise Members with the site.

89. DECLARATIONS OF INTEREST

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

Councillor Taylor declared a personal prejudicial interest in agenda item 4c (The Walled Garden Store, Fulford Cross, York), as the newly appointed manager of the Danesgate Centre was known to him. He addressed the Sub-Committee from the floor, then left the room and took no further part in the discussion or decision on this item.

90. MINUTES

RESOLVED: That the minutes of meetings of the Sub-Committee held on 10 and 24 January and 7 February 2008 be approved as a correct record and signed by the Chair.

91. 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.

92. 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.

92a Elvington Water Treatment Works, Kexby Lane, Elvington, York (07/02915/FUL)

Members considered a full application, submitted by Stephanie Walden, for the erection of a 50m high environmental monitoring mast and associated guy ropes for a temporary period of 18 months.

Officers reminded Members that this was an application for a temporary monitoring mast, not a wind turbine and that determination should be based on this application and not what might happen in the future. Officers updated that 46 letters objecting to the proposal had now been received however a number of them referred to a future wind turbine. He stated that points 2, 6, 7, 9, 10 and 18 listed in the report under neighbours/third party objections also referred to a wind turbine, which was not part of this application. Officers also displayed a template, which accurately showed the width of the proposed mast. A letter of support was submitted from York/Ryedale Friends of the Earth who stated that with climate change there was a need to support such proposals.

Officers reported that no response had been received from Elvington Airfield although it had been ascertained that the proposed site was a "no fly zone" area owing to chemicals stored on site. It was also pointed out that the Control Tower at Elvington Airfield was, at 170 ft, higher than the proposed mast. The publicity period for the application expired on 19 March and Officers requested that, if approval was granted, they would require delegated powers to determine the application subject to receipt of no further objections or issues.

Members expressed concerns at the references to a wind turbine and stated that if approval were granted for the mast that this would in no way show their support for a wind turbine.

The Chair stated that the first registered speaker had indicated that, owing to circumstances beyond his control, he had been unable to attend the

meeting but he had emailed the points he wished considering. His first point related to the siting of the mast and he asked that the Water Authority should consider less intrusive options. His second point stated that if the Sub-Committee approved the application that it would be natural to assume that they would apply the same criteria for a subsequent application for a wind turbine. Finally he felt that many residents in the vicinity of the site would be unaware of the application and he requested either refusal or deferral pending fuller consultation.

In reply to these comments Officers stated that they could only determine the application as submitted and on the site applied for. In relation to the notification of residents they confirmed that the Government recommended the use of site notices rather than individual consultation if an application would affect a wide area.

The Chair of Elvington Parish Council, made representations on behalf of the village, who he stated were without exception universally opposed to the proposal. He pointed out that the application stated that this was part of a wind generation project. The proposal was in the Green Belt and he referred to planning guidance which stated that projects for wind generation normally constituted inappropriate development in the Green Belt. Guidance also stated that the developer not the Planning Officer were required to demonstrate very special circumstances and that these were not mentioned in the Water Authorities application. He questioned whether alternative sites or alternative forms of renewable energy generation had been considered. He also referred to the site visit, which had shown the close proximity of properties, which he felt would have their amenity value, lowered and make the properties unsaleable if permission were granted.

In answer to Members questions, Officers confirmed details of guidance issued in government advice notes relating to developments for renewable energy in Green Belts. Officers also confirmed that they felt that special circumstances did exist in this case, which outweighed the harm by inappropriateness to the Green Belt.

Members questioned the special circumstances, which applied in this case, and certain members felt that these had not been proven in relation to this application in the Green Belt, which they felt would affect local amenities.

Cllr King moved and Cllr Cregan seconded refusal on the grounds that there were no special circumstances, which justified the proposal. They considered that the mast was inappropriate in the Green Belt together with its impact on local amenities. This motion was lost.

RESOLVED: That Officers be delegated authority to grant approval subject to the imposition of the conditions listed in the report and subject to no further issues or objections being raised prior to the expiry of the publicity period.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green

Belt, visual impact, renewable energy and local residential amenity with particular regard to noise and disturbance. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, SP2, SP3, GP1 and GP5 of the City of York Draft Local Plan (4th set of changes) dated April 2005.

Action Required

Subject to no further issues or objections being raised prior to the expiry of the publicity period, issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

92b 11 Grange Close, Skelton, York YO30 1YR (08/00077/FUL)

Members considered a full application, submitted by Mr B Flynn, for the erection of a detached two storey dwelling to the side and a double garage (resubmission).

Officers circulated an update, which set out Cllr Watt's objections to the proposal he stated that developments of this nature were inappropriate in a rural setting and would affect neighbours amenity. The update indicated that a sustainability statement had now been received from the applicant's agent, which covered all the categories, identified in Local Plan Policy GP4a. Officers also recommended the addition of a condition to any approval to ensure that details of cycle and bin storage were submitted for approval prior to occupation of the new dwelling.

In answer to questions Officers confirmed that this was to be a 4 bedroom dwelling and that this development would increase density in the area to 14.5 dwellings per hectare.

Certain Members also raised concerns regarding the small garden area; the high boundary hedge at the rear, which it was felt, would affect light to the property and the shared access drive.

Cllr Cregan moved and Cllr Taylor seconded refusal of the application on the grounds that it constituted overdevelopment of the site. This motion was lost.

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

Additional Condition: Prior to the commencement of the development, details of cycle parking and bin storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and bin storage areas have been provided in accordance with such approved

details, and these areas shall be retained and used solely for their intended purpose.

Amended Condition: Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not reached the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1, GP4A, GP10, H4A, H5A, and L1C of the City of York Draft Local Plan.

Action Required

Issue the decision notice and include on the weekly planning JB decision list within the agreed timescales.

92c The Walled Garden Store, Fulford Cross, York (07/02876/GRG3)

Members considered a General Regulations (Reg 3) application, submitted by Mrs Claire McCormick, to redevelop an existing walled garden, the works to include the erection of a polytunnel, various structures, storage compound and the formation of a vehicular access with new gates.

Officers updated with information provided by the Steiner School, who shared access to the site, referring to the 7 parent and toddler sessions they ran each week. They confirmed that a significant number of people either walked or came by bike and used the narrow lane through the allotments. Requests had also been made for the erection of a prominent sign asking for drivers to use extreme care on the access lane.

An email received from Cllr D'Agorne was circulated to Members, which outlined his concerns regarding the safety of children using the route to access the Steiner School, by sustainable transport. He suggested that a condition should be included in any approval which specified that deliveries

should be made between 09:00-12:15, 13:15-15:00 or 16:30-18:30 Monday to Friday.

Representations, in support of the application, were received from the Manager of the Skills Centre at Danesgate Pupil Support Centre. He stated that the Skills Centre had opened in January as a response to meeting the governments need to give youngsters, not in education, employment training. He hoped that this development would encourage young people to develop a commitment to continued learning. It was proposed to transform the walled garden to recreate a Victorian garden, use of this would be offered to the Steiner School and organic fruit and vegetables would be grown. Students would visit the garden on foot and spend the whole day at the site. He confirmed that only one large delivery vehicle had used the access lane since January to deliver sleepers.

Cllr Taylor, as Local Member, spoke from the floor, he confirmed that he fully supported this project. He understood that there appeared to have been no public notification of the development so the public had not had an opportunity to comment on the proposal. Officers confirmed that 36 neighbours had been notified of the development and that they were obliged to notify neighbours or erect site notices.

Members expressed their unanimous support for the proposal and confirmed that they felt that it would be unreasonable to amend or impose any further conditions.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity or the character of the area. As such the proposal complies with Policy GP1, GP4a or C1 of the City of York Local Plan Deposit Draft.

Action Required

Issue the decision notice and include on the weekly planning JB decision list within the agreed timescales

92d 10 Greycliffe Drive, York YO30 6NA (08/00051/FUL)

Members considered a full application, submitted by Mr Wolverson, for a single storey pitched roof extension to the side and rear after demolition of existing conservatory and garage.

Officers stated that if the garage was removed there would be the potential to insert windows in the wall, which could cause privacy issues. They requested the addition of a condition, which would remove the permitted development rights for this wall.

RESOLVED: That approval be granted subject to the imposition of the conditions set out in the report and the following additional condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no additional doors or windows shall at any time be inserted in the northwest or southwest elevations of the extension hereby permitted, without prior written consent of the Local Planning Authority.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, the proposed side and rear extension would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact of the street scene. As such the proposal complies with policies H7 and GP1 of the City of York Local Plan Deposit Draft.

Action Required

Issue the decision notice and include on the weekly planning JB decision list within the agreed timescales.

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 3.24 pm].

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	27 MARCH 2008
PRESENT	COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, HYMAN, POTTER (SUBSTITUTE), TAYLOR, VASSIE, WISEMAN
APOLOGIES	COUNCILLOR KING

93. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

94. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

95. 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.

95a 14 Dodsworth Avenue, York YO31 8TY (07/01342/FUL)

Members considered a full application, submitted by Toad Hall Developments, for the erection of a bungalow with room in the roof on land adjacent to 1 Irwin Avenue and 14 Dodsworth Avenue.

Officers updated that this was a revised application following its deferral at the Sub-Committees meeting in October 2007. They reported that the speaker at today's meeting had emailed Members a letter, which set out the neighbour's objections to this application for a bungalow, and their support for the next application, on the agenda, for a two storey detached dwelling. Officers reminded Members that the inclusion of a cat-slide dormer window facing Irwin Avenue was the only change to the original proposal. Members were informed that a cat-slide dormer was one with a pitched roof, which was shallower than the main roof, and not a flat roofed.

Representations were then received from a neighbour who represented six local residents. He stated that the issue was the type of dwelling that was appropriate on the site. The neighbours felt a bungalow on this prominent corner plot would be out of keeping with the uniform frontage along Irwin and Dodsworth Avenues. These were semi detached two storey dwellings with pitched roofs, inset porches and bay windows. They felt that a bungalow would be a mass and scale that did not reflect adjacent dwellings, as there were no single storey dwellings or bungalows in the area. He also stated that the residents supported the application on the agenda for a two storey detached dwelling which they felt was more in keeping with the character of the area and drew on the design of adjacent dwellings.

Representations in support of the application were made by the applicant's agent, who stated that they had tried to reflect the plot size and the single storey sub station on the opposite corner of Irwin Avenue. They considered that the bungalow was of a similar size, scale and mass. She confirmed that amendments to the design had been made in line with Members comments at their meeting in October. She also confirmed that they would be happy with either of the applications on the agenda although the cat-slide dormer she felt did not add anything to the design of the bungalow and felt that this should be re-examined.

The Chair confirmed that there were two separate applications on the agenda for this site and that they should be considered as such.

Certain Members felt that a comparison should not be made with the sub station, which was not a dwelling. They felt that the proposed bungalow would be out of keeping with the surrounding area and that it would appear incongruous on this site.

RESOLVED: That the application be approved subject to the imposition of conditions set out in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to housing density, sustainability, visual impact, open space, neighbour amenity and highway issues. The application therefore complies with policies GP1, GP4a, H4a, H5a, T4, and L1c.

Action Required

Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

95b 14 Dodsworth Avenue, York YO31 8TY (08/00354/FUL)

Consideration was given to a full application, submitted by Toad Hall Developments, for the erection of a two storey detached dwelling adjacent to 1 Irwin Avenue and 14 Dodsworth Avenue.

Officers reminded Members that the letter circulated at the meeting from six local residents, in connection with the previous application also referred

to this proposal. The residents strongly supported this proposal, which they felt was in keeping with the area and the site. Officers referred to Highway comments and, with the aid of the plans, they explained that an on site turning space was not essential as the majority of residents reversed out. This meant that the width of the drive could be reduced slightly from 4m to 3.2m thereby reducing the area of hard standing but this would require an amendment to Condition 13.

Some Members confirmed that local residents wished to have a more appropriate development in this prominent area and that this two story dwelling was more in keeping.

RESOLVED: That approval be granted subject to the imposition of the conditions set out in the report and subject to the amendment of Condition 13 as set out below:

13. Notwithstanding the details shown on the submitted drawings, the width of the drive where it crosses the public footpath shall be 3.2m.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to housing density, sustainability, visual impact, open space, neighbour amenity and highway issues. The application therefore complies with policies GP1, GP4a, H4a, H5a, T4, and L1c.

Action Required

Issue the decision notice and include on the weekly planning JB decision list within the agreed timescales.

95c 6 Moorlands Road, Skelton, York YO30 1XZ (08/00364/FUL)

Consideration was given to a full application, submitted by Mark Grandfield, for a single storey infill extension to the front and a conservatory to the rear.

Officers updated that discrepancies had been found on the drawings submitted with this application, which resulted in the dimensions of the extension and conservatory being smaller than those scaled on the drawings. The conservatory would now be 4.5m wide x 3.5m and the infill extension to the front 2.5 x 2m, as these were smaller reconsultation was not required.

RESOLVED: That the application be approved subject to the conditions listed in the report and subject to the amendment of Condition 4:

4. The development hereby approved shall be implemented in complete accordance with the dimensions stated in the e-mail sent by the applicant to the City of York Council on 19 March 2008, i.e. front

extension 2.5 m x 2.0 m, rear conservatory 4.5 m wide x 3.5 m in depth.

REASON:

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

Action Required

Issue the decision notice and include on the weekly planning JB decision list within the agreed timescales.

R MOORE, Chair

[The meeting started at 3.00 pm and finished at 3.26 pm].

COMMITTEE REPORT

Committee: East Area
Date: 10 April 2008

Ward: Haxby And Wigginton
Parish: Wigginton Parish Council

Reference: 07/00688/FULM
Application at: Land At Junction Of Corban Lane And Wigginton Road Wigginton York
For: Erection of packing shed (150sqm) and horticultural glass house (1080 sqm) (revised scheme)
By: Mr A Carby
Application Type: Major Full Application (13 weeks)
Target Date: 16 April 2008

1.0 PROPOSAL

1.1 The site lies within the York Green Belt outside any defined settlement. The application site abuts the settlement edge of Wigginton on its western edge.

1.2 This is a revised planning application to erect two buildings on 2.1 hectare site at Corban Lane, Wigginton. The site is currently in agricultural use and has a storage building in the south west corner. This building measures 12 metres by 18.5 metres. The site is level and is bounded by hedges.

1.3 Two buildings are proposed. The first building is of two storey brick construction to provide packing store, office, staff facilities and packing and loading area. The second is a commercial glass house extending to 36.0 metres by 30.0 metres. Their purpose is to facilitate the expansion of the existing flower and plant production on the site. Wrapping machines would be installed in the packing shed for packing cut flowers.

1.4 Access to the site is through an existing public bridleway to the south of the application site. The applicant states a total of three heavy goods vehicles would visit the site during a normal working day. The number of parking spaces on site would not be altered by virtue of the proposal. There are currently four parking spaces. There would be a maximum of four employees starting no earlier than 7:30am. Depending on the season, staff would normally vacate from the site no later than 5:00pm, although the hours of working would be extended to 7:00pm during the summer period.

Relevant Planning History:

1.5 04/01734/FUL: Erection of packing shed and commercial glass house. Application withdrawn in 2004.

1.6 05/00762/FUL: Erection of packing shed and commercial glass house (revised scheme). Planning permission was refused due to the following reason:

i. The proposed development, by virtue of the height and siting of the proposed packing shed is considered to be unnecessarily detrimental to the openness of the

Green Belt. As such the proposals are considered to be contrary to the aims of PPG2 and policy GB1 of the Draft City of York Local Plan.

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

CYGB1

Development within the Green Belt

CYGP1

Design

CYGP4A

Sustainability

CYGP9

Landscaping

CYGP14

Agricultural land

CYT4

Cycle parking standards

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified, site notice posted and press advertised, expired 20 February 2008. One letter of objection has been received. The following concerns were raised:

- the proposal would increase the traffic movements,
- the proposal would attract larger vehicles,
- the main B1363 road is already busy,
- access lane to the site itself does not have proper road surface. Hence the main road could get very muddy,
- the turn into and out of the lane may not be easy for larger vehicles due to the recent addition of a crossing point on the main road and may result in traffic delays.
- the proposed building work may increase flooding issues,
- the proposed metal roof would be unsightly,

-the size of the buildings is a concern,

3.2 Wiggington Parish Council consulted. Response received 18 February 2008. The following concerns were raised:

-Access to the site is to be made via a bridleway. Use by HGVs on a daily basis plus the additional traffic generated will be severely damaging. A suitable surface will need to be provided,

-there will be problems for HGV`s accessing and leaving the site.

-traffic speeds on the B1363 at this point would increase the likelihood of accidents/collisions,

-bus stops on both sides of B1363 are much used by children. Hence the delivering period for HGVs should be restricted.

-any future development of the site for retail purposes would not be appropriate in the green belt. This should be dealt with by condition.

3.3 Foss Internal Drainage Board consulted. Response received 8 February 2008. The board has no comments, but suggested that the Kyle and Upper Ouse Internal Drainage Board should be consulted.

3.4 Kyle and Upper Ouse Internal Drainage Board consulted. Response received 3 March 2008. No observations.

3.5 Environment Agency consulted. No response received 27 March 2008.

INTERNAL:

3.6 Environmental Protection Unit consulted. Response received 27 February 2008. No objections subject to conditions and informative.

3.7 Highway Network Management consulted. Response received 20 February 2008. The following comments were made:

-no highway objections;

-based upon the information supplied by the applicant relating to the proposal any traffic generation would be minimal;

-the track serving the application site is a bridleway and as such is surfaced to a level commensurate with its use/status;

-the applicant will be liable for any damage caused to the bridleway by vehicles. It is therefore recommended that the surface be improved, following consultation with the Council's Public Rights of Way team.

-conditions recommended.

3.8 City Development Unit consulted. Response received 21 February 2008. The following comments were made:

-the site lies within green belt. As such policy GB1 applies,

-buildings constructed for agricultural including horticultural buildings and buildings erected for uses ancillary to horticulture are an exception to the general presumption against new buildings in green belt areas,

- whilst the proposed use is deemed acceptable in the green belt, the open character and purpose of the green belt should not be compromised by the scale and design of the buildings,
- no policy objections.

3.9 City Development Unit: Further response received on 19 March 2008 following officers' request for comments on sustainability:

- it should be ensured that a sustainability statement has been submitted in line with policy GP4a as the proposal is considered to be commercial.
- after considerable consultation with the Building Research Establishment (BRE) and Sustainable Development specialists within the region, it was felt that it would be unreasonable to request a full BREEAM assessment for this type of use.
- it should be ensured that the applicant has adequately address the issues of energy and water in depth.
- it is unlikely that this request would materially change the overall appearance of the scheme.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- Green Belt Policy
- Openness of York Green Belt, Scale and External Appearance
- Sustainability
- Access/Highway safety
- 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 criterion a - c of the policy. The decision turns upon whether the proposed impact on the Green Belt would be detrimental to its openness.

4.3 The purpose of the proposed development is to facilitate/expand the existing horticultural business. As horticultural use falls within the definition of agriculture (according to Section 336 of the Town and Country Planning Act 1990), it is considered that the proposed glass house and packing shed would not be inappropriate within the Green Belt. Conditions have been recommended to limit the use of the proposed buildings.

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

OPENNESS OF YORK GREEN BELT, SCALE AND EXTERNAL APPEARANCE

4.5 The previous planning application was refused by virtue of the proposed packing shed, which was considered to be unnecessarily detrimental to the openness of the Green Belt. Compared with the original (refused) scheme, the revised application shows:

- i. the packing shed has been repositioned towards the west boundary by 17.0m;
 - ii. the glass house has been repositioned towards the west boundary by 6.5m;
 - iii. the height of the proposed packing shed has been reduced by 500mm;
 - iv. a gable roof is proposed instead of a hipped roof on the proposed packing shed;
- and
- v. additional planting to screen the development from public view.

4.6 Overall, the revised scheme is considered to be an improvement. The reduction in the physical separation between buildings would reduce the proliferation of buildings across the site. This would help to minimise the visual impact of the proposal upon the open character and appearance of York Green Belt. It is considered that this, together with the proposed height reduction of the packing shed, would address the reason for refusing the previous planning application. The proposed landscaping would provide an element of screening from the B1363 to the east and could be secured by condition.

4.7 The design and appearance of the buildings are broadly in keeping with the rural character and appearance of the locality. The scale of the proposed buildings are considered to be in proportion with the size of the business and the area of land that the flower and plant production business occupies. Furthermore, the proposed buildings would be over 60.0m away from the nearest properties to the west of the application site (Home Farm Cottages) and over 150.0m away from the residential properties along the opposite side of B1363. Hence on balance it is unlikely that the proposed packing shed and glass house would be unacceptably overbearing and dominating.

4.8 With regard to the use of materials, the revised plans received 14 March 2008 show the roof of the packing shed would be constructed of re-claimed clay tiles (instead of profiled metal as originally proposed). It is considered that the proposed choice of building materials as shown in the revised scheme would be more in keeping with the rural character and appearance of the open countryside.

SUSTAINABILITY

4.9 In accordance with policy GP4a of the City of York Draft Local Plan 2005, the principle of sustainable development has been incorporated as part of the scheme. It is intended to incorporate energy conservation measures in the construction of the shed with insulated walls and roof; heating will be restricted to staff facilities only. To achieve the desired appearance and to minimise the use of non-renewable resources, recovered bricks and clay tiles would be used to construct the packing shed. In order to reduce the requirement for transport in servicing the business, plant materials resulting from cut flowers and plants will be recycled to form new compost. Other items which cannot be composted, such as waste from packing materials will be removed from the site by a licensed contractor. To reduce the impact of the business in respect of water usage, roof water from both the shed and the

glasshouse will be collected and retained for use on site for watering the plants and flowers.

4.10 In addition to the above, the proposed expansion of the flower and plant production operations would increase productivity on site. This would in turn enhance the local economic prosperity and employment opportunity by increasing the existing workforce time on site. Overall, subject to a condition requiring the developer to demonstrate in detail how the scheme would reduce demands for water and energy, it is considered that the proposal would accord with policy GP4a of the City of York draft local plan 2005.

4.11 Having consulted the Building Research Establishment (BRE) and Sustainable Development Specialists within the region, it was considered by the City Development team that it would be unreasonable to request a full BREEAM assessment for this type of development.

ACCESS/HIGHWAY SAFETY:

4.12 Concerns were raised regarding the suitability of the bridleway for the proposed use, and the potential damage additional traffic would have on this existing access. During the recent amendment to bus stops/pedestrian facilities along B1363 a vehicle swept path analysis was carried out by the Council to ensure satisfactory use of the bridleway could continue. The analysis indicated no problems with vehicles associated with the application site. Furthermore, given that the traffic generation associated with the development is regarded as relatively small (3 heavy goods vehicles will be visiting the site during a normal working day), there is no firm evidence to suggest that the proposal will cause unacceptable damage to the bridleway or would be detrimental to highway safety.

4.13 According to the Council's Public Rights of Way team other (non-planning) legislation does exist to prosecute person(s) (or in this case the applicant) liable for any damage caused to the bridleway.

4.14 As the applicant/occupier of the development has a right of access onto the public bridleway and other public highways, it is unlikely that a condition restricting the delivery time of the HGV's on highway grounds would be reasonable. Subject to conditions no objections were raised by the Highway Network Management team.

OTHER MATERIAL CONSIDERATIONS:

4.15 No objections were raised by the Council's Environmental Protection unit. Nevertheless, as there is a potential that noise from the proposed wrapping machinery could harm the living conditions of the nearby residents, a noise mitigation condition has been recommended. A condition to restrict the hours of operation has also been recommended.

4.16 Impact on flooding: The application site falls outside the defined flood zones. Furthermore, the drainage boards have been consulted and have raised no objections. The proposed buildings would be sited more than 60.0m away from the nearest residential properties; it is surrounded by permeable fields. As such it is unlikely that any surface water increase by virtue of the development would cause

flooding to nearby properties. In order to ensure that the site would be properly drained a condition requiring drainage details to be agreed prior to the commencement of work is recommended.

4.17 Change of use: this application seeks permission to erect the buildings for agricultural use only. A separate planning application is required should any part of the building be used for purposes other than agriculture.

4.18 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in Regional Spatial Strategy (2004) and the City of York Draft Local Plan (2005). Hence, this application is recommended for approval.

5.0 CONCLUSION

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

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:-

02/06/04 and 01/06/04B as received by the City of York Council on 14 March 2008

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 DRAIN1 Drainage details to be agreed

5 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing boundary hedge on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works. Thereafter none of the existing hedge shown to be retained shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any species removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with species of such size as may be agreed in writing with the Local Planning Authority.

Reason: The existing planting is considered to provide effective screening to the development hereby approved from public view and contribute significantly to the

amenities of the area.

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

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

7 The packing shed hereby approved shall not be used other than for purposes ancillary to the agricultural use of the application site.

Reason: The packing shed is deemed acceptable within an area of Green Belt only in association with the agricultural use of the site.

8 Details of all machinery, plant and equipment to be installed in or located on the site 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 (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 nearby residential properties.

9 Prior to the buildings being first occupied a statement setting out the hours of working shall be submitted to and approved in writing by the Local Planning Authority. Once approved the use of the buildings hereby approved shall be confined to the hours specified at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the nearby residential properties.

10 Unless otherwise agreed in writing by the Local Planning Authority, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

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

Reason: To protect the amenity of the nearby residential properties.

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

Reason: In the interests of highway safety.

12 HWAY21 Internal turning areas to be provided

13 HWAY18 Cycle parking details to be agreed

14 The turning circle as shown on the approved plan shall be used for loading and unloading and the turning of vehicles at all times and shall not be used for any other purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

15 The development shall not be commenced until a statement outlining in detail how the development intends to reduce demands for water and energy has been submitted to and approved in writing by the Local Planning Authority, and the approved environmental standards shall be implemented and maintained thereafter.

Reason: To ensure that the development is sustainable and accords with Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", policy GP4a of the City of York Draft Local Plan 2005, and City of York Interim Planning Statement on Sustainable Design and Construction (2007).

INFORMATIVE:

The above condition could be satisfied by outlining in detail the following:

i. To reduce demand for water, the applicant should demonstrate how opportunities have been maximised to re-use and recycle materials through, for example, the use of rainwater harvesting systems, grey water systems and sustainable urban drainage systems (SUDs).

ii. To reduce carbon emissions and demand for energy, an energy assessment demonstrating the following order of preference is required:

a) reduce demand for energy by avoiding or reducing heating/cooling requirements;

b) more efficient use of energy to meet demand. This can be achieved by, for example, the use of community combined heat and power (CCHP) and tri-generation and district heating;

c) incorporating on-site renewable energy equipment such as, for example, heat exchangers and photovoltaic cells.

The assessment should also acknowledge the changing climate through the lifetime of the proposed 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 green belt policy, scale and external appearance, sustainability, highway safety and environmental protection. As such the proposal complies with Planning Policy Guidance (1995) "Green Belts", Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", Planning Policy Statement no.7 (2004) "Sustainable Development in Rural Areas", policy P2 of the Regional Spatial Strategy for Yorkshire and Humber (2004), policy E8 of the North Yorkshire County Structure Plan 1995, and Policies SP2, GB1, GP1, GP4a, GP9, GP14 and T4 of the City of York Local Plan Deposit Draft 2005.

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

3. 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:

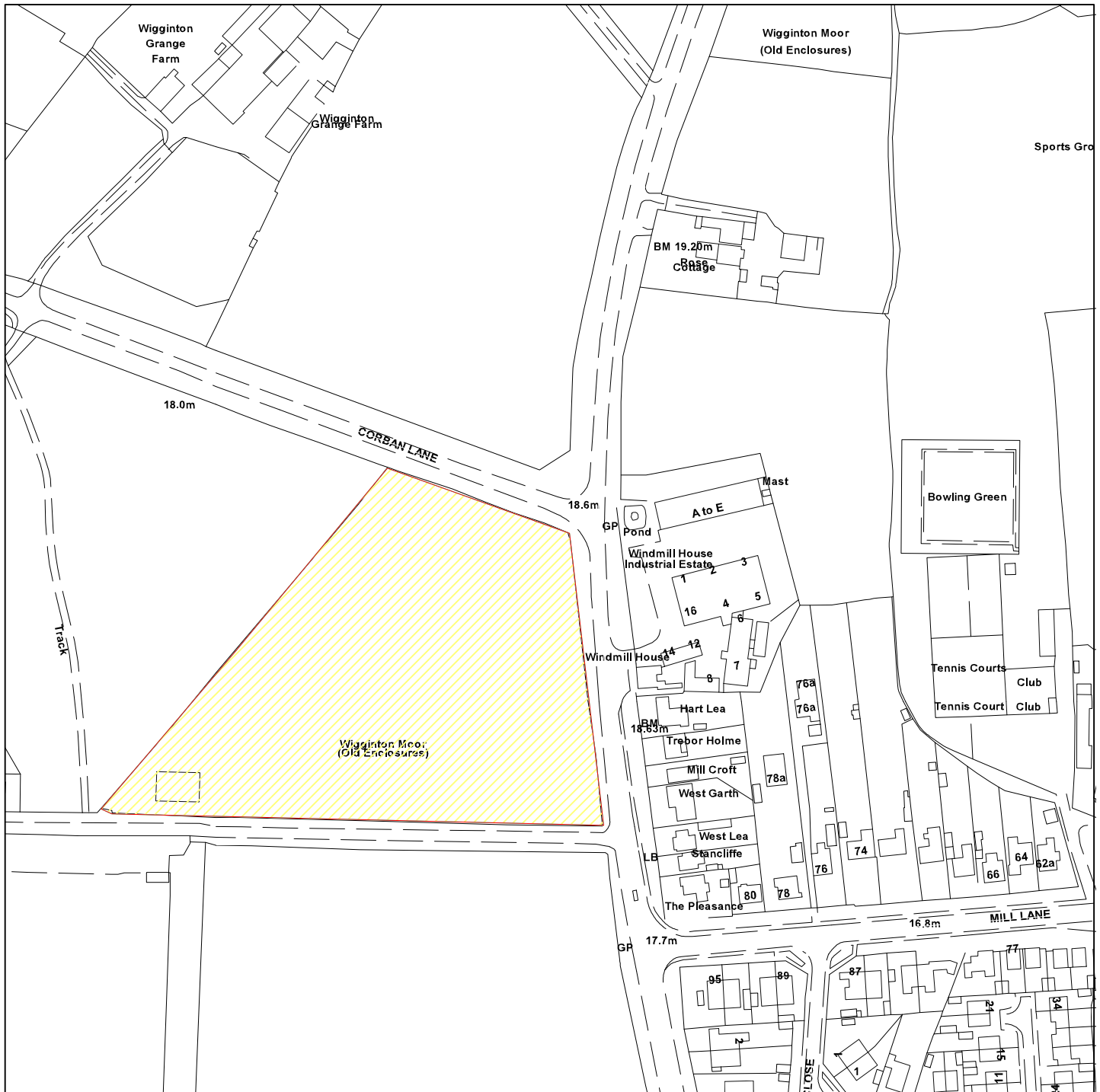
Author: Billy Wong Development Control Officer
Tel No: 01904 551326

Land at junction of Corban Lane & Wigginton Road

07/00688/FULM



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	31 March 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 April 2008

Ward: Hull Road
Parish: No Parish

Reference: 08/00350/FUL
Application at: 203 Hull Road York YO10 3JY
For: Two storey pitched roof side and rear extension to 203 and 205 Hull Road and change of use to Houses in Multiple Occupation (HMO)
By: Mr T Mansfield
Application Type: Full Application
Target Date: 8 April 2008

1.0 PROPOSAL

1.1 This application seeks planning permission to extend both 203 and 205 Hull Road and to convert these dwelling houses into Houses in Multiple Occupation (HMO's). The extensions would consist of one and a half storey structures located between the two end terrace properties.

1.2 The extensions would create three new bedrooms in 203 Hull Road creating a total of seven bedrooms. Three new bedrooms would also be created in 205 Hull Road creating a total of eight bedrooms.

1.3 This application is being referred to the Planning Committee at the request of Cllr. Pierce in view of the strength of local feeling towards HMO's and the prominence of these properties on Hull Road.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYH8
Conversion to flats/HMO/student accom

CYT4
Cycle parking standards

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objections to the principle of development, however it is noted that the proposed cycle storage to the rear is not accessible without leading cycles through the houses. Details of the cycle storage are also not shown. The maximum car parking spaces for a HMO is one space per two bedrooms. Minimum cycle storage is one space per bedroom.

3.2 Environmental Protection Unit - No objections.

External

3.3 Neighbours - No correspondence received.

4.0 APPRAISAL

4.1 Key Issues:

- Visual Impact on the Street Scene
- Impact on the Living Conditions of Neighbours
- Car and Cycle Parking
- Bin Storage

4.2 203 and 205 Hull Road are end terrace properties which, whilst linked at ground floor, currently have a space between them at first storey level. It is considered that this space between the dwellings helps to define the character of the area. There are a number of short rows of terraced houses within this part of Hull Road. It is considered that developing within this space would be harmful to the character and appearance of the street scene.

4.3 The proposed extension has been designed so that the eaves level is at ground floor level with the intention of reducing a potential 'terracing effect'. However, it is considered that in designing the extensions this way the proposal appears as an incongruous design feature which is out of character with and harms the appearance of this section of Hull Road. The ridge level would sit at a significant height and the roof slope of the extension would be visually prominent. The prominence of this feature would be exacerbated by the fact that both properties would be extended in a similar fashion with the roof slopes joining on the boundary.

4.4 The proposed extensions would result in a total of seven bedrooms within 203 Hull Road with eight bedrooms within 205 Hull Road, a combined total of fifteen. It is considered that this level of occupation within a terraced row of houses has the potential to harm the living conditions of neighbours through general noise and disruption. Whilst occupiers of the two premises may or may not be considerate neighbours it is considered that this level of occupation within a modest sized site such as this has the potential to cause undue harm to the living conditions of occupiers of neighbouring dwellings. The day-to-day operation of the HMO's combined with the proposed level of occupation could lead to an unacceptable level of noise and disruption for neighbours. It is not considered that the structure itself

would significantly harm the living conditions of neighbours or that there would be a significant reduction in privacy through overlooking windows.

4.5 City of York Council maximum car parking standards would allow for a maximum of one space per two bedrooms. Three car parking spaces are proposed at the front of each property, which is considered to be an acceptable level of on-site parking. The proposed cycle parking is at the rear of the two HMO's. Whilst there is space within the rear garden to provide secure and enclosed cycle parking there would be practical difficulties associated with its use, the only access being through the residential unit itself. This is not considered acceptable as it is unlikely to promote the use of bicycles. Considering the level of occupation of the two premises and their sustainable location it is considered that the poor access to cycle storage could be justified as a reason for refusal of this application.

4.6 Bin storage is proposed in two locations within the front gardens adjacent to Hull Road. Whilst the space provided may be adequate in size it would mean that the bin storage facilities would be visually prominent within the street scene. The bin stores are located within 0.5 m of the public domain. The proposed increase in the number of residents at 203 and 205 Hull Road is likely to result in an increase in the amount of refuse and recycling bins required which, bearing in mind the proposed location of the bin stores, would be likely to create an unattractive frontage onto the street.

4.7 The level of private outdoor amenity space for 203 and 205 Hull Road would be reduced. However, it is considered that the remaining outdoor space would be sufficient to serve the increased number of residents of the two properties.

5.0 CONCLUSION

5.1 It is considered that the visual impact of the proposed extensions would harm the character and appearance of the street scene through its design and the closing of the space between developments. The level of occupation is likely to result in a level of noise and disruption to neighbours. Poor provision of cycle and bin storage.

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed extensions, by virtue of their scale and design, would harm the character and appearance of the street scene. The proposed side extensions add an incongruous feature to a row of simple designed and well-proportioned terraced properties. The scale of the extensions closes the space between the dwellings at first storey level which currently acts as an important break in development and gives each row of terraced houses a visual separation. Therefore the proposal is considered contrary to Policies GP1, H7 and H8 of the City of York Draft Local Plan, design guidance contained within the City of York Council Supplementary Planning Guidance 'Guide to extensions and alterations to private dwelling houses', and design principles contained within Planning Policy Statement 1: Delivering Sustainable Development.

2 It is considered that the proposed extension and conversion from private dwelling houses to houses in multiple occupation would harm the living conditions which neighbours could reasonably expect to enjoy because of the potential noise and disturbance from the high level of occupancy and activity. The application site is

located close to neighbouring properties and therefore there is a high potential for the living conditions of neighbours to be harmed by this activity. The proposal constitutes an overdevelopment of the site and an intensification of use of the properties which is disproportionate to their original purpose within this location. The proposal is contrary to the aims of Planning Policy Statement 1 and Policies GP1, H7 and H8 of the City of York Draft Local Plan.

3 It is considered that the proposed development does not provide suitable storage for bicycles and refuse and recycling bins. Therefore the proposal is contrary to Policies GP1, H8, and T4 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Michael Jones Development Control Officer

Tel No: 01904 551325

203 Hull Road, York Y010 3JY

07/02736/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	31 March 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area **Ward:** Hull Road
Date: 10 April 2008 **Parish:** No Parish

Reference: 08/00194/FUL
Application at: 28 Crossways York YO10 5JQ
For: Single storey side extension and flat roof dormer to rear
(resubmission)
By: Mrs S Peace
Application Type: Full Application
Target Date: 26 March 2008

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a pitched roof single storey rear extension to an existing garage.

1.2 The single storey extension would be erected to the rear of the existing garage. The proposal would be built on the shared boundary with no. 26 Crossways with a total width of 2.3 metres. The design of the extension incorporates a pitched roof with a total height of approx 4.2 metres, and no windows would be inserted in the side elevation.

1.3 The original proposal incorporated a flat roof box style dormer window on the rear roof slope of the property. However, this element of the proposal would fall within the permitted development allowance for the property and thus would not require planning permission.

1.4 Property History

Application withdrawn for a single storey side extension and dormer to rear - 27.03.07

Two storey pitched roof side extension and single storey pitched roof rear extension (07/02260/FUL) refused 03.10.07

1.5 The application has been referred to Planning Committee as the applicant is an employee of the City of York Council.

2.0 POLICY CONTEXT**2.1 Development Plan Allocation:**

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1

Design

CYH7

Residential extensions

3.0 CONSULTATIONS

3.1 Internal

3.1.1 None

3.2 External

3.2.1 Hull Road Planning Panel - No comments received at the time of writing this report (29.02.08)

3.2.2 Comments From Neighbours - No comments received at the time of writing this report (29.02.08)

4.0 APPRAISAL

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

4.2 The property is located within a residential estate and backs on to the playing fields of Archbishop Holgate's secondary school. The existing garage measures approx 6.3 metres in length and is built up to the boundary with No 26. 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 The pitched roof side extension will be erected to the rear of the existing garage. The total length on the shared boundary will be approx 8.5 metres including the existing garage. However this relatively long extension is not considered to be disproportionate to the size of the original dwelling, which is sited within a generously sized plot. The design and scale is appropriate to the main dwelling and it is not considered that the proposal will result in over-development of the site or would unacceptably reduce the size of the curtilage.

4.4 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

4.5 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

4.6 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.

4.7 Effect upon the Street Scene: The single storey development will be effectively unseen from public areas. The applicant intends to use materials that match the existing property. Therefore the proposal is unlikely to detract from the character and appearance of the area.

4.8 Effect upon the Neighbours: The neighbouring property on the shared boundary (no. 26) has a carport which is built on the boundary and has a similar projection to the proposed extension. Existing fencing provides a sufficient degree of boundary treatment, therefore it is not considered that the long projection of the single storey side extension on the shared boundary would be seen as an overbearing structure when viewed from the neighbouring properties within close proximity, or would result in a significant loss of light for neighbouring properties.

5.0 CONCLUSION

The single storey development will be effectively unseen from public areas; therefore the proposal is unlikely to detract from the character and appearance of the area. The rear garden is well screened and it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents, with particular reference to no. 26 as a result of unreasonable overshadowing or loss of light.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

Originally submitted drawings received on 31 January 2008

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.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

Contact details:

Author: Sharon Lickers Development Control Assistant
Tel No: 01904 551359

28 Crossways, York Y010 3JQ

07/02736/FUL



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Scale : 1:2500

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	31 March 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 April 2008

Ward: Clifton
Parish: Clifton Planning Panel

Reference: 08/00268/FUL
Application at: 64 St Olaves Road York YO30 7AL
For: Boundary wall to side, detached garage to rear after demolition of existing garage
By: K And M Martin
Application Type: Full Application
Target Date: 21 April 2008

1.0 PROPOSAL

1.1 The applicant seeks permission to erect a precast concrete detached garage to the rear of a terraced property, utilising an existing vehicular access from Grosvenor Road. The proposed garage would replace an existing dilapidated timber garage, which would be demolished. A new brick boundary wall 1.85 metres in height would be erected between the application site and the adjacent property to the rear, 61 Bootham Crescent.

1.2 The application has been referred to Planning Committee as the applicant is an employee of the City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

Highways - comment received 04.03.08 - no objections as vehicular access is already in place on Grosvenor Road

3.2 External

3.2.1 Parish Council - no objections - received 18.03.08

3.2.2 Neighbour response - no comments received

4.0 APPRAISAL

4.1 Key Issues - Effect upon neighbouring properties and the street scene

4.2 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

4.3 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

4.4 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.

4.2 The application site - The property is a traditional terraced house on St Olaves Road. The proposed detached garage is situated to the rear of the property adjacent to the location of the existing garage which is to be demolished. The boundary fence to be replaced is in poor condition and its replacement with a brick wall (which could be carried out under "permitted development) would improve the appearance of the area.

4.3 Effect upon the street scene - The garage would be well screened from public views by existing and proposed boundary walls, and it is proposed to erect new gates at the entrance to the site which would provide further screening. The proposal would benefit the property as the existing garage is in a state of disrepair. The garage would be served by an existing dropped kerb on Grosvenor Road and no highway objections have been raised to the proposal.

4.4 - Effect upon neighbouring properties - There would be a significant degree of separation between the proposed garage and the adjoining properties and thus there would be no adverse affect on the amenity of neighbours.

5.0 CONCLUSION

The proposal will not significantly harm the amenity of neighbours or the visual amenity of the area. The size and scale of the detached garage will not have any detrimental impact on the street scene. Approval is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

- 2 VISQ1 Matching materials
- 3 HWAY30 Non-protruding garage doors

4 The development hereby permitted shall be carried out only in accordance with the originally submitted plans 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.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on neighbours and the effect on the streetscene. As such the proposal complies with Policy H7 and GP1 of the City of York Deposit Draft Local Plan.

Contact details:

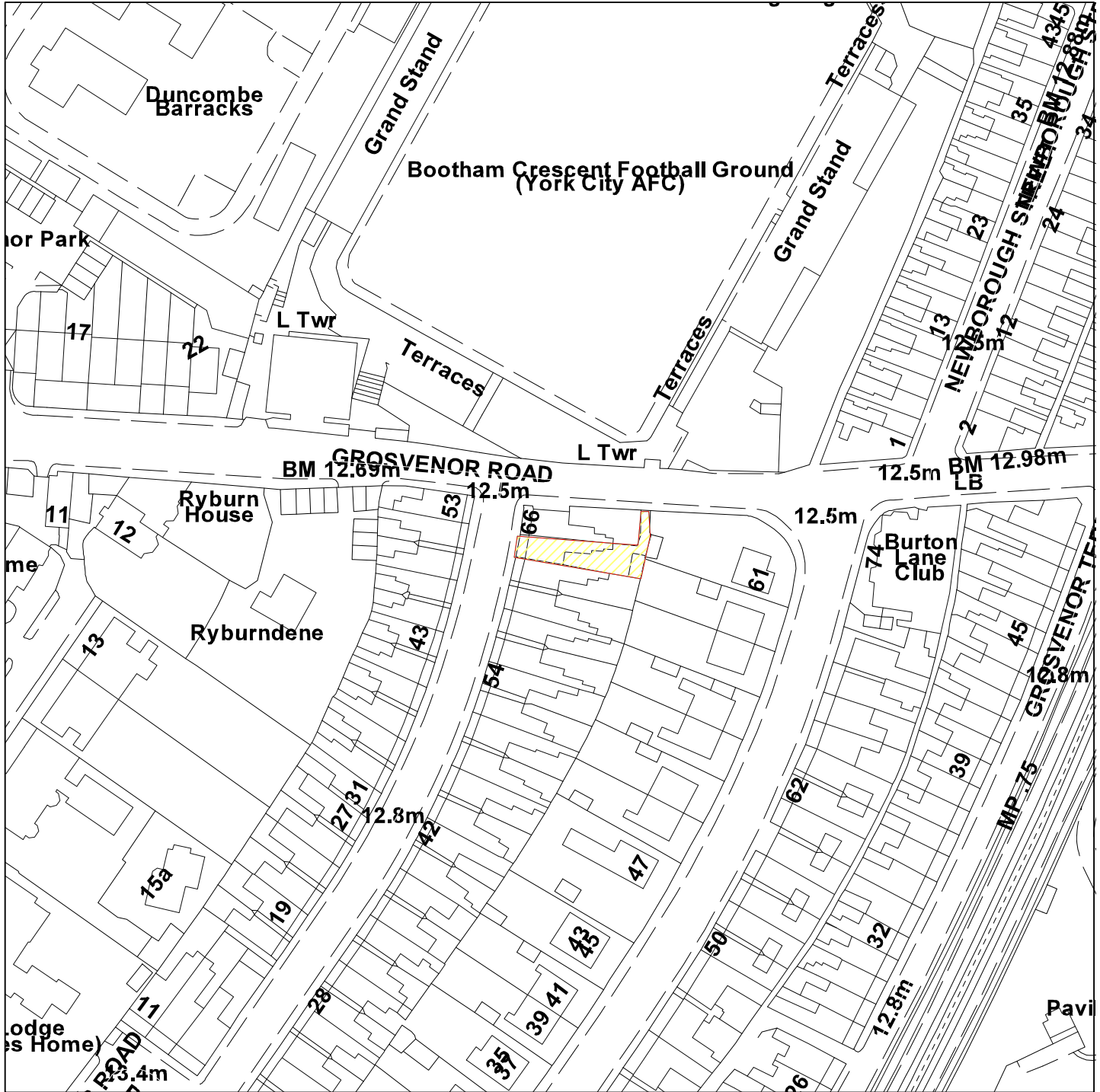
Author: Diane Sturch Development Control Assistant
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08/00268/FUL



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	31 March 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area **Ward:** Fishergate
Date: 10 April 2008 **Parish:** Fishergate Planning Panel

Reference: 08/00113/FULM
Application at: Christian Science Church Kilburn Road York YO10 4DE
For: Erection of 5 no. townhouses and 5 no. apartments with associated garaging/parking after demolition of existing building (resubmission)
By: Mr Matthew Gath
Application Type: Major Full Application (13 weeks)
Target Date: 22 April 2008

1.0 PROPOSAL

1.1 The application relates to the demolition of the Christian Science Church at the junction of Fulford Road and Kilburn Road and the erection of a terrace of five dwellinghouses and a block of five flats. The terrace would face Fulford Road and comprise three 5-bed, one 4-bed and one 3-bed houses. The block of flats would face Kilburn Road and would be 2.5-storeys high. A new crossover from Kilburn Road would provide access to a private parking area for 17 cars. The application has been revised since submission to improve the car parking layout and reduce the number of vehicular accesses from two to one.

1.2 The application is a resubmission of 07/01624/FUL, which was withdrawn due to officer concerns, mainly concerning impact on the street scene, highway issues and landscaping.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford Road 0039

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

CYED4
Developer contributions towards Educational facilities

CYHE2
Development in historic locations

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No highway objections to the revised scheme subject to standard conditions being applied.

Structures and Drainage/Engineering Consultancy - No objections to the principle of development. The drainage proposals submitted by the applicant are inadequate. Details of the existing drainage system and measures to attenuate rainwater run-off should be submitted. This can be made a condition of approval.

Education - A total contribution of £32,540 is required in accordance with policy ED4. It will be used to provide two places at Fulford Secondary School.

Environment, Conservation, Sustainable Development (Landscape) - Having a single access allows retention of an existing street tree and a longer length of hedging and grass verge, thereby softening the boundary. Despite the garden length having to be reduced the amenity spaces are adequate. The scheme would benefit from some minor revisions to the planting plan, namely relocating some of the tree species and adding more greenery to the Fulford Road elevation. These can be secured under condition LAND1.

Environmental Protection Unit - Part of the site has been used for military purposes so the council's 6-point contamination condition should be attached to any planning approval. The site is adjacent to the York Air Quality Management Area (AQMA). Air quality monitoring would suggest that nitrogen dioxide concentrations in the area are below the government's health-based objective levels. Also, since the proposed accommodation is set back from the carriageway due to the wide pavement the Environmental Protection Unit does not object to this application on the grounds of air quality.

3.2 External

Police Liaison -The developer should be encouraged to work in partnership with the Police and the local authority in trying to reduce crime by considering the Police 'Secured by Design' Award Scheme for this site.

Fishergate Planning Panel - No response.

Public Consultation - The consultation period expired on 5 March 2008. Nine objections have been received raising the following planning issues:

- overdevelopment of the site
- out of scale/character with area;
- loss of rare example of 20th century building;
- inadequate landscaping;
- additional traffic congestion in the area;
- inadequate on site parking;
- inadequate access including for emergency vehicles;
- surface water concerns;
- inadequate provision of refuse/recycling facilities.

4.0 APPRAISAL

4.1 Key Issues

Housing use and density

Loss of church

Design and visual appearance

Occupier and neighbour amenity

Parking and highway issues

Public open space

Education

Sustainability

Landscaping

Drainage

Refuse/recycling

4.2 The Application Site

The existing building on the site is a substantial, detached, flat-roofed church at the corner of Fulford Road and Kilburn Road. The site is bounded on its two road frontages by a 1.3m-high privet hedge. The rear part of the site comprises a large parking area. The adjacent section of Fulford Road comprises a mixture of commercial uses and housing. Kilburn Road, in contrast, mainly comprises inter-war suburban housing. Immediate neighbours are the Fulford Arms public house in Fulford Road and an extended 2-storey house in Kilburn Road. The site is outside, but immediately adjacent to, Fulford Road Conservation Area, which lies to the west and includes the public highway at Fulford Road.

4.3 Housing Use and Density

The site is in a sustainable location, close to the city centre and with good access to shops and public transport. Use of the site for housing is acceptable. The proposed density is approximately 59dph, which is compatible with the diverse character of the

surrounding area and satisfies policy H5a which seeks to achieve a minimum density of 40dph.

4.4 Loss of Church

The church is no longer in use. Whilst it is a prominent feature in the locality it is not listed and is not in a conservation area. The building therefore has no statutory protection. The council is currently re-appraising the Fulford Road Conservation Area, which abuts the site. Whilst the study includes a review of the conservation area boundaries, which could be altered as a result of the study, the process is at an early stage and carries little weight as a material consideration of the current planning application.

4.5 Design and Visual Appearance

The two main building blocks of the development (the terrace of houses and the apartment block) have been designed to reflect their immediate surroundings. The terrace, which would front onto Fulford Road, would be set back from the public footpath by approximately 1.2m, giving the terrace a strong frontage, reflecting the adjacent public house. The houses at each end would be lower than those in the centre, to respect in part the heights of the adjacent buildings, particularly the pub immediately to the south. Whilst the proposed house at the northern end of the terrace would be significantly higher than the bungalow on the opposite corner of Kilburn Road the difference in height would be mitigated by the width of the Kilburn Road carriageway. The overall appearance of the terrace (including roof, arrangement of windows, design details) would be in keeping with the character of the adjacent section of Fulford Road and the conservation area. Kilburn Road has an entirely different character. The scale and design of the proposed apartment block is, as a result, much more suburban, reflecting the predominantly 2-storey houses in the street. Moreover, the building line of the apartment block follows the established building line of the adjacent semi-detached houses. In summary, the design and appearance of the development are considered to be in keeping with the surroundings and the conservation area and are acceptable subject to matching materials being used.

4.6 Occupier and Neighbour Amenity

The dwellings would each have adequate living space, outlook and amenities. Each of the houses would have a private rear garden. Distances between the new dwellings and the main facades of surrounding houses would be comparable with the surrounding residential area. No part of the development would significantly affect the amenities of nearby residents.

4.7 Highway Issues

The revised proposals show a single vehicular access from Kilburn Road. Sightlines, turning areas, parking spaces and cycle storage are all adequate subject to the details being approved. Whilst some neighbours would prefer the access to be taken from Fulford Road this would not be acceptable to the highway authority. The convention is for developments to be accessed from a minor road where possible, such as here. Fulford Road, in contrast, is a busy classified road (A19). Moreover, exiting traffic would interfere with buses stopping at the nearby bus stop and vehicles exiting other junctions in the vicinity of the site. The council is considering imposing waiting restrictions along Kilburn Road in response to parking concerns by local residents. The council's deliberations do not affect the current application.

4.8 Public Open Space.

An open space contribution of £23,034 would be required for the provision of public open space in accordance with policy L1 of the local plan. This has been agreed by the applicant.

4.9 Education

A total contribution of £32,540 is required in accordance with policy ED4 of the local plan. It would be used to provide two places at Fulford Secondary School.

4.10 Sustainability

The applicant states that the dwellings would be constructed to a high level of thermal insulation with fuel-efficient gas boilers, thermostatic valve-controlled radiators and high performance windows. The orientation and massing would provide good levels of sun/daylight penetration into buildings and rear gardens. Rainwater from roofs would be harvested for garden use. To ensure that the development achieves acceptable levels of sustainability the developer should be required to submit, prior to completion, a sustainability statement showing that the development would achieve Level 3 of the Code for Sustainable Homes in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction.

4.11 Landscaping

Having a single access allows retention of an existing street tree in Kilburn Road and a longer length of hedging, grass verge, and side garden to the apartment block, thereby softening the Kilburn Road boundary. Despite the private gardens to the houses having to be reduced the garden spaces are adequate. The scheme would benefit from some minor revisions to the planting plan, namely relocating some of the tree species and adding more greenery to the Fulford Road elevation. Submission of landscaping details should be made a condition of approval.

4.12 Drainage

Adequate drainage arrangements can be achieved. However, the proposals submitted by the applicant are inadequate. Details of the existing drainage system and measures to attenuate rainwater run-off should be submitted for approval. This can be made a condition of approval.

4.13 Refuse/recycling

Communal refuse/recycling facilities for the apartment block are included in the application. Details of those facilities should be made a condition of approval.

5.0 CONCLUSION

5.1 The application is acceptable in terms of housing use, housing density, sustainability, visual impact, impact on residents' living conditions, neighbour amenity, open space, education facilities and highway issues and drainage. The application would require an educational contribution of £32,540 and an open space contribution of £23,034

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the approved plans numbered Y81.612.02B, 03B, 10, 11, 13, 14B, 15, 16A and ASC 1250/101 or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 Notwithstanding the information contained on the approved plans, the height of the approved dwellings, as measured from existing ground level, shall not exceed the following: house type A2.5 - 10.2m; house type A3 - 11.9m; house type B End 2.5 - 9.8m; apartment block - 8.0m. 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.

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

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

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £32,540. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005. No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

5 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 £23,034. 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.

6 VISQ8 Samples of exterior materials to be app

7 All windows and external doors shall be made of timber with a microporous paint or dark stain finish unless otherwise agreed in writing by the Local Planning Authority .

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

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

Reason: In the interests of sustainability and visual amenity.

9 No building work shall take place until details of all windows, including method of opening, doors, door surrounds, sills and lintels have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the submitted details.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

10 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

11 The development shall not come into use until the redundant crossing(s) shown on the approved plans have been removed by reinstating the kerbing, footway and verge to match adjacent levels.

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

12 HWAY10 Vehicular areas surfaced, details reqd

13 HWAY14 Access to be approved, details reqd

14 Prior to the development commencing details of the cycle parking areas for the flats, 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.

15 HWAY19 Car and cycle parking laid out

16 HWAY21 Internal turning areas to be provided

17 HWAY25 Pedestrian visibility splays protected

18 No barrier or gate to any vehicular access shall be erected within 5m of the rear of the footway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

19 HWAY31 No mud on highway during construction

20 DRAIN1 Drainage details to be agreed

21 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be

submitted to and approved in writing by the Local Planning Authority.

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

22 (i) 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 commencing at the site. Informative: This should where possible date back to 1800.

(ii) 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.

(iii) 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 at the 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).

(iv) 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 at the site.

(v) 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 at the site.

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

Reason: To protect the amenity of neighbouring residents and the wider environment.

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

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

Reason: To protect the amenity of local residents

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to housing density, sustainability, visual impact, landscaping, impact on residents' living conditions, open space, education facilities, impact on the adjacent conservation area and highway issues. The application

therefore complies with policies GP1, GP9, GP4a, H4a, H5a, T4, ED4, HE2 and L1c of the City of York Local Plan Deposit Draft.

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

3. 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

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

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

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

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

Contact details:

Author: Kevin O'Connell Development Control Officer

Tel No: 01904 552830

Christian Science Church, Kilburn Road, York YO10



GIS by ESRI (UK)

08/00113/FULM



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	31 March 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 April 2008

Ward: Heworth
Parish: Heworth Planning Panel

Reference: 07/02736/FUL
Application at: Site Lying To The West Of Morritt Close York
For: Erection of 6no. two storey dwellings
By: Yorkshire Housing
Application Type: Full Application
Target Date: 18 March 2008

1.0 PROPOSAL

1.1 This application seeks full planning permission for the erection of 6no. two storey dwellings on 0.24 ha of land adjacent to Morritt Close. The scheme would utilise the existing access off Morritt Close and consist of one block of four 2 bedroom houses (plots 1-4) and one pair of 3 bedroom houses (plots 5-6). The properties would be two storey in nature and constructed of brick and tile. Each property would be provided with off-street car parking to the front and a private garden area to the rear. Plots 1-4 have been stepped down to reflect the natural topography of the site. An area to the south eastern corner of the site is to be retained as a communal garden area for the existing residents of Morritt Close.

1.2 The site is accessed off Morritt Close and consists of a vehicular turning head surrounded by grassland, which contains a number of semi mature trees. The site slopes gently downwards in a northerly direction towards Ferguson Way. The surrounding area is residential in nature and comprises of two storey brick built dwellings and blocks of flats.

1.3 The application site is unallocated on the City of York Draft Local Plan.

1.4 Amended plans were submitted on 11th March 2008 showing revisions to the road layout and turning head as requested by Highways.

1.5 A request has been received from Councillor Potter for the application to be considered by the Planning Committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Multiple (Spatial)

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Statutory / None Statutory

Highways - No objections in principle. Originally raised concerns with regards to the lack of pedestrian facilities and the size of the turning head. Amended plans were subsequently submitted to address these two points. Also raise a more minor issue relating to cycle storage which is addressed under the appraisal section of this report. Recommend a number of standard conditions.

Heworth Planning Panel - No objections in principle, request replacement tree planting.

Environmental Protection - No objections, subject to standard conditions relating to contaminated land and control of construction noise.

Lifelong Learning and Culture - A commuted sum for public open space is required for amenity open space, play space and sports pitches.

Educational Planning Officer - No education contribution required.

Environment Agency - The submitted Flood Risk Assessment shows that the development should be above any potential flood levels. However, the study does indicate drainage in this area is sensitive and that there should be absolutely no increase in surface water run off into South Beck. A condition should therefore be attached limiting surface water run-off.

Sustainable Drainage - The development is located within medium risk Flood Zone 2 and could, according to the Environment Agency's maps, suffer from river flooding. However, there are no objections in principle, as the submitted Flood Risk Assessment adequately deals with flood risk. The developer must submit full details of the proposed surface water attenuation, prior to commencement.

Yorkshire Water - No objections, subject to standard conditions.

Policy - When determining the appropriateness of residential development the following should be considered; Housing should be consulted to confirm that they are satisfied that the proposed housing meets our affordable housing requirements; 6 dwellings on the site would equate to a density of 25dph whereas in urban areas residential developments should be at least 40dph; the proposed layout, density and the amenity of residents should be appraised in line with policy H4a (Housing Windfalls).

Housing - This scheme has been developed in partnership with City of York Council and Yorkshire Housing. The properties will be built by Yorkshire Housing with City of York Council benefiting from 100% nomination rights on first lets, with 75% nomination rights on subsequent re-lets. The homes will help to meet the demand for family housing identified by the Housing Market Assessment released in July 2007. The proposals are funded with Social Housing Grant (SHG) from the Housing Corporation. As part of the requirement of receiving SHG the homes must be built to Scheme Development Standards and Eco-Homes Very Good, which has influenced the design and aesthetics of the scheme. Yorkshire Housing has carried out an extensive consultation process with local residents and have revised the scheme several times to incorporate changes in response to residents concerns. As part of the application Yorkshire Housing will create a dedicated private garden for the use of residents in the existing flats at Morritt Close.

3.1 Public Response

A letter has been received from a resident of Theresa Close seeking assurances that the proposed dwellings will not encroach into the rear garden area of her property.

Representations have been received from the owner of 12 Morritt Close, which is a flat within a block beyond the eastern boundary (9-12), the side elevation of which faces the site. Objections have been raised on the following grounds; the position of plots 5 and 6 and their proximity to the block of flats on Morritt Close (9-12); the position of the communal garden which separates flats 13 - 28 from the development more than flats 9-12; requested garden areas are made good and appropriate planting be carried out.

4.0 APPRAISAL

4.1 Principle of Residential Development

The application site is unallocated on the City of York Draft Local Plan and is therefore classed as a windfall site. Policy H4a (Housing Windfalls) is therefore relevant in the consideration of this application. This policy requires proposals to accord with the following; the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings and; the site has good accessibility to jobs, shops and services by non-car modes.

The site is located within the urban area, and is surrounded by residential properties. Whilst the site is currently a communal garden a smaller facility is to be provided within the site for existing residents. The proposal is within walking distance of Malton Road, which is well served by non-car modes of transport. It is therefore considered that the proposal meets with criterion a and b of Policy H4a.

Policy H4a also requires that proposals are of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features. The proposed dwellings will be two storeys in height and be of a similar design, scale and appearance as the existing properties surrounding the site. The dwellings have been positioned to respect the current topography of the site with plots 1-4 staggered in height downwards from east to west. The density of the proposed development will be 25dph and whilst this is lower than the 40dph normally sought in urban locations, it is considered that the proposed density reflects the character and layout of the surrounding area. The proposed scheme is to provide two and three bedroom family houses, which are in demand in this area, and housing by its very nature will result in a lower density than flats. Any increase in the number of dwellings on the site could also have a detrimental impact on the amenities of neighbouring occupiers. For these reasons it is considered that a density of 25dph is appropriate in this instance.

The proposal would result in the loss of a number of semi mature trees on the site and a condition will be attached to any approval requiring a landscape scheme, including replacement tree planting, be submitted for approval prior to the development commencing. It is therefore considered that the proposal meets with criterion c and d of Policy H4a and Policy H5a (Residential Density).

4.2 Highway Safety

The site will be accessed off Morrill Close, an existing residential cul-de-sac. Following consultation with Highways, the site layout has been amended to incorporate pedestrian facilities and a larger turning head, which can accommodate a refuse vehicle. No objections have been raised by Highways with regards to highway safety. Each unit will be provided with off-street car parking to front in line with the Council's car parking standards.

In terms of cycle parking, highways officers have raised concerns in respect of plots 2 and 3, the rear gardens of which are only accessible through the respective houses due to the terraced nature of the block. It would be possible, however, to provide cycle storage for these two plots within a separate building erected within the application site a reasonably short distance away from the dwellings, for example along the northern boundary of the site. This could be addressed through the imposition of a condition requiring appropriate details to be submitted.

4.3 Residential Amenity

The proposed dwellings have been positioned within the site so as to maintain space between the proposed dwellings and the existing buildings. The side elevation of Plots 1 to 4 will be located 14 metres from the rear elevation of 24 Ferguson Way and the rear elevations will be 21 metres from the rear elevations of the flats on Theresa Close. The corner of Plots 5 and 6 will be located 6 metres from the blank side elevation of flats 9 to 12 Morrill Close and the blank side elevation of this block will be 12 metres from the rear elevation of 8 Theresa Court. The comments raised by neighbours have been taken into consideration, however given the distances, orientation and finished levels of the proposed dwellings, it is not considered that the development would result in issues of overlooking or overshadowing and the proposal would not therefore be detrimental to the residential amenities of surrounding occupiers.

The scheme proposes 1.8 metre high wooden fencing between the development and surrounding garden areas which will ensure that privacy and residential amenity are maintained.

4.4 Flood Risk

The site is located within Flood Zones 2 and 3 on the Environment Agency Flood Zone Map. Following consultation with the Environment Agency, they refer to the Flood Risk Assessment, which concludes that flooding to properties along South Beck is minimal and that the development should be above any potential flood levels. The study does indicate that drainage in this area is sensitive and that there should be absolutely no increase in surface water run-off into South Beck. A condition is therefore recommended which requires a scheme for surface water run-off limitation to be submitted to and approved by the Local Planning Authority.

4.5 Public Open Space

Although the scheme retains some communal garden areas for the residents of the existing flats, it does not include any on-site public open space. A commuted sum will therefore be sought from the developer for amenity space, play space and sports pitches in line with the guidance contained within 'Committed Sum Payments for Open Space in New Developments' approved by Planning Committee on 26th April 2007. This is calculated at £9,216.

4.6 Sustainability

The Housing Development Manager states that the properties will be built by Yorkshire Housing, funded with Social Housing Grant (SHG) from the Housing Corporation. As part of the requirement of receiving SHG the homes must be built to Scheme Development Standards and Ecohomes Very Good, which has influenced the design and aesthetics of the scheme. In these circumstances, it is not considered that a condition requiring the submission of a Sustainable Design and Construction statement is necessary in this instance, as it would duplicate the requirements of the SHG and would impose an additional financial burden on the developer.

4.7 Other Issues

The Planning Panel raised concerns with regards to the loss of a number of trees on the site, a condition will be attached to any approval requiring the submission of a landscaping scheme including replacement tree planting.

5.0 CONCLUSION

5.1 Application recommended for approval, subject to conditions.

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:-

topographical survey P09; site section P10; proposed boundary treatment P07; proposed floor plans - block 1 P03; proposed floor plans - block 2 P04; proposed elevations - block 1 P05; proposed elevations - block 2 P06 all received on 20th November 2008 and; proposed site layout P02; boundary key P08 received on 11th March 2008.

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

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

3 Notwithstanding the boundary treatment details submitted with the application, the development shall not commence until details of all means of enclosure to the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been complete.

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

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

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevations of the properties hereby approved.

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

6 HWAY7 Const of Roads & Footways prior to occupation

7 HWAY10 Vehicular areas surfaced, details reqd

8 Notwithstanding the details on the approved plan, 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 buildings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas

shall not be used for any purpose other than the parking of cycles.

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

9 HWAY19 Car and cycle parking laid out

10 HWAY27 Adoptable road layout to be agreed

11 No gates shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

12 HWAY31 No mud on highway during construction

13 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same;

Details of accommodation works within Morritt Close necessary to link site road with existing adopted public highway.

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

14 Development shall not commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented.

Reason: To prevent the increased risk of flooding.

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

Reason: In the interests of satisfactory and sustainable drainage.

16 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage which will prevent overloading.

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

Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

18 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 £9216.

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.

19 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.6 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 housing, amenity and highway safety. As such the proposal complies with Policies GP1, GP4a, H4a, H5a and L1c of the City of York Draft Local Plan.

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

3. 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:

a. 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.	

b. 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".

c. 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.

d. 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.

e. 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.

f. 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:

Adoption of highway (section 38) and works in the highway (section 278) Mr Kitchen 01904 551336.

5. It is pointed out that surface water drainage in this area is extremely sensitive. The

Environment Agency have stated that there should be no increase in surface water run-off into South Beck, whilst Yorkshire Water have indicated that the local public sewer network does not have capacity to accept any discharge of surface water from the site. Sustainable Drainage Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable alternative solution for surface water disposal in this situation. Attention is drawn to conditions 14 - 17 inclusive on this Decision Notice referring to drainage.

Contact details:

Author: Kirsty Catlow Development Control Officer

Tel No: 01904 551668

Site lying to the West of Morritt Close

07/02736/FUL



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	31 March 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 April 2008
Ward: Heslington
Parish: Heslington Parish Council

Reference: 08/00188/FUL
Application at: Enclosure Farm Main Street Heslington York YO10 5EA
For: Rebuilding and extension of existing barns to form a dwelling (barn D) (amendment to 07/01046/FUL) for conversion and extension of barn
By: Mr Brown
Application Type: Full Application
Target Date: 25 March 2008

1.0 PROPOSAL

1.1 The application relates to a site (0.223 hectares) located at the rear of properties fronting Main Street, Heslington. The site consists of a number of traditional one and two storey buildings formally associated with Enclosure Farm. The access to the site is off Main Street and runs along the south eastern boundary of Enclosure Farm. The site is surrounded by housing development to the south and east with garden areas to the north. A property known as Garth Ends is located 1 metre beyond to the south eastern boundary of the site adjacent to the former Barn D.

1.2 The buildings on the application site are currently being converted to residential use under planning approval 07/01046/FUL (proposed conversion of redundant agricultural buildings to 3 no. domestic dwellings) which was approved at Planning Committee on 9th August 2007. All works on site have ceased following the collapse of Barns D and E.

1.3 This application seeks planning approval to rebuild and extend Barns D and E as approved under planning approval 07/01046/FUL for residential use. Barn D would comprise of a part single, part two storey two bedroom dwelling. Barn E would comprise of a small ancillary store for Barn D and a home office, workshop and store for Barn A. A single garage allocated to Barn D is located within a garage block attached to Barn B.

1.4 The application site is washed over by the Green Belt on the City of York Draft Local Plan and is located within the Heslington Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heslington 0029

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; 18 Main Street Heslington

Schools Lord Deramore's Primary 0208

2.2 Policies:

CYGB1

Development within the Green Belt

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGP1

Design

CYGP4A

Sustainability

CYGP10

Subdivision of gardens and infill devt

CYNE1

Trees, woodlands, hedgerows

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE10

Archaeology

CYH3C

Mix of Dwellings on Housing Site

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation

The property is located within the Heslington Conservation Area no.28. It is regrettable that the fabric of two of the original buildings on the site has been lost.

The original layout, scale and architectural character of the barns added greatly to the character of the site and illustrated the historic use of the buildings as part of Enclosure Farm. The information supporting the current application suggests that the materials from the two barn buildings has been salvaged for re-use as part of the redevelopment works. Given that the two agricultural buildings have been demolished and are no longer present on the site, it is important to consider the scale and character of this group of buildings at Enclosure Farm is not greatly altered. The applicant intends to rebuild the original agricultural buildings, in accordance with the approved plans 07/01046/FUL. This will result in the re-creation of the grouping of buildings at Enclosure Farm and consolidate the existing character and appearance of the Conservation Area. The new development will lack the authenticity of the original building fabric due to the unauthorised works of demolition carried out on this site.

Archaeology

No record of receiving an archaeological record of the barns or an archaeological watching brief of the site. Both of these will need to be submitted in order to discharge conditions 8 and 9 of the original application. A condition requiring an archaeological watching brief should be attached to this current application.

Highways

No objections, subject to the same standard conditions as previously attached relating to vehicular areas, car and cycle parking, turning areas, mud on highway and dilapidation survey.

Foss Island Internal Drainage Board

Recommend that any approval be subject to conditions relating to surface water discharge and run-off rates.

3.2 External

Heslington Village Trust

Raised concerns at the unauthorised demolition of Barns D and E and consider they have little option but to accept the re-building of the barns. Questioned clarity of plans for the uses of Barns D and E. Object to the current application on the grounds that the archaeological conditions attached to the original consent, requiring a watching brief and recordings, have not been adhered to.

Four emails/ letters of representation have been received from local residents, raising the following points;

Implementation of conditions attached to the previous approval; hours of construction; materials; size of building should be as previously approved (footings are larger); garden land to the south and east of Barn D to be reinstated; rebuilding of boundary wall to the rear of 18 Main Street.

4.0 APPRAISAL

4.1 Key Issues

Policy Context

Green Belt

Residential Use

Character and Amenity of Local Environment

Affect on Heslington Conservation Area
Residential Amenity
Ecology
Archaeology
Access, parking and highway safety
Contamination
Sustainability

4.2 Policy Context

The site lies within the Green Belt on the City of York Draft Local Plan within the washed over village of Heslington and within the Heslington Conservation Area. In addition to the City of York Draft Local Plan Policies, Planning Policy Statement 1: Delivering Sustainable Principles; Planning Policy Guidance Note 2: Green Belt; Planning Policy Statement 3: Housing and; Planning Policy Guidance Note 15: Planning and the Historic Environment set out National Planning Policy and are of relevance. A Village Design Statement was published for Heslington in 2004, it is a material planning consideration and offers advice on design principles based on the distinctive local character of the settlement. Section 4 'The Built Environment' requires development to respect the setting and character of the village, to sit happily in the pattern of existing development, respect views through to open countryside, reflect the domestic scale of buildings in the village, provide adequate parking, use high quality materials and maintain a variety in size and scale.

4.3 Green Belt

The site lies within a village 'washed over' by the Green Belt on the City of York Draft Local Plan. The relevant policy context is contained within PPG2 and Local Plan Policies GB1 and GB2. These allow development within the defined settlement limits of such villages providing it constitutes limited infilling that does not prejudice the openness or purpose of the Green Belt. It is considered that the development would accord with these policies and be acceptable in Green Belt terms. There is a history of infill development in the village behind frontage properties from either conversion with extension or new build, hi-lighted by the developments of Enclosure Gardens to the north east, the detached dwellings to the south east off Well Garth and the conversion of other farm buildings at Bridge Farm on the opposite side of Main Street. The site is located within the built-up area of the settlement and the size, scale and design of the buildings will be exactly the same as those approved under the previous application, which are considered appropriate to the form and character of the settlement and specifically the group of barns, which formed part of Enclosure Farm.

4.4 Residential Use

The site has an existing consent to convert the remaining barns on site to residential use and the site is surrounded by residential properties. The rebuilding of the barns for residential use is considered to be appropriate and compatible with surrounding uses. The buildings will be of the same, size, scale and design as those previously approved and will consist of a two bedroom dwelling with storage and additional storage and workshop for Barn A. The size and scale of the proposed barns are considered appropriate in relation to the plot and will restore the former courtyard layout.

4.5 Character and Amenity of Local Environment

In addition to general advice in PPS1 and Policy GP1, Policy GP10 in particular relates to infill development. It states that planning permission will only be granted for infilling to provide new development, where it would not be detrimental to the character and amenity of the local environment. The current scheme has been designed to the exact specifications approved under 07/01046/FUL and will utilise the reclaimed materials from the original barns which remain on site. The replacement barns will restore the former cluster of farm buildings and complete this small development of 3 dwellings.

4.6 Affect on Heslington Conservation Area

The site is located within the Heslington Conservation Area. The proposed barns will replace those, which were previously in situ, albeit with extensions and alterations approved under the previous application. The replacement barns will recreate the group of former agricultural buildings on the site, which contributed to the character and appearance of the Conservation Area. Whilst the replacement barns will not be the original buildings, conditions will be attached to any approval requiring details of all the proposed materials to be approved by the Local Planning Authority in order to retain as much of the original character of the buildings as possible. Whilst the rebuilding of the demolished barn within as short a timescale as possible would clearly be desirable, Circular 11/95 "The Use of Conditions in Planning Permissions" states that conditions requiring the completion of the whole of a development are likely to be difficult to enforce and should not normally be imposed. For example, if the reason for failure to carry out or complete a development is due financial difficulties experienced by the developer, then the enforcement of conditions is unlikely to succeed.

4.7 Residential Amenity

The proposed barns will be of the same size, scale and position as those approved under the previous application. As a result there will be no greater impact on the surrounding properties in terms of overlooking or overshadowing. There are only two first floor windows proposed in the south eastern elevation of the barn, one which would serve a staircase and the other a bedroom, however this faces the side gable wall of the neighbouring property (Garth End). The extended brick wall of the single storey element will reduce any impact on this dwelling in terms of overlooking and activity within the garden area. Given the position of the barn to the north west of Garth End the extensions to the original barn will not result in a significant increase in levels of overshadowing. The existing hedge between the application site and Garth End has so far been retained and a condition will be attached to any approval requiring its future retention and replacement should it become damaged or die. A condition restricting the hours of construction is also proposed in order to protect the amenity of surrounding residents.

4.8 Ecology

A bat survey was undertaken and submitted under a previous application, which was considered by the Council's Countryside Officer. The survey concluded that there was no evidence of the buildings being used by bats, though they provide good habitat for brown long-eared bats. As a result a condition is proposed to address bat mitigation and conservation.

4.9 Archaeology

The site lies outside the Area of Archaeological Importance but in an area which has produced prehistoric, Roman and medieval deposits. The former barns also had a

historic character that the original application proposed to alter. Conditions were attached to the previous application requiring an archaeological watching brief and archaeological record to be submitted prior to development commencing. Neither was submitted prior to the development commencing and the subsequent collapse of barns D and E. The agent has been advised that this information is outstanding and is still required. The agent has advised that he is to meet with the Council's Archaeologist to clarify the nature of the information required to satisfy the two original conditions. The same condition requiring an archaeological watching brief will be attached to this application, should planning permission be granted.

4.10 Access, Parking and Highway Safety

The site will be accessed off an improved driveway off Main Street and will provide appropriate levels of off-street car parking and internal turning facilities. The Local Highway Authority raises no objections to the scheme subject to the same standard conditions attached to the previous application relating to surfacing, cycle parking, turning areas, mud on highway and dilapidation survey.

4.11 Contamination

Given that the site has previously been used for agriculture and vehicular business use a condition to address any contamination on the site is suggested.

4.12 Sustainability

The Council's Interim Planning Statement on Sustainable Design and Construction was approved for development control purposes on 22 November 2007, prior to the submission of this application. The previously approved scheme was not subject to any specific sustainability requirements. However, as this is a fresh application and relates to a new build proposal, it is considered that the developer should be required to submit a sustainability statement showing that the development would achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. An appropriate condition is recommended.

4.13 Public Open Space

Local Plan Policy L1c requires the payment of a commuted sum towards public open space for all residential developments of less than 10 units where there is no on-site provision. This two-bedroom unit would generate a sum of £1242.

5.0 CONCLUSION

5.1 Application recommended for approval, subject to conditions.

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:-

Location plan 106/001; site survey 106/020; existing plans and elevations 106/023/A; proposed plans and elevations 106/033/B received on 29th January 2008.

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

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

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

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

4 A sample panel of the brickwork to be used on this building 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. The sample panel shall comprise of the reclaimed bricks from the demolished barns on the site. 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 VISQ8 Samples of exterior materials to be app

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

New windows and doors, including openings, lintels, cills and reveals; roof lights (which should be of conservation style design of a dark finish); eaves and verges; and vent details including method of blocking up.

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

7 VISQ4 Boundary details to be supplied

8 ARCH2 Watching brief required

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

should, where possible date back to 1800

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

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

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

Reason: To protect human health and the wider environment.

10 The hours of operation of this approved use shall be confined to 08.00 to 18.00 Mondays to Fridays, 09.00 to 13.00 Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

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

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

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

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

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

12 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in

order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

- 13 HWAY10 Vehicular areas surfaced, details reqd
- 14 HWAY19 Car and cycle parking laid out
- 15 HWAY21 Internal turning areas to be provided
- 16 HWAY31 No mud on highway during construction
- 17 HWAY40 Dilapidation survey

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

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

19 The use of the replacement barn E shall be used for purposes incidental and ancillary to the enjoyment of the dwelling house to which they relate and shall remain as such at all times.

Reason: In the interests of residential amenity.

20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the south eastern elevation of the buildings hereby approved.

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

21 The existing hedge along the south eastern boundary of the site shall be retained and shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Should the hedge be removed without such consent, or die, be severely damaged or

becoming seriously diseased it shall be replaced with a hedge of the same size and species details of which (including timescales for replacement) shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard this hedge in a positive manner so as to secure its continued well being.

22 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 £1242.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to Green Belt, Conservation Area, residential amenity and highway safety. As such the proposal complies with Policies GB1, GB2, GP1, GP4a, GP10, NE1, HE2, HE3, HE10, H3c, H4a and H5a of the City of York Draft Local Plan.

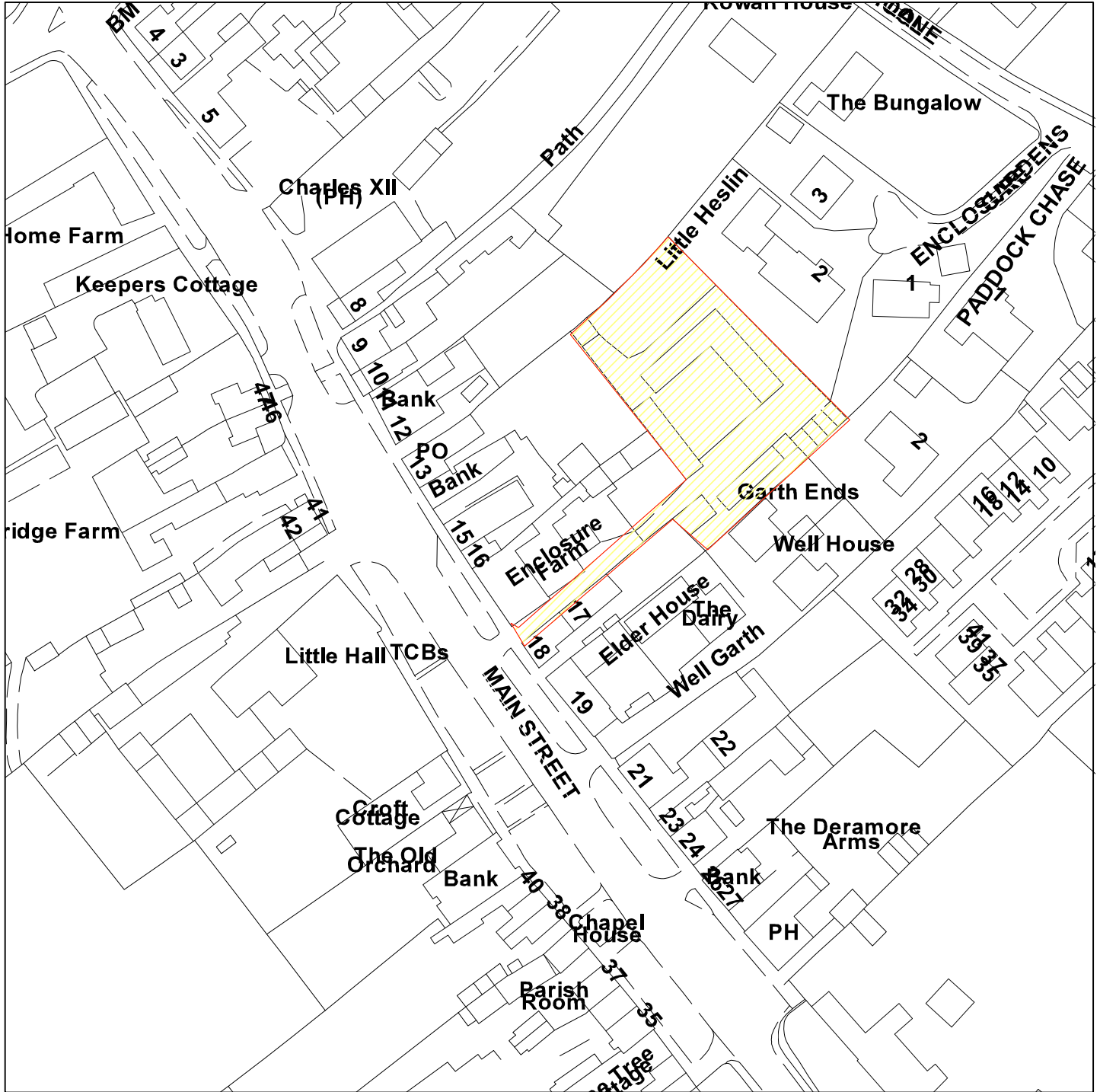
Contact details:

Author: Kirsty Catlow Development Control Officer

Tel No: 01904 551359

Enclosure Farm, Main Street, Heslington

08/00188/FUL



Scale : 1:1250

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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	31 March 2008
SLA Number	Not set

COMMITTEE REPORT

Committee: East Area
Date: 10 April 2008

Ward: Heslington
Parish: Heslington Parish Council

Reference: 08/00192/CAC
Application at: Enclosure Farm Main Street Heslington York YO10 5EA
For: Conservation area consent for demolition of existing barns (retrospective)
By: Mr Brown
Application Type: Conservation Area Consent
Target Date: 25 March 2008

1.0 PROPOSAL

1.1 The application relates to a site (0.223 hectares) located at the rear of properties fronting Main Street, Heslington. The site consists of a number of traditional one and two storey buildings formally associated with Enclosure Farm. The access to the site is off Main Street and runs along the south eastern boundary of Enclosure Farm. The site is surrounded by housing development to the south and east with garden areas to the north. A property known as Garth Ends is located 1 metre beyond to the south eastern boundary of the site adjacent to the former Barn D.

1.2 The buildings on the application site are currently being converted to residential use under planning approval 07/01046/FUL (proposed conversion of redundant agricultural buildings to 3 no. domestic dwellings) which was approved at Planning Committee on 9th August 2007. All works on site have ceased following the collapse of Barns D and E.

1.3 This application seeks retrospective Conservation Area consent for demolition of Barns D and E. The application is accompanied by a planning application, which seeks approval to rebuild and extend Barns D, and E as approved under planning approval 07/01046/FUL for residential use. Barn D would comprise of a part single, part two storey two bedroom dwelling. Barn E would comprise of a small ancillary store for Barn D and a home office, workshop and store for Barn A. A single garage allocated to Barn D is located within a garage block attached to Barn B.

1.4 The application site is located within the Heslington Conservation Area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heslington 0029

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; 18 Main Street Heslington

Schools Lord Deramore's Primary 0208

2.2 Policies:

CYHE3

Conservation Areas

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation

The property is located within the Heslington Conservation Area no.28. It is regrettable that the fabric of two of the original buildings on the site has been lost. The original layout, scale and architectural character of the barns added greatly to the character of the site and illustrated the historic use of the buildings as part of Enclosure Farm. The information supporting the current application suggests that the material from the two barn buildings have been salvaged for re-use as part of the redevelopment works. Given that the two agricultural buildings have been demolished and are no longer present on the site, it is important to consider the scale and character of this group of buildings at Enclosure Farm is not greatly altered. The applicant intends to rebuild the original agricultural buildings, in accordance with the approved plans 07/01046/FUL. This will result in the recreation of the grouping of buildings at Enclosure Farm and consolidate the existing character and appearance of the Conservation Area. The new development will lack the authenticity of the original building fabric due to the unauthorised works of demolition carried out on this site.

3.2 External

Heslington Village Trust

Raised concerns at the unauthorised demolition of Barns D and E and consider they have little option but to accept the re-building of the barns. Questioned clarity of plans for the uses of Barns D and E. Object to the current application on the grounds that the archaeological conditions attached to the original consent, requiring a watching brief and recordings, have not been adhered to.

3.3 Four emails/ letters of representation have been received from local residents, raising the following points;

Implementation of conditions attached to the previous approval; hours of construction; materials; size of building should be as previously approved (footings are larger); garden land to the south and east of Barn D to be reinstated; rebuilding of boundary wall to the rear of 18 Main Street.

4.0 APPRAISAL

4.1 Key Issues

- Policy Context
- Affect on Heslington Conservation Area

4.2 Policy Context

The site is located within Heslington Conservation Area and the demolition of the barns is therefore controlled by section 74 of the Planning (Listed Building and Conservation Areas) Act 1990. Guidance contained within PPG15 - Planning and the Historic Environment advises that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Account should be taken of the architectural or historic importance of the building for which demolition is proposed and the wider affects of demolition on the building's surroundings and the Conservation Area as a whole. It goes on to state that consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the Local Planning Authority is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a Conservation Area. It advises that it will often be appropriate to impose on the grant of consent for demolition a condition to ensure that development does not take place until a contract for the carrying out redevelopment works has been made and planning permission granted.

Policy HE3 of the City of York Draft Local Plan states that proposals for demolition of a building will only be permitted where there is no adverse affect on the character and appearance of the Conservation Area. Policy HE5 reiterates the guidance in PPG15 and states that Conservation Area consent will not be granted for demolition of buildings, which positively contribute to the character, or appearance of the Conservation Area. Where exceptionally demolition is permitted, no demolition shall take place until a building contract for the carrying out of the redevelopment works has been made and planning permission granted.

4.3 Conservation Area

The site is located within the Heslington Conservation Area. The demolition of the former barns known as D and E was unauthorised. The agent has previously advised that during works on site the barns partially collapsed and were demolished for safety reasons.

The barns formed part of a group of former agricultural buildings associated with Enclosure Farm, which made a positive contribution to the character and appearance of the Conservation Area and illustrated the former historic use of the site. The demolition of buildings within Conservation Areas, which make a positive contribution, is not normally permitted. It is therefore regrettable that the barns were demolished. In order to recreate the character and appearance of this part of the Conservation Area it is considered important that the barns be rebuilt so a gap is not left within site and the former cluster of farm buildings is restored. A planning application to rebuild the barns (as altered and extended under planning approval 07/01046/FUL) accompanies this Conservation Area consent application.

The Conservation Officer has raised the point that whilst the replacement barns will consolidate the existing character and appearance of the Conservation Area they will lack authenticity, as they will not be the original building fabric. The agent has advised that the materials from the original barns has been reclaimed and is being stored on the site. Conditions are proposed on the planning application requiring the reclaimed bricks to be used to rebuild the barns and a sample panel approved. All other materials will also be subject to approval prior to development commencing.

5.0 CONCLUSION

5.1 Whilst the demolition of the barns has had a negative impact on the Conservation Area, their rebuild will restore the former character and appearance, therefore the application is recommended for approval. As the application is retrospective no conditions are required to be attached to the granting of consent.

6.0 RECOMMENDATION: Approve

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Heslington Conservation Area. As such the proposal complies with Policies HE3 and HE5 of the City of York Draft Local Plan.

Contact details:

Author: Kirsty Catlow Development Control Officer

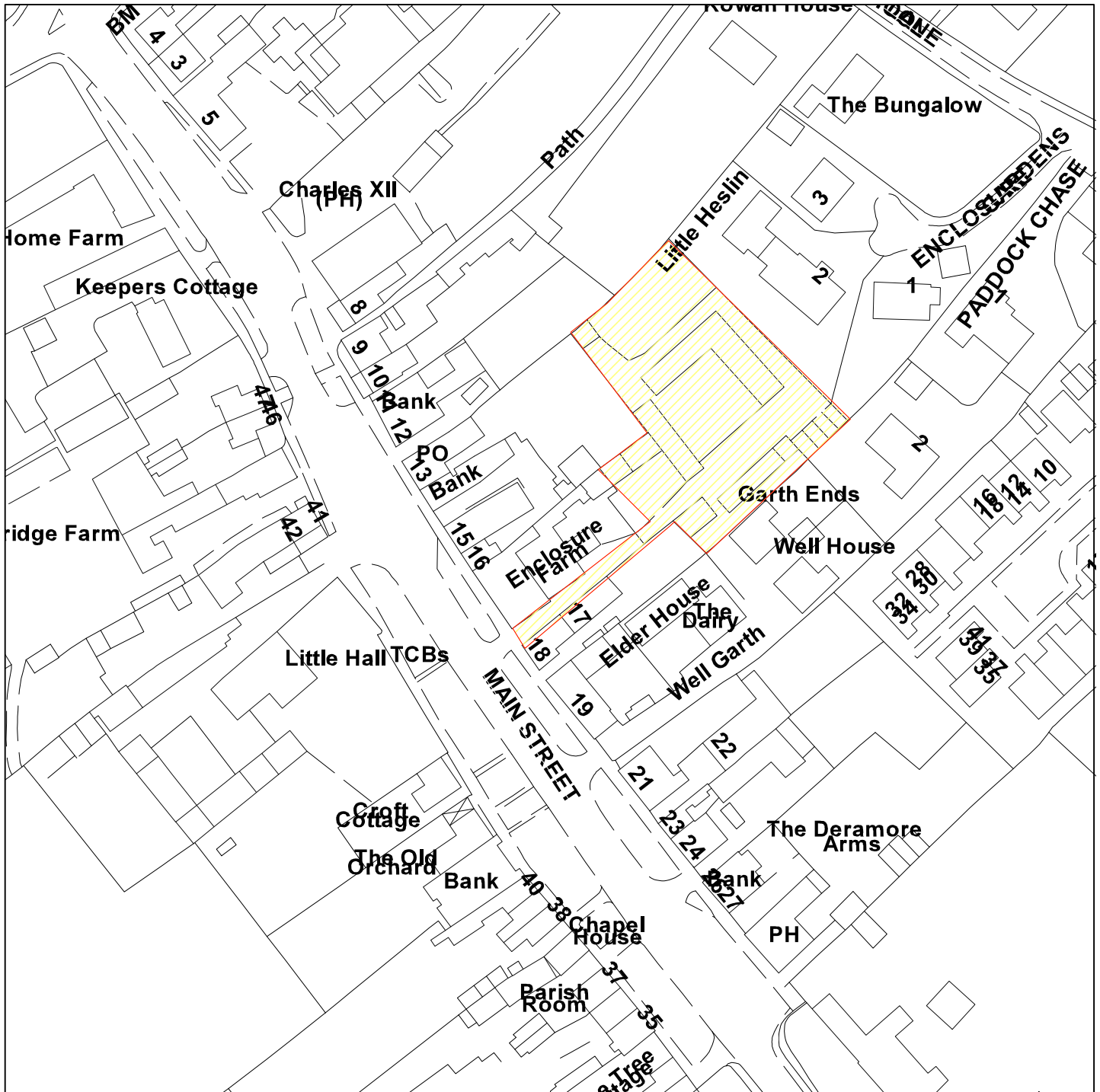
Tel No: 01904 551668

Enclosure Farm, Main Street, Heslington

08/00192/CAC



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Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	31 March 2008
SLA Number	Not set



East Area Planning Committee

10 April 2008

Report of the Director of City Strategy

Clifton Hospital : Outstanding Section 106 in relation to Management of the landscape.

1. Summary

1. This updates Members that since January's East Area Planning Sub-Committee meeting no progress has been made on the outstanding Section 106 in relation to Clifton Hospital. Members are asked to note that despite a number of approaches made to Persimmon no response has yet been received with regard to the issues and therefore to consider taking enforcement action.

A report will be prepared in September 2008 to update members on any progress made.

2. Background

- 2.1 A report was prepared in August 2007 with regard to the current status of the outstanding Section 106 Agreement on the old Clifton Hospital Site. This was brought to January's East Area Planning Committee.

3. Consultation

- 3.1 No useful discussion with Persimmon's has taken place.

4. Analysis *Update March 2008*

- 4.1 No response has yet been received with regard to these matters despite further requests (since January) for a meeting being made to Persimmon's.

5. Corporate Objectives

- 5.1 The management of this site ensures that the green separation between Clifton Without and Clifton is retained. Its management is therefore important in order to retain this separation in good condition.

6. Implications

- 6.1 There are no financial implications with regard to this report.
- 6.2 There are no Equality implications.

- 6.3 Human Resources implications are limited to the time spent by the Countryside Officer in organising and supervising the management of the Clifton Hospital site.
- 6.4 There are no Legal, Crime and Disorder or IT Implications with regard to this report.
- 6.5 The property implications were dealt with within the report regarding the transfer of land to the Council in February 2006.

7. Risk Management

- 7.1 There are no known risks with regard to the implementation of the proposals on the Clifton Hospital site.

8. Recommendations

- 8.1 Members are requested to note the lack of progress made with regard to the completion of the Section 106 agreement and the ongoing work still required in order to achieve a satisfactory conclusion to this long standing case. To consider taking enforcement action.
- 8.2 A report be prepared in September 2008 to update members on any progress made.

Reason: To ensure that work conditioned as part of the Section 106 agreement at the Clifton Hospital site is completed.

Contact Details

Author:

Author's name: Bob Missin
Title: Countryside Officer
Dept Name: DCSD
Tel No. 1662

Chief Officer Responsible for the report:

Chief Officer's name : Michael Slater
Title: Assistant Director of Planning and Sustainable Development

Report Approved **Date** 28 March 2008

Specialist Implications Officer(s)	List information for all
Implication ie Financial	Implication ie Legal
Name	Name
Title	Title
Tel No.	Tel No.

Wards Affected: Clifton Without

All tick

For further information please contact the author of the report

Background Papers:

East Area Planning Committee January 2008 - Clifton Hospital : Outstanding Section 106 in relation to Management of the landscape.

Joint Report of the Directors of Development Services and Leisure Services to the Executive Committee 1st Feb 2006 on the Acquisition of Land at Clifton Hospital.



Planning and Transport (East) Area Sub-Committee

10 April 2008

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

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

Background

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

Current Position

6. Members should note that 76 new cases were received for this area within the last quarter. 69 cases were closed and 219 remain outstanding. There are 62 Section 106 Agreement cases outstanding for this area after the

closure of 7 for this quarter. No formal notices have been served during the last quarter.

Consultation

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

Options

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

Corporate Priorities

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

10. Implications

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

Risk Management

11. There are no known risks.

Recommendations

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

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

Contact Details

Author:

Author's name

Mandy Swithenbank/
Alan Kendall
Planning Enforcement Officer

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
Assistant Director (Planning and Sustainable
Development)

Dept Name City Strategy
Tel No. 551376/551324

Report Approved

Date 31/03/2008

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

Implication ie Financial

Name

Title

Tel No.

Implication ie Legal

Name

Title

Tel No.

Wards Affected: *All Wards*

All

For further information please contact the author of the report

Background Papers:

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

Report to Area Sub-Committee in Jan 2008 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

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

Document is Restricted

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

Document is Restricted