



## Notice of meeting of

### East Area Planning Sub-Committee

**To:** Councillors Moore (Chair), Cregan (Vice-Chair), Douglas, Funnell, Hyman, King, Orrell, Taylor, I Waudby and Wiseman

**Date:** Thursday, 26 June 2008

**Time:** 2.00 pm

**Venue:** The Guildhall, York

## AGENDA

### 1. **Declarations of Interest**

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

### 2. **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 25 June 2008 at 5pm.

### 3. **Plans List**

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

- a) **Clifton Garage, 82-84 Clifton, York** (Pages 4 - 18)  
**(08/00816/FULM)**

Erection of 1 no block of four 3 storey dwellings, two pairs of 3 storey semi detached dwellings and a 3 storey block of six apartments with additional access garaging, parking, cycle storage and landscaping following demolition of existing buildings [Clifton Ward] [**Site Visit**]

- b) **Clifton Garage, 82-84 Clifton, York** (Pages 19 - 23)  
**(08/00818/CAC)**

Demolition of Garage [Clifton Ward] [**Site Visit**]

- c) **OS Field 2000 Lords Moor Lane, Strensall, York** (Pages 24 - 30)  
**(08/01199/FUL)**

Retention of a mobile home as a temporary agricultural dwelling in connection with free range laying birds (resubmission) [Strensall Ward].

- d) **Bonneycroft, 22 Princess Road, Strensall, York** (Pages 31 - 39)  
**(08/01112/TPO)**

Various works to trees subject to Tree Preservation Order TPO CYC 53, including fell Sycamore (T3), Ash (T4), Hawthorn (T12), Laburnum x2 (in G1), Picea (in G2), Birch, oak, Chestnut, Apples (G3), Birch (in G2), Holly and Oak (G4), Cherry Trees (G5), Hawthorn (G7 and in G6); crown lift Holly (G2), Holly and Oak (G4) and Oaks T8-T11 [Strensall Ward] [**Site Visit**].

- e) **Fulford Post Office, 94 Main Street, Fulford, York, YO10 4PS** (Pages 40 - 45)  
**(08/00955/FUL)**

Change of use from former Post Office (A1) to physiotherapy practice (D1) [Fulford Ward].

#### **4. Urgent Business**

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

Democracy Officer:

Name: Laura Bootland

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@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 25 JUNE 2008**

<b>TIME</b>	<b>SITE</b>	
10:00am	Meet coach at Union Terrace Car Park	
10:15 am	Clifton Garage	3a and 3b
11:00am	Bonneycroft, 22 Princess Road, Strensall	3d

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

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## **Holding the Executive to Account**

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

## **Scrutiny Committees**

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

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

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## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 26 June 2008

**Ward:** Clifton  
**Parish:** Clifton Planning Panel

**Reference:** 08/00816/FULM  
**Application at:** Clifton Garage 82 - 84 Clifton York  
**For:** Erection of 1no block of four 3 storey dwellings two pairs of 3 storey semi detached dwelling and a 3 storey block of six apartments with additional access garaging, parking, cycle storage and landscaping following demolition of existing buildings  
**By:** Mr R Pulleyn  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 1 July 2008

### 1.0 PROPOSAL

1.1 The application relates to a rectangular area of land measuring approximately 0.2 hectares in area fronting onto Clifton with a site frontage of 28 metres and a depth of 75 metres. The site currently houses a commercial garage with a forecourt and showroom to the front of the site and workshops to the rear. The existing buildings on the site are single and two storeys in height of modern design and construction materials.

1.2 To the immediate south east of the site is a row of traditional terraced properties, the rear garden areas of which face the site. To the north east is a more modern 3 storey flatted development and to the north west are a mix of residential and commercial properties. The site is located in the Clifton Conservation Area.

1.3 The application seeks full planning permission for the erection of 1 block of 4no. three storey dwellings, two pairs of three storey semi detached dwellings and a 3 storey block of 6no. two bedroom apartments with access, garaging, parking, cycle storage and landscaping, following demolition of existing buildings.

1.4 An amended site plan was submitted on 12.06.08 showing alterations to the internal layout of the parking and circulation areas at the request of the Highways Officer.

1.5 The application is being considered by East Area Planning Sub-Committee as it is a 'major' application. A request has also been received from Councillor Scott for the application to be considered by Planning Committee for the following reasons; it is of importance to local residents; it is within the Clifton Conservation on a main arterial road into York.

1.6 This application follows an earlier application for the erection of 14 apartments and a retail unit with associated car parking which was dismissed on appeal in February 2008 on the grounds that the proposed retail unit would have significantly adverse affects on the local highway network and the living conditions of neighbours.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Clifton 0013

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYGP10  
Subdivision of gardens and infill devt

CYGP9  
Landscaping

CYH3C  
Mix of Dwellings on Housing Site

CYH5A  
Residential Density

CYHE3  
Conservation Areas

CYHE5  
Demolition of Listed Buildings and Buildings in Conservation Areas

## **3.0 CONSULTATIONS**

### 3.1 Internal

Conservation Architect - No objections to the proposal. The 4 houses to the front of the site respond well to the scale of adjacent buildings. The window design will help to integrate the houses into the existing village and views along Clifton will be much improved. The development to the rear, although outside the Conservation Area, fits into the grain of development on either side of the site.



Highways (Network Management) - No objections to the proposal, subject to a number of conditions.

Environmental Protection Unit - No objections in principle, however they do raise concerns with regards to the impact of traffic noise on the amenity of future occupiers. Recommend conditions relating to noise assessment and mitigation measures, and restricting hours of demolition and construction.

Lifelong Learning and Leisure - As there is no on-site public open space, a commuted sum should be paid for amenity space, play space and sports pitches.

Education - Funding is currently required for 2 pupils at Canon Lee High School.

### 3.2 External

Clifton Planning Panel - No objections.

Conservation Areas Advisory Panel - The panel supports this much-improved scheme.

Public response - Two letters of representation have been received from the occupiers of Avenue Terrace stating the following; during demolition care should be taken that no damage occurs to the boundary wall along the rear of 3-7 Avenue Terrace; the properties fronting Clifton are three storeys which will result in a decrease in day light to properties on Avenue Terrace.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Principle of residential development
- Density and mix of housing
- Design / Impact on Character of Conservation Area
- Impact on Amenity
- Access, Parking and Highway Safety
- Sustainability
  - Drainage and Flood Risk
  - Impact on Existing Facilities

4.2 Policy Context; relevant policies are contained at section 2.2.

### 4.3 Principle of Residential Development

Central Government advice contained within Planning Policy Statement 3 "Housing" (PPS3) and Policy H4a (Housing Windfalls) of the City of York Draft Local Plan encourage new housing development to be located on previously developed land. The latter policy states that planning permission will be granted where the site is within the urban area, has good accessibility, is of an appropriate scale and density and would not have a detrimental impact on existing landscape features. In addition SP10 (Strategic Windfalls) states that the reuse for housing will be a high priority on windfall sites below 0.2 hectares outside the City Centre.

The site would fall within the definition of 'previously developed land' as it currently houses a number of commercial buildings, is located in a predominantly residential area within the main urban area of the City and has good accessibility. Therefore, the principle of redevelopment of the site for residential purposes is acceptable in policy terms.

It should also be noted that the Planning Inspectorate, when considering the recent appeal, did not cite the principle of residential development on this site as an issue for consideration.

#### 4.4 Density and Mix of Housing

Central Government advice contained within PPS3 Housing and Policy H5a (Residential Density) of the Draft Local Plan encourage the efficient use of land in all new housing developments, whilst having regard to the character, quality and amenity of the area. Policy H5a states that new residential developments in the urban area, but outside the city centre, should aim for a density greater than 40 dwellings per hectare. This application proposes a total of 14 dwellings on a 0.2 hectare site, equating to a density of approximately 70 dwellings per hectare, which is above the minimum requirement.

In terms of the mix of housing, PPS3 and H3c seek to secure a mix of house types, sizes and tenures on all new residential development sites, in order to sustain mixed communities. There is no requirement for affordable housing as the number of units proposed is below the threshold. The application proposes 8no. four bedroom houses and 6no. two bedroom flats, which is considered an adequate mix given the size and location of the site.

#### 4.5 Design / Impact on Character of the Clifton Conservation Area

Central Government advice contained within Planning Policy Statement 1 "Delivering Sustainable Development" and PPS3 seek to secure an improvement in the quality of new housing development with sustainable and environmentally friendly new housing encouraged. Furthermore Planning Policy Guidance Note 15 "Planning and the Historic Environment" re-iterates the statutory duty that development preserves or enhances the character of appearance of Conservation Areas.

The application seeks permission for the erection of 4no. three storey two houses fronting onto Clifton, with 2 pairs of three storey semi detached dwellings and a three storey block of six flats to the rear. The buildings have been arranged to create a central courtyard to the rear incorporating the car parking and circulation areas, as well as the cycle and bin stores.

The Council's Conservation Architect has commented as follows; The site affects the Clifton Conservation Area close to the Village Green, which is the focus of the area. The rural quality of the former village is maintained by the presence of the landscaped enclosed green, mature trees, wide verges and a mix of uses mostly occupying historic buildings - the earlier ones retaining a intimate small scale with later Victorian and Edwardian houses being interspersed between them. Close to the green, the Conservation Area boundary is drawn around the frontage properties

enclosing the main roads. The front part of the garage and its forecourt are within the boundary. The loss of enclosure onto the road, the use of the forecourt for parking and the rudimentary nature of the large scale garage buildings, create a character and appearance which does not make a positive contribution to the Conservation Area.

The proposed redevelopment scheme for 14 dwellings would be arranged on site to create an enclosed linear space to the rear of new terraced houses onto the main road. The four frontage properties respond to the scale of adjacent buildings and a double pitch has been used to reduce the scale of the exposed gable, maintaining the characteristic roof pitch of the traditionally built houses. A variation in the set-back of the footprint and in the approach to window design, helps to integrate the terraced houses with the less formal context of the former village. Views onto the development and along the street would be much improved.

Within the site, development has been broken down into blocks, close enough together to achieve an enclosed linear space of semi-private activity. Although this part of the site is mostly outside the Conservation Area the form of development fits with the grain on either side. Eaves heights have been lowered slightly in this location to make the development subsidiary to the frontage and to reduce impact on neighbouring houses.

Boundary treatments would be improved by the introduction of brick walls. The existing tree to the west should be protected during works. The introduction of gardens is welcome. A good landscape scheme would achieve a softening in the courtyard and there is potential to further improve views into the site.

Overall the scheme would appear to enhance the character and appearance of the Clifton Conservation Area.

#### 4.6 Impact on Amenity

In terms of the amenity of surrounding occupiers, the proposed houses and flats are to be three storeys in height. The front elevations of the properties fronting Clifton would be 21 metres from those opposite the site which is considered adequate to prevent unacceptable levels of overlooking. The gable end of this group of 4 dwellings would be located 15 metres from the rear elevation of the properties along Avenue Terrace. Given this separation distance and that the site is to the north west of Avenue Terrace it is not considered that these dwellings would result in unacceptable loss of light or overshadowing

The positioning of the houses to the rear of the site would maintain separation distances of 21 metres from both the properties on Avenue Terrace and Fern Cottages and as a result these properties would not result in unacceptable levels of overlooking or overshadowing.

The flats to the rear would be located 9 metres from the modern flat block to the north east of the site which contains non habitable room windows in the elevation facing the site. The north eastern elevation of the new block would contain windows serving bedrooms, however given the separation distances and the absence of

habitable room windows in the existing flat block, this relationship is considered acceptable.

In terms of future occupiers of the dwellings the rear private garden areas for the four bedroom houses would be modest in size, however given the proximity of Clifton Green to the application site and the reduced emphasis on the provision of large gardens it is considered that the small garden areas are acceptable in this instance.

### 4.7 Access, Parking and Highway Safety

In terms of sustainability the site is located close to local facilities, public open space and on a cycle route and frequent bus service.

The site has an historic use for the sale, repair and rental of vehicles and based upon the information supplied by the applicant the site generates a significant amount of traffic throughout the day utilising two existing accesses. The proposed development will be served from the one improved access to the south of the site and the proposed development is likely to result in a reduction in traffic movements. There are plans to improve the alignment of the adjacent Public Right of Way known as Clifton no.9 to remove a blind spot on the route which will improve pedestrian safety.

In terms of parking the maximum number of spaces required for the number and size of dwellings proposed is 23, the proposed development would provide 18 spaces. This level of car parking is considered to be acceptable given the sites location close to the City Centre and the range of local facilities. The applicant has also agreed to contribute £2240 towards the provision of car club facilities in the locality of the site. Covered and secure cycle parking is also proposed within the site.

The proposed development is considered to be in line with the guidance contained within PPG13 Transport.

### 4.8 Drainage and Flood Risk

It is intended that surface water and foul sewerage will be disposed of into the main drains and sewers. A condition will be attached to any approval requiring the drainage details to be submitted for approval prior to development commencing.

The site is located within Flood Zone 1 and therefore there are no serious flood risk implications for this development nor is it likely that the proposal would add to flood risk in the surrounding area.

### 4.9 Sustainability

The application is accompanied by a Sustainability Statement. This points out that the site is adjacent to the A19 arterial highway and is within 1000 metres of York Minster. It is also adjacent to a number of local facilities, including shops, a bank, public house and restaurant, guest houses and hotels. The location is within walking distance of the city centre, local shops, schools and entertainment centres, and is also on a bus route, with buses running every thirty minutes. The site is bounded by

2.4 metre high brick walls to aid security and the private access road will be gated with coded access. The proposal will raise commuted sums to assist the development of local facilities and will help to sustain existing facilities such as shops and local businesses.

The development will be constructed of renewable materials wherever possible, using an internal timber frame and sheep's wool for the cavity insulation. Double glazing in energy efficient timber windows along with micro combined heating and power units will produce an energy efficient building. Low energy lighting and non-electric heating all combine to reduce energy consumption. Rainwater will be collected and used for watering gardens and landscaped areas. The dwellings will have separate refuse containers for household and green waste.

A condition will be attached requiring the submission of a full Sustainable design and Construction Statement.

#### 4.10 Impact on Local Facilities

Policy C6 of the Draft Local Plan allows the Council to seek financial contributions towards community facilities which are required as a direct result of the proposed residential development. Following consultation with Education, they confirm that the development would require funding for 2 secondary school places which would equate to a commuted sum payment of £32,540.

Policy LC1 of the Local Plan requires new housing development to make provision for the open space needs of future occupiers and allows this to be addressed through a commuted sum payment towards off site provision. The proposed development will require a commuted sum payment of £31,500.

## 5.0 CONCLUSION

5.1 The application is 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:-

Location Plan 08:31:07 received on 01.04.08

Proposed Site Plan 08:31:02 revision B received on 12.06.08

Proposed Flats Elevations 08:31:05 received on 01.04.08

Proposed Dwellings (plots 1-4) Elevations 08:31:03 received on 01.04.08

Proposed Dwellings (plots 5-8) Elevations 08:31:04 received on 01.04.08

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 VISQ7 Sample panel ext materials to be approv
- 5 VISQ4 Boundary details to be supplied

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.

- a. Window and window surrounds
- b. External doors and door surrounds
- c. Eaves details and verge details
- d. Garage doors and door heads
- e. Dormer windows
- f. String courses
- g. Rainwater goods
- h. Cycle store and bin enclosure
- i. Garages

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

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme including hard and soft landscaping, boundary walls and railings, external lighting, gates and gate posts. This approved planting 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.

8 Prior to development commencing a noise assessment shall be carried out and submitted for approval to the Local Planning Authority. The report shall be in line with the British Standard 4142 and PPG 24 to determine the noise impact of the traffic along Clifton on the proposed dwellings and include any necessary mitigation measures. The development shall be carried out in accordance with the approved scheme.

Reason: to protect the amenity of future residents.

9 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 the nearby residents.

10 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.)

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

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

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

12 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).)

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

13 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.

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

14 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.

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

15 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.

16 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.

17 The parking and garaging shown on the approved plans shall be kept free of obstructions at all times so that they can be used for the primary purpose of parking motorised vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

18 Notwithstanding the information contained on the approved plans, the maximum height of the approved development shall not exceed 11 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.

19 HWAY13 Access to be improved



20 The development shall not be brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the northern access to the site to match adjacent levels.

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

21 HWAY19 Car and cycle parking laid out

22 HWAY21 Internal turning areas to be provided

23 HWAY31 No mud on highway during construction

24 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.

- a) Build out onto Clifton to prevent parking over the new access.
- b) Improvements to Clifton no.9 PROW.

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

25 Prior to works starting on site a dilapidation survey of the highways adjoining the site (Clifton and the adjacent no.9 PROW) shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

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

26 Prior to the commencement of any works on site a detailed method statement identifying the programming and management of construction works shall be submitted and approved in writing the Local Planning Authority. The construction works shall be carried out in accordance with the approved scheme.

Reason; In the interests of the free flow of traffic and highway safety.

27 No development shall commence unless and until details of provision for car club facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The car club facility 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 the interests of reducing the dependence on the private car in line with the guidance contained within PPG13 Transport.

**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 existing car club facilities. The obligation should provide for a financial contribution calculated at £2240.

No development can take place on this site until the car club facility 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.

28 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 £31,500.

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.

29 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 Development Control 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 has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

30 DRAIN1 Drainage details to be agreed

## **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:

- Principle of residential development
  - Density and mix of housing
  - Design / Impact on Character of Conservation Area
  - Impact on Amenity
- Access, Parking and Highway Safety
- Sustainability
- Drainage and Flood Risk

As such the proposal complies Policies GP1, GP4a, GP6, GP10, GP9, H3c, H5a, HE3, and HE5 contained with the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statements 1 and 3 and within Planning Policy Guidance Note 15.

### 2. INFORMATIVE:

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.

**3. 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:

Works in the highway - Section 62 Michael Kitchen 01904 551336

**4. INFORMATIVE:**

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

**5. INFORMATIVE:**

The application is advised that the route of the public right of way, known as Clifton path 9, should not be damaged/altered/hindered in any way without prior written consent from the Authorities Public Rights of Way unit.

**Contact details:**

**Author:** Kirsty Catlow Development Control Officer

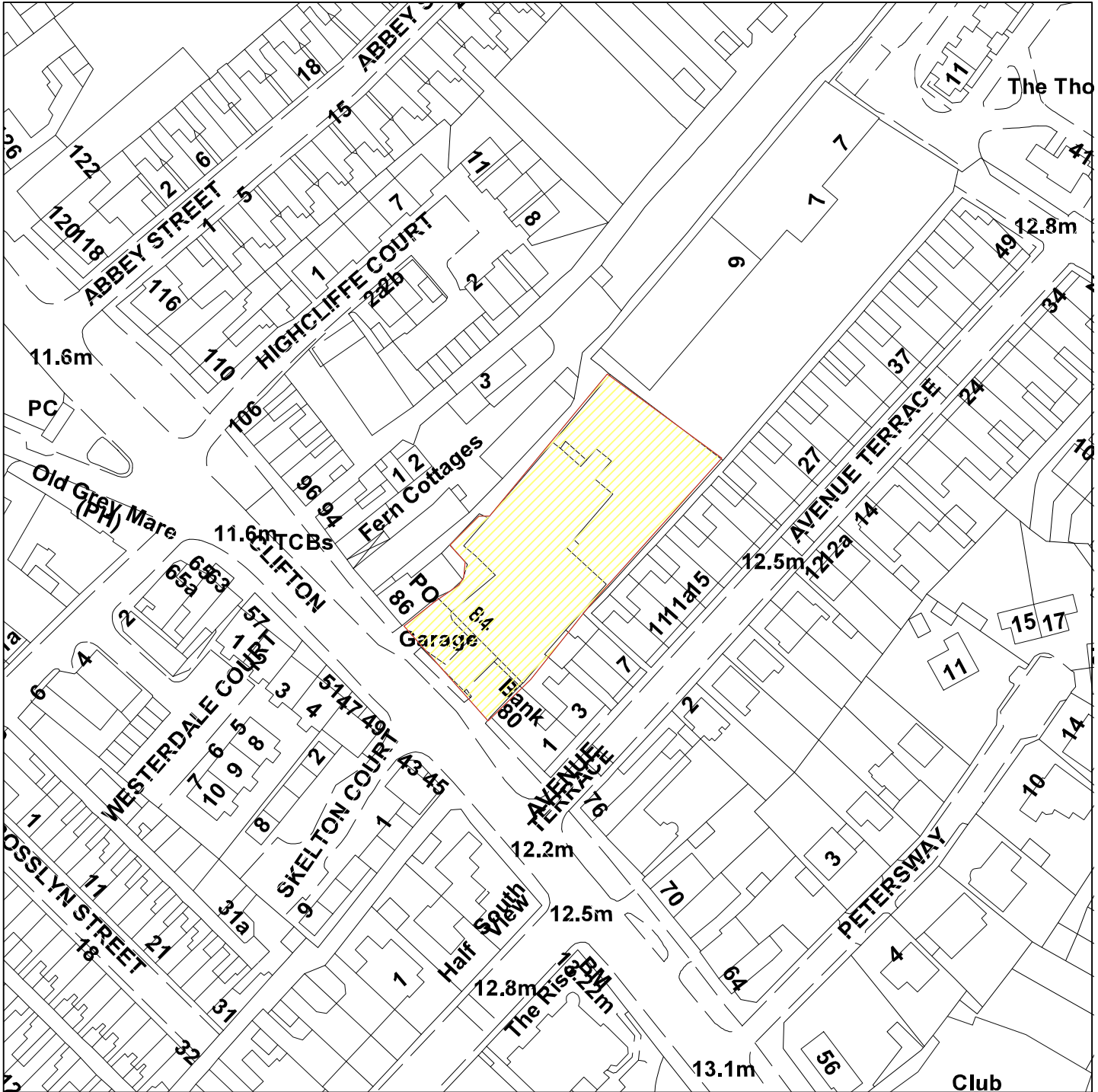
**Tel No:** 01904 551359 (Tues - Fri)

# Clifton Garage, 82 - 84 Clifton, York

08/00816/FULM



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Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	13 June 2008
<b>SLA Number</b>	Not set



### 3.1 Internal

#### Conservation Architect

The site affects the Clifton Conservation Area close to the village green, which is the focus of the area. The rural quality of the area is maintained by the presence of the enclosed landscaped green, street trees and green verges, the intimate scale of historic buildings of mixed use interspersed with later Victorian and Edwardian developments. The front part of the garage, including the forecourt has a presence onto the main road. The garage buildings, which extend into the site beyond the Conservation Area boundary occupy most of the site. These buildings are mostly large sheds of an industrial nature.

The buildings and forecourt currently occupying the site do not contribute to the special character and appearance of the Conservation Area and therefore we would support the application for Conservation Area consent subject to a re-development scheme coming forward, which would preserve or enhance the special qualities of the Conservation Area.

### 3.2 External

#### Clifton Planning Panel

No objections, however they do not want the demolition to take place until the re-development is due to commence.

#### Public response

One letter of representation have been received from the occupiers of Avenue Terrace stating the following; during demolition care should be taken that no damage occurs to the boundary wall along the rear of 3-7 Avenue Terrace.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Policy Context
- Affect on Clifton Conservation Area

### 4.2 Policy Context

The site is located within Clifton Conservation Area and the demolition of the buildings is therefore controlled by section 74 of the Planning (Listed Building and Conservation Areas) Act 1990. Central Government advice contained within Planning Policy Guidance Note 15 - "Planning and the Historic Environment" reiterates the statutory duty 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.

With regard to conditions it advises that it will often be appropriate to impose on the grant of consent for demolition a condition to ensure that demolition does not take place until a contract for the carrying out of redevelopment works has been made and planning permission granted.

Policy HE3 of the Draft Local Plan states that proposals for demolition of a building will only be permitted where there is no adverse effect 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 Clifton Conservation Area. The existing buildings on the site are of a modern design and construction, which do not reflect the general appearance of the street scene and do not contribute to the character of the Conservation Area.

This Conservation Area consent application is accompanied by a full planning application for the re-development of the site for housing. This application is recommended for approval as it would enhance the character and appearance of the Conservation Area and would not give rise to any harm in terms of residential amenity, highway safety and all other normal development control considerations. As a result, subject to a condition preventing demolition until a contract is in place for the re-development of the site, the demolition of the existing buildings on the site is considered acceptable.

### 5.0 CONCLUSION

5.1 The demolition of the existing buildings on the site would not be detrimental to the character or appearance of the Conservation Area, approval is subject to conditions.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

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

### 7.0 INFORMATIVES:

#### Notes to Applicant



1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the Conservation Area. As such the proposal complies with Policies HE3 and HE5 of the City of York Draft Local Plan, and Central Government advice contained within Planning Policy Guidance Note 15.

**Contact details:**

**Author:** Kirsty Catlow Development Control Officer

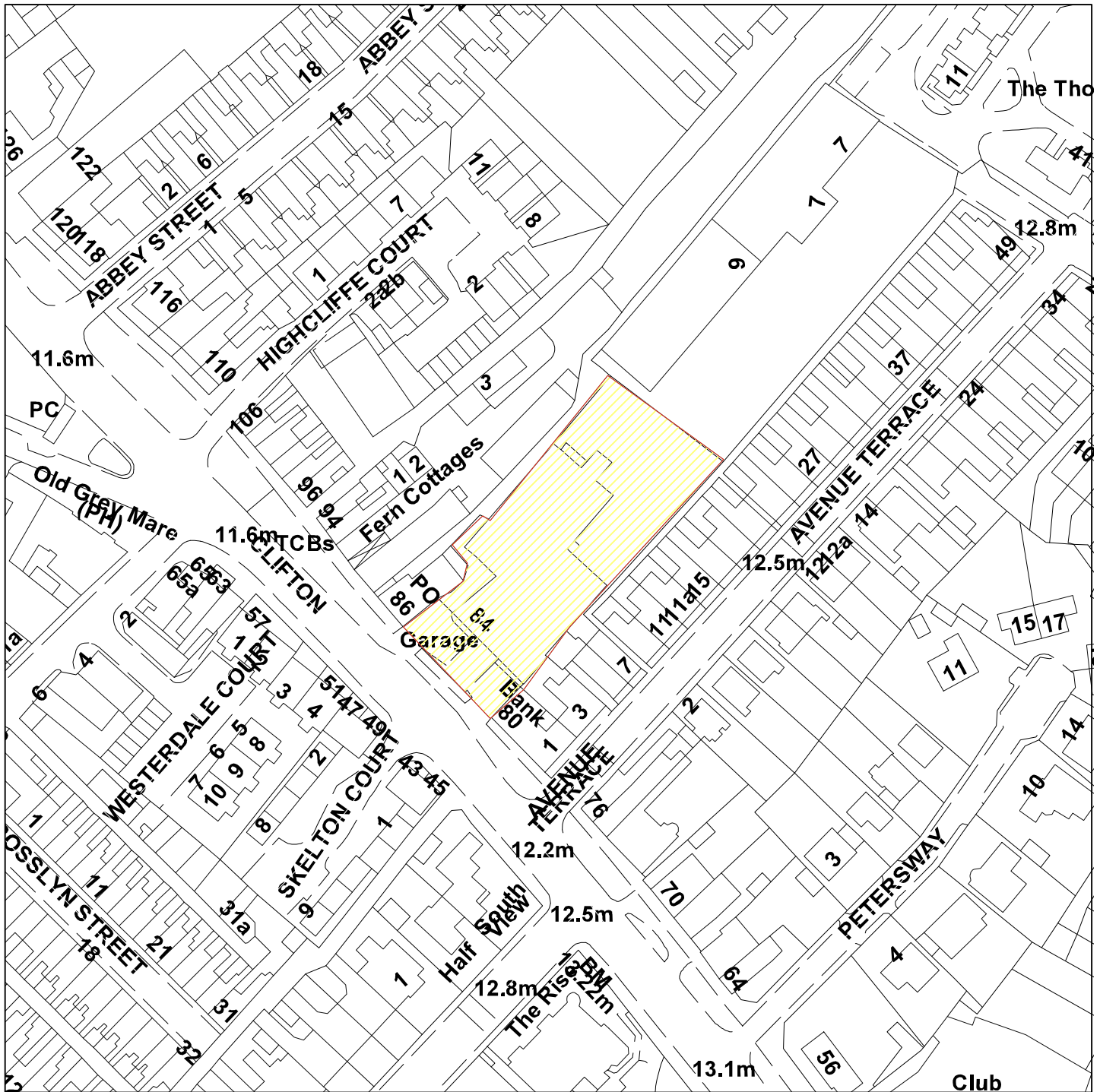
**Tel No:** 01904 551359 (Tues - Fri)

# Clifton Garage, 82 - 84 Clifton, York

08/00818/CAC



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	13 June 2008
<b>SLA Number</b>	Not set

## COMMITTEE REPORT

<b>Committee:</b>	East Area	<b>Ward:</b>	Strensall
<b>Date:</b>	26 June 2008	<b>Parish:</b>	Strensall And Towthorpe Parish Council

**Reference:** 08/01199/FUL  
**Application at:** OS Field 2000 Lords Moor Lane Strensall York  
**For:** Retention of a mobile home as a temporary agricultural dwelling in connection with free range laying birds (resubmission)  
**By:** Mr Nigel Pain  
**Application Type:** Full Application  
**Target Date:** 29 July 2008

### 1.0 PROPOSAL

1.1 The site is located outside the settlement limit of Strensall within an area of Green Belt. It is sited to the south of a railway line on the opposite side of an existing residential area. The application site is located on the north western corner of one large and two smaller grass fields owned by the applicant. The application site also includes an access farm track connecting the existing static caravan site with Lords Moor Lane.

1.2 The northern boundary of the site is formed by a high field hedge. Behind this hedge is a railway line. On the opposite side of the railway line lies another hedge. Behind this second hedge further to the north is the existing residential area. The fields are enclosed by high hedges. To the west of the site along Lords Moor Lane lies a row of residential properties. Strensall Golf Course is situated to the south of the fields, and to the east is a property known as Riverdale. These hedges are outside the application site. The application site is given as 0.05 hectares.

1.3 Access to the site is through an existing track road off Lords Moor Lane to the south of the railway line. The access road is partly owned by Network Rail.

#### Proposal Description:

1.4 This application seeks planning consent to retain an existing mobile home as a temporary agricultural dwelling in connection with free range laying birds. This temporary mobile home has been sited in the same location for a number of years for purposes other than agriculture. No permission has been granted to date for such use. This has been an enforcement case since October 2005. Following the refusal of planning permission in November last year to site a mobile home as a temporary agricultural dwelling (07/01943/FUL), an enforcement notice was served by the Council requiring all unauthorised developments to be removed from the site by 18 January 2008. However, an appeal was made by the applicant against the enforcement notice. The case is to be heard by the Planning Inspector, and an informal hearing will take place on 8 July 2008.

1.5 Other appeals made by the applicant are the decision to refuse the mobile home application (07/01943/FUL) and the decision to refuse the organic free range egg

unit (07/01942/FULM). Both applications were presented before the planning committee in November last year. These applications will also be considered at the informal hearing on 8 July 2008.

Relevant Planning History:

1.6 07/01943/FUL: Siting of a mobile home as a temporary agricultural dwelling. This planning application was refused on 9 November 2007 because of the decision of the Council to refuse planning permission for application ref: 07/01942/FULM for an organic free range egg unit. As this would result in there being no agricultural justification for the siting of a temporary mobile dwelling on the site, the proposal would constitute inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and policy GB7 of the City of York Draft Local Plan 2005.

1.7 07/01942/FULM: Erection of organic free range egg unit (1061sqm). Permission was refused on highway safety grounds.

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

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

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

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

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

### **2.2 Policies:**

CYSP2  
The York Green Belt

CYGB1  
Development within the Green Belt

CYGB6  
Housing devt outside settlement limits

CYGP1  
Design

CYGP4A  
Sustainability

CYNE5A  
Local Nature Conservation Sites

CYGP15  
Protection from flooding

CYGP23  
Temporary planning permission

CYGB7  
Agricultural or forestry dwellings

CYGB8  
Occupancy conditions for Agricultural or Forestry Dwellings

### **3.0 CONSULTATIONS**

#### EXTERNAL

3.1 Neighbours notified. No response received to date.

3.2 Strensall and Towthorpe Parish Council consulted. No response received to date.

3.3 Foss Internal Drainage Board consulted. No response received to date.

3.4 Network Rail consulted. No response received to date.

3.5 York Natural Environment Panel consulted. No response received to date.

#### INTERNAL:

3.6 Environment and Conservation section consulted. No response received to date.

3.7 Highways Network Management consulted. No response received to date.

3.8 Environmental Protection Unit consulted. No response received to date.

#### **4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Information submitted by the applicant
- ii. Temporary agricultural dwelling
- iii. Green Belt Development
- iv. Other material considerations

#### **INFORMATION SUBMITTED BY THE APPLICANT:**

4.2 Part 3 of the applicant's Agricultural Appraisal states the new proposed agricultural business activities on this site are based on organic free range egg production (paragraph 3.2). It further states in the report that the applicant proposes to establish a free range egg production business, using mobile free range egg units. These units are mounted on skids and have a drawbar attached for movement behind a tractor. As mobile free range egg units do not fall under the definition of development, no formal planning consent is required (paragraph 3.3).

4.3 However, contrary to the above information supplied by the applicant, the plans submitted with the planning application show an elevation plan for a proposed 57.9m x 18.2m free range organic laying house (5000 birds), and a location plan showing the positioning of the egg unit. Further information has also been submitted with the application, which illustrates the mobile poultry units that were referred to in paragraph 3.3 of the applicant's Agricultural Appraisal Report.

4.4 For the purpose of assessing the merits of this planning application, whether the proposed free range egg production business would be operated in a mobile free range egg units or whether it would be operated in a 57.998m x 18.288m permanent structure is outside the consideration of this planning application. This application relates to the retention of a mobile home as a temporary agricultural dwelling only.

4.5 The main issue to be considered is therefore whether the proposed retention of a mobile home for a temporary period would satisfy the criteria set out in Annex 7 of Planning Policy Statement no.7 "Sustainable Development in Rural Areas" (PPS 7).

#### **TEMPORARY AGRICULTURAL DWELLING**

4.6 Paragraph 12, Annex A of PPS7 states if a new dwelling is essential to support a new farming activity, it should normally, for the first three years, be provided by a temporary accommodation such as caravan that can be easily dismantled. It should also satisfy a number of criteria, one of which is:

- i. clear evidence of a firm intention and ability to develop the enterprise concerned.

4.7 The agricultural appraisal report submitted with the previous planning application (07/01943/FUL) was assessed on the basis that an application to erect an organic free range egg unit was also under consideration (07/01942/FULM). The outcome of

the previous mobile home application was clearly dependant on the decision on the application for the free range egg unit, and if the latter had been successful, the mobile home may have been approved with an appropriate condition requiring it to be retained only to serve the egg unit.

However, unlike the previous scheme, no planning application to develop an organic free range egg unit has been submitted with this second application. Whilst the argument now put forward by the applicant regarding permitted development rights for mobile egg units is accepted, no attempt has been made despite these rights to establish an egg business at the site in the last 2 and a half years since the mobile home was placed here. As such, there is no substantive evidence of a 'firm intention and ability to develop the enterprise' as required in PPS7.

4.8 At the time of the officer's site visit there was still no organic free range egg laying activity existing on lands adjacent to the application site.

4.9 It is not considered that the agricultural appraisal report submitted with this application is, in itself adequate for the purpose of meeting criterion i, paragraph 12, annex A of PPS7.

4.10 Furthermore, since the enforcement case was first raised regarding the siting of this static caravan, the fields owned by the applicant (namely O.S. fields nos. 2000 and 3000 in Strensall) have not been used for the purpose of free range egg laying business.

4.11 As there have been no known history of siting the caravan for the purpose of a free range egg laying enterprise, on balance it is possible that the mobile home will not be used for such purpose if permission is granted.

#### GREEN BELT DEVELOPMENT

4.12 By virtue of the above, the proposed retention of an existing mobile home as a temporary agricultural dwelling is considered to be unjustifiable. There being no agricultural justification for the siting of a temporary mobile home, the scheme put forward is regarded as inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and with the provisions of Policy GB7 of the City of York Draft Local Plan, which states, inter alia, that new agricultural or forestry dwellings outside defined settlement limits in the Green Belt or open countryside will only be permitted where it can be demonstrated that the new accommodation is essential to the functioning of a well established holding.

#### OTHER MATERIAL CONSIDERATIONS

4.13 Other material considerations relevant to the scheme include the scale, design and external appearance of the mobile home, sustainability, natural and habitat protection, protection against flooding, drainage, and highway issues in connection with the siting of a caravan. These issues were considered in the previous planning application (ref. no 07/01943/FUL). Planning permission had not been refused on these basis.

## 5.0 CONCLUSION

By virtue of the above this application is recommended for refusal

## 6.0 RECOMMENDATION: Refuse

1 To retain a mobile home as a temporary agricultural dwelling, paragraph 12, Annex 7 of Planning Policy Statement no.7 "Sustainable Development in Rural Areas" sets out a list of criteria that must be satisfied, one of which is "clear evidence of a firm intention and ability to develop the enterprise concerned". Other than an agricultural appraisal report submitted with the planning application, no solid evidence has been provided or put forward which could demonstrate a firm intention to develop the free range egg laying business. As such it is considered that the evidence of a firm intention to develop the enterprise concerned is unclear, contrary to criterion i, paragraph 12, Annex A of Planning Policy Statement no.7.

2 The proposed retention of an existing mobile home as a temporary agricultural dwelling has not been justified in agricultural terms. The siting of a mobile home in this location is therefore regarded as inappropriate development within an area of Green Belt, conflicting with Central Government advice in Planning Policy Guidance Note 2 "Green Belts" and with the provisions of Policy GB7 of the City of York Draft Local Plan, which states, inter alia, that new agricultural or forestry dwellings outside defined settlement limits in the Green Belt or open countryside will only be permitted where it can be demonstrated that the new accommodation is essential to the functioning of a well established holding.

## 7.0 INFORMATIVES:

### Contact details:

**Author:** Billy Wong Development Control Officer

**Tel No:** 01904 551326

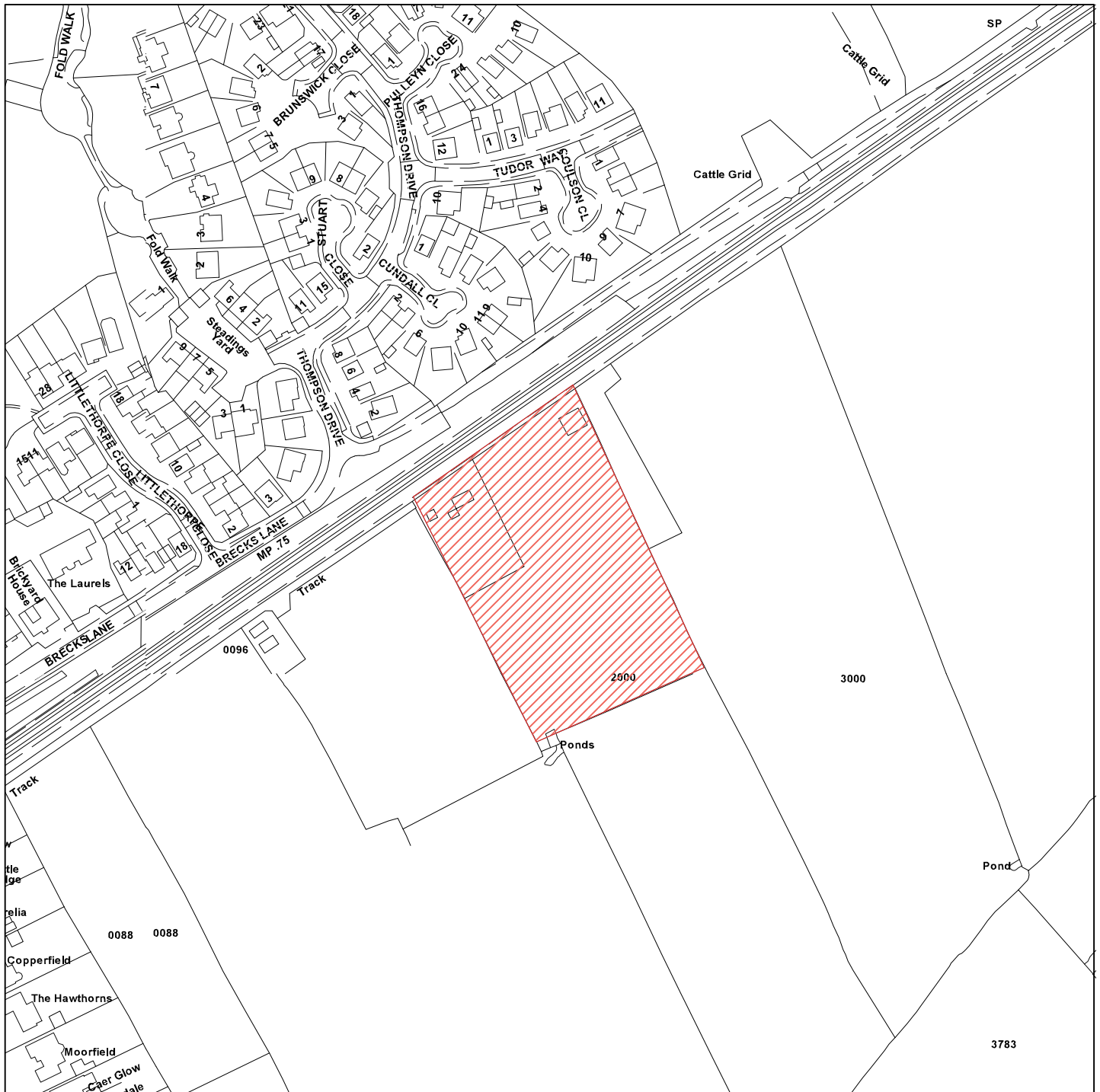


# OS Field 2000, Lords Moor Lane, Strensall

08/01199/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	13 June 2008
<b>SLA Number</b>	Not set



prior to the development, during work and thereafter.'

An outline planning application was submitted in March 2005 (ref: 05/00677/OUT) for outline consent for erection of four detached dwellings following demolition of the bungalow. The application was withdrawn before determination.

Waterman CPM Ltd carried out an arboricultural appraisal of the trees for Ravenscourt Estates Ltd, to assess the condition and relative merit of the tree stock on land proposed for development. This was submitted with the application on behalf of the land owner by Barton Willmore. There are no current planning applications submitted for this site, other than this TPO application, but there is an intention to submit a planning application for outline consent for development of the site in the near future. The survey was carried out in September 2007. The tree survey methodology followed the recommendations set out in BS5837:2005 Trees in Relation to Construction. The reference numbers provided in the resulting tree survey are different to those within the TPO, although these have been referred to in the survey where they are obvious.

The following extracts from the tree report provide a summary of the most relevant findings: Of the 36 trees listed in the TPO several were found to be dead or badly storm damaged. The trees in the rear garden were pre-dominantly self-seeded and poorly maintained. Many were growing too close together resulting in competition for light and nutrition resulting in their growth being suppressed. Collectively the tree stock fronting onto Princess Road contributes a useful visual amenity by screening the railway line and contributing to the existing front garden tree planting on adjacent properties.

### **Representations:**

It is clear from the representations made, that the main concerns lie with aspects relating to the potential development of the site. This application is purely to seek permission to carry out works to trees and therefore has to be determined on this basis. Therefore such representations that either do not relate directly to this application or are based on speculation have been omitted from this report.

A letter of objection was received from Philip and Wendy Thorpe of 29 Princess Road, Strensall. The most pertinent paragraph being as follows: 'It is important that as many trees as possible are retained on this site because they not only contribute to the visual amenity along Princess Road, they also screen both the noise and sight of the railway line from properties on both Orchard Way and Princess Road. The trees also help to soak up Carbon Emission, and hence help protect the planet from Global warming, an important consideration today.'

In total there were a further 17 signatories to copies of this letter, from two addresses on Princess Road, four from Orchard Way, and five from Glebe Close all of which face or back on to the site. Some included additional comments. A further six individual representations were received from Glebe Close, Moor Lane, Orchard Way and Princess Road. The following additional pertinent points were made for consideration:

Concern what effect removing trees will have on the water table which is very high.

Trees also add to amenity and screen railway from 3-9 Glebe Close.

The trees have lacked maintenance and management for many years and is now required. Accept dead trees need to go.

The original reason for the serving of the TPO is still relevant today. These are mostly established trees so replanting others will not have the same effect. Trees provide privacy (screening). Concern of noise from cutting down trees. Concern for habitat loss.

The beautiful mature trees on Princess Road help to maintain its character and enhance the environment.

Only two of the representations made reference to specific trees, namely objections to removing the Oak and Horse chestnut within G3, to removing the full extent of G5, G6 and G7, and to felling Ash T4 and Hawthorn T12.

**Officer Report:**

The TPO was served in 1999. Any trees that were excluded at the time of serving the order and/or have grown since this time are not included in the TPO and therefore works to these trees would not require consent from the local authority.

Removal of dead trees, even if they are subject to a TPO (clearly they were alive when the TPO was served!), does not require consent from the Local Authority. Nonetheless there is a duty on the land owner to replace the removed tree.

Similarly, where consent is granted to remove a living TPO tree, the planting of a replacement tree can be imposed as a condition of consent, including specifying the size, species and location of the replacement tree.

The majority of the recommended work within the tree report is considered to be good arboricultural management. Some of the proposed fellings are not essential for health and safety reasons at this time, but are deemed to be acceptable due to, for example, their poor form, provided replacements are secured under condition; others are considered unnecessary.

The trees' main functions are those of amenity and screening. The trees along the Princess Road frontage are the most prominent, and have high public amenity value. Other trees provide a screen between the surrounding residential properties and the site. The trees along the railway boundary help screen the trains and are also visible from Moor Lane.

There are a high number of early mature/mature Oak trees on the site. Oak has a high water demand. Only one small Oak is proposed for removal.

All of the crown cleaning and removing of dead wood is in accordance with good arboricultural management. Crown cleaning is the removal of dead, dying, diseased, broken, crowded, weakly attached and low-vigour branches as well as climbing plants (e.g. ivy).

Within the arboricultural appraisal, the trees have been allocated category grades from A

(the best) to C, plus R (remove) to reflect their arboricultural value in relation to their individual or group amenity value, their condition and longevity. All of those proposed for felling are category C or R. For the purposes of determining the application, the report refers only to those trees that are proposed for felling and subject to the TPO, using the reference numbers given in the applicant's tree survey.

T3 Sycamore and T4 Ash are likely to have been self-sown. Both species are prolific seeders and fast growing species. Some of York's high amenity trees are individual self-sown Sycamores or Ashes, that have grown up in a suitable, open location where they have realised their full, correct form without creating conflict. In this instance the Sycamore is a poor one-sided specimen. The Ash is multi-stemmed which will be structurally problematic in the future. They are not un-common species. The two specimens here, although already quite sizeable, are only semi-mature. The value of the character and screening that trees in this location afford is recognised. Therefore replacements with trees of a good form and suitable species would be appropriate.

T5 Dead tree and T7 virtually dead Horse chestnut - removal does not require consent from the local authority, but under TPO legislation the landowner has a duty to replace them.

T12 Hawthorn The application requests felling of this tree, but the tree report suggests retention in the short term, with immediate crown cleaning. There are no arboricultural reasons to fell the tree at this time. It provides an attractive edge to the railway line which can be viewed from Moor Lane and properties on the opposite of the line.

G1 The application seeks to fell both Laburnums. G1 and G2 form dense groups of trees, which has resulted in slightly misshapen crowns. Nonetheless the overall effect from the public realm of Princess Road is an attractive one. The smaller Laburnum has a thin crown and its loss would be of little consequence.

G2 The Ash is a native, deciduous species; the Picea is not. The application seeks to retain the Ash in the short term and review it again later. It is a multi-stemmed tree, and will therefore never be a good specimen tree. The Picea though an alien species is of a reasonable form and may have better long term potential.

G3 The application seeks to remove the whole group consisting of one Birch, two Horse chestnuts (one dead), one Oak and an Apple. All of the oaks within the site except the one in G3 are proposed for retention. Many still have a significant degree of growing to do, therefore their visual impact will increase over time. The two Horse chestnuts have grown together. The live one has phytopthera; it is of very poor form; it has grown through and included various metal artefacts within its trunk and main limbs, which will render it weak. The Oak appears to have been topped in the past; it is suppressed and completely one sided; it would never develop into a good specimen. The Birch is mature, possibly over-mature, but it is of reasonable form and although it is displaying a minor amount of dead wood, its condition is fair and its removal does not appear to be necessary on arboricultural grounds. The apple is also old but is also not in need felling. It is in reasonable condition and of reasonable shape and form for its species.

G4 contains a number of Oaks that have a high public amenity value on Princess Road. These are to be retained. The Silver birch (G4b) at the end of the group is leaning over the

roadway and is becoming smothered by the neighbouring Oak - replicating nature's succession from pioneer species to woodland canopy species.

The Sycamore (G4b) forms part of the under-storey proposed for removal. It is twin-stemmed with tight included bark and of poor structural form. The neighbouring Oaks are of much higher, long-term value.

G5 group of cherries. The application seeks to fell the entire group. The arboricultural appraisal suggests removing leaning and dead trees and reviewing the remaining trees. The long term future of these trees is unknown. The canopies of the better specimens are quite thin and there are some dead trees, which suggests that the soil conditions are not favourable. The wet ground conditions could be providing favourable conditions for the harbouring and spreading of detrimental pathogens such as honey fungus and phytopthera to which Cherries are susceptible. Nonetheless there are one or two reasonable specimens, therefore the suggestion to remove the leaning/suppressed and dead trees, whilst retaining the others seems agreeable.

G6 The appraisal and application seeks to remove all of G6, but leave T6 Sycamore. There are a number of dead/dying and suppressed trees; with the removal of these some Hawthorn, and possibly Prunus could be retained. It is possible that the bramble that established over years of neglect (and removed in the last year or two) caused some suppression of lower branches.

G7 consists of three mature/over mature Hawthorns. The middle one (G7b) is virtually dead. One of them has a slight lean, but this does not appear to be problematic. Two of the Hawthorns remain attractive contributions to the perimeter vegetation.

### **Conclusions:**

It is felt that some of the tree felling is acceptable, but some is unnecessary at this time. The removal of some of the trees presents an opportunity to replant with more suitable species of young, healthy stock.

**The officer's recommendation is** to part refuse and part approve the application with a condition to replace those trees to be felled that are subject to the TPO. A summary of the recommendation for work to be approved is listed in Annexe 1, using the reference numbers from the applicant's tree report. This should be read in conjunction with the accompanying map, which also identifies individual trees within the groups for ease of reference.

**Reasons for part refusal:** Some of the felling is refused because the trees still serve their function as specified under the TPO and are in such a condition that they could be retained under suitable management.

**Conditions:-**

1 TREE1

2 TREE2

3 TREE4

4 TREE5

5 TREE7

6 Replacement trees shall be to the following specification: minimum 10-12cm girth; 300-350cm high; minimum of four branches, plus one main leader. The trees shall be planted within the planting season (November-March) following removal. The range of tree species shall be selected from the following: *Betula pubescens*, *Quercus* spp. *Sorbus aria*, *Robinia pseudoacacia*, *Crataegus* spp. *Salix* spp. in positions to be agreed in writing by the local authority.

7 TREE9

8 TREE10

**Reasons:-**

**Notes to Applicant**

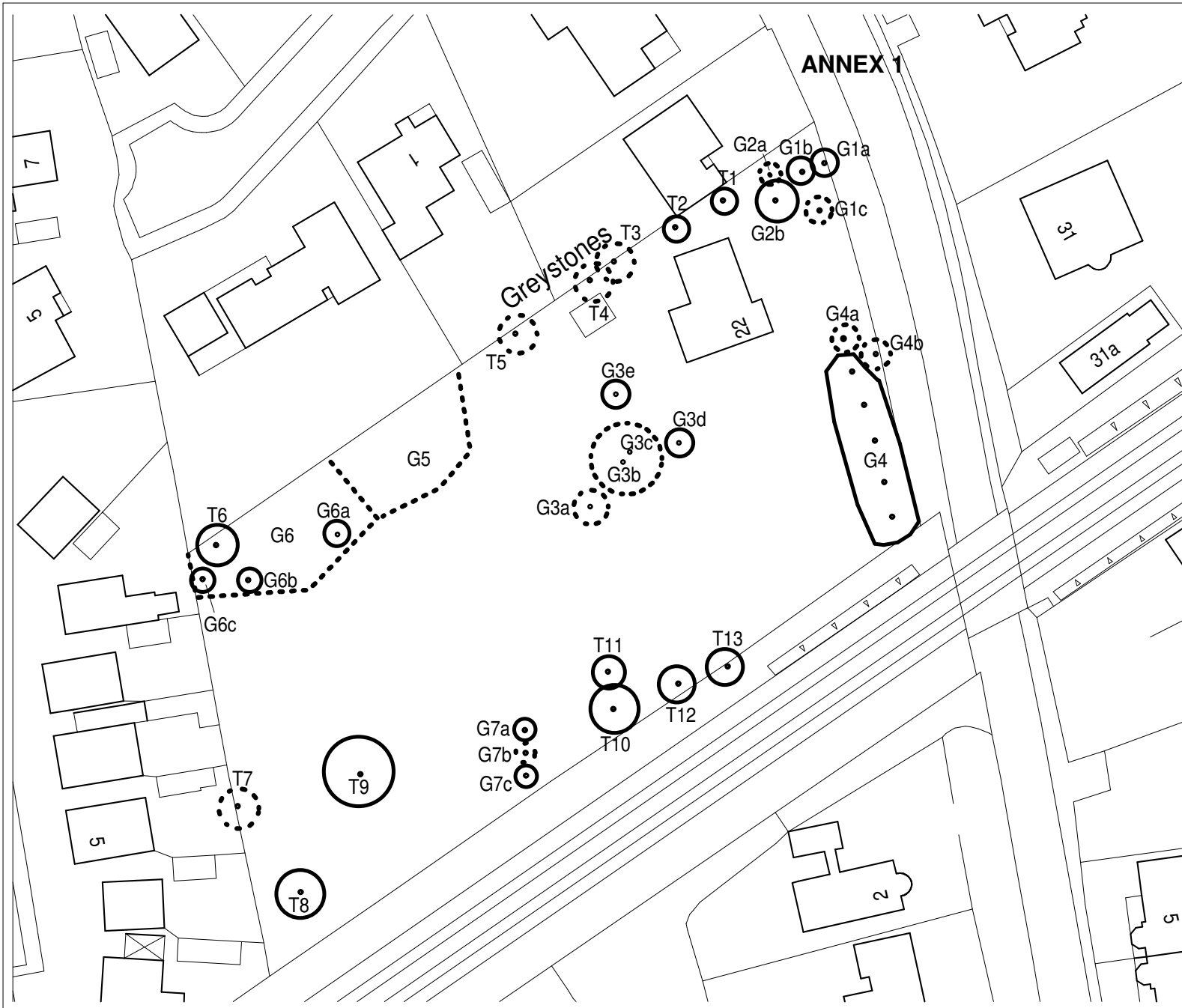
1. Wildlife and Countryside Act

Location: 22 Princess Road, Strensall, York

Application Number: 08/01112/TPO

<b>Tree No.</b>	<b>Species</b>	<b>Condition</b>	<b>Approved work</b>
T1	Ash	Fair	Crown clean, deadwood
T2	Ash	Fair	Crown clean, deadwood
T3	Sycamore	Poor, suppressed	Fell
T4	Ash	Poor, multi-stem	Fell
T5	Dead tree	Dead	Fell
T6	Sycamore	Good	Crown clean, deadwood
T7	Dead tree	Dead	Fell
T8	Oak	Fair	Crown clean, deadwood, lift to 2.5m
T9	Oak	Good	Crown clean, deadwood, lift to 2.5m
T10	Oak	Good	Crown clean, deadwood, lift to 2.5m
T11	Oak	Good	Crown clean, deadwood, lift to 2.5m
T12	Hawthorn	Fair	Crown clean, deadwood
T13	Oak	Fair	Crown clean, deadwood
G1a	Laburnum	Fair, one-sided	Crown clean, deadwood
G1b	Holly	Good	Balance
G1c	Laburnum	In decline	Fell
G2a	Ash	Multi-stem, poor	Fell to benefit Holly & Picea
G2b	Picea	Fair	Crown clean, deadwood, balance
G3a	Oak	Poor, one-sided	Fell
G3b	Horse chestnut	Poor	Fell
G3c	Horse chestnut	Dead	Fell
G3d	Silver birch	Fair	Crown clean, deadwood, remove basal limb
G3e	Apple	Fair	Crown clean, deadwood
G4a	Sycamore	Split stem, included	Fell
G4b	Silver birch	Suppressed, leans over road	Fell
G4	Oak, + holly, hawthorn	Good/fair	Crown clean, deadwood, remove small, suppressed trees
G5	Prunus (Cherry)	Fair to poor to dead	Retain best specimens. Remove dead & dying, small, suppressed trees
G6	Prunus/Hawthorn	Fair to poor to dead	Retain best specimens. Remove dead & dying, small, suppressed trees
G6a	Hawthorn	Fair	Crown clean, deadwood
G6b	Hawthorn	Fair	Crown clean, deadwood
G6c	Hawthorn	Fair	Crown clean, deadwood
G7a	Hawthorn	Good	Crown clean, deadwood
G7b	Hawthorn	Dying	Fell
G7c	Hawthorn	Fair	Crown clean, deadwood





KEY	
	Tree to be retained
	Tree to be removed
T1	Ash
T2	Ash
T3	Sycamore
T4	Ash
T5	Dead tree
T6	Sycamore
T7	Dead tree
T8	Oak
T9	Oak
T10	Oak
T11	Oak
T12	Hawthorn
T13	Oak
G1a	Laburnum
G1b	Holly
G1c	Laburnum
G2a	Ash
G2b	Picea
G3a	Oak
G3b	Horse chestnut
G3c	Horse chestnut
G3d	Silver birch
G3e	Apple
G4a	Sycamore
G4b	Silver birch
G4	Oak, + holly, hawthorn
G5	Prunus
G6	Prunus
G6a, G6b, G6c	Hawthorn

Name	Name	User Name
Scale	Scale	1:500
Title		
Tree works application - 08/01112/TPO		

Town	
Date	3/6/2008



# 22 Princess Road, Strensall, York

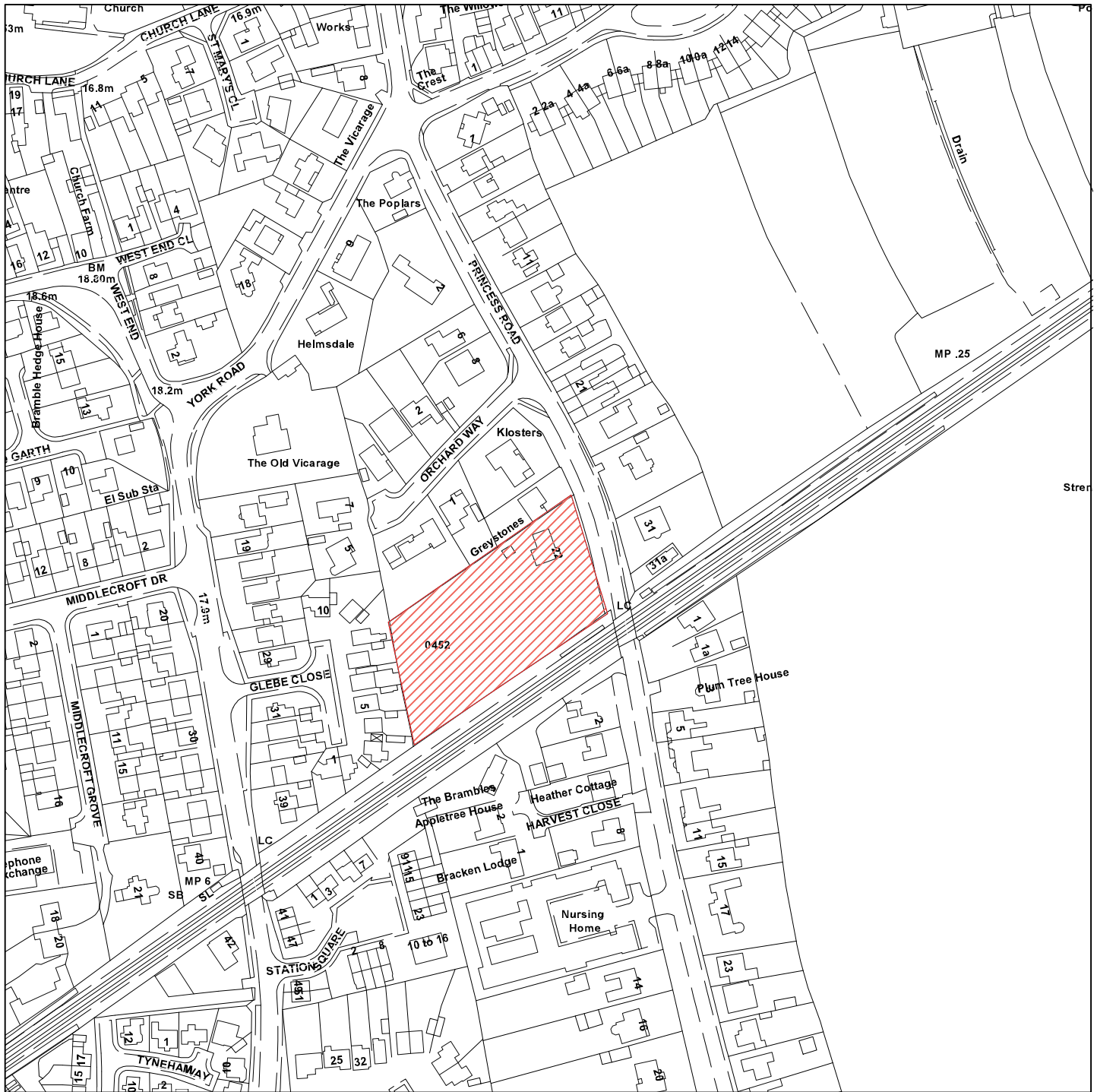
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# 22 Princess Road, Strensall

08/01112/TPO



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<b>Organisation</b>	City of York Council
<b>Department</b>	City Strategy
<b>Comments</b>	Application site
<b>Date</b>	13 June 2008
<b>SLA Number</b>	Not set

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 26 June 2008

**Ward:** Fulford  
**Parish:** Fulford Parish Council

**Reference:** 08/00955/FUL  
**Application at:** Fulford Post Office 94 Main Street Fulford York YO10 4PS  
**For:** Change of use from former Post Office (A1) to physiotherapy practice (D1)  
**By:** Mr Jeroen Suur  
**Application Type:** Full Application  
**Target Date:** 26 June 2008

### 1.0 PROPOSAL

1.1 This application seeks planning consent to change the use of a former post office (Class A1) to Class D1 physiotherapy practice. The building is part of an unlisted terrace of late C19th houses and shops situated within the centre of the Fulford Village Conservation area facing Main Street.

1.2 The application site relates to the ground floor only. The site area is given as 28.61sq.m. The first floor of the property is in residential use.

1.3 According to the information submitted, the existing use of the site as a post office ceased in March of this year and the premises are currently vacant. The proposed use would result in one full time employee being employed on the site. The hours of operation would be from 13:00 to 21:00.

1.4 There is currently no off street parking associated with the application site. Three cycle stands are proposed to the front of the premises.

1.5 There is currently a good mix of A1 "shops", A2 "professional services" and B1 "Office" uses in the vicinity of the site

1.6 This application has been called to Committee at the request of Councillor Aspden due to the concern regarding the loss of a retail outlet and its impact on the local community in Fulford.

### 1.7 RELEVANT PLANNING HISTORY

1.8 No planning history directly related to the scheme proposed.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford 0041

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYS9

No loss of local or village shops

CYHE3

Conservation Areas

CYT4

Cycle parking standards

**3.0 CONSULTATIONS**

3.1 Neighbours notified, site notice posted and press advertised, expired 4 June 2008 - no response received.

3.2 Fulford Parish Council consulted. Response received 28 May 2008. The Council objected due to the following reasons:

- the loss of retail outlets in the Main Street would be detrimental to the amenities and character of the village.
- on street parking is limited.

3.3 Highway Network Management consulted. Response received 21 May 2008. No objections were raised as the site is on a route to the city centre with good bus links including the Designer Outlet Park and Ride. Cycle parking details condition recommended.

3.4 Environmental Protection Unit consulted. Response received 16 May 2008. No objections.

3.5 Conservation team consulted. Response received 4 June 2008. The following comments were made:

- Whilst the loss of the post office is much regretted the proposed use would help to preserve the character and appearance of the conservation area by providing a new use within the village.
- Improvements to the shop-front should be expected through the submission of applications regarding new signage and through the removal of the canopy, the air-conditioning unit and all existing signs.

**4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Loss of a local shop and vacant premises in a conservation area
- ii. Highway considerations
- iii. Sustainability
- iv. Residential amenity

## LOSS OF A LOCAL SHOPS AND VACANT PREMISES IN A CONSERVATION AREA

4.2 Policy S9 of the City of York Draft Local Plan 2005 states planning permission will only be granted for a change of use that would result in the loss of a local or village shop where it can be demonstrated that:

- a) a local need for the shopping facility no longer exists; or
- b) appropriate alternative facilities exist within the local area.

4.3 The premises has previously been used to provide postal services as well as the retail sale of goods to the public. Nevertheless, due to the decision of Royal Mail Limited to close the post office facility earlier this year, the site is currently unoccupied. Whilst the demise of a local post office is regretted, its loss is outside the control of the Local Planning Authority and the alternative use of the site (as proposed) is considered to be more sustainable alternative than the premises being left unoccupied over a long period.

4.4 The Conservation Officer comments that the appearance of the building frontage at ground level is poor. The square flat topped bay window is of crude design, a variety of signage dominates, and an air-conditioning unit sits on top of this bay window. These elements are considered to be harmful to the conservation area. It is anticipated that by introducing a new use an opportunity would arise to improve the existing shop-front, resulting in an enhancement of the character and appearance of Fulford Conservation Area. The Sustainability Statement submitted by the applicant has confirmed that apart from the sign above the window, all other external signs will be removed, as well as the canopy above the door and the air-conditioning unit. The sign above the window will be re-painted in a more understated style to show the practice name. Use of colour will be subtle and unobtrusive. An informative has been recommended to remind the applicant that the display of signage on a building may require a separate Advertisement Consent application.

4.5 With regard to the loss of an A1 use, the area has not been identified on the proposals map as a 'Primary Shopping Street'. Furthermore, Policy S5 "Non-Retail Uses in other Shopping Streets" and Policy S3a "Mix of Uses in Shopping Streets" of the City of York Draft Local Plan 2005 do not apply to the change of use proposed as the application site is not located within York City Centre, Acomb District Centre or Haxby District Centre. Hence there is no policy justification for the retention of the premises in retail use.

## HIGHWAY CONSIDERATIONS

4.6 As the facility is intended for a sole practitioner there is unlikely to be additional parking over and above that created by the former post office. Furthermore, the site is on a route to the city centre with good bus links including the Designer Outlet Park and Ride. Cycle parking would also be provided. Hence subject to a condition requiring the provision of cycle parking no objections have been raised by the Highway Network Management Team.

## SUSTAINABILITY

4.7 In accordance with policy GP4a of the City of York Draft Local Plan 2005 a Sustainability Statement has been submitted by the applicant which sets out the principles of sustainability development that are regarded as relevant to the scheme proposed. With regard to accessibility, as the site is located within Fulford village with good bus links it is expected that a high percentage of the patients would attend the practice either by foot, bicycle or bus. There are bus stops within 400m of the site. Furthermore, cycle stands capable of parking in total 6 bicycles would be provided.

4.8 The practice would complement existing local health facilities and will be available to all members of the community. Concessionary treatment prices are offered to students. The aim is for the practice to become an established, dependable and familiar feature within the village. As such the proposed business would contribute toward meeting the social needs of the local community.

4.9 Whilst the facility is intended for a sole practitioner, there is scope to expand and to take on further staff, both secretarial and physiotherapy. Placements will be offered to physiotherapy students with preference being given to those from York St. John University, and school pupils considering a career in physiotherapy will be able to carry out work experience at the premises.

4.10 With regard to the storage and collection of refuse and recycling, the nature of the business is such that very little refuse will be produced. A litter bin for clients will be provided in the waiting area and the contents will be removed to the owner's home each day, alongside any refuse from the treatment area (e.g. tissues, tape). Any recyclable refuse will be taken to the recycling facilities at Tesco, Tadcaster Road on a weekly basis.

4.11 By virtue of the above, it is considered that the proposal would comply with the principles set out in policy GP4a of the City of York Draft Local Plan 2005 and the standards set out in the Council's Interim Planning Statement on Sustainable Design and Construction for small scale commercial developments.

## RESIDENTIAL AMENITY

4.12 Due to the scale and nature of the D1 use proposed, it is unlikely that the amenity of the local residents would be detrimentally affected. The Council's Environmental Protection Unit have raised no objections.

## 5.0 CONCLUSION

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

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Plan no.1 and Plan no.2 as received by the City of York Council on 25 April 2008 and 30 April 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 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 safeguard the amenity of adjoining occupants.

4 The hours of operation of this approved use shall be confined to 8:00 to 21:30 Mondays to Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

5 HWAY18 Cycle parking details to be agreed

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of a local shop, highway considerations, residential amenity, sustainability and impact on the conservation area. As such the proposal complies with Policies S9, HE3 and T4 of the City of York Local Plan Deposit Draft.

2. The applicant is reminded that an Advertisement Consent application may be required to be submitted to and approved by the Local Planning Authority should the applicant wish to display signage on the building.

#### Contact details:

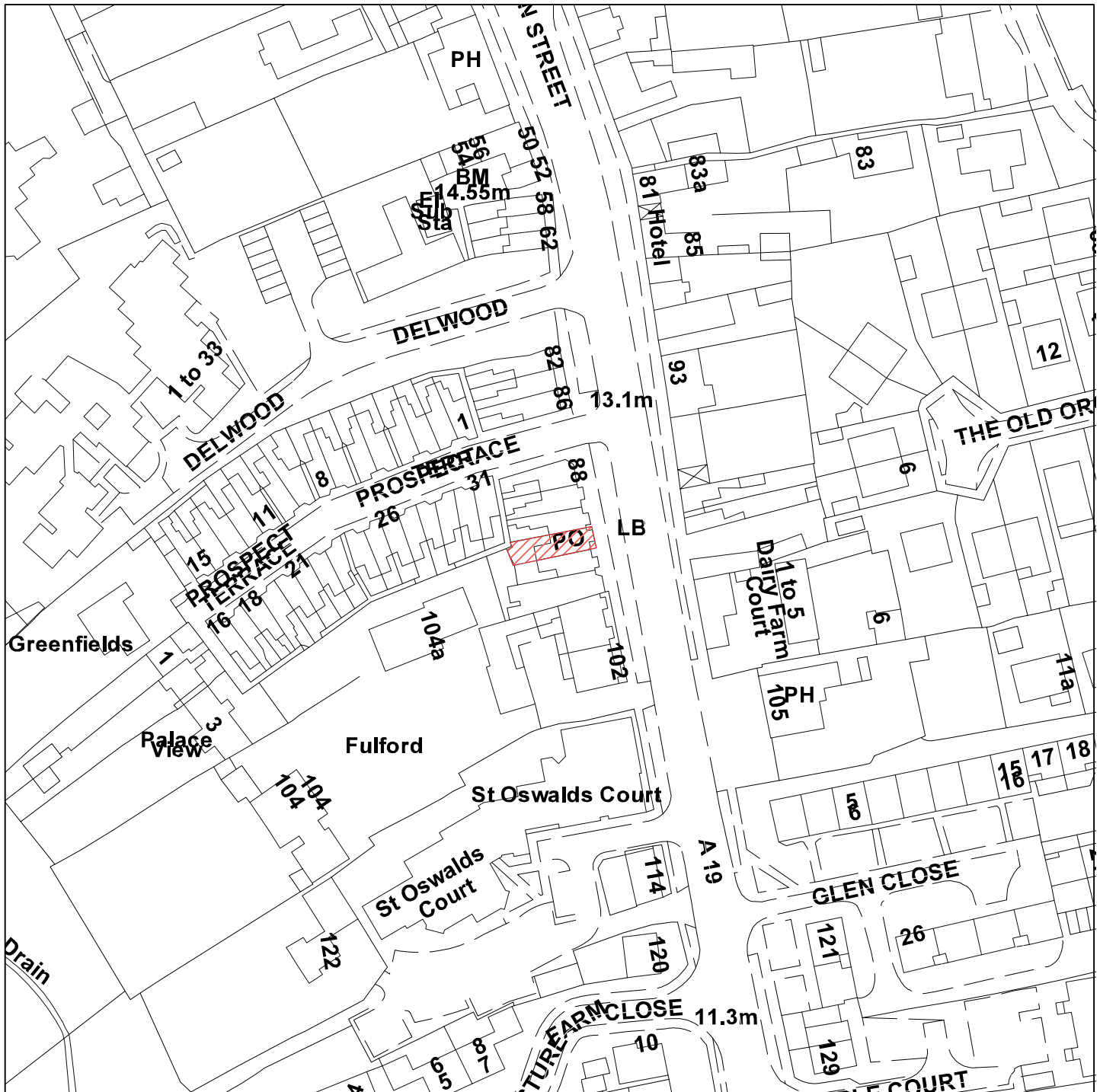
**Author:** Billy Wong Development Control Officer  
**Tel No:** 01904 551326

# Fulford Post Office, 94 Main Street, Fulford

08/00955/FUL



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